

**As Reported by the Senate Finance Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

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

**Representative Smith, R.**

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

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Am. Sub. H.B. 59 of the 130th General Assembly, to 324  
amend Section 745.10 of Am. Sub. H.B. 483 of the 325  
130th General Assembly, to amend Section 10 of Am. 326  
Sub. H.B. 487 of the 130th General Assembly, to 327  
amend Sections 207.70, 207.200, 221.20, 235.10, 328  
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to amend Section 2 of Am. Sub. S.B. 1 of the 130th 333  
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subsequently amended, to amend Section 7 of Sub. 336  
H.B. 532 of the 129th General Assembly, to amend 337  
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amended, and to amend Section 20.15 of H.B. 215 of 341  
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701.10 and 701.61 of Am. Sub. H.B. 59 of the 130th 343  
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Assembly, Section 5 of Am. Sub. H.B. 486 of the 347  
130th General Assembly, and Section 13 of Am. Sub. 348  
H.B. 487 of the 130th General Assembly; to amend 349  
section 118.023 of the Revised Code as amended by 350

this act to terminate certain of its amendments by 351  
this act two years after their effective date; to 352  
amend the versions of sections 340.01, 340.03, 353  
340.15, and 5119.21 of the Revised Code that are 354  
scheduled to take effect September 15, 2016, to 355  
continue the provisions of this act on and after 356  
the effective date, to amend the version of 357  
section 4501.01 of the Revised Code that is 358  
scheduled to take effect January 1, 2017, to 359  
continue the provisions of this act on and after 360  
the effective date, to make operating 361  
appropriations for the biennium beginning July 1, 362  
2015, and ending June 30, 2017, to provide 363  
authorization and conditions for the operation of 364  
state programs, to amend section 102.01 and to 365  
repeal sections 103.61, 103.62, 103.63, 103.64, 366  
103.65, 103.66, and 103.67 of the Revised Code on 367  
January 1, 2016, to terminate those laws on that 368  
date, and to provide that the amendments by this 369  
act to section 5124.67 of the Revised Code 370  
terminate on July 1, 2018, when section 5124.67 of 371  
the Revised Code is repealed on that date. 372

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

**Section 101.01.** That sections 1.05, 9.312, 9.333, 9.83, 373  
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sections 1511.02 (939.02), 1511.021 (939.03), 1511.022 (939.04), 532  
1511.03 (939.06), 1511.05 (939.05), 1511.071 (939.10), 1511.10 533  
(939.08), 1511.11 (939.09), 1515.01 (940.01), 1515.02 (940.02), 534  
1515.03 (940.03), 1515.05 (940.04), 1515.07 (940.05), 1515.08 535  
(940.06), 1515.081 (940.07), 1515.09 (940.08), 1515.091 (940.09), 536  
1515.092 (940.10), 1515.093 (940.11), 1515.10 (940.12), 1515.11 537  
(940.13), 1515.13 (940.14), 1515.14 (940.15), 1515.15 (940.16), 538  
1515.16 (940.17), 1515.17 (940.18), 1515.18 (940.19), 1515.181 539  
(940.20), 1515.182 (940.21), 1515.183 (940.22), 1515.184 (940.23), 540

1515.185 (940.24), 1515.19 (940.25), 1515.191 (940.26), 1515.192 541  
(940.27), 1515.193 (940.28), 1515.21 (940.29), 1515.211 (940.30), 542  
1515.22 (940.31), 1515.23 (940.32), 1515.24 (940.33), 1515.28 543  
(940.34), 1515.29 (940.35), 3333.031 (3333.012), 5123.1610 544  
(5123.1611), and 5101.98 (5902.05) be amended for the purpose of 545  
adopting new section numbers as indicated in parentheses; new 546  
sections 2323.44, 3109.171, 3109.172, 5123.1610, and 5165.25 and 547  
sections 5.2298, 9.318, 9.483, 9.75, 101.60, 101.61, 103.42, 548  
109.747, 111.31, 117.54, 118.041, 122.641, 125.035, 125.061, 549  
131.025, 133.083, 135.182, 135.731, 145.364, 153.83, 164.13, 550  
167.041, 169.051, 173.548, 174.09, 193.15, 193.16, 193.17, 551  
307.679, 317.241, 339.061, 340.035, 503.55, 503.56, 503.57, 552  
505.1010, 517.073, 715.014, 742.391, 743.50, 939.01, 939.07, 553  
1503.50, 1503.51, 1503.52, 1503.53, 1503.54, 1503.55, 1509.231, 554  
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3313.619, 3313.6110, 3313.721, 3314.075, 3314.085, 3314.39, 570  
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3333.165, 3333.92, 3345.311, 3345.35, 3345.38, 3345.39, 3345.46, 573  
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5101.622, 5101.691, 5101.692, 5104.042, 5104.29, 5120.035, 582  
5120.037, 5123.376, 5123.621, 5124.155, 5124.68, 5124.69, 5124.70, 583  
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5167.33, 5502.132, 5505.182, 5703.361, 5703.85, 5703.95, 5703.951, 586  
5703.952, 5703.953, 5703.954, 5705.2112, 5709.92, 5709.93, 587  
5709.94, 5713.031, 5727.09, 5739.106, 5747.502, 5902.09, 5902.10, 588  
6112.06, 6117.021, 6117.52, 6117.521, 6117.522, 6119.60, 6119.601, 589  
6119.602, and 6301.16 of the Revised Code be enacted to read as 590  
follows: 591

**Sec. 1.05.** (A) As used in the Revised Code, unless the 592  
context otherwise requires, "imprisoned" or "imprisonment" means 593  
being imprisoned under a sentence imposed for an offense or 594  
serving a term of imprisonment, prison term, jail term, term of 595  
local incarceration, or other term under a sentence imposed for an 596  
offense in an institution under the control of the department of 597  
rehabilitation and correction, a county, multicounty, municipal, 598  
municipal-county, or multicounty-municipal jail or workhouse, a 599  
minimum security jail, a community-based correctional facility, a 600  
~~halfway house, an alternative residential facility,~~ or another 601  
facility described or referred to in section 2929.34 of the 602  
Revised Code for the type of criminal offense and under the 603

circumstances specified or referred to in that section. 604

(B) As used in division (A) of this section, "community-based 605  
correctional facility," ~~"halfway house," and "alternative 606  
residential facility"~~ have has the same ~~meanings~~ meaning as in 607  
section 2929.01 of the Revised Code. 608

Sec. 5.2298. The month of April is designated as "Eastern 609  
European Month." The people of Ohio are called upon to observe 610  
this month with appropriate educational opportunities, ceremonies, 611  
and activities. 612

**Sec. 9.312.** (A) If a state agency or political subdivision is 613  
required by law or by an ordinance or resolution adopted under 614  
division (C) of this section to award a contract to the lowest 615  
responsive and responsible bidder, a bidder on the contract shall 616  
be considered responsive if the bidder's proposal responds to bid 617  
specifications in all material respects and contains no 618  
irregularities or deviations from the specifications which would 619  
affect the amount of the bid or otherwise give the bidder a 620  
competitive advantage. The factors that the state agency or 621  
political subdivision shall consider in determining whether a 622  
bidder on the contract is responsible include the experience of 623  
the bidder, the bidder's financial condition, conduct and 624  
performance on previous contracts, facilities, management skills, 625  
and ability to execute the contract properly. 626

For purposes of this division, the provision of a bid 627  
guaranty in accordance with divisions (A)(1) and (B) of section 628  
153.54 of the Revised Code issued by a surety licensed to do 629  
business in this state is evidence of financial responsibility, 630  
but a state agency or political subdivision may request additional 631  
financial information for review from an apparent low bidder after 632  
it opens all submitted bids. A state agency or political 633



subdivision shall keep additional financial information it 634  
receives pursuant to a request under this division confidential, 635  
except under proper order of a court. The additional financial 636  
information is not a public record under section 149.43 of the 637  
Revised Code. 638

An apparent low bidder found not to be responsive and 639  
responsible shall be notified by the state agency or political 640  
subdivision of that finding and the reasons for it. Except for 641  
contracts awarded by the department of administrative services 642  
pursuant to section 125.11 of the Revised Code, the notification 643  
shall be given in writing and by certified mail. When awarding 644  
contracts pursuant to section 125.11 of the Revised Code, the 645  
department may send such notice in writing by first class mail or 646  
by electronic means. 647

(B) Where a state agency or a political subdivision that has 648  
adopted an ordinance or resolution under division (C) of this 649  
section determines to award a contract to a bidder other than the 650  
apparent low bidder or bidders for the construction, 651  
reconstruction, improvement, enlargement, alteration, repair, 652  
painting, or decoration of a public improvement, it shall meet 653  
with the apparent low bidder or bidders upon a filing of a timely 654  
written protest. The protest must be received within five days of 655  
the notification required in division (A) of this section. No 656  
final award shall be made until the state agency or political 657  
subdivision either affirms or reverses its earlier determination. 658  
Notwithstanding any other provisions of the Revised Code, the 659  
procedure described in this division is not subject to Chapter 660  
119. of the Revised Code. 661

(C) A municipal corporation, township, school district, board 662  
of county commissioners, any other county board or commission, or 663  
any other political subdivision required by law to award contracts 664  
by competitive bidding may by ordinance or resolution adopt a 665

policy of requiring each competitively bid contract it awards to 666  
be awarded to the lowest responsive and responsible bidder in 667  
accordance with this section. 668

Sec. 9.318. (A) As used in this section: 669

"Armed forces" means the armed forces of the United States, 670  
including the army, navy, air force, marine corps, coast guard, or 671  
any reserve component of those forces; the national guard of any 672  
state; the commissioned corps of the United States public health 673  
service; the merchant marine service during wartime; such other 674  
service as may be designated by congress; and the Ohio organized 675  
militia when engaged in full-time national guard duty for a period 676  
of more than thirty days. 677

"State agency" has the meaning defined in section 1.60 of the 678  
Revised Code. 679

"Veteran" means any person who has completed service in the 680  
armed forces, including the national guard of any state, or a 681  
reserve component of the armed forces, who has been honorably 682  
discharged or discharged under honorable conditions from the armed 683  
forces or who has been transferred to the reserve with evidence of 684  
satisfactory service. 685

"Veteran-friendly business enterprise" means a sole 686  
proprietorship, association, partnership, corporation, limited 687  
liability company, or joint venture that meets veteran employment 688  
standards established by the director of administrative services 689  
and the director of transportation under this section. 690

(B) The director of administrative services and the director 691  
of transportation shall establish and maintain the 692  
veteran-friendly business procurement program. The director of 693  
administrative services shall adopt rules to administer the 694  
program for all state agencies except the department of 695

transportation, and the director of transportation shall adopt 696  
rules to administer the program for the department of 697  
transportation. The rules shall be adopted under Chapter 119. of 698  
the Revised Code. The rules, as adopted separately by but with the 699  
greatest degree of consistency possible between the two directors, 700  
shall do all of the following: 701

(1) Establish criteria, based on the percentage of an 702  
applicant's employees who are veterans, that qualifies an 703  
applicant for certification as a veteran-friendly business 704  
enterprise; 705

(2) Establish procedures by which a sole proprietorship, 706  
association, partnership, corporation, limited liability company, 707  
or joint venture may apply for certification as a veteran-friendly 708  
business enterprise; 709

(3) Establish procedures for certifying a sole 710  
proprietorship, association, partnership, corporation, limited 711  
liability company, or joint venture as a veteran-friendly business 712  
enterprise; 713

(4) Establish standards for determining when a 714  
veteran-friendly business enterprise no longer qualifies for 715  
certification as a veteran-friendly business enterprise; 716

(5) Establish procedures, to be used by state agencies or the 717  
department of transportation, for the evaluation and ranking of 718  
proposals, which provide preference or bonus points to each 719  
certified veteran-friendly business enterprise that submits a bid 720  
or other proposal for a contract with the state or an agency of 721  
the state other than the department of transportation, or with the 722  
department of transportation, for the rendering of services, or 723  
the supplying of materials, or for the construction, demolition, 724  
alteration, repair, or reconstruction of any public building, 725  
structure, highway, or other improvement; 726

(6) Implement an outreach program to educate potential 727  
participants about the veteran-friendly business procurement 728  
program; and 729

(7) Establish a process for monitoring overall performance of 730  
the veteran-friendly business procurement program. 731

**Sec. 9.333.** (A) No public authority shall enter into a 732  
construction management contract with a construction manager 733  
unless the construction manager provides a letter of credit 734  
pursuant to Chapter 1305. of the Revised Code, a surety bond 735  
pursuant to sections 153.54 and 153.57 of the Revised Code, a 736  
certified check or cashier's check in an amount equal to the value 737  
of the construction management contract for the project, or 738  
provides other reasonable financial assurance of a nature and in 739  
an amount satisfactory to the public authority. The public 740  
authority may waive this requirement for good cause. 741

(B) Before construction begins pursuant to a construction 742  
management contract with a construction manager at risk, the 743  
construction manager at risk shall provide a surety bond to the 744  
public authority in accordance with rules adopted by the executive 745  
director of ~~administrative services~~ the Ohio facilities 746  
construction commission under Chapter 119. of the Revised Code. 747

**Sec. 9.483.** Notwithstanding limitations imposed by the 748  
Revised Code to the contrary, a political subdivision may enter 749  
into a sale and leaseback agreement under which the legislative 750  
authority agrees to convey a building owned by the political 751  
subdivision to a purchaser who is obligated, immediately upon 752  
closing, to lease all or portions of the building back to the 753  
legislative authority. The sale and leaseback agreement shall 754  
obligate the lessor to make public improvements to all or portions 755  
of the building subject to the lease, including renovations, 756

energy conservation measures, and other measures that are 757  
necessary to improve the functionality and reduce the operating 758  
costs of the portions of the building that are subject to the 759  
lease. 760

**Sec. 9.75.** (A) As used in this section: 761

(1) "Construction manager" and "construction manager at risk" 762  
have the same meanings as in section 9.33 of the Revised Code. 763

(2) "Contractor" means a person who undertakes to construct, 764  
alter, erect, improve, repair, demolish, remove, dig, drill, or 765  
provide professional design services for any part of a structure 766  
or public improvement. "Contractor" may include any public or 767  
business association and any person or entity that actively 768  
participates in whole or in part in the actual construction of a 769  
public improvement or provision of professional design services by 770  
itself, through the use of employees, or through the use of a 771  
construction manager, construction manager at risk, professional 772  
design firm, design-build firm, general contractor, or 773  
subcontractor. 774

(3) "Design-build firm" has the same meaning as in section 775  
153.65 of the Revised Code. 776

(4) "Laborer" means a person who does any of the following in 777  
furtherance of a public improvement: 778

(a) Performs manual labor or labor of a particular 779  
occupation, trade, or craft; 780

(b) Uses tools or machinery of a particular occupation, 781  
trade, or craft; 782

(c) Otherwise performs physical work in a particular 783  
occupation, trade, or craft. 784

(5) "Professional design services" and "professional design 785  
firm" have the same meanings as in section 153.65 of the Revised 786

<u>Code.</u>	787
<u>(6) "Public authority" includes any of the following:</u>	788
<u>(a) The state;</u>	789
<u>(b) A county, township, municipal corporation, or any other political subdivision of the state;</u>	790 791
<u>(c) Any public agency, authority, board, commission, instrumentality, or special district of the state, a county, township, municipal corporation, or other political subdivision of the state;</u>	792 793 794 795
<u>(d) Any officer or agent of one of the entities listed in divisions (A)(6)(a) to (c) of this section who is authorized to enter into a contract for the construction of a public improvement or to construct a public improvement by the direct employment of labor.</u>	796 797 798 799 800
<u>(7) "Public improvement" means any of the following:</u>	801
<u>(a) A road, bridge, highway, street, or tunnel;</u>	802
<u>(b) A waste water treatment system or water supply system;</u>	803
<u>(c) A solid waste disposal facility or a storm water and sanitary collection, storage, and treatment facility;</u>	804 805
<u>(d) Any structure or work constructed by a public authority or by another person on behalf of a public authority pursuant to a contract with the public authority.</u>	806 807 808
<u>(B)(1) No public authority shall require a contractor, as part of a prequalification process or for the construction of a specific public improvement or the provision of professional design services for that public improvement, to employ as laborers a certain number or percentage of individuals who reside within the defined geographic area or service area of the public authority.</u>	809 810 811 812 813 814 815

(2) No public authority shall provide a bid award bonus or preference to a contractor as an incentive to employ as laborers a certain number or percentage of individuals who reside within the defined geographic area or service area of the public authority.

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

(B) Funds shall be reserved as necessary, in the exercise of sound and prudent actuarial judgment, to cover potential expense, fees, damage, loss, or other liability. The office of risk management may recommend or, if the state requests of the office

of risk management, shall recommend a specific amount for any 848  
period of time that, in the opinion of the office of risk 849  
management, represents such a judgment. 850

(C) Nothing in this section shall be construed to require the 851  
department of administrative services to purchase liability 852  
insurance for all state vehicles in a single policy of insurance 853  
or to cover all state vehicles under a single plan of 854  
self-insurance. 855

(D) Insurance procured by the state pursuant to this section 856  
shall be procured as provided in division (G) of section ~~125.03~~ 857  
125.02 of the Revised Code. 858

(E) For purposes of liability insurance procured under this 859  
section to cover the operation of a motor vehicle by a prisoner 860  
for whom the insurance is procured, "employee" includes a prisoner 861  
in the custody of the department of rehabilitation and correction 862  
who is enrolled in a work program that is established by the 863  
department pursuant to section 5145.16 of the Revised Code and in 864  
which the prisoner is required to operate a motor vehicle, as 865  
defined in section 4509.01 of the Revised Code, and who is engaged 866  
in the operation of a motor vehicle in the course of the work 867  
program. 868

(F) All contributions collected by the director of 869  
administrative services under division (H) of this section shall 870  
be deposited into the risk management reserve fund created in 871  
section 9.823 of the Revised Code to the credit of the vehicle 872  
liability program. 873

(G) Reserves shall be maintained in the risk management 874  
reserve fund to the credit of the vehicle liability program in any 875  
amount that is necessary and adequate, in the exercise of sound 876  
and prudent actuarial judgment, to cover potential liability 877  
claims, expenses, fees, or damages. Money in the fund may be 878



applied to the payment of liability claims that are filed against 879  
the state in the court of claims and determined in the manner 880  
provided in Chapter 2743. of the Revised Code. The director of 881  
administrative services may procure the services of a qualified 882  
actuarial firm for the purpose of recommending the specific amount 883  
of money that is required to maintain adequate reserves for a 884  
specified period of time. 885

(H) The director of administrative services shall collect 886  
from each state agency or any participating state body its 887  
contribution to the vehicle liability program for the purpose of 888  
purchasing insurance or administering self-insurance programs for 889  
coverage authorized under this section. The amount of the 890  
contribution shall be determined by the director, with the 891  
approval of the director of budget and management. It shall be 892  
based upon actuarial assumptions and the relative risk and loss 893  
experience of each state agency or participating state body. The 894  
amount of the contribution also shall include a reasonable sum to 895  
cover administrative costs of the department of administrative 896  
services. The amounts collected pursuant to this division shall be 897  
deposited in the risk management reserve fund to the credit of the 898  
vehicle liability program. 899

**Sec. 9.833.** (A) As used in this section, "political 900  
subdivision" has the meaning defined in sections 2744.01 and 901  
3905.36 of the Revised Code. For purposes of this section, 902  
"political subdivision" includes municipal corporations as defined 903  
in section 5705.01 of the Revised Code. 904

(B) Political subdivisions that provide health care benefits 905  
for their officers or employees may do any of the following: 906

(1) Establish and maintain an individual self-insurance 907  
program with public moneys to provide authorized health care 908  
benefits, including but not limited to, health care, prescription 909

drugs, dental care, and vision care, in accordance with division 910  
(C) of this section; 911

(2) Establish and maintain a health savings account program 912  
whereby employees or officers may establish and maintain health 913  
savings accounts in accordance with section 223 of the Internal 914  
Revenue Code. Public moneys may be used to pay for or fund 915  
federally qualified high deductible health plans that are linked 916  
to health savings accounts or to make contributions to health 917  
savings accounts. A health savings account program may be a part 918  
of a self-insurance program. 919

(3) After establishing an individual self-insurance program, 920  
agree with other political subdivisions that have established 921  
individual self-insurance programs for health care benefits, that 922  
their programs will be jointly administered in a manner specified 923  
in the agreement; 924

(4) Pursuant to a written agreement and in accordance with 925  
division (C) of this section, join in any combination with other 926  
political subdivisions to establish and maintain a joint 927  
self-insurance program to provide health care benefits; 928

(5) Pursuant to a written agreement, join in any combination 929  
with other political subdivisions to procure or contract for 930  
policies, contracts, or plans of insurance to provide health care 931  
benefits, which may include a health savings account program for 932  
their officers and employees subject to the agreement; 933

(6) Use in any combination any of the policies, contracts, 934  
plans, or programs authorized under this division. 935

(7) Any agreement made under division (B)(3), (4), (5), or 936  
(6) of this section shall be in writing, comply with division (C) 937  
of this section, and contain best practices established in 938  
consultation with and approved by the department of administrative 939  
services. The best practices may be reviewed and amended at the 940

discretion of the political subdivisions in consultation with the 941  
department. Detailed information regarding the best practices 942  
shall be made available to any employee upon that employee's 943  
request. 944

(8) Purchase plans containing best practices ~~established~~ 945  
identified by the department of administrative services under 946  
section 9.901 of the Revised Code. 947

(C) Except as otherwise provided in division (E) of this 948  
section, the following apply to individual or joint self-insurance 949  
programs established pursuant to this section: 950

(1) Such funds shall be reserved as are necessary, in the 951  
exercise of sound and prudent actuarial judgment, to cover 952  
potential cost of health care benefits for the officers and 953  
employees of the political subdivision. A certified audited 954  
financial statement and a report of aggregate amounts so reserved 955  
and aggregate disbursements made from such funds, together with a 956  
written report of a member of the American academy of actuaries 957  
certifying whether the amounts reserved conform to the 958  
requirements of this division, are computed in accordance with 959  
accepted loss reserving standards, and are fairly stated in 960  
accordance with sound loss reserving principles, shall be prepared 961  
and maintained, within ninety days after the last day of the 962  
fiscal year of the entity for which the report is provided for 963  
that fiscal year, in the office of the program administrator 964  
described in division (C)(3) of this section. 965

The report required by division (C)(1) of this section shall 966  
include, but not be limited to, the aggregate of disbursements 967  
made for the administration of the program, including claims paid, 968  
costs of the legal representation of political subdivisions and 969  
employees, and fees paid to consultants. 970

The program administrator described in division (C)(3) of 971

this section shall make the report required by this division 972  
available for inspection by any person at all reasonable times 973  
during regular business hours, and, upon the request of such 974  
person, shall make copies of the report available at cost within a 975  
reasonable period of time. The program administrator shall further 976  
provide the report to the auditor of state under Chapter 117. of 977  
the Revised Code. The report required by this division is in lieu 978  
of the records required by division (A) of section 149.431 of the 979  
Revised Code. 980

(2) Each political subdivision shall reserve funds necessary 981  
for an individual or joint self-insurance program in a special 982  
fund that may be established for political subdivisions other than 983  
an agency or instrumentality pursuant to an ordinance or 984  
resolution of the political subdivision and not subject to section 985  
5705.12 of the Revised Code. An agency or instrumentality shall 986  
reserve the funds necessary for an individual or joint 987  
self-insurance program in a special fund established pursuant to a 988  
resolution duly adopted by the agency's or instrumentality's 989  
governing board. The political subdivision may allocate the costs 990  
of insurance or any self-insurance program, or both, among the 991  
funds or accounts established under this division on the basis of 992  
relative exposure and loss experience. 993

(3) A contract may be awarded, without the necessity of 994  
competitive bidding, to any person, political subdivision, 995  
nonprofit corporation organized under Chapter 1702. of the Revised 996  
Code, or regional council of governments created under Chapter 997  
167. of the Revised Code for purposes of administration of an 998  
individual or joint self-insurance program. No such contract shall 999  
be entered into without full, prior, public disclosure of all 1000  
terms and conditions. The disclosure shall include, at a minimum, 1001  
a statement listing all representations made in connection with 1002  
any possible savings and losses resulting from the contract, and 1003

potential liability of any political subdivision or employee. The 1004  
proposed contract and statement shall be disclosed and presented 1005  
at a meeting of the political subdivision not less than one week 1006  
prior to the meeting at which the political subdivision authorizes 1007  
the contract. 1008

A contract awarded to a nonprofit corporation or a regional 1009  
council of governments under this division may provide that all 1010  
employees of the nonprofit corporation or regional council of 1011  
governments, the employees of all entities related to the 1012  
nonprofit corporation or regional council of governments, and the 1013  
employees of other nonprofit corporations that have fifty or fewer 1014  
employees and have been organized for the primary purpose of 1015  
representing the interests of political subdivisions, may be 1016  
covered by the individual or joint self-insurance program under 1017  
the terms and conditions set forth in the contract. 1018

(4) The individual or joint self-insurance program shall 1019  
include a contract with a certified public accountant and a member 1020  
of the American academy of actuaries for the preparation of the 1021  
written evaluations required under division (C)(1) of this 1022  
section. 1023

(5) A joint self-insurance program may allocate the costs of 1024  
funding the program among the funds or accounts established under 1025  
this division to the participating political subdivisions on the 1026  
basis of their relative exposure and loss experience. 1027

(6) An individual self-insurance program may allocate the 1028  
costs of funding the program among the funds or accounts 1029  
established under this division to the political subdivision that 1030  
established the program. 1031

(7) Two or more political subdivisions may also authorize the 1032  
establishment and maintenance of a joint health care cost 1033  
containment program, including, but not limited to, the employment 1034

of risk managers, health care cost containment specialists, and 1035  
consultants, for the purpose of preventing and reducing health 1036  
care costs covered by insurance, individual self-insurance, or 1037  
joint self-insurance programs. 1038

(8) A political subdivision is not liable under a joint 1039  
self-insurance program for any amount in excess of amounts payable 1040  
pursuant to the written agreement for the participation of the 1041  
political subdivision in the joint self-insurance program. Under a 1042  
joint self-insurance program agreement, a political subdivision 1043  
may, to the extent permitted under the written agreement, assume 1044  
the risks of any other political subdivision. A joint 1045  
self-insurance program established under this section is deemed a 1046  
separate legal entity for the public purpose of enabling the 1047  
members of the joint self-insurance program to obtain insurance or 1048  
to provide for a formalized, jointly administered self-insurance 1049  
fund for its members. An entity created pursuant to this section 1050  
is exempt from all state and local taxes. 1051

(9) Any political subdivision, other than an agency or 1052  
instrumentality, may issue general obligation bonds, or special 1053  
obligation bonds that are not payable from real or personal 1054  
property taxes, and may also issue notes in anticipation of such 1055  
bonds, pursuant to an ordinance or resolution of its legislative 1056  
authority or other governing body for the purpose of providing 1057  
funds to pay expenses associated with the settlement of claims, 1058  
whether by way of a reserve or otherwise, and to pay the political 1059  
subdivision's portion of the cost of establishing and maintaining 1060  
an individual or joint self-insurance program or to provide for 1061  
the reserve in the special fund authorized by division (C)(2) of 1062  
this section. 1063

In its ordinance or resolution authorizing bonds or notes 1064  
under this section, a political subdivision may elect to issue 1065  
such bonds or notes under the procedures set forth in Chapter 133. 1066

of the Revised Code. In the event of such an election, 1067  
notwithstanding Chapter 133. of the Revised Code, the maturity of 1068  
the bonds may be for any period authorized in the ordinance or 1069  
resolution not exceeding twenty years, which period shall be the 1070  
maximum maturity of the bonds for purposes of section 133.22 of 1071  
the Revised Code. 1072

Bonds and notes issued under this section shall not be 1073  
considered in calculating the net indebtedness of the political 1074  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 1075  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 1076  
hereby made applicable to bonds or notes authorized under this 1077  
section. 1078

(10) A joint self-insurance program is not an insurance 1079  
company. Its operation does not constitute doing an insurance 1080  
business and is not subject to the insurance laws of this state. 1081

(11) A joint self-insurance program shall pay the run-off 1082  
expenses of a participating political subdivision that terminates 1083  
its participation in the program if the political subdivision has 1084  
accumulated funds in the reserves for incurred but not reported 1085  
claims. The run-off payment, at minimum, shall be limited to an 1086  
actuarially determined cap or sixty days, whichever is reached 1087  
first. This provision shall not apply during the term of a 1088  
specific, separate agreement with a political subdivision to 1089  
maintain enrollment for a specified period, not to exceed three 1090  
years. 1091

(D) A political subdivision may procure group life insurance 1092  
for its employees in conjunction with an individual or joint 1093  
self-insurance program authorized by this section, provided that 1094  
the policy of group life insurance is not self-insured. 1095

(E) This section does not apply to individual self-insurance 1096  
programs created solely by municipal corporations as defined in 1097

section 5705.01 of the Revised Code. 1098

(F) A public official or employee of a political subdivision 1099  
who is or becomes a member of the governing body of the program 1100  
administrator of a joint self-insurance program in which the 1101  
political subdivision participates is not in violation of division 1102  
(D) or (E) of section 102.03, division (C) of section 102.04, or 1103  
section 2921.42 of the Revised Code as a result of either of the 1104  
following: 1105

(1) The political subdivision's entering under this section 1106  
into the written agreement to participate in the joint 1107  
self-insurance program; 1108

(2) The political subdivision's entering under this section 1109  
into any other contract with the joint self-insurance program. 1110

**Sec. 9.90.** (A) The board of trustees or other governing body 1111  
of a state institution of higher education, as defined in section 1112  
3345.011 of the Revised Code, board of education of a school 1113  
district, or governing board of an educational service center may, 1114  
in addition to all other powers provided in the Revised Code: 1115

(1) Contract for, purchase, or otherwise procure from an 1116  
insurer or insurers licensed to do business by the state of Ohio 1117  
for or on behalf of such of its employees as it may determine, 1118  
life insurance, or sickness, accident, annuity, endowment, health, 1119  
medical, hospital, dental, or surgical coverage and benefits, or 1120  
any combination thereof, by means of insurance plans or other 1121  
types of coverage, family, group or otherwise, and may pay from 1122  
funds under its control and available for such purpose all or any 1123  
portion of the cost, premium, or charge for such insurance, 1124  
coverage, or benefits. However, the governing board, in addition 1125  
to or as an alternative to the authority otherwise granted by 1126  
division (A)(1) of this section, may elect to procure coverage for 1127  
health care services, for or on behalf of such of its employees as 1128



it may determine, by means of policies, contracts, certificates, 1129  
or agreements issued by at least two health insuring corporations 1130  
holding a certificate of authority under Chapter 1751. of the 1131  
Revised Code and may pay from funds under the governing board's 1132  
control and available for such purpose all or any portion of the 1133  
cost of such coverage. 1134

(2) Make payments to a custodial account for investment in 1135  
regulated investment company stock that is treated as an annuity 1136  
under Internal Revenue Code section 403(b). 1137

Any income of an employee deferred under divisions (A)(1) and 1138  
(2) of this section in a deferred compensation program eligible 1139  
for favorable tax treatment under the Internal Revenue Code shall 1140  
continue to be included as regular compensation for the purpose of 1141  
computing the contributions to and benefits from the retirement 1142  
system of such employee. Any sum so deferred shall not be included 1143  
in the computation of any federal and state income taxes withheld 1144  
on behalf of any such employee. 1145

(B) All or any portion of the cost, premium, or charge 1146  
therefor may be paid in such other manner or combination of 1147  
manners as the board or governing body may determine, including 1148  
direct payment by the employee in cases under division (A)(1) of 1149  
this section, and, if authorized in writing by the employee in 1150  
cases under division (A)(1) or (2) of this section, by the board 1151  
or governing body with moneys made available by deduction from or 1152  
reduction in salary or wages or by the foregoing of a salary or 1153  
wage increase. Nothing in section 3917.01 or section 3917.06 of 1154  
the Revised Code shall prohibit the issuance or purchase of group 1155  
life insurance authorized by this section by reason of payment of 1156  
premiums therefor by the board or governing body from its funds, 1157  
and such group life insurance may be so issued and purchased if 1158  
otherwise consistent with the provisions of sections 3917.01 to 1159  
3917.07 of the Revised Code. 1160

(C) The board of education of any school district may 1161  
exercise any of the powers granted to the governing boards of 1162  
public institutions of higher education under divisions (A) and 1163  
(B) of this section. All health care benefits provided to persons 1164  
employed by the public schools of this state shall be through 1165  
health care plans that contain best practices ~~established~~ 1166  
identified by the department of administrative services ~~pursuant~~ 1167  
~~to~~ under section 9.901 of the Revised Code. 1168

**Sec. 9.901.** (A)(1) ~~All health~~ Health care plans that provide 1169  
benefits ~~provided~~ to persons employed by public employers as 1170  
defined by this section ~~shall be provided by health care plans~~ 1171  
~~that contain~~ may consider best practices established by the former 1172  
school employees health care board or identified by the department 1173  
of administrative services. All policies or contracts for health 1174  
care benefits that are issued or renewed after the expiration of 1175  
any applicable collective bargaining agreement ~~must contain all~~ 1176  
may consider any best practices ~~established pursuant to~~ identified 1177  
under this section at the time of renewal. Health care plans that 1178  
contain the best practices may be self-insured. 1179

(2) ~~Upon consulting with the department of administrative~~ 1180  
~~services, a political subdivision may adopt a delivery system of~~ 1181  
~~benefits that is not in accordance with the department's adopted~~ 1182  
~~best practices if it is considered by the department to be most~~ 1183  
~~financially advantageous to the political subdivision.~~ 1184

~~(3)~~ As used in this section: 1185

(a) "Public employer" means political subdivisions, public 1186  
school districts, or state institutions of higher education. 1187

(b) "Public school district" means a city, local, exempted 1188  
village, or joint vocational school district; a STEM school 1189  
established under Chapter 3326. of the Revised Code; or an 1190  
educational service center. "Public school district" does not mean 1191

a community school established under Chapter 3314. of the Revised Code. 1192  
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(c) "State institution of higher education" or "state institution" means a state institution of higher education as defined in section 3345.011 of the Revised Code. 1194  
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(d) "Political subdivision" has the same meaning as defined in section 9.833 of the Revised Code. 1197  
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(e) A "health care plan" includes group policies, contracts, and agreements that provide hospital, surgical, or medical expense coverage, including self-insured plans. A "health care plan" does not include an individual plan offered to the employees of a political subdivision, public school district, or state institution, or a plan that provides coverage only for specific disease or accidents, or a hospital indemnity, medicare supplement, or other plan that provides only supplemental benefits, paid for by the employees of a political subdivision, public school district, or state institution. 1199  
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(f) A "health plan sponsor" means a political subdivision, public school district, a state institution of higher education, a consortium of political subdivisions, public school districts, or state institutions, or a council of governments. 1209  
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~~(4) The public employees health care fund is hereby created in the state treasury. The department shall use all funds in the public employees health care fund solely to carry out the provisions of this section and related administrative costs.~~ 1213  
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(B) The department of administrative services shall do all of the following: 1217  
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(1) Identify strategies to manage health care costs; 1219

(2) Study the potential benefits of state or regional consortiums of public employers' health care plans; 1220  
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(3) ~~Publish~~ Study information regarding the health care plans 1222  
offered by political subdivisions, public school districts, state 1223  
institutions, and existing consortiums; 1224

(4) ~~Assist in the design~~ Provide representative cost 1225  
estimates of options for health care plans for political 1226  
subdivisions, public school districts, and state institutions of 1227  
higher education in accordance with division (A) of this section 1228  
separate from the plans for state agencies; 1229

(5) ~~Adopt~~ Study and release ~~a set of~~ standards that ~~shall~~ may 1230  
be considered the best practices for health care plans offered to 1231  
employees of political subdivisions, public school districts, and 1232  
state institutions; 1233

(6) Require that plans the health plan sponsors administer 1234  
make readily available to the public all cost and design elements 1235  
of the plan; 1236

(7) Promote cooperation among all organizations affected by 1237  
this section in identifying the elements for successful 1238  
implementation of this section; and 1239

(8) Promote cost containment measures aligned with patient, 1240  
plan, and provider management strategies in developing and 1241  
managing health care plans; ~~and~~ 1242

~~(9) Prepare and disseminate to the public an annual report on~~ 1243  
~~the status of health plan sponsors' effectiveness in complying~~ 1244  
~~with best practices and making progress to reduce the rate of~~ 1245  
~~increase in insurance premiums and employee out-of-pocket~~ 1246  
~~expenses, as well as progress in improving the health status of~~ 1247  
~~employees and their families.~~ 1248

(C) The director of administrative services may convene a 1249  
public health care advisory committee to assist in studying the 1250  
issues discussed in this section. ~~The committee shall make~~ 1251  
~~recommendations to the director of administrative services or the~~ 1252

~~director's designee on the development and adoption of best 1253  
practices under this section. The committee shall consist of 1254  
fifteen members: five members appointed by the speaker of the 1255  
house of representatives; five members appointed by the president 1256  
of the senate; and five members appointed by the governor and 1257  
shall include representatives from state and local government 1258  
employers, state and local government employees, insurance agents, 1259  
health insurance companies, and joint purchasing arrangements 1260  
currently in existence. Members shall serve without compensation. 1261~~

~~(D) The department may adopt rules for the enforcement of 1262  
health plan sponsors' compliance with the best practices standards 1263  
adopted by the department pursuant to this section. 1264~~

~~(E)~~ Any health care plan providing coverage for the employees 1265  
of political subdivisions, public school districts, or state 1266  
institutions of higher education, or that have provided coverage 1267  
within two years before ~~the effective date of this amendment~~ June 1268  
30, 2011, shall provide nonidentifiable aggregate claims and 1269  
administrative data for the coverage provided as required by the 1270  
department, without charge, within thirty days after receiving a 1271  
written request from the department. The claims data shall include 1272  
data relating to employee group benefit sets, demographics, and 1273  
claims experience. 1274

~~(F)~~(E) The department may work with other state agencies to 1275  
obtain services as the department deems necessary for the 1276  
implementation and operation of this section, based on 1277  
demonstrated experience and expertise in administration, 1278  
management, data handling, actuarial studies, quality assurance, 1279  
or for other needed services. 1280

~~(G)~~(F) The department shall hire staff as necessary to 1281  
provide administrative support to the department and the public 1282  
employee health care plan program established by this section. 1283

~~(H)~~(G) Nothing in this section shall be construed as 1284  
prohibiting political subdivisions, public school districts, or 1285  
state institutions from consulting with and compensating insurance 1286  
agents and brokers for professional services or from establishing 1287  
a self-insurance program. 1288

~~(I)~~(H) Pursuant to Chapter 117. of the Revised Code, the 1289  
auditor of state shall conduct all necessary and required audits 1290  
of the department. The auditor of state, upon request, also shall 1291  
furnish to the department copies of audits of political 1292  
subdivisions, public school districts, or consortia performed by 1293  
the auditor of state. 1294

Sec. 101.60. A state agency, its officers, employees, and 1295  
contractors, shall recognize the state identification card of an 1296  
individual who is a member, officer who is not a member, or 1297  
employee of the general assembly as a form of identification at 1298  
all entry points and check points within the state agency's 1299  
building or office and may not require any additional credential 1300  
or photograph. 1301

Sec. 101.61. Not later than the first day of January and the 1302  
fourth day of July each year, an executive agency, mayor's court, 1303  
municipal court, county court, court of common pleas, including a 1304  
probate court and a juvenile court, court of appeals, and the 1305  
supreme court shall submit to the general assembly a report of all 1306  
nongeneral revenue funds the agency or court administers. The 1307  
report shall contain information regarding the amounts contained 1308  
in the fund and an itemized statement as to the manner in which 1309  
the fund has been expended. 1310

As used in this section, "executive agency" means the office 1311  
of an elected executive official, a department created under 1312  
section 121.02 of the Revised Code, or any other state agency, 1313

department, board, or commission controlled or directed by an 1314  
elected executive official or otherwise subject to an elected 1315  
executive official's authority. "Executive agency" does not 1316  
include the nonprofit corporation formed under section 187.01 of 1317  
the Revised Code. 1318

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 1319  
(H) of this section, all of the following shall file with the 1320  
appropriate ethics commission the disclosure statement described 1321  
in this division on a form prescribed by the appropriate 1322  
commission: every person who is elected to or is a candidate for a 1323  
state, county, or city office and every person who is appointed to 1324  
fill a vacancy for an unexpired term in such an elective office; 1325  
all members of the state board of education; the director, 1326  
assistant directors, deputy directors, division chiefs, or persons 1327  
of equivalent rank of any administrative department of the state; 1328  
the president or other chief administrative officer of every state 1329  
institution of higher education as defined in section 3345.011 of 1330  
the Revised Code; the executive director and the members of the 1331  
capitol square review and advisory board appointed or employed 1332  
pursuant to section 105.41 of the Revised Code; all members of the 1333  
Ohio casino control commission, the executive director of the 1334  
commission, all professional employees of the commission, and all 1335  
technical employees of the commission who perform an internal 1336  
audit function; the individuals set forth in division (B)(2) of 1337  
section 187.03 of the Revised Code; the chief executive officer 1338  
and the members of the board of each state retirement system; each 1339  
employee of a state retirement board who is a state retirement 1340  
system investment officer licensed pursuant to section 1707.163 of 1341  
the Revised Code; the members of the Ohio retirement study council 1342  
appointed pursuant to division (C) of section 171.01 of the 1343  
Revised Code; employees of the Ohio retirement study council, 1344  
other than employees who perform purely administrative or clerical 1345

functions; the administrator of workers' compensation and each 1346  
member of the bureau of workers' compensation board of directors; 1347  
the bureau of workers' compensation director of investments; the 1348  
chief investment officer of the bureau of workers' compensation; 1349  
all members of the board of commissioners on grievances and 1350  
discipline of the supreme court and the ethics commission created 1351  
under section 102.05 of the Revised Code; every business manager, 1352  
treasurer, or superintendent of a city, local, exempted village, 1353  
joint vocational, or cooperative education school district or an 1354  
educational service center; every person who is elected to or is a 1355  
candidate for the office of member of a board of education of a 1356  
city, local, exempted village, joint vocational, or cooperative 1357  
education school district or of a governing board of an 1358  
educational service center that has a total student count of 1359  
twelve thousand or more as most recently determined by the 1360  
department of education pursuant to section 3317.03 of the Revised 1361  
Code; every person who is appointed to the board of education of a 1362  
municipal school district pursuant to division (B) or (F) of 1363  
section 3311.71 of the Revised Code; all members of the board of 1364  
directors of a sanitary district that is established under Chapter 1365  
6115. of the Revised Code and organized wholly for the purpose of 1366  
providing a water supply for domestic, municipal, and public use, 1367  
and that includes two municipal corporations in two counties; 1368  
every public official or employee who is paid a salary or wage in 1369  
accordance with schedule C of section 124.15 or schedule E-2 of 1370  
section 124.152 of the Revised Code; members of the board of 1371  
trustees and the executive director of the southern Ohio 1372  
agricultural and community development foundation; all members 1373  
appointed to the Ohio livestock care standards board under section 1374  
904.02 of the Revised Code; all entrepreneurs in residence 1375  
assigned by the LeanOhio office in the department of 1376  
administrative services under section 125.65 of the Revised Code 1377  
and every other public official or employee who is designated by 1378



the appropriate ethics commission pursuant to division (B) of this section. 1379  
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(2) The disclosure statement shall include all of the following: 1381  
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~~(1)~~(a) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business; 1383  
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~~(2)~~(a)~~(b)~~(i) Subject to divisions (A)(2)(b)(ii) and ~~(e)~~(iii) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)~~(a)~~(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the 1387  
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partner's, solicitation of services or goods or performance, 1411  
arrangement, or facilitation of services or provision of goods on 1412  
behalf of the business or profession of clients, including 1413  
corporate clients, who are legislative agents. A person who files 1414  
the statement under this section shall disclose the identity of 1415  
and the amount of income received from a person who the public 1416  
official or employee knows or has reason to know is doing or 1417  
seeking to do business of any kind with the public official's or 1418  
employee's agency. 1419

~~(b)~~(ii) If the person filing the statement is a member of the 1420  
general assembly, the statement shall identify every source of 1421  
income and the amount of that income that was received from a 1422  
legislative agent during the preceding calendar year, in the 1423  
person's own name or by any other person for the person's use or 1424  
benefit, by the person filing the statement, and a brief 1425  
description of the nature of the services for which the income was 1426  
received. Division (A)(2)(b)(ii) of this section requires the 1427  
disclosure of clients of attorneys or persons licensed under 1428  
section 4732.12 of the Revised Code, or patients of persons 1429  
certified under section 4731.14 of the Revised Code, if those 1430  
clients or patients are legislative agents. Division (A)(2)(b)(ii) 1431  
of this section requires a person filing the statement who derives 1432  
income from a business or profession to disclose those individual 1433  
items of income that constitute the gross income of that business 1434  
or profession that are received from legislative agents. 1435

~~(e)~~(iii) Except as otherwise provided in division 1436  
(A)(2)~~(e)~~(b)(iii) of this section, division (A)(2)~~(a)~~(b)(i) of 1437  
this section applies to attorneys, physicians, and other persons 1438  
who engage in the practice of a profession and who, pursuant to a 1439  
section of the Revised Code, the common law of this state, a code 1440  
of ethics applicable to the profession, or otherwise, generally 1441  
are required not to reveal, disclose, or use confidences of 1442

clients, patients, or other recipients of professional services 1443  
except under specified circumstances or generally are required to 1444  
maintain those types of confidences as privileged communications 1445  
except under specified circumstances. Division (A)(2)~~(a)~~(b)(i) of 1446  
this section does not require an attorney, physician, or other 1447  
professional subject to a confidentiality requirement as described 1448  
in division (A)(2)~~(e)~~(b)(iii) of this section to disclose the 1449  
name, other identity, or address of a client, patient, or other 1450  
recipient of professional services if the disclosure would 1451  
threaten the client, patient, or other recipient of professional 1452  
services, would reveal details of the subject matter for which 1453  
legal, medical, or professional advice or other services were 1454  
sought, or would reveal an otherwise privileged communication 1455  
involving the client, patient, or other recipient of professional 1456  
services. Division (A)(2)~~(a)~~(b)(i) of this section does not 1457  
require an attorney, physician, or other professional subject to a 1458  
confidentiality requirement as described in division 1459  
(A)(2)~~(e)~~(b)(iii) of this section to disclose in the brief 1460  
description of the nature of services required by division 1461  
(A)(2)~~(a)~~(b)(i) of this section any information pertaining to 1462  
specific professional services rendered for a client, patient, or 1463  
other recipient of professional services that would reveal details 1464  
of the subject matter for which legal, medical, or professional 1465  
advice was sought or would reveal an otherwise privileged 1466  
communication involving the client, patient, or other recipient of 1467  
professional services. 1468

~~(3)~~(c) The name of every corporation on file with the 1469  
secretary of state that is incorporated in this state or holds a 1470  
certificate of compliance authorizing it to do business in this 1471  
state, trust, business trust, partnership, or association that 1472  
transacts business in this state in which the person filing the 1473  
statement or any other person for the person's use and benefit had 1474  
during the preceding calendar year an investment of over one 1475

thousand dollars at fair market value as of the thirty-first day 1476  
of December of the preceding calendar year, or the date of 1477  
disposition, whichever is earlier, or in which the person holds 1478  
any office or has a fiduciary relationship, and a description of 1479  
the nature of the investment, office, or relationship. Division 1480  
(A)~~(3)~~(2)(c) of this section does not require disclosure of the 1481  
name of any bank, savings and loan association, credit union, or 1482  
building and loan association with which the person filing the 1483  
statement has a deposit or a withdrawable share account. 1484

~~(4)~~(d) All fee simple and leasehold interests to which the 1485  
person filing the statement holds legal title to or a beneficial 1486  
interest in real property located within the state, excluding the 1487  
person's residence and property used primarily for personal 1488  
recreation; 1489

~~(5)~~(e) The names of all persons residing or transacting 1490  
business in the state to whom the person filing the statement 1491  
owes, in the person's own name or in the name of any other person, 1492  
more than one thousand dollars. Division (A)~~(5)~~(2)(e) of this 1493  
section shall not be construed to require the disclosure of debts 1494  
owed by the person resulting from the ordinary conduct of a 1495  
business or profession or debts on the person's residence or real 1496  
property used primarily for personal recreation, except that the 1497  
superintendent of financial institutions shall disclose the names 1498  
of all state-chartered savings and loan associations and of all 1499  
service corporations subject to regulation under division (E)(2) 1500  
of section 1151.34 of the Revised Code to whom the superintendent 1501  
in the superintendent's own name or in the name of any other 1502  
person owes any money, and that the superintendent and any deputy 1503  
superintendent of banks shall disclose the names of all 1504  
state-chartered banks and all bank subsidiary corporations subject 1505  
to regulation under section 1109.44 of the Revised Code to whom 1506  
the superintendent or deputy superintendent owes any money. 1507

~~(6)~~(f) The names of all persons residing or transacting 1508  
business in the state, other than a depository excluded under 1509  
division (A)~~(3)~~(2)(c) of this section, who owe more than one 1510  
thousand dollars to the person filing the statement, either in the 1511  
person's own name or to any person for the person's use or 1512  
benefit. Division (A)~~(6)~~(2)(f) of this section shall not be 1513  
construed to require the disclosure of clients of attorneys or 1514  
persons licensed under section 4732.12 of the Revised Code, or 1515  
patients of persons certified under section 4731.14 of the Revised 1516  
Code, nor the disclosure of debts owed to the person resulting 1517  
from the ordinary conduct of a business or profession. 1518

~~(7)~~(g) Except as otherwise provided in section 102.022 of the 1519  
Revised Code, the source of each gift of over seventy-five 1520  
dollars, or of each gift of over twenty-five dollars received by a 1521  
member of the general assembly from a legislative agent, received 1522  
by the person in the person's own name or by any other person for 1523  
the person's use or benefit during the preceding calendar year, 1524  
except gifts received by will or by virtue of section 2105.06 of 1525  
the Revised Code, or received from spouses, parents, grandparents, 1526  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1527  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1528  
fathers-in-law, mothers-in-law, or any person to whom the person 1529  
filing the statement stands in loco parentis, or received by way 1530  
of distribution from any inter vivos or testamentary trust 1531  
established by a spouse or by an ancestor; 1532

~~(8)~~(h) Except as otherwise provided in section 102.022 of the 1533  
Revised Code, identification of the source and amount of every 1534  
payment of expenses incurred for travel to destinations inside or 1535  
outside this state that is received by the person in the person's 1536  
own name or by any other person for the person's use or benefit 1537  
and that is incurred in connection with the person's official 1538  
duties, except for expenses for travel to meetings or conventions 1539

of a national or state organization to which any state agency, 1540  
including, but not limited to, any legislative agency or state 1541  
institution of higher education as defined in section 3345.011 of 1542  
the Revised Code, pays membership dues, or any political 1543  
subdivision or any office or agency of a political subdivision 1544  
pays membership dues; 1545

~~(9)~~(i) Except as otherwise provided in section 102.022 of the 1546  
Revised Code, identification of the source of payment of expenses 1547  
for meals and other food and beverages, other than for meals and 1548  
other food and beverages provided at a meeting at which the person 1549  
participated in a panel, seminar, or speaking engagement or at a 1550  
meeting or convention of a national or state organization to which 1551  
any state agency, including, but not limited to, any legislative 1552  
agency or state institution of higher education as defined in 1553  
section 3345.011 of the Revised Code, pays membership dues, or any 1554  
political subdivision or any office or agency of a political 1555  
subdivision pays membership dues, that are incurred in connection 1556  
with the person's official duties and that exceed one hundred 1557  
dollars aggregated per calendar year; 1558

~~(10)~~(j) If the disclosure statement is filed by a public 1559  
official or employee described in division (B)(2) of section 1560  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 1561  
the Revised Code who receives a statement from a legislative 1562  
agent, executive agency lobbyist, or employer that contains the 1563  
information described in division (F)(2) of section 101.73 of the 1564  
Revised Code or division (G)(2) of section 121.63 of the Revised 1565  
Code, all of the nondisputed information contained in the 1566  
statement delivered to that public official or employee by the 1567  
legislative agent, executive agency lobbyist, or employer under 1568  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1569  
the Revised Code. 1570

(3) A person may file a statement required by this section in 1571

person, by mail, or by electronic means. A 1572

(4) A person who is required to file a statement under this 1573  
section shall file that statement according to the following 1574  
deadlines, as applicable: 1575

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1576  
and (d) of this section, the person shall file the statement not 1577  
later than the fifteenth day of May of each year. 1578

(b) A person who is a candidate for elective office shall 1579  
file the statement no later than the thirtieth day before the 1580  
primary, special, or general election at which the candidacy is to 1581  
be voted on, whichever election occurs soonest, except that a 1582  
person who is a write-in candidate shall file the statement no 1583  
later than the twentieth day before the earliest election at which 1584  
the person's candidacy is to be voted on. ~~A person who holds~~ 1585  
~~elective office shall file the statement on or before the~~ 1586  
~~fifteenth day of April of each year unless the person is a~~ 1587  
~~candidate for office. A~~ 1588

(c) A person who is appointed to fill a vacancy for an 1589  
unexpired term in an elective office shall file the statement 1590  
within fifteen days after the person qualifies for office. ~~Other~~ 1591  
~~persons~~ 1592

(d) A person who is appointed or employed after the fifteenth 1593  
day of May, other than a person described in division (A)(4)(c) of 1594  
this section, shall file an annual statement ~~on or before the~~ 1595  
~~fifteenth day of April or, if appointed or employed after that~~ 1596  
~~date,~~ within ninety days after appointment or employment. ~~No~~ 1597

(5) No person shall be required to file with the appropriate 1598  
ethics commission more than one statement or pay more than one 1599  
filing fee for any one calendar year. 1600

(6) The appropriate ethics commission, for good cause, may 1601  
extend for a reasonable time the deadline for filing a statement 1602

under this section. 1603

(7) A statement filed under this section is subject to public 1604  
inspection at locations designated by the appropriate ethics 1605  
commission except as otherwise provided in this section. 1606

(B) The Ohio ethics commission, the joint legislative ethics 1607  
committee, and the board of commissioners on grievances and 1608  
discipline of the supreme court, using the rule-making procedures 1609  
of Chapter 119. of the Revised Code, may require any class of 1610  
public officials or employees under its jurisdiction and not 1611  
specifically excluded by this section whose positions involve a 1612  
substantial and material exercise of administrative discretion in 1613  
the formulation of public policy, expenditure of public funds, 1614  
enforcement of laws and rules of the state or a county or city, or 1615  
the execution of other public trusts, to file an annual statement 1616  
~~on or before the fifteenth day of April~~ under division (A) of this 1617  
section. The appropriate ethics commission shall send the public 1618  
officials or employees written notice of the requirement ~~by the~~ 1619  
~~fifteenth day of February of each year~~ not less than thirty days 1620  
before the applicable filing is ~~required~~ deadline unless the 1621  
public official or employee is appointed after that date, in which 1622  
case the notice shall be sent within thirty days after 1623  
appointment, and the filing shall be made not later than ninety 1624  
days after appointment. 1625

~~Except for disclosure statements filed by members of the~~ 1626  
~~board of trustees and the executive director of the southern Ohio~~ 1627  
~~agricultural and community development foundation, disclosure~~ 1628  
Disclosure statements filed under this division with the Ohio 1629  
ethics commission by members of boards, commissions, or bureaus of 1630  
the state for which no compensation is received other than 1631  
reasonable and necessary expenses shall be kept confidential. 1632  
Disclosure statements filed with the Ohio ethics commission under 1633  
division (A) of this section by business managers, treasurers, and 1634



superintendents of city, local, exempted village, joint 1635  
vocational, or cooperative education school districts or 1636  
educational service centers shall be kept confidential, except 1637  
that any person conducting an audit of any such school district or 1638  
educational service center pursuant to section 115.56 or Chapter 1639  
117. of the Revised Code may examine the disclosure statement of 1640  
any business manager, treasurer, or superintendent of that school 1641  
district or educational service center. Disclosure statements 1642  
filed with the Ohio ethics commission under division (A) of this 1643  
section by the individuals set forth in division (B)(2) of section 1644  
187.03 of the Revised Code shall be kept confidential. The Ohio 1645  
ethics commission shall examine each disclosure statement required 1646  
to be kept confidential to determine whether a potential conflict 1647  
of interest exists for the person who filed the disclosure 1648  
statement. A potential conflict of interest exists if the private 1649  
interests of the person, as indicated by the person's disclosure 1650  
statement, might interfere with the public interests the person is 1651  
required to serve in the exercise of the person's authority and 1652  
duties in the person's office or position of employment. If the 1653  
commission determines that a potential conflict of interest 1654  
exists, it shall notify the person who filed the disclosure 1655  
statement and shall make the portions of the disclosure statement 1656  
that indicate a potential conflict of interest subject to public 1657  
inspection in the same manner as is provided for other disclosure 1658  
statements. Any portion of the disclosure statement that the 1659  
commission determines does not indicate a potential conflict of 1660  
interest shall be kept confidential by the commission and shall 1661  
not be made subject to public inspection, except as is necessary 1662  
for the enforcement of Chapters 102. and 2921. of the Revised Code 1663  
and except as otherwise provided in this division. 1664

(C) No person shall knowingly fail to file, on or before the 1665  
applicable filing deadline established under this section, a 1666  
statement that is required by this section. 1667

(D) No person shall knowingly file a false statement that is 1668  
required to be filed under this section. 1669

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1670  
section, the statement required by division (A) or (B) of this 1671  
section shall be accompanied by a filing fee of sixty dollars. 1672

(2) The statement required by division (A) of this section 1673  
shall be accompanied by the following filing fee to be paid by the 1674  
person who is elected or appointed to, or is a candidate for, any 1675  
of the following offices: 1676

For state office, except member of the		1677
state board of education	\$95	1678
For office of member of general assembly	\$40	1679
For county office	\$60	1680
For city office	\$35	1681
For office of member of the state board		1682
of education	\$35	1683
For office of member of a city, local,		1684
exempted village, or cooperative		1685
education board of		1686
education or educational service		1687
center governing board	\$30	1688
For position of business manager,		1689
treasurer, or superintendent of a		1690
city, local, exempted village, joint		1691
vocational, or cooperative education		1692
school district or		1693
educational service center	\$30	1694

(3) No judge of a court of record or candidate for judge of a 1695  
court of record, and no referee or magistrate serving a court of 1696  
record, shall be required to pay the fee required under division 1697  
(E)(1) or (2) or (F) of this section. 1698

(4) For any public official who is appointed to a nonelective 1699

office of the state and for any employee who holds a nonelective 1700  
position in a public agency of the state, the state agency that is 1701  
the primary employer of the state official or employee shall pay 1702  
the fee required under division (E)(1) or (F) of this section. 1703

(F) If a statement required to be filed under this section is 1704  
not filed by the date on which it is required to be filed, the 1705  
appropriate ethics commission shall assess the person required to 1706  
file the statement a late filing fee of ten dollars for each day 1707  
the statement is not filed, except that the total amount of the 1708  
late filing fee shall not exceed two hundred fifty dollars. 1709

(G)(1) The appropriate ethics commission other than the Ohio 1710  
ethics commission and the joint legislative ethics committee shall 1711  
deposit all fees it receives under divisions (E) and (F) of this 1712  
section into the general revenue fund of the state. 1713

(2) The Ohio ethics commission shall deposit all receipts, 1714  
including, but not limited to, fees it receives under divisions 1715  
(E) and (F) of this section, investigative or other fees, costs, 1716  
or other funds it receives as a result of court orders, and all 1717  
moneys it receives from settlements under division (G) of section 1718  
102.06 of the Revised Code, into the Ohio ethics commission fund, 1719  
which is hereby created in the state treasury. All moneys credited 1720  
to the fund shall be used solely for expenses related to the 1721  
operation and statutory functions of the commission. 1722

(3) The joint legislative ethics committee shall deposit all 1723  
receipts it receives from the payment of financial disclosure 1724  
statement filing fees under divisions (E) and (F) of this section 1725  
into the joint legislative ethics committee investigative fund. 1726

(H) Division (A) of this section does not apply to a person 1727  
elected or appointed to the office of precinct, ward, or district 1728  
committee member under Chapter 3517. of the Revised Code; a 1729  
presidential elector; a delegate to a national convention; village 1730

or township officials and employees; any physician or psychiatrist 1731  
who is paid a salary or wage in accordance with schedule C of 1732  
section 124.15 or schedule E-2 of section 124.152 of the Revised 1733  
Code and whose primary duties do not require the exercise of 1734  
administrative discretion; or any member of a board, commission, 1735  
or bureau of any county or city who receives less than one 1736  
thousand dollars per year for serving in that position. 1737

**Sec. 102.022.** Each person who is an officer or employee of a 1738  
political subdivision, who receives compensation of less than 1739  
sixteen thousand dollars a year for holding an office or position 1740  
of employment with that political subdivision, and who is required 1741  
to file a statement under section 102.02 of the Revised Code; each 1742  
member of the board of trustees of a state institution of higher 1743  
education as defined in section 3345.011 of the Revised Code who 1744  
is required to file a statement under section 102.02 of the 1745  
Revised Code; and each individual set forth in division (B)(2) of 1746  
section 187.03 of the Revised Code who is required to file a 1747  
statement under section 102.02 of the Revised Code, shall include 1748  
in that statement, in place of the information required by 1749  
divisions (A)(2)(b), ~~(7)(g)~~, ~~(8)(h)~~, and ~~(9)(i)~~ of that section, 1750  
the following information: 1751

(A) Exclusive of reasonable expenses, identification of every 1752  
source of income over five hundred dollars received during the 1753  
preceding calendar year, in the officer's or employee's own name 1754  
or by any other person for the officer's or employee's use or 1755  
benefit, by the person filing the statement, and a brief 1756  
description of the nature of the services for which the income was 1757  
received. This division shall not be construed to require the 1758  
disclosure of clients of attorneys or persons licensed under 1759  
section 4732.12 of the Revised Code or patients of persons 1760  
certified under section 4731.14 of the Revised Code. This division 1761  
shall not be construed to require a person filing the statement 1762

who derives income from a business or profession to disclose the 1763  
individual items of income that constitute the gross income of the 1764  
business or profession. 1765

(B) The source of each gift of over five hundred dollars 1766  
received by the person in the officer's or employee's own name or 1767  
by any other person for the officer's or employee's use or benefit 1768  
during the preceding calendar year, except gifts received by will 1769  
or by virtue of section 2105.06 of the Revised Code, received from 1770  
parents, grandparents, children, grandchildren, siblings, nephews, 1771  
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1772  
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1773  
any person to whom the person filing the statement stands in loco 1774  
parentis, or received by way of distribution from any inter vivos 1775  
or testamentary trust established by a spouse or by an ancestor. 1776

**Sec. 103.412.** (A) JMOC shall oversee the medicaid program on 1777  
a continuing basis. As part of its oversight, JMOC shall do all of 1778  
the following: 1779

(1) Review how the medicaid program relates to the public and 1780  
private provision of health care coverage in this state and the 1781  
United States; 1782

(2) Review the reforms implemented under section 5162.70 of 1783  
the Revised Code and evaluate the reforms' successes in achieving 1784  
their objectives; 1785

(3) Recommend policies and strategies to encourage both of 1786  
the following: 1787

(a) Medicaid recipients being physically and mentally able to 1788  
join and stay in the workforce and ultimately becoming 1789  
self-sufficient; 1790

(b) Less use of the medicaid program. 1791

(4) Recommend, to the extent JMOC determines appropriate, 1792

improvements in statutes and rules concerning the medicaid program;	1793 1794
(5) Develop a plan of action for the future of the medicaid program;	1795 1796
(6) Receive and consider reports submitted by <del>county</del> <u>local</u> healthier buckeye councils under section 355.04 of the Revised Code.	1797 1798 1799
(B) JMOC may do all of the following:	1800
(1) Plan, advertise, organize, and conduct forums, conferences, and other meetings at which representatives of state agencies and other individuals having expertise in the medicaid program may participate to increase knowledge and understanding of, and to develop and propose improvements in, the medicaid program;	1801 1802 1803 1804 1805 1806
(2) Prepare and issue reports on the medicaid program;	1807
(3) Solicit written comments on, and conduct public hearings at which persons may offer verbal comments on, drafts of its reports.	1808 1809 1810
<u>Sec. 103.42. (A) During the period beginning July 1, 2015, and ending June 30, 2018, the joint medicaid oversight committee on a quarterly basis shall monitor the actions of the department of medicaid under section 5167.04 of the Revised Code in preparing to implement and implementing inclusion of alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code.</u>	1811 1812 1813 1814 1815 1816 1817 1818
<u>Beginning July 1, 2018, the committee on a periodic basis shall monitor the department's inclusion of the services in the system.</u>	1819 1820 1821
<u>(B) With respect to any proposal by the department to include</u>	1822

all or part of the services in all or part of the system before 1823  
January 1, 2018, the committee shall review the proposal and vote 1824  
on whether to approve or disapprove the proposal. If a majority of 1825  
the committee members approve the proposal, the committee shall 1826  
notify the department and the proposal may be implemented. 1827

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 1828  
criminal identification and investigation shall procure from 1829  
wherever procurable and file for record photographs, pictures, 1830  
descriptions, fingerprints, measurements, and other information 1831  
that may be pertinent of all persons who have been convicted of 1832  
committing within this state a felony, any crime constituting a 1833  
misdemeanor on the first offense and a felony on subsequent 1834  
offenses, or any misdemeanor described in division (A)(1)(a), 1835  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1836  
all children under eighteen years of age who have been adjudicated 1837  
delinquent children for committing within this state an act that 1838  
would be a felony or an offense of violence if committed by an 1839  
adult or who have been convicted of or pleaded guilty to 1840  
committing within this state a felony or an offense of violence, 1841  
and of all well-known and habitual criminals. The person in charge 1842  
of any county, multicounty, municipal, municipal-county, or 1843  
multicounty-municipal jail or workhouse, community-based 1844  
correctional facility, halfway house, alternative residential 1845  
facility, or state correctional institution and the person in 1846  
charge of any state institution having custody of a person 1847  
suspected of having committed a felony, any crime constituting a 1848  
misdemeanor on the first offense and a felony on subsequent 1849  
offenses, or any misdemeanor described in division (A)(1)(a), 1850  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 1851  
having custody of a child under eighteen years of age with respect 1852  
to whom there is probable cause to believe that the child may have 1853  
committed an act that would be a felony or an offense of violence 1854

if committed by an adult shall furnish such material to the 1855  
superintendent of the bureau. Fingerprints, photographs, or other 1856  
descriptive information of a child who is under eighteen years of 1857  
age, has not been arrested or otherwise taken into custody for 1858  
committing an act that would be a felony or an offense of violence 1859  
who is not in any other category of child specified in this 1860  
division, if committed by an adult, has not been adjudicated a 1861  
delinquent child for committing an act that would be a felony or 1862  
an offense of violence if committed by an adult, has not been 1863  
convicted of or pleaded guilty to committing a felony or an 1864  
offense of violence, and is not a child with respect to whom there 1865  
is probable cause to believe that the child may have committed an 1866  
act that would be a felony or an offense of violence if committed 1867  
by an adult shall not be procured by the superintendent or 1868  
furnished by any person in charge of any county, multicounty, 1869  
municipal, municipal-county, or multicounty-municipal jail or 1870  
workhouse, community-based correctional facility, halfway house, 1871  
alternative residential facility, or state correctional 1872  
institution, except as authorized in section 2151.313 of the 1873  
Revised Code. 1874

(2) Every clerk of a court of record in this state, other 1875  
than the supreme court or a court of appeals, shall send to the 1876  
superintendent of the bureau a weekly report containing a summary 1877  
of each case involving a felony, involving any crime constituting 1878  
a misdemeanor on the first offense and a felony on subsequent 1879  
offenses, involving a misdemeanor described in division (A)(1)(a), 1880  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 1881  
involving an adjudication in a case in which a child under 1882  
eighteen years of age was alleged to be a delinquent child for 1883  
committing an act that would be a felony or an offense of violence 1884  
if committed by an adult. The clerk of the court of common pleas 1885  
shall include in the report and summary the clerk sends under this 1886



division all information described in divisions (A)(2)(a) to (f) 1887  
of this section regarding a case before the court of appeals that 1888  
is served by that clerk. The summary shall be written on the 1889  
standard forms furnished by the superintendent pursuant to 1890  
division (B) of this section and shall include the following 1891  
information: 1892

(a) The incident tracking number contained on the standard 1893  
forms furnished by the superintendent pursuant to division (B) of 1894  
this section; 1895

(b) The style and number of the case; 1896

(c) The date of arrest, offense, summons, or arraignment; 1897

(d) The date that the person was convicted of or pleaded 1898  
guilty to the offense, adjudicated a delinquent child for 1899  
committing the act that would be a felony or an offense of 1900  
violence if committed by an adult, found not guilty of the 1901  
offense, or found not to be a delinquent child for committing an 1902  
act that would be a felony or an offense of violence if committed 1903  
by an adult, the date of an entry dismissing the charge, an entry 1904  
declaring a mistrial of the offense in which the person is 1905  
discharged, an entry finding that the person or child is not 1906  
competent to stand trial, or an entry of a nolle prosequi, or the 1907  
date of any other determination that constitutes final resolution 1908  
of the case; 1909

(e) A statement of the original charge with the section of 1910  
the Revised Code that was alleged to be violated; 1911

(f) If the person or child was convicted, pleaded guilty, or 1912  
was adjudicated a delinquent child, the sentence or terms of 1913  
probation imposed or any other disposition of the offender or the 1914  
delinquent child. 1915

If the offense involved the disarming of a law enforcement 1916  
officer or an attempt to disarm a law enforcement officer, the 1917

clerk shall clearly state that fact in the summary, and the 1918  
superintendent shall ensure that a clear statement of that fact is 1919  
placed in the bureau's records. 1920

(3) The superintendent shall cooperate with and assist 1921  
sheriffs, chiefs of police, and other law enforcement officers in 1922  
the establishment of a complete system of criminal identification 1923  
and in obtaining fingerprints and other means of identification of 1924  
all persons arrested on a charge of a felony, any crime 1925  
constituting a misdemeanor on the first offense and a felony on 1926  
subsequent offenses, or a misdemeanor described in division 1927  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 1928  
Revised Code and of all children under eighteen years of age 1929  
arrested or otherwise taken into custody for committing an act 1930  
that would be a felony or an offense of violence if committed by 1931  
an adult. The superintendent also shall file for record the 1932  
fingerprint impressions of all persons confined in a county, 1933  
multicounty, municipal, municipal-county, or multicounty-municipal 1934  
jail or workhouse, community-based correctional facility, halfway 1935  
house, alternative residential facility, or state correctional 1936  
institution for the violation of state laws and of all children 1937  
under eighteen years of age who are confined in a county, 1938  
multicounty, municipal, municipal-county, or multicounty-municipal 1939  
jail or workhouse, community-based correctional facility, halfway 1940  
house, alternative residential facility, or state correctional 1941  
institution or in any facility for delinquent children for 1942  
committing an act that would be a felony or an offense of violence 1943  
if committed by an adult, and any other information that the 1944  
superintendent may receive from law enforcement officials of the 1945  
state and its political subdivisions. 1946

(4) The superintendent shall carry out Chapter 2950. of the 1947  
Revised Code with respect to the registration of persons who are 1948  
convicted of or plead guilty to a sexually oriented offense or a 1949

child-victim oriented offense and with respect to all other duties 1950  
imposed on the bureau under that chapter. 1951

(5) The bureau shall perform centralized recordkeeping 1952  
functions for criminal history records and services in this state 1953  
for purposes of the national crime prevention and privacy compact 1954  
set forth in section 109.571 of the Revised Code and is the 1955  
criminal history record repository as defined in that section for 1956  
purposes of that compact. The superintendent or the 1957  
superintendent's designee is the compact officer for purposes of 1958  
that compact and shall carry out the responsibilities of the 1959  
compact officer specified in that compact. 1960

(B) The superintendent shall prepare and furnish to every 1961  
county, multicounty, municipal, municipal-county, or 1962  
multicounty-municipal jail or workhouse, community-based 1963  
correctional facility, halfway house, alternative residential 1964  
facility, or state correctional institution and to every clerk of 1965  
a court in this state specified in division (A)(2) of this section 1966  
standard forms for reporting the information required under 1967  
division (A) of this section. The standard forms that the 1968  
superintendent prepares pursuant to this division may be in a 1969  
tangible format, in an electronic format, or in both tangible 1970  
formats and electronic formats. 1971

(C)(1) The superintendent may operate a center for 1972  
electronic, automated, or other data processing for the storage 1973  
and retrieval of information, data, and statistics pertaining to 1974  
criminals and to children under eighteen years of age who are 1975  
adjudicated delinquent children for committing an act that would 1976  
be a felony or an offense of violence if committed by an adult, 1977  
criminal activity, crime prevention, law enforcement, and criminal 1978  
justice, and may establish and operate a statewide communications 1979  
network to be known as the Ohio law enforcement gateway to gather 1980  
and disseminate information, data, and statistics for the use of 1981

law enforcement agencies and for other uses specified in this 1982  
division. The superintendent may gather, store, retrieve, and 1983  
disseminate information, data, and statistics that pertain to 1984  
children who are under eighteen years of age and that are gathered 1985  
pursuant to sections 109.57 to 109.61 of the Revised Code together 1986  
with information, data, and statistics that pertain to adults and 1987  
that are gathered pursuant to those sections. 1988

(2) The superintendent or the superintendent's designee shall 1989  
gather information of the nature described in division (C)(1) of 1990  
this section that pertains to the offense and delinquency history 1991  
of a person who has been convicted of, pleaded guilty to, or been 1992  
adjudicated a delinquent child for committing a sexually oriented 1993  
offense or a child-victim oriented offense for inclusion in the 1994  
state registry of sex offenders and child-victim offenders 1995  
maintained pursuant to division (A)(1) of section 2950.13 of the 1996  
Revised Code and in the internet database operated pursuant to 1997  
division (A)(13) of that section and for possible inclusion in the 1998  
internet database operated pursuant to division (A)(11) of that 1999  
section. 2000

(3) In addition to any other authorized use of information, 2001  
data, and statistics of the nature described in division (C)(1) of 2002  
this section, the superintendent or the superintendent's designee 2003  
may provide and exchange the information, data, and statistics 2004  
pursuant to the national crime prevention and privacy compact as 2005  
described in division (A)(5) of this section. 2006

(4) The attorney general may adopt rules under Chapter 119. 2007  
of the Revised Code establishing guidelines for the operation of 2008  
and participation in the Ohio law enforcement gateway. The rules 2009  
may include criteria for granting and restricting access to 2010  
information gathered and disseminated through the Ohio law 2011  
enforcement gateway. The attorney general shall permit the state 2012  
medical board and board of nursing to access and view, but not 2013

alter, information gathered and disseminated through the Ohio law enforcement gateway. 2014  
2015

The attorney general may appoint a steering committee to advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee. 2016  
2017  
2018  
2019  
2020  
2021

(D)(1) The following are not public records under section 149.43 of the Revised Code: 2022  
2023

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section; 2024  
2025

(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section; 2026  
2027  
2028

(c) Information and materials furnished to any board or person under division (F) or (G) of this section. 2029  
2030

(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section. 2031  
2032  
2033  
2034  
2035  
2036  
2037

(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of 2038  
2039  
2040  
2041  
2042  
2043  
2044

whether a person the service plans to refer to an employment 2045  
position has been convicted of or pleaded guilty to an offense 2046  
listed or described in division (A)(1), (2), or (3) of section 2047  
109.572 of the Revised Code, the request shall be treated as a 2048  
single request and only one fee shall be charged. 2049

(2) Except as otherwise provided in this division or division 2050  
(E)(3) or (4) of this section, a rule adopted under division 2051  
(E)(1) of this section may provide only for the release of 2052  
information gathered pursuant to division (A) of this section that 2053  
relates to the conviction of a person, or a person's plea of 2054  
guilty to, a criminal offense or to the arrest of a person as 2055  
provided in division (E)(3) of this section. The superintendent 2056  
shall not release, and the attorney general shall not adopt any 2057  
rule under division (E)(1) of this section that permits the 2058  
release of, any information gathered pursuant to division (A) of 2059  
this section that relates to an adjudication of a child as a 2060  
delinquent child, or that relates to a criminal conviction of a 2061  
person under eighteen years of age if the person's case was 2062  
transferred back to a juvenile court under division (B)(2) or (3) 2063  
of section 2152.121 of the Revised Code and the juvenile court 2064  
imposed a disposition or serious youthful offender disposition 2065  
upon the person under either division, unless either of the 2066  
following applies with respect to the adjudication or conviction: 2067

(a) The adjudication or conviction was for a violation of 2068  
section 2903.01 or 2903.02 of the Revised Code. 2069

(b) The adjudication or conviction was for a sexually 2070  
oriented offense, the juvenile court was required to classify the 2071  
child a juvenile offender registrant for that offense under 2072  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 2073  
classification has not been removed, and the records of the 2074  
adjudication or conviction have not been sealed or expunged 2075  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 2076

section 2952.32 of the Revised Code. 2077

(3) A rule adopted under division (E)(1) of this section may 2078  
provide for the release of information gathered pursuant to 2079  
division (A) of this section that relates to the arrest of a 2080  
person who is eighteen years of age or older when the person has 2081  
not been convicted as a result of that arrest if any of the 2082  
following applies: 2083

(a) The arrest was made outside of this state. 2084

(b) A criminal action resulting from the arrest is pending, 2085  
and the superintendent confirms that the criminal action has not 2086  
been resolved at the time the criminal records check is performed. 2087

(c) The bureau cannot reasonably determine whether a criminal 2088  
action resulting from the arrest is pending, and not more than one 2089  
year has elapsed since the date of the arrest. 2090

(4) A rule adopted under division (E)(1) of this section may 2091  
provide for the release of information gathered pursuant to 2092  
division (A) of this section that relates to an adjudication of a 2093  
child as a delinquent child if not more than five years have 2094  
elapsed since the date of the adjudication, the adjudication was 2095  
for an act that would have been a felony if committed by an adult, 2096  
the records of the adjudication have not been sealed or expunged 2097  
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 2098  
the request for information is made under division (F) of this 2099  
section or under section 109.572 of the Revised Code. In the case 2100  
of an adjudication for a violation of the terms of community 2101  
control or supervised release, the five-year period shall be 2102  
calculated from the date of the adjudication to which the 2103  
community control or supervised release pertains. 2104

(F)(1) As used in division (F)(2) of this section, "head 2105  
start agency" means an entity in this state that has been approved 2106  
to be an agency for purposes of subchapter II of the "Community 2107

Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2108  
as amended. 2109

(2)(a) In addition to or in conjunction with any request that 2110  
is required to be made under section 109.572, 2151.86, 3301.32, 2111  
3301.541, division (C) of section 3310.58, or section 3319.39, 2112  
3319.391, 3327.10, 3701.881, ~~5104.012~~, 5104.013, 5123.081, or 2113  
5153.111 of the Revised Code or that is made under section 2114  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2115  
board of education of any school district; the director of 2116  
developmental disabilities; any county board of developmental 2117  
disabilities; any provider or subcontractor as defined in section 2118  
5123.081 of the Revised Code; the chief administrator of any 2119  
chartered nonpublic school; the chief administrator of a 2120  
registered private provider that is not also a chartered nonpublic 2121  
school; the chief administrator of any home health agency; the 2122  
chief administrator of or person operating any child day-care 2123  
center, type A family day-care home, or type B family day-care 2124  
home licensed under Chapter 5104. of the Revised Code; the chief 2125  
administrator of any head start agency; the executive director of 2126  
a public children services agency; a private company described in 2127  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 2128  
Code; or an employer described in division (J)(2) of section 2129  
3327.10 of the Revised Code may request that the superintendent of 2130  
the bureau investigate and determine, with respect to any 2131  
individual who has applied for employment in any position after 2132  
October 2, 1989, or any individual wishing to apply for employment 2133  
with a board of education may request, with regard to the 2134  
individual, whether the bureau has any information gathered under 2135  
division (A) of this section that pertains to that individual. On 2136  
receipt of the request, subject to division (E)(2) of this 2137  
section, the superintendent shall determine whether that 2138  
information exists and, upon request of the person, board, or 2139  
entity requesting information, also shall request from the federal 2140



bureau of investigation any criminal records it has pertaining to 2141  
that individual. The superintendent or the superintendent's 2142  
designee also may request criminal history records from other 2143  
states or the federal government pursuant to the national crime 2144  
prevention and privacy compact set forth in section 109.571 of the 2145  
Revised Code. Within thirty days of the date that the 2146  
superintendent receives a request, subject to division (E)(2) of 2147  
this section, the superintendent shall send to the board, entity, 2148  
or person a report of any information that the superintendent 2149  
determines exists, including information contained in records that 2150  
have been sealed under section 2953.32 of the Revised Code, and, 2151  
within thirty days of its receipt, subject to division (E)(2) of 2152  
this section, shall send the board, entity, or person a report of 2153  
any information received from the federal bureau of investigation, 2154  
other than information the dissemination of which is prohibited by 2155  
federal law. 2156

(b) When a board of education or a registered private 2157  
provider is required to receive information under this section as 2158  
a prerequisite to employment of an individual pursuant to division 2159  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2160  
may accept a certified copy of records that were issued by the 2161  
bureau of criminal identification and investigation and that are 2162  
presented by an individual applying for employment with the 2163  
district in lieu of requesting that information itself. In such a 2164  
case, the board shall accept the certified copy issued by the 2165  
bureau in order to make a photocopy of it for that individual's 2166  
employment application documents and shall return the certified 2167  
copy to the individual. In a case of that nature, a district or 2168  
provider only shall accept a certified copy of records of that 2169  
nature within one year after the date of their issuance by the 2170  
bureau. 2171

(c) Notwithstanding division (F)(2)(a) of this section, in 2172

the case of a request under section 3319.39, 3319.391, or 3327.10 2173  
of the Revised Code only for criminal records maintained by the 2174  
federal bureau of investigation, the superintendent shall not 2175  
determine whether any information gathered under division (A) of 2176  
this section exists on the person for whom the request is made. 2177

(3) The state board of education may request, with respect to 2178  
any individual who has applied for employment after October 2, 2179  
1989, in any position with the state board or the department of 2180  
education, any information that a school district board of 2181  
education is authorized to request under division (F)(2) of this 2182  
section, and the superintendent of the bureau shall proceed as if 2183  
the request has been received from a school district board of 2184  
education under division (F)(2) of this section. 2185

(4) When the superintendent of the bureau receives a request 2186  
for information under section 3319.291 of the Revised Code, the 2187  
superintendent shall proceed as if the request has been received 2188  
from a school district board of education and shall comply with 2189  
divisions (F)(2)(a) and (c) of this section. 2190

(5) When a recipient of a classroom reading improvement grant 2191  
paid under section 3301.86 of the Revised Code requests, with 2192  
respect to any individual who applies to participate in providing 2193  
any program or service funded in whole or in part by the grant, 2194  
the information that a school district board of education is 2195  
authorized to request under division (F)(2)(a) of this section, 2196  
the superintendent of the bureau shall proceed as if the request 2197  
has been received from a school district board of education under 2198  
division (F)(2)(a) of this section. 2199

(G) In addition to or in conjunction with any request that is 2200  
required to be made under section 3701.881, 3712.09, or 3721.121 2201  
of the Revised Code with respect to an individual who has applied 2202  
for employment in a position that involves providing direct care 2203  
to an older adult or adult resident, the chief administrator of a 2204

home health agency, hospice care program, home licensed under 2205  
Chapter 3721. of the Revised Code, or adult day-care program 2206  
operated pursuant to rules adopted under section 3721.04 of the 2207  
Revised Code may request that the superintendent of the bureau 2208  
investigate and determine, with respect to any individual who has 2209  
applied after January 27, 1997, for employment in a position that 2210  
does not involve providing direct care to an older adult or adult 2211  
resident, whether the bureau has any information gathered under 2212  
division (A) of this section that pertains to that individual. 2213

In addition to or in conjunction with any request that is 2214  
required to be made under section 173.27 of the Revised Code with 2215  
respect to an individual who has applied for employment in a 2216  
position that involves providing ombudsman services to residents 2217  
of long-term care facilities or recipients of community-based 2218  
long-term care services, the state long-term care ombudsman, the 2219  
director of aging, a regional long-term care ombudsman program, or 2220  
the designee of the ombudsman, director, or program may request 2221  
that the superintendent investigate and determine, with respect to 2222  
any individual who has applied for employment in a position that 2223  
does not involve providing such ombudsman services, whether the 2224  
bureau has any information gathered under division (A) of this 2225  
section that pertains to that applicant. 2226

In addition to or in conjunction with any request that is 2227  
required to be made under section 173.38 of the Revised Code with 2228  
respect to an individual who has applied for employment in a 2229  
direct-care position, the chief administrator of a provider, as 2230  
defined in section 173.39 of the Revised Code, may request that 2231  
the superintendent investigate and determine, with respect to any 2232  
individual who has applied for employment in a position that is 2233  
not a direct-care position, whether the bureau has any information 2234  
gathered under division (A) of this section that pertains to that 2235  
applicant. 2236

In addition to or in conjunction with any request that is 2237  
required to be made under section 3712.09 of the Revised Code with 2238  
respect to an individual who has applied for employment in a 2239  
position that involves providing direct care to a pediatric 2240  
respite care patient, the chief administrator of a pediatric 2241  
respite care program may request that the superintendent of the 2242  
bureau investigate and determine, with respect to any individual 2243  
who has applied for employment in a position that does not involve 2244  
providing direct care to a pediatric respite care patient, whether 2245  
the bureau has any information gathered under division (A) of this 2246  
section that pertains to that individual. 2247

On receipt of a request under this division, the 2248  
superintendent shall determine whether that information exists 2249  
and, on request of the individual requesting information, shall 2250  
also request from the federal bureau of investigation any criminal 2251  
records it has pertaining to the applicant. The superintendent or 2252  
the superintendent's designee also may request criminal history 2253  
records from other states or the federal government pursuant to 2254  
the national crime prevention and privacy compact set forth in 2255  
section 109.571 of the Revised Code. Within thirty days of the 2256  
date a request is received, subject to division (E)(2) of this 2257  
section, the superintendent shall send to the requester a report 2258  
of any information determined to exist, including information 2259  
contained in records that have been sealed under section 2953.32 2260  
of the Revised Code, and, within thirty days of its receipt, shall 2261  
send the requester a report of any information received from the 2262  
federal bureau of investigation, other than information the 2263  
dissemination of which is prohibited by federal law. 2264

(H) Information obtained by a government entity or person 2265  
under this section is confidential and shall not be released or 2266  
disseminated. 2267

(I) The superintendent may charge a reasonable fee for 2268

providing information or criminal records under division (F)(2) or 2269  
(G) of this section. 2270

(J) As used in this section: 2271

(1) "Pediatric respite care program" and "pediatric care 2272  
patient" have the same meanings as in section 3712.01 of the 2273  
Revised Code. 2274

(2) "Sexually oriented offense" and "child-victim oriented 2275  
offense" have the same meanings as in section 2950.01 of the 2276  
Revised Code. 2277

(3) "Registered private provider" means a nonpublic school or 2278  
entity registered with the superintendent of public instruction 2279  
under section 3310.41 of the Revised Code to participate in the 2280  
autism scholarship program or section 3310.58 of the Revised Code 2281  
to participate in the Jon Peterson special needs scholarship 2282  
program. 2283

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 2284  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2285  
a completed form prescribed pursuant to division (C)(1) of this 2286  
section, and a set of fingerprint impressions obtained in the 2287  
manner described in division (C)(2) of this section, the 2288  
superintendent of the bureau of criminal identification and 2289  
investigation shall conduct a criminal records check in the manner 2290  
described in division (B) of this section to determine whether any 2291  
information exists that indicates that the person who is the 2292  
subject of the request previously has been convicted of or pleaded 2293  
guilty to any of the following: 2294

(a) A violation of section 2903.01, 2903.02, 2903.03, 2295  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2296  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2297  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2298

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2299  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2300  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2301  
2925.06, or 3716.11 of the Revised Code, felonious sexual 2302  
penetration in violation of former section 2907.12 of the Revised 2303  
Code, a violation of section 2905.04 of the Revised Code as it 2304  
existed prior to July 1, 1996, a violation of section 2919.23 of 2305  
the Revised Code that would have been a violation of section 2306  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2307  
had the violation been committed prior to that date, or a 2308  
violation of section 2925.11 of the Revised Code that is not a 2309  
minor drug possession offense; 2310

(b) A violation of an existing or former law of this state, 2311  
any other state, or the United States that is substantially 2312  
equivalent to any of the offenses listed in division (A)(1)(a) of 2313  
this section; 2314

(c) If the request is made pursuant to section 3319.39 of the 2315  
Revised Code for an applicant who is a teacher, any offense 2316  
specified in section 3319.31 of the Revised Code. 2317

(2) On receipt of a request pursuant to section 3712.09 or 2318  
3721.121 of the Revised Code, a completed form prescribed pursuant 2319  
to division (C)(1) of this section, and a set of fingerprint 2320  
impressions obtained in the manner described in division (C)(2) of 2321  
this section, the superintendent of the bureau of criminal 2322  
identification and investigation shall conduct a criminal records 2323  
check with respect to any person who has applied for employment in 2324  
a position for which a criminal records check is required by those 2325  
sections. The superintendent shall conduct the criminal records 2326  
check in the manner described in division (B) of this section to 2327  
determine whether any information exists that indicates that the 2328  
person who is the subject of the request previously has been 2329  
convicted of or pleaded guilty to any of the following: 2330

(a) A violation of section 2903.01, 2903.02, 2903.03, 2331  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2332  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2333  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2334  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2335  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2336  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2337  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2338  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2339

(b) An existing or former law of this state, any other state, 2340  
or the United States that is substantially equivalent to any of 2341  
the offenses listed in division (A)(2)(a) of this section. 2342

(3) On receipt of a request pursuant to section 173.27, 2343  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 2344  
or 5123.169 of the Revised Code, a completed form prescribed 2345  
pursuant to division (C)(1) of this section, and a set of 2346  
fingerprint impressions obtained in the manner described in 2347  
division (C)(2) of this section, the superintendent of the bureau 2348  
of criminal identification and investigation shall conduct a 2349  
criminal records check of the person for whom the request is made. 2350  
The superintendent shall conduct the criminal records check in the 2351  
manner described in division (B) of this section to determine 2352  
whether any information exists that indicates that the person who 2353  
is the subject of the request previously has been convicted of, 2354  
has pleaded guilty to, or (except in the case of a request 2355  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2356  
Code) has been found eligible for intervention in lieu of 2357  
conviction for any of the following, regardless of the date of the 2358  
conviction, the date of entry of the guilty plea, or (except in 2359  
the case of a request pursuant to section 5164.34, 5164.341, or 2360  
5164.342 of the Revised Code) the date the person was found 2361  
eligible for intervention in lieu of conviction: 2362

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02,	2363
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15,	2364
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01,	2365
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02,	2366
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	2367
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	2368
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	2369
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	2370
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	2371
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	2372
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	2373
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	2374
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	2375
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	2376
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	2377
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	2378
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	2379
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	2380
2927.12, or 3716.11 of the Revised Code;	2381
(b) Felonious sexual penetration in violation of former	2382
section 2907.12 of the Revised Code;	2383
(c) A violation of section 2905.04 of the Revised Code as it	2384
existed prior to July 1, 1996;	2385
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	2386
the Revised Code when the underlying offense that is the object of	2387
the conspiracy, attempt, or complicity is one of the offenses	2388
listed in divisions (A)(3)(a) to (c) of this section;	2389
(e) A violation of an existing or former municipal ordinance	2390
or law of this state, any other state, or the United States that	2391
is substantially equivalent to any of the offenses listed in	2392
divisions (A)(3)(a) to (d) of this section.	2393



(4) On receipt of a request pursuant to section 2151.86 of 2394  
the Revised Code, a completed form prescribed pursuant to division 2395  
(C)(1) of this section, and a set of fingerprint impressions 2396  
obtained in the manner described in division (C)(2) of this 2397  
section, the superintendent of the bureau of criminal 2398  
identification and investigation shall conduct a criminal records 2399  
check in the manner described in division (B) of this section to 2400  
determine whether any information exists that indicates that the 2401  
person who is the subject of the request previously has been 2402  
convicted of or pleaded guilty to any of the following: 2403

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2404  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2405  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2406  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2407  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2408  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2409  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2410  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2411  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2412  
of the Revised Code, a violation of section 2905.04 of the Revised 2413  
Code as it existed prior to July 1, 1996, a violation of section 2414  
2919.23 of the Revised Code that would have been a violation of 2415  
section 2905.04 of the Revised Code as it existed prior to July 1, 2416  
1996, had the violation been committed prior to that date, a 2417  
violation of section 2925.11 of the Revised Code that is not a 2418  
minor drug possession offense, two or more OVI or OVUAC violations 2419  
committed within the three years immediately preceding the 2420  
submission of the application or petition that is the basis of the 2421  
request, or felonious sexual penetration in violation of former 2422  
section 2907.12 of the Revised Code; 2423

(b) A violation of an existing or former law of this state, 2424  
any other state, or the United States that is substantially 2425

equivalent to any of the offenses listed in division (A)(4)(a) of 2426  
this section. 2427

(5) Upon receipt of a request pursuant to section ~~5104.012~~ or 2428  
5104.013 of the Revised Code, a completed form prescribed pursuant 2429  
to division (C)(1) of this section, and a set of fingerprint 2430  
impressions obtained in the manner described in division (C)(2) of 2431  
this section, the superintendent of the bureau of criminal 2432  
identification and investigation shall conduct a criminal records 2433  
check in the manner described in division (B) of this section to 2434  
determine whether any information exists that indicates that the 2435  
person who is the subject of the request has been convicted of or 2436  
pleaded guilty to any of the following: 2437

(a) A violation of section 2151.421, 2903.01, 2903.02, 2438  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2439  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2440  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2441  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2442  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2443  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2444  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2445  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2446  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2447  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2448  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2449  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2450  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2451  
Revised Code, felonious sexual penetration in violation of former 2452  
section 2907.12 of the Revised Code, a violation of section 2453  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2454  
violation of section 2919.23 of the Revised Code that would have 2455  
been a violation of section 2905.04 of the Revised Code as it 2456  
existed prior to July 1, 1996, had the violation been committed 2457

prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

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

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

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

violation of section 2905.04 of the Revised Code as it existed 2490  
prior to July 1, 1996, had the violation been committed prior to 2491  
that date, or a violation of section 2925.11 of the Revised Code 2492  
that is not a minor drug possession offense; 2493

(b) A violation of an existing or former law of this state, 2494  
any other state, or the United States that is substantially 2495  
equivalent to any of the offenses listed in division (A)(6)(a) of 2496  
this section. 2497

(7) On receipt of a request for a criminal records check from 2498  
an individual pursuant to section 4749.03 or 4749.06 of the 2499  
Revised Code, accompanied by a completed copy of the form 2500  
prescribed in division (C)(1) of this section and a set of 2501  
fingerprint impressions obtained in a manner described in division 2502  
(C)(2) of this section, the superintendent of the bureau of 2503  
criminal identification and investigation shall conduct a criminal 2504  
records check in the manner described in division (B) of this 2505  
section to determine whether any information exists indicating 2506  
that the person who is the subject of the request has been 2507  
convicted of or pleaded guilty to a felony in this state or in any 2508  
other state. If the individual indicates that a firearm will be 2509  
carried in the course of business, the superintendent shall 2510  
require information from the federal bureau of investigation as 2511  
described in division (B)(2) of this section. Subject to division 2512  
(F) of this section, the superintendent shall report the findings 2513  
of the criminal records check and any information the federal 2514  
bureau of investigation provides to the director of public safety. 2515

(8) On receipt of a request pursuant to section 1321.37, 2516  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2517  
Code, a completed form prescribed pursuant to division (C)(1) of 2518  
this section, and a set of fingerprint impressions obtained in the 2519  
manner described in division (C)(2) of this section, the 2520  
superintendent of the bureau of criminal identification and 2521

investigation shall conduct a criminal records check with respect 2522  
to any person who has applied for a license, permit, or 2523  
certification from the department of commerce or a division in the 2524  
department. The superintendent shall conduct the criminal records 2525  
check in the manner described in division (B) of this section to 2526  
determine whether any information exists that indicates that the 2527  
person who is the subject of the request previously has been 2528  
convicted of or pleaded guilty to any of the following: a 2529  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2530  
2925.03 of the Revised Code; any other criminal offense involving 2531  
theft, receiving stolen property, embezzlement, forgery, fraud, 2532  
passing bad checks, money laundering, or drug trafficking, or any 2533  
criminal offense involving money or securities, as set forth in 2534  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2535  
the Revised Code; or any existing or former law of this state, any 2536  
other state, or the United States that is substantially equivalent 2537  
to those offenses. 2538

(9) On receipt of a request for a criminal records check from 2539  
the treasurer of state under section 113.041 of the Revised Code 2540  
or from an individual under section 4701.08, 4715.101, 4717.061, 2541  
4725.121, ~~4725.501~~ 4725.46, 4729.071, 4730.101, 4730.14, 4730.28, 2542  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2543  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2544  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2545  
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 2546  
accompanied by a completed form prescribed under division (C)(1) 2547  
of this section and a set of fingerprint impressions obtained in 2548  
the manner described in division (C)(2) of this section, the 2549  
superintendent of the bureau of criminal identification and 2550  
investigation shall conduct a criminal records check in the manner 2551  
described in division (B) of this section to determine whether any 2552  
information exists that indicates that the person who is the 2553  
subject of the request has been convicted of or pleaded guilty to 2554

any criminal offense in this state or any other state. Subject to 2555  
division (F) of this section, the superintendent shall send the 2556  
results of a check requested under section 113.041 of the Revised 2557  
Code to the treasurer of state and shall send the results of a 2558  
check requested under any of the other listed sections to the 2559  
licensing board specified by the individual in the request. 2560

(10) On receipt of a request pursuant to section 1121.23, 2561  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2562  
Code, a completed form prescribed pursuant to division (C)(1) of 2563  
this section, and a set of fingerprint impressions obtained in the 2564  
manner described in division (C)(2) of this section, the 2565  
superintendent of the bureau of criminal identification and 2566  
investigation shall conduct a criminal records check in the manner 2567  
described in division (B) of this section to determine whether any 2568  
information exists that indicates that the person who is the 2569  
subject of the request previously has been convicted of or pleaded 2570  
guilty to any criminal offense under any existing or former law of 2571  
this state, any other state, or the United States. 2572

(11) On receipt of a request for a criminal records check 2573  
from an appointing or licensing authority under section 3772.07 of 2574  
the Revised Code, a completed form prescribed under division 2575  
(C)(1) of this section, and a set of fingerprint impressions 2576  
obtained in the manner prescribed in division (C)(2) of this 2577  
section, the superintendent of the bureau of criminal 2578  
identification and investigation shall conduct a criminal records 2579  
check in the manner described in division (B) of this section to 2580  
determine whether any information exists that indicates that the 2581  
person who is the subject of the request previously has been 2582  
convicted of or pleaded guilty or no contest to any offense under 2583  
any existing or former law of this state, any other state, or the 2584  
United States that is a disqualifying offense as defined in 2585  
section 3772.07 of the Revised Code or substantially equivalent to 2586

such an offense. 2587

(12) On receipt of a request pursuant to section 2151.33 or 2588  
2151.412 of the Revised Code, a completed form prescribed pursuant 2589  
to division (C)(1) of this section, and a set of fingerprint 2590  
impressions obtained in the manner described in division (C)(2) of 2591  
this section, the superintendent of the bureau of criminal 2592  
identification and investigation shall conduct a criminal records 2593  
check with respect to any person for whom a criminal records check 2594  
is required by that section. The superintendent shall conduct the 2595  
criminal records check in the manner described in division (B) of 2596  
this section to determine whether any information exists that 2597  
indicates that the person who is the subject of the request 2598  
previously has been convicted of or pleaded guilty to any of the 2599  
following: 2600

(a) A violation of section 2903.01, 2903.02, 2903.03, 2601  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2602  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2603  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2604  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2605  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2606  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2607  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2608  
2925.22, 2925.23, or 3716.11 of the Revised Code; 2609

(b) An existing or former law of this state, any other state, 2610  
or the United States that is substantially equivalent to any of 2611  
the offenses listed in division (A)(12)(a) of this section. 2612

(B) Subject to division (F) of this section, the 2613  
superintendent shall conduct any criminal records check to be 2614  
conducted under this section as follows: 2615

(1) The superintendent shall review or cause to be reviewed 2616  
any relevant information gathered and compiled by the bureau under 2617

division (A) of section 109.57 of the Revised Code that relates to 2618  
the person who is the subject of the criminal records check, 2619  
including, if the criminal records check was requested under 2620  
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2621  
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2622  
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2623  
3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 2624  
~~5104.012~~, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2625  
5123.169, or 5153.111 of the Revised Code, any relevant 2626  
information contained in records that have been sealed under 2627  
section 2953.32 of the Revised Code; 2628

(2) If the request received by the superintendent asks for 2629  
information from the federal bureau of investigation, the 2630  
superintendent shall request from the federal bureau of 2631  
investigation any information it has with respect to the person 2632  
who is the subject of the criminal records check, including 2633  
fingerprint-based checks of national crime information databases 2634  
as described in 42 U.S.C. 671 if the request is made pursuant to 2635  
section 2151.86, ~~5104.012~~, or 5104.013 of the Revised Code or if 2636  
any other Revised Code section requires fingerprint-based checks 2637  
of that nature, and shall review or cause to be reviewed any 2638  
information the superintendent receives from that bureau. If a 2639  
request under section 3319.39 of the Revised Code asks only for 2640  
information from the federal bureau of investigation, the 2641  
superintendent shall not conduct the review prescribed by division 2642  
(B)(1) of this section. 2643

(3) The superintendent or the superintendent's designee may 2644  
request criminal history records from other states or the federal 2645  
government pursuant to the national crime prevention and privacy 2646  
compact set forth in section 109.571 of the Revised Code. 2647

(4) The superintendent shall include in the results of the 2648  
criminal records check a list or description of the offenses 2649



listed or described in division (A)(1), (2), (3), (4), (5), (6), 2650  
(7), (8), (9), (10), (11), or (12) of this section, whichever 2651  
division requires the superintendent to conduct the criminal 2652  
records check. The superintendent shall exclude from the results 2653  
any information the dissemination of which is prohibited by 2654  
federal law. 2655

(5) The superintendent shall send the results of the criminal 2656  
records check to the person to whom it is to be sent not later 2657  
than the following number of days after the date the 2658  
superintendent receives the request for the criminal records 2659  
check, the completed form prescribed under division (C)(1) of this 2660  
section, and the set of fingerprint impressions obtained in the 2661  
manner described in division (C)(2) of this section: 2662

(a) If the superintendent is required by division (A) of this 2663  
section (other than division (A)(3) of this section) to conduct 2664  
the criminal records check, thirty; 2665

(b) If the superintendent is required by division (A)(3) of 2666  
this section to conduct the criminal records check, sixty. 2667

(C)(1) The superintendent shall prescribe a form to obtain 2668  
the information necessary to conduct a criminal records check from 2669  
any person for whom a criminal records check is to be conducted 2670  
under this section. The form that the superintendent prescribes 2671  
pursuant to this division may be in a tangible format, in an 2672  
electronic format, or in both tangible and electronic formats. 2673

(2) The superintendent shall prescribe standard impression 2674  
sheets to obtain the fingerprint impressions of any person for 2675  
whom a criminal records check is to be conducted under this 2676  
section. Any person for whom a records check is to be conducted 2677  
under this section shall obtain the fingerprint impressions at a 2678  
county sheriff's office, municipal police department, or any other 2679  
entity with the ability to make fingerprint impressions on the 2680

standard impression sheets prescribed by the superintendent. The 2681  
office, department, or entity may charge the person a reasonable 2682  
fee for making the impressions. The standard impression sheets the 2683  
superintendent prescribes pursuant to this division may be in a 2684  
tangible format, in an electronic format, or in both tangible and 2685  
electronic formats. 2686

(3) Subject to division (D) of this section, the 2687  
superintendent shall prescribe and charge a reasonable fee for 2688  
providing a criminal records check under this section. The person 2689  
requesting the criminal records check shall pay the fee prescribed 2690  
pursuant to this division. In the case of a request under section 2691  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2692  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2693  
the manner specified in that section. 2694

(4) The superintendent of the bureau of criminal 2695  
identification and investigation may prescribe methods of 2696  
forwarding fingerprint impressions and information necessary to 2697  
conduct a criminal records check, which methods shall include, but 2698  
not be limited to, an electronic method. 2699

(D) The results of a criminal records check conducted under 2700  
this section, other than a criminal records check specified in 2701  
division (A)(7) of this section, are valid for the person who is 2702  
the subject of the criminal records check for a period of one year 2703  
from the date upon which the superintendent completes the criminal 2704  
records check. If during that period the superintendent receives 2705  
another request for a criminal records check to be conducted under 2706  
this section for that person, the superintendent shall provide the 2707  
results from the previous criminal records check of the person at 2708  
a lower fee than the fee prescribed for the initial criminal 2709  
records check. 2710

(E) When the superintendent receives a request for 2711  
information from a registered private provider, the superintendent 2712

shall proceed as if the request was received from a school 2713  
district board of education under section 3319.39 of the Revised 2714  
Code. The superintendent shall apply division (A)(1)(c) of this 2715  
section to any such request for an applicant who is a teacher. 2716

(F)(1) All information regarding the results of a criminal 2717  
records check conducted under this section that the superintendent 2718  
reports or sends under division (A)(7) or (9) of this section to 2719  
the director of public safety, the treasurer of state, or the 2720  
person, board, or entity that made the request for the criminal 2721  
records check shall relate to the conviction of the subject 2722  
person, or the subject person's plea of guilty to, a criminal 2723  
offense. 2724

(2) Division (F)(1) of this section does not limit, restrict, 2725  
or preclude the superintendent's release of information that 2726  
relates to the arrest of a person who is eighteen years of age or 2727  
older, to an adjudication of a child as a delinquent child, or to 2728  
a criminal conviction of a person under eighteen years of age in 2729  
circumstances in which a release of that nature is authorized 2730  
under division (E)(2), (3), or (4) of section 109.57 of the 2731  
Revised Code pursuant to a rule adopted under division (E)(1) of 2732  
that section. 2733

(G) As used in this section: 2734

(1) "Criminal records check" means any criminal records check 2735  
conducted by the superintendent of the bureau of criminal 2736  
identification and investigation in accordance with division (B) 2737  
of this section. 2738

(2) "Minor drug possession offense" has the same meaning as 2739  
in section 2925.01 of the Revised Code. 2740

(3) "OVI or OVUAC violation" means a violation of section 2741  
4511.19 of the Revised Code or a violation of an existing or 2742  
former law of this state, any other state, or the United States 2743

that is substantially equivalent to section 4511.19 of the Revised Code. 2744  
2745

(4) "Registered private provider" means a nonpublic school or 2746  
entity registered with the superintendent of public instruction 2747  
under section 3310.41 of the Revised Code to participate in the 2748  
autism scholarship program or section 3310.58 of the Revised Code 2749  
to participate in the Jon Peterson special needs scholarship 2750  
program. 2751

Sec. 109.747. The attorney general shall adopt, in accordance 2752  
with Chapter 119. of the Revised Code or pursuant to section 2753  
109.74 of the Revised Code, rules governing the training of peace 2754  
officers on companion animal encounters and companion animal 2755  
behavior. The provisions of the rules shall include all of the 2756  
following: 2757

(A) A specified amount of training that is necessary for 2758  
satisfactory completion of basic training programs at approved 2759  
peace officer training schools, other than the Ohio peace officer 2760  
training academy; 2761

(B) The time within which a peace officer is required to 2762  
receive that training, if the peace officer is appointed as a 2763  
peace officer before receiving that training; 2764

(C) A requirement that the training include training in all 2765  
of the following: 2766

(1) Handling companion animal-related calls or unplanned 2767  
encounters with companion animals, with an emphasis on 2768  
canine-related incidents and the use of nonlethal methods and 2769  
tools in handling an encounter with a canine; 2770

(2) Identifying and understanding companion animal behavior; 2771

(3) State laws and municipal ordinances related to companion 2772  
animals; 2773

<u>(4) Avoiding a companion animal attack;</u>	2774
<u>(5) Using nonlethal methods to defend against a companion animal attack.</u>	2775 2776
<u>(D) As used in this section, "companion animal" has the same meaning as in section 959.131 of the Revised Code.</u>	2777 2778
<b>Sec. 109.77.</b> (A) As used in this section, <del>"felony"</del> :	2779
<u>(1) "Felony" has the same meaning as in section 109.511 of the Revised Code.</u>	2780 2781
<u>(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.</u>	2782 2783
(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:	2784 2785 2786 2787 2788 2789 2790 2791 2792
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	2793 2794 2795
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	2796 2797 2798
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	2799 2800
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	2801 2802

(e) A state university law enforcement officer;	2803
(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	2804 2805 2806 2807
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	2808 2809 2810
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	2811 2812
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	2813 2814 2815 2816 2817 2818 2819 2820 2821
(j) A gaming agent employed under section 3772.03 of the Revised Code.	2822 2823
(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:	2824 2825 2826 2827 2828 2829 2830 2831 2832 2833

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	2834 2835 2836
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	2837 2838 2839
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	2840 2841
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	2842 2843
(e) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	2844 2845 2846 2847
(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	2848 2849 2850
(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	2851 2852
(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	2853 2854 2855 2856 2857 2858 2859 2860 2861
(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace	2862 2863

officer basic training program, regardless of whether the program 2864  
is to be completed by peace officers appointed on a permanent or 2865  
temporary, probationary, or other nonpermanent basis, shall 2866  
include training in the handling of the offense of domestic 2867  
violence, other types of domestic violence-related offenses and 2868  
incidents, ~~and~~ protection orders and consent agreements issued or 2869  
approved under section 2919.26 or 3113.31 of the Revised Code ~~and~~, 2870  
crisis intervention training, and training on companion animal 2871  
encounters and companion animal behavior. The requirement to 2872  
complete training in the handling of the offense of domestic 2873  
violence, other types of domestic violence-related offenses and 2874  
incidents, and protection orders and consent agreements issued or 2875  
approved under section 2919.26 or 3113.31 of the Revised Code does 2876  
not apply to any person serving as a peace officer on March 27, 2877  
1979, and the requirement to complete training in crisis 2878  
intervention does not apply to any person serving as a peace 2879  
officer on April 4, 1985. Any person who is serving as a peace 2880  
officer on April 4, 1985, who terminates that employment after 2881  
that date, and who subsequently is hired as a peace officer by the 2882  
same or another law enforcement agency shall complete training in 2883  
crisis intervention as prescribed by rules adopted by the attorney 2884  
general pursuant to section 109.742 of the Revised Code. No peace 2885  
officer shall have employment as a peace officer terminated and 2886  
then be reinstated with intent to circumvent this section. 2887

(4) Division (B) of this section does not apply to any person 2888  
serving on a permanent basis on March 28, 1985, as a park officer, 2889  
forest officer, preserve officer, wildlife officer, or state 2890  
watercraft officer of the department of natural resources or as an 2891  
employee of a park district under section 511.232 or 1545.13 of 2892  
the Revised Code, to any person serving on a permanent basis on 2893  
March 6, 1986, as an employee of a conservancy district designated 2894  
pursuant to section 6101.75 of the Revised Code, to any person 2895  
serving on a permanent basis on January 10, 1991, as a preserve 2896



officer of the department of natural resources, to any person 2897  
employed on a permanent basis on July 2, 1992, as a special police 2898  
officer by the department of mental health and addiction services 2899  
pursuant to section 5119.08 of the Revised Code or by the 2900  
department of developmental disabilities pursuant to section 2901  
5123.13 of the Revised Code, to any person serving on a permanent 2902  
basis on May 17, 2000, as a special police officer employed by a 2903  
port authority under section 4582.04 or 4582.28 of the Revised 2904  
Code, to any person serving on a permanent basis on March 19, 2905  
2003, as a special police officer employed by a municipal 2906  
corporation at a municipal airport or other municipal air 2907  
navigation facility described in division (A)(19) of section 2908  
109.71 of the Revised Code, to any person serving on a permanent 2909  
basis on June 19, 1978, as a state university law enforcement 2910  
officer pursuant to section 3345.04 of the Revised Code and who, 2911  
immediately prior to June 19, 1978, was serving as a special 2912  
police officer designated under authority of that section, or to 2913  
any person serving on a permanent basis on September 20, 1984, as 2914  
a liquor control investigator, known after June 30, 1999, as an 2915  
enforcement agent of the department of public safety, engaged in 2916  
the enforcement of Chapters 4301. and 4303. of the Revised Code. 2917

(5) Division (B) of this section does not apply to any person 2918  
who is appointed as a regional transit authority police officer 2919  
pursuant to division (Y) of section 306.35 of the Revised Code if, 2920  
on or before July 1, 1996, the person has completed satisfactorily 2921  
an approved state, county, municipal, or department of natural 2922  
resources peace officer basic training program and has been 2923  
awarded a certificate by the executive director of the Ohio peace 2924  
officer training commission attesting to the person's satisfactory 2925  
completion of such an approved program and if, on July 1, 1996, 2926  
the person is performing peace officer functions for a regional 2927  
transit authority. 2928

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

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

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

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

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in

the case of a criminal investigator, by the state public defender 2961  
and has received training in the use of firearms that the Ohio 2962  
peace officer training commission determines is equivalent to the 2963  
training that otherwise is required by division (D) of this 2964  
section. 2965

(E)(1) Before a person seeking a certificate completes an 2966  
approved peace officer basic training program, the executive 2967  
director of the Ohio peace officer training commission shall 2968  
request the person to disclose, and the person shall disclose, any 2969  
previous criminal conviction of or plea of guilty of that person 2970  
to a felony. 2971

(2) Before a person seeking a certificate completes an 2972  
approved peace officer basic training program, the executive 2973  
director shall request a criminal history records check on the 2974  
person. The executive director shall submit the person's 2975  
fingerprints to the bureau of criminal identification and 2976  
investigation, which shall submit the fingerprints to the federal 2977  
bureau of investigation for a national criminal history records 2978  
check. 2979

Upon receipt of the executive director's request, the bureau 2980  
of criminal identification and investigation and the federal 2981  
bureau of investigation shall conduct a criminal history records 2982  
check on the person and, upon completion of the check, shall 2983  
provide a copy of the criminal history records check to the 2984  
executive director. The executive director shall not award any 2985  
certificate prescribed in this section unless the executive 2986  
director has received a copy of the criminal history records check 2987  
on the person to whom the certificate is to be awarded. 2988

(3) The executive director of the commission shall not award 2989  
a certificate prescribed in this section to a person who has been 2990  
convicted of or has pleaded guilty to a felony or who fails to 2991  
disclose any previous criminal conviction of or plea of guilty to 2992

a felony as required under division (E)(1) of this section. 2993

(4) The executive director of the commission shall revoke the 2994  
certificate awarded to a person as prescribed in this section, and 2995  
that person shall forfeit all of the benefits derived from being 2996  
certified as a peace officer under this section, if the person, 2997  
before completion of an approved peace officer basic training 2998  
program, failed to disclose any previous criminal conviction of or 2999  
plea of guilty to a felony as required under division (E)(1) of 3000  
this section. 3001

(F)(1) Regardless of whether the person has been awarded the 3002  
certificate or has been classified as a peace officer prior to, 3003  
on, or after October 16, 1996, the executive director of the Ohio 3004  
peace officer training commission shall revoke any certificate 3005  
that has been awarded to a person as prescribed in this section if 3006  
the person does either of the following: 3007

(a) Pleads guilty to a felony committed on or after January 3008  
1, 1997; 3009

(b) Pleads guilty to a misdemeanor committed on or after 3010  
January 1, 1997, pursuant to a negotiated plea agreement as 3011  
provided in division (D) of section 2929.43 of the Revised Code in 3012  
which the person agrees to surrender the certificate awarded to 3013  
the person under this section. 3014

(2) The executive director of the commission shall suspend 3015  
any certificate that has been awarded to a person as prescribed in 3016  
this section if the person is convicted, after trial, of a felony 3017  
committed on or after January 1, 1997. The executive director 3018  
shall suspend the certificate pursuant to division (F)(2) of this 3019  
section pending the outcome of an appeal by the person from that 3020  
conviction to the highest court to which the appeal is taken or 3021  
until the expiration of the period in which an appeal is required 3022  
to be filed. If the person files an appeal that results in that 3023

person's acquittal of the felony or conviction of a misdemeanor, 3024  
or in the dismissal of the felony charge against that person, the 3025  
executive director shall reinstate the certificate awarded to the 3026  
person under this section. If the person files an appeal from that 3027  
person's conviction of the felony and the conviction is upheld by 3028  
the highest court to which the appeal is taken or if the person 3029  
does not file a timely appeal, the executive director shall revoke 3030  
the certificate awarded to the person under this section. 3031

(G)(1) If a person is awarded a certificate under this 3032  
section and the certificate is revoked pursuant to division (E)(4) 3033  
or (F) of this section, the person shall not be eligible to 3034  
receive, at any time, a certificate attesting to the person's 3035  
satisfactory completion of a peace officer basic training program. 3036

(2) The revocation or suspension of a certificate under 3037  
division (E)(4) or (F) of this section shall be in accordance with 3038  
Chapter 119. of the Revised Code. 3039

(H)(1) A person who was employed as a peace officer of a 3040  
county, township, or municipal corporation of the state on January 3041  
1, 1966, and who has completed at least sixteen years of full-time 3042  
active service as such a peace officer, or equivalent service as 3043  
determined by the executive director of the Ohio peace officer 3044  
training commission, may receive an original appointment on a 3045  
permanent basis and serve as a peace officer of a county, 3046  
township, or municipal corporation, or as a state university law 3047  
enforcement officer, without complying with the requirements of 3048  
division (B) of this section. 3049

(2) Any person who held an appointment as a state highway 3050  
trooper on January 1, 1966, may receive an original appointment on 3051  
a permanent basis and serve as a peace officer of a county, 3052  
township, or municipal corporation, or as a state university law 3053  
enforcement officer, without complying with the requirements of 3054  
division (B) of this section. 3055

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

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

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

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

applicable, has authorized the bailiff, deputy bailiff, or 3087  
investigator to attend the academy. 3088

The Ohio peace officer training commission shall develop the 3089  
training program, which shall include courses in both the civil 3090  
and criminal functions of law enforcement officers, a course in 3091  
crisis intervention with six or more hours of training, ~~and~~ 3092  
training in the handling of missing children and child abuse and 3093  
neglect cases, and training on companion animal encounters and 3094  
companion animal behavior, and shall establish rules governing 3095  
qualifications for admission to the academy. The commission may 3096  
require competitive examinations to determine fitness of 3097  
prospective trainees, so long as the examinations or other 3098  
criteria for admission to the academy are consistent with the 3099  
provisions of Chapter 124. of the Revised Code. 3100

The Ohio peace officer training commission shall determine 3101  
tuition costs sufficient in the aggregate to pay the costs of 3102  
operating the academy. The costs of acquiring and equipping the 3103  
academy shall be paid from appropriations made by the general 3104  
assembly to the Ohio peace officer training commission for that 3105  
purpose, from gifts or grants received for that purpose, or from 3106  
fees for goods related to the academy. 3107

The Ohio peace officer training commission shall create a 3108  
gaming-related curriculum for gaming agents. The Ohio peace 3109  
officer training commission shall use money distributed to the 3110  
Ohio peace officer training academy from the Ohio law enforcement 3111  
training fund to first support the academy's training programs for 3112  
gaming agents and gaming-related curriculum. The Ohio peace 3113  
officer training commission may utilize existing training programs 3114  
in other states that specialize in training gaming agents. 3115

The law enforcement officers, during the period of their 3116  
training, shall receive compensation as determined by the 3117  
political subdivision that sponsors them or, if the officer is a 3118

criminal investigator employed by the state public defender, as 3119  
determined by the state public defender. The political subdivision 3120  
may pay the tuition costs of the law enforcement officers they 3121  
sponsor and the state public defender may pay the tuition costs of 3122  
criminal investigators of that office who attend the academy. 3123

If trainee vacancies exist, the academy may train and issue 3124  
certificates of satisfactory completion to peace officers who are 3125  
employed by a campus police department pursuant to section 1713.50 3126  
of the Revised Code, by a qualified nonprofit corporation police 3127  
department pursuant to section 1702.80 of the Revised Code, or by 3128  
a railroad company, who are amusement park police officers 3129  
appointed and commissioned by a judge of the appropriate municipal 3130  
court or county court pursuant to section 4973.17 of the Revised 3131  
Code, or who are bank, savings and loan association, savings bank, 3132  
credit union, or association of banks, savings and loan 3133  
associations, savings banks, or credit unions, or hospital police 3134  
officers appointed and commissioned by the secretary of state 3135  
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 3136  
provided that no such officer shall be trained at the academy 3137  
unless the officer meets the qualifications established for 3138  
admission to the academy and the qualified nonprofit corporation 3139  
police department; bank, savings and loan association, savings 3140  
bank, credit union, or association of banks, savings and loan 3141  
associations, savings banks, or credit unions; railroad company; 3142  
hospital; or amusement park or the private college or university 3143  
that established the campus police department prepays the entire 3144  
cost of the training. A qualified nonprofit corporation police 3145  
department; bank, savings and loan association, savings bank, 3146  
credit union, or association of banks, savings and loan 3147  
associations, savings banks, or credit unions; railroad company; 3148  
hospital; or amusement park or a private college or university 3149  
that has established a campus police department is not entitled to 3150  
reimbursement from the state for any amount paid for the cost of 3151



training the bank, savings and loan association, savings bank, 3152  
credit union, or association of banks, savings and loan 3153  
associations, savings banks, or credit unions peace officers; the 3154  
railroad company's peace officers; or the peace officers of the 3155  
qualified nonprofit corporation police department, campus police 3156  
department, hospital, or amusement park. 3157

The academy shall permit investigators employed by the state 3158  
medical board to take selected courses that the board determines 3159  
are consistent with its responsibilities for initial and 3160  
continuing training of investigators as required under sections 3161  
4730.26 and 4731.05 of the Revised Code. The board shall pay the 3162  
entire cost of training that investigators receive at the academy. 3163

(B) As used in this section: 3164

(1) "Law enforcement officers" include any undercover drug 3165  
agent, any bailiff or deputy bailiff of a court of record, and any 3166  
criminal investigator who is employed by the state public 3167  
defender. 3168

(2) "Undercover drug agent" means any person who: 3169

(a) Is employed by a county, township, or municipal 3170  
corporation for the purposes set forth in division (B)(2)(b) of 3171  
this section but who is not an employee of a county sheriff's 3172  
department, of a township constable, or of the police department 3173  
of a municipal corporation or township; 3174

(b) In the course of the person's employment by a county, 3175  
township, or municipal corporation, investigates and gathers 3176  
information pertaining to persons who are suspected of violating 3177  
Chapter 2925. or 3719. of the Revised Code, and generally does not 3178  
wear a uniform in the performance of the person's duties. 3179

(3) "Crisis intervention training" has the same meaning as in 3180  
section 109.71 of the Revised Code. 3181

(4) "Missing children" has the same meaning as in section 2901.30 of the Revised Code. 3182  
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(5) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 3184  
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Sec. 111.31. (A) There is hereby created in the state treasury the absent voter's ballot application mailing fund. The secretary of state shall use the fund to pay the cost of printing and mailing unsolicited applications for absent voter's ballots in accordance with section 3501.05 of the Revised Code if the general assembly has appropriated funds to the controlling board for such a mailing. 3186  
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(B) The fund shall consist of moneys transferred to it by the controlling board upon the request of the secretary of state. The controlling board shall transfer any unused moneys in the fund to the proper appropriation item. 3193  
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Sec. 113.06. (A) Subject to the provisions of this section, the treasurer of state may open as many receiving offices as are necessary for the expedient collection of taxes and fees. The treasurer of state or ~~his~~ the treasurer of state's deputies may attend at such offices and receive payment of all taxes and fees or, if adequate security protection is afforded all funds involved, ~~he~~ the treasurer of state may appoint a financial institution or a cashier thereof as ~~his~~ the treasurer of state's agent or deputy for the collection of taxes and fees. The treasurer of state may fix the time and place at which taxes and fees will be received in such receiving offices. Except for financial institutions or cashiers thereof appointed as agents or deputies for the collection of taxes and fees, the treasurer of state may operate receiving offices only in counties exceeding one million in population. 3197  
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(B) The reasonable and necessary expenses incurred by the 3212  
treasurer of state in the collection of taxes and fees at such 3213  
receiving offices may be paid as other expenses of the treasurer 3214  
of state's office from funds appropriated for such purposes. 3215

(C) The treasurer of state may deposit in any financial 3216  
institution located at a place of collection any money received in 3217  
the payment of taxes and fees, as provided in division (A) of this 3218  
section. A financial institution receiving any such deposits shall 3219  
deposit with or pledge to the treasurer of state such securities 3220  
as ~~he~~ the treasurer of state considers sufficient to meet the 3221  
requirements of section 135.18 ~~or~~, 135.181, or 135.182 of the 3222  
Revised Code. The liability of the treasurer of state for any 3223  
losses of money so collected or deposited shall be the same as 3224  
provided in section 135.19 of the Revised Code. 3225

**Sec. 113.07.** The treasurer of state may enter into a contract 3226  
with any financial institution under which the financial 3227  
institution, in accordance with the terms of the contract, 3228  
receives tax and fee payments at a post office box, opens the mail 3229  
delivered to that box, processes the checks and other payments 3230  
received in such mail and deposits them into the treasurer of 3231  
state's account, and provides the treasurer of state daily receipt 3232  
information with respect to such payments. The contract shall not 3233  
be entered into unless: 3234

(A) There is attached to the contract a certification by the 3235  
auditor of state that the financial institution and the treasurer 3236  
of state have given assurances satisfactory to the auditor of 3237  
state that the records of the financial institution which relate 3238  
to tax and fee payments covered by the contract, and only such 3239  
records, shall be subject to audit by the auditor of state to the 3240  
same extent as if the services which the financial institution has 3241  
agreed to perform were being performed by the treasurer of state; 3242

(B) The contract is awarded in accordance with ~~section 125.07~~ 3243  
Chapter 125. of the Revised Code; 3244

(C) The treasurer of state's surety bond includes within its 3245  
coverage any loss that may occur as the result of the contract; 3246

(D) The contract does not conflict with the requirements for 3247  
accounting and financial reporting for public offices prescribed 3248  
by the auditor of state. 3249

**Sec. 117.54.** There is in the state treasury the auditor of 3250  
state investigation and forfeiture trust fund. The fund shall 3251  
consist of moneys received under sections 2981.13 and 2981.14 and 3252  
division (B)(3) of section 2923.32 of the Revised Code, and the 3253  
auditor of state shall use those moneys in accordance with those 3254  
sections. Interest earned on moneys in the fund shall be credited 3255  
to the fund. 3256

**Sec. 118.023.** (A) Upon determining that one or more of the 3257  
conditions described in section 118.022 of the Revised Code are 3258  
present, the auditor of state shall issue a written declaration of 3259  
the existence of a fiscal watch to the municipal corporation, 3260  
county, or township and the county budget commission. The fiscal 3261  
watch shall be in effect until the auditor of state determines 3262  
that none of the conditions are any longer present and cancels the 3263  
watch, or until the auditor of state determines that a state of 3264  
fiscal emergency exists. The auditor of state, or a designee, 3265  
shall provide such technical and support services to the municipal 3266  
corporation, county, or township after a fiscal watch has been 3267  
declared to exist as the auditor of state considers necessary. 3268

(B) Within ~~one hundred twenty~~ ninety days after the day a 3269  
written declaration of the existence of a fiscal watch is issued 3270  
under division (A) of this section, the mayor of the municipal 3271  
corporation, the board of county commissioners of the county, or 3272

the board of township trustees of the township for which a fiscal 3273  
watch was declared shall submit to the auditor of state a 3274  
financial recovery plan that shall identify actions to be taken to 3275  
eliminate all of the conditions described in section 118.022 of 3276  
the Revised Code, and shall include a schedule detailing the 3277  
approximate dates for beginning and completing the actions and a 3278  
five-year forecast reflecting the effects of the actions. The 3279  
financial recovery plan also shall evaluate the feasibility of 3280  
entering into shared services agreements with other political 3281  
subdivisions for the joint exercise of any power, performance of 3282  
any function, or rendering of any service, if so authorized by 3283  
statute. The financial recovery plan is subject to review and 3284  
approval by the auditor of state. The auditor of state may extend 3285  
the amount of time by which a financial recovery plan is required 3286  
to be filed, for good cause shown. 3287

~~(C) If a feasible financial recovery plan for a municipal 3288  
corporation, county, or township for which a fiscal watch was 3289  
declared is not submitted within the time period prescribed by 3290  
division (B) of this section, or within any extension of time 3291  
thereof, the~~ The auditor of state shall declare that a fiscal 3292  
emergency condition exists under section 118.04 of the Revised 3293  
Code in the municipal corporation, county, or township if either 3294  
of the following applies: 3295

(1) A feasible financial recovery plan for a municipal 3296  
corporation, county, or township for which a fiscal watch was 3297  
declared is not submitted within the time period prescribed by 3298  
division (B) of this section, or within any extension of time 3299  
thereof; or 3300

(2) The auditor of state finds that a municipal corporation, 3301  
county, or township for which a fiscal watch has been declared has 3302  
not made reasonable proposals or otherwise taken action to 3303  
discontinue or correct the fiscal practices or budgetary 3304

conditions that prompted the declaration of fiscal watch, and the 3305  
auditor determines a fiscal emergency declaration is necessary to 3306  
prevent further decline. 3307

**Sec. 118.04.** (A) The existence of a fiscal emergency 3308  
condition constitutes a fiscal emergency. The existence of fiscal 3309  
emergency conditions shall be determined by the auditor of state. 3310  
Such determination, for purposes of this chapter, may be made only 3311  
upon the filing with the auditor of state of a written request for 3312  
such a determination by the governor, by the county budget 3313  
commission, by the mayor of the municipal corporation, or by the 3314  
presiding officer of the legislative authority of the municipal 3315  
corporation when authorized by a majority of the members of such 3316  
legislative authority, by the board of county commissioners, or by 3317  
the board of township trustees, or upon initiation by the auditor 3318  
of state. The request may designate in general or specific terms, 3319  
but without thereby limiting the determination thereto, the 3320  
condition or conditions to be examined to determine whether they 3321  
constitute fiscal emergency conditions. Promptly upon receipt of 3322  
such written request, or upon initiation by the auditor of state, 3323  
the auditor of state shall transmit copies of such request or a 3324  
written notice of such initiation to the mayor and the presiding 3325  
officer of the legislative authority of the municipal corporation 3326  
or to the board of county commissioners or the board of township 3327  
trustees by personal service or certified mail. Such 3328  
determinations shall be set forth in written reports and 3329  
supplemental reports, which shall be filed with the mayor, fiscal 3330  
officer, and presiding officer of the legislative authority of the 3331  
municipal corporation, or with the board of county commissioners 3332  
or the board of township trustees, and with the treasurer of 3333  
state, secretary of state, governor, director of budget and 3334  
management, and county budget commission, within thirty days after 3335  
the request. The auditor of state shall so file an initial report 3336

immediately upon determining the existence of any fiscal emergency 3337  
condition. 3338

(B) In making such determination, the auditor of state may 3339  
rely on reports or other information filed or otherwise made 3340  
available by the municipal corporation, county, or township, 3341  
accountants' reports, or other sources and data the auditor of 3342  
state considers reliable for such purpose. As to the status of 3343  
funds or accounts, a determination that the amounts stated in 3344  
section 118.03 of the Revised Code are exceeded may be made 3345  
without need for determination of the specific amount of the 3346  
excess. The auditor of state may engage the services of 3347  
independent certified or registered public accountants, including 3348  
public accountants engaged or previously engaged by the municipal 3349  
corporation, county, or township, to conduct audits or make 3350  
reports or render such opinions as the auditor of state considers 3351  
desirable with respect to any aspect of the determinations to be 3352  
made by the auditor of state. 3353

(C) A determination by the auditor of state under this 3354  
section that a fiscal emergency condition does not exist is final 3355  
and conclusive and not appealable. A determination by the auditor 3356  
of state under this section that a fiscal emergency exists is 3357  
final, except that the mayor of any municipal corporation affected 3358  
by a determination of the existence of a fiscal emergency 3359  
condition under this section, when authorized by a majority of the 3360  
members of the legislative authority, or the board of county 3361  
commissioners or board of township trustees, may appeal the 3362  
determination of the existence of a fiscal emergency condition to 3363  
the court of appeals having territorial jurisdiction over the 3364  
municipal corporation, county, or township. The appeal shall be 3365  
heard expeditiously by the court of appeals and for good cause 3366  
shown shall take precedence over all other civil matters except 3367  
earlier matters of the same character. Notice of such appeal must 3368

be filed with the auditor of state and such court within thirty 3369  
days after certification by the auditor of state to the mayor and 3370  
presiding officer of the legislative authority of the municipal 3371  
corporation or to the board of county commissioners or board of 3372  
township trustees as provided for in division (A) of this section. 3373  
In such appeal, determinations of the auditor of state shall be 3374  
presumed to be valid and the municipal corporation, county, or 3375  
township shall have the burden of proving, by clear and convincing 3376  
evidence, that each of the determinations made by the auditor of 3377  
state as to the existence of a fiscal emergency condition under 3378  
section 118.03 of the Revised Code was in error. If the municipal 3379  
corporation, county, or township fails, upon presentation of its 3380  
case, to prove by clear and convincing evidence that each such 3381  
determination by the auditor of state was in error, the court 3382  
shall dismiss the appeal. The municipal corporation, county, or 3383  
township and the auditor of state may introduce any evidence 3384  
relevant to the existence or nonexistence of such fiscal emergency 3385  
conditions at the times indicated in the applicable provisions of 3386  
divisions (A) and (B) of section 118.03 of the Revised Code. The 3387  
pendency of any such appeal shall not affect or impede the 3388  
operations of this chapter; no restraining order, temporary 3389  
injunction, or other similar restraint upon actions consistent 3390  
with this chapter shall be imposed by the court or any court 3391  
pending determination of such appeal; and all things may be done 3392  
under this chapter that may be done regardless of the pendency of 3393  
any such appeal. Any action taken or contract executed pursuant to 3394  
this chapter during the pendency of such appeal is valid and 3395  
enforceable among all parties, notwithstanding the decision in 3396  
such appeal. If the court of appeals reverses the determination of 3397  
the existence of a fiscal emergency condition by the auditor of 3398  
state, the determination no longer has any effect, and any 3399  
procedures undertaken as a result of the determination shall be 3400  
terminated. 3401



(D) All expenses incurred by the auditor of state relating to 3402  
a determination or termination of a fiscal emergency under this 3403  
section, a fiscal watch under section 118.021 of the Revised Code, 3404  
or a fiscal caution under section 118.025 of the Revised Code, 3405  
including providing technical and support services, or for 3406  
conducting a performance audit under section 118.041 of the 3407  
Revised Code, shall be reimbursed from an appropriation for that 3408  
purpose. If necessary, the controlling board may provide 3409  
sufficient funds for these purposes. 3410

Sec. 118.041. The auditor of state, on the auditor of state's 3411  
initiative, may conduct a performance audit of a municipal 3412  
corporation, county, or township that is under a fiscal caution, a 3413  
fiscal watch, or a fiscal emergency. 3414

**Sec. 119.04.** (A)(1) Any rule adopted by any agency shall be 3415  
effective on the tenth day after the day on which the rule in 3416  
final form and in compliance with division (A)(2) of this section 3417  
is filed as follows: 3418

(a) The rule shall be filed in electronic form with both the 3419  
secretary of state and the director of the legislative service 3420  
commission; 3421

(b) The rule shall be filed in electronic form with the joint 3422  
committee on agency rule review. Division (A)(1)(b) of this 3423  
section does not apply to any rule to which division (C) of 3424  
section 119.03 of the Revised Code does not apply. 3425

If an agency in adopting a rule designates an effective date 3426  
that is later than the effective date provided for by this 3427  
division, the rule if filed as required by this division shall 3428  
become effective on the later date designated by the agency. 3429

An agency that adopts or amends a rule that is subject to 3430  
section 106.03 of the Revised Code shall assign a review date to 3431

the rule that is not later than five years after its effective 3432  
date. If a review date assigned to a rule exceeds the five-year 3433  
maximum, the review date for the rule is five years after its 3434  
effective date. A rule with a review date is subject to review 3435  
under section 106.03 of the Revised Code. ~~This paragraph does not~~ 3436  
~~apply to the department of taxation.~~ 3437

(2) The agency shall file the rule in compliance with the 3438  
following standards and procedures: 3439

(a) The rule shall be numbered in accordance with the 3440  
numbering system devised by the director for the Ohio 3441  
administrative code. 3442

(b) The rule shall be prepared and submitted in compliance 3443  
with the rules of the legislative service commission. 3444

(c) The rule shall clearly state the date on which it is to 3445  
be effective and the date on which it will expire, if known. 3446

(d) Each rule that amends or rescinds another rule shall 3447  
clearly refer to the rule that is amended or rescinded. Each 3448  
amendment shall fully restate the rule as amended. 3449

If the director of the legislative service commission or the 3450  
director's designee gives an agency notice pursuant to section 3451  
103.05 of the Revised Code that a rule filed by the agency is not 3452  
in compliance with the rules of the commission, the agency shall 3453  
within thirty days after receipt of the notice conform the rule to 3454  
the rules of the commission as directed in the notice. 3455

(3) As used in this section, "rule" includes an amendment or 3456  
rescission of a rule. 3457

(B) The secretary of state and the director shall preserve 3458  
the rules filed under division (A)(1)(a) of this section in an 3459  
accessible manner. Each such rule shall be a public record open to 3460  
public inspection and may be transmitted to any law publishing 3461

company that wishes to reproduce it. 3462

**Sec. 119.12.** Any party adversely affected by any order of an 3463  
agency issued pursuant to an adjudication denying an applicant 3464  
admission to an examination, or denying the issuance or renewal of 3465  
a license or registration of a licensee, or revoking or suspending 3466  
a license, or allowing the payment of a forfeiture under section 3467  
4301.252 of the Revised Code may appeal from the order of the 3468  
agency to the court of common pleas of the county in which the 3469  
place of business of the licensee is located or the county in 3470  
which the licensee is a resident, except that appeals from 3471  
decisions of the liquor control commission, the Ohio casino 3472  
control commission, the state medical board, the state 3473  
chiropractic board, and the board of nursing shall be to the court 3474  
of common pleas of Franklin county. If any party appealing from 3475  
the order is not a resident of and has no place of business in 3476  
this state, the party may appeal to the court of common pleas of 3477  
Franklin county. 3478

Any party adversely affected by any order of an agency issued 3479  
pursuant to any other adjudication may appeal to the court of 3480  
common pleas of Franklin county, except that appeals from orders 3481  
of the fire marshal issued under Chapter 3737. of the Revised Code 3482  
may be to the court of common pleas of the county in which the 3483  
building of the aggrieved person is located and except that 3484  
appeals under division (B) of section 124.34 of the Revised Code 3485  
from a decision of the state personnel board of review or a 3486  
municipal or civil service township civil service commission shall 3487  
be taken to the court of common pleas of the county in which the 3488  
appointing authority is located or, in the case of an appeal by 3489  
the department of rehabilitation and correction, to the court of 3490  
common pleas of Franklin county. 3491

This section does not apply to appeals from the department of 3492

taxation. 3493

Any party desiring to appeal shall file a notice of appeal 3494  
with the agency setting forth the order appealed from and stating 3495  
that the agency's order is not supported by reliable, probative, 3496  
and substantial evidence and is not in accordance with law. The 3497  
notice of appeal may, but need not, set forth the specific grounds 3498  
of the party's appeal beyond the statement that the agency's order 3499  
is not supported by reliable, probative, and substantial evidence 3500  
and is not in accordance with law. The notice of appeal shall also 3501  
be filed by the appellant with the court. In filing a notice of 3502  
appeal with the agency or court, the notice that is filed may be 3503  
either the original notice or a copy of the original notice. 3504  
Unless otherwise provided by law relating to a particular agency, 3505  
notices of appeal shall be filed within fifteen days after the 3506  
mailing of the notice of the agency's order as provided in this 3507  
section. For purposes of this paragraph, an order includes a 3508  
determination appealed pursuant to division (C) of section 119.092 3509  
of the Revised Code. The amendments made to this paragraph by Sub. 3510  
H.B. 215 of the 128th general assembly are procedural, and this 3511  
paragraph as amended by those amendments shall be applied 3512  
retrospectively to all appeals pursuant to this paragraph filed 3513  
before ~~the effective date of those amendments~~ September 13, 2010, 3514  
but not earlier than May 7, 2009, which was the date the supreme 3515  
court of Ohio released its opinion and judgment in *Medcorp, Inc.* 3516  
*v. Ohio Dep't. of Job and Family Servs.* (2009), 121 Ohio St.3d 3517  
622. 3518

The filing of a notice of appeal shall not automatically 3519  
operate as a suspension of the order of an agency. If it appears 3520  
to the court that an unusual hardship to the appellant will result 3521  
from the execution of the agency's order pending determination of 3522  
the appeal, the court may grant a suspension and fix its terms. If 3523  
an appeal is taken from the judgment of the court and the court 3524

has previously granted a suspension of the agency's order as 3525  
provided in this section, the suspension of the agency's order 3526  
shall not be vacated and shall be given full force and effect 3527  
until the matter is finally adjudicated. No renewal of a license 3528  
or permit shall be denied by reason of the suspended order during 3529  
the period of the appeal from the decision of the court of common 3530  
pleas. In the case of an appeal from the Ohio casino control 3531  
commission, the state medical board, or the state chiropractic 3532  
board, the court may grant a suspension and fix its terms if it 3533  
appears to the court that an unusual hardship to the appellant 3534  
will result from the execution of the agency's order pending 3535  
determination of the appeal and the health, safety, and welfare of 3536  
the public will not be threatened by suspension of the order. This 3537  
provision shall not be construed to limit the factors the court 3538  
may consider in determining whether to suspend an order of any 3539  
other agency pending determination of an appeal. 3540

The final order of adjudication may apply to any renewal of a 3541  
license or permit which has been granted during the period of the 3542  
appeal. 3543

Notwithstanding any other provision of this section, any 3544  
order issued by a court of common pleas or a court of appeals 3545  
suspending the effect of an order of the liquor control commission 3546  
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3547  
suspends, revokes, or cancels a permit issued under Chapter 4303. 3548  
of the Revised Code or that allows the payment of a forfeiture 3549  
under section 4301.252 of the Revised Code shall terminate not 3550  
more than six months after the date of the filing of the record of 3551  
the liquor control commission with the clerk of the court of 3552  
common pleas and shall not be extended. The court of common pleas, 3553  
or the court of appeals on appeal, shall render a judgment in that 3554  
matter within six months after the date of the filing of the 3555  
record of the liquor control commission with the clerk of the 3556

court of common pleas. A court of appeals shall not issue an order 3557  
suspending the effect of an order of the liquor control commission 3558  
that extends beyond six months after the date on which the record 3559  
of the liquor control commission is filed with a court of common 3560  
pleas. 3561

Notwithstanding any other provision of this section, any 3562  
order issued by a court of common pleas or a court of appeals 3563  
suspending the effect of an order of the Ohio casino control 3564  
commission issued under Chapter 3772. of the Revised Code that 3565  
limits, conditions, restricts, suspends, revokes, denies, not 3566  
renews, fines, or otherwise penalizes an applicant, licensee, or 3567  
person excluded or ejected from a casino facility in accordance 3568  
with section 3772.031 of the Revised Code shall terminate not more 3569  
than six months after the date of the filing of the record of the 3570  
Ohio casino control commission with the clerk of the court of 3571  
common pleas and shall not be extended. The court of common pleas, 3572  
or the court of appeals on appeal, shall render a judgment in that 3573  
matter within six months after the date of the filing of the 3574  
record of the Ohio casino control commission with the clerk of the 3575  
court of common pleas. A court of appeals shall not issue an order 3576  
suspending the effect of an order of the Ohio casino control 3577  
commission that extends beyond six months after the date on which 3578  
the record of the Ohio casino control commission is filed with the 3579  
clerk of a court of common pleas. 3580

Notwithstanding any other provision of this section, any 3581  
order issued by a court of common pleas suspending the effect of 3582  
an order of the state medical board or state chiropractic board 3583  
that limits, revokes, suspends, places on probation, or refuses to 3584  
register or reinstate a certificate issued by the board or 3585  
reprimands the holder of the certificate shall terminate not more 3586  
than fifteen months after the date of the filing of a notice of 3587  
appeal in the court of common pleas, or upon the rendering of a 3588

final decision or order in the appeal by the court of common 3589  
pleas, whichever occurs first. 3590

Within thirty days after receipt of a notice of appeal from 3591  
an order in any case in which a hearing is required by sections 3592  
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3593  
certify to the court a complete record of the proceedings in the 3594  
case. Failure of the agency to comply within the time allowed, 3595  
upon motion, shall cause the court to enter a finding in favor of 3596  
the party adversely affected. Additional time, however, may be 3597  
granted by the court, not to exceed thirty days, when it is shown 3598  
that the agency has made substantial effort to comply. The record 3599  
shall be prepared and transcribed, and the expense of it shall be 3600  
taxed as a part of the costs on the appeal. The appellant shall 3601  
provide security for costs satisfactory to the court of common 3602  
pleas. Upon demand by any interested party, the agency shall 3603  
furnish at the cost of the party requesting it a copy of the 3604  
stenographic report of testimony offered and evidence submitted at 3605  
any hearing and a copy of the complete record. 3606

Notwithstanding any other provision of this section, any 3607  
party desiring to appeal an order or decision of the state 3608  
personnel board of review shall, at the time of filing a notice of 3609  
appeal with the board, provide a security deposit in an amount and 3610  
manner prescribed in rules that the board shall adopt in 3611  
accordance with this chapter. In addition, the board is not 3612  
required to prepare or transcribe the record of any of its 3613  
proceedings unless the appellant has provided the deposit 3614  
described above. The failure of the board to prepare or transcribe 3615  
a record for an appellant who has not provided a security deposit 3616  
shall not cause a court to enter a finding adverse to the board. 3617

Unless otherwise provided by law, in the hearing of the 3618  
appeal, the court is confined to the record as certified to it by 3619  
the agency. Unless otherwise provided by law, the court may grant 3620

a request for the admission of additional evidence when satisfied 3621  
that the additional evidence is newly discovered and could not 3622  
with reasonable diligence have been ascertained prior to the 3623  
hearing before the agency. 3624

The court shall conduct a hearing on the appeal and shall 3625  
give preference to all proceedings under sections 119.01 to 119.13 3626  
of the Revised Code, over all other civil cases, irrespective of 3627  
the position of the proceedings on the calendar of the court. An 3628  
appeal from an order of the state medical board issued pursuant to 3629  
division (G) of either section 4730.25 or 4731.22 of the Revised 3630  
Code, ~~or~~ the state chiropractic board issued pursuant to section 3631  
4734.37 of the Revised Code, ~~or~~ the liquor control commission 3632  
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 3633  
the Ohio casino control commission issued pursuant to Chapter 3634  
3772. of the Revised Code shall be set down for hearing at the 3635  
earliest possible time and takes precedence over all other 3636  
actions. The hearing in the court of common pleas shall proceed as 3637  
in the trial of a civil action, and the court shall determine the 3638  
rights of the parties in accordance with the laws applicable to a 3639  
civil action. At the hearing, counsel may be heard on oral 3640  
argument, briefs may be submitted, and evidence may be introduced 3641  
if the court has granted a request for the presentation of 3642  
additional evidence. 3643

The court may affirm the order of the agency complained of in 3644  
the appeal if it finds, upon consideration of the entire record 3645  
and any additional evidence the court has admitted, that the order 3646  
is supported by reliable, probative, and substantial evidence and 3647  
is in accordance with law. In the absence of this finding, it may 3648  
reverse, vacate, or modify the order or make such other ruling as 3649  
is supported by reliable, probative, and substantial evidence and 3650  
is in accordance with law. The court shall award compensation for 3651  
fees in accordance with section 2335.39 of the Revised Code to a 3652



prevailing party, other than an agency, in an appeal filed 3653  
pursuant to this section. 3654

The judgment of the court shall be final and conclusive 3655  
unless reversed, vacated, or modified on appeal. These appeals may 3656  
be taken either by the party or the agency, shall proceed as in 3657  
the case of appeals in civil actions, and shall be pursuant to the 3658  
Rules of Appellate Procedure and, to the extent not in conflict 3659  
with those rules, Chapter 2505. of the Revised Code. An appeal by 3660  
the agency shall be taken on questions of law relating to the 3661  
constitutionality, construction, or interpretation of statutes and 3662  
rules of the agency, and, in the appeal, the court may also review 3663  
and determine the correctness of the judgment of the court of 3664  
common pleas that the order of the agency is not supported by any 3665  
reliable, probative, and substantial evidence in the entire 3666  
record. 3667

The court shall certify its judgment to the agency or take 3668  
any other action necessary to give its judgment effect. 3669

**Sec. 120.33.** (A) In lieu of using a county public defender or 3670  
joint county public defender to represent indigent persons in the 3671  
proceedings set forth in division (A) of section 120.16 of the 3672  
Revised Code, the board of county commissioners of any county may 3673  
adopt a resolution to pay counsel who are either personally 3674  
selected by the indigent person or appointed by the court. The 3675  
resolution shall include those provisions the board of county 3676  
commissioners considers necessary to provide effective 3677  
representation of indigent persons in any proceeding for which 3678  
counsel is provided under this section. The resolution shall 3679  
include provisions for contracts with any municipal corporation 3680  
under which the municipal corporation shall reimburse the county 3681  
for counsel appointed to represent indigent persons charged with 3682  
violations of the ordinances of the municipal corporation. 3683

(1) In a county that adopts a resolution to pay counsel, an indigent person shall have the right to do either of the following:

(a) To select the person's own personal counsel to represent the person in any proceeding included within the provisions of the resolution;

(b) To request the court to appoint counsel to represent the person in such a proceeding.

(2) The court having jurisdiction over the proceeding in a county that adopts a resolution to pay counsel shall, after determining that the person is indigent and entitled to legal representation under this section, do either of the following:

(a) By signed journal entry recorded on its docket, enter the name of the lawyer selected by the indigent person as counsel of record;

(b) Appoint counsel for the indigent person if the person has requested the court to appoint counsel and, by signed journal entry recorded on its dockets, enter the name of the lawyer appointed for the indigent person as counsel of record.

(3) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid to counsel for legal services provided pursuant to a resolution adopted under this section. Prior to establishing the schedule, the board of county commissioners shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the supreme court

pursuant to division (D) of this section, and the board of county 3715  
commissioners shall approve that amount or rate. 3716

(4)(a) Counsel selected by the indigent person or appointed 3717  
by the court at the request of an indigent person in a county that 3718  
adopts a resolution to pay counsel, except for counsel appointed 3719  
to represent a person charged with any violation of an ordinance 3720  
of a municipal corporation that has not contracted with the county 3721  
commissioners for the payment of appointed counsel, shall be paid 3722  
by the county and shall receive the compensation and expenses the 3723  
court approves. With respect to capital cases, the court shall 3724  
approve compensation and expenses in accordance with the amount or 3725  
at the rate set by the supreme court pursuant to division (D) of 3726  
this section. Each request for payment shall be accompanied by a 3727  
financial disclosure form and an affidavit of indigency that are 3728  
completed by the indigent person on forms prescribed by the state 3729  
public defender. Compensation and expenses shall not exceed the 3730  
amounts fixed by the board of county commissioners in the schedule 3731  
adopted pursuant to division (A)(3) of this section. No court 3732  
shall approve compensation and expenses that exceed the amount 3733  
fixed pursuant to division (A)(3) of this section. 3734

(b) The fees and expenses approved by the court shall not be 3735  
taxed as part of the costs and shall be paid by the county. 3736  
However, if the person represented has, or may reasonably be 3737  
expected to have, the means to meet some part of the cost of the 3738  
services rendered to the person, the person shall pay the county 3739  
an amount that the person reasonably can be expected to pay. 3740  
Pursuant to section 120.04 of the Revised Code, the county shall 3741  
pay to the state public defender a percentage of the payment 3742  
received from the person in an amount proportionate to the 3743  
percentage of the costs of the person's case that were paid to the 3744  
county by the state public defender pursuant to this section. The 3745  
money paid to the state public defender shall be credited to the 3746

client payment fund created pursuant to division (B)(5) of section 3747  
120.04 of the Revised Code. 3748

(c) The county auditor shall draw a warrant on the county 3749  
treasurer for the payment of counsel in the amount fixed by the 3750  
court, plus the expenses the court fixes and certifies to the 3751  
auditor. The county auditor shall report periodically, but not 3752  
less than annually, to the board of county commissioners and to 3753  
the state public defender the amounts paid out pursuant to the 3754  
approval of the court. The board of county commissioners, after 3755  
review and approval of the auditor's report, or the county 3756  
auditor, with permission from and notice to the board of county 3757  
commissioners, may then certify it to the state public defender 3758  
for reimbursement. The state public defender may pay a requested 3759  
reimbursement only if the request for reimbursement is accompanied 3760  
by a financial disclosure form and an affidavit of indigency 3761  
completed by the indigent person on forms prescribed by the state 3762  
public defender or if the court certifies by electronic signature 3763  
as prescribed by the state public defender that a financial 3764  
disclosure form and affidavit of indigency have been completed by 3765  
the indigent person and are available for inspection. If a request 3766  
for the reimbursement of the cost of counsel in any case is not 3767  
received by the state public defender within ninety days after the 3768  
end of the calendar month in which the case is finally disposed of 3769  
by the court, unless the county has requested and the state public 3770  
defender has granted an extension of the ninety-day limit, the 3771  
state public defender shall not pay the requested reimbursement. 3772  
The state public defender shall also review the report and, in 3773  
accordance with the standards, guidelines, and maximums 3774  
established pursuant to divisions (B)(7) and (8) of section 120.04 3775  
of the Revised Code, prepare a voucher for fifty per cent of the 3776  
total cost of each county appointed counsel system in the period 3777  
of time covered by the certified report and a voucher for fifty 3778  
per cent of the costs and expenses that are reimbursable under 3779

section 120.35 of the Revised Code, if any, or, if the amount of 3780  
money appropriated by the general assembly to reimburse counties 3781  
for the operation of county public defender offices, joint county 3782  
public defender offices, and county appointed counsel systems is 3783  
not sufficient to pay fifty per cent of the total cost of all of 3784  
the offices and systems other than costs and expenses that are 3785  
reimbursable under section 120.35 of the Revised Code, for the 3786  
lesser amount required by section 120.34 of the Revised Code. 3787

(d) If the board of county commissioners establishes a 3788  
schedule of fees on an hourly basis under division (A)(3) of this 3789  
section that exceeds fifty dollars per hour, the county shall 3790  
receive a supplemental amount that constitutes five per cent of 3791  
the total reimbursement the county received from the state public 3792  
defender for appointed counsel. 3793

(5) If any county appointed counsel system fails to maintain 3794  
the standards for the conduct of the system established by the 3795  
rules of the Ohio public defender commission pursuant to divisions 3796  
(B) and (C) of section 120.03 or the standards established by the 3797  
state public defender pursuant to division (B)(7) of section 3798  
120.04 of the Revised Code, the Ohio public defender commission 3799  
shall notify the board of county commissioners of the county that 3800  
the county appointed counsel system has failed to comply with its 3801  
rules or the standards of the state public defender. Unless the 3802  
board of county commissioners corrects the conduct of its 3803  
appointed counsel system to comply with the rules and standards 3804  
within ninety days after the date of the notice, the state public 3805  
defender may deny all or part of the county's reimbursement from 3806  
the state provided for in division (A)(4) of this section. 3807

(B) In lieu of using a county public defender or joint county 3808  
public defender to represent indigent persons in the proceedings 3809  
set forth in division (A) of section 120.16 of the Revised Code, 3810  
and in lieu of adopting the resolution and following the procedure 3811

described in division (A) of this section, the board of county commissioners of any county may contract with the state public defender for the state public defender's legal representation of indigent persons. A contract entered into pursuant to this division may provide for payment for the services provided on a per case, hourly, or fixed contract basis.

(C) If a court appoints an attorney pursuant to this section to represent a petitioner in a postconviction relief proceeding under section 2953.21 of the Revised Code, the petitioner has received a sentence of death, and the proceeding relates to that sentence, the attorney who represents the petitioner in the proceeding pursuant to the appointment shall be certified under Rule 20 of the Rules of Superintendence for the Courts of Ohio to represent indigent defendants charged with or convicted of an offense for which the death penalty can be or has been imposed.

(D) The supreme court shall set an amount by case, or a rate on an hourly basis, to be paid under this section to counsel in a capital case.

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

(A) The director of budget and management;

(B) The director of commerce;

(C) The director of transportation;

(D) The director of agriculture;

(E) The director of job and family services;

(F) Until July 1, 1997, the director of liquor control;

(G) The director of public safety;	3841
(H) The superintendent of insurance;	3842
(I) The director of development services;	3843
(J) The tax commissioner;	3844
(K) The director of administrative services;	3845
(L) The director of natural resources;	3846
(M) The director of mental health and addiction services;	3847
(N) The director of developmental disabilities;	3848
(O) The director of health;	3849
(P) The director of youth services;	3850
(Q) The director of rehabilitation and correction;	3851
(R) The director of environmental protection;	3852
(S) The director of aging;	3853
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3854 3855 3856
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3857 3858
(V) The chancellor of <del>the Ohio board of regents</del> <u>higher education</u> ;	3859 3860
(W) The medicaid director.	3861
<b>Sec. 121.04.</b> Offices are created within the several departments as follows:	3862 3863
In the department of commerce:	3864
Commissioner of securities;	3865
Superintendent of real estate and professional licensing;	3866

Superintendent of financial institutions;	3867
State fire marshal;	3868
Superintendent of industrial compliance;	3869
Superintendent of liquor control;	3870
Superintendent of unclaimed funds.	3871
In the department of administrative services:	3872
Equal employment opportunity coordinator.	3873
In the department of agriculture:	3874
Chiefs of divisions as follows:	3875
Administration;	3876
Animal health;	3877
Livestock environmental permitting;	3878
<u>Soil and water conservation;</u>	3879
Dairy;	3880
Food safety;	3881
Plant health;	3882
Markets;	3883
Meat inspection;	3884
Consumer protection laboratory;	3885
Amusement ride safety;	3886
Enforcement;	3887
Weights and measures.	3888
In the department of natural resources:	3889
Chiefs of divisions as follows:	3890
Mineral resources management;	3891
Oil and gas resources management;	3892
Forestry;	3893
Natural areas and preserves;	3894
Wildlife;	3895
Geological survey;	3896
Parks and recreation;	3897



Watercraft;	3898
<del>Soil and water</del> <u>Water</u> resources;	3899
Engineering.	3900
In the department of insurance:	3901
Deputy superintendent of insurance;	3902
Assistant superintendent of insurance, technical;	3903
Assistant superintendent of insurance, administrative;	3904
Assistant superintendent of insurance, research.	3905
<b>Sec. 121.22.</b> (A) This section shall be liberally construed to	3906
require public officials to take official action and to conduct	3907
all deliberations upon official business only in open meetings	3908
unless the subject matter is specifically excepted by law.	3909
(B) As used in this section:	3910
(1) "Public body" means any of the following:	3911
(a) Any board, commission, committee, council, or similar	3912
decision-making body of a state agency, institution, or authority,	3913
and any legislative authority or board, commission, committee,	3914
council, agency, authority, or similar decision-making body of any	3915
county, township, municipal corporation, school district, or other	3916
political subdivision or local public institution;	3917
(b) Any committee or subcommittee of a body described in	3918
division (B)(1)(a) of this section;	3919
(c) A court of jurisdiction of a sanitary district organized	3920
wholly for the purpose of providing a water supply for domestic,	3921
municipal, and public use when meeting for the purpose of the	3922
appointment, removal, or reappointment of a member of the board of	3923
directors of such a district pursuant to section 6115.10 of the	3924
Revised Code, if applicable, or for any other matter related to	3925
such a district other than litigation involving the district. As	3926
used in division (B)(1)(c) of this section, "court of	3927

jurisdiction" has the same meaning as "court" in section 6115.01 3928  
of the Revised Code. 3929

(2) "Meeting" means any prearranged discussion of the public 3930  
business of the public body by a majority of its members. 3931

(3) "Regulated individual" means either of the following: 3932

(a) A student in a state or local public educational 3933  
institution; 3934

(b) A person who is, voluntarily or involuntarily, an inmate, 3935  
patient, or resident of a state or local institution because of 3936  
criminal behavior, mental illness or retardation, disease, 3937  
disability, age, or other condition requiring custodial care. 3938

(4) "Public office" has the same meaning as in section 3939  
149.011 of the Revised Code. 3940

(C) All meetings of any public body are declared to be public 3941  
meetings open to the public at all times. A member of a public 3942  
body shall be present in person at a meeting open to the public to 3943  
be considered present or to vote at the meeting and for purposes 3944  
of determining whether a quorum is present at the meeting. 3945

The minutes of a regular or special meeting of any public 3946  
body shall be promptly prepared, filed, and maintained and shall 3947  
be open to public inspection. The minutes need only reflect the 3948  
general subject matter of discussions in executive sessions 3949  
authorized under division (G) or (J) of this section. 3950

(D) This section does not apply to any of the following: 3951

(1) A grand jury; 3952

(2) An audit conference conducted by the auditor of state or 3953  
independent certified public accountants with officials of the 3954  
public office that is the subject of the audit; 3955

(3) The adult parole authority when its hearings are 3956  
conducted at a correctional institution for the sole purpose of 3957

interviewing inmates to determine parole or pardon;	3958
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	3959 3960
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, <u>meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code,</u> and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	3961 3962 3963 3964 3965 3966
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	3967 3968 3969
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	3970 3971 3972
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	3973 3974 3975
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	3976 3977 3978
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	3979 3980 3981 3982
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	3983 3984 3985 3986
(12) An audit conference conducted by the audit staff of the	3987

department of job and family services with officials of the public 3988  
office that is the subject of that audit under section 5101.37 of 3989  
the Revised Code; 3990

(13) The occupational therapy section of the occupational 3991  
therapy, physical therapy, and athletic trainers board when 3992  
determining whether to suspend a license or limited permit without 3993  
a hearing pursuant to division (D) of section 4755.11 of the 3994  
Revised Code; 3995

(14) The physical therapy section of the occupational 3996  
therapy, physical therapy, and athletic trainers board when 3997  
determining whether to suspend a license without a hearing 3998  
pursuant to division (E) of section 4755.47 of the Revised Code; 3999

(15) The athletic trainers section of the occupational 4000  
therapy, physical therapy, and athletic trainers board when 4001  
determining whether to suspend a license without a hearing 4002  
pursuant to division (D) of section 4755.64 of the Revised Code. 4003

(E) The controlling board, the tax credit authority, or the 4004  
minority development financing advisory board, when meeting to 4005  
consider granting assistance pursuant to Chapter 122. or 166. of 4006  
the Revised Code, in order to protect the interest of the 4007  
applicant or the possible investment of public funds, by unanimous 4008  
vote of all board or authority members present, may close the 4009  
meeting during consideration of the following information 4010  
confidentially received by the authority or board from the 4011  
applicant: 4012

(1) Marketing plans; 4013

(2) Specific business strategy; 4014

(3) Production techniques and trade secrets; 4015

(4) Financial projections; 4016

(5) Personal financial statements of the applicant or members 4017

of the applicant's immediate family, including, but not limited 4018  
to, tax records or other similar information not open to public 4019  
inspection. 4020

The vote by the authority or board to accept or reject the 4021  
application, as well as all proceedings of the authority or board 4022  
not subject to this division, shall be open to the public and 4023  
governed by this section. 4024

(F) Every public body, by rule, shall establish a reasonable 4025  
method whereby any person may determine the time and place of all 4026  
regularly scheduled meetings and the time, place, and purpose of 4027  
all special meetings. A public body shall not hold a special 4028  
meeting unless it gives at least twenty-four hours' advance notice 4029  
to the news media that have requested notification, except in the 4030  
event of an emergency requiring immediate official action. In the 4031  
event of an emergency, the member or members calling the meeting 4032  
shall notify the news media that have requested notification 4033  
immediately of the time, place, and purpose of the meeting. 4034

The rule shall provide that any person, upon request and 4035  
payment of a reasonable fee, may obtain reasonable advance 4036  
notification of all meetings at which any specific type of public 4037  
business is to be discussed. Provisions for advance notification 4038  
may include, but are not limited to, mailing the agenda of 4039  
meetings to all subscribers on a mailing list or mailing notices 4040  
in self-addressed, stamped envelopes provided by the person. 4041

(G) Except as provided in divisions (G)(8) and (J) of this 4042  
section, the members of a public body may hold an executive 4043  
session only after a majority of a quorum of the public body 4044  
determines, by a roll call vote, to hold an executive session and 4045  
only at a regular or special meeting for the sole purpose of the 4046  
consideration of any of the following matters: 4047

(1) To consider the appointment, employment, dismissal, 4048

discipline, promotion, demotion, or compensation of a public 4049  
employee or official, or the investigation of charges or 4050  
complaints against a public employee, official, licensee, or 4051  
regulated individual, unless the public employee, official, 4052  
licensee, or regulated individual requests a public hearing. 4053  
Except as otherwise provided by law, no public body shall hold an 4054  
executive session for the discipline of an elected official for 4055  
conduct related to the performance of the elected official's 4056  
official duties or for the elected official's removal from office. 4057  
If a public body holds an executive session pursuant to division 4058  
(G)(1) of this section, the motion and vote to hold that executive 4059  
session shall state which one or more of the approved purposes 4060  
listed in division (G)(1) of this section are the purposes for 4061  
which the executive session is to be held, but need not include 4062  
the name of any person to be considered at the meeting. 4063

(2) To consider the purchase of property for public purposes, 4064  
or for the sale of property at competitive bidding, if premature 4065  
disclosure of information would give an unfair competitive or 4066  
bargaining advantage to a person whose personal, private interest 4067  
is adverse to the general public interest. No member of a public 4068  
body shall use division (G)(2) of this section as a subterfuge for 4069  
providing covert information to prospective buyers or sellers. A 4070  
purchase or sale of public property is void if the seller or buyer 4071  
of the public property has received covert information from a 4072  
member of a public body that has not been disclosed to the general 4073  
public in sufficient time for other prospective buyers and sellers 4074  
to prepare and submit offers. 4075

If the minutes of the public body show that all meetings and 4076  
deliberations of the public body have been conducted in compliance 4077  
with this section, any instrument executed by the public body 4078  
purporting to convey, lease, or otherwise dispose of any right, 4079  
title, or interest in any public property shall be conclusively 4080

presumed to have been executed in compliance with this section 4081  
insofar as title or other interest of any bona fide purchasers, 4082  
lessees, or transferees of the property is concerned. 4083

(3) Conferences with an attorney for the public body 4084  
concerning disputes involving the public body that are the subject 4085  
of pending or imminent court action; 4086

(4) Preparing for, conducting, or reviewing negotiations or 4087  
bargaining sessions with public employees concerning their 4088  
compensation or other terms and conditions of their employment; 4089

(5) Matters required to be kept confidential by federal law 4090  
or regulations or state statutes; 4091

(6) Details relative to the security arrangements and 4092  
emergency response protocols for a public body or a public office, 4093  
if disclosure of the matters discussed could reasonably be 4094  
expected to jeopardize the security of the public body or public 4095  
office; 4096

(7) In the case of a county hospital operated pursuant to 4097  
Chapter 339. of the Revised Code, a joint township hospital 4098  
operated pursuant to Chapter 513. of the Revised Code, or a 4099  
municipal hospital operated pursuant to Chapter 749. of the 4100  
Revised Code, to consider trade secrets, as defined in section 4101  
1333.61 of the Revised Code; 4102

(8) To consider confidential information related to the 4103  
marketing plans, specific business strategy, production 4104  
techniques, trade secrets, or personal financial statements of an 4105  
applicant for economic development assistance, or to negotiations 4106  
with other political subdivisions respecting requests for economic 4107  
development assistance, provided that both of the following 4108  
conditions apply: 4109

~~(1)~~(a) The information is directly related to a request for 4110  
economic development assistance that is to be provided or 4111

administered under any provision of Chapter 715., 725., 1724., or 4112  
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 4113  
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 4114  
the Revised Code, or that involves public infrastructure 4115  
improvements or the extension of utility services that are 4116  
directly related to an economic development project. 4117

~~(2)~~(b) A unanimous quorum of the public body determines, by a 4118  
roll call vote, that the executive session is necessary to protect 4119  
the interests of the applicant or the possible investment or 4120  
expenditure of public funds to be made in connection with the 4121  
economic development project. 4122

If a public body holds an executive session to consider any 4123  
of the matters listed in divisions (G)(2) to (8) of this section, 4124  
the motion and vote to hold that executive session shall state 4125  
which one or more of the approved matters listed in those 4126  
divisions are to be considered at the executive session. 4127

A public body specified in division (B)(1)(c) of this section 4128  
shall not hold an executive session when meeting for the purposes 4129  
specified in that division. 4130

(H) A resolution, rule, or formal action of any kind is 4131  
invalid unless adopted in an open meeting of the public body. A 4132  
resolution, rule, or formal action adopted in an open meeting that 4133  
results from deliberations in a meeting not open to the public is 4134  
invalid unless the deliberations were for a purpose specifically 4135  
authorized in division (G) or (J) of this section and conducted at 4136  
an executive session held in compliance with this section. A 4137  
resolution, rule, or formal action adopted in an open meeting is 4138  
invalid if the public body that adopted the resolution, rule, or 4139  
formal action violated division (F) of this section. 4140

(I)(1) Any person may bring an action to enforce this 4141  
section. An action under division (I)(1) of this section shall be 4142



brought within two years after the date of the alleged violation 4143  
or threatened violation. Upon proof of a violation or threatened 4144  
violation of this section in an action brought by any person, the 4145  
court of common pleas shall issue an injunction to compel the 4146  
members of the public body to comply with its provisions. 4147

(2)(a) If the court of common pleas issues an injunction 4148  
pursuant to division (I)(1) of this section, the court shall order 4149  
the public body that it enjoins to pay a civil forfeiture of five 4150  
hundred dollars to the party that sought the injunction and shall 4151  
award to that party all court costs and, subject to reduction as 4152  
described in division (I)(2) of this section, reasonable 4153  
attorney's fees. The court, in its discretion, may reduce an award 4154  
of attorney's fees to the party that sought the injunction or not 4155  
award attorney's fees to that party if the court determines both 4156  
of the following: 4157

(i) That, based on the ordinary application of statutory law 4158  
and case law as it existed at the time of violation or threatened 4159  
violation that was the basis of the injunction, a well-informed 4160  
public body reasonably would believe that the public body was not 4161  
violating or threatening to violate this section; 4162

(ii) That a well-informed public body reasonably would 4163  
believe that the conduct or threatened conduct that was the basis 4164  
of the injunction would serve the public policy that underlies the 4165  
authority that is asserted as permitting that conduct or 4166  
threatened conduct. 4167

(b) If the court of common pleas does not issue an injunction 4168  
pursuant to division (I)(1) of this section and the court 4169  
determines at that time that the bringing of the action was 4170  
frivolous conduct, as defined in division (A) of section 2323.51 4171  
of the Revised Code, the court shall award to the public body all 4172  
court costs and reasonable attorney's fees, as determined by the 4173  
court. 4174

(3) Irreparable harm and prejudice to the party that sought 4175  
the injunction shall be conclusively and irrebuttably presumed 4176  
upon proof of a violation or threatened violation of this section. 4177

(4) A member of a public body who knowingly violates an 4178  
injunction issued pursuant to division (I)(1) of this section may 4179  
be removed from office by an action brought in the court of common 4180  
pleas for that purpose by the prosecuting attorney or the attorney 4181  
general. 4182

(J)(1) Pursuant to division (C) of section 5901.09 of the 4183  
Revised Code, a veterans service commission shall hold an 4184  
executive session for one or more of the following purposes unless 4185  
an applicant requests a public hearing: 4186

(a) Interviewing an applicant for financial assistance under 4187  
sections 5901.01 to 5901.15 of the Revised Code; 4188

(b) Discussing applications, statements, and other documents 4189  
described in division (B) of section 5901.09 of the Revised Code; 4190

(c) Reviewing matters relating to an applicant's request for 4191  
financial assistance under sections 5901.01 to 5901.15 of the 4192  
Revised Code. 4193

(2) A veterans service commission shall not exclude an 4194  
applicant for, recipient of, or former recipient of financial 4195  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 4196  
and shall not exclude representatives selected by the applicant, 4197  
recipient, or former recipient, from a meeting that the commission 4198  
conducts as an executive session that pertains to the applicant's, 4199  
recipient's, or former recipient's application for financial 4200  
assistance. 4201

(3) A veterans service commission shall vote on the grant or 4202  
denial of financial assistance under sections 5901.01 to 5901.15 4203  
of the Revised Code only in an open meeting of the commission. The 4204  
minutes of the meeting shall indicate the name, address, and 4205

occupation of the applicant, whether the assistance was granted or 4206  
denied, the amount of the assistance if assistance is granted, and 4207  
the votes for and against the granting of assistance. 4208

**Sec. 121.372.** (A) As used in this section, "substitute care 4209  
provider" means any of the following: 4210

(1) A community addiction services provider ~~subject to~~ 4211  
~~certification under section 5119.36, as defined in section 5119.01~~ 4212  
of the Revised Code; 4213

(2) An institution or association subject to certification 4214  
under section 5103.03 of the Revised Code; 4215

(3) A residential facility subject to licensure under section 4216  
5119.34 of the Revised Code; 4217

(4) A residential facility subject to licensure under section 4218  
5123.19 of the Revised Code. 4219

(B) Not later than ninety days after March 18, 1999, the 4220  
members of the Ohio family and children first cabinet council, 4221  
other than the director of budget and management, shall enter into 4222  
an agreement to establish an office to perform the duties 4223  
prescribed by division (C) of this section. The agreement shall 4224  
specify one of the departments represented on the council as the 4225  
department responsible for housing and supervising the office. The 4226  
agreement shall include the recommendation of the council for 4227  
funding the office. 4228

(C) The office established pursuant to the agreement entered 4229  
into under this section shall review rules governing the 4230  
certification and licensure of substitute care providers and 4231  
determine which of the rules can be made substantively identical 4232  
or more similar in order to minimize the number of differing 4233  
certification and licensure standards and simplify the 4234  
certification or licensure process for substitute care providers 4235

seeking certification or licensure from two or more of the 4236  
departments represented on the council. The office shall provide 4237  
county family and children first councils, substitute care 4238  
providers, and persons interested in substitute care providers the 4239  
opportunity to help the office with the review and determination. 4240  
The office shall report its findings to the council. Each of the 4241  
departments represented on the council that has adopted rules 4242  
governing the certification or licensure of substitute care 4243  
providers shall review the report and amend the rules as that 4244  
department considers appropriate, except that no rule shall be 4245  
amended so as to make it inconsistent with substitute care 4246  
provider certification or licensure procedures and standards 4247  
established by federal or state law. A department shall give 4248  
priority to amendments that will not increase the department's 4249  
administrative costs. In amending a rule, a department shall 4250  
comply with Chapter 119. or section 111.15 of the Revised Code, as 4251  
required by the Revised Code section governing the adoption of the 4252  
particular rule. 4253

(D) In accordance with section 124.27 of the Revised Code, 4254  
the council shall select a coordinator to oversee the office 4255  
established pursuant to the agreement entered into under this 4256  
section. The coordinator shall be in the classified service. In 4257  
addition to overseeing the office, the coordinator shall perform 4258  
any other duties the council assigns to the coordinator. The 4259  
duties the council assigns to the coordinator shall be related to 4260  
the duties of the office under division (C) of this section. 4261

**Sec. 121.40.** (A) There is hereby created the Ohio commission 4262  
on service and volunteerism consisting of twenty-one voting 4263  
members including the superintendent of public instruction or the 4264  
superintendent's designee, the chancellor of ~~the Ohio board of~~ 4265  
~~regents~~ higher education or the chancellor's designee, the 4266  
director of youth services or the director's designee, the 4267

director of aging or the director's designee, the chairperson of 4268  
the committee of the house of representatives dealing with 4269  
education or the chairperson's designee, the chairperson of the 4270  
committee of the senate dealing with education or the 4271  
chairperson's designee, and fifteen members who shall be appointed 4272  
by the governor with the advice and consent of the senate and who 4273  
shall serve terms of office of three years. The appointees shall 4274  
include educators, including teachers and administrators; 4275  
representatives of youth organizations; students and parents; 4276  
representatives of organizations engaged in volunteer program 4277  
development and management throughout the state, including youth 4278  
and conservation programs; and representatives of business, 4279  
government, nonprofit organizations, social service agencies, 4280  
veterans organizations, religious organizations, or philanthropies 4281  
that support or encourage volunteerism within the state. The 4282  
director of the governor's office of faith-based and community 4283  
initiatives shall serve as a nonvoting ex officio member of the 4284  
commission. Members of the commission shall receive no 4285  
compensation, but shall be reimbursed for actual and necessary 4286  
expenses incurred in the performance of their official duties. 4287

(B) The commission shall appoint an executive director for 4288  
the commission, who shall be in the unclassified civil service. 4289  
The governor shall be informed of the appointment of an executive 4290  
director before such an appointment is made. The executive 4291  
director shall supervise the commission's activities and report to 4292  
the commission on the progress of those activities. The executive 4293  
director shall do all things necessary for the efficient and 4294  
effective implementation of the duties of the commission. 4295

The responsibilities assigned to the executive director do 4296  
not relieve the members of the commission from final 4297  
responsibility for the proper performance of the requirements of 4298  
this section. 4299

(C) The commission or its designee shall do all of the 4300  
following: 4301

(1) Employ, promote, supervise, and remove all employees as 4302  
needed in connection with the performance of its duties under this 4303  
section and may assign duties to those employees as necessary to 4304  
achieve the most efficient performance of its functions, and to 4305  
that end may establish, change, or abolish positions, and assign 4306  
and reassign duties and responsibilities of any employee of the 4307  
commission. Personnel employed by the commission who are subject 4308  
to Chapter 4117. of the Revised Code shall retain all of their 4309  
rights and benefits conferred pursuant to that chapter. Nothing in 4310  
this chapter shall be construed as eliminating or interfering with 4311  
Chapter 4117. of the Revised Code or the rights and benefits 4312  
conferred under that chapter to public employees or to any 4313  
bargaining unit. 4314

(2) Maintain its office in Columbus, and may hold sessions at 4315  
any place within the state; 4316

(3) Acquire facilities, equipment, and supplies necessary to 4317  
house the commission, its employees, and files and records under 4318  
its control, and to discharge any duty imposed upon it by law. The 4319  
expense of these acquisitions shall be audited and paid for in the 4320  
same manner as other state expenses. For that purpose, the 4321  
commission shall prepare and submit to the office of budget and 4322  
management a budget for each biennium according to sections 4323  
101.532 and 107.03 of the Revised Code. The budget submitted shall 4324  
cover the costs of the commission and its staff in the discharge 4325  
of any duty imposed upon the commission by law. The commission 4326  
shall not delegate any authority to obligate funds. 4327

(4) Pay its own payroll and other operating expenses from 4328  
line items designated by the general assembly; 4329

(5) Retain its fiduciary responsibility as appointing 4330

authority. Any transaction instructions shall be certified by the 4331  
appointing authority or its designee. 4332

(6) Establish the overall policy and management of the 4333  
commission in accordance with this chapter; 4334

(7) Assist in coordinating and preparing the state 4335  
application for funds under sections 101 to 184 of the "National 4336  
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 4337  
U.S.C.A. 12411 to 12544, as amended, assist in administering and 4338  
overseeing the "National and Community Service Trust Act of 1993," 4339  
P.L. 103-82, 107 Stat. 785, and the americorps program in this 4340  
state, and assist in developing objectives for a comprehensive 4341  
strategy to encourage and expand community service programs 4342  
throughout the state; 4343

(8) Assist the state board of education, school districts, 4344  
the chancellor of ~~the board of regents~~ higher education, and 4345  
institutions of higher education in coordinating community service 4346  
education programs through cooperative efforts between 4347  
institutions and organizations in the public and private sectors; 4348

(9) Assist the departments of natural resources, youth 4349  
services, aging, and job and family services in coordinating 4350  
community service programs through cooperative efforts between 4351  
institutions and organizations in the public and private sectors; 4352

(10) Suggest individuals and organizations that are available 4353  
to assist school districts, institutions of higher education, and 4354  
the departments of natural resources, youth services, aging, and 4355  
job and family services in the establishment of community service 4356  
programs and assist in investigating sources of funding for 4357  
implementing these programs; 4358

(11) Assist in evaluating the state's efforts in providing 4359  
community service programs using standards and methods that are 4360  
consistent with any statewide objectives for these programs and 4361

provide information to the state board of education, school 4362  
districts, the chancellor of ~~the board of regents~~ higher 4363  
education, institutions of higher education, and the departments 4364  
of natural resources, youth services, aging, and job and family 4365  
services to guide them in making decisions about these programs; 4366

(12) Assist the state board of education in complying with 4367  
section 3301.70 of the Revised Code and the chancellor of ~~the~~ 4368  
~~board of regents~~ higher education in complying with division 4369  
(B)(2) of section 3333.043 of the Revised Code. 4370

(D) The commission shall in writing enter into an agreement 4371  
with another state agency to serve as the commission's fiscal 4372  
agent. Before entering into such an agreement, the commission 4373  
shall inform the governor of the terms of the agreement and of the 4374  
state agency designated to serve as the commission's fiscal agent. 4375  
The fiscal agent shall be responsible for all the commission's 4376  
fiscal matters and financial transactions, as specified in the 4377  
agreement. Services to be provided by the fiscal agent include, 4378  
but are not limited to, the following: 4379

(1) Preparing and processing payroll and other personnel 4380  
documents that the commission executes as the appointing 4381  
authority; 4382

(2) Maintaining ledgers of accounts and reports of account 4383  
balances, and monitoring budgets and allotment plans in 4384  
consultation with the commission; and 4385

(3) Performing other routine support services that the fiscal 4386  
agent considers appropriate to achieve efficiency. 4387

(E)(1) The commission, in conjunction and consultation with 4388  
the fiscal agent, has the following authority and responsibility 4389  
relative to fiscal matters: 4390

(a) Sole authority to draw funds for any and all federal 4391  
programs in which the commission is authorized to participate; 4392



(b) Sole authority to expend funds from their accounts for 4393  
programs and any other necessary expenses the commission may incur 4394  
and its subgrantees may incur; and 4395

(c) Responsibility to cooperate with and inform the fiscal 4396  
agent fully of all financial transactions. 4397

(2) The commission shall follow all state procurement, 4398  
fiscal, human resources, statutory, and administrative rule 4399  
requirements. 4400

(3) The fiscal agent shall determine fees to be charged to 4401  
the commission, which shall be in proportion to the services 4402  
performed for the commission. 4403

(4) The commission shall pay fees owed to the fiscal agent 4404  
from a general revenue fund of the commission or from any other 4405  
fund from which the operating expenses of the commission are paid. 4406  
Any amounts set aside for a fiscal year for the payment of these 4407  
fees shall be used only for the services performed for the 4408  
commission by the fiscal agent in that fiscal year. 4409

(F) The commission may accept and administer grants from any 4410  
source, public or private, to carry out any of the commission's 4411  
functions this section establishes. 4412

**Sec. 122.17.** (A) As used in this section: 4413

(1) "~~Income tax revenue Payroll~~" means the total amount 4414  
~~withheld under section 5747.06 of the Revised Code taxable income~~ 4415  
~~paid~~ by the ~~taxpayer~~ employer during the employer's taxable year, 4416  
or during the calendar year that includes the employer's tax 4417  
period, ~~from the compensation of to~~ each employee or each 4418  
home-based employee employed in the project to the extent ~~the~~ 4419  
~~employee's withholdings are~~ such payroll is not used to determine 4420  
the credit under section 122.171 of the Revised Code. "~~Income tax~~ 4421  
~~revenue Payroll~~" excludes amounts ~~withheld~~ paid before the day the 4422

taxpayer becomes eligible for the credit and retirement or other 4423  
benefits paid or contributed by the employer to or on behalf of 4424  
employees. 4425

(2) "~~Baseline income tax revenue payroll~~" means ~~income tax~~ 4426  
~~revenue~~ Ohio employee payroll, except that the applicable 4427  
~~withholding~~ measurement period is the twelve months immediately 4428  
preceding the date the tax credit authority approves the 4429  
taxpayer's application or the date the tax credit authority 4430  
receives the recommendation described in division (C)(2)(a) of 4431  
this section, whichever occurs first, multiplied by the sum of one 4432  
plus an annual pay increase factor to be determined by the tax 4433  
credit authority. 4434

(3) "Ohio employee payroll" means the amount of compensation 4435  
used to determine the withholding obligations in division (A) of 4436  
section 5747.06 of the Revised Code and paid by the employer 4437  
during the employer's taxable year, or during the calendar year 4438  
that includes the employer's tax period, to each employee employed 4439  
in the project who is a resident of this state, as defined in 4440  
section 5747.01 of the Revised Code, to each employee employed at 4441  
the project site who is not a resident and whose compensation is 4442  
not exempt from the tax imposed under section 5747.02 of the 4443  
Revised Code pursuant to a reciprocity agreement with another 4444  
state under division (A)(3) of section 5747.05 of the Revised 4445  
Code, or to each home-based employee employed in the project, to 4446  
the extent such compensation is not used to determine the credit 4447  
under section 122.171 of the Revised Code. "Ohio employee payroll" 4448  
excludes amounts paid before the day the taxpayer becomes eligible 4449  
for the credit. 4450

(4) "~~Excess income tax revenue payroll~~" means ~~income tax~~ 4451  
~~revenue~~ Ohio employee payroll minus baseline ~~income tax revenue~~ 4452  
payroll. 4453

~~(4)~~(5) "Home-based employee" means an employee whose services 4454

are performed primarily from the employee's residence in this 4455  
state exclusively for the benefit of the project and whose rate of 4456  
pay is at least one hundred thirty-one per cent of the federal 4457  
minimum wage under 29 U.S.C. 206. 4458

(6) "Full-time equivalent employees" means the quotient 4459  
obtained by dividing the total number of hours for which employees 4460  
were compensated for employment in the project by two thousand 4461  
eighty. "Full-time equivalent employees" excludes hours that are 4462  
counted for a credit under section 122.171 of the Revised Code. 4463

(7) "Metric evaluation date" means the date by which the 4464  
taxpayer must meet all of the commitments included in the 4465  
agreement. 4466

(B) The tax credit authority may make grants under this 4467  
section to foster job creation in this state. Such a grant shall 4468  
take the form of a refundable credit allowed against the tax 4469  
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 4470  
5747.02 or levied under Chapter 5751. of the Revised Code. The 4471  
credit shall be claimed for the taxable years or tax periods 4472  
specified in the taxpayer's agreement with the tax credit 4473  
authority under division (D) of this section. With respect to 4474  
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 4475  
Chapter 5751. of the Revised Code, the credit shall be claimed in 4476  
the order required under section 5726.98, 5733.98, 5747.98, or 4477  
5751.98 of the Revised Code. The amount of the credit available 4478  
for a taxable year or for a calendar year that includes a tax 4479  
period equals the excess ~~income tax revenue~~ payroll for that year 4480  
multiplied by the percentage specified in the agreement with the 4481  
tax credit authority. ~~Any credit granted under this section 4482~~  
~~against the tax imposed by section 5733.06 or 5747.02 of the 4483~~  
~~Revised Code, to the extent not fully utilized against such tax 4484~~  
~~for taxable years ending prior to 2008, shall automatically be 4485~~  
~~converted without any action taken by the tax credit authority to 4486~~

~~a credit against the tax levied under Chapter 5751. of the Revised Code for tax periods beginning on or after July 1, 2008, provided that the person to whom the credit was granted is subject to such tax. The converted credit shall apply to those calendar years in which the remaining taxable years specified in the agreement end.~~

(C)(1) A taxpayer or potential taxpayer who proposes a project to create new jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section.

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

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

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

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

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

(2)(a) A taxpayer that chooses to begin the project prior to 4518  
receiving the determination of the authority may, upon submitting 4519  
the taxpayer's application to the authority, request that the 4520  
chief investment officer of the nonprofit corporation formed under 4521  
section 187.01 of the Revised Code and the director review the 4522  
taxpayer's application and recommend to the authority that the 4523  
taxpayer's application be considered. As soon as possible after 4524  
receiving such a request, the chief investment officer and the 4525  
director shall review the taxpayer's application and, if they 4526  
determine that the application warrants consideration by the 4527  
authority, make that recommendation to the authority not later 4528  
than six months after the application is received by the 4529  
authority. 4530

(b) The authority shall consider any taxpayer's application 4531  
for which it receives a recommendation under division (C)(2)(a) of 4532  
this section. If the authority determines that the taxpayer does 4533  
not meet all of the criteria set forth in division (C)(1) of this 4534  
section, the authority and the development services agency shall 4535  
proceed in accordance with rules adopted by the director pursuant 4536  
to division (I) of this section. 4537

(D) An agreement under this section shall include all of the 4538  
following: 4539

(1) A detailed description of the project that is the subject 4540  
of the agreement; 4541

(2)(a) The term of the tax credit, which, except as provided 4542  
in division (D)(2)(b) of this section, shall not exceed fifteen 4543  
years, and the first taxable year, or first calendar year that 4544  
includes a tax period, for which the credit may be claimed; 4545

(b) If the tax credit is computed on the basis of home-based 4546  
employees, the term of the credit shall expire on or before the 4547  
last day of the taxable or calendar year ending before the 4548

beginning of the seventh year after September 6, 2012, the 4549  
effective date of H.B. 327 of the 129th general assembly. 4550

(3) A requirement that the taxpayer shall maintain operations 4551  
at the project location for at least the greater of seven years or 4552  
the term of the credit plus three years; 4553

(4) The percentage, as determined by the tax credit 4554  
authority, of excess ~~income tax revenue~~ payroll that will be 4555  
allowed as the amount of the credit for each taxable year or for 4556  
each calendar year that includes a tax period; 4557

(5) The pay increase factor to be applied to the taxpayer's 4558  
baseline ~~income tax revenue~~ payroll; 4559

(6) A requirement that the taxpayer annually shall report to 4560  
the director of development services ~~employment, tax withholding~~ 4561  
full-time equivalent employees, payroll, Ohio employee payroll, 4562  
investment, the provision of health care benefits and tuition 4563  
reimbursement if required in the agreement, and other information 4564  
the director needs to perform the director's duties under this 4565  
section; 4566

(7) A requirement that the director of development services 4567  
annually review the information reported under division (D)(6) of 4568  
this section and verify compliance with the agreement; if the 4569  
taxpayer is in compliance, a requirement that the director issue a 4570  
certificate to the taxpayer stating that the information has been 4571  
verified and identifying the amount of the credit that may be 4572  
claimed for the taxable or calendar year; 4573

(8) A provision providing that the taxpayer may not relocate 4574  
a substantial number of employment positions from elsewhere in 4575  
this state to the project location unless the director of 4576  
development services determines that the legislative authority of 4577  
the county, township, or municipal corporation from which the 4578  
employment positions would be relocated has been notified by the 4579

taxpayer of the relocation. 4580

For purposes of this section, the movement of an employment 4581  
position from one political subdivision to another political 4582  
subdivision shall be considered a relocation of an employment 4583  
position unless the employment position in the first political 4584  
subdivision is replaced. 4585

(9) If the tax credit is computed on the basis of home-based 4586  
employees, that the tax credit may not be claimed by the taxpayer 4587  
until the taxable year or tax period in which the taxpayer employs 4588  
at least two hundred employees more than the number of employees 4589  
the taxpayer employed on June 30, 2011. 4590

(E) If a taxpayer fails to meet or comply with any condition 4591  
or requirement set forth in a tax credit agreement, the tax credit 4592  
authority may amend the agreement to reduce the percentage or term 4593  
of the tax credit. The reduction of the percentage or term may 4594  
take effect in the current taxable or calendar year. 4595

(F) Projects that consist solely of point-of-final-purchase 4596  
retail facilities are not eligible for a tax credit under this 4597  
section. If a project consists of both point-of-final-purchase 4598  
retail facilities and nonretail facilities, only the portion of 4599  
the project consisting of the nonretail facilities is eligible for 4600  
a tax credit and only the excess ~~income tax revenue~~ payroll from 4601  
the nonretail facilities shall be considered when computing the 4602  
amount of the tax credit. If a warehouse facility is part of a 4603  
point-of-final-purchase retail facility and supplies only that 4604  
facility, the warehouse facility is not eligible for a tax credit. 4605  
Catalog distribution centers are not considered 4606  
point-of-final-purchase retail facilities for the purposes of this 4607  
division, and are eligible for tax credits under this section. 4608

(G) Financial statements and other information submitted to 4609  
the development services agency or the tax credit authority by an 4610

applicant or recipient of a tax credit under this section, and any 4611  
information taken for any purpose from such statements or 4612  
information, are not public records subject to section 149.43 of 4613  
the Revised Code. However, the chairperson of the authority may 4614  
make use of the statements and other information for purposes of 4615  
issuing public reports or in connection with court proceedings 4616  
concerning tax credit agreements under this section. Upon the 4617  
request of the tax commissioner or, if the applicant or recipient 4618  
is an insurance company, upon the request of the superintendent of 4619  
insurance, the chairperson of the authority shall provide to the 4620  
commissioner or superintendent any statement or information 4621  
submitted by an applicant or recipient of a tax credit in 4622  
connection with the credit. The commissioner or superintendent 4623  
shall preserve the confidentiality of the statement or 4624  
information. 4625

(H) A taxpayer claiming a credit under this section shall 4626  
submit to the tax commissioner or, if the taxpayer is an insurance 4627  
company, to the superintendent of insurance, a copy of the 4628  
director of development services' certificate of verification 4629  
under division (D)(7) of this section with the taxpayer's tax 4630  
report or return for the taxable year or for the calendar year 4631  
that includes the tax period. Failure to submit a copy of the 4632  
certificate with the report or return does not invalidate a claim 4633  
for a credit if the taxpayer submits a copy of the certificate to 4634  
the commissioner or superintendent within ~~sixty~~ thirty days after 4635  
the commissioner or superintendent requests it. 4636

(I) The director of development services, after consultation 4637  
with the tax commissioner and the superintendent of insurance and 4638  
in accordance with Chapter 119. of the Revised Code, shall adopt 4639  
rules necessary to implement this section, including rules that 4640  
establish a procedure to be followed by the tax credit authority 4641  
and the development services agency in the event the authority 4642



considers a taxpayer's application for which it receives a 4643  
recommendation under division (C)(2)(a) of this section but does 4644  
not approve it. The rules may provide for recipients of tax 4645  
credits under this section to be charged fees to cover 4646  
administrative costs of the tax credit program. The fees collected 4647  
shall be credited to the business assistance fund created in 4648  
section 122.174 of the Revised Code. At the time the director 4649  
gives public notice under division (A) of section 119.03 of the 4650  
Revised Code of the adoption of the rules, the director shall 4651  
submit copies of the proposed rules to the chairpersons of the 4652  
standing committees on economic development in the senate and the 4653  
house of representatives. 4654

(J) For the purposes of this section, a taxpayer may include 4655  
a partnership, a corporation that has made an election under 4656  
subchapter S of chapter one of subtitle A of the Internal Revenue 4657  
Code, or any other business entity through which income flows as a 4658  
distributive share to its owners. A partnership, S-corporation, or 4659  
other such business entity may elect to pass the credit received 4660  
under this section through to the persons to whom the income or 4661  
profit of the partnership, S-corporation, or other entity is 4662  
distributed. The election shall be made on the annual report 4663  
required under division (D)(6) of this section. The election 4664  
applies to and is irrevocable for the credit for which the report 4665  
is submitted. If the election is made, the credit shall be 4666  
apportioned among those persons in the same proportions as those 4667  
in which the income or profit is distributed. 4668

(K)(1) If the director of development services determines 4669  
that a taxpayer who has received a credit under this section is 4670  
not complying with the ~~requirement under division (D)(3) of this~~ 4671  
~~section~~ requirements of the agreement, the director shall notify 4672  
the tax credit authority of the noncompliance. After receiving 4673  
such a notice, and after giving the taxpayer an opportunity to 4674

explain the noncompliance, the tax credit authority may require 4675  
the taxpayer to refund to this state a portion of the credit in 4676  
accordance with the following: 4677

+1)(a) If the taxpayer fails to comply with the requirement 4678  
under division (D)(3) of this section, an amount determined in 4679  
accordance with the following: 4680

(i) If the taxpayer maintained operations at the project 4681  
location for a period less than or equal to the term of the 4682  
credit, an amount not exceeding one hundred per cent of the sum of 4683  
any credits allowed and received under this section; 4684

+2)(ii) If the taxpayer maintained operations at the project 4685  
location for a period longer than the term of the credit, but less 4686  
than the greater of seven years or the term of the credit plus 4687  
three years, an amount not exceeding seventy-five per cent of the 4688  
sum of any credits allowed and received under this section. 4689

(b) If, on the metric evaluation date, the taxpayer fails to 4690  
substantially meet the job creation, payroll, or investment 4691  
requirements included in the agreement, an amount determined at 4692  
the discretion of the authority; 4693

(c) If the taxpayer fails to substantially maintain the 4694  
number of new full-time equivalent employees or amount of payroll 4695  
required under the agreement at any time during the term of the 4696  
agreement after the metric evaluation date, an amount determined 4697  
at the discretion of the authority. 4698

(2) If a taxpayer files for bankruptcy and fails as described 4699  
in division (K)(1)(a), (b), or (c) of this section, the director 4700  
may immediately commence an action to recoup an amount not 4701  
exceeding one hundred per cent of the sum of any credits received 4702  
by the taxpayer under this section. 4703

(3) In determining the portion of the tax credit to be 4704  
refunded to this state, the tax credit authority shall consider 4705

the effect of market conditions on the taxpayer's project and 4706  
whether the taxpayer continues to maintain other operations in 4707  
this state. After making the determination, the authority shall 4708  
certify the amount to be refunded to the tax commissioner or 4709  
superintendent of insurance, as appropriate. If the amount is 4710  
certified to the commissioner, the commissioner shall make an 4711  
assessment for that amount against the taxpayer under Chapter 4712  
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 4713  
amount is certified to the superintendent, the superintendent 4714  
shall make an assessment for that amount against the taxpayer 4715  
under Chapter 5725. or 5729. of the Revised Code. The time 4716  
limitations on assessments under those chapters do not apply to an 4717  
assessment under this division, but the commissioner or 4718  
superintendent, as appropriate, shall make the assessment within 4719  
one year after the date the authority certifies to the 4720  
commissioner or superintendent the amount to be refunded. 4721

(L) On or before the first day of August each year, the 4722  
director of development services shall submit a report to the 4723  
governor, the president of the senate, and the speaker of the 4724  
house of representatives on the tax credit program under this 4725  
section. The report shall include information on the number of 4726  
agreements that were entered into under this section during the 4727  
preceding calendar year, a description of the project that is the 4728  
subject of each such agreement, and an update on the status of 4729  
projects under agreements entered into before the preceding 4730  
calendar year. 4731

(M) There is hereby created the tax credit authority, which 4732  
consists of the director of development services and four other 4733  
members appointed as follows: the governor, the president of the 4734  
senate, and the speaker of the house of representatives each shall 4735  
appoint one member who shall be a specialist in economic 4736  
development; the governor also shall appoint a member who is a 4737

specialist in taxation. ~~Of the initial appointees, the members~~ 4738  
~~appointed by the governor shall serve a term of two years; the~~ 4739  
~~members appointed by the president of the senate and the speaker~~ 4740  
~~of the house of representatives shall serve a term of four years.~~ 4741  
~~Thereafter, terms~~ Terms of office shall be for four years. ~~Initial~~ 4742  
~~appointments to the authority shall be made within thirty days~~ 4743  
~~after January 13, 1993.~~ Each member shall serve on the authority 4744  
until the end of the term for which the member was appointed. 4745  
Vacancies shall be filled in the same manner provided for original 4746  
appointments. Any member appointed to fill a vacancy occurring 4747  
prior to the expiration of the term for which the member's 4748  
predecessor was appointed shall hold office for the remainder of 4749  
that term. Members may be reappointed to the authority. Members of 4750  
the authority shall receive their necessary and actual expenses 4751  
while engaged in the business of the authority. The director of 4752  
development services shall serve as chairperson of the authority, 4753  
and the members annually shall elect a vice-chairperson from among 4754  
themselves. Three members of the authority constitute a quorum to 4755  
transact and vote on the business of the authority. The majority 4756  
vote of the membership of the authority is necessary to approve 4757  
any such business, including the election of the vice-chairperson. 4758

The director of development services may appoint a 4759  
professional employee of the development services agency to serve 4760  
as the director's substitute at a meeting of the authority. The 4761  
director shall make the appointment in writing. In the absence of 4762  
the director from a meeting of the authority, the appointed 4763  
substitute shall serve as chairperson. In the absence of both the 4764  
director and the director's substitute from a meeting, the 4765  
vice-chairperson shall serve as chairperson. 4766

(N) For purposes of the credits granted by this section 4767  
against the taxes imposed under sections 5725.18 and 5729.03 of 4768  
the Revised Code, "taxable year" means the period covered by the 4769

taxpayer's annual statement to the superintendent of insurance. 4770

(O) On or before the first day of March of each of the five 4771  
calendar years beginning with 2014, each taxpayer subject to an 4772  
agreement with the tax credit authority under this section on the 4773  
basis of home-based employees shall report the number of 4774  
home-based employees and other employees employed by the taxpayer 4775  
in this state to the development services agency. 4776

(P) On or before the first day of January of 2019, the 4777  
director of development services shall submit a report to the 4778  
governor, the president of the senate, and the speaker of the 4779  
house of representatives on the effect of agreements entered into 4780  
under this section in which the taxpayer included home-based 4781  
employees in the computation of income tax revenue, as that term 4782  
was defined in this section prior to the amendment of this section 4783  
by H.B. 64 of the 131st general assembly. The report shall include 4784  
information on the number of such agreements that were entered 4785  
into in the preceding six years, a description of the projects 4786  
that were the subjects of such agreements, and an analysis of 4787  
nationwide home-based employment trends, including the number of 4788  
home-based jobs created from July 1, 2011, through June 30, 2017, 4789  
and a description of any home-based employment tax incentives 4790  
provided by other states during that time. 4791

(Q) The director of development services may require any 4792  
agreement entered into under this section for a tax credit 4793  
computed on the basis of home-based employees to contain a 4794  
provision that the taxpayer makes available health care benefits 4795  
and tuition reimbursement to all employees. 4796

(R) Original agreements approved by the tax credit authority 4797  
under this section in 2014 or 2015 before the effective date of 4798  
this division may be revised at the request of the taxpayer to 4799  
conform with the amendments to this section and sections 4800  
5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised Code by 4801

H.B. 64 of the 131st general assembly, upon mutual agreement of 4802  
the taxpayer and the development services agency, and approval by 4803  
the tax credit authority. 4804

(S)(1) As used in division (S) of this section: 4805

(a) "Eligible agreement" means an agreement approved by the 4806  
tax credit authority under this section on or before December 31, 4807  
2013. 4808

(b) "Reporting period" means a period corresponding to the 4809  
annual report required under division (D)(6) of this section. 4810

(c) "Income tax revenue" has the same meaning as under this 4811  
section as it existed before the effective date of the amendment 4812  
of this section by H.B. 64 of the 131st general assembly. 4813

(2) In calendar year 2016 and thereafter, the tax credit 4814  
authority shall annually determine a withholding adjustment factor 4815  
to be used in the computation of income tax revenue for eligible 4816  
agreements. The withholding adjustment factor shall be a numerical 4817  
percentage that equals the percentage that employer income tax 4818  
withholding rates have been increased or decreased as a result of 4819  
changes in the income tax rates prescribed by section 5747.02 of 4820  
the Revised Code by amendment of that section taking effect on or 4821  
after June 29, 2013. 4822

(3) Except as provided in division (S)(4) of this section, 4823  
for reporting periods ending in 2015 and thereafter for taxpayers 4824  
subject to eligible agreements, the tax credit authority shall 4825  
adjust the income tax revenue reported on the taxpayer's annual 4826  
report by multiplying the withholding adjustment factor by the 4827  
taxpayer's income tax revenue and doing one of the following: 4828

(a) If the income tax rates prescribed by section 5747.02 of 4829  
the Revised Code have decreased by amendment of that section 4830  
taking effect on or after June 29, 2013, add the product to the 4831  
taxpayer's income tax revenue. 4832

(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of that section taking effect on or after June 29, 2013, subtract the product from the taxpayer's income tax revenue.

(4) Division (S)(3) of this section shall not apply unless all of the following apply for the reporting period with respect to the eligible agreement: (a) The taxpayer has achieved one hundred per cent of the new employment commitment identified in the agreement.

(b) If applicable, the taxpayer has achieved one hundred per cent of the new payroll commitment identified in the agreement.

(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement.

(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (S)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (S) of this section for an ensuing reporting period.

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

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

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

(b) Project costs paid before January 1, 2002;

(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer

or a combined taxpayer as defined in section 5751.01 of the Revised Code.

(2) "Eligible business" means a taxpayer and its related members with Ohio operations satisfying all of the following:

(a) The taxpayer employs at least five hundred full-time equivalent employees or has an annual Ohio employee payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section;

(b) The taxpayer makes or causes to be made payments for the capital investment project of one of the following:

(i) If the taxpayer is engaged at the project site primarily as a manufacturer, at least fifty million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

(ii) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development services by rule, at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

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

(c) The taxpayer had a capital investment project reviewed and approved by the tax credit authority as provided in divisions



- (C), (D), and (E) of this section. 4894
- (3) "Full-time equivalent employees" means the quotient 4895  
obtained by dividing the total number of hours for which employees 4896  
were compensated for employment in the project by two thousand 4897  
eighty. "Full-time equivalent employees" shall exclude hours that 4898  
are counted for a credit under section 122.17 of the Revised Code. 4899
- (4) "~~Income tax revenue Ohio employee payroll~~" ~~means the~~ 4900  
~~total amount withheld under section 5747.06 of the Revised Code by~~ 4901  
~~the taxpayer during the taxable year, or during the calendar year~~ 4902  
~~that includes the tax period, from the compensation of all~~ 4903  
~~employees employed in the project whose hours of compensation are~~ 4904  
~~included in calculating the number of full-time equivalent~~ 4905  
~~employees~~ has the same meaning as in section 122.17 of the Revised 4906  
Code. 4907
- (5) "Manufacturer" has the same meaning as in section 4908  
5739.011 of the Revised Code. 4909
- (6) "Project site" means an integrated complex of facilities 4910  
in this state, as specified by the tax credit authority under this 4911  
section, within a fifteen-mile radius where a taxpayer is 4912  
primarily operating as an eligible business. 4913
- (7) "Related member" has the same meaning as in section 4914  
5733.042 of the Revised Code as that section existed on the 4915  
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 4916  
general assembly, September 29, 1997. 4917
- (8) "Taxable year" includes, in the case of a domestic or 4918  
foreign insurance company, the calendar year ending on the 4919  
thirty-first day of December preceding the day the superintendent 4920  
of insurance is required to certify to the treasurer of state 4921  
under section 5725.20 or 5729.05 of the Revised Code the amount of 4922  
taxes due from insurance companies. 4923
- (B) The tax credit authority created under section 122.17 of 4924

the Revised Code may grant a nonrefundable tax credits credit to 4925  
an eligible business under this section for the purpose of 4926  
fostering job retention in this state. Upon application by an 4927  
eligible business and upon consideration of the ~~recommendation~~ 4928  
determination of the director of budget and management, tax 4929  
commissioner, and the superintendent of insurance in the case of 4930  
an insurance company, and the recommendation and determination of 4931  
the director of development services under division (C) of this 4932  
section, the tax credit authority may grant the ~~following credits~~ 4933  
credit against the tax imposed by section 5725.18, 5726.02, 4934  
5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised 4935  
Code:- 4936

~~(1) A nonrefundable credit to an eligible business:-~~ 4937

~~(2) A refundable credit to an eligible business meeting the 4938  
following conditions, provided that the director of budget and 4939  
management, tax commissioner, superintendent of insurance in the 4940  
case of an insurance company, and director of development services 4941  
have recommended the granting of the credit to the tax credit 4942  
authority before July 1, 2011:-~~ 4943

~~(a) The business retains at least one thousand full time 4944  
equivalent employees at the project site.~~ 4945

~~(b) The business makes or causes to be made payments for a 4946  
capital investment project of at least twenty five million dollars 4947  
in the aggregate at the project site during a period of three 4948  
consecutive calendar years, including the calendar year that 4949  
includes a day of the business' taxable year or tax period with 4950  
respect to which the credit is granted.~~ 4951

~~(c) In 2010, the business received a written offer of 4952  
financial incentives from another state of the United States that 4953  
the director determines to be sufficient inducement for the 4954  
business to relocate the business' operations from this state to 4955~~

~~that state.~~ 4956

~~(3) A refundable credit to an eligible business with a total 4957  
annual payroll of at least twenty million dollars, provided that 4958  
the tax credit authority grants the tax credit on or after July 1, 4959  
2011, and before January 1, 2014. 4960~~

The ~~credits~~ credit authorized in ~~divisions (B)(1), (2), and 4961  
(3)~~ of this section may be granted for a period up to fifteen 4962  
taxable years or, in the case of the tax levied by section 5736.02 4963  
or 5751.02 of the Revised Code, for a period of up to fifteen 4964  
calendar years. The credit amount for a taxable year or a calendar 4965  
year that includes the tax period for which a credit may be 4966  
claimed equals the ~~income tax revenue~~ Ohio employee payroll for 4967  
that year multiplied by the percentage specified in the agreement 4968  
with the tax credit authority. ~~The percentage may not exceed 4969  
seventy five per cent.~~ The credit shall be claimed in the order 4970  
required under section 5725.98, 5726.98, 5729.98, 5733.98, 4971  
5747.98, or 5751.98 of the Revised Code. In determining the 4972  
percentage and term of the credit, the tax credit authority shall 4973  
consider both the number of full-time equivalent employees and the 4974  
value of the capital investment project. The credit amount may not 4975  
be based on the ~~income tax revenue~~ Ohio employee payroll for a 4976  
calendar year before the calendar year in which the tax credit 4977  
authority specifies the tax credit is to begin, and the credit 4978  
shall be claimed only for the taxable years or tax periods 4979  
specified in the eligible business' agreement with the tax credit 4980  
authority. In no event shall the credit be claimed for a taxable 4981  
year or tax period terminating before the date specified in the 4982  
agreement. ~~Any credit granted under this section against the tax 4983  
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 4984  
extent not fully utilized against such tax for taxable years 4985  
ending prior to 2008, shall automatically be converted without any 4986  
action taken by the tax credit authority to a credit against the 4987~~

~~tax levied under Chapter 5751. of the Revised Code for tax periods 4988  
beginning on or after July 1, 2008, provided that the person to 4989  
whom the credit was granted is subject to such tax. The converted 4990  
credit shall apply to those calendar years in which the remaining 4991  
taxable years specified in the agreement end. 4992~~

If a nonrefundable credit allowed under ~~division (B)(1) of 4993  
this section for a taxable year or tax period exceeds the 4994  
taxpayer's tax liability for that year or period, the excess may 4995  
be carried forward for the three succeeding taxable or calendar 4996  
years, but the amount of any excess credit allowed in any taxable 4997  
year or tax period shall be deducted from the balance carried 4998  
forward to the succeeding year or period. 4999~~

(C) A taxpayer that proposes a capital investment project to 5000  
retain jobs in this state may apply to the tax credit authority to 5001  
enter into an agreement for a tax credit under this section. The 5002  
director of development services shall prescribe the form of the 5003  
application. After receipt of an application, the authority shall 5004  
forward copies of the application to the director of budget and 5005  
management, the tax commissioner, and the superintendent of 5006  
insurance in the case of an insurance company, ~~and the director of 5007  
development services~~, each of whom shall review the application to 5008  
determine the economic impact the proposed project would have on 5009  
the state and the affected political subdivisions and shall submit 5010  
a summary of their determinations and recommendations to the 5011  
authority. The authority shall also forward a copy of the 5012  
application to the director of development services, who shall 5013  
review the application to determine the economic impact the 5014  
proposed project would have on the state and the affected 5015  
political subdivisions and shall submit a summary of their 5016  
determinations and recommendations to the authority. 5017

(D) Upon review and consideration of the determinations and 5018  
recommendations described in division (C) of this section, the tax 5019

credit authority may enter into an agreement with the taxpayer for 5020  
a credit under this section if the authority determines all of the 5021  
following: 5022

(1) The taxpayer's capital investment project will result in 5023  
the retention of employment in this state. 5024

(2) The taxpayer is economically sound and has the ability to 5025  
complete the proposed capital investment project. 5026

(3) The taxpayer intends to and has the ability to maintain 5027  
operations at the project site for at least the greater of (a) the 5028  
term of the credit plus three years, or (b) seven years. 5029

(4) Receiving the credit is a major factor in the taxpayer's 5030  
decision to begin, continue with, or complete the project. 5031

~~(5) If the taxpayer is applying to enter into an agreement 5032  
for a tax credit authorized under division (B)(3) of this section, 5033  
the taxpayer's capital investment project will be located in the 5034  
political subdivision in which the taxpayer maintains its 5035  
principal place of business or maintains a unit or division with 5036  
at least four thousand two hundred employees at the project site. 5037~~

(E) An agreement under this section shall include all of the 5038  
following: 5039

(1) A detailed description of the project that is the subject 5040  
of the agreement, including the amount of the investment, the 5041  
period over which the investment has been or is being made, the 5042  
number of full-time equivalent employees at the project site, and 5043  
the anticipated ~~income tax revenue~~ Ohio employee payroll to be 5044  
generated. 5045

(2) The term of the credit, the percentage of the tax credit, 5046  
the maximum annual value of tax credits that may be allowed each 5047  
year, and the first year for which the credit may be claimed. 5048

(3) A requirement that the taxpayer maintain operations at 5049

the project site for at least the greater of (a) the term of the 5050  
credit plus three years, or (b) seven years. 5051

~~(4)(a) In the case of a credit granted under division (B)(1)~~ 5052  
~~of this section, a~~ A requirement that the taxpayer retain at least 5053  
five hundred full-time equivalent employees at the project site 5054  
and within this state for the entire term of the credit, or a 5055  
requirement that the taxpayer maintain an annual Ohio employee 5056  
payroll of at least thirty-five million dollars for the entire 5057  
term of the credit. 5058

~~(b) In the case of a credit granted under division (B)(2) of~~ 5059  
~~this section, a requirement that the taxpayer retain at least one~~ 5060  
~~thousand full-time equivalent employees at the project site and~~ 5061  
~~within this state for the entire term of the credit.~~ 5062

~~(c) In the case of a credit granted under division (B)(3) of~~ 5063  
~~this section, either of the following:~~ 5064

~~(i) A requirement that the taxpayer retain at least five~~ 5065  
~~hundred full-time equivalent employees at the project site and~~ 5066  
~~within this state for the entire term of the credit and a~~ 5067  
~~requirement that the taxpayer maintain an annual payroll of at~~ 5068  
~~least twenty million dollars for the entire term of the credit.~~ 5069

~~(ii) A requirement that the taxpayer maintain an annual~~ 5070  
~~payroll of at least thirty-five million dollars for the entire~~ 5071  
~~term of the credit.~~ 5072

(5) A requirement that the taxpayer annually report to the 5073  
director of development services ~~employment, tax withholding~~ 5074  
full-time equivalent employees, Ohio employee payroll, capital 5075  
investment, and other information the director needs to perform 5076  
the director's duties under this section. 5077

(6) A requirement that the director of development services 5078  
annually review the annual reports of the taxpayer to verify the 5079  
information reported under division (E)(5) of this section and 5080

compliance with the agreement. Upon verification, the director 5081  
shall issue a certificate to the taxpayer stating that the 5082  
information has been verified and identifying the amount of the 5083  
credit for the taxable year or calendar year that includes the tax 5084  
period. In determining the number of full-time equivalent 5085  
employees, no position shall be counted that is filled by an 5086  
employee who is included in the calculation of a tax credit under 5087  
section 122.17 of the Revised Code. 5088

(7) A provision providing that the taxpayer may not relocate 5089  
a substantial number of employment positions from elsewhere in 5090  
this state to the project site unless the director of development 5091  
services determines that the taxpayer notified the legislative 5092  
authority of the county, township, or municipal corporation from 5093  
which the employment positions would be relocated. 5094

For purposes of this section, the movement of an employment 5095  
position from one political subdivision to another political 5096  
subdivision shall be considered a relocation of an employment 5097  
position unless the movement is confined to the project site. The 5098  
transfer of an employment position from one political subdivision 5099  
to another political subdivision shall not be considered a 5100  
relocation of an employment position if the employment position in 5101  
the first political subdivision is replaced by another employment 5102  
position. 5103

(8) A waiver by the taxpayer of any limitations periods 5104  
relating to assessments or adjustments resulting from the 5105  
taxpayer's failure to comply with the agreement. 5106

(F) If a taxpayer fails to meet or comply with any condition 5107  
or requirement set forth in a tax credit agreement, the tax credit 5108  
authority may amend the agreement to reduce the percentage or term 5109  
of the credit. The reduction of the percentage or term may take 5110  
effect in the current taxable or calendar year. 5111

(G) Financial statements and other information submitted to 5112  
the department of development services or the tax credit authority 5113  
by an applicant for or recipient of a tax credit under this 5114  
section, and any information taken for any purpose from such 5115  
statements or information, are not public records subject to 5116  
section 149.43 of the Revised Code. However, the chairperson of 5117  
the authority may make use of the statements and other information 5118  
for purposes of issuing public reports or in connection with court 5119  
proceedings concerning tax credit agreements under this section. 5120  
Upon the request of the tax commissioner, or the superintendent of 5121  
insurance in the case of an insurance company, the chairperson of 5122  
the authority shall provide to the commissioner or superintendent 5123  
any statement or other information submitted by an applicant for 5124  
or recipient of a tax credit in connection with the credit. The 5125  
commissioner or superintendent shall preserve the confidentiality 5126  
of the statement or other information. 5127

(H) A taxpayer claiming a tax credit under this section shall 5128  
submit to the tax commissioner or, in the case of an insurance 5129  
company, to the superintendent of insurance, a copy of the 5130  
director of development services' certificate of verification 5131  
under division (E)(6) of this section with the taxpayer's tax 5132  
report or return for the taxable year or for the calendar year 5133  
that includes the tax period. Failure to submit a copy of the 5134  
certificate with the report or return does not invalidate a claim 5135  
for a credit if the taxpayer submits a copy of the certificate to 5136  
the commissioner or superintendent within ~~sixty~~ thirty days after 5137  
the commissioner or superintendent requests it. 5138

(I) For the purposes of this section, a taxpayer may include 5139  
a partnership, a corporation that has made an election under 5140  
subchapter S of chapter one of subtitle A of the Internal Revenue 5141  
Code, or any other business entity through which income flows as a 5142  
distributive share to its owners. A partnership, S-corporation, or 5143



other such business entity may elect to pass the credit received 5144  
under this section through to the persons to whom the income or 5145  
profit of the partnership, S-corporation, or other entity is 5146  
distributed. The election shall be made on the annual report 5147  
required under division (E)(5) of this section. The election 5148  
applies to and is irrevocable for the credit for which the report 5149  
is submitted. If the election is made, the credit shall be 5150  
apportioned among those persons in the same proportions as those 5151  
in which the income or profit is distributed. 5152

(J)(1) If the director of development services determines 5153  
that a taxpayer that received a certificate under division (E)(6) 5154  
of this section is not complying with the ~~requirement under~~ 5155  
~~division (E)(3) of this section~~ requirements of the agreement, the 5156  
director shall notify the tax credit authority of the 5157  
noncompliance. After receiving such a notice, and after giving the 5158  
taxpayer an opportunity to explain the noncompliance, the 5159  
authority may terminate the agreement and require the taxpayer, or 5160  
any related member or members that claimed the tax credit under 5161  
division (N) of this section, to refund to the state all or a 5162  
portion of the credit claimed in previous years, as follows: 5163

~~(1)~~(a) If the taxpayer fails to comply with the requirement 5164  
under division (E)(3) of this section, an amount determined in 5165  
accordance with the following: 5166

(i) If the taxpayer maintained operations at the project site 5167  
for less than or equal to the term of the credit, an amount not to 5168  
exceed one hundred per cent of the sum of any tax credits allowed 5169  
and received under this section. 5170

~~(2)~~(ii) If the taxpayer maintained operations at the project 5171  
site longer than the term of the credit, but less than the greater 5172  
of ~~(a)~~ seven years or the term of the credit plus three years, ~~or~~ 5173  
~~(b) seven years~~, the amount required to be refunded shall not 5174  
exceed seventy-five per cent of the sum of any tax credits allowed 5175

and received under this section. 5176

(b) If the taxpayer fails to substantially maintain both the number of full-time equivalent employees and the amount of Ohio employee payroll required under the agreement at any time during the term of the agreement or during the post-term reporting period, an amount determined at the discretion of the authority. 5177  
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(2) If a taxpayer files for bankruptcy and fails as described in division (J)(1)(a) or (b) of this section, the director may immediately commence an action to recoup an amount not exceeding one hundred per cent of the sum of any credits received by the taxpayer under this section. 5182  
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(3) In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or the superintendent of insurance. If the taxpayer, or any related member or members who claimed the tax credit under division (N) of this section, is not an insurance company, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, is an insurance company, the superintendent of insurance shall make an assessment under section 5725.222 or 5729.102 of the Revised Code. The time limitations on assessments under those chapters and sections do not apply to an assessment under this division, but the commissioner or superintendent shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded. 5187  
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(K) The director of development services, after consultation 5207

with the tax commissioner and the superintendent of insurance and 5208  
in accordance with Chapter 119. of the Revised Code, shall adopt 5209  
rules necessary to implement this section. The rules may provide 5210  
for recipients of tax credits under this section to be charged 5211  
fees to cover administrative costs of the tax credit program. The 5212  
fees collected shall be credited to the business assistance fund 5213  
created in section 122.174 of the Revised Code. At the time the 5214  
director gives public notice under division (A) of section 119.03 5215  
of the Revised Code of the adoption of the rules, the director 5216  
shall submit copies of the proposed rules to the chairpersons of 5217  
the standing committees on economic development in the senate and 5218  
the house of representatives. 5219

(L) On or before the first day of August of each year, the 5220  
director of development services shall submit a report to the 5221  
governor, the president of the senate, and the speaker of the 5222  
house of representatives on the tax credit program under this 5223  
section. The report shall include information on the number of 5224  
agreements that were entered into under this section during the 5225  
preceding calendar year, a description of the project that is the 5226  
subject of each such agreement, and an update on the status of 5227  
projects under agreements entered into before the preceding 5228  
calendar year. 5229

(M)~~(1)~~ The aggregate amount of nonrefundable tax credits 5230  
issued under ~~division (B)(1)~~ of this section during any calendar 5231  
year for capital investment projects reviewed and approved by the 5232  
tax credit authority may not exceed the following amounts: 5233

~~(a)~~(1) For 2010, thirteen million dollars; 5234

~~(b)~~(2) For 2011 through 2023, the amount of the limit for the 5235  
preceding calendar year plus thirteen million dollars; 5236

~~(c)~~(3) For 2024 and each year thereafter, one hundred 5237  
ninety-five million dollars. 5238

~~(2) The aggregate amount of tax credits authorized under 5239  
divisions (B)(2) and (3) of this section and allowed to be claimed 5240  
by taxpayers in any calendar year for capital improvement projects 5241  
reviewed and approved by the tax credit authority in 2011, 2012, 5242  
and 2013 combined shall not exceed twenty five million dollars. An 5243  
amount equal to the aggregate amount of credits first authorized 5244  
in calendar year 2011, 2012, and 2013 may be claimed over the 5245  
ensuing period up to fifteen years, subject to the terms of 5246  
individual tax credit agreements. 5247~~

The limitations in division (M) of this section do not apply 5248  
to credits for capital investment projects approved by the tax 5249  
credit authority before July 1, 2009. 5250

(N) This division applies only to an eligible business that 5251  
is part of an affiliated group that includes a diversified savings 5252  
and loan holding company or a grandfathered unitary savings and 5253  
loan holding company, as those terms are defined in section 5254  
5726.01 of the Revised Code. Notwithstanding any contrary 5255  
provision of the agreement between such an eligible business and 5256  
the tax credit authority, any credit granted under this section 5257  
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5258  
5747.02, or 5751.02 of the Revised Code to the eligible business, 5259  
at the election of the eligible business and without any action by 5260  
the tax credit authority, may be shared with any member or members 5261  
of the affiliated group that includes the eligible business, which 5262  
member or members may claim the credit against the taxes imposed 5263  
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5264  
of the Revised Code. Credits shall be claimed by the eligible 5265  
business in sequential order, as applicable, first claiming the 5266  
credits to the fullest extent possible against the tax that the 5267  
certificate holder is subject to, then against the tax imposed by, 5268  
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5269  
lastly 5726.02 of the Revised Code. The credits may be allocated 5270

among the members of the affiliated group in such manner as the 5271  
eligible business elects, but subject to the sequential order 5272  
required under this division. This division applies to credits 5273  
granted before, on, or after March 27, 2013, the effective date of 5274  
H.B. 510 of the 129th general assembly. Credits granted before 5275  
that effective date that are shared and allocated under this 5276  
division may be claimed in those calendar years in which the 5277  
remaining taxable years specified in the agreement end. 5278

As used in this division, "affiliated group" means a group of 5279  
two or more persons with fifty per cent or greater of the value of 5280  
each person's ownership interests owned or controlled directly, 5281  
indirectly, or constructively through related interests by common 5282  
owners during all or any portion of the taxable year, and the 5283  
common owners. "Affiliated group" includes, but is not limited to, 5284  
any person eligible to be included in a consolidated elected 5285  
taxpayer group under section 5751.011 of the Revised Code or a 5286  
combined taxpayer group under section 5751.012 of the Revised 5287  
Code. 5288

(O)(1) As used in division (O) of this section: 5289

(a) "Eligible agreement" means an agreement approved by the 5290  
tax credit authority under this section on or before December 31,  
2013. 5291  
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(b) "Reporting period" means a period corresponding to the 5293  
annual report required under division (E)(5) of this section. 5294

(c) "Income tax revenue" has the same meaning as under 5295  
division (S) of section 122.17 of the Revised Code. 5296

(2) In calendar year 2016 and thereafter, the tax credit 5297  
authority shall annually determine a withholding adjustment factor 5298  
to be used in the computation of income tax revenue for eligible 5299  
agreements. The withholding adjustment factor shall be a numerical 5300  
percentage that equals the percentage that employer income tax 5301

withholding rates have been increased or decreased as a result of 5302  
changes in the income tax rates prescribed by section 5747.02 of 5303  
the Revised Code by amendment of that section taking effect on or 5304  
after June 29, 2013. 5305

(3) Except as provided in division (O)(4) of this section, 5306  
for reporting periods ending in 2015 and thereafter for taxpayers 5307  
subject to eligible agreements, the tax credit authority shall 5308  
adjust the income tax revenue reported on the taxpayer's annual 5309  
report by multiplying the withholding adjustment factor by the 5310  
taxpayer's income tax revenue and doing one of the following: 5311

(a) If the income tax rates prescribed by section 5747.02 of 5312  
the Revised Code have decreased by amendment of this section 5313  
taking effect on or after June 29, 2013, add the product to the 5314  
taxpayer's income tax revenue. 5315

(b) If the income tax rates prescribed by section 5747.02 of 5316  
the Revised Code have increased by amendment of this section 5317  
taking effect on or after June 29, 2013, subtract the product from 5318  
the taxpayer's income tax revenue. 5319

(4) Division (O)(3) of this section shall not apply unless 5320  
all of the following apply with respect to the eligible agreement: 5321

(a) The taxpayer has achieved one hundred per cent of the job 5322  
retention commitment identified in the agreement. 5323

(b) If applicable, the taxpayer has achieved one hundred per 5324  
cent of the payroll retention commitment identified in the 5325  
agreement. 5326

(c) If applicable, the taxpayer has achieved one hundred per 5327  
cent of the investment commitment identified in the agreement. 5328

(5) Failure by a taxpayer to have achieved any of the 5329  
applicable commitments described in divisions (O)(4)(a) to (c) of 5330  
this section in a reporting period does not disqualify the 5331

taxpayer for the adjustment under division (O) of this section for 5332  
an ensuing reporting period. 5333

**Sec. 122.174.** There is hereby created in the state treasury 5334  
the business assistance fund. The fund shall consist of any 5335  
amounts appropriated to it and money credited to the fund pursuant 5336  
to division (I) of section 121.17, division (K) of section 5337  
122.171, division (K) of section 122.175, division (G)(2) of 5338  
section 122.85, division (C) of section 3735.672, and division (C) 5339  
of section 5709.68 of the Revised Code. The director of 5340  
development services shall use money in the fund to pay expenses 5341  
related to the administration of the business services division of 5342  
the development services agency. 5343

**Sec. 122.175.** (A) As used in this section: 5344

(1) "Capital investment project" means a plan of investment 5345  
at a project site for the acquisition, construction, renovation, 5346  
expansion, replacement, or repair of a computer data center or of 5347  
computer data center equipment, but does not include any of the 5348  
following: 5349

(a) Project costs paid before a date determined by the tax 5350  
credit authority for each capital investment project; 5351

(b) Payments made to a related member as defined in section 5352  
5733.042 of the Revised Code or to a consolidated elected taxpayer 5353  
or a combined taxpayer as defined in section 5751.01 of the 5354  
Revised Code. 5355

(2) "Computer data center" means a facility used or to be 5356  
used primarily to house computer data center equipment used or to 5357  
be used in conducting one or more computer data center businesses, 5358  
as determined by the tax credit authority. 5359

(3) "Computer data center business" means, as may be further 5360  
determined by the tax credit authority, a business that provides 5361

electronic information services as defined in division (Y)(1)(c) 5362  
of section 5739.01 of the Revised Code, or that leases a facility 5363  
to one or more such businesses. "Computer data center business" 5364  
does not include providing electronic publishing as defined in 5365  
division (LLL) of that section. 5366

(4) "Computer data center equipment" means tangible personal 5367  
property used or to be used for any of the following: 5368

(a) To conduct a computer data center business, including 5369  
equipment cooling systems to manage the performance of computer 5370  
data center equipment; 5371

(b) To generate, transform, transmit, distribute, or manage 5372  
electricity necessary to operate the tangible personal property 5373  
used or to be used in conducting a computer data center business; 5374

(c) As building and construction materials sold to 5375  
construction contractors for incorporation into a computer data 5376  
center. 5377

(5) "Eligible computer data center" means a computer data 5378  
center that satisfies all of the following requirements: 5379

(a) One or more taxpayers operating a computer data center 5380  
business at the project site will, in the aggregate, make payments 5381  
for a capital investment project of at least one hundred million 5382  
dollars at the project site during one of the following cumulative 5383  
periods: 5384

(i) For projects beginning in 2013, five consecutive calendar 5385  
years; 5386

(ii) For projects beginning in 2014, four consecutive 5387  
calendar years; 5388

(iii) For projects beginning in or after 2015, three 5389  
consecutive calendar years. 5390

(b) One or more taxpayers operating a computer data center 5391



business at the project site will, in the aggregate, pay annual 5392  
compensation that is subject to the withholding obligation imposed 5393  
under section 5747.06 of the Revised Code of at least one million 5394  
five hundred thousand dollars to employees employed at the project 5395  
site for each year of the agreement beginning on or after the 5396  
first day of the twenty-fifth month after the agreement was 5397  
entered into under this section. 5398

(6) "Person" has the same meaning as in section 5701.01 of 5399  
the Revised Code. 5400

(7) "Project site," "related member," and "tax credit 5401  
authority" have the same meanings as in sections 122.17 and 5402  
122.171 of the Revised Code. 5403

(8) "Taxpayer" means any person subject to the taxes imposed 5404  
under Chapters 5739. and 5741. of the Revised Code. 5405

(B) The tax credit authority may completely or partially 5406  
exempt from the taxes levied under Chapters 5739. and 5741. of the 5407  
Revised Code the sale, storage, use, or other consumption of 5408  
computer data center equipment used or to be used at an eligible 5409  
computer data center. Any such exemption shall extend to charges 5410  
for the delivery, installation, or repair of the computer data 5411  
center equipment subject to the exemption under this section. 5412

(C) A taxpayer that proposes a capital improvement project 5413  
for an eligible computer data center in this state may apply to 5414  
the tax credit authority to enter into an agreement under this 5415  
section authorizing a complete or partial exemption from the taxes 5416  
imposed under Chapters 5739. and 5741. of the Revised Code on 5417  
computer data center equipment purchased by the applicant or any 5418  
other taxpayer that operates a computer data center business at 5419  
the project site and used or to be used at the eligible computer 5420  
data center. The director of development services shall prescribe 5421  
the form of the application. After receipt of an application, the 5422

authority shall forward copies of the application to the director 5423  
of budget and management, ~~and~~ the tax commissioner, ~~and the~~ 5424  
~~director of development services~~, each of whom shall review the 5425  
application to determine the economic impact that the proposed 5426  
eligible computer data center would have on the state and any 5427  
affected political subdivisions and submit to the authority a 5428  
summary of their determinations ~~and recommendations~~. The authority 5429  
shall also forward a copy of the application to the director of 5430  
development services who shall review the application to determine 5431  
the economic impact that the proposed eligible computer data 5432  
center would have on the state and the affected political 5433  
subdivisions and shall submit a summary of their determinations 5434  
and recommendations to the authority. 5435

(D) Upon review and consideration of such determinations and 5436  
recommendations, the tax credit authority may enter into an 5437  
agreement with the applicant and any other taxpayer that operates 5438  
a computer data center business at the project site for a complete 5439  
or partial exemption from the taxes imposed under Chapters 5739. 5440  
and 5741. of the Revised Code on computer data center equipment 5441  
used or to be used at an eligible computer data center if the 5442  
authority determines all of the following: 5443

(1) The capital investment project for the eligible computer 5444  
data center will increase payroll and the amount of income taxes 5445  
to be withheld from employee compensation pursuant to section 5446  
5747.06 of the Revised Code. 5447

(2) The applicant is economically sound and has the ability 5448  
to complete or effect the completion of the proposed capital 5449  
investment project. 5450

(3) The applicant intends to and has the ability to maintain 5451  
operations at the project site for the term of the agreement. 5452

(4) Receiving the exemption is a major factor in the 5453

applicant's decision to begin, continue with, or complete the 5454  
capital investment project. 5455

(E) An agreement entered into under this section shall 5456  
include all of the following: 5457

(1) A detailed description of the capital investment project 5458  
that is the subject of the agreement, including the amount of the 5459  
investment, the period over which the investment has been or is 5460  
being made, the annual compensation to be paid by each taxpayer 5461  
subject to the agreement to its employees at the project site, and 5462  
the anticipated amount of income taxes to be withheld from 5463  
employee compensation pursuant to section 5747.06 of the Revised 5464  
Code. 5465

(2) The percentage of the exemption from the taxes imposed 5466  
under Chapters 5739. and 5741. of the Revised Code for the 5467  
computer data center equipment used or to be used at the eligible 5468  
computer data center, the length of time the computer data center 5469  
equipment will be exempted, and the first date on which the 5470  
exemption applies. 5471

(3) A requirement that the computer data center remain an 5472  
eligible computer data center during the term of the agreement and 5473  
that the applicant maintain operations at the eligible computer 5474  
data center during that term. An applicant does not violate the 5475  
requirement described in division (E)(3) of this section if the 5476  
applicant ceases operations at the eligible computer data center 5477  
during the term of the agreement but resumes those operations 5478  
within eighteen months after the date of cessation. The agreement 5479  
shall provide that, in such a case, the applicant and any other 5480  
taxpayer that operates a computer data center business at the 5481  
project site shall not claim the tax exemption authorized in the 5482  
agreement for any purchase of computer data center equipment made 5483  
during the period in which the applicant did not maintain 5484  
operations at the eligible computer data center. 5485

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

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

(6) A requirement that the director of development services annually review the annual reports of each taxpayer subject to the agreement to verify the information reported under division (E)(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to each such taxpayer stating that the information has been verified and that the taxpayer remains eligible for the exemption specified in the agreement.

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

movement is confined to the project site. The transfer of an 5518  
employment position from one political subdivision to another 5519  
political subdivision shall not be considered a relocation of an 5520  
employment position if the employment position in the first 5521  
political subdivision is replaced by another employment position. 5522

(8) A waiver by each taxpayer subject to the agreement of any 5523  
limitations periods relating to assessments or adjustments 5524  
resulting from the taxpayer's failure to comply with the 5525  
agreement. 5526

(F) The term of an agreement under this section shall be 5527  
determined by the tax credit authority, and the amount of the 5528  
exemption shall not exceed one hundred per cent of such taxes that 5529  
would otherwise be owed in respect to the exempted computer data 5530  
center equipment. 5531

(G) If any taxpayer subject to an agreement under this 5532  
section fails to meet or comply with any condition or requirement 5533  
set forth in the agreement, the tax credit authority may amend the 5534  
agreement to reduce the percentage of the exemption or term during 5535  
which the exemption applies to the computer data center equipment 5536  
used or to be used by the noncompliant taxpayer at an eligible 5537  
computer data center. The reduction of the percentage or term may 5538  
take effect in the current calendar year. 5539

(H) Financial statements and other information submitted to 5540  
the department of development services or the tax credit authority 5541  
by an applicant for or recipient of an exemption under this 5542  
section, and any information taken for any purpose from such 5543  
statements or information, are not public records subject to 5544  
section 149.43 of the Revised Code. However, the chairperson of 5545  
the authority may make use of the statements and other information 5546  
for purposes of issuing public reports or in connection with court 5547  
proceedings concerning tax exemption agreements under this 5548  
section. Upon the request of the tax commissioner, the chairperson 5549

of the authority shall provide to the tax commissioner any 5550  
statement or other information submitted by an applicant for or 5551  
recipient of an exemption under this section. The tax commissioner 5552  
shall preserve the confidentiality of the statement or other 5553  
information. 5554

(I) The tax commissioner shall issue a direct payment permit 5555  
under section 5739.031 of the Revised Code to each taxpayer 5556  
subject to an agreement under this section. Such direct payment 5557  
permit shall authorize the taxpayer to pay any sales and use taxes 5558  
due on purchases of computer data center equipment used or to be 5559  
used in an eligible computer data center and to pay any sales and 5560  
use taxes due on purchases of tangible personal property or 5561  
taxable services other than computer data center equipment used or 5562  
to be used in an eligible computer data center directly to the tax 5563  
commissioner. Each such taxpayer shall pay pursuant to such direct 5564  
payment permit all sales tax levied on such purchases under 5565  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 5566  
Code and all use tax levied on such purchases under sections 5567  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 5568  
consistent with the terms of the agreement entered into under this 5569  
section. 5570

During the term of an agreement under this section each 5571  
taxpayer subject to the agreement shall submit to the tax 5572  
commissioner a return that shows the amount of computer data 5573  
center equipment purchased for use at the eligible computer data 5574  
center, the amount of tangible personal property and taxable 5575  
services other than computer data center equipment purchased for 5576  
use at the eligible computer data center, the amount of tax under 5577  
Chapter 5739. or 5741. of the Revised Code that would be due in 5578  
the absence of the agreement under this section, the exemption 5579  
percentage for computer data center equipment specified in the 5580  
agreement, and the amount of tax due under Chapter 5739. or 5741. 5581

of the Revised Code as a result of the agreement under this 5582  
section. Each such taxpayer shall pay the tax shown on the return 5583  
to be due in the manner and at the times as may be further 5584  
prescribed by the tax commissioner. Each such taxpayer shall 5585  
include a copy of the director of development services' 5586  
certificate of verification issued under division (E)(6) of this 5587  
section. Failure to submit a copy of the certificate with the 5588  
return does not invalidate the claim for exemption if the taxpayer 5589  
submits a copy of the certificate to the tax commissioner within 5590  
sixty days after the tax commissioner requests it. 5591

(J) If the director of development services determines that 5592  
one or more taxpayers received an exemption from taxes due on the 5593  
purchase of computer data center equipment purchased for use at a 5594  
computer data center that no longer complies with the requirement 5595  
under division (E)(3) of this section, the director shall notify 5596  
the tax credit authority and, if applicable, the taxpayer that 5597  
applied to enter the agreement for the exemption under division 5598  
(C) of this section of the noncompliance. After receiving such a 5599  
notice, and after giving each taxpayer subject to the agreement an 5600  
opportunity to explain the noncompliance, the authority may 5601  
terminate the agreement and require each such taxpayer to pay to 5602  
the state all or a portion of the taxes that would have been owed 5603  
in regards to the exempt equipment in previous years, all as 5604  
determined under rules adopted pursuant to division (K) of this 5605  
section. In determining the portion of the taxes that would have 5606  
been owed on the previously exempted equipment to be paid to this 5607  
state by a taxpayer, the authority shall consider the effect of 5608  
market conditions on the eligible computer data center, whether 5609  
the taxpayer continues to maintain other operations in this state, 5610  
and, with respect to agreements involving multiple taxpayers, the 5611  
taxpayer's level of responsibility for the noncompliance. After 5612  
making the determination, the authority shall certify to the tax 5613  
commissioner the amount to be paid by each taxpayer subject to the 5614

agreement. The tax commissioner shall make an assessment for that 5615  
amount against each such taxpayer under Chapter 5739. or 5741. of 5616  
the Revised Code. The time limitations on assessments under those 5617  
chapters do not apply to an assessment under this division, but 5618  
the tax commissioner shall make the assessment within one year 5619  
after the date the authority certifies to the tax commissioner the 5620  
amount to be paid by the taxpayer. 5621

(K) The director of development services, after consultation 5622  
with the tax commissioner and in accordance with Chapter 119. of 5623  
the Revised Code, shall adopt rules necessary to implement this 5624  
section. The rules may provide for recipients of tax exemptions 5625  
under this section to be charged fees to cover administrative 5626  
costs incurred in the administration of this section. The fees 5627  
collected shall be credited to the business assistance fund 5628  
created in section 122.174 of the Revised Code. At the time the 5629  
director gives public notice under division (A) of section 119.03 5630  
of the Revised Code of the adoption of the rules, the director 5631  
shall submit copies of the proposed rules to the chairpersons of 5632  
the standing committees on economic development in the senate and 5633  
the house of representatives. 5634

(L) On or before the first day of August of each year, the 5635  
director of development services shall submit a report to the 5636  
governor, the president of the senate, and the speaker of the 5637  
house of representatives on the tax exemption authorized under 5638  
this section. The report shall include information on the number 5639  
of agreements that were entered into under this section during the 5640  
preceding calendar year, a description of the eligible computer 5641  
data center that is the subject of each such agreement, and an 5642  
update on the status of eligible computer data centers under 5643  
agreements entered into before the preceding calendar year. 5644

(M) A taxpayer may be made a party to an existing agreement 5645  
entered into under this section by the tax credit authority and 5646



another taxpayer or group of taxpayers. In such a case, the 5647  
taxpayer shall be entitled to all benefits and bound by all 5648  
obligations contained in the agreement and all requirements 5649  
described in this section. When an agreement includes multiple 5650  
taxpayers, each taxpayer shall be entitled to a direct payment 5651  
permit as authorized in division (I) of this section. 5652

**Sec. 122.177.** (A) As used in this section: 5653

(1) "Business" means a sole proprietorship, a corporation for 5654  
profit, or a pass-through entity as defined in section 5733.04 of 5655  
the Revised Code. 5656

(2) "Career exploration internship" means a paid employment 5657  
relationship between a student intern and a business in which the 5658  
student intern acquires education, instruction, and experience 5659  
relevant to the student intern's career aspirations. 5660

(3) "Student intern" means an individual who, at the time the 5661  
business applies for a grant under division (B) of this section, 5662  
meets both of the following criteria: 5663

(a) The individual is entitled to attend school in this 5664  
state. 5665

(b) The individual is either between sixteen and eighteen 5666  
years of age or is enrolled in grade eleven or twelve. 5667

(B) There is hereby created in the development services 5668  
agency the career exploration internship program to award grants 5669  
to businesses that employ a student intern in a career exploration 5670  
internship. To qualify for a grant under the program, the career 5671  
exploration internship shall be at least twenty weeks in duration 5672  
and include at least two hundred hours of paid work and 5673  
instruction in this state. To obtain a grant, the business shall 5674  
apply to the development services agency before the starting date 5675  
of the career exploration internship. The application shall 5676

include all of the following:	5677
(1) A brief description of the career exploration internship;	5678
(2) A signed statement by the student intern briefly describing the student intern's career aspirations and how the student intern believes this career exploration internship may help achieve those aspirations;	5679 5680 5681 5682
(3) A signed statement by a principal or guidance counselor at the student intern's school or, in the case of a home schooled student, an individual responsible for administering instruction to the student intern, acknowledging that the employment opportunity qualifies as a career exploration internship and expressing intent to advise the student intern as provided in division (E) of this section;	5683 5684 5685 5686 5687 5688 5689
(4) The name, address, and telephone number of the business;	5690
(5) Any other information required by the development services agency.	5691 5692
(C)(1) The development services agency shall review and make a determination with respect to each application submitted under division (B) of this section in the order in which the application is received. The agency shall not approve any application under this section that is received by the agency <del>more than three years</del> <del>after the effective date of H.B. 107 of the 130th general assembly</del> <u>later than June 25, 2017</u> , or that was submitted by a business that does not have substantial operations in this state. The agency may not otherwise deny an application unless the application is incomplete, the proposed employment relationship does not qualify as a career exploration internship for which a grant may be awarded under this section, the business is ineligible to receive a grant under division (D)(1) of this section, or the agency determines that approving the application would cause the amount that could be awarded to exceed the amount of money in the career	5693 5694 5695 5696 5697 5698 5699 5700 5701 5702 5703 5704 5705 5706 5707

exploration internship fund. 5708

(2) The agency shall send written notice of its determination 5709  
to the applicant within thirty days after receiving the 5710  
application. If the agency determines that the application shall 5711  
not be approved, the notice shall include the reasons for such 5712  
determination. 5713

(3) The agency's determination is final and may not be 5714  
appealed for any reason. A business may submit a new or amended 5715  
application under division (B) of this section at any time before 5716  
or after receiving notice under division (C)(2) of this section. 5717

(D)(1) In any calendar year, the development services agency 5718  
shall not award grants under this section to any business that has 5719  
received grants for three career exploration internships in that 5720  
calendar year. The agency shall not award a grant to a business 5721  
unless the agency receives a report from the business within 5722  
thirty days after the end of the career exploration internship or 5723  
thirteen months after the approval of the application, whichever 5724  
comes first, that includes all of the following: 5725

(a) The date the student intern began the internship; 5726

(b) The date the internship ended or a statement that the 5727  
student will continue to be employed by the business; 5728

(c) The total number of hours during the internship that the 5729  
student intern was employed by the business; 5730

(d) The total wages paid by the business to the student 5731  
intern during the internship; 5732

(e) A signed statement by the student intern briefly 5733  
describing the duties performed during the internship and the 5734  
skills and experiences gained throughout the internship; 5735

(f) Any other information required by the agency. 5736

(2) If the agency receives the report and determines that it 5737

contains all of the information and the statement required by 5738  
division (D)(1) of this section and that the career exploration 5739  
internship described in the report complies with all the 5740  
provisions of this section, the agency shall award a grant to the 5741  
business. The amount of the grant shall equal the lesser of the 5742  
following: 5743

(a) Fifty per cent of the wages paid by the business to the 5744  
student intern for the first twelve months following the date the 5745  
application was approved; 5746

(b) Five thousand dollars. 5747

(E) The student intern and the principal, guidance counselor, 5748  
or other qualified individual who signed the statement described 5749  
in division (B)(3) of this section shall meet at least once in the 5750  
thirty days following the end of the career exploration internship 5751  
or in the thirteenth month following the start of the career 5752  
exploration internship, whichever comes first. The purpose of the 5753  
meeting is to discuss the student intern's experiences during the 5754  
career exploration internship, consider the practical applications 5755  
of these experiences to the student intern's career aspirations, 5756  
and to establish or confirm goals for the student intern. If 5757  
practicable, the meeting shall be in person. Otherwise, the 5758  
meeting may be conducted over the telephone. 5759

(F) A business that receives a grant under this section may 5760  
submit a new application under division (B) of this section for 5761  
another career exploration internship with the same student 5762  
intern. Such an application does not have to include the 5763  
statements otherwise required by divisions (B)(2) and (3) of this 5764  
section. 5765

(G) Annually, ~~before on the seventh first~~ day of ~~January~~ 5766  
~~August~~ until the ~~January of the third year that follows the year~~ 5767  
~~that includes the effective date of H.B. 107 of the 130th general~~ 5768

assembly August 2017, the development services agency shall 5769  
compile a report indicating the number of career exploration 5770  
internships approved by the agency under this section, the 5771  
statements issued by the student interns under divisions (B)(2) 5772  
and (D)(1)(e) of this section, the number of student interns that 5773  
continued employment with the business after the termination of 5774  
the career exploration internship, and the total amount of grants 5775  
awarded under this section. The report shall not disclose any 5776  
student interns' personally identifiable information. The agency 5777  
shall provide copies of the report to the governor, the speaker 5778  
and minority leader of the house of representatives, and the 5779  
president and minority leader of the senate. 5780

(H) The development services agency may adopt rules necessary 5781  
to administer this section in accordance with Chapter 119. of the 5782  
Revised Code. 5783

(I) The career exploration internship fund is hereby created 5784  
in the state treasury. The fund shall consist of a portion of the 5785  
proceeds from the upfront license fees paid for the casino 5786  
facilities authorized under Section 6(C) of Article XV, Ohio 5787  
Constitution. Money in the fund shall be used by the development 5788  
services agency to provide grants under this section. 5789

**Sec. 122.64.** (A) There is hereby established in the 5790  
development services agency a business services division. The 5791  
division shall be supervised by a deputy director appointed by the 5792  
director of development services. 5793

The division is responsible for the administration of the 5794  
state economic development financing programs established pursuant 5795  
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 5796  
122.62, and Chapter 166. of the Revised Code. 5797

(B) The director of development services shall: 5798

(1) Receive applications for assistance pursuant to sections 5799  
122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. 5800  
The director shall process the applications. 5801

(2) With the approval of the director of administrative 5802  
services, establish salary schedules for employees of the various 5803  
positions of employment with the division and assign the various 5804  
positions to those salary schedules; 5805

(3) Employ and fix the compensation of financial consultants, 5806  
appraisers, consulting engineers, superintendents, managers, 5807  
construction and accounting experts, attorneys, and other agents 5808  
for the assistance programs authorized pursuant to sections 122.17 5809  
and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. 5810  
of the Revised Code as are necessary; 5811

(4) Supervise the administrative operations of the division; 5812

(5) On or before the first day of ~~August~~ October in each 5813  
year, make an annual report of the activities and operations under 5814  
assistance programs authorized pursuant to sections 122.39 and 5815  
122.41 to 122.62 and Chapter 166. of the Revised Code for the 5816  
preceding fiscal year to the governor and the general assembly. 5817  
Each such report shall set forth a complete operating and 5818  
financial statement covering such activities and operations during 5819  
the year in accordance with generally accepted accounting 5820  
principles and shall be audited by a certified public accountant. 5821  
The director of development services shall transmit a copy of the 5822  
audited financial report to the office of budget and management. 5823

Sec. 122.641. (A)(1) There is hereby created the lakes in 5824  
economic distress revolving loan program to assist businesses and 5825  
other entities that are adversely affected due to economic 5826  
circumstances that result in the declaration of a lake as an area 5827  
under economic distress by the director of natural resources under 5828  
division (A)(2) of this section. The director of development 5829

services shall administer the program. 5830

(2) The director of natural resources shall do both of the following: 5831  
5832

(a) Declare a lake as an area under economic distress. The director shall declare a lake as an area under economic distress based solely on environmental or safety issues, including the closure of a dam for safety reasons. 5833  
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(b) Subsequently declare a lake as an area no longer under economic distress when the environmental or safety issues, as applicable, have been resolved. 5837  
5838  
5839

(B) There is hereby created in the state treasury the lakes in economic distress revolving loan fund. The fund shall consist of money appropriated to it, all payments of principal and interest on loans made from the fund, and all investment earnings on money in the fund. The director of development services shall use money in the fund to make loans under this section, provided that the loans shall be zero interest loans during the time that an applicable lake has been declared an area under economic distress under division (A)(2)(a) of this section. 5840  
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(C) The director shall adopt rules in accordance with Chapter 119. of the Revised that do both of the following: 5849  
5850

(1) Establish requirements and procedures for the making of loans under this section, including all of the following: 5851  
5852

(a) Eligibility criteria; 5853

(b) Application procedures; 5854

(c) Criteria for approval or disapproval of loans, including a stipulation that an applicant must demonstrate that the loan will help to achieve long-term economic stability in the area; 5855  
5856  
5857

(d) Criteria for repayment of the loans, including the establishment of an interest rate that does not exceed two points 5858  
5859

less than prime after an applicable lake has been declared as an 5860  
area no longer under economic distress under division (A)(2)(b) of 5861  
this section. 5862

(2) Establish any other provisions necessary to administer 5863  
this section. 5864

(D) In administering the program, the director shall assist 5865  
businesses and other entities in determining the amount of loans 5866  
needed. 5867

**Sec. 122.85.** (A) As used in this section and in sections 5868  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5869

(1) "Tax credit-eligible production" means a motion picture 5870  
production certified by the director of development services under 5871  
division (B) of this section as qualifying the motion picture 5872  
company for a tax credit under section 5726.55, 5733.59, 5747.66, 5873  
or 5751.54 of the Revised Code. 5874

(2) "Certificate owner" means a motion picture company to 5875  
which a tax credit certificate is issued. 5876

(3) "Motion picture company" means an individual, 5877  
corporation, partnership, limited liability company, or other form 5878  
of business association producing a motion picture. 5879

(4) "Eligible production expenditures" means expenditures 5880  
made after June 30, 2009, for goods or services purchased and 5881  
consumed in this state by a motion picture company directly for 5882  
the production of a tax credit-eligible production. 5883

"Eligible production expenditures" includes, but is not 5884  
limited to, expenditures for resident and nonresident cast and 5885  
crew wages, accommodations, costs of set construction and 5886  
operations, editing and related services, photography, sound 5887  
synchronization, lighting, wardrobe, makeup and accessories, film 5888  
processing, transfer, sound mixing, special and visual effects, 5889



music, location fees, and the purchase or rental of facilities and 5890  
equipment. 5891

(5) "Motion picture" means entertainment content created in 5892  
whole or in part within this state for distribution or exhibition 5893  
to the general public, including, but not limited to, 5894  
feature-length films; documentaries; long-form, specials, 5895  
miniseries, series, and interstitial television programming; 5896  
interactive web sites; sound recordings; videos; music videos; 5897  
interactive television; interactive games; video games; 5898  
commercials; any format of digital media; and any trailer, pilot, 5899  
video teaser, or demo created primarily to stimulate the sale, 5900  
marketing, promotion, or exploitation of future investment in 5901  
either a product or a motion picture by any means and media in any 5902  
digital media format, film, or videotape, provided the motion 5903  
picture qualifies as a motion picture. "Motion picture" does not 5904  
include any television program created primarily as news, weather, 5905  
or financial market reports, a production featuring current events 5906  
or sporting events, an awards show or other gala event, a 5907  
production whose sole purpose is fundraising, a long-form 5908  
production that primarily markets a product or service or in-house 5909  
corporate advertising or other similar productions, a production 5910  
for purposes of political advocacy, or any production for which 5911  
records are required to be maintained under 18 U.S.C. 2257 with 5912  
respect to sexually explicit content. 5913

(B) For the purpose of encouraging and developing a strong 5914  
film industry in this state, the director of development services 5915  
may certify a motion picture produced by a motion picture company 5916  
as a tax credit-eligible production. In the case of a television 5917  
series, the director may certify the production of each episode of 5918  
the series as a separate tax credit-eligible production. A motion 5919  
picture company shall apply for certification of a motion picture 5920  
as a tax credit-eligible production on a form and in the manner 5921

prescribed by the director. Each application shall include the	5922
following information:	5923
(1) The name and telephone number of the motion picture production company;	5924 5925
(2) The name and telephone number of the company's contact person;	5926 5927
(3) A list of the first preproduction date through the last production date in Ohio;	5928 5929
(4) The Ohio production office address and telephone number;	5930
(5) The total production budget of the motion picture;	5931
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	5932 5933 5934
(7) The total percentage of the motion picture being shot in Ohio;	5935 5936
(8) The level of employment of cast and crew who reside in Ohio;	5937 5938
(9) A synopsis of the script;	5939
(10) The shooting script;	5940
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	5941 5942
(12) Documentation of financial ability to undertake and complete the motion picture;	5943 5944
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	5945 5946
(14) Any other information considered necessary by the director.	5947 5948
Within ninety days after certification of a motion picture as	5949

a tax credit-eligible production, and any time thereafter upon the 5950  
~~director of development services~~ request of the director of 5951  
development services, the motion picture company shall present to 5952  
the director sufficient evidence of reviewable progress. If the 5953  
motion picture company fails to present sufficient evidence, the 5954  
director may rescind the certification. Upon rescission, the 5955  
director shall notify the applicant that the certification has 5956  
been rescinded. Nothing in this section prohibits an applicant 5957  
whose tax credit-eligible production certification has been 5958  
rescinded from submitting a subsequent application for 5959  
certification. 5960

(C)(1) A motion picture company whose motion picture has been 5961  
certified as a tax credit-eligible production may apply to the 5962  
director of development services on or after July 1, 2009, for a 5963  
refundable credit against the tax imposed by section 5726.02, 5964  
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 5965  
consultation with the tax commissioner shall prescribe the form 5966  
and manner of the application and the information or documentation 5967  
required to be submitted with the application. 5968

The credit is determined as follows: 5969

(a) If the total budgeted eligible production expenditures 5970  
stated in the application submitted under division (B) of this 5971  
section or the actual eligible production expenditures as finally 5972  
determined under division (D) of this section, whichever is least, 5973  
is less than or equal to three hundred thousand dollars, no credit 5974  
is allowed; 5975

(b) If the total budgeted eligible production expenditures 5976  
stated in the application submitted under division (B) of this 5977  
section or the actual eligible production expenditures as finally 5978  
determined under division (D) of this section, whichever is least, 5979  
is greater than three hundred thousand dollars, the credit equals 5980  
the sum of the following, subject to the limitation in division 5981

(C)(4) of this section: 5982

(i) Twenty-five per cent of the least of such budgeted or 5983  
actual eligible expenditure amounts excluding budgeted or actual 5984  
eligible expenditures for resident cast and crew wages; 5985

(ii) Thirty-five per cent of budgeted or actual eligible 5986  
expenditures for resident cast and crew wages. 5987

(2) Except as provided in division (C)(4) of this section, if 5988  
the director of development services approves a motion picture 5989  
company's application for a credit, the director shall issue a tax 5990  
credit certificate to the company. The director in consultation 5991  
with the tax commissioner shall prescribe the form and manner of 5992  
issuing certificates. The director shall assign a unique 5993  
identifying number to each tax credit certificate and shall record 5994  
the certificate in a register devised and maintained by the 5995  
director for that purpose. The certificate shall state the amount 5996  
of the eligible production expenditures on which the credit is 5997  
based and the amount of the credit. Upon the issuance of a 5998  
certificate, the director shall certify to the tax commissioner 5999  
the name of the applicant, the amount of eligible production 6000  
expenditures shown on the certificate, and any other information 6001  
required by the rules adopted to administer this section. 6002

(3) The amount of eligible production expenditures for which 6003  
a tax credit may be claimed is subject to inspection and 6004  
examination by the tax commissioner or employees of the 6005  
commissioner under section 5703.19 of the Revised Code and any 6006  
other applicable law. Once the eligible production expenditures 6007  
are finally determined under section 5703.19 of the Revised Code 6008  
and division (D) of this section, the credit amount is not subject 6009  
to adjustment unless the director determines an error was 6010  
committed in the computation of the credit amount. 6011

(4) No tax credit certificate may be issued before the 6012

completion of the tax credit-eligible production. Not more than 6013  
forty million dollars of tax credit may be allowed per fiscal 6014  
biennium beginning on or after July 1, 2011, and not more than 6015  
twenty million dollars may be allowed in the first year of the 6016  
biennium. At any time, not more than five million dollars of tax 6017  
credit may be allowed per tax credit-eligible production. 6018

(D) A motion picture company whose motion picture has been 6019  
certified as a tax credit-eligible production shall engage, at the 6020  
company's expense, an independent certified public accountant to 6021  
examine the company's production expenditures to identify the 6022  
expenditures that qualify as eligible production expenditures. The 6023  
certified public accountant shall issue a report to the company 6024  
and to the director of development services certifying the 6025  
company's eligible production expenditures and any other 6026  
information required by the director. Upon receiving and examining 6027  
the report, the director may disallow any expenditure the director 6028  
determines is not an eligible production expenditure. If the 6029  
director disallows an expenditure, the director shall issue a 6030  
written notice to the motion picture production company stating 6031  
that the expenditure is disallowed and the reason for the 6032  
disallowance. Upon examination of the report and disallowance of 6033  
any expenditures, the director shall determine finally the lesser 6034  
of the total budgeted eligible production expenditures stated in 6035  
the application submitted under division (B) of this section or 6036  
the actual eligible production expenditures for the purpose of 6037  
computing the amount of the credit. 6038

(E) No credit shall be allowed under section 5726.55, 6039  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 6040  
director has reviewed the report and made the determination 6041  
prescribed by division (D) of this section. 6042

(F) This state reserves the right to refuse the use of this 6043  
state's name in the credits of any tax credit-eligible motion 6044

picture production. 6045

(G)(1) The director of development services in consultation 6046  
with the tax commissioner shall adopt rules for the administration 6047  
of this section, including rules setting forth and governing the 6048  
criteria for determining whether a motion picture production is a 6049  
tax credit-eligible production; activities that constitute the 6050  
production of a motion picture; reporting sufficient evidence of 6051  
reviewable progress; expenditures that qualify as eligible 6052  
production expenditures; a competitive process for approving 6053  
credits; and consideration of geographic distribution of credits. 6054  
The rules shall be adopted under Chapter 119. of the Revised Code. 6055

(2) The director may require a reasonable application fee to 6056  
cover administrative costs of the tax credit program. The fees 6057  
collected shall be credited to the ~~motion picture tax credit~~ 6058  
~~program operating~~ business assistance fund, ~~which is hereby~~ 6059  
created in the ~~state treasury~~ section 122.174 of the Revised Code. 6060  
~~The motion picture tax credit program operating fund shall consist~~ 6061  
~~of all~~ All grants, gifts, fees, and contributions made to the 6062  
director for marketing and promotion of the motion picture 6063  
industry within this state shall also be credited to the fund. The 6064  
director shall use money in the fund to pay expenses related to 6065  
the administration of the Ohio film office and the credit 6066  
authorized by this section and sections 5726.55-, 5733.59, 6067  
5747.66, and 5751.54 of the Revised Code. 6068

**Sec. 122.87.** As used in sections 122.87 to 122.90 of the 6069  
Revised Code: 6070

(A) "Surety company" means a company that is authorized by 6071  
the department of insurance to issue bonds as surety. 6072

(B) "Minority business" means any of the following 6073  
occupations: 6074

(1) Minority construction contractor; 6075

(2) Minority seller; 6076

(3) Minority service vendor. 6077

(C) "Minority construction contractor" means a person who is 6078  
both a construction contractor and an owner of a minority business 6079  
enterprise certified under division (B) of section 123.151 of the 6080  
Revised Code. 6081

(D) "Minority seller" means a person who is both a seller of 6082  
goods and an owner of a minority business enterprise listed on the 6083  
special minority business enterprise bid notification list under 6084  
~~division (B) of~~ section 125.08 of the Revised Code. 6085

(E) "Minority service vendor" means a person who is both a 6086  
vendor of services and an owner of a minority business enterprise 6087  
listed on the special minority business enterprise bid 6088  
notification list under ~~division (B) of~~ section 125.08 of the 6089  
Revised Code. 6090

(F) "Minority business enterprise" has the meaning given in 6091  
section 122.71 of the Revised Code. 6092

(G) "EDGE business enterprise" means a sole proprietorship, 6093  
association, partnership, corporation, limited liability 6094  
corporation, or joint venture certified as a participant in the 6095  
encouraging diversity, growth, and equity program by the director 6096  
of administrative services under section 123.152 of the Revised 6097  
Code. 6098

**Sec. 122.942. (A)** The director of development services shall, 6099  
with respect to each project for which a loan, grant, tax credit, 6100  
or other state-funded financial assistance is awarded by the 6101  
development services agency, make all of the following information 6102  
available to the public within thirty days after the agency enters 6103  
into a contract with the recipient: 6104

<del>(A)</del> <u>(1)</u> A summary of the project that includes all of the following:	6105 6106
<del>(1)</del> <u>(a)</u> A breakdown of the sources of the funds for each aspect of the project, such as state or federal programs, the operating company or entity itself, or any private financing, and a complete description of how each type of funds is to be used;	6107 6108 6109 6110
<del>(2)</del> <u>(b)</u> The total amount of assistance awarded;	6111
<del>(3)</del> <u>(c)</u> A brief description of the project;	6112
<del>(4)</del> <u>(d)</u> The following information regarding the project:	6113
<del>(a)</del> <u>(i)</u> The operating company or entity that is awarded the assistance;	6114 6115
<del>(b)</del> <u>(ii)</u> The products or services provided by the operating company or entity;	6116 6117
<del>(c)</del> <u>(iii)</u> The number of new jobs, at-risk jobs, and retained jobs anticipated; the hourly wages and hourly benefits of those jobs; and the dollar amount of assistance per job affected.	6118 6119 6120
<del>(5)</del> <u>(e)</u> The strengths and weaknesses of the project;	6121
<del>(6)</del> <u>(f)</u> The location of the project, the location of the operating company or entity, and whether relocation is involved;	6122 6123
<del>(7)</del> <u>(g)</u> The Ohio house district and Ohio senate district in which the project is located;	6124 6125
<del>(8)</del> <u>(h)</u> The payment terms and conditions of the assistance awarded;	6126 6127
<del>(9)</del> <u>(i)</u> The collateral or security required;	6128
<del>(10)</del> <u>(j)</u> The recommendation of the staff assigned to the project.	6129 6130
<del>(B)</del> <u>(2)</u> A comprehensive report that provides a description of the operating company or entity; all relevant information regarding the project; an analysis of the operating company or	6131 6132 6133



entity and the goods or services it provides; the explicit terms 6134  
of any collateral or security required; and the reasoning behind 6135  
the staffs' recommendation. 6136

~~(C)~~(3) Any other relevant information the controlling board 6137  
may request, or the director may consider necessary to more fully 6138  
describe the details of the assistance or the operating company or 6139  
entity, that is provided before the controlling board approves the 6140  
assistance. 6141

(B)(1) As used in this division, "tax incentive" means any 6142  
exemption, either in whole or in part, of the income, goods, 6143  
services, or property of a taxpayer from the effect of taxes 6144  
levied by or under the Revised Code. "Tax incentive" includes, but 6145  
is not limited to, tax exemptions, deferrals, exclusions, 6146  
allowances, credits, deductions, reimbursements, and preferential 6147  
tax rates. 6148

(2) The director of development services shall estimate the 6149  
total revenue that will be forgone by the state as a result of 6150  
each tax incentive approved by the tax credit authority created 6151  
under section 122.17 of the Revised Code. The estimate shall be 6152  
based on the monetary value of the tax incentive and not on 6153  
potential economic growth. The director shall make each estimate, 6154  
along with the name and address of the taxpayer that will receive 6155  
the tax incentive, available to the public within thirty days 6156  
after the date the tax incentive is approved by the tax credit 6157  
authority. 6158

Nothing in this division precludes the director of 6159  
development services from making other information regarding tax 6160  
incentives available to the public unless disclosure of such 6161  
information is prohibited by any other section of the Revised 6162  
Code. 6163

(3) The director may adopt rules in accordance with Chapter 6164

119. of the Revised Code to effectuate this division. 6165

(C) Nothing in this section shall be construed as requiring 6166  
the disclosure of information that is not a public record under 6167  
section 149.43 of the Revised Code. 6168

**Sec. 122.95.** As used in ~~sections 122.95 to 122.952~~ this 6169  
section and section 122.951 of the Revised Code: 6170

(A) "Commercial or industrial areas" means areas zoned either 6171  
commercial or industrial by the local zoning authority or an area 6172  
not zoned, but in which there is located one or more commercial or 6173  
industrial activities. 6174

(B) "Eligible county" means any of the following: 6175

(1) A county designated as being in the "Appalachian region" 6176  
under the "Appalachian Regional Development Act of 1965," 79 Stat. 6177  
5, 40 U.S.C. App. 403; 6178

(2) A county that is a "distressed area" as defined in 6179  
section 122.16 of the Revised Code; 6180

(3) A county that within the previous calendar year has had a 6181  
job loss numbering two hundred or more of which one hundred or 6182  
more are manufacturing-related as reported in the notices prepared 6183  
by the department of job and family services pursuant to the 6184  
"Worker Adjustment and Retraining Notification Act," 102 Stat. 890 6185  
(1988), 29 U.S.C. 2101 et seq., as amended. 6186

**Sec. 122.951.** (A) If the director of development services 6187  
determines that a grant ~~from the industrial site improvement fund~~ 6188  
may create new jobs or preserve existing jobs and employment 6189  
opportunities in an eligible county, the director may grant up to 6190  
seven hundred fifty thousand dollars ~~from the fund~~ to the eligible 6191  
county for the purpose of acquiring commercial or industrial land 6192  
or buildings and making improvements to commercial or industrial 6193

areas within the eligible county, including, but not limited to: 6194

(1) Expanding, remodeling, renovating, and modernizing 6195  
buildings, structures, and other improvements; 6196

(2) Remediating environmentally contaminated property on 6197  
which hazardous substances exist under conditions that have caused 6198  
or would cause the property to be identified as contaminated by 6199  
the Ohio or United States environmental protection agency; and 6200

(3) Infrastructure improvements, including, but not limited 6201  
to, site preparation, including building demolition and removal; 6202  
streets, roads, bridges, and traffic control devices; parking lots 6203  
and facilities; water and sewer lines and treatment plants; gas, 6204  
electric, and telecommunications, including broadband, hook-ups; 6205  
and water and railway access improvements. 6206

A grant awarded under this section shall provide not more 6207  
than seventy-five per cent of the estimated total cost of the 6208  
project for which an application is submitted under this section. 6209  
In addition, not more than ten per cent of the amount of the grant 6210  
shall be used to pay the costs of professional services related to 6211  
the project. 6212

(B) An eligible county may apply to the director for a grant 6213  
under this section in the form and manner prescribed by the 6214  
director. The eligible county shall include on the application all 6215  
information required by the director. The application shall 6216  
require the eligible county to provide a detailed description of 6217  
how the eligible county would use a grant to improve commercial or 6218  
industrial areas within the eligible county, and to specify how a 6219  
grant will lead to the creation of new jobs or the preservation of 6220  
existing jobs and employment opportunities in the eligible county. 6221  
The eligible county shall specify in the application the amount of 6222  
the grant for which the eligible county is applying. 6223

(C) ~~An eligible county that receives a grant under this~~ 6224

~~section is not eligible for any additional grants from the 6225  
industrial site improvement fund in the fiscal year in which the 6226  
grant is received and in the subsequent fiscal year. 6227~~

(D) An eligible county may designate a port authority, 6228  
community improvement corporation as defined in section 122.71 of 6229  
the Revised Code, or other economic development entity that is 6230  
located in the county to apply for a grant under this section. If 6231  
a port authority, community improvement corporation, or other 6232  
economic development entity is so designated, references to an 6233  
eligible county in this section include references to the 6234  
authority, corporation, or other entity. 6235

**Sec. 123.10.** (A) As used in this section and section 123.11 6236  
of the Revised Code, "public exigency" means an injury or 6237  
obstruction that occurs in any public works of the state 6238  
~~maintained by the director of administrative services~~ and that 6239  
materially impairs its immediate use or places in jeopardy 6240  
property adjacent to it; an immediate danger of such an injury or 6241  
obstruction; or an injury or obstruction, or an immediate danger 6242  
of an injury or obstruction, that occurs in any public works of 6243  
the state ~~maintained by the director of administrative services~~ 6244  
and that materially impairs its immediate use or places in 6245  
jeopardy property adjacent to it. 6246

(B) When a declaration of public exigency is issued pursuant 6247  
to division (C) of this section, the Ohio facilities construction 6248  
commission shall enter into contracts with proper persons for the 6249  
performance of labor, the furnishing of materials, or the 6250  
construction of any structures and buildings necessary to the 6251  
maintenance, control, and management of the public works of the 6252  
state or any part of those public works. Any contracts awarded for 6253  
the work performed pursuant to the declaration of a public 6254  
exigency may be awarded without competitive bidding or selection 6255

as set forth in Chapter 153. of the Revised Code. 6256

(C) The executive director of the Ohio facilities 6257  
construction commission may issue a declaration of a public 6258  
exigency on the executive director's own initiative or upon the 6259  
request of the director of any state agency, a state institution 6260  
of higher education as defined in division (A)(1) of section 6261  
3345.12 of the Revised Code, or any other state instrumentality. 6262  
The executive director's declaration shall identify the specific 6263  
injury, obstruction, or danger that is the subject of the 6264  
declaration and shall set forth a dollar limitation for the 6265  
repair, removal, or prevention of that exigency under the 6266  
declaration. 6267

Before any project to repair, remove, or prevent a public 6268  
exigency under the executive director's declaration may begin, the 6269  
executive director shall send notice of the project, in writing, 6270  
to the director of budget and management and to the members of the 6271  
controlling board. That notice shall detail the project to be 6272  
undertaken to address the public exigency and shall include a copy 6273  
of the executive director's declaration that establishes the 6274  
monetary limitations on that project. 6275

**Sec. 123.28.** As used in this section and in section 123.281 6276  
of the Revised Code: 6277

(A) "Culture" means any of the following: 6278

(1) Visual, musical, dramatic, graphic, design, and other 6279  
arts, including, but not limited to, architecture, dance, 6280  
literature, motion pictures, music, painting, photography, 6281  
sculpture, and theater, and the provision of training or education 6282  
in these arts; 6283

(2) The presentation or making available, in museums or other 6284  
indoor or outdoor facilities, of principles of science and their 6285

development, use, or application in business, industry, or 6286  
commerce or of the history, heritage, development, presentation, 6287  
and uses of the arts described in division (A)(1) of this section 6288  
and of transportation; 6289

(3) The preservation, presentation, or making available of 6290  
features of archaeological, architectural, environmental, or 6291  
historical interest or significance in a state historical facility 6292  
or a local historical facility. 6293

(B) "Cultural organization" means either of the following: 6294

(1) A governmental agency or Ohio nonprofit corporation, 6295  
including the Ohio historical society, that provides programs or 6296  
activities in areas directly concerned with culture; 6297

(2) A regional arts and cultural district as defined in 6298  
section 3381.01 of the Revised Code. 6299

(C) "Cultural project" means all or any portion of an Ohio 6300  
cultural facility for which the general assembly has made an 6301  
appropriation or has specifically authorized the spending of money 6302  
or the making of rental payments relating to the financing of 6303  
construction. 6304

(D) "Cooperative ~~contract~~ use agreement" means a contract 6305  
between the Ohio facilities construction commission and a cultural 6306  
organization providing the terms and conditions of the cooperative 6307  
use of an Ohio cultural facility. 6308

(E) "Costs of operation" means amounts required to manage an 6309  
Ohio cultural facility that are incurred following the completion 6310  
of construction of its cultural project, provided that both of the 6311  
following apply: 6312

(1) Those amounts either: 6313

(a) Have been committed to a fund dedicated to that purpose; 6314

(b) Equal the principal of any endowment fund, the income 6315

from which is dedicated to that purpose. 6316

(2) The commission and the cultural organization have 6317  
executed an agreement with respect to either of those funds. 6318

(F) "Governmental agency" means a state agency, a state 6319  
institution of higher education as defined in section 3345.12 of 6320  
the Revised Code, a municipal corporation, county, township, or 6321  
school district, a port authority created under Chapter 4582. of 6322  
the Revised Code, any other political subdivision or special 6323  
district in this state established by or pursuant to law, or any 6324  
combination of these entities; except where otherwise indicated, 6325  
the United States or any department, division, or agency of the 6326  
United States, or any agency, commission, or authority established 6327  
pursuant to an interstate compact or agreement. 6328

(G) "Local contributions" means the value of an asset 6329  
provided by or on behalf of a cultural organization from sources 6330  
other than the state, the value and nature of which shall be 6331  
approved by the Ohio facilities construction commission, in its 6332  
sole discretion. "Local contributions" may include the value of 6333  
the site where a cultural project is to be constructed. All "local 6334  
contributions," except a contribution attributable to such a site, 6335  
shall be for the costs of construction of a cultural project or 6336  
the creation or expansion of an endowment for the costs of 6337  
operation of a cultural facility. 6338

(H) "Local historical facility" means a site or facility, 6339  
other than a state historical facility, of archaeological, 6340  
architectural, environmental, or historical interest or 6341  
significance, or a facility, including a storage facility, 6342  
appurtenant to the operations of such a site or facility, that is 6343  
owned by a cultural organization and is used for or in connection 6344  
with cultural activities, including the presentation or making 6345  
available of culture to the public. 6346

(I) "Manage," "operate," or "management" means the provision of, or the exercise of control over the provision of, activities:

(1) Relating to culture for an Ohio cultural facility, including as applicable, but not limited to, providing for displays, exhibitions, specimens, and models; booking of artists, performances, or presentations; scheduling; and hiring or contracting for directors, curators, technical and scientific staff, ushers, stage managers, and others directly related to the cultural activities in the facility; but not including general building services;

(2) Relating to sports and athletic events for an Ohio sports facility, including as applicable, but not limited to, providing for booking of athletes, teams, and events; scheduling; and hiring or contracting for staff, ushers, managers, and others directly related to the sports and athletic events in the facility; but not including general building services.

(J) "Ohio cultural facility" means any of the following:

(1) The theaters located in the state office tower at 77 South High street in Columbus;

(2) Any cultural facility in this state that is managed directly by, or is subject to a cooperative use or management ~~contract~~ agreement with, the Ohio facilities construction commission.

(3) A state historical facility or a local historical facility.

(K) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.

(L) "State historical facility" means a site or facility that



has all of the following characteristics: 6377

(1) It is created, supervised, operated, protected, 6378  
maintained, and promoted by the Ohio historical society pursuant 6379  
to the society's performance of public functions under sections 6380  
149.30 and 149.302 of the Revised Code. 6381

(2) Its title must reside wholly or in part with the state, 6382  
the society, or both the state and the society. 6383

(3) It is managed directly by or is subject to a cooperative 6384  
use or management ~~contract~~ agreement with the Ohio facilities 6385  
construction commission and is used for or in connection with 6386  
cultural activities, including the presentation or making 6387  
available of culture to the public. 6388

(M) "Ohio sports facility" means all or a portion of a 6389  
stadium, arena, tennis facility, motorsports complex, or other 6390  
capital facility in this state. A primary purpose of the facility 6391  
shall be to provide a site or venue for the presentation to the 6392  
public of motorsports events, professional tennis tournaments, or 6393  
events of one or more major or minor league professional athletic 6394  
or sports teams that are associated with the state or with a city 6395  
or region of the state. The facility shall be, in the case of a 6396  
motorsports complex, owned by the state or governmental agency, or 6397  
in all other instances, owned by or located on real property owned 6398  
by the state or a governmental agency, and includes all parking 6399  
facilities, walkways, and other auxiliary facilities, equipment, 6400  
furnishings, and real and personal property and interests and 6401  
rights therein, that may be appropriate for or used for or in 6402  
connection with the facility or its operation, for capital costs 6403  
of which state funds are spent pursuant to this section and 6404  
section 123.281 of the Revised Code. A facility constructed as an 6405  
Ohio sports facility may be both an Ohio cultural facility and an 6406  
Ohio sports facility. 6407

(N) "Motorsports" means sporting events in which motor 6408  
vehicles are driven on a clearly demarcated tracked surface. 6409

**Sec. 123.281.** (A) The Ohio facilities construction commission 6410  
shall provide for the construction of a cultural project in 6411  
conformity with Chapter 153. of the Revised Code, except for 6412  
construction services provided on behalf of the state by a 6413  
governmental agency or a cultural organization in accordance with 6414  
divisions (B) and (C) of this section. 6415

(B) In order for a governmental agency or a cultural 6416  
organization to provide construction services on behalf of the 6417  
state for a cultural project, other than a state historical 6418  
facility, for which the general assembly has made an appropriation 6419  
or specifically authorized the spending of money or the making of 6420  
rental payments relating to the financing of the construction, the 6421  
governmental agency or cultural organization shall submit to the 6422  
Ohio facilities construction commission a cooperative use 6423  
agreement that includes, but is not limited to, provisions that: 6424

(1) Specify how the proposed project will support culture, ~~as~~ 6425  
~~defined in section 123.28 of the Revised Code;~~ 6426

(2) Specify that the governmental agency or cultural 6427  
organization has local contributions amounting to not less than 6428  
fifty per cent of the total state funding for the cultural 6429  
project; 6430

(3) Specify that the funds shall be used only for 6431  
~~construction, as defined in section 123.28 of the Revised Code;~~ 6432

(4) Identify the facility to be constructed, renovated, 6433  
remodeled, or improved; 6434

(5) Specify that the project scope meets the intent and 6435  
purpose of the project appropriation and that the project can be 6436  
completed and ready ~~for full occupancy~~ to support culture without 6437

exceeding appropriated funds; 6438

(6) Specify that the governmental agency or cultural 6439  
organization shall hold the Ohio facilities construction 6440  
commission harmless from all liability for the operation and 6441  
maintenance costs of the facility; 6442

(7) Specify that the agreement or any actions taken under it 6443  
are not subject to ~~Chapters~~ Chapter 123. or 153. of the Revised 6444  
Code, except for ~~section~~ sections 123.20, 123.201, 123.21, 123.28, 6445  
123.281, and 153.011 of the Revised Code, and are subject to 6446  
Chapter 4115. of the Revised Code; and 6447

(8) Provide that amendments to the agreement shall require 6448  
the approval of the Ohio facilities construction commission. 6449

(C) In order for a cultural organization to provide 6450  
construction services on behalf of the state for a state 6451  
historical facility for which the general assembly has made an 6452  
appropriation or specifically authorized the spending of money or 6453  
the making of rental payments relating to the financing of the 6454  
construction, the cultural organization shall submit to the Ohio 6455  
facilities construction commission a cooperative use agreement 6456  
that includes, but is not limited to, provisions that: 6457

(1) Specify how the proposed project will support culture, ~~as~~ 6458  
~~defined in section 123.28 of the Revised Code;~~ 6459

(2) Specify that the funds shall be used only for 6460  
~~construction, as defined in section 123.28 of the Revised Code;~~ 6461

(3) Specify that not more than three per cent of the funds 6462  
may be used by the cultural organization to administer the 6463  
project; 6464

(4) Identify the facility to be constructed, renovated, 6465  
remodeled, or improved; 6466

~~(4)~~(5) Specify that the project scope meets the intent and 6467

purpose of the project appropriation and that the project can be 6468  
completed and ready ~~for full occupancy~~ to support culture without 6469  
exceeding appropriated funds; 6470

~~(5)~~(6) Specify that the cultural organization shall hold the 6471  
Ohio facilities construction commission harmless from all 6472  
liability for the operation and maintenance costs of the facility; 6473

~~(6)~~(7) Specify that the agreement or any actions taken under 6474  
it are not subject to ~~Chapters~~ Chapter 123., 153., or 4115. of the 6475  
Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 6476  
and 123.281 of the Revised Code; and 6477

~~(7)~~(8) Provide that amendments to the agreement shall require 6478  
the approval of the Ohio facilities construction commission. 6479

(D) For an Ohio sports facility that is financed in part by 6480  
obligations issued under Chapter 154. of the Revised Code, 6481  
construction services shall be provided on behalf of the state by 6482  
or at the direction of the governmental agency or nonprofit 6483  
corporation that will own or be responsible for the management of 6484  
the facility. Any construction services to be provided by a 6485  
governmental agency or nonprofit corporation shall be specified in 6486  
a cooperative use agreement between the Ohio facilities 6487  
construction commission and the governmental agency or nonprofit 6488  
corporation. The agreement and any actions taken under it are not 6489  
subject to Chapter 123. or 153. of the Revised Code, except for 6490  
sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of 6491  
the Revised Code, and are subject to Chapter 4115. of the Revised 6492  
Code. 6493

(E) State funds shall not be used to pay or reimburse more 6494  
than fifteen per cent of the initial estimated construction cost 6495  
of an Ohio sports facility, excluding any site acquisition cost, 6496  
and no state funds, including any state bond proceeds, shall be 6497  
spent on any Ohio sports facility under this chapter unless, with 6498

respect to that facility, all of the following apply: 6499

(1) The Ohio facilities construction commission has received 6500  
a financial and development plan satisfactory to it, and provision 6501  
has been made, by agreement or otherwise, satisfactory to the 6502  
commission, for a contribution amounting to not less than 6503  
eighty-five per cent of the total estimated construction cost of 6504  
the facility, excluding any site acquisition cost, from sources 6505  
other than the state. 6506

(2) The general assembly has specifically authorized the 6507  
spending of money on, or made an appropriation for, the 6508  
construction of the facility, or for rental payments relating to 6509  
state financing of all or a portion of the costs of constructing 6510  
the facility. Authorization to spend money, or an appropriation, 6511  
for planning or determining the feasibility of or need for the 6512  
facility does not constitute authorization to spend money on, or 6513  
an appropriation for, costs of constructing the facility. 6514

(3) If state bond proceeds are being used for the Ohio sports 6515  
facility, the state or a governmental agency owns or has 6516  
sufficient property interests in the facility or in the site of 6517  
the facility or in the portion or portions of the facility 6518  
financed from proceeds of state bonds, which may include, but is 6519  
not limited to, the right to use or to require the use of the 6520  
facility for the presentation of sport and athletic events to the 6521  
public at the facility. 6522

~~(E)~~(F) In addition to the requirements of division ~~(D)~~(E) of 6523  
this section, no state funds, including any state bond proceeds, 6524  
shall be spent on any Ohio sports facility that is a motorsports 6525  
complex, unless, with respect to that facility, both of the 6526  
following apply: 6527

(1) Motorsports events shall be presented at the facility 6528  
pursuant to a lease entered into with the owner of the facility. 6529

The term of the lease shall be for a period of not less than the 6530  
greater of the useful life of the portion of the facility financed 6531  
from proceeds of state bonds as determined using the guidelines 6532  
for maximum maturities as provided under divisions (B) and (C) of 6533  
section 133.20 of the Revised Code, or the period of time 6534  
remaining to the date of payment or provision for payment of 6535  
outstanding state bonds allocable to costs of the facility, all as 6536  
determined by the director of budget and management and certified 6537  
by the executive director of the Ohio facilities construction 6538  
commission and to the treasurer of state. 6539

(2) Any motorsports organization that commits to using the 6540  
facility for an established period of time shall give the 6541  
political subdivision in which the facility is located not less 6542  
than six months' advance notice if the organization intends to 6543  
cease utilizing the facility prior to the expiration of that 6544  
established period. Such a motorsports organization shall be 6545  
liable to the state for any state funds used on the construction 6546  
costs of the facility. 6547

~~(F)~~(G) In addition to the requirements of division ~~(D)~~(E) of 6548  
this section, no state bond proceeds shall be spent on any Ohio 6549  
sports facility that is a tennis facility, unless the owner or 6550  
manager of the facility provides contractual commitments from a 6551  
national or international professional tennis organization in a 6552  
form acceptable to the Ohio facilities construction commission 6553  
that assures that one or more sanctioned professional tennis 6554  
events will be presented at the facility during each year that the 6555  
bonds remain outstanding. 6556

**Sec. 124.14.** (A)(1) The director of administrative services 6557  
shall establish, and may modify or rescind, ~~by rule,~~ a job 6558  
classification plan for all positions, offices, and employments in 6559  
the service of the state. The director shall group jobs within a 6560

classification so that the positions are similar enough in duties 6561  
and responsibilities to be described by the same title, to have 6562  
the same pay assigned with equity, and to have the same 6563  
qualifications for selection applied. The director shall, ~~by rule,~~ 6564  
assign a classification title to each classification within the 6565  
classification plan. However, the director shall consider in 6566  
establishing classifications, including classifications with 6567  
parenthetical titles, and assigning pay ranges such factors as 6568  
duties performed only on one shift, special skills in short supply 6569  
in the labor market, recruitment problems, separation rates, 6570  
comparative salary rates, the amount of training required, and 6571  
other conditions affecting employment. The director shall describe 6572  
the duties and responsibilities of the class, establish the 6573  
qualifications for being employed in each position in the class, 6574  
and file with the secretary of state a copy of specifications for 6575  
all of the classifications. The director shall file new, 6576  
additional, or revised specifications with the secretary of state 6577  
before they are used. 6578

The director shall, ~~by rule,~~ assign each classification, 6579  
either on a statewide basis or in particular counties or state 6580  
institutions, to a pay range established under section 124.15 or 6581  
section 124.152 of the Revised Code. The director may assign a 6582  
classification to a pay range on a temporary basis for a period of 6583  
six months. The director may establish, ~~by rule adopted under~~ 6584  
~~Chapter 119. of the Revised Code,~~ experimental classification 6585  
plans for some or all employees paid directly by warrant of the 6586  
director of budget and management. ~~The rule~~ Any such experimental 6587  
classification plan shall include specifications for each 6588  
classification within the plan and shall specifically address 6589  
compensation ranges, and methods for advancing within the ranges, 6590  
for the classifications, which may be assigned to pay ranges other 6591  
than the pay ranges established under section 124.15 or 124.152 of 6592  
the Revised Code. 6593

(2) The director of administrative services may reassign to a 6594  
proper classification those positions that have been assigned to 6595  
an improper classification. If the compensation of an employee in 6596  
such a reassigned position exceeds the maximum rate of pay for the 6597  
employee's new classification, the employee shall be placed in pay 6598  
step X and shall not receive an increase in compensation until the 6599  
maximum rate of pay for that classification exceeds the employee's 6600  
compensation. 6601

(3) The director may reassign an exempt employee, as defined 6602  
in section 124.152 of the Revised Code, to a bargaining unit 6603  
classification if the director determines that the bargaining unit 6604  
classification is the proper classification for that employee. 6605  
Notwithstanding Chapter 4117. of the Revised Code or instruments 6606  
and contracts negotiated under it, these placements are at the 6607  
director's discretion. 6608

(4) The director shall, ~~by rule,~~ assign related 6609  
classifications, which form a career progression, to a 6610  
classification series. The director shall, ~~by rule,~~ assign each 6611  
classification in the classification plan a five-digit number, the 6612  
first four digits of which shall denote the classification series 6613  
to which the classification is assigned. When a career progression 6614  
encompasses more than ten classifications, the director shall, ~~by~~ 6615  
~~rule,~~ identify the additional classifications belonging to a 6616  
classification series. The additional classifications shall be 6617  
part of the classification series, notwithstanding the fact that 6618  
the first four digits of the number assigned to the additional 6619  
classifications do not correspond to the first four digits of the 6620  
numbers assigned to other classifications in the classification 6621  
series. 6622

(B) Division (A) of this section and sections 124.15 and 6623  
124.152 of the Revised Code do not apply to the following persons, 6624  
positions, offices, and employments: 6625



(1) Elected officials;	6626
(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;	6627 6628 6629 6630 6631 6632
(3) Any position for which the authority to determine compensation is given by law to another individual or entity;	6633 6634
(4) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.	6635 6636 6637 6638
(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.	6639 6640
(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall <del>send written notice of the proposed rule to</del> <u>notify</u> the appointing authorities of the affected employees <del>thirty days</del> before a <del>hearing on</del> <u>implementing</u> the <del>proposed rule</del> <u>modification</u> . <u>The director's notice shall include the effective date of the modification.</u> The appointing authorities shall notify the affected employees regarding the <del>proposed rule</del> <u>modification</u> . <del>The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption.</del>	6641 6642 6643 6644 6645 6646 6647 6648 6649 6650
(2) When the director proposes to reclassify any employee in the service of the state so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee in the service of the state who	6651 6652 6653 6654 6655 6656

is not serving in a probationary period, the director shall 6657  
perform a job audit to review the classification of the employee's 6658  
position to determine whether the position is properly classified. 6659  
The director shall give to the employee affected and to the 6660  
employee's appointing authority a written notice of the director's 6661  
determination whether or not to reclassify the position or to 6662  
reassign the employee to another classification. An employee or 6663  
appointing authority desiring a hearing shall file a written 6664  
request for the hearing with the state personnel board of review 6665  
within thirty days after receiving the notice. The board shall set 6666  
the matter for a hearing and notify the employee and appointing 6667  
authority of the time and place of the hearing. The employee, the 6668  
appointing authority, or any authorized representative of the 6669  
employee who wishes to submit facts for the consideration of the 6670  
board shall be afforded reasonable opportunity to do so. After the 6671  
hearing, the board shall consider anew the reclassification and 6672  
may order the reclassification of the employee and require the 6673  
director to assign the employee to such appropriate classification 6674  
as the facts and evidence warrant. As provided in division (A)(1) 6675  
of section 124.03 of the Revised Code, the board may determine the 6676  
most appropriate classification for the position of any employee 6677  
coming before the board, with or without a job audit. The board 6678  
shall disallow any reclassification or reassignment classification 6679  
of any employee when it finds that changes have been made in the 6680  
duties and responsibilities of any particular employee for 6681  
political, religious, or other unjust reasons. 6682

(E)(1) Employees of each county department of job and family 6683  
services shall be paid a salary or wage established by the board 6684  
of county commissioners. The provisions of section 124.18 of the 6685  
Revised Code concerning the standard work week apply to employees 6686  
of county departments of job and family services. A board of 6687  
county commissioners may do either of the following: 6688

(a) Notwithstanding any other section of the Revised Code, 6689  
supplement the sick leave, vacation leave, personal leave, and 6690  
other benefits of any employee of the county department of job and 6691  
family services of that county, if the employee is eligible for 6692  
the supplement under a written policy providing for the 6693  
supplement; 6694

(b) Notwithstanding any other section of the Revised Code, 6695  
establish alternative schedules of sick leave, vacation leave, 6696  
personal leave, or other benefits for employees not inconsistent 6697  
with the provisions of a collective bargaining agreement covering 6698  
the affected employees. 6699

(2) Division (E)(1) of this section does not apply to 6700  
employees for whom the state employment relations board 6701  
establishes appropriate bargaining units pursuant to section 6702  
4117.06 of the Revised Code, except in either of the following 6703  
situations: 6704

(a) The employees for whom the state employment relations 6705  
board establishes appropriate bargaining units elect no 6706  
representative in a board-conducted representation election. 6707

(b) After the state employment relations board establishes 6708  
appropriate bargaining units for such employees, all employee 6709  
organizations withdraw from a representation election. 6710

(F)(1) Notwithstanding any contrary provision of sections 6711  
124.01 to 124.64 of the Revised Code, the board of trustees of 6712  
each state university or college, as defined in section 3345.12 of 6713  
the Revised Code, shall carry out all matters of governance 6714  
involving the officers and employees of the university or college, 6715  
including, but not limited to, the powers, duties, and functions 6716  
of the department of administrative services and the director of 6717  
administrative services specified in this chapter. Officers and 6718  
employees of a state university or college shall have the right of 6719

appeal to the state personnel board of review as provided in this 6720  
chapter. 6721

(2) Each board of trustees shall adopt rules under section 6722  
111.15 of the Revised Code to carry out the matters of governance 6723  
described in division (F)(1) of this section. Until the board of 6724  
trustees adopts those rules, a state university or college shall 6725  
continue to operate pursuant to the applicable rules adopted by 6726  
the director of administrative services under this chapter. 6727

(G)(1) Each board of county commissioners may, by a 6728  
resolution adopted by a majority of its members, establish a 6729  
county personnel department to exercise the powers, duties, and 6730  
functions specified in division (G) of this section. As used in 6731  
division (G) of this section, "county personnel department" means 6732  
a county personnel department established by a board of county 6733  
commissioners under division (G)(1) of this section. 6734

(2)(a) Each board of county commissioners, by a resolution 6735  
adopted by a majority of its members, may designate the county 6736  
personnel department of the county to exercise the powers, duties, 6737  
and functions specified in sections 124.01 to 124.64 and Chapter 6738  
325. of the Revised Code with regard to employees in the service 6739  
of the county, except for the powers and duties of the state 6740  
personnel board of review, which powers and duties shall not be 6741  
construed as having been modified or diminished in any manner by 6742  
division (G)(2) of this section, with respect to the employees for 6743  
whom the board of county commissioners is the appointing authority 6744  
or co-appointing authority. 6745

(b) Nothing in division (G)(2) of this section shall be 6746  
construed to limit the right of any employee who possesses the 6747  
right of appeal to the state personnel board of review to continue 6748  
to possess that right of appeal. 6749

(c) Any board of county commissioners that has established a 6750

county personnel department may contract with the department of 6751  
administrative services, in accordance with division (H) of this 6752  
section, another political subdivision, or an appropriate public 6753  
or private entity to provide competitive testing services or other 6754  
appropriate services. 6755

(3) After the county personnel department of a county has 6756  
been established as described in division (G)(2) of this section, 6757  
any elected official, board, agency, or other appointing authority 6758  
of that county, upon written notification to the county personnel 6759  
department, may elect to use the services and facilities of the 6760  
county personnel department. Upon receipt of the notification by 6761  
the county personnel department, the county personnel department 6762  
shall exercise the powers, duties, and functions as described in 6763  
division (G)(2) of this section with respect to the employees of 6764  
that elected official, board, agency, or other appointing 6765  
authority. 6766

(4) Each board of county commissioners, by a resolution 6767  
adopted by a majority of its members, may disband the county 6768  
personnel department. 6769

(5) Any elected official, board, agency, or appointing 6770  
authority of a county may end its involvement with a county 6771  
personnel department upon actual receipt by the department of a 6772  
certified copy of the notification that contains the decision to 6773  
no longer participate. 6774

(6) A county personnel department, in carrying out its 6775  
duties, shall adhere to merit system principles with regard to 6776  
employees of county departments of job and family services, child 6777  
support enforcement agencies, and public child welfare agencies so 6778  
that there is no threatened loss of federal funding for these 6779  
agencies, and the county is financially liable to the state for 6780  
any loss of federal funds due to the action or inaction of the 6781  
county personnel department. 6782

(H) County agencies may contract with the department of 6783  
administrative services for any human resources services, 6784  
including, but not limited to, establishment and modification of 6785  
job classification plans, competitive testing services, and 6786  
periodic audits and reviews of the county's uniform application of 6787  
the powers, duties, and functions specified in sections 124.01 to 6788  
124.64 and Chapter 325. of the Revised Code with regard to 6789  
employees in the service of the county. Nothing in this division 6790  
modifies the powers and duties of the state personnel board of 6791  
review with respect to employees in the service of the county. 6792  
Nothing in this division limits the right of any employee who 6793  
possesses the right of appeal to the state personnel board of 6794  
review to continue to possess that right of appeal. 6795

(I) The director of administrative services shall establish 6796  
the rate and method of compensation for all employees who are paid 6797  
directly by warrant of the director of budget and management and 6798  
who are serving in positions that the director of administrative 6799  
services has determined impracticable to include in the state job 6800  
classification plan. This division does not apply to elected 6801  
officials, legislative employees, employees of the legislative 6802  
service commission, employees who are in the unclassified civil 6803  
service and exempt from collective bargaining coverage in the 6804  
office of the secretary of state, auditor of state, treasurer of 6805  
state, and attorney general, employees of the courts, employees of 6806  
the bureau of workers' compensation whose compensation the 6807  
administrator of workers' compensation establishes under division 6808  
(B) of section 4121.121 of the Revised Code, or employees of an 6809  
appointing authority authorized by law to fix the compensation of 6810  
those employees. 6811

(J) The director of administrative services shall set the 6812  
rate of compensation for all intermittent, seasonal, temporary, 6813  
emergency, and casual employees in the service of the state who 6814

are not considered public employees under section 4117.01 of the Revised Code. Those employees are not entitled to receive employee benefits. This rate of compensation shall be equitable in terms of the rate of employees serving in the same or similar classifications. This division does not apply to elected officials, legislative employees, employees of the legislative service commission, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, employees of the courts, employees of the bureau of workers' compensation whose compensation the administrator establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

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

Schedule B

Pay Ranges and Step Values

Range	Step 1	Step 2	Step 3	Step 4
23 Hourly	5.72	5.91	6.10	6.31
Annually	11897.60	12292.80	12688.00	13124.80
	Step 5	Step 6		
Hourly	6.52	6.75		
Annually	13561.60	14040.00		
	Step 1	Step 2	Step 3	Step 4
24 Hourly	6.00	6.20	6.41	6.63
Annually	12480.00	12896.00	13332.80	13790.40
	Step 5	Step 6		
Hourly	6.87	7.10		
Annually	14289.60	14768.00		

		Step 1	Step 2	Step 3	Step 4	6846
25	Hourly	6.31	6.52	6.75	6.99	6847
	Annually	13124.80	13561.60	14040.00	14539.20	6848
		Step 5	Step 6			6849
	Hourly	7.23	7.41			6850
	Annually	15038.40	15412.80			6851
		Step 1	Step 2	Step 3	Step 4	6852
26	Hourly	6.63	6.87	7.10	7.32	6853
	Annually	13790.40	14289.60	14768.00	15225.60	6854
		Step 5	Step 6			6855
	Hourly	7.53	7.77			6856
	Annually	15662.40	16161.60			6857
		Step 1	Step 2	Step 3	Step 4	6858
27	Hourly	6.99	7.23	7.41	7.64	6859
	Annually	14534.20	15038.40	15412.80	15891.20	6860
		Step 5	Step 6	Step 7		6861
	Hourly	7.88	8.15	8.46		6862
	Annually	16390.40	16952.00	17596.80		6863
		Step 1	Step 2	Step 3	Step 4	6864
28	Hourly	7.41	7.64	7.88	8.15	6865
	Annually	15412.80	15891.20	16390.40	16952.00	6866
		Step 5	Step 6	Step 7		6867
	Hourly	8.46	8.79	9.15		6868
	Annually	17596.80	18283.20	19032.00		6869
		Step 1	Step 2	Step 3	Step 4	6870
29	Hourly	7.88	8.15	8.46	8.79	6871
	Annually	16390.40	16952.00	17596.80	18283.20	6872
		Step 5	Step 6	Step 7		6873
	Hourly	9.15	9.58	10.01		6874
	Annually	19032.00	19926.40	20820.80		6875
		Step 1	Step 2	Step 3	Step 4	6876
30	Hourly	8.46	8.79	9.15	9.58	6877
	Annually	17596.80	18283.20	19032.00	19926.40	6878



		Step 5	Step 6	Step 7		6879
	Hourly	10.01	10.46	10.99		6880
	Annually	20820.80	21756.80	22859.20		6881
		Step 1	Step 2	Step 3	Step 4	6882
31	Hourly	9.15	9.58	10.01	10.46	6883
	Annually	19032.00	19962.40	20820.80	21756.80	6884
		Step 5	Step 6	Step 7		6885
	Hourly	10.99	11.52	12.09		6886
	Annually	22859.20	23961.60	25147.20		6887
		Step 1	Step 2	Step 3	Step 4	6888
32	Hourly	10.01	10.46	10.99	11.52	6889
	Annually	20820.80	21756.80	22859.20	23961.60	6890
		Step 5	Step 6	Step 7	Step 8	6891
	Hourly	12.09	12.68	13.29	13.94	6892
	Annually	25147.20	26374.40	27643.20	28995.20	6893
		Step 1	Step 2	Step 3	Step 4	6894
33	Hourly	10.99	11.52	12.09	12.68	6895
	Annually	22859.20	23961.60	25147.20	26374.40	6896
		Step 5	Step 6	Step 7	Step 8	6897
	Hourly	13.29	13.94	14.63	15.35	6898
	Annually	27643.20	28995.20	30430.40	31928.00	6899
		Step 1	Step 2	Step 3	Step 4	6900
34	Hourly	12.09	12.68	13.29	13.94	6901
	Annually	25147.20	26374.40	27643.20	28995.20	6902
		Step 5	Step 6	Step 7	Step 8	6903
	Hourly	14.63	15.35	16.11	16.91	6904
	Annually	30430.40	31928.00	33508.80	35172.80	6905
		Step 1	Step 2	Step 3	Step 4	6906
35	Hourly	13.29	13.94	14.63	15.35	6907
	Annually	27643.20	28995.20	30430.40	31928.00	6908
		Step 5	Step 6	Step 7	Step 8	6909
	Hourly	16.11	16.91	17.73	18.62	6910
	Annually	33508.80	35172.80	36878.40	38729.60	6911

		Step 1	Step 2	Step 3	Step 4	6912
36	Hourly	14.63	15.35	16.11	16.91	6913
	Annually	30430.40	31928.00	33508.80	35172.80	6914
		Step 5	Step 6	Step 7	Step 8	6915
	Hourly	17.73	18.62	19.54	20.51	6916
	Annually	36878.40	38729.60	40643.20	42660.80	6917
Schedule C						6918
Pay Range and Values						6919
Range		Minimum		Maximum		6920
41	Hourly	10.44		15.72		6921
	Annually	21715.20		32697.60		6922
42	Hourly	11.51		17.35		6923
	Annually	23940.80		36088.00		6924
43	Hourly	12.68		19.12		6925
	Annually	26374.40		39769.60		6926
44	Hourly	13.99		20.87		6927
	Annually	29099.20		43409.60		6928
45	Hourly	15.44		22.80		6929
	Annually	32115.20		47424.00		6930
46	Hourly	17.01		24.90		6931
	Annually	35380.80		51792.00		6932
47	Hourly	18.75		27.18		6933
	Annually	39000.00		56534.40		6934
48	Hourly	20.67		29.69		6935
	Annually	42993.60		61755.20		6936
49	Hourly	22.80		32.06		6937
	Annually	47424.00		66684.80		6938
(B) The pay schedule of all employees shall be on a biweekly						6939
basis, with amounts computed on an hourly basis.						6940
(C) Part-time employees shall be compensated on an hourly						6941
basis for time worked, at the rates shown in division (A) of this						6942
section or in section 124.152 of the Revised Code.						6943

(D) The salary and wage rates in division (A) of this section 6944  
or in section 124.152 of the Revised Code represent base rates of 6945  
compensation and may be augmented by the provisions of section 6946  
124.181 of the Revised Code. In those cases where lodging, meals, 6947  
laundry, or other personal services are furnished an employee in 6948  
the service of the state, the actual costs or fair market value of 6949  
the personal services shall be paid by the employee in such 6950  
amounts and manner as determined by the director of administrative 6951  
services and approved by the director of budget and management, 6952  
and those personal services shall not be considered as a part of 6953  
the employee's compensation. An appointing authority that appoints 6954  
employees in the service of the state, with the approval of the 6955  
director of administrative services and the director of budget and 6956  
management, may establish payments to employees for uniforms, 6957  
tools, equipment, and other requirements of the department and 6958  
payments for the maintenance of them. 6959

The director of administrative services may review collective 6960  
bargaining agreements entered into under Chapter 4117. of the 6961  
Revised Code that cover employees in the service of the state and 6962  
determine whether certain benefits or payments provided to the 6963  
employees covered by those agreements should also be provided to 6964  
employees in the service of the state who are exempt from 6965  
collective bargaining coverage and are paid in accordance with 6966  
section 124.152 of the Revised Code or are listed in division 6967  
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 6968  
the review, the director of administrative services, with the 6969  
approval of the director of budget and management, may provide to 6970  
some or all of these employees any payment or benefit, except for 6971  
salary, contained in such a collective bargaining agreement even 6972  
if it is similar to a payment or benefit already provided by law 6973  
to some or all of these employees. Any payment or benefit so 6974  
provided shall not exceed the highest level for that payment or 6975  
benefit specified in such a collective bargaining agreement. The 6976

director of administrative services shall not provide, and the 6977  
director of budget and management shall not approve, any payment 6978  
or benefit to such an employee under this division unless the 6979  
payment or benefit is provided pursuant to a collective bargaining 6980  
agreement to a state employee who is in a position with similar 6981  
duties as, is supervised by, or is employed by the same appointing 6982  
authority as, the employee to whom the benefit or payment is to be 6983  
provided. 6984

As used in this division, "payment or benefit already 6985  
provided by law" includes, but is not limited to, bereavement, 6986  
personal, vacation, administrative, and sick leave, disability 6987  
benefits, holiday pay, and pay supplements provided under the 6988  
Revised Code, but does not include wages or salary. 6989

(E) New employees paid in accordance with schedule B of 6990  
division (A) of this section or schedule E-1 of section 124.152 of 6991  
the Revised Code shall be employed at the minimum rate established 6992  
for the range unless otherwise provided. Employees with 6993  
qualifications that are beyond the minimum normally required for 6994  
the position and that are determined by the director to be 6995  
exceptional may be employed in, or may be transferred or promoted 6996  
to, a position at an advanced step of the range. Further, in time 6997  
of a serious labor market condition when it is relatively 6998  
impossible to recruit employees at the minimum rate for a 6999  
particular classification, the entrance rate may be set at an 7000  
advanced step in the range by the director of administrative 7001  
services. This rate may be limited to geographical regions of the 7002  
state. Appointments made to an advanced step under the provision 7003  
regarding exceptional qualifications shall not affect the step 7004  
assignment of employees already serving. However, anytime the 7005  
hiring rate of an entire classification is advanced to a higher 7006  
step, all incumbents of that classification being paid at a step 7007  
lower than that being used for hiring, shall be advanced beginning 7008

at the start of the first pay period thereafter to the new hiring 7009  
rate, and any time accrued at the lower step will be used to 7010  
calculate advancement to a succeeding step. If the hiring rate of 7011  
a classification is increased for only a geographical region of 7012  
the state, only incumbents who work in that geographical region 7013  
shall be advanced to a higher step. When an employee in the 7014  
unclassified service changes from one state position to another or 7015  
is appointed to a position in the classified service, or if an 7016  
employee in the classified service is appointed to a position in 7017  
the unclassified service, the employee's salary or wage in the new 7018  
position shall be determined in the same manner as if the employee 7019  
were an employee in the classified service. When an employee in 7020  
the unclassified service who is not eligible for step increases is 7021  
appointed to a classification in the classified service under 7022  
which step increases are provided, future step increases shall be 7023  
based on the date on which the employee last received a pay 7024  
increase. If the employee has not received an increase during the 7025  
previous year, the date of the appointment to the classified 7026  
service shall be used to determine the employee's annual step 7027  
advancement eligibility date. In reassigning any employee to a 7028  
classification resulting in a pay range increase or to a new pay 7029  
range as a result of a promotion, an increase pay range 7030  
adjustment, or other classification change resulting in a pay 7031  
range increase, the director shall assign such employee to the 7032  
step in the new pay range that will provide an increase of 7033  
approximately four per cent if the new pay range can accommodate 7034  
the increase. When an employee is being assigned to a 7035  
classification or new pay range as the result of a class plan 7036  
change, if the employee has completed a probationary period, the 7037  
employee shall be placed in a step no lower than step two of the 7038  
new pay range. If the employee has not completed a probationary 7039  
period, the employee may be placed in step one of the new pay 7040  
range. Such new salary or wage shall become effective on such date 7041

as the director determines. 7042

(F) If employment conditions and the urgency of the work 7043  
require such action, the director of administrative services may, 7044  
upon the application of a department head, authorize payment at 7045  
any rate established within the range for the class of work, for 7046  
work of a casual or intermittent nature or on a project basis. 7047  
Payment at such rates shall not be made to the same individual for 7048  
more than three calendar months in any one calendar year. Any such 7049  
action shall be subject to the approval of the director of budget 7050  
and management as to the availability of funds. This section and 7051  
sections 124.14 and 124.152 of the Revised Code do not repeal any 7052  
authority of any department or public official to contract with or 7053  
fix the compensation of professional persons who may be employed 7054  
temporarily for work of a casual nature or for work on a project 7055  
basis. 7056

(G)(1) Except as provided in divisions (G)(2) and (3) of this 7057  
section, each state employee paid in accordance with schedule B of 7058  
this section or schedule E-1 of section 124.152 of the Revised 7059  
Code shall be eligible for advancement to succeeding steps in the 7060  
range for the employee's class or grade according to the schedule 7061  
established in this division. Beginning on the first day of the 7062  
pay period within which the employee completes the prescribed 7063  
probationary period in the employee's classification with the 7064  
state, each employee shall receive an automatic salary adjustment 7065  
equivalent to the next higher step within the pay range for the 7066  
employee's class or grade. 7067

Except as provided in divisions (G)(2) and (3) of this 7068  
section, each employee paid in accordance with schedule E-1 of 7069  
section 124.152 of the Revised Code shall be eligible to advance 7070  
to the next higher step until the employee reaches the top step in 7071  
the range for the employee's class or grade, if the employee has 7072  
maintained satisfactory performance in accordance with criteria 7073

established by the employee's appointing authority. Those step 7074  
advancements shall not occur more frequently than once in any 7075  
twelve-month period. 7076

When an employee is promoted, the step entry date shall be 7077  
set to account for a probationary period. When an employee is 7078  
reassigned to a higher pay range, the step entry date shall be set 7079  
to allow an employee who is not at the highest step of the range 7080  
to receive a step advancement one year from the reassignment date. 7081  
Step advancement shall not be affected by demotion. A promoted 7082  
employee shall advance to the next higher step of the pay range on 7083  
the first day of the pay period in which the required probationary 7084  
period is completed. Step advancement shall become effective at 7085  
the beginning of the pay period within which the employee attains 7086  
the necessary length of service. Time spent on authorized leave of 7087  
absence shall be counted for this purpose. 7088

If determined to be in the best interest of the state 7089  
service, the director of administrative services may, either 7090  
statewide or in selected agencies, adjust the dates on which 7091  
annual step advancements are received by employees paid in 7092  
accordance with schedule E-1 of section 124.152 of the Revised 7093  
Code. 7094

(2)(a) There shall be a moratorium on annual step 7095  
advancements under division (G)(1) of this section beginning June 7096  
21, 2009, through June 20, 2011. Step advancements shall resume 7097  
with the pay period beginning June 21, 2011. Upon the resumption 7098  
of step advancements, there shall be no retroactive step 7099  
advancements for the period the moratorium was in effect. The 7100  
moratorium shall not affect an employee's performance evaluation 7101  
schedule. 7102

An employee who begins a probationary period before June 21, 7103  
2009, shall advance to the next step in the employee's pay range 7104  
at the end of probation, and then become subject to the 7105

moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011.

(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009.

(3) Employees in intermittent positions shall be employed at the minimum rate established for the pay range for their classification and are not eligible for step advancements.

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

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



duty. 7138

(J) Unless compensation for members of a board or commission 7139  
is otherwise specifically provided by law, the director of 7140  
administrative services shall establish the rate and method of 7141  
payment for members of boards and commissions pursuant to the pay 7142  
schedules listed in section 124.152 of the Revised Code. 7143

(K) Regular full-time employees in positions assigned to 7144  
classes within the instruction and education administration series 7145  
under the ~~rules~~ job classification plans of the director of 7146  
administrative services, except certificated employees on the 7147  
instructional staff of the state school for the blind or the state 7148  
school for the deaf, whose positions are scheduled to work on the 7149  
basis of an academic year rather than a full calendar year, shall 7150  
be paid according to the pay range assigned by ~~such rules~~ the 7151  
applicable job classification plan, but only during those pay 7152  
periods included in the academic year of the school where the 7153  
employee is located. 7154

(1) Part-time or substitute teachers or those whose period of 7155  
employment is other than the full academic year shall be 7156  
compensated for the actual time worked at the rate established by 7157  
this section. 7158

(2) Employees governed by this division are exempt from 7159  
sections 124.13 and 124.19 of the Revised Code. 7160

(3) Length of service for the purpose of determining 7161  
eligibility for step advancements as provided by division (G) of 7162  
this section and for the purpose of determining eligibility for 7163  
longevity pay supplements as provided by division (E) of section 7164  
124.181 of the Revised Code shall be computed on the basis of one 7165  
full year of service for the completion of each academic year. 7166

(L) The superintendent of the state school for the deaf and 7167  
the superintendent of the state school for the blind shall, 7168

subject to the approval of the superintendent of public 7169  
instruction, carry out both of the following: 7170

(1) Annually, between the first day of April and the last day 7171  
of June, establish for the ensuing fiscal year a schedule of 7172  
hourly rates for the compensation of each certificated employee on 7173  
the instructional staff of that superintendent's respective school 7174  
constructed as follows: 7175

(a) Determine for each level of training, experience, and 7176  
other professional qualification for which an hourly rate is set 7177  
forth in the current schedule, the per cent that rate is of the 7178  
rate set forth in such schedule for a teacher with a bachelor's 7179  
degree and no experience. If there is more than one such rate for 7180  
such a teacher, the lowest rate shall be used to make the 7181  
computation. 7182

(b) Determine which six city, local, and exempted village 7183  
school districts with territory in Franklin county have in effect 7184  
on, or have adopted by, the first day of April for the school year 7185  
that begins on the ensuing first day of July, teacher salary 7186  
schedules with the highest minimum salaries for a teacher with a 7187  
bachelor's degree and no experience; 7188

(c) Divide the sum of such six highest minimum salaries by 7189  
ten thousand five hundred sixty; 7190

(d) Multiply each per cent determined in division (L)(1)(a) 7191  
of this section by the quotient obtained in division (L)(1)(c) of 7192  
this section; 7193

(e) One hundred five per cent of each product thus obtained 7194  
shall be the hourly rate for the corresponding level of training, 7195  
experience, or other professional qualification in the schedule 7196  
for the ensuing fiscal year. 7197

(2) Annually, assign each certificated employee on the 7198  
instructional staff of the superintendent's respective school to 7199

an hourly rate on the schedule that is commensurate with the 7200  
employee's training, experience, and other professional 7201  
qualifications. 7202

If an employee is employed on the basis of an academic year, 7203  
the employee's annual salary shall be calculated by multiplying 7204  
the employee's assigned hourly rate times one thousand seven 7205  
hundred sixty. If an employee is not employed on the basis of an 7206  
academic year, the employee's annual salary shall be calculated in 7207  
accordance with the following formula: 7208

(a) Multiply the number of days the employee is required to 7209  
work pursuant to the employee's contract by eight; 7210

(b) Multiply the product of division (L)(2)(a) of this 7211  
section by the employee's assigned hourly rate. 7212

Each employee shall be paid an annual salary in biweekly 7213  
installments. The amount of each installment shall be calculated 7214  
by dividing the employee's annual salary by the number of biweekly 7215  
installments to be paid during the year. 7216

Sections 124.13 and 124.19 of the Revised Code do not apply 7217  
to an employee who is paid under this division. 7218

As used in this division, "academic year" means the number of 7219  
days in each school year that the schools are required to be open 7220  
for instruction with pupils in attendance. Upon completing an 7221  
academic year, an employee paid under this division shall be 7222  
deemed to have completed one year of service. An employee paid 7223  
under this division is eligible to receive a pay supplement under 7224  
division (L)(1), (2), or (3) of section 124.181 of the Revised 7225  
Code for which the employee qualifies, but is not eligible to 7226  
receive a pay supplement under division (L)(4) or (5) of that 7227  
section. An employee paid under this division is eligible to 7228  
receive a pay supplement under division (L)(6) of section 124.181 7229  
of the Revised Code for which the employee qualifies, except that 7230

the supplement is not limited to a maximum of five per cent of the 7231  
employee's regular base salary in a calendar year. 7232

(M) Division (A) of this section does not apply to "exempt 7233  
employees," as defined in section 124.152 of the Revised Code, who 7234  
are paid under that section. 7235

Notwithstanding any other provisions of this chapter, when an 7236  
employee transfers between bargaining units or transfers out of or 7237  
into a bargaining unit, the director of administrative services 7238  
shall establish the employee's compensation and adjust the maximum 7239  
leave accrual schedule as the director deems equitable. 7240

**Sec. 124.181.** (A) Except as provided in divisions (M) and (P) 7241  
of this section, any employee paid in accordance with schedule B 7242  
of section 124.15 or schedule E-1 or schedule E-1 for step seven 7243  
only of section 124.152 of the Revised Code is eligible for the 7244  
pay supplements provided in this section upon application by the 7245  
appointing authority substantiating the employee's qualifications 7246  
for the supplement and with the approval of the director of 7247  
administrative services except as provided in division (E) of this 7248  
section. 7249

(B)(1) Except as provided in section 124.183 of the Revised 7250  
Code, in computing any of the pay supplements provided in this 7251  
section for an employee paid in accordance with schedule B of 7252  
section 124.15 of the Revised Code, the classification salary base 7253  
shall be the minimum hourly rate of the pay range, provided in 7254  
that section, in which the employee is assigned at the time of 7255  
computation. 7256

(2) Except as provided in section 124.183 of the Revised 7257  
Code, in computing any of the pay supplements provided in this 7258  
section for an employee paid in accordance with schedule E-1 of 7259  
section 124.152 of the Revised Code, the classification salary 7260  
base shall be the minimum hourly rate of the pay range, provided 7261

in that section, in which the employee is assigned at the time of 7262  
computation. 7263

(3) Except as provided in section 124.183 of the Revised 7264  
Code, in computing any of the pay supplements provided in this 7265  
section for an employee paid in accordance with schedule E-1 for 7266  
step seven only of section 124.152 of the Revised Code, the 7267  
classification salary base shall be the minimum hourly rate in the 7268  
corresponding pay range, provided in schedule E-1 of that section, 7269  
to which the employee is assigned at the time of the computation. 7270

(C) The effective date of any pay supplement, except as 7271  
provided in section 124.183 of the Revised Code or unless 7272  
otherwise provided in this section, shall be determined by the 7273  
director. 7274

(D) The director shall, by rule, establish standards 7275  
regarding the administration of this section. 7276

(E)(1) Except as otherwise provided in this division, 7277  
beginning on the first day of the pay period within which the 7278  
employee completes five years of total service with the state 7279  
government or any of its political subdivisions, each employee in 7280  
positions paid in accordance with schedule B of section 124.15 of 7281  
the Revised Code or in accordance with schedule E-1 or schedule 7282  
E-1 for step seven only of section 124.152 of the Revised Code 7283  
shall receive an automatic salary adjustment equivalent to two and 7284  
one-half per cent of the classification salary base, to the 7285  
nearest whole cent. Each employee shall receive thereafter an 7286  
annual adjustment equivalent to one-half of one per cent of the 7287  
employee's classification salary base, to the nearest whole cent, 7288  
for each additional year of qualified employment until a maximum 7289  
of ten per cent of the employee's classification salary base is 7290  
reached. The granting of longevity adjustments shall not be 7291  
affected by promotion, demotion, or other changes in 7292  
classification held by the employee, nor by any change in pay 7293

range for the employee's class or grade. Longevity pay adjustments 7294  
shall become effective at the beginning of the pay period within 7295  
which the employee completes the necessary length of service, 7296  
except that when an employee requests credit for prior service, 7297  
the effective date of the prior service credit and of any 7298  
longevity adjustment shall be the first day of the pay period 7299  
following approval of the credit by the director of administrative 7300  
services. No employee, other than an employee who submits proof of 7301  
prior service within ninety days after the date of the employee's 7302  
hiring, shall receive any longevity adjustment for the period 7303  
prior to the director's approval of a prior service credit. Time 7304  
spent on authorized leave of absence shall be counted for this 7305  
purpose. 7306

(2) An employee who has retired in accordance with the 7307  
provisions of any retirement system offered by the state and who 7308  
is employed by the state or any political subdivision of the state 7309  
on or after June 24, 1987, shall not have prior service with the 7310  
state or any political subdivision of the state counted for the 7311  
purpose of determining the amount of the salary adjustment 7312  
provided under this division. 7313

(3) There shall be a moratorium on employees' receipt under 7314  
this division of credit for service with the state government or 7315  
any of its political subdivisions during the period from July 1, 7316  
2003, through June 30, 2005. In calculating the number of years of 7317  
total service under this division, no credit shall be included for 7318  
service during the moratorium. The moratorium shall apply to the 7319  
employees of the secretary of state, the auditor of state, the 7320  
treasurer of state, and the attorney general, who are subject to 7321  
this section unless the secretary of state, the auditor of state, 7322  
the treasurer of state, or the attorney general decides to exempt 7323  
the office's employees from the moratorium and so notifies the 7324  
director of administrative services in writing on or before July 7325

1, 2003. 7326

If an employee is exempt from the moratorium, receives credit 7327  
for a period of service during the moratorium, and takes a 7328  
position with another entity in the state government or any of its 7329  
political subdivisions, either during or after the moratorium, and 7330  
if that entity's employees are or were subject to the moratorium, 7331  
the employee shall continue to retain the credit. However, if the 7332  
moratorium is in effect upon the taking of the new position, the 7333  
employee shall cease receiving additional credit as long as the 7334  
employee is in the position, until the moratorium expires. 7335

(F) When an exceptional condition exists that creates a 7336  
temporary or a permanent hazard for one or more positions in a 7337  
class paid in accordance with schedule B of section 124.15 of the 7338  
Revised Code or in accordance with schedule E-1 or schedule E-1 7339  
for step seven only of section 124.152 of the Revised Code, a 7340  
special hazard salary adjustment may be granted for the time the 7341  
employee is subjected to the hazardous condition. All special 7342  
hazard conditions shall be identified for each position and 7343  
incidence from information submitted to the director on an 7344  
appropriate form provided by the director and categorized into 7345  
standard conditions of: some unusual hazard not common to the 7346  
class; considerable unusual hazard not common to the class; and 7347  
exceptional hazard not common to the class. 7348

(1) A hazardous salary adjustment of five per cent of the 7349  
employee's classification salary base may be applied in the case 7350  
of some unusual hazardous condition not common to the class for 7351  
those hours worked, or a fraction of those hours worked, while the 7352  
employee was subject to the unusual hazard condition. 7353

(2) A hazardous salary adjustment of seven and one-half per 7354  
cent of the employee's classification salary base may be applied 7355  
in the case of some considerable hazardous condition not common to 7356  
the class for those hours worked, or a fraction of those hours 7357

worked, while the employee was subject to the considerable hazard 7358  
condition. 7359

(3) A hazardous salary adjustment of ten per cent of the 7360  
employee's classification salary base may be applied in the case 7361  
of some exceptional hazardous condition not common to the class 7362  
for those hours worked, or a fraction of those hours worked, when 7363  
the employee was subject to the exceptional hazard condition. 7364

(4) Each claim for temporary hazard pay shall be submitted as 7365  
a separate payment and shall be subject to an administrative audit 7366  
by the director as to the extent and duration of the employee's 7367  
exposure to the hazardous condition. 7368

(G) When a full-time employee whose salary or wage is paid 7369  
directly by warrant of the director of budget and management and 7370  
who also is eligible for overtime under the "Fair Labor Standards 7371  
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 7372  
ordered by the appointing authority to report back to work after 7373  
termination of the employee's regular work schedule and the 7374  
employee reports, the employee shall be paid for such time. The 7375  
employee shall be entitled to four hours at the employee's total 7376  
rate of pay or overtime compensation for the actual hours worked, 7377  
whichever is greater. This division does not apply to work that is 7378  
a continuation of or immediately preceding an employee's regular 7379  
work schedule. 7380

(H) When a certain position or positions paid in accordance 7381  
with schedule B of section 124.15 of the Revised Code or in 7382  
accordance with schedule E-1 or schedule E-1 for step seven only 7383  
of section 124.152 of the Revised Code require the ability to 7384  
speak or write a language other than English, a special pay 7385  
supplement may be granted to attract bilingual individuals, to 7386  
encourage present employees to become proficient in other 7387  
languages, or to retain qualified bilingual employees. The 7388  
bilingual pay supplement provided in this division may be granted 7389



in the amount of five per cent of the employee's classification 7390  
salary base for each required foreign language and shall remain in 7391  
effect as long as the bilingual requirement exists. 7392

(I) The director of administrative services may establish a 7393  
shift differential for employees. The differential shall be paid 7394  
to employees in positions working in other than the regular or 7395  
first shift. In those divisions or agencies where only one shift 7396  
prevails, no shift differential shall be paid regardless of the 7397  
hours of the day that are worked. The director and the appointing 7398  
authority shall designate which positions shall be covered by this 7399  
division. 7400

(J) ~~Whenever an employee is assigned to work~~ An appointing 7401  
authority may assign an employee to work in a higher level 7402  
position for a continuous period of more than two weeks but no 7403  
more than two years ~~because of a vacancy, the~~. The employee's pay 7404  
~~may~~ shall be established at a rate that is approximately four per 7405  
cent above the employee's current base rate for the period the 7406  
employee occupies the position, provided that this temporary 7407  
~~occupancy~~ assignment is approved by the director. Employees paid 7408  
under this division shall continue to receive any of the pay 7409  
supplements due them under other divisions of this section based 7410  
on the step one base rate for their normal classification. 7411

(K) If a certain position, or positions, within a class paid 7412  
in accordance with schedule B of section 124.15 of the Revised 7413  
Code or in accordance with schedule E-1 or schedule E-1 for step 7414  
seven only of section 124.152 of the Revised Code are mandated by 7415  
state or federal law or regulation or other regulatory agency or 7416  
other certification authority to have special technical 7417  
certification, registration, or licensing to perform the functions 7418  
which are under the mandate, a special professional achievement 7419  
pay supplement may be granted. This special professional 7420  
achievement pay supplement shall not be granted when all 7421

incumbents in all positions in a class require a license as 7422  
provided in the classification description published by the 7423  
department of administrative services; to licensees where no 7424  
special or extensive training is required; when certification is 7425  
granted upon completion of a stipulated term of in-service 7426  
training; when an appointing authority has required certification; 7427  
or any other condition prescribed by the director. 7428

(1) Before this supplement may be applied, evidence as to the 7429  
requirement must be provided by the agency for each position 7430  
involved, and certification must be received from the director as 7431  
to the director's concurrence for each of the positions so 7432  
affected. 7433

(2) The professional achievement pay supplement provided in 7434  
this division shall be granted in an amount up to ten per cent of 7435  
the employee's classification salary base and shall remain in 7436  
effect as long as the mandate exists. 7437

(L) Those employees assigned to teaching supervisory, 7438  
principal, assistant principal, or superintendent positions who 7439  
have attained a higher educational level than a basic bachelor's 7440  
degree may receive an educational pay supplement to remain in 7441  
effect as long as the employee's assignment and classification 7442  
remain the same. 7443

(1) An educational pay supplement of two and one-half per 7444  
cent of the employee's classification salary base may be applied 7445  
upon the achievement of a bachelor's degree plus twenty quarter 7446  
hours of postgraduate work. 7447

(2) An educational pay supplement of an additional five per 7448  
cent of the employee's classification salary base may be applied 7449  
upon achievement of a master's degree. 7450

(3) An educational pay supplement of an additional two and 7451  
one-half per cent of the employee's classification salary base may 7452

be applied upon achievement of a master's degree plus thirty 7453  
quarter hours of postgraduate work. 7454

(4) An educational pay supplement of five per cent of the 7455  
employee's classification salary base may be applied when the 7456  
employee is performing as a master teacher. 7457

(5) An educational pay supplement of five per cent of the 7458  
employee's classification salary base may be applied when the 7459  
employee is performing as a special education teacher. 7460

(6) Those employees in teaching supervisory, principal, 7461  
assistant principal, or superintendent positions who are 7462  
responsible for specific extracurricular activity programs shall 7463  
receive overtime pay for those hours worked in excess of their 7464  
normal schedule, at their straight time hourly rate up to a 7465  
maximum of five per cent of their regular base salary in any 7466  
calendar year. 7467

(M)(1) A state agency, board, or commission may establish a 7468  
supplementary compensation schedule for those licensed physicians 7469  
employed by the agency, board, or commission in positions 7470  
requiring a licensed physician. The supplementary compensation 7471  
schedule, together with the compensation otherwise authorized by 7472  
this chapter, shall provide for the total compensation for these 7473  
employees to range appropriately, but not necessarily uniformly, 7474  
for each classification title requiring a licensed physician, in 7475  
accordance with a schedule approved by the state controlling 7476  
board. The individual salary levels recommended for each such 7477  
physician employed shall be approved by the director. 7478  
Notwithstanding section 124.11 of the Revised Code, such personnel 7479  
are in the unclassified civil service. 7480

(2) The director of administrative services may approve 7481  
supplementary compensation for the director of health, if the 7482  
director is a licensed physician, in accordance with a 7483

supplementary compensation schedule approved under division (M)(1) 7484  
of this section or in accordance with another supplementary 7485  
compensation schedule the director of administrative services 7486  
considers appropriate. The supplementary compensation shall not 7487  
exceed twenty per cent of the director of health's base rate of 7488  
pay. 7489

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 7490  
117.42, and 131.02 of the Revised Code, the state shall not 7491  
institute any civil action to recover and shall not seek 7492  
reimbursement for overpayments made in violation of division (E) 7493  
of this section or division (C) of section 9.44 of the Revised 7494  
Code for the period starting after June 24, 1987, and ending on 7495  
October 31, 1993. 7496

(O) Employees of the office of the treasurer of state who are 7497  
exempt from collective bargaining coverage may be granted a merit 7498  
pay supplement of up to one and one-half per cent of their step 7499  
rate. The rate at which this supplement is granted shall be based 7500  
on performance standards established by the treasurer of state. 7501  
Any supplements granted under this division shall be administered 7502  
on an annual basis. 7503

(P) Intermittent employees appointed under section 124.30 of 7504  
the Revised Code are not eligible for the pay supplements provided 7505  
by this section. 7506

(Q) Employees of the office of the auditor of state who are 7507  
exempt from collective bargaining and who are paid in accordance 7508  
with schedule E-1 or in accordance with schedule E-1 for step 7 7509  
only and are paid a salary or wage in accordance with the schedule 7510  
of rates in division (B) or (C) of section 124.152 of the Revised 7511  
Code shall receive a reduction of two per cent in their hourly and 7512  
annual pay calculation beginning with the pay period that 7513  
immediately follows July 1, 2009. 7514

**Sec. 124.392.** (A) As used in this section: 7515

(1) "Exempt employee" has the same meaning as in section 7516  
124.152 of the Revised Code. 7517

(2) "Fiscal emergency" means a fiscal emergency declared by 7518  
the governor under section 126.05 of the Revised Code. 7519

(B) The director of administrative services may establish a 7520  
voluntary cost savings program for exempt employees. 7521

(C) The director of administrative services shall establish a 7522  
mandatory cost savings program applicable to exempt employees. 7523  
Subject to division (C)(1) of this section, the program may 7524  
include, but is not limited to, a loss of pay or loss of holiday 7525  
pay as determined by the director. The program may be administered 7526  
differently among exempt employees based on their classifications, 7527  
appointment categories, appointing authorities, or other relevant 7528  
distinctions. 7529

(1) Each full-time exempt employee shall participate in the 7530  
program for a total of eighty hours of mandatory cost savings in 7531  
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 7532  
employee shall participate in the program by not receiving holiday 7533  
pay during both fiscal year 2010 and fiscal year 2011. Each 7534  
employee of the secretary of state, auditor of state, treasurer of 7535  
state, and attorney general shall participate in the program 7536  
unless the secretary of state, auditor of state, treasurer of 7537  
state, or attorney general decides to exempt the officer's 7538  
employees from the program and so notifies the director of 7539  
administrative services in writing on or before July 1, 2009. 7540

After July 1, 2009, the secretary of state, auditor of state, 7541  
treasurer of state, or attorney general may decide to begin 7542  
participation in the program for eighty hours or less and shall 7543  
notify the director of administrative services in writing. The 7544

secretary of state, auditor of state, treasurer of state, or 7545  
attorney general and the director shall mutually agree upon an 7546  
implementation date. 7547

(2) After June 30, 2011, the director of administrative 7548  
services, in consultation with the director of budget and 7549  
management, may implement mandatory cost savings days applicable 7550  
to exempt employees in the event of a fiscal emergency. Each 7551  
employee of the secretary of state, auditor of state, treasurer of 7552  
state, and attorney general shall participate in the mandatory 7553  
cost savings days unless the secretary of state, auditor of state, 7554  
treasurer of state, or attorney general decides to exempt the 7555  
officer's employees from the mandatory cost savings days and so 7556  
notifies the director of administrative services in the manner the 7557  
director of administrative services prescribes by rule adopted 7558  
under this section. 7559

(D) The director shall adopt rules in accordance with Chapter 7560  
119. of the Revised Code to provide for the administration of the 7561  
voluntary cost savings program and the mandatory cost savings 7562  
program ~~and days~~. 7563

(E) Cost savings days provided pursuant to this section or by 7564  
a labor-management contract or agreement shall be considered 7565  
remuneration for purposes of section 4141.31 of the Revised Code. 7566

~~(F) The cost savings fund is hereby created in the state 7567  
treasury. Savings accrued through employee participation in the 7568  
mandatory cost savings program and in mandatory cost savings days 7569  
shall be allocated to the fund. The fund may be used to pay 7570  
employees who participated in the mandatory cost savings program 7571  
or in mandatory cost savings days. Any investment earnings of the 7572  
fund shall be credited to the fund. 7573~~

~~Sec. 125.02. Except as to the adjutant general for military 7574  
supplies and services, the capital square review and advisory 7575~~

~~board, the general assembly, the judicial branch, and institutions administered by boards of trustees, the (A) The department of administrative services may shall establish contracts for supplies and services, including telephone, other telecommunications, and computer services, for the use of state agencies, or and may establish such contracts for the use of any political subdivision as described in division (B) of section 125.04 of the Revised Code, except for the following:~~ 7576  
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(1) The adjutant general for military supplies and services; 7584

(2) The general assembly; 7585

(3) The judicial branch; 7586

(4) State institutions of higher education; 7587

(5) State elected officials as set forth in section 125.041 of the Revised Code; 7588  
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(6) The capitol square review and advisory board. 7590

~~The department~~ The entities set forth in divisions (A)(1) to (6) of this section may request the department of administrative services' assistance in the procurement of supplies and services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department. 7591  
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(B) For purchases under division (C) of section 125.05 of the Revised Code, the department shall grant a state agency a release and permit to make the purchase if the department determines that it is not possible or advantageous for the department to make a purchase. 7596  
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(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of administrative services. 7601  
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(D) The director of administrative services shall adopt rules regarding circumstances and criteria for obtaining a release and permit under this section. The director of administrative services shall prescribe uniform rules governing forms of specifications, advertisements for proposals, the opening of bids, the making of awards and contracts, and the purchase of supplies and performance of work. 7606  
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(E) The director may enter into cooperative purchasing agreements to purchase supplies or services with the following: 7613  
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(1) The entities set forth in divisions (A)(1) to (5) of this section; 7615  
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(2) One or more other states; 7617

(3) Groups of states; 7618

(4) The United States or any department, division, or agency of the United States; 7619  
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(5) Other purchasing consortia; 7621

(6) The department of transportation; or 7622

(7) Any political subdivision of this state described in division (B) of section 125.04 of the Revised Code. 7623  
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(F) The United States or any department, division, or agency of the United States, one or more other states, groups of states, other purchasing consortia, or any agency, commission, or authority established under an interstate compact or agreement may purchase supplies and services from contracts established by the department of administrative services. 7625  
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(G) Except as provided in section 125.04 of the Revised Code, the department of administrative services shall purchase any policy of insurance, including a surety or fidelity bond, covering officers or employees of a state agency, for which the annual premium is more than one thousand dollars and which the state may 7631  
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procure. The department shall purchase the insurance in conformity 7636  
with sections 125.04 to 125.15 of the Revised Code. As used in 7637  
this division, "annual premium" means the total premium for one 7638  
year for one type of insurance regardless of the number of 7639  
policies. 7640

Sec. 125.035. (A) Except as otherwise provided in the Revised 7641  
Code, a state agency wanting to purchase supplies or services 7642  
shall make the purchase subject to the requirements of an 7643  
applicable first or second requisite procurement program described 7644  
in this section, or obtain a determination from the department of 7645  
administrative services that the purchase is not subject to a 7646  
first or second requisite procurement program. State agencies 7647  
shall submit a purchase request to the department of 7648  
administrative services unless the department has determined the 7649  
request does not require a review. The director of administrative 7650  
services shall adopt rules under Chapter 119. of the Revised Code 7651  
to provide for the manner of carrying out the function and the 7652  
power and duties imposed upon and vested in the director by this 7653  
section. 7654

(B) The following programs are first requisite procurement 7655  
programs that shall be given preference in the following order in 7656  
fulfilling a purchase request: 7657

(1) Ohio penal industries within the department of 7658  
rehabilitation and correction; and 7659

(2) Community rehabilitation programs administered by the 7660  
department of administrative services under sections 125.601 to 7661  
125.6012 of the Revised Code. 7662

(C) The following programs are second requisite procurement 7663  
programs that may be able to fulfill the purchase request if the 7664  
first requisite procurement programs are unable to do so: 7665

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code; 7666  
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(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; 7669  
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(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 7672  
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(4) Office of support services at the department of mental health as prescribed in section 5119.44 of the Revised Code; 7675  
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(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 7677  
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(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 7679  
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(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall: 7682  
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(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program; 7690  
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(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or 7693  
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(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section. 7696  
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(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency. 7699  
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(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section and section 127.16 of the Revised Code. 7714  
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(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the 7723  
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time during which it is operative, and the reason for its 7728  
issuance. A release and permit for telephone, other 7729  
telecommunications, and computer services shall be provided in 7730  
accordance with section 125.18 of the Revised Code and shall 7731  
specify the type of services to be rendered, the number and type 7732  
of hardware to be used, and may specify the amount of such 7733  
services to be performed. No requesting agency shall proceed with 7734  
such purchase until it has received an approved release and permit 7735  
from the director of administrative services or the director's 7736  
designee. 7737

**Sec. 125.04.** (A) ~~Except as provided in division (D) of this~~ 7738  
~~section, the department of administrative services shall determine~~ 7739  
~~what supplies and services are purchased by or for state agencies.~~ 7740  
~~Whenever the department of administrative services makes any~~ 7741  
~~change or addition to the lists of supplies and services that it~~ 7742  
~~determines to purchase for state agencies, it shall provide a list~~ 7743  
~~to the agencies of the changes or additions. Except for the~~ 7744  
requirements of division (B) of this section, section 125.092, and 7745  
division (B) of section 125.11 of the Revised Code, sections 7746  
125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not 7747  
apply to or affect ~~the educational~~ state institutions of ~~the state~~ 7748  
higher education. 7749

(B)(1) As used in this division: 7750

(a) "Chartered nonpublic school" has the same meaning as in 7751  
section 3310.01 of the Revised Code. 7752

(b) "Emergency medical service organization" has the same 7753  
meaning as in section 4765.01 of the Revised Code. 7754

(c) "Governmental agency" means a political subdivision or 7755  
special district in this state established by or under law, or any 7756  
combination of these entities; the United States or any 7757  
department, division, or agency of the United States; one or more 7758

other states or groups of states; other purchasing consortia; and 7759  
any agency, commission, or authority established under an 7760  
interstate compact or agreement. 7761

(d) "Political subdivision" means any county, township, 7762  
municipal corporation, school district, conservancy district, 7763  
township park district, park district created under Chapter 1545. 7764  
of the Revised Code, regional transit authority, regional airport 7765  
authority, regional water and sewer district, or port authority. 7766  
"Political subdivision" also includes any other political 7767  
subdivision described in the Revised Code that has been approved 7768  
by the department to participate in the department's contracts 7769  
under this division. 7770

~~(d)~~(e) "Private fire company" has the same meaning as in 7771  
section 9.60 of the Revised Code. 7772

(f) "State institution of higher education" has the meaning 7773  
defined in section 3345.011 of the Revised Code. 7774

(2) Subject to division (C) of this section, the department 7775  
of administrative services may permit a state institution of 7776  
higher education, governmental agency, political subdivision, 7777  
county board of elections, private fire company, private, 7778  
nonprofit emergency medical service organization, or chartered 7779  
nonpublic school to participate in contracts into which the 7780  
department has entered for the purchase of supplies and services. 7781  
The department may charge the entity a reasonable fee to cover the 7782  
administrative costs the department incurs as a result of 7783  
participation by the entity in such a purchase contract. 7784

A political subdivision desiring to participate in such 7785  
purchase contracts shall file with the department a certified copy 7786  
of an ordinance or resolution of the legislative authority or 7787  
governing board of the political subdivision. The resolution or 7788  
ordinance shall request that the political subdivision be 7789

authorized to participate in such contracts and shall agree that 7790  
the political subdivision will be bound by such terms and 7791  
conditions as the department prescribes and that it will directly 7792  
pay the vendor under each purchase contract. A board of elections 7793  
desiring to participate in such purchase contracts shall file with 7794  
the purchasing authority a written request for inclusion in the 7795  
program. A private fire company, private, nonprofit emergency 7796  
medical service organization, or chartered nonpublic school 7797  
desiring to participate in such purchase contracts shall file with 7798  
the department a written request for inclusion in the program 7799  
signed by the chief officer of the company, organization, or 7800  
chartered nonpublic school. A governmental agency desiring to 7801  
participate in such purchase contracts shall file with the 7802  
department a written request for inclusion in the program. A state 7803  
institution of higher education desiring to participate in such 7804  
purchase contracts shall file with the department a certified copy 7805  
of resolution of the board of trustees or similar authorizing 7806  
body. The resolution shall request that the state institution of 7807  
higher education be authorized to participate in such contracts. 7808

A request for inclusion shall include an agreement to be 7809  
bound by such terms and conditions as the department prescribes 7810  
and to make direct payments to the vendor under each purchase 7811  
contract. 7812

The department shall include in its annual report, an 7813  
estimate of the ~~cost it incurs by permitting~~ purchases made by 7814  
state institutions of higher education, governmental agencies, 7815  
political subdivisions, county boards of elections, private fire 7816  
companies, private, nonprofit emergency medical service 7817  
organizations, and chartered nonpublic schools to participate in 7818  
from contracts pursuant to this division. The department may 7819  
require such entities to file a report with the department, as 7820  
often as it finds necessary, stating how many such contracts the 7821

entities participated in within a specified period of time, and 7822  
any other information the department requires. 7823

(3) Purchases made by a political subdivision or a county 7824  
board of elections under this division are exempt from any 7825  
competitive selection procedures otherwise required by law. No 7826  
political subdivision shall make any purchase under this division 7827  
when bids have been received for such purchase by the subdivision, 7828  
unless such purchase can be made upon the same terms, conditions, 7829  
and specifications at a lower price under this division. 7830

(C) A political subdivision as defined in division (B) of 7831  
this section or a county board of elections may purchase supplies 7832  
or services from another party, including a political subdivision, 7833  
instead of through participation in contracts described in 7834  
division (B) of this section if the political subdivision or 7835  
county board of elections can purchase those supplies or services 7836  
from the other party upon equivalent terms, conditions, and 7837  
specifications but at a lower price than it can through those 7838  
contracts. Purchases that a political subdivision or county board 7839  
of elections makes under this division are exempt from any 7840  
competitive selection procedures otherwise required by law. A 7841  
political subdivision or county board of elections that makes any 7842  
purchase under this division shall maintain sufficient information 7843  
regarding the purchase to verify that the political subdivision or 7844  
county board of elections satisfied the conditions for making a 7845  
purchase under this division. Nothing in this division restricts 7846  
any action taken by a county or township as authorized by division 7847  
(B)(1) of section 9.48 of the Revised Code. 7848

(D) This section does not apply to supplies or services 7849  
~~required by the legislative or judicial branches, the capitol~~ 7850  
~~square review and advisory board, the adjutant general for~~ 7851  
~~military supplies and services, to supplies or services purchased~~ 7852  
by a state agency directly as provided in ~~division (A), (B), or~~ 7853

~~(F)~~ of section 125.05 of the Revised Code, or to purchases of 7854  
supplies or services for the emergency management agency as 7855  
provided in section ~~125.023~~ 125.061 of the Revised Code. 7856

**Sec. 125.041.** (A) Nothing in sections 125.02, ~~125.03~~ 125.04 7857  
to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 7858  
of the Revised Code shall be construed as limiting the attorney 7859  
general, auditor of state, secretary of state, or treasurer of 7860  
state in any of the following: 7861

~~(A)~~(1) Purchases for less than the dollar amounts for the 7862  
purchase of supplies or services determined ~~pursuant to division~~ 7863  
~~(E)~~ of under section 125.05 of the Revised Code; 7864

~~(B)~~(2) Purchases that equal or exceed the dollar amounts for 7865  
the purchase of supplies or services determined ~~pursuant to~~ 7866  
~~division (E)~~ of under section 125.05 of the Revised Code with the 7867  
approval of the controlling board, if that approval is required by 7868  
section 127.16 of the Revised Code; 7869

~~(C)~~(3) The final determination of the nature or quantity 7870  
~~making of~~ any purchase of supplies or services ~~to be purchased~~ 7871  
~~pursuant to~~ under division (B) of section 125.06 125.02 or under 7872  
division (G) of section 125.035 of the Revised Code; 7873

~~(D)~~(4) The final determination and disposal of excess and 7874  
surplus supplies; 7875

~~(E)~~(5) The inventory of state property; 7876

~~(F)~~(6) The purchase of printing; 7877

~~(G)~~(7) Activities related to information technology 7878  
development and use; 7879

~~(H)~~(8) The fleet management program. 7880

(B) Nothing in this section shall be construed as preventing 7881  
the attorney general, auditor of state, secretary of state, or 7882



treasurer of state from complying with or participating in any 7883  
aspect of Chapter 125. of the Revised Code through the department 7884  
of administrative services. 7885

**Sec. 125.05.** Except as provided in division ~~(F)~~(D) of this 7886  
section, no state agency shall purchase any supplies or services 7887  
except as provided in divisions (A) to ~~(D)~~(C) of this section. 7888

~~(A) Subject to division (E) of this section, a~~ A state agency 7889  
may, without competitive selection, make any purchase of supplies 7890  
or services that cost ~~twenty five~~ less than fifty thousand dollars 7891  
~~or less after complying with divisions (A) to (E) of section~~ 7892  
125.035 of the Revised Code. The agency may make the purchase 7893  
directly or may make the purchase from or through the department 7894  
of administrative services, whichever the agency determines. The 7895  
agency shall adopt written procedures consistent with the 7896  
department's purchasing procedures and shall use those procedures 7897  
when making purchases under this division. 7898

~~(B) Subject to division (E) of this section and in accordance~~ 7899  
~~with section 125.051 of the Revised Code, a state agency may make~~ 7900  
~~purchases of supplies and services that cost more than twenty five~~ 7901  
~~thousand dollars but less than fifty thousand dollars if the~~ 7902  
~~purchases are made under the direction of an employee of the~~ 7903  
~~agency who is certified by the department to make purchases and if~~ 7904  
~~the purchases comply with the department's purchasing procedures.~~ 7905  
Section 127.16 of the Revised Code does not apply to purchases 7906  
made under this division. ~~Until the certification effective date~~ 7907  
~~established by the department in rules adopted under section~~ 7908  
~~125.051 of the Revised Code, state agencies may make purchases of~~ 7909  
~~supplies and services that cost more than twenty five thousand~~ 7910  
~~dollars but less than fifty thousand dollars in the same manner as~~ 7911  
~~provided in division (A) of this section.~~ 7912

(B) A state agency shall make purchases of supplies and 7913

services that cost fifty thousand dollars or more through the 7914  
department of administrative services and the process provided in 7915  
section 125.035 of the Revised Code, unless the department grants 7916  
a waiver under divisions (D) or (E) of that section and a release 7917  
and permit under division (G) of that section. 7918

~~(C) Subject to division (E) of this section, a state agency~~ 7919  
~~wanting to purchase supplies or services that cost more than~~ 7920  
~~twenty five thousand dollars shall, unless otherwise authorized by~~ 7921  
~~law, make the purchase from or through the department. The~~ 7922  
~~department shall make the purchase by competitive selection. If~~ 7923  
~~the director of administrative services determines that it is not~~ 7924  
~~possible or not advantageous to the state for the department to~~ 7925  
~~make the purchase, the department shall grant the agency a release~~ 7926  
~~and permit under section 125.06 of the Revised Code to make the~~ 7927  
~~purchase. Section 127.16 of the Revised Code does not apply to~~ 7928  
~~purchases the department makes under this section.~~ 7929

~~(D)~~ An agency that has been granted a release and permit 7930  
under division (G) of section 125.035 of the Revised Code to make 7931  
a purchase may make the purchase without competitive selection if 7932  
after making the purchase the cumulative purchase threshold as 7933  
computed under division (E) of section 127.16 of the Revised Code 7934  
would: 7935

(1) Be exceeded and the controlling board approves the 7936  
purchase; 7937

(2) Not be exceeded and the department of administrative 7938  
services approves the purchase. 7939

~~(E) Not later than the thirty first day of January of each~~ 7940  
~~even numbered year, the directors of administrative services and~~ 7941  
~~budget and management shall review and recommend to the general~~ 7942  
~~assembly, if necessary, adjustments to the amounts specified in~~ 7943  
~~divisions (A) to (C) of this section and division (B) of section~~ 7944

~~127.16 of the Revised Code.~~ 7945

~~(F)~~(D) If the department of education or the Ohio education 7946  
computer network determines that it can purchase software services 7947  
or supplies for specified school districts at a price less than 7948  
the price for which the districts could purchase the same software 7949  
services or supplies for themselves, the department or network 7950  
shall certify that fact to the department of administrative 7951  
services and, acting as an agent for the specified school 7952  
districts, shall make that purchase without following the 7953  
provisions in divisions (A) to (D) of this section. 7954

Sec. 125.061. (A) During the period of an emergency as 7955  
defined in section 5502.21 of the Revised Code, the department of 7956  
administrative services may suspend, for the emergency management 7957  
agency established in section 5502.22 of the Revised Code or any 7958  
other state agency participating in response and recovery 7959  
activities as defined in section 5502.21 of the Revised Code, the 7960  
purchasing and contracting requirements contained in Chapter 125. 7961  
and any requirement of Chapter 153. of the Revised Code that 7962  
otherwise would apply to the agency. The director of public safety 7963  
or the executive director of the emergency management agency shall 7964  
make the request for the suspension of these requirements to the 7965  
department of administrative services concurrently with the 7966  
request to the governor or the president of the United States for 7967  
the declaration of an emergency. The governor also shall include 7968  
in any proclamation the governor issues declaring an emergency 7969  
language requesting the suspension of those requirements during 7970  
the period of the emergency. 7971

(B) Before any purchase may be made under a suspension 7972  
authorized by this section, the director of administrative 7973  
services shall send notice of the suspension as approved under 7974  
division (A) of this section to the director of budget and 7975

management and to the members of the controlling board. The notice 7976  
shall provide details of the request for suspension and shall 7977  
include a copy of the director's approval. 7978

(C) Purchases made by state agencies under this section are 7979  
exempt from the requirements of section 127.16 of the Revised 7980  
Code, except that state agencies making purchases under this 7981  
section shall file a report with the president of the controlling 7982  
board describing all such purchases made by the agency during the 7983  
period covered by the emergency declaration. The report shall be 7984  
filed within ninety days after the declaration expires. 7985

**Sec. 125.07.** (A) In accordance with rules the director shall 7986  
adopt under Chapter 119. of the Revised Code, the director of 7987  
administrative services may make purchases by competitive sealed 7988  
bid. The competitive sealed bid, at a minimum, shall contain a 7989  
detailed description of the supplies or services to be purchased, 7990  
terms and conditions of the sale, and any other information the 7991  
director considers to be necessary for the intended purchase. 7992  
Competitive sealed bids shall be awarded as provided in section 7993  
125.11 of the Revised Code. 7994

(B) The department of administrative services, in making a 7995  
purchase by competitive ~~selection pursuant to division (C) of~~ 7996  
~~section 125.05 of the Revised Code~~ sealed bid, shall give notice 7997  
in the following manner: 7998

~~(A)(1) The department shall advertise the intended purchases~~ 7999  
~~by notice that is posted by mail or electronic means and that is~~ 8000  
~~for the benefit of competing persons producing or dealing in the~~ 8001  
~~supplies or services to be purchased, including, but not limited~~ 8002  
~~to, the persons whose names appear on the appropriate list~~ 8003  
~~provided for in section 125.08 of the Revised Code. The notice may~~ 8004  
~~be in the form of the bid or proposal document or of a listing in~~ 8005  
~~a periodic bulletin, or in any other electronic form the director~~ 8006

of administrative services considers appropriate to sufficiently 8007  
notify ~~qualified~~ competing persons of the intended purchases. 8008

~~(B)(2)~~ The notice required under this division ~~(A) of this~~ 8009  
~~section~~ shall include the time and place where bids ~~or proposals~~ 8010  
will be accepted and opened, or, when bids are made in a reverse 8011  
auction, the time when bids will be accepted; the conditions under 8012  
which bids ~~or proposals~~ will be received; the terms of the 8013  
proposed purchases; and an itemized list of the supplies or 8014  
services to be purchased and the estimated quantities or amounts 8015  
of them. 8016

~~(C)(3)~~ The ~~posting of the~~ notice required under this division 8017  
~~(A) of this section~~ shall be ~~completed by~~ posted the number of 8018  
days ~~the director determines~~ preceding the day when the bids ~~or~~ 8019  
~~proposals~~ will be opened or accepted that the director determines 8020  
sufficient to enable interested bidders to prepare their bids. 8021

~~(D)~~ The department also shall maintain, in a public place in 8022  
~~its office, a bulletin board upon which it shall post and maintain~~ 8023  
~~a copy of the notice required under division (A) of this section~~ 8024  
~~for at least the number of days the director determines under~~ 8025  
~~division (C) of this section preceding the day of the opening or~~ 8026  
~~acceptance of the bids or proposals. The failure to so~~ 8027  
~~additionally post the notice shall invalidate all proceedings had~~ 8028  
~~and any contract entered into pursuant to the proceedings.~~ 8029

**Sec. 125.08.** ~~(A) The department of administrative services~~ 8030  
~~may divide the state into purchasing districts wherein supplies or~~ 8031  
~~services are to be delivered and shall describe those districts on~~ 8032  
~~all applications for the notification list provided for in this~~ 8033  
~~section.~~ 8034

~~Any person may have that person's name and address, or the~~ 8035  
~~name and address of an agent, placed on the competitive selection~~ 8036  
~~notification list of the department of administrative services by~~ 8037

~~sending to the department the person's name and address, together 8038  
with a list of the supplies or services described in the manner 8039  
prescribed by the department produced or dealt in by the person 8040  
with a request for such listing, a list of the districts in which 8041  
the person desires to participate, and all other information the 8042  
director of administrative services may prescribe. Whenever any 8043  
name and address together with a list of the supplies or services 8044  
produced or dealt in is so listed, the department shall post 8045  
notice, as provided in division (A) of section 125.07 of the 8046  
Revised Code, for the benefit of the persons listed on the 8047  
notification list that are qualified Ohio business enterprises, 8048  
which shall include Ohio penal industries as defined by rule of 8049  
the director of administrative services, or have a significant 8050  
Ohio presence in this state's economy, except that, in those 8051  
circumstances in which the director considers it in the best 8052  
interest of this state, the director shall post notice, as 8053  
provided in division (A) of section 125.07 of the Revised Code, 8054  
for the benefit of all persons listed on the notification list. 8055  
The department need only provide competitive selection documents 8056  
for a proposed contract to persons who specifically request the 8057  
documents. 8058~~

~~The director may remove a person from the notification list 8059  
and place the person on an inactive list if the person fails to 8060  
respond to any notices of proposed purchases that appear in four 8061  
consecutive bulletins or other forms of notification that list 8062  
those notices. Upon written request to the director by the person 8063  
so removed, the director may return the person to the notification 8064  
list if the person provides sufficient evidence regarding intent 8065  
to offer bids or proposals to the state. The director shall not 8066  
remove any person from the list without notice to the person. The 8067  
notice may be a part of the notices of proposed purchase. 8068~~

~~(B) Any person who is certified by the equal employment 8069~~

opportunity coordinator of the department of administrative 8070  
services in accordance with the rules adopted under division 8071  
(B)(1) of section 123.151 of the Revised Code as a minority 8072  
business enterprise may have that person's name placed on a 8073  
special minority business enterprise notification list to be used 8074  
in connection with contracts awarded under section 125.081 of the 8075  
Revised Code. The minority business enterprise notification list 8076  
shall be used for bidding on contracts set aside for minority 8077  
business enterprises only. ~~In all other respects, the list shall~~ 8078  
~~be maintained and used in the same manner and according to the~~ 8079  
~~same procedures as the notification list provided for under~~ 8080  
~~division (A) of this section, except that a firm shall not be~~ 8081  
~~removed from the list unless the coordinator determines that the~~ 8082  
~~firm is no longer a minority business enterprise. A minority~~ 8083  
~~business enterprise may have its name placed on both the~~ 8084  
~~notification lists provided for in this section.~~ 8085

~~(C) The director of administrative services may require an~~ 8086  
~~annual registration fee for the listings provided for in division~~ 8087  
~~(A) or (B) of this section. This fee shall not be more than ten~~ 8088  
~~dollars. The department may charge a fee for any compilation of~~ 8089  
~~descriptions of supplies or services. This fee shall be reasonable~~ 8090  
~~and shall not exceed the cost required to maintain the~~ 8091  
~~notification lists and provide for the distribution of the~~ 8092  
~~proposed purchase to the persons whose names appear on the lists.~~ 8093

**Sec. 125.081.** (A) From the purchases that the department of 8094  
administrative services is required by law to make through 8095  
competitive selection, the director of administrative services 8096  
shall select a number of such purchases, the aggregate value of 8097  
which equals approximately fifteen per cent of the estimated total 8098  
value of all such purchases to be made in the current fiscal year. 8099  
The director shall set aside the purchases selected for 8100  
competition only by minority business enterprises, as defined in 8101

division (E)(1) of section 122.71 of the Revised Code. The 8102  
competitive selection procedures for such purchases set aside 8103  
shall be the same as for all other purchases the department is 8104  
required to make through competitive selection, except that only 8105  
minority business enterprises certified by the equal employment 8106  
opportunity coordinator of the department of administrative 8107  
services in accordance with the rules adopted under division 8108  
(B)(1) of section 123.151 of the Revised Code and listed by the 8109  
director under ~~division (B)~~ of section 125.08 of the Revised Code 8110  
shall be qualified to compete. 8111

(B) To the extent that any agency of the state, other than 8112  
the department of administrative services, the legislative and 8113  
judicial branches, boards of elections, and the adjutant general, 8114  
is authorized to make purchases, the agency shall set aside a 8115  
number of purchases, the aggregate value of which equals 8116  
approximately fifteen per cent of the aggregate value of such 8117  
purchases for the current fiscal year for competition by minority 8118  
business enterprises only. The procedures for such purchases shall 8119  
be the same as for all other such purchases made by the agency, 8120  
except that only minority business enterprises certified by the 8121  
equal employment opportunity coordinator in accordance with rules 8122  
adopted under division (B)(1) of section 123.151 of the Revised 8123  
Code shall be qualified to compete. 8124

(C) In the case of purchases set aside under division (A) or 8125  
(B) of this section, if no bid is submitted by a minority business 8126  
enterprise, the purchase shall be made according to usual 8127  
procedures. The contracting agency shall from time to time set 8128  
aside such additional purchases for which only minority business 8129  
enterprises may compete, as are necessary to replace those 8130  
purchases previously set aside for which no minority business 8131  
enterprises bid and to ensure that, in any fiscal year, the 8132  
aggregate amount of contracts awarded to minority business 8133



enterprises will equal approximately fifteen per cent of the total 8134  
amount of contracts awarded by the agency. 8135

(D) The provisions of this section shall not preclude any 8136  
minority business enterprise from competing for any other state 8137  
purchases that are not specifically set aside for minority 8138  
business enterprises. 8139

(E) No funds of any state agency shall be expended in any 8140  
fiscal year for any purchase for which competitive selection is 8141  
required, until the director of the department of administrative 8142  
services certifies to the equal employment opportunity 8143  
coordinator, the clerk of the senate, and the clerk of the house 8144  
of representatives of the general assembly that approximately 8145  
fifteen per cent of the aggregate amount of the projected 8146  
expenditure for such purchases in the fiscal year has been set 8147  
aside as provided for in this section. 8148

(F) Any person who intentionally misrepresents self as 8149  
owning, controlling, operating, or participating in a minority 8150  
business enterprise for the purpose of obtaining contracts, 8151  
subcontracts, or any other benefits under this section shall be 8152  
guilty of theft by deception as provided for in section 2913.02 of 8153  
the Revised Code. 8154

**Sec. 125.082.** (A) When purchasing equipment, materials, or 8155  
supplies, the general assembly; the offices of all elected state 8156  
officers; all departments, boards, offices, commissions, agencies, 8157  
institutions, including, without limitation, state-supported 8158  
institutions of higher education, and other instrumentalities of 8159  
this state; the supreme court; all courts of appeals; and all 8160  
courts of common pleas, may purchase recycled products in 8161  
accordance with ~~the guidelines adopted under division (B) of this~~ 8162  
~~section if the products are available and meet the performance~~ 8163  
~~specifications of the procuring entities. Purchases of recycled~~ 8164

~~products shall comply with any rules adopted under division (C) of  
this section by the director of administrative services.~~ 8165  
8166

(B) ~~The director of administrative services shall adopt rules  
in accordance with Chapter 119. of the Revised Code establishing  
guidelines for the procurement of recycled products pursuant to  
division (A) of this section. To the extent practicable, the  
guidelines shall do all of the following:~~ 8167  
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8169  
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~~(1) Be consistent with and substantially equivalent to any  
relevant regulations adopted by the administrator of the United  
States environmental protection agency pursuant to the "Resource  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.  
6921, as amended;~~ 8172  
8173  
8174  
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~~(2) Establish the minimum percentage of recycled materials  
the various products shall contain in order to be considered  
"recycled" for the purposes of division (A) of this section;~~ 8177  
8178  
8179

~~(3) So far as practicable and economically feasible,  
incorporate specifications for recycled content materials to  
promote the use and purchase of recycled products by state  
agencies.~~ 8180  
8181  
8182  
8183

~~(C) The director may adopt rules in accordance with Chapter  
119. of the Revised Code establishing a maximum percentage by  
which the cost of recycled products purchased under division (A)  
of this section may exceed the cost of comparable products made of  
virgin materials.~~ 8184  
8185  
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~~(D) The department of administrative services and the  
environmental protection agency annually shall prepare and submit  
to the governor, president of the senate, and speaker of the house  
of representatives a report that describes, so far as practicable,  
the value and types of recycled products that are purchased with  
moneys disbursed from the state treasury by the general assembly;  
the offices of all elected state officers; and all departments,~~ 8189  
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~~boards, offices, commissions, agencies, and institutions of this~~ 8196  
~~state.~~ 8197

**Sec. 125.10.** (A) The department of administrative services 8198  
may require that all competitive sealed bids, competitive sealed 8199  
proposals, and bids received in a reverse auction be accompanied 8200  
by a performance bond or other ~~cash surety~~ financial assurance 8201  
acceptable to the director of administrative services, in the sum 8202  
and with the sureties it prescribes, payable to the state, and 8203  
conditioned that the person submitting the bid or proposal, if 8204  
that person's bid or proposal is accepted, will faithfully execute 8205  
the terms of the contract and promptly make deliveries of the 8206  
supplies purchased. 8207

(B) A sealed copy of each competitive sealed bid or 8208  
competitive sealed proposal shall be filed with the department 8209  
prior to the time specified in the notice for opening of the bids 8210  
or proposals. All competitive sealed bids and competitive sealed 8211  
proposals shall be publicly opened in the office of the department 8212  
at the time specified in the notice. A representative of the 8213  
auditor of state shall be present at the opening of all 8214  
competitive sealed bids and competitive sealed proposals, and 8215  
shall certify the opening of each competitive sealed bid and 8216  
competitive sealed proposal. No competitive sealed bid or 8217  
competitive sealed proposal shall be considered valid unless it is 8218  
so certified. 8219

**Sec. 125.11.** (A) Subject to division (B) of this section, 8220  
contracts awarded pursuant to a reverse auction under section 8221  
125.072 of the Revised Code or pursuant to competitive sealed 8222  
bidding, including contracts awarded under section 125.081 of the 8223  
Revised Code, shall be awarded to the lowest responsive and 8224  
responsible bidder ~~on each item~~ in accordance with section 9.312 8225  
of the Revised Code. When the contract is for meat products as 8226

defined in section 918.01 of the Revised Code or poultry products 8227  
as defined in section 918.21 of the Revised Code, only those bids 8228  
received from vendors ~~offering products from establishments on the~~ 8229  
~~current list of meat and poultry vendors established and~~ 8230  
~~maintained by the director of administrative services under~~ 8231  
~~section 125.17 of the Revised Code~~ under inspection of the United 8232  
States department of agriculture or who are licensed by the Ohio 8233  
department of agriculture shall be eligible for acceptance. The 8234  
department of administrative services may accept or reject any or 8235  
all bids in whole or by items, except that when the contract is 8236  
for services or products available from a qualified nonprofit 8237  
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 8238  
4115.35 of the Revised Code, the contract shall be awarded to that 8239  
agency. 8240

(B) Prior to awarding a contract under division (A) of this 8241  
section, the department of administrative services or the state 8242  
agency responsible for evaluating a contract for the purchase of 8243  
products shall evaluate the bids received according to the 8244  
criteria and procedures established pursuant to divisions (C)(1) 8245  
and (2) of section 125.09 of the Revised Code for determining if a 8246  
product is produced or mined in the United States and if a product 8247  
is produced or mined in this state. The department or other state 8248  
agency shall first ~~remove~~ consider bids that offer products that 8249  
have ~~not~~ been or that will ~~not~~ be produced or mined in the United 8250  
States. From among the remaining bids, the department or other 8251  
state agency shall select the lowest responsive and responsible 8252  
bid, in accordance with section 9.312 of the Revised Code, from 8253  
among the bids that offer products that have been produced or 8254  
mined in this state where sufficient competition can be generated 8255  
within this state to ensure that compliance with these 8256  
requirements will not result in an excessive price for the product 8257  
or acquiring a disproportionately inferior product. 8258

(C) Division (B) of this section applies to contracts for 8259  
which competitive bidding is waived by the controlling board. 8260

(D) Division (B) of this section does not apply to the 8261  
purchase by the division of liquor control of spirituous liquor. 8262

(E) The director of administrative services shall publish in 8263  
the form of a model act for use by counties, townships, municipal 8264  
corporations, or any other political subdivision described in 8265  
division (B) of section 125.04 of the Revised Code, a system of 8266  
preferences for products mined and produced in this state and in 8267  
the United States and for Ohio-based contractors. The model act 8268  
shall reflect substantial equivalence to the system of preferences 8269  
in purchasing and public improvement contracting procedures under 8270  
which the state operates pursuant to this chapter and section 8271  
153.012 of the Revised Code. To the maximum extent possible, 8272  
consistent with the Ohio system of preferences in purchasing and 8273  
public improvement contracting procedures, the model act shall 8274  
incorporate all of the requirements of the federal "Buy America 8275  
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 8276  
the rules adopted under that act. 8277

Before and during the development and promulgation of the 8278  
model act, the director shall consult with appropriate statewide 8279  
organizations representing counties, townships, and municipal 8280  
corporations so as to identify the special requirements and 8281  
concerns these political subdivisions have in their purchasing and 8282  
public improvement contracting procedures. The director shall 8283  
promulgate the model act by rule adopted pursuant to Chapter 119. 8284  
of the Revised Code and shall revise the act as necessary to 8285  
reflect changes in this chapter or section 153.012 of the Revised 8286  
Code. 8287

The director shall make available copies of the model act, 8288  
supporting information, and technical assistance to any township, 8289  
county, or municipal corporation wishing to incorporate the 8290

provisions of the act into its purchasing or public improvement 8291  
contracting procedure. 8292

**Sec. 125.112.** (A) As used in this section: 8293

(1) "Agency" means a department created under section 121.02 8294  
of the Revised Code. 8295

(2) "Entity" means, whether for profit or nonprofit, a 8296  
corporation, association, partnership, limited liability company, 8297  
sole proprietorship, or other business entity. "Entity" does not 8298  
include an individual who receives state assistance that is not 8299  
related to the individual's business. 8300

(3)(a) "State award" means a contract awarded by the state 8301  
costing over twenty-five thousand dollars. 8302

(b) "State award" does not include compensation received as 8303  
an employee of the state or any state financial assistance and 8304  
expenditure received from the general assembly or any legislative 8305  
agency, any court or judicial agency, the secretary of state, 8306  
auditor of state, treasurer of state, or attorney general and 8307  
their respective offices. 8308

(B) The department of administrative services shall establish 8309  
and maintain a single searchable web site, accessible by the 8310  
public at no cost, that includes all of the following information 8311  
for each state award: 8312

(1) The name of the entity receiving the award; 8313

(2) The amount of the award; 8314

(3) Information on the award, the agency or other 8315  
instrumentality of the state that is providing the award, and the 8316  
commodity code; 8317

(4) Any other relevant information determined by the 8318  
department of administrative services. 8319

(C) The department of administrative services may consult 8320  
with other state agencies in the development, establishment, 8321  
operation, and support of the web site required by division (B) of 8322  
this section. State awards shall be posted on the web site within 8323  
thirty days after being made. The department of administrative 8324  
services shall provide an opportunity for public comment as to the 8325  
utility of the web site required by division (B) of this section 8326  
and any suggested improvements. 8327

(D) The web site required by division (B) of this section 8328  
shall be fully operational not later than one year after ~~the~~ 8329  
~~effective date of this section~~ December 30, 2008, and shall 8330  
include information on state awards made in fiscal year 2008 and 8331  
thereafter. It shall also provide an electronic link to the daily 8332  
journals of the senate and house of representatives. 8333

(E) The director of administrative services shall submit to 8334  
the general assembly an annual report regarding the implementation 8335  
of the web site established pursuant to division (B) of this 8336  
section. The report shall include data regarding the usage of the 8337  
web site and any public comments on the utility of the site, 8338  
including recommendations for improving data quality and 8339  
collection. The director shall post each report on the web site. 8340

(F) Each agency awarding a grant to an entity in fiscal year 8341  
2008 and thereafter shall establish and maintain a separate web 8342  
site listing the name of the entity receiving each grant, the 8343  
grant amount, information on each grant, and any other relevant 8344  
information determined by the department of administrative 8345  
services. Each agency shall provide the link to such a web site to 8346  
the department of administrative services within a reasonable time 8347  
after ~~the effective date of this section~~ December 30, 2008, and 8348  
shall thereafter update its web site within thirty days of 8349  
awarding a new grant. Not later than one year after ~~the effective~~ 8350  
~~date of this section~~ December 30, 2008, the department of 8351

administrative services shall establish and maintain a separate 8352  
web site, accessible to the public at no cost, which contains the 8353  
links to the agency web sites required by this division. 8354

(G) ~~The~~ At the end of the closeout year, the attorney general 8355  
shall ~~monitor the compliance of~~ determine the extent to which an 8356  
entity has complied with the terms and conditions, including 8357  
performance metrics, ~~if any,~~ of a state award for economic 8358  
development received by that entity. As necessary, the agency that 8359  
makes and administers the state award for economic development 8360  
shall assist the attorney general with that ~~monitoring~~ 8361  
determination. The attorney general shall submit to the general 8362  
assembly pursuant to section 101.68 of the Revised Code an annual 8363  
report regarding the level of compliance of each such ~~entities~~ 8364  
entity with the terms and conditions, including ~~any~~ performance 8365  
metrics, of their state awards for economic development. When the 8366  
attorney general determines appropriate and to the extent that an 8367  
entity that receives or has received a state award for economic 8368  
development does not comply with a performance metric that is 8369  
specified in the terms and conditions of the award, the attorney 8370  
general shall pursue against and from that entity such remedies 8371  
and recoveries as are available under law. For purposes of this 8372  
division, "state Closeout year" means the calendar year by which 8373  
an entity that receives a state award for economic development 8374  
must comply with a performance metric specified in the terms and 8375  
conditions of the award. "State award for economic development" 8376  
means state financial assistance and expenditure in any of the 8377  
following forms: grants, subgrants, loans, awards, cooperative 8378  
agreements, or other similar and related forms of financial 8379  
assistance and contracts, subcontracts, purchase orders, task 8380  
orders, delivery orders, or other similar and related 8381  
transactions. "State award for economic development" does not 8382  
include compensation received as an employee of the state or any 8383  
state financial assistance and expenditure received from the 8384



general assembly or any legislative agency, any court or judicial 8385  
agency, the secretary of state, auditor of state, treasurer of 8386  
state, or attorney general and their respective offices. 8387

(H) Nothing in this section shall be construed as requiring 8388  
the disclosure of information that is not a public record under 8389  
section 149.43 of the Revised Code. 8390

**Sec. 125.13.** (A) As used in this section: 8391

(1) "Emergency medical service organization" has the same 8392  
meaning as in section 4765.01 of the Revised Code. 8393

(2) "Private fire company" has the same meaning as in section 8394  
9.60 of the Revised Code. 8395

(B) ~~Except as otherwise provided in section 5139.03 of the~~ 8396  
~~Revised Code, whenever~~ Whenever a state agency determines that it 8397  
has excess or surplus supplies, it shall notify the director of 8398  
administrative services. ~~Upon request by the director and on~~ On 8399  
forms provided by the director, the state agency shall furnish to 8400  
the director a list of ~~all those~~ its excess and surplus supplies 8401  
~~and an appraisal of their value, including the location of the~~ 8402  
supplies and whether the supplies are currently in the agency's 8403  
control. 8404

(C) ~~The~~ Upon receipt of notification and at no cost to the 8405  
state agency, the director of administrative services shall make 8406  
arrangements for their disposition and shall take immediate 8407  
control of a state agency's excess and surplus supplies, except 8408  
for the following excess and surplus supplies: 8409

(1) Excess or surplus supplies that have a value below the 8410  
minimum value that the director establishes for excess and surplus 8411  
supplies under division (F) of this section; 8412

(2) Excess or surplus supplies that the director has 8413  
authorized an agency to donate to a ~~public entity~~ governmental 8414

agency, including, but not limited to, public schools and surplus 8415  
computers and computer equipment transferred to a public school 8416  
under division ~~(H)~~(G) of this section; 8417

(3) Excess or surplus supplies that an agency trades in as 8418  
full or partial payment when purchasing a replacement item; 8419

(4) Hazardous property; 8420

(5) Excess or surplus supplies that the director has 8421  
authorized to be part of an interagency transfer; 8422

(6) Excess or surplus supplies that are donated under 8423  
division (H) of this section. 8424

(D) The director shall inventory excess and surplus supplies 8425  
in the director's control and post on a public web site a list of 8426  
the supplies available for acquisition. The director may have the 8427  
supplies repaired. The director shall not charge a fee for the 8428  
collection or transportation of excess and surplus supplies. 8429

(E) The director may do ~~either~~ any of the following: 8430

(1) Dispose of declared surplus or excess supplies in the 8431  
director's control by sale, lease, donation, or transfer. If the 8432  
director does so, the director shall dispose of those supplies in 8433  
any of the following ~~order of priority~~ manners: 8434

(a) To state agencies or by interagency trade; 8435

(b) To state-supported or state-assisted institutions of 8436  
higher education; 8437

(c) To tax-supported agencies, municipal corporations, or 8438  
other political subdivisions of this state, private fire 8439  
companies, or private, nonprofit emergency medical service 8440  
organizations; 8441

(d) To nonpublic elementary and secondary schools chartered 8442  
by the state board of education under section 3301.16 of the 8443  
Revised Code; 8444

(e) To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that receives funds from the state or has a contract with the state; 8445  
8446  
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(f) To the general public by auction, sealed bid, sale, or negotiation. 8448  
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(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division. 8450  
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(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation, except that no employee of the disposing agency shall be allowed to purchase, lease, or receive any such supplies. The director may dispose of declared surplus or excess supplies, including motor vehicles, in the director's control as the director determines proper if such supplies cannot be disposed of pursuant to division (E) of this section. The director shall by rule establish a minimum value for excess and surplus supplies and prescribe procedures for a state agency to follow in disposing of excess and surplus supplies in its control that have a value below the minimum value established by the director. 8462  
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~~(G) No state supported or state assisted institution of higher education, tax supported agency, municipal corporation, or~~ 8475  
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~~other political subdivision of this state, private fire company,  
or private, nonprofit emergency medical service organization shall  
sell, lease, or transfer excess or surplus supplies acquired under  
this section to private entities or the general public at a price  
greater than the price it originally paid for those supplies.~~

~~(H)~~ The director of administrative services may authorize any  
state agency to transfer surplus computers and computer equipment  
that are not needed by other state agencies directly to an  
accredited public school within the state. The computers and  
computer equipment may be repaired or refurbished prior to  
transfer. The state agency may charge a service fee to the public  
schools for the property not to exceed the direct cost of  
repairing or refurbishing it. The state agency shall deposit such  
funds into the account used for repair or refurbishment.

(H) Excess and surplus supplies of food shall be exempt from  
this section and may be donated directly to nonprofit food  
pantries and institutions without notification to the director of  
administrative services.

**Sec. 125.22.** (A) The department of administrative services  
shall establish the central service agency to perform routine  
support for the following boards and commissions:

- (1) Architects board;
- (2) ~~Barber board;~~
- ~~(3)~~ State chiropractic board;
- ~~(4)~~(3) State board of barbers and cosmetology;
- ~~(5)~~(4) Accountancy board;
- ~~(6)~~(5) State dental board;
- ~~(7)~~(6) State board of optometry;
- ~~(8)~~(7) Ohio occupational therapy, physical therapy, and

athletic trainers board;	8506
<del>(9)</del> <u>(8)</u> State board of registration for professional engineers	8507
and surveyors;	8508
<del>(10)</del> <u>(9)</u> State board of sanitarian registration;	8509
<del>(11)</del> <u>(10)</u> Board of embalmers and funeral directors;	8510
<del>(12)</del> <u>(11)</u> State board of psychology;	8511
<del>(13)</del> <u>(12)</u> Ohio optical dispensers board;	8512
<del>(14)</del> <u>(13)</u> Board of speech pathology and audiology;	8513
<del>(15)</del> <u>(14)</u> Counselor, social worker, and marriage and family	8514
therapist board;	8515
<del>(16)</del> <u>(15)</u> State veterinary medical licensing board;	8516
<del>(17)</del> <u>(16)</u> Ohio board of dietetics;	8517
<del>(18)</del> <u>(17)</u> Commission on Hispanic-Latino affairs;	8518
<del>(19)</del> <u>(18)</u> Ohio respiratory care board;	8519
<del>(20)</del> <u>(19)</u> Ohio commission on African-American males;	8520
<del>(21)</del> <u>(20)</u> Chemical dependency professionals board.	8521
(B)(1) Notwithstanding any other section of the Revised Code,	8522
the agency shall perform the following routine support services	8523
for the boards and commissions named in division (A) of this	8524
section unless the controlling board exempts a board or commission	8525
from this requirement on the recommendation of the director of	8526
administrative services:	8527
(a) Preparing and processing payroll and other personnel	8528
documents;	8529
(b) Preparing and processing vouchers, purchase orders,	8530
encumbrances, and other accounting documents;	8531
(c) Maintaining ledgers of accounts and balances;	8532

(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions; 8533  
8534

(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency. 8535  
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(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts. 8538  
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(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts. 8541  
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(C) The director of administrative services shall be the appointing authority for the agency. 8545  
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(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission. 8547  
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(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in performing services for the boards or commissions shall be paid from the fund. 8550  
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(F) Nothing in this section shall be construed as a grant of 8563

authority for the central service agency to initiate or deny 8564  
personnel or fiscal actions for the boards and commissions. 8565

**Sec. 125.27.** (A) There is hereby created in the state 8566  
treasury the building improvement fund. The fund shall retain the 8567  
interest earned. 8568

(B) The fund shall consist of any ~~payments made by intrastate~~ 8569  
~~transfer voucher from the appropriation item for office building~~ 8570  
~~operating payments~~ money transferred or deposited into the fund 8571  
pursuant to section 125.28 of the Revised Code. 8572

(C) The fund shall be used for major maintenance or 8573  
improvements required in ~~the James A. Rhodes or Frank J. Lausche~~ 8574  
~~state office tower, Toledo government center, Senator Oliver R.~~ 8575  
~~Oeasek government office building, and Vern Riffe center for~~ 8576  
~~government and the arts~~ facilities maintained by the department of 8577  
administrative services. 8578

**Sec. 125.28.** (A)(1) ~~Each state agency that is supported in~~ 8579  
~~whole or in part by nongeneral revenue fund money and that~~ 8580  
~~occupies space in the James A. Rhodes or Frank J. Lausche state~~ 8581  
~~office tower, Toledo government center, Senator Oliver R. Oeasek~~ 8582  
~~government office building, Vern Riffe center for government and~~ 8583  
~~the arts, capitol square, or governor's mansion shall reimburse~~ 8584  
~~the general revenue fund for the cost of occupying the space in~~ 8585  
~~the ratio that the occupied space in each facility attributable to~~ 8586  
~~the nongeneral revenue fund money bears to the total space~~ 8587  
~~occupied by the state agency in the facility.~~ 8588

~~(2) All agencies that occupy space in the old blind school or~~ 8589  
~~that occupy warehouse space in the general services facility shall~~ 8590  
~~reimburse the department of administrative services for the cost~~ 8591  
~~of occupying the space. The director of administrative services~~ 8592  
~~shall determine the amount of debt service, if any, to be charged~~ 8593

~~to building tenants reimbursable cost of space in state-owned or 8594  
state-leased facilities and shall collect reimbursements for it. 8595~~

~~(3) Each agency that is supported in whole or in part by 8596  
nongeneral revenue fund money and that occupies space in any other 8597  
facility or facilities owned and maintained by the department of 8598  
administrative services or space in the general services facility 8599  
other than warehouse space shall reimburse the department for the 8600  
cost of occupying the space, including debt service, if any, in 8601  
the ratio that the occupied space in each facility attributable to 8602  
the nongeneral revenue fund money bears to the total space 8603  
occupied by the state agency in the facility that cost. 8604~~

~~(B) The director of administrative services may provide 8605  
building maintenance services and minor construction project 8606  
management services to any state agency and may collect 8607  
reimbursements for the cost of providing those services. 8608~~

~~(C) All money collected by the department of administrative 8609  
services for operating expenses of facilities owned or maintained 8610  
by the department shall be deposited into the state treasury to 8611  
the credit of the building management fund, which is hereby 8612  
created, or to the credit of the building operation fund, which is 8613  
hereby created. All money collected by the department for minor 8614  
construction project management services shall be deposited into 8615  
the state treasury to the credit of the minor construction project 8616  
management fund, which is hereby created. All money collected for 8617  
debt service depreciation and related costs shall be deposited 8618  
into the general revenue building improvement fund created under 8619  
section 125.27 of the Revised Code or deposited into the building 8620  
management fund and then transferred by the director of budget and 8621  
management to the building improvement fund. 8622~~

~~(D) The director of administrative services shall determine 8623  
the reimbursable cost of space in state owned or state leased 8624  
facilities and shall collect reimbursements for that cost. 8625~~



Sec. 125.31. (A) The department of administrative services 8626  
shall have supervision of all public printing except as follows: 8627

(1) Printing for the general assembly shall be the sole 8628  
responsibility of the clerk of the senate and the clerk of the 8629  
house of representatives unless the clerk of the senate or the 8630  
clerk of the house of representatives chooses either of the 8631  
options specified in section 101.523 or 101.524 of the Revised 8632  
Code. 8633

(2) Printing for the Ohio arts council shall be under the 8634  
supervision of the council. 8635

(3) Printing for the capitol square review and advisory board 8636  
shall be under the supervision of the board. 8637

~~(4) Printing for the bureau of workers' compensation shall be 8638  
under the supervision of the administrator of workers' 8639  
compensation unless the administrator requests the department to 8640  
supervise printing for the bureau. 8641~~

~~(5) Printing for state-supported institutions of higher 8642  
education shall be under the supervision of the department of 8643  
purchasing of each such institution or the department or officer 8644  
within each institution that performs the functions of a 8645  
department of purchasing. 8646~~

(B) The department of administrative services shall 8647  
determine, except as otherwise specifically provided by law, the 8648  
number of copies to be printed of each publication or document, 8649  
the source of reproduction, the manner of binding, quality of 8650  
paper, the general kind, size, and spacing of type to be used in 8651  
all reports, publications, bulletins, documents, or pamphlets 8652  
printed at public expense. 8653

The department shall not use its authority to curtail the 8654  
release of public information by any elected state official. 8655

(C) For the purposes of sections 125.31 to 125.76 of the Revised Code, all functions, powers, and duties assigned to the department of administrative services are considered to be assigned to the division of state printing within the department of administrative services.

**Sec. 125.36.** If the department of administrative services is of the opinion that any bids or proposals should be rejected in the interest of the state, it may reject any or all bids or proposals and advertise the invitation to bid or the request for proposals a second time. If after the second advertisement for bids or proposals the department determines that any or all bids or proposals are not in the interest of the state, it may purchase the various kinds of paper printing goods and services required at the lowest price for which such paper printing goods and services can be obtained in the open market.

**Sec. 125.38.** If ~~such a bond is~~ required by the department of administrative services, a bid or proposal for a term contract for paper printing goods and services, including final printed product, shall be accompanied by a bond to the state, in a sum specified in the invitation to bid or request for proposals, executed by the ~~bidder~~ offeror, with either one corporate or two personal sureties, satisfactory to the department, conditioned for the performance of the contract awarded the ~~bidder~~ offeror, and for the payment to the state, by the ~~bidder~~ offeror, as liquidated damages, of any excess of cost over the bid or proposal of such ~~bidder~~ offeror, which the state may be obliged to pay for such paper printing goods and services by reason of the failure of the ~~bidder~~ offeror to complete the contract. ~~This~~ A bid or proposal unaccompanied by such bond shall not be considered, and this bond shall be void if no contract is awarded to the bidder, and no bid unaccompanied by such bond shall be entertained by the department

offeror. 8687

**Sec. 125.39.** If the contractor fails to furnish ~~paper~~ 8688  
printing goods and services according to the terms of the 8689  
contract, the department of administrative services shall purchase 8690  
the required ~~paper~~ printing goods and services on the open market 8691  
after notifying the contractor in writing of such action, and the 8692  
cost in excess of the contract shall be collected from the 8693  
contractor or the posted bond, if a bond was provided. 8694

**Sec. 125.42.** (A) No agency, officer, board, or commission, 8695  
except the clerk of the senate and the clerk of the house of 8696  
representatives, shall print or cause to be printed at the public 8697  
expense, any report, bulletin, document, or pamphlet, unless such 8698  
report, bulletin, document, or pamphlet is first submitted to, and 8699  
the printing thereof approved by, the department of administrative 8700  
services. If ~~such~~ the department approves the printing, it shall 8701  
determine the form of such printing and the number of copies. 8702

If such approval is given, the department shall cause the 8703  
same to be printed and bound as provided by sections ~~125.47 to~~ 8704  
~~125.56~~ 125.49, 125.51, and 125.56 of the Revised Code, except as 8705  
otherwise provided by section 125.45 of the Revised Code; and when 8706  
printed, such publications or forms shall be delivered to the 8707  
ordering officer, board, commission, or department, or sold at a 8708  
price not to exceed the total cost. 8709

(B) The department of administrative services annually shall 8710  
set a maximum cost per page and a maximum total cost for the 8711  
printing by any board, commission, council, or other public body 8712  
of the state of any annual report or any other report that it is 8713  
required by law to produce. No board, commission, council, or 8714  
other public body of the state shall expend or incur the 8715  
expenditure of any amount in excess of these maximum amounts 8716

without the prior approval of the department. This division does 8717  
not apply to the general assembly or any court. 8718

**Sec. 125.43.** The department of administrative services shall 8719  
~~examine and correct the proof sheets of the printing for the~~ 8720  
~~state, and see that the work is~~ any printing services are executed 8721  
in accordance with law, ~~and when necessary, prepare indexes for~~ 8722  
~~the public documents.~~ The printing of all publications approved by 8723  
the department of administrative services shall be ordered through 8724  
it and it shall see that the number of copies ordered is received 8725  
from the printer and delivered to the proper department. 8726

**Sec. 125.45. (A)** The department of administrative services 8727  
shall maintain facilities to perform office reproduction services 8728  
for all boards, commissions, or departments ~~except for the bureau~~ 8729  
~~of workers' compensation.~~ Upon written application to the 8730  
department of administrative services, permission may be granted 8731  
to a board, commission, or department to perform such services 8732  
outside the central facility and such permission shall state the 8733  
extent of the services which the department, board, or commission 8734  
shall perform. 8735

**(B)** Office reproduction services ~~using stencils, masters, or~~ 8736  
~~plates~~ are restricted to duplicating equipment not larger than 8737  
seventeen by twenty-two inches. Not to exceed five thousand press 8738  
impressions shall be produced of any such order except that up to 8739  
one thousand production copies may be produced of any item 8740  
consisting of multiple pages and except that over five thousand, 8741  
but not more than ten thousand, press impressions may be produced 8742  
if the director of administrative services determines that there 8743  
is an emergency due to the timing of service delivery or another 8744  
factor that may cause financial hardship to the state. 8745

~~Nothing in this section precludes the bureau from entering~~ 8746

~~into a contract with the department of administrative services for~~ 8747  
~~the department to perform office reproduction services for the~~ 8748  
~~bureau.~~ 8749

(C) No state agency, other than the department of 8750  
administrative services, shall perform printing or office 8751  
reproduction services for political subdivisions. 8752

**Sec. 125.49.** Each bid or proposal for state printing shall 8753  
state specifically the price at which the ~~bidder~~ offeror will 8754  
undertake to ~~de~~ provide the ~~work~~ finished product as specified in 8755  
the ~~classes of printing~~ invitation to bid or request for 8756  
proposals, including the necessary binding covered by such bid or 8757  
proposal. 8758

**Sec. 125.51.** After careful examination and computation of 8759  
each ~~proposal~~ bid, within thirty days the department of 8760  
administrative services shall award the contract for such printing 8761  
to the lowest responsive and responsible bidder, in accordance 8762  
with section 9.312 of the Revised Code, having proper facilities 8763  
to ~~insure~~ ensure prompt performance of the work. No contract shall 8764  
be awarded unless it contains an agreement for the completion of 8765  
the work within the time fixed by the department, but the time so 8766  
fixed may be extended by the department if deemed in the best 8767  
interest of the state. 8768

**Sec. 125.58.** The department of administrative services shall 8769  
promptly notify each successful ~~bidder~~ offeror of the acceptance 8770  
of the ~~bidder's~~ offeror's bid or proposal for state printing. If 8771  
such ~~bidder~~ offeror fails to execute the contract because of death 8772  
or other cause, or if the ~~bidder~~ offeror fails to execute the work 8773  
required by the contract in a proper manner and with reasonable 8774  
promptness, or the contract is abandoned, or its execution is 8775  
temporarily suspended, the department may enter into a contract 8776

with another person for the prompt execution of the work for the 8777  
lowest price which may be obtained. Before any work is relet in 8778  
consequence of the misconduct or default of the contractor, the 8779  
department shall give the contractor written notice thereof. The 8780  
department of administrative services may set a daily penalty 8781  
charge for late orders, provided the penalty schedule and amount 8782  
are stated in the invitation to bid or request for proposals for 8783  
the printing. 8784

**Sec. 125.601.** ~~(A) Not later than July 1, 2007, the~~ The 8785  
director of administrative services shall establish the office of 8786  
procurement from community rehabilitation programs within the 8787  
department of administrative services. The director shall 8788  
designate an employee of the department to serve as administrator 8789  
of the office. 8790

~~(B) Not later than July 1, 2007, the director shall abolish 8791  
the state committee for the purchase of products and services 8792  
provided by persons with severe disabilities in accordance with 8793  
section 4115.36 of the Revised Code. 8794~~

**Sec. 125.607.** (A) Before purchasing any supply or service, a 8795  
governmental ordering office shall determine, in compliance with 8796  
section 125.035 of the Revised Code, whether the supply or service 8797  
is on the procurement list maintained by the office of procurement 8798  
from community rehabilitation programs. If the supply or service 8799  
is on the list at an established fair market price, the government 8800  
ordering office shall purchase it from the qualified nonprofit 8801  
agency or approved agent at that price. 8802

(B) If the supply or service is on the procurement list but a 8803  
fair market price has not been established, the government 8804  
ordering office shall attempt to negotiate an agreement with one 8805  
or more of the listed qualified nonprofit agencies or approved 8806

agents. The office of procurement from community rehabilitation 8807  
programs may accept as fair market price an agreement negotiated 8808  
between the government ordering office and a qualified nonprofit 8809  
agency or approved agent. 8810

(C) If an agreement is not successfully negotiated, the 8811  
office may establish a fair market price, or it may release a 8812  
government ordering office from the requirements of this section. 8813

(D) A purchase under divisions (A) to (C) of this section is 8814  
not subject to any competitive selection or competitive bidding 8815  
requirements, notwithstanding any other provision of law. 8816

(E) The department of administrative services has the 8817  
authority to structure or regulate competition among qualified 8818  
nonprofit agencies for the overall benefit of the program. 8819

**Sec. 125.609.** ~~The office of procurement from community~~ 8820  
~~rehabilitation programs~~ department of administrative services, on 8821  
its own or pursuant to a request from a government ordering 8822  
office, may release a government ordering office from compliance 8823  
with sections 125.60 to 125.6012 of the Revised Code. If the 8824  
~~office~~ department determines that compliance is not possible or 8825  
not advantageous, or if conditions prescribed in rules as may be 8826  
adopted under section 125.603 of the Revised Code for granting a 8827  
release are met, the ~~office~~ department may grant a release. The 8828  
release shall be in writing, and shall specify the supplies or 8829  
services to which it applies, the period of time during which it 8830  
is effective, and the reason for which it is granted. 8831

**Sec. 125.76.** All printing and binding for the state, not 8832  
authorized by sections 125.43 to 125.71 or section 3345.10 of the 8833  
Revised Code, except for maps and printing that is the sole 8834  
responsibility of the clerk of the senate or the clerk of the 8835  
house of representatives, shall be subject to such sections so far 8836

as practical, and whether provided for by law or resolution of the 8837  
general assembly the department of administrative services shall 8838  
advertise for bids or proposals and let contracts therefor as 8839  
provided in such sections. 8840

**Sec. 125.901.** (A) There is hereby established the Ohio 8841  
geographically referenced information program council within the 8842  
department of administrative services to coordinate the property 8843  
owned by the state. The department of administrative services 8844  
shall provide administrative support for the council. 8845

(B) The council shall consist of the following fifteen 8846  
members: 8847

(1) The state chief information officer, or the officer's 8848  
designee, who shall serve as the council chair; 8849

(2) The director of ~~the department of~~ natural resources, or 8850  
the director's designee; 8851

(3) The director of transportation, or the director's 8852  
designee; 8853

(4) The director of environmental protection, or the 8854  
director's designee; 8855

(5) The director of development services, or the director's 8856  
designee; 8857

(6) The treasurer of state, or the treasurer of state's 8858  
designee; 8859

~~(7) An individual appointed by the governor from the 8860  
organization that represents the state's county auditors;~~ 8861

~~(8) An individual appointed by the governor from the 8862  
organization that represents the state's county commissioners;~~ 8863

~~(9) An individual appointed by the governor from the 8864  
organization that represents the state's county engineers;~~ 8865



<del>(10) An individual appointed by the governor from the organization that represents the state's regional councils;</del>	8866
	8867
<del>(11) Two individuals appointed by the governor from the organization that represents the state's municipal governments, one of whom shall represent a municipality with a population of fewer than one hundred thousand people and one of whom shall represent a municipality with a population of one hundred thousand or more people;</del>	8868
	8869
	8870
	8871
	8872
	8873
<del>(12) An individual appointed by the governor representing the interests of the regulated utilities in this state;</del>	8874
	8875
<del>(13) An individual appointed by the governor representing the interests of a public university;</del>	8876
	8877
<del>(14) The attorney general, or the attorney general's designee;</del>	8878
	8879
<u>(8) The chancellor of higher education or the chancellor's designee;</u>	8880
	8881
<u>(9) The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;</u>	8882
	8883
	8884
<u>(10) The director of public safety or the director's designee;</u>	8885
	8886
<u>(11) The executive director of the county auditors' association or the executive director's designee;</u>	8887
	8888
<u>(12) The executive director of the county commissioners' association or the executive director's designee;</u>	8889
	8890
<u>(13) The executive director of the county engineers' association or the executive director's designee;</u>	8891
	8892
<u>(14) The executive director of the Ohio municipal league or the executive director's designee;</u>	8893
	8894

(15) The executive director of the Ohio townships association 8895  
or the executive director's designee. 8896

~~(C) The governor shall make initial appointments for the~~ 8897  
~~members as provided in this section within a reasonable time. The~~ 8898  
~~members appointed to the council by the governor pursuant to this~~ 8899  
~~section shall serve two year terms, with each term ending on the~~ 8900  
~~same day of the same month as did the term that it succeeds. The~~ 8901  
~~chair of the council shall appoint a new member to fill any~~ 8902  
~~vacancy created by a member appointed by the governor before the~~ 8903  
~~expiration of that member's term. Otherwise, vacancies shall be~~ 8904  
~~filled in the same manner as provided in division (B) of this~~ 8905  
~~section. Any member appointed to fill a vacancy occurring prior to~~ 8906  
~~the expiration date of the term for which a predecessor was~~ 8907  
~~appointed shall hold office as a member for the remainder of that~~ 8908  
~~term. A member shall continue in office subsequent to the~~ 8909  
~~expiration date of the member's term until the member's successor~~ 8910  
~~takes office or until a period of sixty days has elapsed,~~ 8911  
~~whichever occurs first. All members may be reappointed Members of~~ 8912  
~~the council shall serve without compensation.~~ 8913

**Sec. 128.40.** There is hereby created within the department of 8914  
administrative services the 9-1-1 program office, headed by an 8915  
administrator in the unclassified civil service pursuant to 8916  
division (A)(9) of section 124.11 of the Revised Code. The 8917  
administrator shall be appointed by and serve at the pleasure of 8918  
the director of administrative services and shall report directly 8919  
to the state chief information officer. The program office shall 8920  
~~administer~~ oversee administration of the wireless 9-1-1 government 8921  
assistance fund ~~as specified in sections 128.53 and 128.55 of the~~ 8922  
~~Revised Code, the wireless 9-1-1 program fund, and the next~~ 8923  
generation 9-1-1 fund. 8924

**Sec. 128.54.** (A) ~~Beginning January 1, 2014:~~ 8925

(1) For the purpose of receiving, distributing, and	8926
accounting for amounts received from the wireless 9-1-1 charges	8927
imposed under section 128.42 of the Revised Code, the following	8928
funds are created in the state treasury:	8929
(a) The wireless 9-1-1 government assistance fund;	8930
(b) The wireless 9-1-1 administrative fund;	8931
(c) The wireless 9-1-1 program fund;	8932
(d) The next generation 9-1-1 fund.	8933
(2) Amounts remitted under section 128.46 of the Revised Code	8934
shall be paid to the treasurer of state for deposit as follows:	8935
(a) Ninety-seven per cent to the wireless 9-1-1 government	8936
assistance fund. All interest earned on the wireless 9-1-1	8937
government assistance fund shall be credited to the fund.	8938
(b) One per cent to the wireless 9-1-1 administrative fund;	8939
(c) Two per cent to the 9-1-1 program fund.	8940
(3) The tax commissioner shall use the wireless 9-1-1	8941
administrative fund to defray the costs incurred in carrying out	8942
this chapter.	8943
(4) The steering committee shall use the 9-1-1 program fund	8944
to defray the costs incurred by the steering committee in carrying	8945
out this chapter.	8946
(5) Annually, the tax commissioner <del>and the steering</del>	8947
<del>committee</del> , after paying administrative costs under <u>division (A)(3)</u>	8948
<u>of</u> this section, shall transfer any excess remaining in the	8949
<u>wireless 9-1-1 administrative funds fund</u> to the next generation	8950
9-1-1 fund, created under this section.	8951
(B) <del>The</del> <u>At the direction of the steering committee, the</u> tax	8952
commissioner shall transfer the funds remaining in the wireless	8953
9-1-1 government assistance fund <del>after the disbursements made</del>	8954

~~under division (B)(1) of section 128.55 of the Revised Code to the~~ 8955  
~~credit of the next generation 9-1-1 fund. All interest earned on~~ 8956  
~~the next generation 9-1-1 fund shall be credited to the fund.~~ 8957

(C) From the wireless 9-1-1 government assistance fund, the 8958  
director of budget and management shall, as funds are available, 8959  
transfer to the tax refund fund, created under section 5703.052 of 8960  
the Revised Code, amounts equal to the refunds certified by the 8961  
tax commissioner under division (D) of section 128.47 of the 8962  
Revised Code. 8963

**Sec. 128.55.** ~~(A) Prior to January 1, 2014, the steering~~ 8964  
~~committee shall disburse moneys from the wireless 9-1-1 government~~ 8965  
~~assistance fund to each county in the same manner as the 2012~~ 8966  
~~disbursements, in accordance with divisions (A) and (B) of section~~ 8967  
~~4931.64 of the Revised Code as those divisions existed prior to~~ 8968  
~~the effective date of H.B. 360 of the 129th general assembly,~~ 8969  
~~December 20, 2012.~~ 8970

~~(B) Beginning January 1, 2014:~~ 8971

(1) The tax commissioner, not later than the last day of each 8972  
month, shall disburse moneys from the wireless 9-1-1 government 8973  
assistance fund, plus any accrued interest on the fund, to each 8974  
county treasurer. 8975

(a) If there are sufficient funds in the wireless 9-1-1 8976  
government assistance fund, each county treasurer shall receive 8977  
the same amount distributed to that county by the public utilities 8978  
commission in the corresponding calendar month in 2013. ~~If any~~ 8979  
~~excess remains after these distributions are made, the tax~~ 8980  
~~commissioner shall transfer that excess to the next generation~~ 8981  
~~9-1-1 fund.~~ 8982

(b) If the funds available are insufficient to make the 8983  
distributions as provided in division ~~(B)~~(A)(1)(a) of this 8984

section, each county's share shall be reduced in proportion to the 8985  
amounts received in the corresponding calendar month in 2013, 8986  
until the total amount to be distributed to the counties is 8987  
equivalent to the amount available in the wireless 9-1-1 8988  
government assistance fund. Any shortfall in distributions 8989  
resulting from insufficient funds from a previous month shall be 8990  
remedied in the following month. 8991

(2) The tax commissioner shall disburse moneys from the next 8992  
generation 9-1-1 fund in accordance with the guidelines 8993  
established under section 128.022 of the Revised Code. 8994

~~(C)~~(B) Immediately upon receipt by a county treasurer of a 8995  
disbursement under division (A) ~~or (B)(1)~~ of this section, the 8996  
county shall disburse, in accordance with the allocation formula 8997  
set forth in the final plan, the amount the county so received to 8998  
any other subdivisions in the county and any regional councils of 8999  
governments in the county that pay the costs of a public safety 9000  
answering point providing wireless enhanced 9-1-1 under the plan. 9001

~~(D)~~(C) Nothing in this chapter affects the authority of a 9002  
subdivision operating or served by a public safety answering point 9003  
of a 9-1-1 system or a regional council of governments operating a 9004  
public safety answering point of a 9-1-1 system to use, as 9005  
provided in the final plan for the system or in an agreement under 9006  
section 128.09 of the Revised Code, any other authorized revenue 9007  
of the subdivision or the regional council of governments for the 9008  
purposes of providing basic or enhanced 9-1-1. 9009

**Sec. 128.57.** Except as otherwise provided in section 128.571 9010  
of the Revised Code: 9011

(A) A countywide 9-1-1 system receiving a disbursement under 9012  
section 128.55 of the Revised Code shall provide countywide 9013  
wireless enhanced 9-1-1 in accordance with this chapter beginning 9014  
as soon as reasonably possible after receipt of the first 9015

disbursement or, if that service is already implemented, shall 9016  
continue to provide such service. Except as provided in divisions 9017  
(B), (C), and (E) of this section, a disbursement shall be used 9018  
solely for the purpose of paying either or both of the following: 9019

(1) Any costs of designing, upgrading, purchasing, leasing, 9020  
programming, installing, testing, or maintaining the necessary 9021  
data, hardware, software, and trunking required for the public 9022  
safety answering point or points of the 9-1-1 system to provide 9023  
wireless enhanced 9-1-1, which costs are incurred before or on or 9024  
after May 6, 2005, and consist of such additional costs of the 9025  
9-1-1 system over and above any costs incurred to provide wireline 9026  
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 9027  
up to twenty-five thousand dollars of the disbursements received 9028  
on or after January 1, 2009, may be applied to data, hardware, and 9029  
software that automatically alerts personnel receiving a 9-1-1 9030  
call that a person at the subscriber's address or telephone number 9031  
may have a mental or physical disability, of which that personnel 9032  
shall inform the appropriate emergency service provider. On or 9033  
after the provision of technical and operational standards 9034  
pursuant to section 128.021 of the Revised Code, a regional 9035  
council of governments operating a public safety answering point 9036  
or a subdivision shall consider the standards before incurring any 9037  
costs described in this division. 9038

(2) Any costs of training the staff of the public safety 9039  
answering point or points to provide wireless enhanced 9-1-1, 9040  
which costs are incurred before or on or after May 6, 2005. 9041

(B) A subdivision or a regional council of governments that 9042  
certifies to the steering committee that it has paid the costs 9043  
described in divisions (A)(1) and (2) of this section and is 9044  
providing countywide wireless enhanced 9-1-1 may use disbursements 9045  
received under section 128.55 of the Revised Code to pay any of 9046  
its personnel costs of one or more public safety answering points 9047

providing countywide wireless enhanced 9-1-1. 9048

(C) After receiving its July 2013 disbursement under division 9049  
(A) of section 128.55 of the Revised Code as that division existed 9050  
prior to the amendments to that division by H. B. 64 of the 131st 9051  
general assembly, a regional council of governments operating a 9052  
public safety answering point or a subdivision may use any 9053  
remaining balance of disbursements it received under that 9054  
division, as it existed prior to the amendments to it by H. B. 64 9055  
of the 131st general assembly, to pay any of its costs of 9056  
providing countywide wireless 9-1-1, including the personnel costs 9057  
of one or more public safety answering points providing that 9058  
service. 9059

(D) The costs described in divisions (A), (B), (C), and (E) 9060  
of this section may include any such costs payable pursuant to an 9061  
agreement under division (J) of section 128.03 of the Revised 9062  
Code. 9063

(E)(1) No disbursement to a countywide 9-1-1 system for costs 9064  
of a public safety answering point shall be made from the wireless 9065  
9-1-1 government assistance fund or the next generation 9-1-1 fund 9066  
unless the public safety answering point meets the standards set 9067  
by rule of the steering committee under section 128.021 of the 9068  
Revised Code. 9069

(2) The steering committee shall monitor compliance with the 9070  
standards and shall notify the tax commissioner to suspend 9071  
disbursements to a countywide 9-1-1 system that fails to meet the 9072  
standards. Upon receipt of this notification, the commissioner 9073  
shall suspend disbursements until the commissioner is notified of 9074  
compliance with the standards. 9075

(F) The auditor of state may audit and review each county's 9076  
expenditures of funds received from the wireless 9-1-1 government 9077  
assistance fund to verify that the funds were used in accordance 9078

with the requirements of this chapter. 9079

Sec. 131.025. The attorney general shall enter into an 9080  
agreement with the United States secretary of the treasury to 9081  
participate in the federal treasury offset program for the 9082  
collection of the following debts certified to the attorney 9083  
general pursuant to section 131.02 of the Revised Code: 9084

(A) State income tax obligations pursuant to 26 U.S.C. 9085  
6402(e); 9086

(B) Covered unemployment compensation debts pursuant to 26 9087  
U.S.C. 6402(f). 9088

**Sec. 131.09.** In addition to the undertakings or security 9089  
provided for in sections 135.01 to 135.40 of the Revised Code, the 9090  
treasurer of a subdivision or county may accept first mortgages, 9091  
upon unencumbered real estate located in this state, provided the 9092  
amount owing on such mortgages at the time tendered as security is 9093  
double the excess of the amount of public moneys to be at the time 9094  
so deposited, over and above any portion of such moneys as is then 9095  
insured by the federal deposit insurance corporation, federal 9096  
savings and loan insurance corporation, or any other agency or 9097  
instrumentality of the federal government. The amount owing on 9098  
each mortgage at the time tendered as security shall not exceed 9099  
eighty per cent of the then value of the real estate. Upon the 9100  
deposit of such security, the treasurer shall require the 9101  
financial institution to submit an affidavit stating that no 9102  
payment on a mortgage has been more than two months past due at 9103  
any time during the two-year period preceding the date the public 9104  
moneys are deposited. At such time, the treasurer shall also 9105  
require an institution to submit an affidavit stating that any 9106  
structures on the mortgaged real estate are insured by an 9107  
authorized company in an amount not less than the amount owing on 9108



each mortgage at the time tendered as security, that coverage has 9109  
been obtained in favor of the institution by the named authorized 9110  
company, and that the institution has obtained a mortgage 9111  
impairment policy which assures that such insurance will continue 9112  
for the period that the public moneys are deposited with the 9113  
institution. The value of such real estate shall be determined 9114  
separately for land and structures thereon by valuation made under 9115  
oath by two resident freeholders of this state who are conversant 9116  
with the real estate values of the county in which the real estate 9117  
is located or made and certified under oath by an appraiser as 9118  
being in conformity with the appraisal requirements imposed on an 9119  
institution by any agency or instrumentality of the federal 9120  
government. If such determination has been made earlier than a 9121  
period of three months prior to the time of the deposit of public 9122  
moneys, such determination shall be updated to reflect the value 9123  
of the real estate within such three-month period. There shall be 9124  
deposited with the mortgage the opinion of an attorney licensed to 9125  
practice in this state, which opinion shall certify that the 9126  
mortgage is a first lien upon the premises mortgaged, or the title 9127  
shall be guaranteed by a company operating under sections 1735.01 9128  
to 1735.04 of the Revised Code or insured by a company operating 9129  
under Chapter 3953. of the Revised Code. 9130

If any mortgage tendered as security is paid in full or if 9131  
the mortgagor becomes past due for six months to the financial 9132  
institution while it acts as a public depository and that mortgage 9133  
has been assigned as security for such public moneys, the 9134  
financial institution shall replace such mortgage with another in 9135  
compliance with this section. Default by the financial institution 9136  
as a public depository under this section is to be carried out in 9137  
accordance with division ~~(C)~~(F) of section 135.18 of the Revised 9138  
Code. 9139

**Sec. 131.15.** (A) Any depositor enumerated in section 131.11 9140

of the Revised Code shall make ample provisions for the 9141  
safekeeping of hypothecated securities. The interest thereon, when 9142  
paid, shall be turned over to the bank or trust company if it is 9143  
not in default. The depositor may make provisions for the exchange 9144  
and release of securities and the substitution of other securities 9145  
or of an undertaking therefor except in those cases where the 9146  
public depository has deposited eligible securities with a trustee 9147  
for safekeeping. 9148

(B) When the public depository has deposited eligible 9149  
securities described in division ~~(B)~~(D)(1) of section 135.18 of 9150  
the Revised Code with a trustee for safekeeping, the public 9151  
depository may at any time substitute or exchange eligible 9152  
securities described in division ~~(B)~~(D)(1) of section 135.18 of 9153  
the Revised Code having a current market value equal to or greater 9154  
than the current market value of the securities then on deposit 9155  
and for which they are to be substituted or exchanged, without 9156  
specific authorization from the depositor of any substitution or 9157  
exchange. 9158

(C) When the public depository has deposited eligible 9159  
securities described in division ~~(B)~~(D)(2) to (9) of section 9160  
135.18 of the Revised Code with a trustee for safekeeping, the 9161  
public depository may at any time substitute or exchange eligible 9162  
securities having a current market value equal to or greater than 9163  
the current market value of the securities then on deposit and for 9164  
which they are to be substituted or exchanged without specific 9165  
authorization of any depositor of any such substitution or 9166  
exchange only if: 9167

(1) The depositor has authorized the public depository to 9168  
make such substitutions or exchanges on a continuing basis during 9169  
a specified period without prior approval of each substitution or 9170  
exchange. Such authorization may be effected by the depositor 9171  
sending to the trustee a written notice stating that substitution 9172

may be effected on a continuing basis during a specified period 9173  
that shall not extend beyond the end of the period of designation 9174  
during which the notice is given. "Period of designation" as used 9175  
in this section means the period under section 135.12 of the 9176  
Revised Code for the award of inactive funds of the subdivision of 9177  
which the depositor is an officer or employee. The trustee may 9178  
rely upon such notice and upon the period of authorization stated 9179  
therein and upon the period of designation stated therein. 9180

(2) No continuing authorization for substitution has been 9181  
given by the depositor, the public depository notifies the 9182  
depositor and the trustee of an intended substitution or exchange, 9183  
and the depositor fails to object to the trustee as to the 9184  
eligibility or market value of the securities being substituted 9185  
within ten calendar days after the date appearing on the notice of 9186  
proposed substitution. The notice to the depositor and to the 9187  
trustee shall be given in writing and delivered personally or by 9188  
certified mail with a return receipt requested. The trustee may 9189  
assume in any case that the notice has been delivered to the 9190  
depositor. In order for objections of the depositor to be 9191  
effective, receipt of the objections must be acknowledged in 9192  
writing by the trustee. 9193

(3) The depositor gives written authorization for a 9194  
substitution or exchange of specific securities. 9195

(D) The public depository shall notify the depositor of any 9196  
substitution or exchange under division (C)(1) or (2) of this 9197  
section. If the depository designates a trustee qualified under 9198  
section 135.18 of the Revised Code to act as such for the 9199  
safekeeping of securities, the depositor shall accept the written 9200  
receipt of the designated trustee, describing the securities that 9201  
have been deposited with the trustee by the public depository, as 9202  
and for a hypothecation of such securities and issue to the 9203  
depository the depositor's written acknowledgment to that effect, 9204

keeping a copy thereof in the depositor's office. Thereupon, all 9205  
such securities pledged and deposited with the trustee are deemed 9206  
hypothecated and deposited with the depositor, for all the 9207  
purposes of sections 131.13 to 131.16 of the Revised Code. The 9208  
trustee shall hold the securities for the account of the depositor 9209  
and the depository as their respective rights to and interests in 9210  
such securities under said sections appear and are asserted by 9211  
written notice to or demand upon the trustee. 9212

Notwithstanding the fact that a public depository is required 9213  
to pledge eligible securities in certain amounts to secure 9214  
deposits of public moneys, a trustee shall have no duty or 9215  
obligation to determine the eligibility, market value, or face 9216  
value of any securities deposited with the trustee by a public 9217  
depository. This applies in all situations including, without 9218  
limitation, a substitution or exchange of securities. 9219

**Sec. 131.34.** (A) No moneys shall be transferred between funds 9220  
or between state agencies on an intrastate transfer voucher, or by 9221  
any other procedure, unless such a transfer is a payment for goods 9222  
or services or a service subscription or unless such a transfer is 9223  
required or authorized by law. 9224

(B)(1) Any state agency that has provided goods or services 9225  
or a service subscription to another state agency may, ~~if the~~ 9226  
~~providing agency does not receive payment from the receiving~~ 9227  
~~agency within thirty days after delivering the goods or services~~ 9228  
~~and submitting an invoice requesting payment for them,~~ certify to 9229  
the director of budget and management ~~that~~ both of the following: 9230

(a) That the goods or services have been delivered ~~and the or~~ 9231  
that the service subscription has been initiated; 9232

(b) The amount that is due for ~~them~~ the goods and services or 9233  
the service subscription. 9234

(2) A providing agency may make such certification only if it 9235  
does not receive payment from the receiving agency within thirty 9236  
days after: 9237

(a) Delivering the goods or services or initiating the 9238  
service subscription; 9239

(b) Submitting an invoice requesting payment for the goods 9240  
and services or the service subscription. 9241

(C) If the director determines that all or part of the 9242  
certified amount should have been paid by the receiving agency and 9243  
that the receiving agency has an unobligated balance in an 9244  
appropriation for the payment, ~~he~~ the director may transfer the 9245  
amount that should have been paid from the appropriate fund of the 9246  
receiving agency to the appropriate fund of the providing agency 9247  
on an intrastate transfer voucher. 9248

(D) For the purposes of this section, "service subscription" 9249  
means an ongoing service provided to a state agency by another 9250  
state agency for which an estimated payment is made in advance and 9251  
final payment due is determined based on actual use. 9252

**Sec. 131.35.** (A) With respect to the federal funds received 9253  
into any fund of the state from which transfers may be made under 9254  
division (D) of section 127.14 of the Revised Code: 9255

(1) No state agency may make expenditures of any federal 9256  
funds, whether such funds are advanced prior to expenditure or as 9257  
reimbursement, unless such expenditures are made pursuant to 9258  
specific appropriations of the general assembly, are authorized by 9259  
the controlling board pursuant to division (A)(5) of this section, 9260  
or are authorized by an executive order issued in accordance with 9261  
section 107.17 of the Revised Code, and until an allotment has 9262  
been approved by the director of budget and management. All 9263  
federal funds received by a state agency shall be reported to the 9264

director within fifteen days of the receipt of such funds or the 9265  
notification of award, whichever occurs first. The director shall 9266  
prescribe the forms and procedures to be used when reporting the 9267  
receipt of federal funds. 9268

(2) If the federal funds received are greater than the amount 9269  
of such funds appropriated by the general assembly for a specific 9270  
purpose, the total appropriation of federal and state funds for 9271  
such purpose shall remain at the amount designated by the general 9272  
assembly, except that the expenditure of federal funds received in 9273  
excess of such specific appropriation may be authorized by the 9274  
controlling board, subject to division (D) of this section. 9275

(3) To the extent that the expenditure of excess federal 9276  
funds is authorized, the controlling board may transfer a like 9277  
amount of general revenue fund appropriation authority from the 9278  
affected agency to the emergency purposes appropriation of the 9279  
controlling board, if such action is permitted under federal 9280  
regulations. 9281

(4) Additional funds may be created by the controlling board 9282  
to receive revenues not anticipated in an appropriations act for 9283  
the biennium in which such new revenues are received. ~~Expenditures~~ 9284  
Subject to division (D) of this section, expenditures from such 9285  
additional funds may be authorized by the controlling board, but 9286  
such authorization shall not extend beyond the end of the biennium 9287  
in which such funds are created. 9288

(5) Controlling board authorization for a state agency to 9289  
make an expenditure of federal funds constitutes authority for the 9290  
agency to participate in the federal program providing the funds, 9291  
and the agency is not required to obtain an executive order under 9292  
section 107.17 of the Revised Code to participate in the federal 9293  
program. 9294

(B) With respect to nonfederal funds received into the 9295

waterways safety fund, the wildlife fund, and any fund of the 9296  
state from which transfers may be made under division (D) of 9297  
section 127.14 of the Revised Code: 9298

(1) No state agency may make expenditures of any such funds 9299  
unless the expenditures are made pursuant to specific 9300  
appropriations of the general assembly. 9301

(2) If the receipts received into any fund are greater than 9302  
the amount appropriated, the appropriation for that fund shall 9303  
remain at the amount designated by the general assembly or, 9304  
subject to division (D) of this section, as increased and approved 9305  
by the controlling board. 9306

(3) Additional funds may be created by the controlling board 9307  
to receive revenues not anticipated in an appropriations act for 9308  
the biennium in which such new revenues are received. ~~Expenditures~~ 9309  
Subject to division (D) of this section, expenditures from such 9310  
additional funds may be authorized by the controlling board, but 9311  
such authorization shall not extend beyond the end of the biennium 9312  
in which such funds are created. 9313

(C) The controlling board shall not authorize more than ten 9314  
per cent of additional spending from the occupational licensing 9315  
and regulatory fund, created in section 4743.05 of the Revised 9316  
Code, in excess of any appropriation made by the general assembly 9317  
to a licensing agency except an appropriation for costs related to 9318  
the examination or reexamination of applicants for a license. As 9319  
used in this division, "licensing agency" and "license" have the 9320  
same meanings as in section 4745.01 of the Revised Code. 9321

(D) The amount of any expenditure authorized under division 9322  
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 9323  
related purpose or item in any fiscal year shall not exceed an 9324  
amount greater than one per cent of the general revenue fund 9325  
appropriations for that fiscal year. 9326

**Sec. 131.43.** There is hereby created in the state treasury 9327  
the budget stabilization fund. It is the intent of the general 9328  
assembly to maintain an amount of money in the budget 9329  
stabilization fund that amounts to approximately ~~five~~ eight and 9330  
one-half per cent of the general revenue fund revenues for the 9331  
preceding fiscal year. The governor shall include in the state 9332  
budget ~~he~~ the governor submits to the general assembly under 9333  
section 107.03 of the Revised Code proposals for transfers between 9334  
the general revenue fund and the budget stabilization fund for the 9335  
ensuing fiscal biennium. The balance in the fund may be combined 9336  
with the balance in the general revenue fund for purposes of cash 9337  
management. 9338

**Sec. 131.44.** (A) As used in this section: 9339

(1) "Surplus revenue" means the excess, if any, of the total 9340  
fund balance over the required year-end balance. 9341

(2) "Total fund balance" means the sum of the unencumbered 9342  
balance in the general revenue fund on the last day of the 9343  
preceding fiscal year plus the balance in the budget stabilization 9344  
fund. 9345

(3) "Required year-end balance" means the sum of the 9346  
following: 9347

(a) ~~Five~~ Eight and one-half per cent of the general revenue 9348  
fund revenues for the preceding fiscal year; 9349

(b) "Ending fund balance," which means one-half of one per 9350  
cent of general revenue fund revenues for the preceding fiscal 9351  
year; 9352

(c) "Carryover balance," which means, with respect to a 9353  
fiscal biennium, the excess, if any, of the estimated general 9354  
revenue fund appropriation and transfer requirement for the second 9355  
fiscal year of the biennium over the estimated general revenue 9356



fund revenue for that fiscal year; 9357

(d) "Capital appropriation reserve," which means the amount, 9358  
if any, of general revenue fund capital appropriations made for 9359  
the current biennium that the director of budget and management 9360  
has determined will be encumbered or disbursed; 9361

(e) "Income tax reduction impact reserve," which means an 9362  
amount equal to the reduction projected by the director of budget 9363  
and management in income tax revenue in the current fiscal year 9364  
attributable to the previous reduction in the income tax rate made 9365  
by the tax commissioner pursuant to division (B) of section 9366  
5747.02 of the Revised Code. 9367

(4) "Estimated general revenue fund appropriation and 9368  
transfer requirement" means the most recent adjusted 9369  
appropriations made by the general assembly from the general 9370  
revenue fund and includes both of the following: 9371

(a) Appropriations made and transfers of appropriations from 9372  
the first fiscal year to the second fiscal year of the biennium in 9373  
provisions of acts of the general assembly signed by the governor 9374  
but not yet effective; 9375

(b) Transfers of appropriations from the first fiscal year to 9376  
the second fiscal year of the biennium approved by the controlling 9377  
board. 9378

(5) "Estimated general revenue fund revenue" means the most 9379  
recent such estimate available to the director of budget and 9380  
management. 9381

(B)(1) Not later than the thirty-first day of July each year, 9382  
the director of budget and management shall determine the surplus 9383  
revenue that existed on the preceding thirtieth day of June and 9384  
transfer from the general revenue fund, to the extent of the 9385  
unobligated, unencumbered balance on the preceding thirtieth day 9386  
of June in excess of one-half of one per cent of the general 9387

revenue fund revenues in the preceding fiscal year, the following: 9388

(a) First, to the budget stabilization fund, any amount 9389  
necessary for the balance of the budget stabilization fund to 9390  
equal ~~five~~ eight and one-half per cent of the general revenue fund 9391  
revenues of the preceding fiscal year; 9392

(b) Then, to the income tax reduction fund, which is hereby 9393  
created in the state treasury, an amount equal to the surplus 9394  
revenue. 9395

(2) Not later than the thirty-first day of July each year, 9396  
the director shall determine the percentage that the balance in 9397  
the income tax reduction fund is of the amount of revenue that the 9398  
director estimates will be received from the tax levied under 9399  
section 5747.02 of the Revised Code in the current fiscal year 9400  
without regard to any reduction under division (B) of that 9401  
section. If that percentage exceeds thirty-five one hundredths of 9402  
one per cent, the director shall certify the percentage to the tax 9403  
commissioner not later than the thirty-first day of July. 9404

(C) The director of budget and management shall transfer 9405  
money in the income tax reduction fund to the general revenue 9406  
fund, the local government fund, and the public library fund as 9407  
necessary to offset revenue reductions resulting from the 9408  
reductions in taxes required under division (B) of section 5747.02 9409  
of the Revised Code in the respective amounts and percentages 9410  
prescribed by division (A) of section 5747.03 and divisions (B) 9411  
and (C) of section 131.51 of the Revised Code as if the amount 9412  
transferred had been collected as taxes under Chapter 5747. of the 9413  
Revised Code. If no reductions in taxes are made under that 9414  
division that affect revenue received in the current fiscal year, 9415  
the director shall not transfer money from the income tax 9416  
reduction fund to the general revenue fund, the local government 9417  
fund, and the public library fund. 9418

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 9419  
and 2151.655 of the Revised Code, in other sections of the Revised 9420  
Code that make reference to this chapter unless the context does 9421  
not permit, and in related proceedings, unless otherwise expressly 9422  
provided: 9423

(A) "Acquisition" as applied to real or personal property 9424  
includes, among other forms of acquisition, acquisition by 9425  
exercise of a purchase option, and acquisition of interests in 9426  
property, including, without limitation, easements and 9427  
rights-of-way, and leasehold and other lease interests initially 9428  
extending or extendable for a period of at least sixty months. 9429

(B) "Anticipatory securities" means securities, including 9430  
notes, issued in anticipation of the issuance of other securities. 9431

(C) "Board of elections" means the county board of elections 9432  
of the county in which the subdivision is located. If the 9433  
subdivision is located in more than one county, "board of 9434  
elections" means the county board of elections of the county that 9435  
contains the largest portion of the population of the subdivision 9436  
or that otherwise has jurisdiction in practice over and 9437  
customarily handles election matters relating to the subdivision. 9438

(D) "Bond retirement fund" means the bond retirement fund 9439  
provided for in section 5705.09 of the Revised Code, and also 9440  
means a sinking fund or any other special fund, regardless of the 9441  
name applied to it, established by or pursuant to law or the 9442  
proceedings for the payment of debt charges. Provision may be made 9443  
in the applicable proceedings for the establishment in a bond 9444  
retirement fund of separate accounts relating to debt charges on 9445  
particular securities, or on securities payable from the same or 9446  
common sources, and for the application of moneys in those 9447  
accounts only to specified debt charges on specified securities or 9448  
categories of securities. Subject to law and any provisions in the 9449

applicable proceedings, moneys in a bond retirement fund or 9450  
separate account in a bond retirement fund may be transferred to 9451  
other funds and accounts. 9452

(E) "Capitalized interest" means all or a portion of the 9453  
interest payable on securities from their date to a date stated or 9454  
provided for in the applicable legislation, which interest is to 9455  
be paid from the proceeds of the securities. 9456

(F) "Chapter 133. securities" means securities authorized by 9457  
or issued pursuant to or in accordance with this chapter. 9458

(G) "County auditor" means the county auditor of the county 9459  
in which the subdivision is located. If the subdivision is located 9460  
in more than one county, "county auditor" means the county auditor 9461  
of the county that contains the highest amount of the tax 9462  
valuation of the subdivision or that otherwise has jurisdiction in 9463  
practice over and customarily handles property tax matters 9464  
relating to the subdivision. In the case of a county that has 9465  
adopted a charter, "county auditor" means the officer who 9466  
generally has the duties and functions provided in the Revised 9467  
Code for a county auditor. 9468

(H) "Credit enhancement facilities" means letters of credit, 9469  
lines of credit, stand-by, contingent, or firm securities purchase 9470  
agreements, insurance, or surety arrangements, guarantees, and 9471  
other arrangements that provide for direct or contingent payment 9472  
of debt charges, for security or additional security in the event 9473  
of nonpayment or default in respect of securities, or for making 9474  
payment of debt charges to and at the option and on demand of 9475  
securities holders or at the option of the issuer or upon certain 9476  
conditions occurring under put or similar arrangements, or for 9477  
otherwise supporting the credit or liquidity of the securities, 9478  
and includes credit, reimbursement, marketing, remarketing, 9479  
indexing, carrying, interest rate hedge, and subrogation 9480  
agreements, and other agreements and arrangements for payment and 9481

reimbursement of the person providing the credit enhancement 9482  
facility and the security for that payment and reimbursement. 9483

(I) "Current operating expenses" or "current expenses" means 9484  
the lawful expenditures of a subdivision, except those for 9485  
permanent improvements and for payments of debt charges of the 9486  
subdivision. 9487

(J) "Debt charges" means the principal, including any 9488  
mandatory sinking fund deposits and mandatory redemption payments, 9489  
interest, and any redemption premium, payable on securities as 9490  
those payments come due and are payable. The use of "debt charges" 9491  
for this purpose does not imply that any particular securities 9492  
constitute debt within the meaning of the Ohio Constitution or 9493  
other laws. 9494

(K) "Financing costs" means all costs and expenses relating 9495  
to the authorization, including any required election, issuance, 9496  
sale, delivery, authentication, deposit, custody, clearing, 9497  
registration, transfer, exchange, fractionalization, replacement, 9498  
payment, and servicing of securities, including, without 9499  
limitation, costs and expenses for or relating to publication and 9500  
printing, postage, delivery, preliminary and final official 9501  
statements, offering circulars, and informational statements, 9502  
travel and transportation, underwriters, placement agents, 9503  
investment bankers, paying agents, registrars, authenticating 9504  
agents, remarketing agents, custodians, clearing agencies or 9505  
corporations, securities depositories, financial advisory 9506  
services, certifications, audits, federal or state regulatory 9507  
agencies, accounting and computation services, legal services and 9508  
obtaining approving legal opinions and other legal opinions, 9509  
credit ratings, redemption premiums, and credit enhancement 9510  
facilities. Financing costs may be paid from any moneys available 9511  
for the purpose, including, unless otherwise provided in the 9512  
proceedings, from the proceeds of the securities to which they 9513

relate and, as to future financing costs, from the same sources 9514  
from which debt charges on the securities are paid and as though 9515  
debt charges. 9516

(L) "Fiscal officer" means the following, or, in the case of 9517  
absence or vacancy in the office, a deputy or assistant authorized 9518  
by law or charter to act in the place of the named officer, or if 9519  
there is no such authorization then the deputy or assistant 9520  
authorized by legislation to act in the place of the named officer 9521  
for purposes of this chapter, in the case of the following 9522  
subdivisions: 9523

(1) A county, the county auditor; 9524

(2) A municipal corporation, the city auditor or village 9525  
clerk or clerk-treasurer, or the officer who, by virtue of a 9526  
charter, has the duties and functions provided in the Revised Code 9527  
for the city auditor or village clerk or clerk-treasurer; 9528

(3) A school district, the treasurer of the board of 9529  
education; 9530

(4) A regional water and sewer district, the secretary of the 9531  
board of trustees; 9532

(5) A joint township hospital district, the treasurer of the 9533  
district; 9534

(6) A joint ambulance district, the clerk of the board of 9535  
trustees; 9536

(7) A joint recreation district, the person designated 9537  
pursuant to section 755.15 of the Revised Code; 9538

(8) A detention facility district or a district organized 9539  
under section 2151.65 of the Revised Code or a combined district 9540  
organized under sections 2152.41 and 2151.65 of the Revised Code, 9541  
the county auditor of the county designated by law to act as the 9542  
auditor of the district; 9543

(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	9544 9545 9546
(10) A joint fire district, the clerk of the board of trustees of that district;	9547 9548
(11) A regional or county library district, the person responsible for the financial affairs of that district;	9549 9550
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	9551 9552 9553
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	9554 9555 9556
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	9557 9558 9559
(15) A subdivision described in division (MM)(19) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	9560 9561 9562
(16) A joint police district, the treasurer of the district;	9563
(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code;	9564 9565
(18) A regional transportation improvement project, the county auditor designated under section 5595.10 of the Revised Code.	9566 9567 9568
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	9569 9570
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations	9571 9572 9573

themselves, evidencing ownership of interests in public 9574  
obligations or of rights to receive payments of, or on account of, 9575  
principal or interest or their equivalents payable by or on behalf 9576  
of an obligor pursuant to public obligations. 9577

(O) "Fully registered securities" means securities in 9578  
certificated or uncertificated form, registered as to both 9579  
principal and interest in the name of the owner. 9580

(P) "Fund" means to provide for the payment of debt charges 9581  
and expenses related to that payment at or prior to retirement by 9582  
purchase, call for redemption, payment at maturity, or otherwise. 9583

(Q) "General obligation" means securities to the payment of 9584  
debt charges on which the full faith and credit and the general 9585  
property taxing power, including taxes within the tax limitation 9586  
if available to the subdivision, of the subdivision are pledged. 9587

(R) "Interest" or "interest equivalent" means those payments 9588  
or portions of payments, however denominated, that constitute or 9589  
represent consideration for forbearing the collection of money, or 9590  
for deferring the receipt of payment of money to a future time. 9591

(S) "Internal Revenue Code" means the "Internal Revenue Code 9592  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 9593  
includes any laws of the United States providing for application 9594  
of that code. 9595

(T) "Issuer" means any public issuer and any nonprofit 9596  
corporation authorized to issue securities for or on behalf of any 9597  
public issuer. 9598

(U) "Legislation" means an ordinance or resolution passed by 9599  
a majority affirmative vote of the then members of the taxing 9600  
authority unless a different vote is required by charter 9601  
provisions governing the passage of the particular legislation by 9602  
the taxing authority. 9603



(V) "Mandatory sinking fund redemption requirements" means 9604  
amounts required by proceedings to be deposited in a bond 9605  
retirement fund for the purpose of paying in any year or fiscal 9606  
year by mandatory redemption prior to stated maturity the 9607  
principal of securities that is due and payable, except for 9608  
mandatory prior redemption requirements as provided in those 9609  
proceedings, in a subsequent year or fiscal year. 9610

(W) "Mandatory sinking fund requirements" means amounts 9611  
required by proceedings to be deposited in a year or fiscal year 9612  
in a bond retirement fund for the purpose of paying the principal 9613  
of securities that is due and payable in a subsequent year or 9614  
fiscal year. 9615

(X) "Net indebtedness" has the same meaning as in division 9616  
(A) of section 133.04 of the Revised Code. 9617

(Y) "Obligor," in the case of securities or fractionalized 9618  
interests in public obligations issued by another person the debt 9619  
charges or their equivalents on which are payable from payments 9620  
made by a public issuer, means that public issuer. 9621

(Z) "One purpose" relating to permanent improvements means 9622  
any one permanent improvement or group or category of permanent 9623  
improvements for the same utility, enterprise, system, or project, 9624  
development or redevelopment project, or for or devoted to the 9625  
same general purpose, function, or use or for which 9626  
self-supporting securities, based on the same or different sources 9627  
of revenues, may be issued or for which special assessments may be 9628  
levied by a single ordinance or resolution. "One purpose" 9629  
includes, but is not limited to, in any case any off-street 9630  
parking facilities relating to another permanent improvement, and: 9631

(1) Any number of roads, highways, streets, bridges, 9632  
sidewalks, and viaducts; 9633

(2) Any number of off-street parking facilities; 9634

(3) In the case of a county, any number of permanent improvements for courthouse, jail, county offices, and other county buildings, and related facilities;

(4) In the case of a school district, any number of facilities and buildings for school district purposes, and related facilities.

(AA) "Outstanding," referring to securities, means securities that have been issued, delivered, and paid for, except any of the following:

(1) Securities canceled upon surrender, exchange, or transfer, or upon payment or redemption;

(2) Securities in replacement of which or in exchange for which other securities have been issued;

(3) Securities for the payment, or redemption or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the applicable legislation or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, mandatory sinking fund requirements, or otherwise, have been deposited, and credited for the purpose in a bond retirement fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of securities to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected security holders has been filed with the subdivision or its agent for the purpose.

(BB) "Paying agent" means the one or more banks, trust companies, or other financial institutions or qualified persons, including an appropriate office or officer of the subdivision, designated as a paying agent or place of payment of debt charges on the particular securities.

(CC) "Permanent improvement" or "improvement" means any 9666  
property, asset, or improvement certified by the fiscal officer, 9667  
which certification is conclusive, as having an estimated life or 9668  
period of usefulness of five years or more, and includes, but is 9669  
not limited to, real estate, buildings, and personal property and 9670  
interests in real estate, buildings, and personal property, 9671  
equipment, furnishings, and site improvements, and reconstruction, 9672  
rehabilitation, renovation, installation, improvement, 9673  
enlargement, and extension of property, assets, or improvements so 9674  
certified as having an estimated life or period of usefulness of 9675  
five years or more. The acquisition of all the stock ownership of 9676  
a corporation is the acquisition of a permanent improvement to the 9677  
extent that the value of that stock is represented by permanent 9678  
improvements. A permanent improvement for parking, highway, road, 9679  
and street purposes includes resurfacing, but does not include 9680  
ordinary repair. 9681

(DD) "Person" has the same meaning as in section 1.59 of the 9682  
Revised Code and also includes any federal, state, interstate, 9683  
regional, or local governmental agency, any subdivision, and any 9684  
combination of those persons. 9685

(EE) "Proceedings" means the legislation, certifications, 9686  
notices, orders, sale proceedings, trust agreement or indenture, 9687  
mortgage, lease, lease-purchase agreement, assignment, credit 9688  
enhancement facility agreements, and other agreements, 9689  
instruments, and documents, as amended and supplemented, and any 9690  
election proceedings, authorizing, or providing for the terms and 9691  
conditions applicable to, or providing for the security or sale or 9692  
award of, public obligations, and includes the provisions set 9693  
forth or incorporated in those public obligations and proceedings. 9694

(FF) "Public issuer" means any of the following that is 9695  
authorized by law to issue securities or enter into public 9696  
obligations: 9697

(1) The state, including an agency, commission, officer,	9698
institution, board, authority, or other instrumentality of the	9699
state;	9700
(2) A taxing authority, subdivision, district, or other local	9701
public or governmental entity, and any combination or consortium,	9702
or public division, district, commission, authority, department,	9703
board, officer, or institution, thereof;	9704
(3) Any other body corporate and politic, or other public	9705
entity.	9706
(GG) "Public obligations" means both of the following:	9707
(1) Securities;	9708
(2) Obligations of a public issuer to make payments under	9709
installment sale, lease, lease purchase, or similar agreements,	9710
which obligations may bear interest or interest equivalent.	9711
(HH) "Refund" means to fund and retire outstanding	9712
securities, including advance refunding with or without payment or	9713
redemption prior to maturity.	9714
(II) "Register" means the books kept and maintained by the	9715
registrar for registration, exchange, and transfer of registered	9716
securities.	9717
(JJ) "Registrar" means the person responsible for keeping the	9718
register for the particular registered securities, designated by	9719
or pursuant to the proceedings.	9720
(KK) "Securities" means bonds, notes, certificates of	9721
indebtedness, commercial paper, and other instruments in writing,	9722
including, unless the context does not admit, anticipatory	9723
securities, issued by an issuer to evidence its obligation to	9724
repay money borrowed, or to pay interest, by, or to pay at any	9725
future time other money obligations of, the issuer of the	9726
securities, but not including public obligations described in	9727

division (GG)(2) of this section. 9728

(LL) "Self-supporting securities" means securities or 9729  
portions of securities issued for the purpose of paying costs of 9730  
permanent improvements to the extent that receipts of the 9731  
subdivision, other than the proceeds of taxes levied by that 9732  
subdivision, derived from or with respect to the improvements or 9733  
the operation of the improvements being financed, or the 9734  
enterprise, system, project, or category of improvements of which 9735  
the improvements being financed are part, are estimated by the 9736  
fiscal officer to be sufficient to pay the current expenses of 9737  
that operation or of those improvements or enterprise, system, 9738  
project, or categories of improvements and the debt charges 9739  
payable from those receipts on securities issued for the purpose. 9740  
Until such time as the improvements or increases in rates and 9741  
charges have been in operation or effect for a period of at least 9742  
six months, the receipts therefrom, for purposes of this 9743  
definition, shall be those estimated by the fiscal officer, except 9744  
that those receipts may include, without limitation, payments made 9745  
and to be made to the subdivision under leases or agreements in 9746  
effect at the time the estimate is made. In the case of an 9747  
operation, improvements, or enterprise, system, project, or 9748  
category of improvements without at least a six-month history of 9749  
receipts, the estimate of receipts by the fiscal officer, other 9750  
than those to be derived under leases and agreements then in 9751  
effect, shall be confirmed by the taxing authority. 9752

(MM) "Subdivision" means any of the following: 9753

(1) A county, including a county that has adopted a charter 9754  
under Article X, Ohio Constitution; 9755

(2) A municipal corporation, including a municipal 9756  
corporation that has adopted a charter under Article XVIII, Ohio 9757  
Constitution; 9758

(3) A school district;	9759
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	9760 9761
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	9762 9763
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	9764 9765
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	9766 9767
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	9768 9769 9770 9771
(9) A township police district organized under section 505.48 of the Revised Code;	9772 9773
(10) A township;	9774
(11) A joint fire district organized under section 505.371 of the Revised Code;	9775 9776
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	9777 9778 9779
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	9780 9781
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	9782 9783
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	9784 9785
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	9786 9787

(17) A joint police district organized under section 505.482 of the Revised Code;	9788 9789
(18) A lake facilities authority created under Chapter 353. of the Revised Code;	9790 9791
(19) A regional transportation improvement project created under Chapter 5595. of the Revised Code;	9792 9793
(20) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	9794 9795 9796
(NN) "Taxing authority" means in the case of the following subdivisions:	9797 9798
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	9799 9800 9801 9802 9803 9804
(2) A municipal corporation, the legislative authority;	9805
(3) A school district, the board of education;	9806
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	9807 9808 9809 9810
(5) A joint township hospital district, the joint township hospital board;	9811 9812
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	9813 9814 9815 9816 9817

(7) A township, a fire district organized under division (C)	9818
of section 505.37 of the Revised Code, or a township police	9819
district, the board of township trustees;	9820
(8) A joint solid waste management district organized under	9821
section 343.01 or 343.012 of the Revised Code, the board of	9822
directors of the district;	9823
(9) A subdivision described in division (MM)(19) of this	9824
section, the legislative or governing body or official;	9825
(10) A joint police district, the joint police district	9826
board;	9827
(11) A lake facilities authority, the board of directors;	9828
(12) A regional transportation improvement project, the	9829
governing board.	9830
(OO) "Tax limitation" means the "ten-mill limitation" as	9831
defined in section 5705.02 of the Revised Code without diminution	9832
by reason of section 5705.313 of the Revised Code or otherwise,	9833
or, in the case of a municipal corporation or county with a	9834
different charter limitation on property taxes levied to pay debt	9835
charges on unvoted securities, that charter limitation. Those	9836
limitations shall be respectively referred to as the "ten-mill	9837
limitation" and the "charter tax limitation."	9838
(PP) "Tax valuation" means the aggregate of the valuations of	9839
property subject to ad valorem property taxation by the	9840
subdivision on the real property, personal property, and public	9841
utility property tax lists and duplicates most recently certified	9842
for collection, and shall be calculated without deductions of the	9843
valuations of otherwise taxable property exempt in whole or in	9844
part from taxation by reason of exemptions of certain amounts of	9845
taxable value under division (C) of section 5709.01, tax	9846
reductions under section 323.152 of the Revised Code, or similar	9847
laws now or in the future in effect.	9848



For purposes of section 133.06 of the Revised Code, "tax valuation" shall not include the valuation of tangible personal property used in business, telephone or telegraph property, interexchange telecommunications company property, or personal property owned or leased by a railroad company and used in railroad operations listed under or described in section 5711.22, division (B) or (F) of section 5727.111, or section 5727.12 of the Revised Code.

(QQ) "Year" means the calendar year.

(RR) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," "interest rate hedge," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.

(SS) "Sales tax supported" means obligations to the payment of debt charges on which an additional sales tax or additional sales taxes have been pledged by the taxing authority of a county pursuant to section 133.081 of the Revised Code.

(TT) "Tourism development district revenue supported" means obligations to the payment of debt charges on which tourism development district revenue has been pledged by the taxing authority of a municipal corporation or township under section 133.083 of the Revised Code.

**Sec. 133.04.** (A) As used in this chapter, "net indebtedness" means, as determined pursuant to this section, the principal amount of the outstanding securities of a subdivision less the amount held in a bond retirement fund to the extent such amount is not taken into account in determining the principal amount outstanding under division (AA) of section 133.01 of the Revised Code. For purposes of this definition, the principal amount of outstanding securities includes the principal amount of

outstanding securities of another subdivision apportioned to the 9880  
subdivision as a result of acquisition of territory, and excludes 9881  
the principal amount of outstanding securities of the subdivision 9882  
apportioned to another subdivision as a result of loss of 9883  
territory and the payment or reimbursement obligations of the 9884  
subdivision under credit enhancement facilities relating to 9885  
outstanding securities. 9886

(B) In calculating the net indebtedness of a subdivision, 9887  
none of the following securities, including anticipatory 9888  
securities issued in anticipation of their issuance, shall be 9889  
considered: 9890

(1) Securities issued in anticipation of the levy or 9891  
collection of special assessments, either in original or refunded 9892  
form; 9893

(2) Securities issued in anticipation of the collection of 9894  
current revenues for the fiscal year or other period not to exceed 9895  
twelve consecutive months, or securities issued in anticipation of 9896  
the collection of the proceeds from a specifically identified 9897  
voter-approved tax levy; 9898

(3) Securities issued for purposes described in section 9899  
133.12 of the Revised Code; 9900

(4) Securities issued under Chapter 122., 140., 165., 725., 9901  
or 761. or section 131.23 of the Revised Code; 9902

(5) Securities issued to pay final judgments or 9903  
court-approved settlements under authorizing laws and securities 9904  
issued under section 2744.081 of the Revised Code; 9905

(6) Securities issued to pay costs of permanent improvements 9906  
to the extent they are issued in anticipation of the receipt of, 9907  
and are payable as to principal from, federal or state grants or 9908  
distributions for, or legally available for, that principal or for 9909  
the costs of those permanent improvements; 9910

(7) Securities issued to evidence loans from the state 9911  
capital improvements fund pursuant to Chapter 164. of the Revised 9912  
Code or from the state infrastructure bank pursuant to section 9913  
5531.09 of the Revised Code; 9914

(8) That percentage of the principal amount of general 9915  
obligation securities issued by a county, township, or municipal 9916  
corporation to pay the costs of permanent improvements equal to 9917  
the percentage of the debt charges on those securities payable 9918  
during the current fiscal year that the fiscal officer estimates 9919  
can be paid during the current fiscal year from payments in lieu 9920  
of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or 9921  
5709.79 of the Revised Code, and that the legislation authorizing 9922  
the issuance of the securities pledges or covenants will be used 9923  
for the payment of those debt charges; provided that the amount 9924  
excluded from consideration under division (B)(8) of this section 9925  
shall not exceed the lesser of thirty million dollars or one-half 9926  
per cent of the subdivision's tax valuation in the case of a 9927  
county or township, or one and one-tenth per cent of the 9928  
subdivision's tax valuation in the case of a municipal 9929  
corporation; 9930

(9) Securities issued in an amount equal to the property tax 9931  
replacement payments received under section 5727.85 or 5727.86 of 9932  
the Revised Code; 9933

(10) Securities issued in an amount equal to the property tax 9934  
replacement payments received under section 5751.21 or 5751.22 of 9935  
the Revised Code; 9936

(11) Other securities, including self-supporting securities, 9937  
excepted by law from the calculation of net indebtedness or from 9938  
the application of this chapter; 9939

(12) Securities issued under section 133.083 of the Revised 9940  
Code for the purpose of acquiring, constructing, improving, or 9941

equipping any permanent improvement to the extent that the 9942  
legislation authorizing the issuance pledges tourism development 9943  
district revenue to the payment of debt charges on the securities 9944  
and contains a covenant to appropriate from tourism development 9945  
district revenue a sufficient amount to cover debt charges or the 9946  
financing costs related to the securities as they become due; 9947

(13) Any other securities outstanding on October 30, 1989, 9948  
and then excepted from the calculation of net indebtedness or from 9949  
the application of this chapter, and securities issued at any time 9950  
to fund or refund those securities. 9951

**Sec. 133.05.** (A) A municipal corporation shall not incur net 9952  
indebtedness that exceeds an amount equal to ten and one-half per 9953  
cent of its tax valuation, or incur without a vote of the electors 9954  
net indebtedness that exceeds an amount equal to five and one-half 9955  
per cent of that tax valuation. 9956

(B) In calculating the net indebtedness of a municipal 9957  
corporation, none of the following securities shall be considered: 9958

(1) Self-supporting securities issued for any purposes 9959  
including, without limitation, any of the following general 9960  
purposes: 9961

(a) Water systems or facilities; 9962

(b) Sanitary sewerage systems or facilities, or surface and 9963  
storm water drainage and sewerage systems or facilities, or a 9964  
combination of those systems or facilities; 9965

(c) Electric plants and facilities and steam or cogeneration 9966  
facilities that generate or supply electricity, or steam and 9967  
electrical or steam distribution systems and lines; 9968

(d) Airports or landing fields or facilities; 9969

(e) Railroads, rapid transit, and other mass transit systems; 9970

(f) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	9971 9972 9973
(g) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing such care or treatment and their families;	9974 9975 9976
(h) Solid waste or hazardous waste collection or disposal facilities, or resource recovery and solid or hazardous waste recycling facilities, or any combination of those facilities;	9977 9978 9979
(i) Urban redevelopment projects;	9980
(j) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	9981 9982
(k) Facilities for natural resources exploration, development, recovery, use, and sale;	9983 9984
(1) Correctional and detention facilities, including multicounty-municipal jails, and related rehabilitation facilities.	9985 9986 9987
(2) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the municipal corporation amounts equivalent to debt charges on the securities;	9988 9989 9990 9991 9992 9993 9994
(3) Securities issued under order of the director of health or director of environmental protection under section 6109.18 of the Revised Code;	9995 9996 9997
(4) Securities issued under Section 3, 10, or 12 of Article XVIII, Ohio Constitution;	9998 9999
(5) Securities that are not general obligations of the	10000

municipal corporation;	10001
(6) Voted securities issued for the purposes of urban	10002
redevelopment to the extent that their principal amount does not	10003
exceed an amount equal to two per cent of the tax valuation of the	10004
municipal corporation;	10005
(7) Unvoted general obligation securities to the extent that	10006
the legislation authorizing them includes covenants to appropriate	10007
annually from lawfully available municipal income taxes or other	10008
municipal excises or taxes, including taxes referred to in section	10009
701.06 of the Revised Code but not including ad valorem property	10010
taxes, and to continue to levy and collect those municipal income	10011
taxes or other applicable excises or taxes in, amounts necessary	10012
to meet the debt charges on those securities, which covenants are	10013
hereby authorized;	10014
(8) Self-supporting securities issued prior to July 1, 1977,	10015
under this chapter for the purpose of municipal university	10016
residence halls to the extent that revenues of the successor state	10017
university allocated to debt charges on those securities, from	10018
sources other than municipal excises and taxes, are sufficient to	10019
pay those debt charges;	10020
(9) Securities issued for the purpose of acquiring or	10021
constructing roads, highways, bridges, or viaducts, for the	10022
purpose of acquiring or making other highway permanent	10023
improvements, or for the purpose of procuring and maintaining	10024
computer systems for the office of the clerk of the municipal	10025
court to the extent that the legislation authorizing the issuance	10026
of the securities includes a covenant to appropriate from money	10027
distributed to the municipal corporation pursuant to Chapter	10028
4501., 4503., 4504., or 5735. of the Revised Code a sufficient	10029
amount to cover debt charges on and financing costs relating to	10030
the securities as they become due;	10031

(10) Securities issued for the purpose of providing some or all of the funds required to satisfy the municipal corporation's obligation under an agreement with the board of trustees of the Ohio police and fire pension fund under section 742.30 of the Revised Code; 10032  
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(11) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(2) of section 307.672 of the Revised Code; 10037  
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(12) Securities issued for energy conservation measures under section 717.02 of the Revised Code; 10041  
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(13) Securities that are obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code; 10043  
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(14) Securities issued under section 133.083 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance pledges tourism development district revenue to the payment of debt charges on the securities and contains a covenant to appropriate from tourism development district revenue a sufficient amount to cover debt charges or the financing costs related to the securities as they become due. 10045  
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(C) In calculating the net indebtedness of a municipal corporation, no obligation incurred under section 749.081 of the Revised Code shall be considered. 10053  
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**Sec. 133.07.** (A) A county shall not incur, without a vote of the electors, either of the following: 10056  
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(1) Net indebtedness for all purposes that exceeds an amount equal to one per cent of its tax valuation; 10058  
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(2) Net indebtedness for the purpose of paying the county's share of the cost of the construction, improvement, maintenance, 10060  
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or repair of state highways that exceeds an amount equal to 10062  
one-half of one per cent of its tax valuation. 10063

(B) A county shall not incur total net indebtedness that 10064  
exceeds an amount equal to one of the following limitations that 10065  
applies to the county: 10066

(1) A county with a valuation not exceeding one hundred 10067  
million dollars, three per cent of that tax valuation; 10068

(2) A county with a tax valuation exceeding one hundred 10069  
million dollars but not exceeding three hundred million dollars, 10070  
three million dollars plus one and one-half per cent of that tax 10071  
valuation in excess of one hundred million dollars; 10072

(3) A county with a tax valuation exceeding three hundred 10073  
million dollars, six million dollars plus two and one-half per 10074  
cent of that tax valuation in excess of three hundred million 10075  
dollars. 10076

(C) In calculating the net indebtedness of a county, none of 10077  
the following securities shall be considered: 10078

(1) Securities described in section 307.201 of the Revised 10079  
Code; 10080

(2) Self-supporting securities issued for any purposes, 10081  
including, but not limited to, any of the following general 10082  
purposes: 10083

(a) Water systems or facilities; 10084

(b) Sanitary sewerage systems or facilities, or surface and 10085  
storm water drainage and sewerage systems or facilities, or a 10086  
combination of those systems or facilities; 10087

(c) County or joint county scrap tire collection, storage, 10088  
monocell, monofill, or recovery facilities, or any combination of 10089  
those facilities; 10090

(d) Off-street parking lots, facilities, or buildings, or 10091



on-street parking facilities, or any combination of off-street and	10092
on-street parking facilities;	10093
(e) Facilities for the care or treatment of the sick or	10094
infirm, and for housing the persons providing that care or	10095
treatment and their families;	10096
(f) Recreational, sports, convention, auditorium, museum,	10097
trade show, and other public attraction facilities;	10098
(g) Facilities for natural resources exploration,	10099
development, recovery, use, and sale;	10100
(h) Correctional and detention facilities and related	10101
rehabilitation facilities.	10102
(3) Securities issued for the purpose of purchasing,	10103
constructing, improving, or extending water or sanitary or surface	10104
and storm water sewerage systems or facilities, or a combination	10105
of those systems or facilities, to the extent that an agreement	10106
entered into with another subdivision requires the other	10107
subdivision to pay to the county amounts equivalent to debt	10108
charges on the securities;	10109
(4) Voted general obligation securities issued for the	10110
purpose of permanent improvements for sanitary sewerage or water	10111
systems or facilities to the extent that the total principal	10112
amount of voted securities outstanding for the purpose does not	10113
exceed an amount equal to two per cent of the county's tax	10114
valuation;	10115
(5) Securities issued for permanent improvements to house	10116
agencies, departments, boards, or commissions of the county or of	10117
any municipal corporation located, in whole or in part, in the	10118
county, to the extent that the revenues, other than revenues from	10119
unvoted county property taxes, derived from leases or other	10120
agreements between the county and those agencies, departments,	10121
boards, commissions, or municipal corporations relating to the use	10122

of the permanent improvements are sufficient to cover the cost of 10123  
all operating expenses of the permanent improvements paid by the 10124  
county and debt charges on the securities; 10125

(6) Securities issued pursuant to section 133.08 of the 10126  
Revised Code; 10127

(7) Securities issued for the purpose of acquiring or 10128  
constructing roads, highways, bridges, or viaducts, for the 10129  
purpose of acquiring or making other highway permanent 10130  
improvements, or for the purpose of procuring and maintaining 10131  
computer systems for the office of the clerk of any 10132  
county-operated municipal court, for the office of the clerk of 10133  
the court of common pleas, or for the office of the clerk of the 10134  
probate, juvenile, or domestic relations division of the court of 10135  
common pleas to the extent that the legislation authorizing the 10136  
issuance of the securities includes a covenant to appropriate from 10137  
moneys distributed to the county pursuant to division (B) of 10138  
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 10139  
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 10140  
sufficient amount to cover debt charges on and financing costs 10141  
relating to the securities as they become due; 10142

(8) Securities issued for the purpose of acquiring, 10143  
constructing, improving, and equipping a county, multicounty, or 10144  
multicounty-municipal jail, workhouse, juvenile detention 10145  
facility, or correctional facility; 10146

(9) Securities issued for the acquisition, construction, 10147  
equipping, or repair of any permanent improvement or any class or 10148  
group of permanent improvements enumerated in a resolution adopted 10149  
pursuant to division (D) of section 5739.026, or under division 10150  
(A)(10) of section 5739.09, of the Revised Code to the extent that 10151  
the legislation authorizing the issuance of the securities 10152  
includes a covenant to appropriate from moneys received from the 10153  
taxes authorized under section 5739.023 and division (A)(5) of 10154

section 5739.026, or under division (A)(10) of section 5739.09, of 10155  
the Revised Code, respectively, an amount sufficient to pay debt 10156  
charges on the securities and those moneys shall be pledged for 10157  
that purpose; 10158

(10) Securities issued for county or joint county solid waste 10159  
or hazardous waste collection, transfer, or disposal facilities, 10160  
or resource recovery and solid or hazardous waste recycling 10161  
facilities, or any combination of those facilities; 10162

(11) Securities issued for the acquisition, construction, and 10163  
equipping of a port authority educational and cultural facility 10164  
under section 307.671 of the Revised Code; 10165

(12) Securities issued for the acquisition, construction, 10166  
equipping, and improving of a municipal educational and cultural 10167  
facility under division (B)(1) of section 307.672 of the Revised 10168  
Code; 10169

(13) Securities issued for energy conservation measures under 10170  
section 307.041 of the Revised Code; 10171

(14) Securities issued for the acquisition, construction, 10172  
equipping, improving, or repair of a sports facility, including 10173  
obligations issued to pay costs of a sports facility under section 10174  
307.673 of the Revised Code; 10175

(15) Securities issued under section 755.17 of the Revised 10176  
Code if the legislation authorizing issuance of the securities 10177  
includes a covenant to appropriate from revenue received from a 10178  
tax authorized under division (A)(5) of section 5739.026 and 10179  
section 5741.023 of the Revised Code an amount sufficient to pay 10180  
debt charges on the securities, and the board of county 10181  
commissioners pledges that revenue for that purpose, pursuant to 10182  
section 755.171 of the Revised Code; 10183

(16) Sales tax supported bonds issued pursuant to section 10184  
133.081 of the Revised Code for the purpose of acquiring, 10185

constructing, improving, or equipping any permanent improvement to 10186  
the extent that the legislation authorizing the issuance of the 10187  
sales tax supported bonds pledges county sales taxes to the 10188  
payment of debt charges on the sales tax supported bonds and 10189  
contains a covenant to appropriate from county sales taxes a 10190  
sufficient amount to cover debt charges or the financing costs 10191  
related to the sales tax supported bonds as they become due; 10192

(17) Bonds or notes issued under section 133.60 of the 10193  
Revised Code if the legislation authorizing issuance of the bonds 10194  
or notes includes a covenant to appropriate from revenue received 10195  
from a tax authorized under division (A)(9) of section 5739.026 10196  
and section 5741.023 of the Revised Code an amount sufficient to 10197  
pay the debt charges on the bonds or notes, and the board of 10198  
county commissioners pledges that revenue for that purpose; 10199

(18) Securities issued under section 3707.55 of the Revised 10200  
Code for the acquisition of real property by a general health 10201  
district; 10202

(19) Securities issued under division (A)(3) of section 10203  
3313.37 of the Revised Code for the acquisition of real and 10204  
personal property by an educational service center; 10205

(20) Securities issued for the purpose of paying the costs of 10206  
acquiring, constructing, reconstructing, renovating, 10207  
rehabilitating, expanding, adding to, equipping, furnishing, or 10208  
otherwise improving an arena, convention center, or a combination 10209  
of an arena and convention center under section 307.695 of the 10210  
Revised Code; 10211

(21) Securities issued for the purpose of paying project 10212  
costs under section 307.678 of the Revised Code; 10213

(22) Securities issued for the purpose of paying project 10214  
costs under section 307.679 of the Revised Code. 10215

(D) In calculating the net indebtedness of a county, no 10216

obligation incurred under division (F) of section 339.06 of the Revised Code shall be considered.

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Sec. 133.083. (A) As used in this section:

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(1) "Anticipation notes" means notes issued in anticipation of the tourism development district revenue supported bonds authorized by this section.

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(2) "Authorizing proceedings" means the resolution, legislation, trust agreement, certification, and other agreements, instruments, and documents, as amended and supplemented, authorizing, or providing for the security or sale or award of, tourism development district revenue supported bonds, and includes the provisions set forth or incorporated in those bonds and proceedings.

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(3) "Tourism development district revenue" means revenue received by the taxing authority of a municipal corporation or township from a tax levied pursuant to section 503.57 or 5739.101 of the Revised Code, from fees imposed pursuant to division (C) of section 503.56 or division (C) of section 715.014 of the Revised Code, and, in the case of a municipal corporation, a tax levied on amounts received for admission to any place to the extent of the revenue therefrom is required to be used to foster and develop tourism in a tourism development district.

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(4) "Tourism development district revenue supported bonds" means the tourism development district revenue supported bonds authorized by this section, including anticipation notes.

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(5) "Refunding bonds" means tourism development district revenue supported bonds issued to provide for the refunding of the tourism development district revenue supported bonds referred to in this section as refunded obligations.

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(6) "Tourism development district" means an area designated

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by a township or municipal corporation under section 503.56 or 10247  
715.014 of the Revised Code. 10248

(B) The taxing authority of a municipal corporation or 10249  
township that is receiving tourism development district revenue, 10250  
for the purpose of fostering and developing tourism within the 10251  
tourism development district, may anticipate such revenue and 10252  
issue tourism development district revenue supported bonds of the 10253  
municipal corporation or township in the principal amount 10254  
necessary to pay the costs of financing any permanent improvement, 10255  
or to refund any refunded obligations, provided that the taxing 10256  
authority certifies that the annual debt charges on the tourism 10257  
development district revenue supported bonds, or on the tourism 10258  
development district revenue supported bonds being anticipated by 10259  
anticipation notes, do not exceed the estimated annual tourism 10260  
development district revenue. The maximum aggregate amount of 10261  
tourism development district revenue supported bonds that may be 10262  
outstanding at any time in accordance with their terms shall not 10263  
exceed an amount which requires or is estimated to require 10264  
payments from tourism development district revenue of debt charges 10265  
on the tourism development district revenue supported bonds, or, 10266  
in the case of anticipation notes, projected debt charges on the 10267  
tourism development district revenue supported bonds anticipated, 10268  
in any calendar year in an amount exceeding tourism development 10269  
district revenue in anticipation of which the bonds or 10270  
anticipation notes are issued as estimated by the fiscal officer 10271  
based on tourism development district revenue averaged for the two 10272  
calendar years prior to the year in which the tourism development 10273  
district revenue supported bonds are issued, and annualized for 10274  
any increase in any tax levied pursuant to section 505.57 or 10275  
5739.101 of the Revised Code during such period or levied after 10276  
such period. A taxing authority may at any time issue renewal 10277  
anticipation notes, issue tourism development district revenue 10278  
supported bonds to pay renewal anticipation notes, and, if it 10279

considers refunding expedient, issue refunding tourism development 10280  
district revenue supported bonds whether the refunded obligations 10281  
have or have not matured. The refunding tourism development 10282  
district revenue supported bonds shall be sold and the proceeds 10283  
needed for such purpose applied in the manner provided in the 10284  
authorizing proceedings of the taxing authority. 10285

The maximum maturity of tourism development district revenue 10286  
supported bonds shall be calculated by the fiscal officer in 10287  
accordance with section 133.20 of the Revised Code, and that 10288  
calculation shall be filed with the taxing authority of the county 10289  
before adoption of the ordinance or resolution authorizing the 10290  
issuance. If the tourism development district revenue pledged to 10291  
the payment of the tourism development district revenue supported 10292  
bonds has a stated expiration date, the final principal maturity 10293  
date of the tourism development district revenue supported bonds 10294  
shall not extend beyond the final year of collection of the 10295  
tourism development district revenue pledged to the payment of the 10296  
tourism development district revenue supported bonds. 10297

(C) Every issue of tourism development district revenue 10298  
supported bonds outstanding in accordance with their terms shall 10299  
be payable out of the tourism development district revenue 10300  
received by the municipal corporation or township or proceeds of 10301  
tourism development district revenue supported bonds, renewal 10302  
anticipation notes, or refunding tourism development district 10303  
revenue supported bonds that may be pledged for such payment in 10304  
the authorizing proceedings. The pledge shall be valid and binding 10305  
from the time the pledge is made, and the tourism development 10306  
district revenue so pledged and thereafter received by the county 10307  
shall immediately be subject to the lien of that pledge without 10308  
any physical delivery of the tourism development district revenue 10309  
or proceeds or further act. The lien of any pledge is valid and 10310  
binding as against all parties having claims of any kind in tort, 10311

contract, or otherwise against the county, whether or not such 10312  
parties have notice of the lien. Neither the resolution nor any 10313  
trust agreement by which a pledge is created or further evidenced 10314  
need be filed or recorded except in the records of the taxing 10315  
authority. 10316

(D) Tourism development district revenue supported bonds 10317  
issued under this section do not constitute a general obligation 10318  
debt, or a pledge of the full faith and credit, of the state, or 10319  
any political subdivision of the state, and the holders or owners 10320  
of the bonds have no right to have taxes levied by the general 10321  
assembly or property taxes levied by the taxing authority of any 10322  
political subdivision of the state for the payment of debt 10323  
charges. Unless paid from other sources, tourism development 10324  
district revenue supported bonds are payable from the tourism 10325  
development district revenue pledged for their payment as 10326  
authorized by this section. All tourism development district 10327  
revenue supported bonds shall contain on their face a statement to 10328  
the effect that the tourism development district revenue supported 10329  
bonds, as to debt charges, are not debts or obligations of the 10330  
state and are not general obligation debts of any political 10331  
subdivision of the state, but, unless paid from other sources, are 10332  
payable from the tourism development district revenue pledged for 10333  
their payment. The utilization and pledge of the tourism 10334  
development district revenue and proceeds of tourism development 10335  
district revenue supported bonds, renewal anticipation notes, or 10336  
refunding tourism development district revenue supported bonds for 10337  
the payment of debt charges is determined by the general assembly 10338  
to create a special obligation. 10339

(E) The tourism development district revenue supported bonds 10340  
shall bear such date or dates, shall be executed in the manner, 10341  
and shall mature at such time or times, in the case of any 10342  
anticipation notes not exceeding ten years from the date of issue 10343



of the original anticipation notes and in the case of any tourism 10344  
development district revenue supported bonds or of any refunding 10345  
tourism development district revenue supported bonds, not 10346  
exceeding the maximum maturity certified to the taxing authority 10347  
pursuant to division (B) of this section, all as the authorizing 10348  
proceedings may provide. The tourism development district revenue 10349  
supported bonds shall bear interest at such rates, or at variable 10350  
rate or rates changing from time to time, in accordance with 10351  
provisions in the authorizing proceedings, be in such 10352  
denominations and form, either coupon or registered, carry such 10353  
registration privileges, be payable in such medium of payment and 10354  
at such place or places, and be subject to such terms of 10355  
redemption, as the taxing authority may authorize or provide. The 10356  
tourism development district revenue supported bonds may be sold 10357  
at public or private sale, and at, or at not less than, the price 10358  
or prices as the taxing authority determines. If any officer whose 10359  
signature or a facsimile of whose signature appears on any tourism 10360  
development district revenue supported bonds or coupons ceases to 10361  
be such officer before delivery of the tourism development 10362  
district revenue supported bonds or anticipation notes, the 10363  
signature or facsimile shall nevertheless be sufficient for all 10364  
purposes as if that officer had remained in office until delivery 10365  
of the tourism development district revenue supported bonds. 10366  
Whether or not the tourism development district revenue supported 10367  
bonds are of such form and character as to be negotiable 10368  
instruments under Title XIII of the Revised Code, the tourism 10369  
development district revenue supported bonds shall have all the 10370  
qualities and incidents of negotiable instruments, subject only to 10371  
any provisions for registration. Neither the members of the board 10372  
of the taxing authority nor any person executing the tourism 10373  
development district revenue supported bonds shall be liable 10374  
personally on the tourism development district revenue supported 10375  
bonds or be subject to any personal liability or accountability by 10376

reason of their issuance. 10377

(F) Notwithstanding any other provision of this section, 10378  
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 10379  
(A) of section 133.03 of the Revised Code apply to the tourism 10380  
development district revenue supported bonds. Tourism development 10381  
district revenue supported bonds issued under this section need 10382  
not comply with any other law applicable to notes or bonds but the 10383  
authorizing proceedings may provide that divisions (B) to (E) of 10384  
section 133.25 of the Revised Code apply to the tourism 10385  
development district revenue supported bonds or anticipation 10386  
notes. 10387

(G) Any authorized proceedings may contain provisions, 10388  
subject to any agreements with holders as may then exist, which 10389  
shall be a part of the contract with the holders, as to the 10390  
pledging of any or all of the municipal corporation's or 10391  
township's anticipated tourism development district revenue to 10392  
secure the payment of the tourism development district revenue 10393  
supported bonds; the use and disposition of the tourism 10394  
development district revenue of the county; the crediting of the 10395  
proceeds of the sale of tourism development district revenue 10396  
supported bonds to and among the funds referred to or provided for 10397  
in the authorizing proceedings; limitations on the purpose to 10398  
which the proceeds of the tourism development district revenue 10399  
supported bonds may be applied and the pledging of portions of 10400  
such proceeds to secure the payment of the tourism development 10401  
district revenue supported bonds or of anticipation notes; the 10402  
agreement of the municipal corporation or township to do all 10403  
things necessary for the authorization, issuance, and sale of 10404  
those notes anticipated in such amounts as may be necessary for 10405  
the timely payment of debt charges on any anticipation notes; 10406  
limitations on the issuance of additional tourism development 10407  
district revenue supported bonds; the terms upon which additional 10408

tourism development district revenue supported bonds may be issued 10409  
and secured; the refunding of refunded obligations; the procedure 10410  
by which the terms of any contract with holders may be amended, 10411  
and the manner in which any required consent to amend may be 10412  
given; securing any tourism development district revenue supported 10413  
bonds by a trust agreement or other agreement; and any other 10414  
matters, of like or different character, that in any way affect 10415  
the security or protection of the tourism development district 10416  
revenue supported bonds or anticipation notes. 10417

(H) The taxing authority of a municipal corporation or 10418  
township may not repeal, rescind, or reduce any portion of a tax 10419  
pledged to the payment of debt charges on tourism development 10420  
district revenue supported bonds issued by the county while such 10421  
bonds remain outstanding, and no portion of tourism development 10422  
district revenue pledged to the payment of debt charges on such 10423  
bonds shall be subject to repeal or reduction by the electorate of 10424  
the taxing authority while the bonds are outstanding. 10425

**Sec. 133.34.** (A) Upon the determination of the taxing 10426  
authority that such funding or refunding will be in the 10427  
subdivision's best interest, the subdivision may: 10428

(1) Issue general obligation securities to fund or refund any 10429  
outstanding revenue or mortgage revenue, sales tax supported, or 10430  
other special obligation securities previously issued by it for 10431  
permanent improvements pursuant to authorization by law or the 10432  
Ohio Constitution. Any general obligation bonds issued pursuant to 10433  
this division (A)(1) shall be payable as to principal at such 10434  
times and in such installments as determined by the taxing 10435  
authority consistent with section 133.21 of the Revised Code, ~~but~~ 10436  
~~their.~~ The last maturity of the refunding securities shall not be 10437  
later than ~~thirty~~ the later of: 10438

(a) Thirty years from the date of issuance of the original 10439

securities issued for the original purpose; or 10440

(b) The year of the last maturity that would have been 10441  
permitted for the original securities if they had been issued as 10442  
general obligation securities and the law as to the maximum 10443  
maturity of general obligation securities issued for the original 10444  
purpose were the same at the time the original securities were 10445  
issued as the law existing at the time the refunding securities 10446  
are issued. 10447

(2) Issue revenue or mortgage revenue securities, if 10448  
authorized by other law or the Ohio Constitution to issue such 10449  
securities for the original purpose, to fund or refund any 10450  
outstanding general obligation or sales tax supported securities 10451  
previously issued by it pursuant to authorization by law. The 10452  
taxing authority shall establish the maturity date or dates, the 10453  
interest payable, and other terms of such securities as it 10454  
considers necessary or appropriate for their issuance. 10455

(3) Issue general obligation securities to fund or refund 10456  
outstanding general obligation bonds issued in one or more issues 10457  
for any purpose or purposes. General obligation securities issued 10458  
pursuant to this division (A)(3) shall be payable as to principal 10459  
at such times and in such installments as determined by the taxing 10460  
authority. Section 133.21 of the Revised Code is not applicable to 10461  
these refunding securities, but the last maturity of these 10462  
refunding securities shall not be later than the year of last 10463  
maturity permitted by law for the general obligation bonds 10464  
refunded. Tax levies for debt charges on the refunding general 10465  
obligation securities shall be considered to have the same status 10466  
with respect to the provisions of the applicable tax limitation as 10467  
the levies for debt charges on, and the refunding general 10468  
obligation securities shall be considered to have the same status 10469  
with respect to net indebtedness limitations as, the general 10470  
obligation bonds that are refunded. 10471

(4) Issue sales tax supported or other special obligation 10472  
securities to fund or refund any outstanding general obligation 10473  
securities, or revenue or mortgage revenue ~~or general obligation,~~ 10474  
sales tax supported, or other special obligation securities 10475  
previously issued by it for permanent improvements pursuant to 10476  
authorization by law or the Ohio Constitution. Any sales tax 10477  
supported bonds issued pursuant to this division (A)(4) shall be 10478  
payable as to principal at such times and in such installments as 10479  
determined by the taxing authority consistent with division (E) of 10480  
section 133.081 of the Revised Code, but their last maturity shall 10481  
be consistent with division (B) of section 133.081 of the Revised 10482  
Code. Other special obligation securities issued under this 10483  
division (A)(4) shall be payable as to principal at such times and 10484  
in such installments as determined by the taxing authority, and 10485  
are not subject to section 133.21 of the Revised Code. The last 10486  
maturity of these refunding securities shall be not later than the 10487  
year of last maturity permitted by law for the obligations 10488  
refunded. 10489

(5) Apply moneys from other sources to fund any outstanding 10490  
securities or public obligations issued by the taxing authority 10491  
pursuant to authorization by law or the Ohio Constitution, 10492  
including the funding of any mandatory sinking fund redemption 10493  
requirements. 10494

(6) Issue tourism development district revenue supported 10495  
bonds to fund or refund any outstanding revenue or mortgage 10496  
revenue or general obligation or other special obligation 10497  
securities previously issued by it for permanent improvements 10498  
pursuant to authorization by law or the Ohio Constitution. Any 10499  
tourism development district revenue supported bonds issued 10500  
pursuant to division (A)(6) of this section shall be payable as to 10501  
principal at such times and in such installments as determined by 10502  
the taxing authority consistent with division (E) of section 10503

133.083 of the Revised Code, but their last maturity shall be 10504  
consistent with division (B) of section 133.083 of the Revised 10505  
Code. 10506

(B) Securities issued pursuant to this section shall be 10507  
considered to be issued for the same purpose or purposes as the 10508  
securities that they are issued to fund or refund, and their 10509  
proceeds shall be used as determined by the taxing authority 10510  
consistent with their purpose. That use may include the payment of 10511  
the outstanding principal amount of, any redemption premium on, 10512  
and any interest to redemption or maturity on, the securities 10513  
being funded or refunded, and any expenses relating to the funding 10514  
or refunding or the issuance of the refunding bonds, including 10515  
financing costs, all as determined by the taxing authority. 10516  
Proceeds of securities issued pursuant to this section may also be 10517  
used to provide additional money for the purpose or purposes for 10518  
which the securities being funded or refunded, or which they 10519  
funded or refunded, were issued, but section 133.21 of the Revised 10520  
Code is applicable to any such portion of general obligation 10521  
securities. 10522

(C) Securities may be issued and other moneys may be applied 10523  
pursuant to this section to fund or refund all or any portion of 10524  
the outstanding securities, and whether or not the securities to 10525  
be funded or refunded were issued subject to call or redemption 10526  
prior to maturity or are the original securities or are themselves 10527  
refunding securities. 10528

(D) Moneys derived from the proceeds of securities issued 10529  
pursuant to this section to fund or refund general obligation 10530  
bonds, or moneys from other sources, and required for the purpose 10531  
shall, under an escrow agreement or otherwise, to the extent 10532  
required by the legislation be placed in an escrow fund, which may 10533  
be in the bond retirement fund in the case of the funded or 10534  
refunded bonds being payable within ninety days of issuance of the 10535

refunding securities, and other moneys applied pursuant to this 10536  
section to fund general obligation bonds shall, under an escrow 10537  
agreement or otherwise, to the extent required by the legislation, 10538  
be placed in an escrow fund that may be in the sinking fund or 10539  
bond retirement fund, and in either case are pledged for the 10540  
purpose of funding or refunding the refunded general obligation 10541  
bonds and shall be used, together with any other available funds 10542  
as provided in this section, for that purpose. Pending that use, 10543  
the moneys in escrow shall be held in cash or, if and to the 10544  
extent authorized by the taxing authority, invested in whole or in 10545  
part in direct obligations of or obligations guaranteed as to 10546  
payment by the United States that mature or are subject to 10547  
redemption by and at the option of the holder not later than the 10548  
date or dates when the moneys invested, together with interest or 10549  
other investment income accrued on those moneys, and any moneys 10550  
held in cash and not invested will be required for that use. Any 10551  
moneys in the escrow fund derived from the issuance of revenue or 10552  
mortgage revenue ~~or~~, sales tax supported, or other special 10553  
obligation securities that will not be needed to pay debt charges 10554  
on the funded or refunded general obligation bonds may be used for 10555  
and pledged to the payment of debt charges on the refunding 10556  
securities and on any securities issued on a parity with the 10557  
refunding securities. Any moneys in the escrow fund derived from 10558  
the proceeds of refunding general obligation securities and that 10559  
will not be needed to pay debt charges on the refunded general 10560  
obligation bonds shall be transferred to the bond retirement fund. 10561  
When the subdivision has placed in escrow moneys, derived from 10562  
proceeds of refunding obligations or otherwise, or those direct or 10563  
guaranteed obligations of the United States, or a combination of 10564  
both, determined by an independent public accounting firm to be 10565  
sufficient, with the interest or other investment income accruing 10566  
on those direct or guaranteed obligations, for the payment of debt 10567  
charges on the funded or refunded general obligation bonds, the 10568

funded or refunded general obligation bonds shall no longer be considered to be outstanding, shall not be considered for purposes of determining any limitation, direct or indirect, on the indebtedness or net indebtedness of the subdivision, and the levy of taxes or other charges for the payment of debt charges on the funded or refunded general obligation bonds under this chapter, Chapter 5705., or other provisions of the Revised Code, shall not be required. For purposes of this division, "direct obligations of or obligations guaranteed as to payment by the United States" includes rights to receive payment or portions of payments of the principal of or interest or other investment income on:

(1) Those obligations; and

(2) Other obligations fully secured as to payment by those obligations and the interest or other investment income on those obligations.

(E) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law or the Ohio Constitution for the same or similar purposes, and does not limit or restrict the authority of municipal corporations to issue, under authority of Article XVIII, Ohio Constitution, revenue or mortgage revenue securities to fund or refund either general obligation securities or other revenue or mortgage revenue securities.

**Sec. 135.01.** Except as otherwise provided in sections 135.14, 135.143, ~~and 135.181,~~ and 135.182 of the Revised Code, as used in sections 135.01 to 135.21 of the Revised Code:

(A) "Active deposit" means a public deposit necessary to meet current demands on the treasury, and that is deposited in any of the following:

(1) A commercial account that is payable or withdrawable, in



whole or in part, on demand; 10599

(2) A negotiable order of withdrawal account as authorized in 10600  
the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 10601  
12 U.S.C.A. 1832(a); 10602

(3) A money market deposit account as authorized in the 10603  
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 10604  
1501, 12 U.S.C. 3503. 10605

(B) "Auditor" includes the auditor of state and the auditor, 10606  
or officer exercising the functions of an auditor, of any 10607  
subdivision. 10608

(C) "Capital funds" means the sum of the following: the par 10609  
value of the outstanding common capital stock, the par value of 10610  
the outstanding preferred capital stock, the aggregate par value 10611  
of all outstanding capital notes and debentures, and the surplus. 10612  
In the case of an institution having offices in more than one 10613  
county, the capital funds of such institution, for the purposes of 10614  
sections 135.01 to 135.21 of the Revised Code, relative to the 10615  
deposit of the public moneys of the subdivisions in one such 10616  
county, shall be considered to be that proportion of the capital 10617  
funds of the institution that is represented by the ratio that the 10618  
deposit liabilities of such institution originating at the office 10619  
located in the county bears to the total deposit liabilities of 10620  
the institution. 10621

(D) "Governing board" means, in the case of the state, the 10622  
state board of deposit; in the case of all school districts and 10623  
educational service centers except as otherwise provided in this 10624  
section, the board of education or governing board of a service 10625  
center, and when the case so requires, the board of commissioners 10626  
of the sinking fund; in the case of a municipal corporation, the 10627  
legislative authority, and when the case so requires, the board of 10628  
trustees of the sinking fund; in the case of a township, the board 10629

of township trustees; in the case of a union or joint institution 10630  
or enterprise of two or more subdivisions not having a treasurer, 10631  
the board of directors or trustees thereof; and in the case of any 10632  
other subdivision electing or appointing a treasurer, the 10633  
directors, trustees, or other similar officers of such 10634  
subdivision. The governing board of a subdivision electing or 10635  
appointing a treasurer shall be the governing board of all other 10636  
subdivisions for which such treasurer is authorized by law to act. 10637  
In the case of a county school financing district that levies a 10638  
tax pursuant to section 5705.215 of the Revised Code, the county 10639  
board of education that serves as its taxing authority shall 10640  
operate as a governing board. Any other county board of education 10641  
shall operate as a governing board unless it adopts a resolution 10642  
designating the board of county commissioners as the governing 10643  
board for the county school district. 10644

(E) "Inactive deposit" means a public deposit other than an 10645  
interim deposit or an active deposit. 10646

(F) "Interim deposit" means a deposit of interim moneys. 10647  
"Interim moneys" means public moneys in the treasury of the state 10648  
or any subdivision after the award of inactive deposits has been 10649  
made in accordance with section 135.07 of the Revised Code, which 10650  
moneys are in excess of the aggregate amount of the inactive 10651  
deposits as estimated by the governing board prior to the period 10652  
of designation and which the treasurer or governing board finds 10653  
should not be deposited as active or inactive deposits for the 10654  
reason that such moneys will not be needed for immediate use but 10655  
will be needed before the end of the period of designation. 10656

(G) "Permissible rate of interest" means a rate of interest 10657  
that all eligible institutions mentioned in section 135.03 of the 10658  
Revised Code are permitted to pay by law or valid regulations. 10659

(H) "Warrant clearance account" means an account established 10660  
by the treasurer of state for the deposit of active state moneys 10661

outside the city of Columbus, such account being for the exclusive 10662  
purpose of clearing state warrants through the banking system to 10663  
the treasurer. 10664

(I) "Public deposit" means public moneys deposited in a 10665  
public depository pursuant to sections 135.01 to 135.21 of the 10666  
Revised Code. 10667

(J) "Public depository" means an institution which receives 10668  
or holds any public deposits. 10669

(K) "Public moneys" means all moneys in the treasury of the 10670  
state or any subdivision of the state, or moneys coming lawfully 10671  
into the possession or custody of the treasurer of state or of the 10672  
treasurer of any subdivision. "Public moneys of the state" 10673  
includes all such moneys coming lawfully into the possession of 10674  
the treasurer of state; and "public moneys of a subdivision" 10675  
includes all such moneys coming lawfully into the possession of 10676  
the treasurer of the subdivision. 10677

(L) "Subdivision" means any municipal corporation, except one 10678  
which has adopted a charter under Article XVIII, Ohio 10679  
Constitution, and the charter or ordinances of the chartered 10680  
municipal corporation set forth special provisions respecting the 10681  
deposit or investment of its public moneys, or any school district 10682  
or educational service center, a county school financing district, 10683  
township, municipal or school district sinking fund, special 10684  
taxing or assessment district, or other district or local 10685  
authority electing or appointing a treasurer, except a county. In 10686  
the case of a school district or educational service center, 10687  
special taxing or assessment district, or other local authority 10688  
for which a treasurer, elected or appointed primarily as the 10689  
treasurer of a subdivision, is authorized or required by law to 10690  
act as ex officio treasurer, the subdivision for which such a 10691  
treasurer has been primarily elected or appointed shall be 10692  
considered to be the "subdivision." The term also includes a union 10693

or joint institution or enterprise of two or more subdivisions, 10694  
that is not authorized to elect or appoint a treasurer, and for 10695  
which no ex officio treasurer is provided by law. 10696

(M) "Treasurer" means, in the case of the state, the 10697  
treasurer of state and in the case of any subdivision, the 10698  
treasurer, or officer exercising the functions of a treasurer, of 10699  
such subdivision. In the case of a board of trustees of the 10700  
sinking fund of a municipal corporation, the board of 10701  
commissioners of the sinking fund of a school district, or a board 10702  
of directors or trustees of any union or joint institution or 10703  
enterprise of two or more subdivisions not having a treasurer, 10704  
such term means such board of trustees of the sinking fund, board 10705  
of commissioners of the sinking fund, or board of directors or 10706  
trustees. 10707

(N) "Treasury investment board" of a municipal corporation 10708  
means the mayor or other chief executive officer, the village 10709  
solicitor or city director of law, and the auditor or other chief 10710  
fiscal officer. 10711

(O) "No-load money market mutual fund" means a no-load money 10712  
market mutual fund to which all of the following apply: 10713

(1) The fund is registered as an investment company under the 10714  
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 10715  
to 80a-64; 10716

(2) The fund has the highest letter or numerical rating 10717  
provided by at least one nationally recognized standard rating 10718  
service; 10719

(3) The fund does not include any investment in a derivative. 10720  
As used in division (O)(3) of this section, "derivative" means a 10721  
financial instrument or contract or obligation whose value or 10722  
return is based upon or linked to another asset or index, or both, 10723  
separate from the financial instrument, contract, or obligation 10724

itself. Any security, obligation, trust account, or other 10725  
instrument that is created from an issue of the United States 10726  
treasury or is created from an obligation of a federal agency or 10727  
instrumentality or is created from both is considered a derivative 10728  
instrument. An eligible investment described in section 135.14 or 10729  
135.35 of the Revised Code with a variable interest rate payment, 10730  
based upon a single interest payment or single index comprised of 10731  
other investments provided for in division (B)(1) or (2) of 10732  
section 135.14 of the Revised Code, is not a derivative, provided 10733  
that such variable rate investment has a maximum maturity of two 10734  
years. 10735

(P) "Public depositor" means the state or a subdivision, as 10736  
applicable, that deposits public moneys in a public depository 10737  
pursuant to sections 135.01 to 135.21 of the Revised Code. 10738

(O) "Uninsured public deposit" means the portion of a public 10739  
deposit that is not insured by the federal deposit insurance 10740  
corporation or by any other agency or instrumentality of the 10741  
federal government. 10742

**Sec. 135.04.** (A) Any institution mentioned in section 135.03 10743  
of the Revised Code is eligible to become a public depository of 10744  
the active deposits, inactive deposits, and interim deposits of 10745  
public moneys of the state subject to the requirements of sections 10746  
135.01 to 135.21 of the Revised Code. 10747

(B) To facilitate the clearance of state warrants to the 10748  
state treasury, the state board of deposit may delegate the 10749  
authority to the treasurer of state to establish warrant clearance 10750  
accounts in any institution mentioned in section 135.03 of the 10751  
Revised Code located in areas where the volume of warrant 10752  
clearances justifies the establishment of an account as determined 10753  
by the treasurer of state. The balances maintained in such warrant 10754  
clearance accounts shall be at sufficient levels to cover the 10755

activity generated by such accounts on an individual basis. Any 10756  
financial institution in the state that has a warrant clearance 10757  
account established by the treasurer of state shall, not more than 10758  
ten days after the close of each quarter, prepare and transmit to 10759  
the treasurer of state an analysis statement of such account for 10760  
the quarter then ended. Such statement shall contain such 10761  
information as determined by the state board of deposit, and this 10762  
information shall be used in whole or in part by the treasurer of 10763  
state in determining the level of balances to be maintained in 10764  
such accounts. 10765

(C) Each governing board shall award the active deposits of 10766  
public moneys subject to its control to the eligible institutions 10767  
in accordance with this section, except that no such public 10768  
depository shall thereby be required to take or permitted to 10769  
receive and have at any one time a greater amount of active 10770  
deposits of such public moneys than that specified in the 10771  
application of such depository. When, by reason of such limitation 10772  
or otherwise, the amount of active public moneys deposited or to 10773  
be deposited in a public depository, pursuant to an award made 10774  
under this section, is reduced or withdrawn, as the case requires, 10775  
the amount of such reduction or the sum so withdrawn shall be 10776  
deposited in another eligible institution applying therefor, or if 10777  
there is no such eligible institution, then the amount so withheld 10778  
or withdrawn shall be awarded or deposited for the remainder of 10779  
the period of designation in accordance with sections 135.01 to 10780  
135.21 of the Revised Code. 10781

(D) Any institution mentioned in section 135.03 of the 10782  
Revised Code is eligible to become a public depository of the 10783  
inactive and interim deposits of public moneys of a subdivision. 10784  
In case the aggregate amount of inactive or interim deposits 10785  
applied for by such eligible institutions is less than the 10786  
aggregate maximum amount of such inactive or interim deposits as 10787

estimated to be deposited pursuant to sections 135.01 to 135.21 of 10788  
the Revised Code, the governing board of the subdivision may 10789  
designate as a public depository of the inactive or interim 10790  
deposits of the public moneys thereof, one or more institutions of 10791  
a kind mentioned in section 135.03 of the Revised Code, subject to 10792  
the requirements of sections 135.01 to 135.21 of the Revised Code. 10793

(E) Any institution mentioned in section 135.03 of the 10794  
Revised Code is eligible to become a public depository of the 10795  
active deposits of public moneys of a subdivision. In case the 10796  
aggregate amount of active deposits of the public moneys of the 10797  
subdivision applied for by such eligible institutions is less than 10798  
the aggregate maximum amount to be deposited as such, as estimated 10799  
by the governing board, said board may designate as a public 10800  
depository of the active deposits of the public moneys of the 10801  
subdivision, one or more institutions of the kind mentioned in 10802  
section 135.03 of the Revised Code, subject to the requirements of 10803  
sections 135.01 to 135.21 of the Revised Code. 10804

(F)(1) The governing board of the state or of a subdivision 10805  
may designate one or more minority banks as public depositories of 10806  
its inactive, interim, or active deposits of public moneys 10807  
designated as federal funds. Except for section 135.18 ~~or~~, 10808  
135.181, or 135.182 of the Revised Code, Chapter 135. of the 10809  
Revised Code does not apply to the application for, or the award 10810  
of, such deposits. As used in this division, "minority bank" means 10811  
a bank that is owned or controlled by one or more socially or 10812  
economically disadvantaged persons. Such disadvantage may arise 10813  
from cultural, ethnic, or racial background, chronic economic 10814  
circumstances, or other similar cause. Such persons include, but 10815  
are not limited to, Afro-Americans, Puerto Ricans, 10816  
Spanish-speaking Americans, and American Indians. 10817

(2) In enacting this division, the general assembly finds 10818  
that: 10819

(a) Certain commercial banks are owned or controlled by	10820
minority Americans;	10821
(b) Minority banks are an important source of banking	10822
services in their communities;	10823
(c) Minority banks have been unsuccessful in competing under	10824
Chapter 135. of the Revised Code for the award of federal funds;	10825
(d) This division contains safeguards for the protection of	10826
the general public and the banking industry, since it provides the	10827
governing board of the state or political subdivision with	10828
permissive authority in the award of deposits; limits the	10829
authority of the governing board to the award of federal funds;	10830
and subjects minority banks to certain limitations of Chapter 135.	10831
of the Revised Code, including the requirement that, as in the	10832
case of every financial institution subject to Chapter 135. of the	10833
Revised Code, a minority bank pledge certain securities for	10834
repayment of the deposits.	10835
(3) The purpose of this division is to recognize that the	10836
state has a substantial and compelling interest in encouraging the	10837
establishment, development, and stability of minority banks by	10838
facilitating their access to the award of federal funds, while	10839
ensuring the protection of the general public and the banking	10840
industry.	10841
(G) The governing board of a subdivision shall award the	10842
first twenty-five thousand dollars of the active deposits of	10843
public moneys subject to its control to the eligible institution	10844
or institutions applying or qualifying therefor on the basis of	10845
the operating needs of the subdivision and shall award the active	10846
deposits of public moneys subject to its control in excess of	10847
twenty-five thousand dollars to the eligible institution or	10848
institutions applying or qualifying therefor.	10849



Sec. 135.14. (A) As used in this section: 10850

(1) "Treasurer" does not include the treasurer of state, and 10851  
"governing board" does not include the state board of deposit. 10852

(2) "Other obligations" includes notes whether or not issued 10853  
in anticipation of the issuance of bonds. 10854

(B) The treasurer or governing board may invest or deposit 10855  
any part or all of the interim moneys. The following 10856  
classifications of obligations shall be eligible for such 10857  
investment or deposit: 10858

(1) United States treasury bills, notes, bonds, or any other 10859  
obligation or security issued by the United States treasury or any 10860  
other obligation guaranteed as to principal and interest by the 10861  
United States. 10862

Nothing in the classification of eligible obligations set 10863  
forth in division (B)(1) of this section or in the classifications 10864  
of eligible obligations set forth in divisions (B)(2) to (7) of 10865  
this section shall be construed to authorize any investment in 10866  
stripped principal or interest obligations of such eligible 10867  
obligations. 10868

(2) Bonds, notes, debentures, or any other obligations or 10869  
securities issued by any federal government agency or 10870  
instrumentality, including but not limited to, the federal 10871  
national mortgage association, federal home loan bank, federal 10872  
farm credit bank, federal home loan mortgage corporation, and 10873  
government national mortgage association. All federal agency 10874  
securities shall be direct issuances of federal government 10875  
agencies or instrumentalities. 10876

(3) Interim deposits in the eligible institutions applying 10877  
for interim moneys as provided in section 135.08 of the Revised 10878  
Code. The award of interim deposits shall be made in accordance 10879

with section 135.09 of the Revised Code and the treasurer or the governing board shall determine the periods for which such interim deposits are to be made and shall award such interim deposits for such periods, provided that any eligible institution receiving an interim deposit award may, upon notification that the award has been made, decline to accept the interim deposit in which event the award shall be made as though the institution had not applied for such interim deposit.

(4) Bonds and other obligations of this state, or the political subdivisions of this state, provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:

(a) The bonds or other obligations are payable from general revenues of the political subdivision and backed by the full faith and credit of the political subdivision.

(b) The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer.

(c) The aggregate value of the bonds or other obligations does not exceed twenty per cent of interim moneys available for investment at the time of purchase.

(d) The treasurer or governing board is not the sole purchaser of the bonds or other obligations at original issuance.

No investment shall be made under division (B)(4) of this section unless the treasurer or governing board has completed additional training for making the investments authorized by division (B)(4) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state.

(5) No-load money market mutual funds consisting exclusively of obligations described in division (B)(1) or (2) of this section and repurchase agreements secured by such obligations, provided that investments in securities described in this division are made only through eligible institutions mentioned in section 135.03 of the Revised Code;

(6) The Ohio subdivision's fund as provided in section 135.45 of the Revised Code;

(7) Up to forty per cent of interim moneys available for investment in either of the following:

(a) Commercial paper notes issued by an entity that is defined in division (D) of section 1705.01 of the Revised Code and that has assets exceeding five hundred million dollars, to which notes all of the following apply:

(i) The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.

(ii) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.

(iii) The notes mature not later than two hundred seventy days after purchase.

(iv) The investment in commercial paper notes of a single issuer shall not exceed in the aggregate five per cent of interim moneys available for investment at the time of purchase.

(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and that mature not later than one hundred eighty days after purchase.

No investment shall be made pursuant to division (B)(7) of this section unless the treasurer or governing board has completed

additional training for making the investments authorized by 10941  
division (B)(7) of this section. The type and amount of additional 10942  
training shall be approved by the treasurer of state and may be 10943  
conducted by or provided under the supervision of the treasurer of 10944  
state. 10945

(C) Nothing in the classifications of eligible obligations 10946  
set forth in divisions (B)(1) to (7) of this section shall be 10947  
construed to authorize any investment in a derivative, and no 10948  
treasurer or governing board shall invest in a derivative. For 10949  
purposes of this division, "derivative" means a financial 10950  
instrument or contract or obligation whose value or return is 10951  
based upon or linked to another asset or index, or both, separate 10952  
from the financial instrument, contract, or obligation itself. Any 10953  
security, obligation, trust account, or other instrument that is 10954  
created from an issue of the United States treasury or is created 10955  
from an obligation of a federal agency or instrumentality or is 10956  
created from both is considered a derivative instrument. An 10957  
eligible investment described in this section with a variable 10958  
interest rate payment, based upon a single interest payment or 10959  
single index comprised of other eligible investments provided for 10960  
in division (B)(1) or (2) of this section, is not a derivative, 10961  
provided that such variable rate investment has a maximum maturity 10962  
of two years. 10963

(D) Except as provided in division (E) of this section, any 10964  
investment made pursuant to this section must mature within five 10965  
years from the date of settlement, unless the investment is 10966  
matched to a specific obligation or debt of the subdivision. 10967

(E) The treasurer or governing board may also enter into a 10968  
written repurchase agreement with any eligible institution 10969  
mentioned in section 135.03 of the Revised Code or any eligible 10970  
dealer pursuant to division (M) of this section, under the terms 10971  
of which agreement the treasurer or governing board purchases, and 10972

such institution or dealer agrees unconditionally to repurchase 10973  
any of the securities listed in divisions ~~(B)~~(D)(1) to (5), except 10974  
letters of credit described in division ~~(B)~~(D)(2), of section 10975  
135.18 of the Revised Code. The market value of securities subject 10976  
to an overnight written repurchase agreement must exceed the 10977  
principal value of the overnight written repurchase agreement by 10978  
at least two per cent. A written repurchase agreement shall not 10979  
exceed thirty days and the market value of securities subject to a 10980  
written repurchase agreement must exceed the principal value of 10981  
the written repurchase agreement by at least two per cent and be 10982  
marked to market daily. All securities purchased pursuant to this 10983  
division shall be delivered into the custody of the treasurer or 10984  
governing board or an agent designated by the treasurer or 10985  
governing board. A written repurchase agreement with an eligible 10986  
securities dealer shall be transacted on a delivery versus payment 10987  
basis. The agreement shall contain the requirement that for each 10988  
transaction pursuant to the agreement the participating 10989  
institution or dealer shall provide all of the following 10990  
information: 10991

(1) The par value of the securities; 10992

(2) The type, rate, and maturity date of the securities; 10993

(3) A numerical identifier generally accepted in the 10994  
securities industry that designates the securities. 10995

No treasurer or governing board shall enter into a written 10996  
repurchase agreement under the terms of which the treasurer or 10997  
governing board agrees to sell securities owned by the subdivision 10998  
to a purchaser and agrees with that purchaser to unconditionally 10999  
repurchase those securities. 11000

(F) No treasurer or governing board shall make an investment 11001  
under this section, unless the treasurer or governing board, at 11002  
the time of making the investment, reasonably expects that the 11003

investment can be held until its maturity. 11004

(G) No treasurer or governing board shall pay interim moneys 11005  
into a fund established by another subdivision, treasurer, 11006  
governing board, or investing authority, if that fund was 11007  
established for the purpose of investing the public moneys of 11008  
other subdivisions. This division does not apply to the payment of 11009  
public moneys into either of the following: 11010

(1) The Ohio subdivision's fund pursuant to division (B)(6) 11011  
of this section; 11012

(2) A fund created solely for the purpose of acquiring, 11013  
constructing, owning, leasing, or operating municipal utilities 11014  
pursuant to the authority provided under section 715.02 of the 11015  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 11016

For purposes of division (G) of this section, "subdivision" 11017  
includes a county. 11018

(H) The use of leverage, in which the treasurer or governing 11019  
board uses its current investment assets as collateral for the 11020  
purpose of purchasing other assets, is prohibited. The issuance of 11021  
taxable notes for the purpose of arbitrage is prohibited. 11022  
Contracting to sell securities that have not yet been acquired by 11023  
the treasurer or governing board, for the purpose of purchasing 11024  
such securities on the speculation that bond prices will decline, 11025  
is prohibited. 11026

(I) Whenever, during a period of designation, the treasurer 11027  
classifies public moneys as interim moneys, the treasurer shall 11028  
notify the governing board of such action. The notification shall 11029  
be given within thirty days after such classification and in the 11030  
event the governing board does not concur in such classification 11031  
or in the investments or deposits made under this section, the 11032  
governing board may order the treasurer to sell or liquidate any 11033  
of such investments or deposits, and any such order shall 11034

specifically describe the investments or deposits and fix the date 11035  
upon which they are to be sold or liquidated. Investments or 11036  
deposits so ordered to be sold or liquidated shall be sold or 11037  
liquidated for cash by the treasurer on the date fixed in such 11038  
order at the then current market price. Neither the treasurer nor 11039  
the members of the board shall be held accountable for any loss 11040  
occasioned by sales or liquidations of investments or deposits at 11041  
prices lower than their cost. Any loss or expense incurred in 11042  
making such sales or liquidations is payable as other expenses of 11043  
the treasurer's office. 11044

(J) If any investments or deposits purchased under the 11045  
authority of this section are issuable to a designated payee or to 11046  
the order of a designated payee, the name of the treasurer and the 11047  
title of the treasurer's office shall be so designated. If any 11048  
such securities are registrable either as to principal or 11049  
interest, or both, then such securities shall be registered in the 11050  
name of the treasurer as such. 11051

(K) The treasurer is responsible for the safekeeping of all 11052  
documents evidencing a deposit or investment acquired by the 11053  
treasurer under this section. Any securities may be deposited for 11054  
safekeeping with a qualified trustee as provided in section 135.18 11055  
of the Revised Code, except the delivery of securities acquired 11056  
under any repurchase agreement under this section shall be made to 11057  
a qualified trustee, provided, however, that the qualified trustee 11058  
shall be required to report to the treasurer, governing board, 11059  
auditor of state, or an authorized outside auditor at any time 11060  
upon request as to the identity, market value, and location of the 11061  
document evidencing each security, and that if the participating 11062  
institution is a designated depository of the subdivision for the 11063  
current period of designation, the securities that are the subject 11064  
of the repurchase agreement may be delivered to the treasurer or 11065  
held in trust by the participating institution on behalf of the 11066

subdivision. Interest earned on any investments or deposits 11067  
authorized by this section shall be collected by the treasurer and 11068  
credited by the treasurer to the proper fund of the subdivision. 11069

Upon the expiration of the term of office of a treasurer or 11070  
in the event of a vacancy in the office of treasurer by reason of 11071  
death, resignation, removal from office, or otherwise, the 11072  
treasurer or the treasurer's legal representative shall transfer 11073  
and deliver to the treasurer's successor all documents evidencing 11074  
a deposit or investment held by the treasurer. For the investments 11075  
and deposits so transferred and delivered, such treasurer shall be 11076  
credited with and the treasurer's successor shall be charged with 11077  
the amount of money held in such investments and deposits. 11078

(L) Whenever investments or deposits acquired under this 11079  
section mature and become due and payable, the treasurer shall 11080  
present them for payment according to their tenor, and shall 11081  
collect the moneys payable thereon. The moneys so collected shall 11082  
be treated as public moneys subject to sections 135.01 to 135.21 11083  
of the Revised Code. 11084

(M)(1) All investments, except for investments in securities 11085  
described in divisions (B)(5) and (6) of this section and for 11086  
investments by a municipal corporation in the issues of such 11087  
municipal corporation, shall be made only through a member of the 11088  
financial industry regulatory authority (FINRA), through a bank, 11089  
savings bank, or savings and loan association regulated by the 11090  
superintendent of financial institutions, or through an 11091  
institution regulated by the comptroller of the currency, federal 11092  
deposit insurance corporation, or board of governors of the 11093  
federal reserve system. 11094

(2) Payment for investments shall be made only upon the 11095  
delivery of securities representing such investments to the 11096  
treasurer, governing board, or qualified trustee. If the 11097  
securities transferred are not represented by a certificate, 11098



payment shall be made only upon receipt of confirmation of 11099  
transfer from the custodian by the treasurer, governing board, or 11100  
qualified trustee. 11101

(N) In making investments authorized by this section, a 11102  
treasurer or governing board may retain the services of an 11103  
investment advisor, provided the advisor is licensed by the 11104  
division of securities under section 1707.141 of the Revised Code 11105  
or is registered with the securities and exchange commission, and 11106  
possesses experience in public funds investment management, 11107  
specifically in the area of state and local government investment 11108  
portfolios, or the advisor is an eligible institution mentioned in 11109  
section 135.03 of the Revised Code. 11110

(O)(1) Except as otherwise provided in divisions (O)(2) and 11111  
(3) of this section, no treasurer or governing board shall make an 11112  
investment or deposit under this section, unless there is on file 11113  
with the auditor of state a written investment policy approved by 11114  
the treasurer or governing board. The policy shall require that 11115  
all entities conducting investment business with the treasurer or 11116  
governing board shall sign the investment policy of that 11117  
subdivision. All brokers, dealers, and financial institutions, 11118  
described in division (M)(1) of this section, initiating 11119  
transactions with the treasurer or governing board by giving 11120  
advice or making investment recommendations shall sign the 11121  
treasurer's or governing board's investment policy thereby 11122  
acknowledging their agreement to abide by the policy's contents. 11123  
All brokers, dealers, and financial institutions, described in 11124  
division (M)(1) of this section, executing transactions initiated 11125  
by the treasurer or governing board, having read the policy's 11126  
contents, shall sign the investment policy thereby acknowledging 11127  
their comprehension and receipt. 11128

(2) If a written investment policy described in division 11129  
(O)(1) of this section is not filed on behalf of the subdivision 11130

with the auditor of state, the treasurer or governing board of 11131  
that subdivision shall invest the subdivision's interim moneys 11132  
only in interim deposits pursuant to division (B)(3) of this 11133  
section or interim deposits pursuant to section 135.145 of the 11134  
Revised Code and approved by the treasurer of state, no-load money 11135  
market mutual funds pursuant to division (B)(5) of this section, 11136  
or the Ohio subdivision's fund pursuant to division (B)(6) of this 11137  
section. 11138

(3) Divisions (O)(1) and (2) of this section do not apply to 11139  
a treasurer or governing board of a subdivision whose average 11140  
annual portfolio of investments held pursuant to this section is 11141  
one hundred thousand dollars or less, provided that the treasurer 11142  
or governing board certifies, on a form prescribed by the auditor 11143  
of state, that the treasurer or governing board will comply and is 11144  
in compliance with the provisions of sections 135.01 to 135.21 of 11145  
the Revised Code. 11146

(P) A treasurer or governing board may enter into a written 11147  
investment or deposit agreement that includes a provision under 11148  
which the parties agree to submit to nonbinding arbitration to 11149  
settle any controversy that may arise out of the agreement, 11150  
including any controversy pertaining to losses of public moneys 11151  
resulting from investment or deposit. The arbitration provision 11152  
shall be set forth entirely in the agreement, and the agreement 11153  
shall include a conspicuous notice to the parties that any party 11154  
to the arbitration may apply to the court of common pleas of the 11155  
county in which the arbitration was held for an order to vacate, 11156  
modify, or correct the award. Any such party may also apply to the 11157  
court for an order to change venue to a court of common pleas 11158  
located more than one hundred miles from the county in which the 11159  
treasurer or governing board is located. 11160

For purposes of this division, "investment or deposit 11161  
agreement" means any agreement between a treasurer or governing 11162

board and a person, under which agreement the person agrees to 11163  
invest, deposit, or otherwise manage a subdivision's interim 11164  
moneys on behalf of the treasurer or governing board, or agrees to 11165  
provide investment advice to the treasurer or governing board. 11166

(Q) An investment made by the treasurer or governing board 11167  
pursuant to this section prior to September 27, 1996, that was a 11168  
legal investment under the law as it existed before September 27, 11169  
1996, may be held until maturity. 11170

**Sec. 135.144.** (A) In addition to the authority provided in 11171  
section 135.14 or 135.143 of the Revised Code, the treasurer of 11172  
state or the treasurer or governing board of a political 11173  
subdivision may invest interim moneys in certificates of deposit 11174  
in accordance with all of the following: 11175

(1) The interim moneys initially are deposited with an 11176  
eligible public depository described in section 135.03 of the 11177  
Revised Code and selected, pursuant to section 135.12 of the 11178  
Revised Code, by the treasurer of state or the treasurer or 11179  
governing board of a political subdivision, for interim moneys of 11180  
the state or of the political subdivision. 11181

(2) For the treasurer of state or the treasurer or governing 11182  
board of the political subdivision depositing the interim moneys 11183  
pursuant to division (A)(1) of this section, the eligible public 11184  
depository selected pursuant to that division invests the interim 11185  
moneys in certificates of deposit of one or more federally insured 11186  
banks, savings banks, or savings and loan associations, wherever 11187  
located. The full amount of principal and any accrued interest of 11188  
each certificate of deposit invested in pursuant to division 11189  
(A)(2) of this section shall be insured by federal deposit 11190  
insurance. 11191

(3) For the treasurer of state or the treasurer or governing 11192  
board of the political subdivision depositing the interim moneys 11193

pursuant to division (A)(1) of this section, the eligible public 11194  
depository selected pursuant to that division acts as custodian of 11195  
the certificates of deposit described in division (A)(2) of this 11196  
section. 11197

(4) On the same date the public moneys are redeposited by the 11198  
public depository, the public depository may, in its sole 11199  
discretion, choose whether to receive deposits, in any amount, 11200  
from other banks, savings banks, or savings and loan associations. 11201

(5) The public depository provides to the treasurer of state 11202  
or the treasurer or governing board of a political subdivision a 11203  
monthly account statement that includes the amount of its funds 11204  
deposited and held at each bank, savings bank, or savings and loan 11205  
association for which the public depository acts as a custodian 11206  
pursuant to this section. 11207

(B) Interim moneys deposited or invested in accordance with 11208  
division (A) of this section are not subject to any pledging 11209  
requirements described in section 135.18 ~~or~~, 135.181, or 135.182 11210  
of the Revised Code. 11211

**Sec. 135.145.** (A) In addition to the authority provided in 11212  
section 135.14 or 135.143 of the Revised Code for the investment 11213  
or deposit of interim moneys, the treasurer of state or the 11214  
treasurer or governing board of a political subdivision, upon the 11215  
deposit of interim moneys with, or the award of active or inactive 11216  
deposits to, an eligible public depository described in section 11217  
135.03 of the Revised Code and designated pursuant to section 11218  
135.12 of the Revised Code, may authorize the public depository to 11219  
arrange for the redeposit of such public moneys in accordance with 11220  
the following conditions: 11221

(1) The public depository, on or after the date the public 11222  
moneys are received, arranges for the redeposit of the moneys into 11223  
deposit accounts in one or more federally insured banks, savings 11224

banks, or savings and loan associations that are located in the 11225  
United States, and acts as custodian of the moneys deposited or 11226  
redeposited under this section. 11227

(2) If the amount of the public moneys deposited with and 11228  
held at the close of business by the public depository exceeds the 11229  
amount insured by the federal deposit insurance corporation, the 11230  
excess amount is subject to the pledging requirements described in 11231  
section 135.18 ~~or~~, 135.181, or 135.182 of the Revised Code. 11232

(3) The full amount of the public moneys redeposited by the 11233  
public depository into deposit accounts in banks, savings banks, 11234  
or savings and loan associations, plus any accrued interest, is 11235  
insured by the federal deposit insurance corporation. 11236

(4) On the same date the public moneys are redeposited by the 11237  
public depository, the public depository may, in its sole 11238  
discretion, choose whether to receive deposits, in any amount, 11239  
from other banks, savings banks, or savings and loan associations. 11240

(5) The public depository provides to the treasurer of state 11241  
or the treasurer or governing board of a political subdivision an 11242  
account statement at least monthly and access to daily reporting 11243  
that include the amount of its funds deposited and held at each 11244  
bank, savings bank, or savings and loan association for which the 11245  
public depository acts as a custodian pursuant to this section. 11246

(B) Except as provided in division (A)(2) of this section, 11247  
the public moneys deposited in accordance with this section are 11248  
not subject to the pledging requirements described in section 11249  
135.18 ~~or~~, 135.181, or 135.182 of the Revised Code. 11250

**Sec. 135.18.** (A) ~~The treasurer, before making the initial~~ 11251  
~~deposit in~~ Each institution designated as a public depository 11252  
~~pursuant to an award made and awarded public deposits~~ under 11253  
sections 135.01 to 135.21 of the Revised Code, except as provided 11254

in section 135.144 or 135.145 of the Revised Code, shall ~~require~~ 11255  
~~the institution designated as a public depository to pledge to and~~ 11256  
~~deposit with the treasurer, as~~ provide security for the repayment 11257  
of all public ~~moneys to be~~ deposits by selecting one of the 11258  
following methods: 11259

(1) Securing all uninsured public deposits of each public 11260  
depositor separately as set forth in divisions (B) to (J) of this 11261  
section; 11262

(2) Securing all uninsured public deposits of every public 11263  
depositor pursuant to section 135.181 or 135.182 of the Revised 11264  
Code, as applicable, by establishing and pledging to the treasurer 11265  
of state a single pool of collateral for the benefit of every 11266  
public depositor at the public depository. 11267

(B) If a public depository elects to provide security 11268  
pursuant to division (A)(1) of this section, the public depository 11269  
shall pledge to the public depositor, as security for the 11270  
repayment of all public moneys deposited in the public depository 11271  
during the period of designation pursuant to ~~the~~ an award made 11272  
under sections 135.01 to 135.21 of the Revised Code, eligible 11273  
securities of aggregate market value at all times equal to ~~the~~ 11274  
~~excess of the amount of public moneys to be~~ at the time so 11275  
~~deposited, over and above the portion or amount of such moneys as~~ 11276  
~~is at that time insured by the federal deposit insurance~~ 11277  
~~corporation or by any other agency or instrumentality of the~~ 11278  
~~federal government. In the case of any deposit other than the~~ 11279  
~~initial deposit made during the period of designation, the amount~~ 11280  
~~of the aggregate market value of securities required to be pledged~~ 11281  
~~and deposited shall be equal to the difference between the amount~~ 11282  
~~of public moneys on deposit in such public depository plus the~~ 11283  
~~amount to be so deposited, minus the portion or amount of the~~ 11284  
~~aggregate as is at the time insured as provided in this section.~~ 11285  
The treasurer may require additional eligible securities to be 11286

~~deposited to provide for any depreciation which may occur in the~~ 11287  
~~market value of any of the securities so deposited.~~ 11288

(B) at least one hundred five per cent of the total amount of 11289  
the public depositor's uninsured public deposits. 11290

(C) In order for a public depository to receive public moneys 11291  
under this section, the public depository and the public depositor 11292  
shall first execute an agreement that sets forth the entire 11293  
arrangement among the parties and that meets the requirements 11294  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 11295  
authorize the public depositor to obtain control of the collateral 11296  
pursuant to division (D) of section 1308.24 of the Revised Code. 11297

(D) The following securities or other obligations shall be 11298  
eligible for the purposes of this section: 11299

(1) Bonds, notes, or other obligations of the United States; 11300  
or bonds, notes, or other obligations guaranteed as to principal 11301  
and interest by the United States or those for which the faith of 11302  
the United States is pledged for the payment of principal and 11303  
interest thereon, by language appearing in the instrument 11304  
specifically providing such guarantee or pledge and not merely by 11305  
interpretation or otherwise; 11306

(2) Bonds, notes, debentures, letters of credit, or other 11307  
obligations or securities issued by any federal government agency 11308  
or instrumentality, or the export-import bank of Washington; 11309  
bonds, notes, or other obligations guaranteed as to principal and 11310  
interest by the United States or those for which the faith of the 11311  
United States is pledged for the payment of principal and interest 11312  
thereon, by interpretation or otherwise and not by language 11313  
appearing in the instrument specifically providing such guarantee 11314  
or pledge; 11315

(3) Obligations of or fully insured or fully guaranteed by 11316  
the United States or any federal government agency or 11317

instrumentality;	11318
(4) Obligations partially insured or partially guaranteed by any federal agency or instrumentality;	11319 11320
(5) Obligations of or fully guaranteed by the federal national mortgage association, federal home loan mortgage corporation, federal farm credit bank, or student loan marketing association;	11321 11322 11323 11324
(6) Bonds and other obligations of this state;	11325
(7) Bonds and other obligations of any county, township, school district, municipal corporation, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;	11326 11327 11328 11329 11330 11331
(8) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;	11332 11333 11334 11335
(9) Shares of no-load money market mutual funds consisting exclusively of obligations described in division <del>(B)</del> (D)(1) or (2) of this section and repurchase agreements secured by such obligations;	11336 11337 11338 11339
(10) A surety bond issued by a corporate surety licensed by the state and authorized to issue surety bonds in this state pursuant to Chapter 3929. of the Revised Code, and qualified to provide surety bonds to the federal government pursuant to 96 Stat. 1047 (1982), 31 U.S.C.A. 9304;	11340 11341 11342 11343 11344
(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of	11345 11346 11347



such county, municipal corporation, or other taxing subdivision, 11348  
for which the full faith and credit of the issuer is pledged and, 11349  
at the time of purchase of the bonds or other obligations, rated 11350  
in one of the two highest categories by at least one nationally 11351  
recognized ~~standard~~ statistical rating ~~service~~ organization. 11352

~~(C)~~(E) An institution designated as a public depository shall 11353  
designate a qualified trustee and place the eligible securities 11354  
required by division (D) of this section with the trustee for 11355  
safekeeping. The trustee shall hold the eligible securities in an 11356  
account indicating the public depositor's security interest in the 11357  
securities. The trustee shall report to the public depositor 11358  
information relating to the securities pledged to secure the 11359  
public deposits in the manner and frequency required by the public 11360  
depositor. 11361

(F) The qualified trustee shall enter into a custodial 11362  
agreement with the public depositor and public depository in which 11363  
the trustee agrees to comply with entitlement orders originated by 11364  
the public depositor without further consent by the public 11365  
depository or, in the case of collateral held by the public 11366  
depository in an account at a federal reserve bank, the public 11367  
depositor shall have the public depositor's security interest 11368  
marked on the books of the federal reserve bank where the account 11369  
for the collateral is maintained. If the public depository fails 11370  
to pay over any part of the public ~~deposit~~ deposits made by 11371  
the public depositor therein as provided by law, the ~~treasurer~~ 11372  
public depositor shall give written notice of this failure to the 11373  
qualified trustee holding the securities pledged against its 11374  
public deposits and, at the same time, shall send a copy of this 11375  
notice to the public depository. Upon receipt of this notice, the 11376  
trustee shall transfer to the public depositor for sale, the 11377  
securities that are necessary to produce an amount equal to the 11378  
public deposits made by the public depositor and not paid over, 11379

~~less the portion of the deposits covered by any federal deposit insurance, plus any accrued interest due on the deposits. The public depositor shall sell at public sale any of the bonds or other securities deposited with the treasurer pursuant to this section or section 131.09 of the Revised Code, or shall draw on any letter of credit to the extent of the failure to pay. Thirty days' notice of the sale shall be given in a newspaper of general circulation at Columbus, in the case of the treasurer of state, and at the county seat of the county in which the office of the treasurer is located, in the case of any other treasurer so transferred.~~ When a sale of bonds or other securities has been so made and upon payment to the ~~treasurer~~ public depositor of the purchase money, the ~~treasurer~~ public depositor shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus ~~remaining~~ after deducting the amount due the ~~state or subdivision~~ public depositor and expenses of sale shall be paid to the public depository.

~~(D) An institution designated as a public depository may, by written notice to the treasurer, designate a qualified trustee and deposit the eligible securities required by this section with the trustee for safekeeping for the account of the treasurer and the institution as a public depository, as their respective rights to and interests in such securities under this section may appear and be asserted by written notice to or demand upon the trustee. In which case, the treasurer shall accept the written receipt of the trustee describing the securities that have been deposited with the trustee by the public depository, a copy of which shall also be delivered to the public depository. Thereupon all securities so deposited with the trustee are deemed to be pledged with the treasurer and to be deposited with the treasurer, for all the purposes of this section.~~

~~(E) The governing board may make provisions for the exchange and release of securities and the substitution of other eligible securities therefor except where the public depository has deposited eligible securities with a trustee for safekeeping as provided in this section.~~

~~(F)~~(G) When the public depository has ~~deposited~~ placed eligible securities described in division ~~(B)~~(D)(1) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities described in division ~~(B)~~(D)(1) of this section having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged, without specific authorization from any public depositor's governing board, boards, or treasurer of any such substitution or exchange.

~~(G)~~(H) When the public depository has ~~deposited~~ placed eligible securities described in divisions ~~(B)~~(D)(2) to (9) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged without specific authorization of any public depositor's governing board, boards, or treasurer of any such substitution or exchange only if one of the following applies:

(1) The ~~treasurer~~ public depositor has authorized the public depository to make such substitution or exchange on a continuing basis during a specified period without prior approval of each substitution or exchange. The authorization may be effected by the ~~treasurer~~ public depositor sending to the trustee a written notice stating that substitution may be effected on a continuing basis during a specified period which shall not extend beyond the end of

the period of designation during which the notice is given. The 11444  
trustee may rely upon this notice and upon the period of 11445  
authorization stated therein and upon the period of designation 11446  
stated therein. 11447

(2) ~~No continuing authorization for substitution has been~~ 11448  
~~given by the treasurer, the~~ The public depository notifies the 11449  
~~treasurer~~ public depositor and the trustee of an intended 11450  
substitution or exchange, and the ~~treasurer fails to~~ public 11451  
depositor does not object to the trustee as to the eligibility or 11452  
market value of the securities being substituted within ~~ten~~ 11453  
~~calendar~~ three business days after the date appearing on the 11454  
notice of proposed substitution. The notice to the ~~treasurer~~ 11455  
public depositor and to the trustee shall be given in writing and 11456  
delivered ~~personally or by certified or registered mail with a~~ 11457  
~~return receipt requested~~ electronically. The trustee may assume in 11458  
any case that the notice has been delivered to the ~~treasurer~~ 11459  
public depositor. In order for objections of the ~~treasurer~~ public 11460  
depositor to be effective, receipt of the objections must be 11461  
acknowledged in writing by the trustee. 11462

(3) The ~~treasurer~~ public depositor gives written 11463  
authorization for a substitution or exchange of specific 11464  
securities. 11465

~~(H)~~(I) The public depository shall notify any governing 11466  
~~board, boards, or treasurer~~ public depositor of any substitution 11467  
or exchange under division ~~(G)~~(H)(1) or (2) of this section. ~~Upon~~ 11468  
~~request from the treasurer, the trustee shall furnish a statement~~ 11469  
~~of the securities pledged against such public deposits.~~ 11470

~~(I)~~(J) Any federal reserve bank or branch thereof located in 11471  
this state or federal home loan bank, without compliance with 11472  
Chapter 1111. of the Revised Code and without becoming subject to 11473  
any other law of this state relative to the exercise by 11474  
corporations of trust powers generally, is qualified to act as 11475

trustee for the safekeeping of securities, under this section. Any 11476  
institution mentioned in section 135.03 or 135.32 of the Revised 11477  
Code that holds a certificate of qualification issued by the 11478  
superintendent of financial institutions or any institution 11479  
complying with sections 1111.04, 1111.05, and 1111.06 of the 11480  
Revised Code, is qualified to act as trustee for the safekeeping 11481  
of securities under this section, other than those belonging to 11482  
itself, ~~under this section. Upon application to the superintendent~~ 11483  
~~in writing by an institution, the superintendent shall investigate~~ 11484  
~~the applicant and ascertain whether or not it has been authorized~~ 11485  
~~to execute and accept trusts in this state and has safe and~~ 11486  
~~adequate vaults and efficient supervision thereof for the storage~~ 11487  
~~and safekeeping within this state of securities. If the~~ 11488  
~~superintendent finds that the applicant has been so authorized and~~ 11489  
~~has such vaults and supervision thereof, the superintendent shall~~ 11490  
~~approve the application and issue a certificate to that effect,~~ 11491  
~~the original or any certified copy of which shall be conclusive~~ 11492  
~~evidence that the institution therein named is qualified to act as~~ 11493  
~~trustee for the purposes of this section with respect to~~ 11494  
~~securities other than those belonging to itself or to an affiliate~~ 11495  
~~as defined in section 1101.01 of the Revised Code.~~ 11496

Notwithstanding the fact that a public depository is required 11497  
to pledge eligible securities in certain amounts to secure 11498  
deposits of public moneys, a trustee has no duty or obligation to 11499  
determine the eligibility, market value, or face value of any 11500  
securities deposited with the trustee by a public depository. This 11501  
applies in all situations including, without limitation, a 11502  
substitution or exchange of securities. 11503

Any charges or compensation of a designated trustee for 11504  
acting as such under this section shall be paid by the public 11505  
depository and in no event shall be chargeable to the state or the 11506  
subdivision or to ~~the treasurer or to~~ any officer of the state or 11507

subdivision. The charges or compensation shall not be a lien or 11508  
charge upon the securities deposited for safekeeping prior or 11509  
superior to the rights to and interests in the securities of the 11510  
~~state or the subdivision or of the treasurer~~ public depository. The 11511  
treasurer and the treasurer's bonders or surety shall be relieved 11512  
from any liability to the ~~state or the subdivision~~ public 11513  
depository or to the public depository for the loss or destruction 11514  
of any securities deposited with a qualified trustee pursuant to 11515  
this section. 11516

**Sec. 135.181.** (A) As used in this section: 11517

(1) "Public depository" means that term as defined in section 11518  
135.01 of the Revised Code, but also means an institution which 11519  
receives or holds any public deposits as defined in section 135.31 11520  
of the Revised Code. 11521

(2) "Public deposits," "public moneys," and "treasurer" mean 11522  
those terms as defined in section 135.01 of the Revised Code, but 11523  
also have the same meanings as are set forth in section 135.31 of 11524  
the Revised Code. 11525

(3) "Subdivision" means that term as defined in section 11526  
135.01 of the Revised Code, but also includes a county. 11527

(B) ~~In~~ Prior to the creation of the Ohio pooled collateral 11528  
program under section 135.182 of the Revised Code, in lieu of the 11529  
pledging requirements prescribed in sections 135.18 and 135.37 of 11530  
the Revised Code, an institution designated as a public depository 11531  
at its option may pledge a single pool of eligible securities to 11532  
secure the repayment of all public moneys deposited in the 11533  
institution and not otherwise secured pursuant to law, provided 11534  
that at all times the total market value of the securities so 11535  
pledged is at least equal to one hundred five per cent of the 11536  
total amount of all public deposits to be secured by the pooled 11537  
securities that are not covered by any federal deposit insurance. 11538

Each institution shall carry in its accounting records at all 11539  
times a general ledger or other appropriate account of the total 11540  
amount of all public deposits to be secured by the pool, as 11541  
determined at the opening of business each day, and the total 11542  
market value of securities pledged to secure such deposits. 11543

(C) The securities described in division (B) of section 11544  
135.18 of the Revised Code shall be eligible as collateral for the 11545  
purposes of division (B) of this section, provided no such 11546  
securities pledged as collateral are at any time in default as to 11547  
either principal or interest. 11548

(D) The state and each subdivision shall have an undivided 11549  
security interest in the pool of securities pledged by a public 11550  
depository pursuant to division (B) of this section in the 11551  
proportion that the total amount of the state's or subdivision's 11552  
public moneys secured by the pool bears to the total amount of 11553  
public deposits so secured. 11554

(E) An institution designated as a public depository shall 11555  
designate a qualified trustee and deposit with the trustee for 11556  
safekeeping the eligible securities pledged pursuant to division 11557  
(B) of this section. The institution shall give written notice of 11558  
the qualified trustee to any treasurer or treasurers depositing 11559  
public moneys for which such securities are pledged. The treasurer 11560  
shall accept the written receipt of the trustee describing the 11561  
pool of securities so deposited by the depository, a copy of which 11562  
also shall be delivered to the depository. 11563

(F) Any federal reserve bank or branch thereof located in 11564  
this state or federal home loan bank, without compliance with 11565  
Chapter 1111. of the Revised Code and without becoming subject to 11566  
any other law of this state relative to the exercise by 11567  
corporations of trust powers generally, is qualified to act as 11568  
trustee for the safekeeping of securities, under this section. Any 11569  
institution mentioned in section 135.03 or 135.32 of the Revised 11570

Code which holds a certificate of qualification issued by the 11571  
superintendent of financial institutions or any institution 11572  
complying with sections 1111.04, 1111.05, and 1111.06 of the 11573  
Revised Code is qualified to act as trustee for the safekeeping of 11574  
securities under this section, other than those belonging to 11575  
itself or to an affiliate as defined in division (A) of section 11576  
1101.01 of the Revised Code. Upon application to the 11577  
superintendent in writing by an institution, the superintendent 11578  
shall investigate the applicant and ascertain whether or not it 11579  
has been authorized to execute and accept trusts in this state and 11580  
has safe and adequate vaults and efficient supervision thereof for 11581  
the storage and safekeeping of securities. If the superintendent 11582  
finds that the applicant has been so authorized and has such 11583  
vaults and supervision thereof, the superintendent shall approve 11584  
the application and issue a certificate to that effect, the 11585  
original or any certified copy of which shall be conclusive 11586  
evidence that the institution named therein is qualified to act as 11587  
trustee for the purposes of this section with respect to 11588  
securities other than those belonging to itself or to an 11589  
affiliate. 11590

(G) The public depository at any time may substitute, 11591  
exchange, or release eligible securities deposited with a 11592  
qualified trustee pursuant to this section, provided that such 11593  
substitution, exchange, or release does not reduce the total 11594  
market value of the securities to an amount that is less than one 11595  
hundred five per cent of the total amount of public deposits as 11596  
determined pursuant to division (B) of this section. 11597

(H) Notwithstanding the fact that a public depository is 11598  
required to pledge eligible securities in certain amounts to 11599  
secure deposits of public moneys, a trustee has no duty or 11600  
obligation to determine the eligibility, market value, or face 11601  
value of any securities deposited with the trustee by a public 11602



depository. This applies in all situations including, but not 11603  
limited to, a substitution or exchange of securities, but 11604  
excluding those situations effectuated by division (I) of this 11605  
section in which the trustee is required to determine face and 11606  
market value. 11607

(I) If the public depository fails to pay over any part of 11608  
the public deposits made therein as provided by law and secured 11609  
pursuant to division (B) of this section, the treasurer shall give 11610  
written notice of this failure to the qualified trustee holding 11611  
the pool of securities pledged against public moneys deposited in 11612  
the depository, and at the same time shall send a copy of this 11613  
notice to the depository. Upon receipt of this notice, the trustee 11614  
shall transfer to the treasurer for public sale, the pooled 11615  
securities that are necessary to produce an amount equal to the 11616  
deposits made by the treasurer and not paid over, less the portion 11617  
of the deposits covered by any federal deposit insurance, plus any 11618  
accrued interest due on the deposits; however, the amount shall 11619  
not exceed the state's or subdivision's proportional security 11620  
interest in the market value of the pool as of the date of the 11621  
depository's failure to pay over the deposits, as that interest 11622  
and value are determined by the trustee. The treasurer shall sell 11623  
at public sale any of the bonds or other securities so 11624  
transferred. Thirty days' notice of the sale shall be given in a 11625  
newspaper of general circulation at Columbus, in the case of the 11626  
treasurer of state, and at the county seat of the county in which 11627  
the office of the treasurer is located, in the case of any other 11628  
treasurer. When a sale of bonds or other securities has been so 11629  
made and upon payment to the treasurer of the purchase money, the 11630  
treasurer shall transfer such bonds or securities whereupon the 11631  
absolute ownership of such bonds or securities shall pass to the 11632  
purchasers. Any surplus after deducting the amount due the state 11633  
or subdivision and expenses of sale shall be paid to the public 11634  
depository. 11635

(J) Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the state or subdivision or to the treasurer or to any officer of the state or subdivision. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in the securities of the state or subdivision or of the treasurer. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the state or subdivision or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

(K) In lieu of placing its unqualified endorsement on each security, a public depository pledging securities pursuant to division (B) of this section that are not negotiable without its endorsement or assignment may furnish to the qualified trustee holding the securities an appropriate resolution and irrevocable power of attorney authorizing the trustee to assign the securities. The resolution and power of attorney shall conform to terms and conditions the trustee prescribes.

(L) Upon request of a treasurer no more often than four times per year, a public depository shall report the amount of public moneys deposited by the treasurer and secured pursuant to division (B) of this section, and the total market value of the pool of securities pledged to secure public moneys held by the depository, including those deposited by the treasurer. Upon request of a treasurer no more often than four times per year, a qualified trustee shall report the total market value of the pool of securities deposited with it by the depository and shall provide an itemized list of the securities in the pool. These reports shall be made as of the date the treasurer specifies.

Sec. 135.182. (A) As used in this section: 11667

(1) "Public depository" means that term as defined in section 135.01 of the Revised Code, but also means an institution that receives or holds any public deposits as defined in section 135.31 of the Revised Code. 11668  
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(2) "Public depositor" means that term as defined in section 135.01 of the Revised Code, but also includes a county and any municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution. 11672  
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(3) "Public deposits," "public moneys," and "treasurer" mean those terms as defined in section 135.01 of the Revised Code, but also have the same meanings as are set forth in section 135.31 of the Revised Code. 11676  
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(B) Not later than July 1, 2017, the treasurer of state shall create the Ohio pooled collateral program. Under this program, each institution designated as a public depository that selects the pledging method prescribed in division (A)(2) of section 135.18 or division (A)(2) of section 135.37 of the Revised Code shall pledge to the treasurer of state a single pool of eligible securities for the benefit of all public depositors at the public depository to secure the repayment of all uninsured public deposits at the public depository, provided that at all times the total market value of the securities so pledged is at least equal to one hundred two per cent of the total amount of all uninsured public deposits, or in an amount determined by rules adopted by the treasurer of state. The rules shall set forth the criteria for determining the aggregate market value of the pool of eligible securities pledged by a public depository pursuant to this division. Such criteria shall include, but is not limited to, prudent capital and liquidity management by the public depository and the safety and soundness of the public depository as 11680  
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determined by a third-party rating organization. The treasurer of 11698  
state shall monitor the eligibility, market value, and face value 11699  
of the pooled securities pledged by the public depository. Each 11700  
public depository shall carry in its accounting records at all 11701  
times a general ledger or other appropriate account of the total 11702  
amount of all public deposits to be secured by the pool, as 11703  
determined at the opening of business each day, and the total 11704  
market value of securities pledged to secure such deposits, and 11705  
report such information to the treasurer of state in a manner and 11706  
frequency as determined by the treasurer of state pursuant to 11707  
rules adopted by the treasurer of state. 11708

(C) The public depository shall designate a qualified trustee 11709  
approved by the treasurer of state and place with such trustee for 11710  
safekeeping the eligible securities pledged pursuant to division 11711  
(B) of this section. The trustee shall hold the eligible 11712  
securities in an account indicating the treasurer of state's 11713  
security interest in the eligible securities. The treasurer of 11714  
state shall give written notice of the trustee to all public 11715  
depositories for which such securities are pledged. The trustee 11716  
shall report to the treasurer of state information relating to the 11717  
securities pledged to secure such public deposits in a manner and 11718  
frequency as determined by the treasurer of state. 11719

(D) In order for a public depository to receive public moneys 11720  
under this section, the public depository and the treasurer of 11721  
state shall first execute an agreement that sets forth the entire 11722  
arrangement among the parties and that meets the requirements 11723  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 11724  
authorize the treasurer of state to obtain control of the 11725  
collateral pursuant to division (D) of section 1308.24 of the 11726  
Revised Code. 11727

(E) The securities or other obligations described in division 11728  
(D) of section 135.18 of the Revised Code shall be eligible as 11729

collateral for the purposes of division (B) of this section, 11730  
provided no such securities or obligations pledged as collateral 11731  
are at any time in default as to either principal or interest. 11732

(F) Any federal reserve bank or branch thereof located in 11733  
this state or federal home loan bank, without compliance with 11734  
Chapter 1111. of the Revised Code and without becoming subject to 11735  
any other law of this state relative to the exercise by 11736  
corporations of trust powers generally, is qualified to act as 11737  
trustee for the safekeeping of securities, under this section. Any 11738  
institution mentioned in section 135.03 or 135.32 of the Revised 11739  
Code that holds a certificate of qualification issued by the 11740  
superintendent of financial institutions or any institution 11741  
complying with sections 1111.04, 1111.05, and 1111.06 of the 11742  
Revised Code is qualified to act as trustee for the safekeeping of 11743  
securities under this section, other than those belonging to 11744  
itself or to an affiliate as defined in section 1101.01 of the 11745  
Revised Code. 11746

(G) The public depository may substitute, exchange, or 11747  
release eligible securities deposited with the qualified trustee 11748  
pursuant to this section, provided that such substitution, 11749  
exchange, or release is effectuated pursuant to written 11750  
authorization from the treasurer of state, and such action does 11751  
not reduce the total market value of the securities to an amount 11752  
that is less than the amount established pursuant to division (B) 11753  
of this section. 11754

(H) Notwithstanding the fact that a public depository is 11755  
required to pledge eligible securities in certain amounts to 11756  
secure public deposits, a qualified trustee has no duty or 11757  
obligation to determine the eligibility, market value, or face 11758  
value of any securities deposited with the trustee by a public 11759  
depository. This applies in all situations including, but not 11760  
limited to, a substitution or exchange of securities, but 11761

excluding those situations effectuated by division (I) of this 11762  
section in which the trustee is required to determine face and 11763  
market value. 11764

(I) The qualified trustee shall enter into a custodial 11765  
agreement with the treasurer of state and public depository in 11766  
which the trustee agrees to comply with entitlement orders 11767  
originated by the treasurer of state without further consent by 11768  
the public depository or, in the case of collateral held by the 11769  
public depository in an account at a federal reserve bank, the 11770  
treasurer of state shall have the treasurer's security interest 11771  
marked on the books of the federal reserve bank where the account 11772  
for the collateral is maintained. If the public depository fails 11773  
to pay over any part of the public deposits made therein as 11774  
provided by law and secured pursuant to division (B) of this 11775  
section, the treasurer of state shall give written notice of this 11776  
failure to the qualified trustee holding the pool of securities 11777  
pledged against the public deposits, and at the same time shall 11778  
send a copy of this notice to the public depository. Upon receipt 11779  
of this notice, the trustee shall transfer to the treasurer of 11780  
state for sale, the pooled securities that are necessary to 11781  
produce an amount equal to the public deposits made by the public 11782  
depositor and not paid over, less the portion of the deposits 11783  
covered by any federal deposit insurance, plus any accrued 11784  
interest due on the deposits. The treasurer of state shall sell 11785  
any of the bonds or other securities so transferred. When a sale 11786  
of bonds or other securities has been so made and upon payment to 11787  
the public depositor of the purchase money, the treasurer of state 11788  
shall transfer such bonds or securities whereupon the absolute 11789  
ownership of such bonds or securities shall pass to the 11790  
purchasers. Any surplus after deducting the amount due to the 11791  
public depositor and expenses of sale shall be paid to the public 11792  
depository. 11793

(J) Any charges or compensation of a qualified trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the public depositor or to any officer of the public depositor. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in the securities of the public depositor. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the public depositor or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

**Sec. 135.35.** (A) The investing authority shall deposit or invest any part or all of the county's inactive moneys and shall invest all of the money in the county public library fund when required by section 135.352 of the Revised Code. The following classifications of securities and obligations are eligible for such deposit or investment:

(1) United States treasury bills, notes, bonds, or any other obligation or security issued by the United States treasury, any other obligation guaranteed as to principal or interest by the United States, or any book entry, zero-coupon United States treasury security that is a direct obligation of the United States.

Nothing in the classification of eligible securities and obligations set forth in divisions (A)(2) to (10) of this section shall be construed to authorize any investment in stripped principal or interest obligations of such eligible securities and obligations.

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including, but not limited to, the federal

national mortgage association, federal home loan bank, federal 11825  
farm credit bank, federal home loan mortgage corporation, and 11826  
government national mortgage association. All federal agency 11827  
securities shall be direct issuances of federal government 11828  
agencies or instrumentalities. 11829

(3) Time certificates of deposit or savings or deposit 11830  
accounts, including, but not limited to, passbook accounts, in any 11831  
eligible institution mentioned in section 135.32 of the Revised 11832  
Code; 11833

(4) Bonds and other obligations of this state or the 11834  
political subdivisions of this state; 11835

(5) No-load money market mutual funds rated in the highest 11836  
category at the time of purchase by at least one nationally 11837  
recognized standard rating service or consisting exclusively of 11838  
obligations described in division (A)(1), (2), or (6) of section 11839  
135.143 of the Revised Code and repurchase agreements secured by 11840  
such obligations, provided that investments in securities 11841  
described in this division are made only through eligible 11842  
institutions mentioned in section 135.32 of the Revised Code; 11843

(6) The Ohio subdivision's fund as provided in section 135.45 11844  
of the Revised Code; 11845

(7) Securities lending agreements with any eligible 11846  
institution mentioned in section 135.32 of the Revised Code that 11847  
is a member of the federal reserve system or federal home loan 11848  
bank or with any recognized United States government securities 11849  
dealer meeting the description in division (J)(1) of this section, 11850  
under the terms of which agreements the investing authority lends 11851  
securities and the eligible institution or dealer agrees to 11852  
simultaneously exchange similar securities or cash, equal value 11853  
for equal value. 11854

Securities and cash received as collateral for a securities 11855



lending agreement are not inactive moneys of the county or moneys 11856  
of a county public library fund. The investment of cash collateral 11857  
received pursuant to a securities lending agreement may be 11858  
invested only in instruments specified by the investing authority 11859  
in the written investment policy described in division (K) of this 11860  
section. 11861

(8) Up to twenty-five per cent of the county's total average 11862  
portfolio in either of the following investments: 11863

(a) Commercial paper notes issued by an entity that is 11864  
defined in division (D) of section 1705.01 of the Revised Code and 11865  
that has assets exceeding five hundred million dollars, to which 11866  
notes all of the following apply: 11867

(i) The notes are rated at the time of purchase in the 11868  
highest classification established by at least two nationally 11869  
recognized standard rating services. 11870

(ii) The aggregate value of the notes does not exceed ten per 11871  
cent of the aggregate value of the outstanding commercial paper of 11872  
the issuing corporation. 11873

(iii) The notes mature not later than two hundred seventy 11874  
days after purchase. 11875

(b) Bankers acceptances of banks that are insured by the 11876  
federal deposit insurance corporation and that mature not later 11877  
than one hundred eighty days after purchase. 11878

No investment shall be made pursuant to division (A)(8) of 11879  
this section unless the investing authority has completed 11880  
additional training for making the investments authorized by 11881  
division (A)(8) of this section. The type and amount of additional 11882  
training shall be approved by the treasurer of state and may be 11883  
conducted by or provided under the supervision of the treasurer of 11884  
state. 11885

(9) Up to fifteen per cent of the county's total average portfolio in notes issued by corporations that are incorporated under the laws of the United States and that are operating within the United States, or by depository institutions that are doing business under authority granted by the United States or any state and that are operating within the United States, provided both of the following apply:

(a) The notes are rated in the second highest or higher category by at least two nationally recognized standard rating services at the time of purchase.

(b) The notes mature not later than two years after purchase.

(10) Debt interests rated at the time of purchase in the three highest categories by two nationally recognized standard rating services and issued by foreign nations diplomatically recognized by the United States government. All interest and principal shall be denominated and payable in United States funds. The investments made under division (A)(10) of this section shall not exceed in the aggregate one per cent of a county's total average portfolio.

The investing authority shall invest under division (A)(10) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, there is no prior history of default, and the debt interest matures not later than five years after purchase. For purposes of division (A)(10) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, at the time of purchase in the three highest categories by two nationally recognized standard rating services.

(11) A current unpaid or delinquent tax line of credit

authorized under division (G) of section 135.341 of the Revised Code, provided that all of the conditions for entering into such a line of credit under that division are satisfied, or bonds and other obligations of a county land reutilization corporation organized under Chapter 1724. of the Revised Code, if the county land reutilization corporation is located wholly or partly within the same county as the investing authority.

(B) Nothing in the classifications of eligible obligations and securities set forth in divisions (A)(1) to (10) of this section shall be construed to authorize investment in a derivative, and no investing authority shall invest any county inactive moneys or any moneys in a county public library fund in a derivative. For purposes of this division, "derivative" means a financial instrument or contract or obligation whose value or return is based upon or linked to another asset or index, or both, separate from the financial instrument, contract, or obligation itself. Any security, obligation, trust account, or other instrument that is created from an issue of the United States treasury or is created from an obligation of a federal agency or instrumentality or is created from both is considered a derivative instrument. An eligible investment described in this section with a variable interest rate payment, based upon a single interest payment or single index comprised of other eligible investments provided for in division (A)(1) or (2) of this section, is not a derivative, provided that such variable rate investment has a maximum maturity of two years. A treasury inflation-protected security shall not be considered a derivative, provided the security matures not later than five years after purchase.

(C) Except as provided in division (D) of this section, any investment made pursuant to this section must mature within five years from the date of settlement, unless the investment is matched to a specific obligation or debt of the county or to a

specific obligation or debt of a political subdivision of this 11949  
state, and the investment is specifically approved by the 11950  
investment advisory committee. 11951

(D) The investing authority may also enter into a written 11952  
repurchase agreement with any eligible institution mentioned in 11953  
section 135.32 of the Revised Code or any eligible securities 11954  
dealer pursuant to division (J) of this section, under the terms 11955  
of which agreement the investing authority purchases and the 11956  
eligible institution or dealer agrees unconditionally to 11957  
repurchase any of the securities listed in divisions ~~(B)~~(D)(1) to 11958  
(5), except letters of credit described in division ~~(B)~~(D)(2), of 11959  
section 135.18 of the Revised Code. The market value of securities 11960  
subject to an overnight written repurchase agreement must exceed 11961  
the principal value of the overnight written repurchase agreement 11962  
by at least two per cent. A written repurchase agreement must 11963  
exceed the principal value of the overnight written repurchase 11964  
agreement, by at least two per cent. A written repurchase 11965  
agreement shall not exceed thirty days, and the market value of 11966  
securities subject to a written repurchase agreement must exceed 11967  
the principal value of the written repurchase agreement by at 11968  
least two per cent and be marked to market daily. All securities 11969  
purchased pursuant to this division shall be delivered into the 11970  
custody of the investing authority or the qualified custodian of 11971  
the investing authority or an agent designated by the investing 11972  
authority. A written repurchase agreement with an eligible 11973  
securities dealer shall be transacted on a delivery versus payment 11974  
basis. The agreement shall contain the requirement that for each 11975  
transaction pursuant to the agreement the participating 11976  
institution shall provide all of the following information: 11977

(1) The par value of the securities; 11978

(2) The type, rate, and maturity date of the securities; 11979

(3) A numerical identifier generally accepted in the 11980

securities industry that designates the securities. 11981

No investing authority shall enter into a written repurchase 11982  
agreement under the terms of which the investing authority agrees 11983  
to sell securities owned by the county to a purchaser and agrees 11984  
with that purchaser to unconditionally repurchase those 11985  
securities. 11986

(E) No investing authority shall make an investment under 11987  
this section, unless the investing authority, at the time of 11988  
making the investment, reasonably expects that the investment can 11989  
be held until its maturity. The investing authority's written 11990  
investment policy shall specify the conditions under which an 11991  
investment may be redeemed or sold prior to maturity. 11992

(F) No investing authority shall pay a county's inactive 11993  
moneys or moneys of a county public library fund into a fund 11994  
established by another subdivision, treasurer, governing board, or 11995  
investing authority, if that fund was established by the 11996  
subdivision, treasurer, governing board, or investing authority 11997  
for the purpose of investing or depositing the public moneys of 11998  
other subdivisions. This division does not apply to the payment of 11999  
public moneys into either of the following: 12000

(1) The Ohio subdivision's fund pursuant to division (A)(6) 12001  
of this section; 12002

(2) A fund created solely for the purpose of acquiring, 12003  
constructing, owning, leasing, or operating municipal utilities 12004  
pursuant to the authority provided under section 715.02 of the 12005  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 12006

For purposes of division (F) of this section, "subdivision" 12007  
includes a county. 12008

(G) The use of leverage, in which the county uses its current 12009  
investment assets as collateral for the purpose of purchasing 12010  
other assets, is prohibited. The issuance of taxable notes for the 12011

purpose of arbitrage is prohibited. Contracting to sell securities 12012  
not owned by the county, for the purpose of purchasing such 12013  
securities on the speculation that bond prices will decline, is 12014  
prohibited. 12015

(H) Any securities, certificates of deposit, deposit 12016  
accounts, or any other documents evidencing deposits or 12017  
investments made under authority of this section shall be issued 12018  
in the name of the county with the county treasurer or investing 12019  
authority as the designated payee. If any such deposits or 12020  
investments are registrable either as to principal or interest, or 12021  
both, they shall be registered in the name of the treasurer. 12022

(I) The investing authority shall be responsible for the 12023  
safekeeping of all documents evidencing a deposit or investment 12024  
acquired under this section, including, but not limited to, 12025  
safekeeping receipts evidencing securities deposited with a 12026  
qualified trustee, as provided in section 135.37 of the Revised 12027  
Code, and documents confirming the purchase of securities under 12028  
any repurchase agreement under this section shall be deposited 12029  
with a qualified trustee, provided, however, that the qualified 12030  
trustee shall be required to report to the investing authority, 12031  
auditor of state, or an authorized outside auditor at any time 12032  
upon request as to the identity, market value, and location of the 12033  
document evidencing each security, and that if the participating 12034  
institution is a designated depository of the county for the 12035  
current period of designation, the securities that are the subject 12036  
of the repurchase agreement may be delivered to the treasurer or 12037  
held in trust by the participating institution on behalf of the 12038  
investing authority. 12039

Upon the expiration of the term of office of an investing 12040  
authority or in the event of a vacancy in the office for any 12041  
reason, the officer or the officer's legal representative shall 12042  
transfer and deliver to the officer's successor all documents 12043

mentioned in this division for which the officer has been 12044  
responsible for safekeeping. For all such documents transferred 12045  
and delivered, the officer shall be credited with, and the 12046  
officer's successor shall be charged with, the amount of moneys 12047  
evidenced by such documents. 12048

(J)(1) All investments, except for investments in securities 12049  
described in divisions (A)(5), (6), and (11) of this section, 12050  
shall be made only through a member of the financial industry 12051  
regulatory authority (FINRA), through a bank, savings bank, or 12052  
savings and loan association regulated by the superintendent of 12053  
financial institutions, or through an institution regulated by the 12054  
comptroller of the currency, federal deposit insurance 12055  
corporation, or board of governors of the federal reserve system. 12056

(2) Payment for investments shall be made only upon the 12057  
delivery of securities representing such investments to the 12058  
treasurer, investing authority, or qualified trustee. If the 12059  
securities transferred are not represented by a certificate, 12060  
payment shall be made only upon receipt of confirmation of 12061  
transfer from the custodian by the treasurer, governing board, or 12062  
qualified trustee. 12063

(K)(1) Except as otherwise provided in division (K)(2) of 12064  
this section, no investing authority shall make an investment or 12065  
deposit under this section, unless there is on file with the 12066  
auditor of state a written investment policy approved by the 12067  
investing authority. The policy shall require that all entities 12068  
conducting investment business with the investing authority shall 12069  
sign the investment policy of that investing authority. All 12070  
brokers, dealers, and financial institutions, described in 12071  
division (J)(1) of this section, initiating transactions with the 12072  
investing authority by giving advice or making investment 12073  
recommendations shall sign the investing authority's investment 12074  
policy thereby acknowledging their agreement to abide by the 12075

policy's contents. All brokers, dealers, and financial 12076  
institutions, described in division (J)(1) of this section, 12077  
executing transactions initiated by the investing authority, 12078  
having read the policy's contents, shall sign the investment 12079  
policy thereby acknowledging their comprehension and receipt. 12080

(2) If a written investment policy described in division 12081  
(K)(1) of this section is not filed on behalf of the county with 12082  
the auditor of state, the investing authority of that county shall 12083  
invest the county's inactive moneys and moneys of the county 12084  
public library fund only in time certificates of deposits or 12085  
savings or deposit accounts pursuant to division (A)(3) of this 12086  
section, no-load money market mutual funds pursuant to division 12087  
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 12088  
division (A)(6) of this section. 12089

(L)(1) The investing authority shall establish and maintain 12090  
an inventory of all obligations and securities acquired by the 12091  
investing authority pursuant to this section. The inventory shall 12092  
include a description of each obligation or security, including 12093  
type, cost, par value, maturity date, settlement date, and any 12094  
coupon rate. 12095

(2) The investing authority shall also keep a complete record 12096  
of all purchases and sales of the obligations and securities made 12097  
pursuant to this section. 12098

(3) The investing authority shall maintain a monthly 12099  
portfolio report and issue a copy of the monthly portfolio report 12100  
describing such investments to the county investment advisory 12101  
committee, detailing the current inventory of all obligations and 12102  
securities, all transactions during the month that affected the 12103  
inventory, any income received from the obligations and 12104  
securities, and any investment expenses paid, and stating the 12105  
names of any persons effecting transactions on behalf of the 12106  
investing authority. 12107



(4) The monthly portfolio report shall be a public record and 12108  
available for inspection under section 149.43 of the Revised Code. 12109

(5) The inventory and the monthly portfolio report shall be 12110  
filed with the board of county commissioners. The monthly 12111  
portfolio report also shall be filed with the treasurer of state. 12112

(M) An investing authority may enter into a written 12113  
investment or deposit agreement that includes a provision under 12114  
which the parties agree to submit to nonbinding arbitration to 12115  
settle any controversy that may arise out of the agreement, 12116  
including any controversy pertaining to losses of public moneys 12117  
resulting from investment or deposit. The arbitration provision 12118  
shall be set forth entirely in the agreement, and the agreement 12119  
shall include a conspicuous notice to the parties that any party 12120  
to the arbitration may apply to the court of common pleas of the 12121  
county in which the arbitration was held for an order to vacate, 12122  
modify, or correct the award. Any such party may also apply to the 12123  
court for an order to change venue to a court of common pleas 12124  
located more than one hundred miles from the county in which the 12125  
investing authority is located. 12126

For purposes of this division, "investment or deposit 12127  
agreement" means any agreement between an investing authority and 12128  
a person, under which agreement the person agrees to invest, 12129  
deposit, or otherwise manage, on behalf of the investing 12130  
authority, a county's inactive moneys or moneys in a county public 12131  
library fund, or agrees to provide investment advice to the 12132  
investing authority. 12133

(N)(1) An investment held in the county portfolio on 12134  
September 27, 1996, that was a legal investment under the law as 12135  
it existed before September 27, 1996, may be held until maturity. 12136

(2) An investment held in the county portfolio on September 12137  
10, 2012, that was a legal investment under the law as it existed 12138

before September 10, 2012, may be held until maturity. 12139

**Sec. 135.353.** (A) In addition to the investments specified in 12140  
section 135.35 of the Revised Code, the investing authority of a 12141  
county may do all of the following: 12142

(1) Invest inactive or public moneys in linked deposits as 12143  
authorized by resolution adopted pursuant to section 135.80 or 12144  
135.801 of the Revised Code; 12145

(2) Invest inactive or public moneys in linked deposits as 12146  
authorized by resolution adopted pursuant to section 135.805 of 12147  
the Revised Code for a term considered appropriate by the 12148  
investing authority, but not exceeding fifteen years, which 12149  
investment may be renewed for up to two additional terms with each 12150  
additional term not exceeding fifteen years. 12151

(3) Invest inactive moneys in certificates of deposit in 12152  
accordance with all of the following: 12153

(a) The inactive moneys initially are deposited with an 12154  
eligible public depository described in section 135.32 of the 12155  
Revised Code and selected by the investing authority. 12156

(b) For the investing authority depositing the inactive 12157  
moneys pursuant to division (A)(3)(a) of this section, the 12158  
eligible public depository selected pursuant to that division 12159  
invests the inactive moneys in certificates of deposit of one or 12160  
more federally insured banks, savings banks, or savings and loan 12161  
associations, wherever located. The full amount of principal and 12162  
any accrued interest of each certificate of deposit invested in 12163  
pursuant to division (A)(3)(b) of this section shall be insured by 12164  
federal deposit insurance. 12165

(c) For the investing authority depositing the inactive 12166  
moneys pursuant to division (A)(3)(a) of this section, the 12167  
eligible public depository selected pursuant to that division acts 12168

as custodian of the certificates of deposit described in division 12169  
(A)(3)(b) of this section. 12170

(d) On the same date the public moneys are redeposited by the 12171  
public depository, the public depository may, in its sole 12172  
discretion, choose whether to receive deposits, in any amount, 12173  
from other banks, savings banks, or savings and loan associations. 12174

(e) The public depository provides to the investing authority 12175  
a monthly account statement that includes the amount of its funds 12176  
deposited and held at each bank, savings bank, or savings and loan 12177  
association for which the public depository acts as a custodian 12178  
pursuant to this section. 12179

(B) Inactive moneys deposited or invested in accordance with 12180  
division (A)(3) of this section are not subject to any pledging 12181  
requirements described in section 135.181, 135.182, or 135.37 of 12182  
the Revised Code. 12183

**Sec. 135.354.** (A) In addition to the authority provided in 12184  
section 135.35 of the Revised Code for the investment or deposit 12185  
of inactive moneys, the investing authority of a county, upon the 12186  
deposit of active or inactive moneys with an eligible public 12187  
depository described in section 135.32 of the Revised Code and 12188  
selected by the investing authority, may authorize the public 12189  
depository to arrange for the redeposit of such public moneys in 12190  
accordance with the following conditions: 12191

(1) The public depository, on or after the date the public 12192  
moneys are received, arranges for the redeposit of the moneys into 12193  
deposit accounts in one or more federally insured banks, savings 12194  
banks, or savings and loan associations that are located in the 12195  
United States, and acts as custodian of the moneys deposited or 12196  
redeposited under this section. 12197

(2) If the amount of the public moneys deposited with and 12198

held at the close of business by the public depository exceeds the 12199  
amount insured by the federal deposit insurance corporation, the 12200  
excess amount is subject to the pledging requirements described in 12201  
section 135.181, 135.182, or 135.37 of the Revised Code. 12202

(3) The full amount of the public moneys redeposited by the 12203  
public depository into deposit accounts in banks, savings banks, 12204  
or savings and loan associations, plus any accrued interest, is 12205  
insured by the federal deposit insurance corporation. 12206

(4) On the same date the public moneys are redeposited by the 12207  
public depository, the public depository may, in its sole 12208  
discretion, choose whether to receive deposits, in any amount, 12209  
from other banks, savings banks, or savings and loan associations. 12210

(5) The public depository provides to the investing authority 12211  
an account statement at least monthly and access to daily 12212  
reporting that include the amount of its funds deposited and held 12213  
at each bank, savings bank, or savings and loan association for 12214  
which the public depository acts as a custodian pursuant to this 12215  
section. 12216

(B) Except as provided in division (A)(2) of this section, 12217  
public moneys deposited in accordance with this section are not 12218  
subject to the pledging requirements described in section 135.181, 12219  
135.182, or 135.37 of the Revised Code. 12220

**Sec. 135.37.** (A) Except as provided in section 135.353 or 12221  
135.354 of the Revised Code, any institution described in section 12222  
135.32 of the Revised Code ~~shall, at the time it receives in~~ 12223  
receipt of a deposit of public moneys under section 135.33 or 12224  
135.35 of the Revised Code, ~~pledge to and deposit with the~~ 12225  
~~investing authority, as~~ shall provide security for the repayment 12226  
of all public moneys ~~to be deposited in the public depository by~~ 12227  
selecting one of the following methods: 12228

(1) Securing all uninsured public deposits of each investing authority separately as set forth in divisions (B) to (I) of this section; 12229  
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(2) Securing all uninsured public deposits of every public depositor pursuant to section 135.181 or 135.182 of the Revised Code, as applicable, by establishing and pledging to the treasurer of state a single pool of collateral for the benefit of each public depositor at the public depository. 12232  
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(B) If a public depository elects to provide security pursuant to division (A)(1) of this section, the public depository shall pledge to the investing authority, as security for the repayment of all public moneys deposited in the public depository during the period of designation pursuant to an award made under section 135.33 of the Revised Code or pursuant to section 135.35 of the Revised Code, eligible securities of aggregate market value at all times equal to ~~or in excess~~ at least one hundred five per cent of the total amount of ~~public moneys to be at the time so deposited~~ the investing authority's uninsured public deposits. Any securities listed in division ~~(B)~~(D) of section 135.18 of the Revised Code are eligible for such purpose. ~~The collateral so pledged or deposited may be in an amount that when added to the portion of the deposit insured by the federal deposit insurance corporation or any other agency or instrumentality of the federal government will, in the aggregate, equal or exceed the amount of public moneys so deposited; provided that, when an investment of inactive moneys consists of the purchase of one or more of the type of securities listed in division (A)(1) or (2) of section 135.35 of the Revised Code, no additional collateral need be pledged or deposited.~~ 12237  
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~~The investing authority also may require that additional eligible securities be pledged or deposited when depreciation occurs in the market value of any securities pledged or deposited.~~ 12258  
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~~(B) The public depository may, at any time, provide for the exchange or substitution of securities for other eligible securities or the release of securities when the amount of public moneys on deposit does not require that they be pledged or deposited, by notifying the investing authority of its intent to take such action.~~

~~Upon proper notification of the public depository's desire for release of securities, the investing authority may sign a release of such securities provided that the aggregate amount of collateral remaining pledged or deposited meets the requirements of divisions (A) to (E) of this section.~~

~~When a public depository desires to exchange or substitute securities for other eligible securities, the investing authority may release the securities pledged or deposited after the deposit of other securities having a current market value equal to or greater than the current market value of securities then on deposit or after a safekeeping receipt has been received evidencing the deposit and pledge of such securities.~~

~~(C) Upon request from the investing authority, the trustee or the In order for a public depository shall furnish a statement of the securities pledged against the to receive public moneys deposited in under this section, the public depository and the investing authority shall first execute an agreement that sets forth the entire arrangement among the parties and that meets the requirements described in 12 U.S.C. 1823(e). In addition, the agreement shall authorize the investing authority to obtain control of the collateral pursuant to division (D) of section 1308.24 of the Revised Code.~~

~~(D) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities with the trustee for safekeeping. The trustee shall hold the eligible securities in an account indicating the investing~~

authority's security interest in the securities. The trustee shall 12293  
report to the investing authority information relating to the 12294  
securities pledged to secure the public deposits in the manner and 12295  
frequency requested by the investing authority. 12296

(E) The qualified trustee shall enter into a custodial 12297  
agreement with the investing authority and public depository in 12298  
which the trustee agrees to comply with entitlement orders 12299  
originated by the investing authority without further consent by 12300  
the public depository or, in the case of collateral held by the 12301  
public depository in an account at a federal reserve bank, the 12302  
investing authority shall have the investing authority's security 12303  
interest marked on the books of the federal reserve bank where the 12304  
account for the collateral is maintained. If a the public 12305  
depository fails to pay over any part of any the public deposit 12306  
deposits made as provided by law, the investing authority shall 12307  
sell any pledged or deposited securities, as prescribed in 12308  
division (C) of section 135.18 of the Revised Code. 12309

~~(E) A public depository may designate, in accordance with the~~ 12310  
~~provisions of division (D) of section 135.18 of the Revised Code,~~ 12311  
~~a trustee for the safekeeping of any pledged securities. Such~~ 12312  
~~trustee shall be any bank or other institution eligible as a~~ 12313  
~~trustee under division (I) of section 135.18 of the Revised Code,~~ 12314  
~~except that, for the purposes of this section, a bank to which a~~ 12315  
~~certificate of qualification is issued shall be an institution~~ 12316  
~~mentioned in division (A) of section 135.32 of the Revised Code~~ 12317  
therein as provided by law, the investing authority shall give 12318  
written notice of this failure to the qualified trustee holding 12319  
the securities pledged against its public deposits, and at the 12320  
same time shall send a copy of this notice to the public 12321  
depository. Upon receipt of this notice, the trustee shall 12322  
transfer to the investing authority for sale, the securities that 12323  
are necessary to produce an amount equal to the public deposits 12324

made by the investing authority and not paid over, less the 12325  
portion of the deposits covered by any federal deposit insurance, 12326  
plus any accrued interest due on the deposits. The investing 12327  
authority shall sell any of the bonds or other securities so 12328  
transferred. When a sale of bonds or other securities has been so 12329  
made and upon payment to the investing authority of the purchase 12330  
money, the investing authority shall transfer such bonds or 12331  
securities whereupon the absolute ownership of such bonds or 12332  
securities shall pass to the purchasers. Any surplus after 12333  
deducting the amount due the investing authority and expenses of 12334  
sale shall be paid to the public depository. 12335

~~(F) In lieu of the pledging requirements prescribed in~~ 12336  
~~divisions (A) to (E) of this section, an institution designated as~~ 12337  
~~a public depository may pledge securities pursuant to section~~ 12338  
~~135.181 of the Revised Code~~ When the public depository has placed 12339  
eligible securities described in division (D)(1) of section 135.18 12340  
of the Revised Code with a trustee for safekeeping, the public 12341  
depository may at any time substitute or exchange eligible 12342  
securities described in division (D)(1) of section 135.18 of the 12343  
Revised Code having a current market value equal to or greater 12344  
than the current market value of the securities then on deposit 12345  
and for which they are to be substituted or exchanged, without 12346  
specific authorization from the investing authority of any such 12347  
substitution or exchange. 12348

(G) When the public depository has placed eligible securities 12349  
described in divisions (D)(2) to (9) of section 135.18 of the 12350  
Revised Code with a trustee for safekeeping, the public depository 12351  
may at any time substitute or exchange eligible securities having 12352  
a current market value equal to or greater than the current market 12353  
value of the securities then on deposit and for which they are to 12354  
be substituted or exchanged without specific authorization from 12355  
the investing authority of any such substitution or exchange only 12356



if one of the following applies: 12357

(1) The investing authority has authorized the public 12358  
depository to make such substitution or exchange on a continuing 12359  
basis during a specified period without prior approval of each 12360  
substitution or exchange. The authorization may be effected by the 12361  
investing authority sending to the trustee a written notice 12362  
stating that substitution may be effected on a continuing basis 12363  
during a specified period which shall not extend beyond the end of 12364  
the period of designation during which the notice is given. The 12365  
trustee may rely upon this notice and upon the period of 12366  
authorization stated therein and upon the period of designation 12367  
stated therein. 12368

(2) The public depository notifies the investing authority 12369  
and the trustee of an intended substitution or exchange, and the 12370  
investing authority does not object to the trustee as to the 12371  
eligibility or market value of the securities being substituted 12372  
within three business days after the date appearing on the notice 12373  
of proposed substitution. The notice to the investing authority 12374  
and to the trustee shall be given in writing and delivered 12375  
electronically. The trustee may assume in any case that the notice 12376  
has been delivered to the investing authority. In order for 12377  
objections of the investing authority to be effective, receipt of 12378  
the objections must be acknowledged in writing by the trustee. 12379

(3) The investing authority gives written authorization for a 12380  
substitution or exchange of specific securities. 12381

(H) The public depository shall notify any investing 12382  
authority of any substitution or exchange under division (G)(1) or 12383  
(2) of this section. 12384

(I) Any federal reserve bank or branch thereof located in 12385  
this state or federal home loan bank, without compliance with 12386  
Chapter 1111. of the Revised Code and without becoming subject to 12387

any other law of this state relative to the exercise by 12388  
corporations of trust powers generally, is qualified to act as 12389  
trustee for the safekeeping of securities, under this section. Any 12390  
institution mentioned in section 135.03 or 135.32 of the Revised 12391  
Code that holds a certificate of qualification issued by the 12392  
superintendent of financial institutions or any institution 12393  
complying with sections 1111.04, 1111.05, and 1111.06 of the 12394  
Revised Code is qualified to act as trustee for the safekeeping of 12395  
securities under this section, other than those belonging to 12396  
itself or to an affiliate as defined in section 1101.01 of the 12397  
Revised Code. 12398

Notwithstanding the fact that a public depository is required 12399  
to pledge eligible securities in certain amounts to secure 12400  
deposits of public moneys, a trustee has no duty or obligation to 12401  
determine the eligibility, market value, or face value of any 12402  
securities deposited with the trustee by a public depository. This 12403  
applies in all situations including, without limitation, a 12404  
substitution or exchange of securities. 12405

Any charges or compensation of a designated trustee for 12406  
acting as such under this section shall be paid by the public 12407  
depository and in no event shall be chargeable to the investing 12408  
authority or to any officer of the investing authority. The 12409  
charges or compensation shall not be a lien or charge upon the 12410  
securities deposited for safekeeping prior or superior to the 12411  
rights to and interests in the securities of the investing 12412  
authority. The treasurer and the treasurer's bonders or surety 12413  
shall be relieved from any liability to the investing authority or 12414  
to the public depository for the loss or destruction of any 12415  
securities deposited with a qualified trustee pursuant to this 12416  
section. 12417

**Sec. 135.731.** (A) For purposes of this section, "western" 12418

basin" has the same meaning as in section 905.326 of the Revised Code. 12419  
12420

(B) Notwithstanding any provision in sections 135.71 to 135.76 of the Revised Code to the contrary, before July 1, 2020, all of the following apply to eligible agricultural businesses that maintain land or facilities for agricultural purposes in the western basin: 12421  
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(1) Such a business shall certify on its loan application that the reduced rate loan will be used exclusively for agricultural purposes on land or in facilities owned or operated by the business in this state in the western basin and that the loan will materially contribute to the business's compliance with division (A) of section 1511.10 of the Revised Code. Whoever knowingly makes a false statement concerning the application is guilty of the offense of falsification under section 2921.13 of the Revised Code. 12426  
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(2) In evaluating such businesses, the treasurer of state shall give priority to a business's financial need for the loan to comply with division (A) of section 1511.10 of the Revised Code as well as the overall financial need of the business and the economic needs of the area where the business is located. 12435  
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(3) No loan for such a business shall exceed five hundred thousand dollars. 12440  
12441

**Sec. 135.74.** (A) The treasurer of state may accept or reject an agricultural linked deposit loan package or any portion thereof, based on the treasurer's evaluation of the eligible agricultural businesses included in the package, the amount of individual loans in the package, and the amount of the package. In evaluating the eligible agricultural businesses, the treasurer of state shall give priority to a business's financial need for the 12442  
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loan to meet planting deadlines but shall also consider the 12449  
overall financial need of the business and the economic needs of 12450  
the area where the business is located. 12451

(B) Upon acceptance of the agricultural linked deposit loan 12452  
package or any portion thereof, the treasurer of state may place 12453  
certificates of deposit with the eligible lending institution at a 12454  
rate below current market rates, as determined and calculated by 12455  
the treasurer of state, or may invest in bonds, notes, debentures, 12456  
or other obligations or securities issued by the federal farm 12457  
credit bank with respect to the eligible lending institution at a 12458  
rate below current market rates, as determined and calculated by 12459  
the treasurer of state. When necessary, the treasurer may place 12460  
certificates of deposit or may invest in such obligations or 12461  
securities prior to acceptance of an agricultural linked deposit 12462  
loan package. 12463

(C) The eligible lending institution shall enter into an 12464  
agricultural linked deposit agreement with the treasurer of state, 12465  
which shall include requirements necessary to carry out the 12466  
purposes of sections 135.71 to 135.76 of the Revised Code. The 12467  
requirements shall at least do the following: 12468

(1) Include an agreement by the eligible lending institution 12469  
to lend ~~the value of the agricultural linked deposit~~ to eligible 12470  
agricultural businesses at a rate equal to ~~the~~ either of the 12471  
following: 12472

(a) A rate not more than three hundred basis points below the 12473  
present borrowing rate applicable to each specific agricultural 12474  
business in the accepted loan package; 12475

(b) The present borrowing rate applicable to each specific 12476  
agricultural business in the accepted loan package minus the 12477  
difference between one of the following, as applicable: 12478

~~(a)~~(i) The market rate and the actual rate at which the 12479

certificates of deposit that constitute the agricultural linked 12480  
deposit were placed; 12481

~~(b)(ii)~~ The market rate and the actual rate at which the 12482  
investments in bonds, notes, debentures, or other obligations or 12483  
securities that constitute the agricultural linked deposit were 12484  
made. 12485

(2) Reflect the market conditions prevailing in the eligible 12486  
lending institution's lending area. 12487

The agricultural linked deposit agreement may include a 12488  
specification of the period of time in which the lending 12489  
institution is to lend funds upon the placement of a linked 12490  
deposit, and shall include provisions for the certificates of 12491  
deposit to be placed or the investment in bonds, notes, 12492  
debentures, obligations, or securities to be made for any maturity 12493  
considered appropriate by the treasurer of state not to exceed ~~two~~ 12494  
~~five~~ years and may be renewed for up to an additional two years at 12495  
~~the option of the treasurer~~. Interest shall be paid at the times 12496  
determined by the treasurer of state. 12497

(D) Eligible lending institutions shall comply fully with 12498  
Chapter 135. of the Revised Code. 12499

**Sec. 140.01.** As used in this chapter: 12500

(A) "Hospital agency" means any public hospital agency or any 12501  
nonprofit hospital agency. 12502

(B) "Public hospital agency" means any county, board of 12503  
county hospital trustees established pursuant to section 339.02 of 12504  
the Revised Code, county hospital commission established pursuant 12505  
to section 339.14 of the Revised Code, municipal corporation, new 12506  
community authority organized under Chapter 349. of the Revised 12507  
Code, joint township hospital district, state or municipal 12508  
university or college operating or authorized to operate a 12509

hospital facility, or the state. 12510

(C) "Nonprofit hospital agency" means a corporation or 12511  
association not for profit, no part of the net earnings of which 12512  
inures or may lawfully inure to the benefit of any private 12513  
shareholder or individual, that has authority to own or operate a 12514  
hospital facility or provides or is to provide services to one or 12515  
more other hospital agencies. 12516

(D) "Governing body" means, in the case of a county, the 12517  
board of county commissioners or other legislative body; in the 12518  
case of a board of county hospital trustees, the board; in the 12519  
case of a county hospital commission, the commission; in the case 12520  
of a municipal corporation, the council or other legislative 12521  
authority; in the case of a new community authority, its board of 12522  
trustees; in the case of a joint township hospital district, the 12523  
joint township district hospital board; in the case of a state or 12524  
municipal university or college, its board of trustees or board of 12525  
directors; in the case of a nonprofit hospital agency, the board 12526  
of trustees or other body having general management of the agency; 12527  
and, in the case of the state, the director of development 12528  
services or the Ohio higher educational facility commission. 12529

(E) "Hospital facilities" means buildings, structures and 12530  
other improvements, additions thereto and extensions thereof, 12531  
furnishings, equipment, and real estate and interests in real 12532  
estate, used or to be used for or in connection with one or more 12533  
hospitals, emergency, intensive, intermediate, extended, 12534  
long-term, or self-care facilities, diagnostic and treatment and 12535  
out-patient facilities, facilities related to programs for home 12536  
health services, clinics, laboratories, public health centers, 12537  
research facilities, and rehabilitation facilities, for or 12538  
pertaining to diagnosis, treatment, care, or rehabilitation of 12539  
sick, ill, injured, infirm, impaired, disabled, or handicapped 12540  
persons, or the prevention, detection, and control of disease, and 12541

also includes education, training, and food service facilities for 12542  
health professions personnel, housing facilities for such 12543  
personnel and their families, and parking and service facilities 12544  
in connection with any of the foregoing; and includes any one, 12545  
part of, or any combination of the foregoing; and further includes 12546  
site improvements, utilities, machinery, facilities, furnishings, 12547  
and any separate or connected buildings, structures, improvements, 12548  
sites, utilities, facilities, or equipment to be used in, or in 12549  
connection with the operation or maintenance of, or supplementing 12550  
or otherwise related to the services or facilities to be provided 12551  
by, any one or more of such hospital facilities. 12552

(F) "Costs of hospital facilities" means the costs of 12553  
acquiring hospital facilities or interests in hospital facilities, 12554  
including membership interests in nonprofit hospital agencies, 12555  
costs of constructing hospital facilities, costs of improving one 12556  
or more hospital facilities, including reconstructing, 12557  
rehabilitating, remodeling, renovating, and enlarging, costs of 12558  
equipping and furnishing such facilities, and all financing costs 12559  
pertaining thereto, including, without limitation thereto, costs 12560  
of engineering, architectural, and other professional services, 12561  
designs, plans, specifications and surveys, and estimates of cost, 12562  
costs of tests and inspections, the costs of any indemnity or 12563  
surety bonds and premiums on insurance, all related direct or 12564  
allocable administrative expenses pertaining thereto, fees and 12565  
expenses of trustees, depositories, and paying agents for the 12566  
obligations, cost of issuance of the obligations and financing 12567  
charges and fees and expenses of financial advisors, attorneys, 12568  
accountants, consultants and rating services in connection 12569  
therewith, capitalized interest on the obligations, amounts 12570  
necessary to establish reserves as required by the bond 12571  
proceedings, the reimbursement of all moneys advanced or applied 12572  
by the hospital agency or others or borrowed from others for the 12573  
payment of any item or items of costs of such facilities, and all 12574

other expenses necessary or incident to planning or determining 12575  
feasibility or practicability with respect to such facilities, and 12576  
such other expenses as may be necessary or incident to the 12577  
acquisition, construction, reconstruction, rehabilitation, 12578  
remodeling, renovation, enlargement, improvement, equipment, and 12579  
furnishing of such facilities, the financing thereof, and the 12580  
placing of the same in use and operation, including any one, part 12581  
of, or combination of such classes of costs and expenses, and 12582  
means the costs of refinancing obligations issued by, or 12583  
reimbursement of money advanced by, nonprofit hospital agencies or 12584  
others the proceeds of which were used for the payment of costs of 12585  
hospital facilities, if the governing body of the public hospital 12586  
agency determines that the refinancing or reimbursement advances 12587  
the purposes of this chapter, whether or not the refinancing or 12588  
reimbursement is in conjunction with the acquisition or 12589  
construction of additional hospital facilities. 12590

(G) "Hospital receipts" means all moneys received by or on 12591  
behalf of a hospital agency from or in connection with the 12592  
ownership, operation, acquisition, construction, improvement, 12593  
equipping, or financing of any hospital facilities, including, 12594  
without limitation thereto, any rentals and other moneys received 12595  
from the lease, sale, or other disposition of hospital facilities, 12596  
and any gifts, grants, interest subsidies, or other moneys 12597  
received under any federal program for assistance in financing the 12598  
costs of hospital facilities, and any other gifts, grants, and 12599  
donations, and receipts therefrom, available for financing the 12600  
costs of hospital facilities. 12601

(H) "Obligations" means bonds, notes, or other evidences of 12602  
indebtedness or obligation, including interest coupons pertaining 12603  
thereto, issued or issuable by a public hospital agency to pay 12604  
costs of hospital facilities. 12605

(I) "Bond service charges" means principal, interest, and 12606



call premium, if any, required to be paid on obligations. 12607

(J) "Bond proceedings" means one or more ordinances, 12608  
resolutions, trust agreements, indentures, and other agreements or 12609  
documents, and amendments and supplements to the foregoing, or any 12610  
combination thereof, authorizing or providing for the terms, 12611  
including any variable interest rates, and conditions applicable 12612  
to, or providing for the security of, obligations and the 12613  
provisions contained in such obligations. 12614

(K) "Nursing home" has the same meaning as in division (A)(1) 12615  
of section 5701.13 of the Revised Code. 12616

(L) "Residential care facility" has the same meaning as in 12617  
division (A)(2) of section 5701.13 of the Revised Code. 12618

(M) "Independent living facility" means any self-care 12619  
facility or other housing facility designed or used as a residence 12620  
for elderly persons. An "independent living facility" does not 12621  
include a residential facility, or that part of a residential 12622  
facility, that is any of the following: 12623

(1) A hospital required to be certified by section 3727.02 of 12624  
the Revised Code; 12625

(2) A nursing home or residential care facility; 12626

(3) A facility operated by a hospice care program licensed 12627  
under section 3712.04 of the Revised Code and used for the 12628  
program's hospice patients; 12629

(4) A residential facility licensed by the department of 12630  
mental health and addiction services under section 5119.34 of the 12631  
Revised Code that provides accommodations, supervision, and 12632  
personal care services for three to sixteen unrelated adults; 12633

(5) A residential facility licensed by the department of 12634  
mental health and addiction services under section 5119.34 of the 12635  
Revised Code that is not a residential facility described in 12636

division (M)(4) of this section;	12637
(6) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;	12638 12639
(7) A <del>facility certified as a</del> community addiction services provider <del>under section 5119.36,</del> <u>as defined in section 5119.01</u> of the Revised Code;	12640 12641 12642
(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	12643 12644 12645 12646
(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.	12647 12648 12649
<b>Sec. 141.04.</b> (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows, <del>rounded to the nearest fifty dollars:</del>	12650 12651 12652 12653
(1) For the chief justice of the supreme court, the following amounts effective in the following years:	12654 12655
(a) Beginning January 1, <del>2000</del> <u>2014</u> , one hundred <del>twenty-four</del> <u>fifty</u> thousand <del>nine</del> <u>eight</u> hundred <u>fifty</u> dollars;	12656 12657
(b) Beginning <del>January 1, 2001</del> <u>on the effective date of this amendment</u> , one hundred <del>twenty-eight</del> <u>fifty-eight</u> thousand <del>six</del> <u>four</u> hundred <del>fifty</del> dollars;	12658 12659 12660
(c) <del>After 2001, the amount determined under division (E)(1) of this section</del> <u>Beginning January 1, 2017, one hundred sixty-six thousand three hundred fifty dollars;</u>	12661 12662 12663
(d) <u>Beginning January 1, 2018, one hundred seventy-four thousand seven hundred dollars;</u>	12664 12665

<u>(e) Beginning January 1, 2019, and each calendar year</u>	12666
<u>thereafter, one hundred eighty-three thousand four hundred fifty</u>	12667
<u>dollars.</u>	12668
(2) For the justices of the supreme court, the following	12669
amounts effective in the following years:	12670
(a) Beginning January 1, <del>2000</del> <u>2014</u> , one hundred <del>seventeen</del>	12671
<u>forty-one</u> thousand <del>two</del> <u>six</u> hundred <del>fifty</del> dollars;	12672
(b) Beginning <del>January 1, 2001</del> <u>on the effective date of this</u>	12673
<u>amendment</u> , one hundred <del>twenty</del> <u>forty-eight</u> thousand seven hundred	12674
<del>fifty</del> dollars;	12675
(c) <del>After 2001, the amount determined under division (E)(1)</del>	12676
<del>of this section</del> <u>Beginning January 1, 2017, one hundred fifty-six</u>	12677
<u>thousand one hundred fifty dollars;</u>	12678
<u>(d) Beginning January 1, 2018, one hundred sixty-four</u>	12679
<u>thousand dollars;</u>	12680
<u>(e) Beginning January 1, 2019, and each calendar year</u>	12681
<u>thereafter, one hundred seventy-two thousand two hundred dollars.</u>	12682
(3) For the judges of the courts of appeals, the following	12683
amounts effective in the following years:	12684
(a) Beginning January 1, <del>2000</del> <u>2014</u> , one hundred <del>nine</del>	12685
<u>thirty-two</u> thousand <del>two hundred</del> <del>fifty</del> dollars;	12686
(b) Beginning <del>January 1, 2001</del> <u>on the effective date of this</u>	12687
<u>amendment</u> , one hundred <del>twelve</del> <u>thirty-eight</u> thousand <del>five</del> <u>six</u>	12688
hundred <del>fifty</del> dollars;	12689
(c) <del>After 2001, the amount determined under division (E)(1)</del>	12690
<del>of this section</del> <u>Beginning January 1, 2017, one hundred forty-five</u>	12691
<u>thousand five hundred fifty dollars;</u>	12692
<u>(d) Beginning January 1, 2018, one hundred fifty-two thousand</u>	12693
<u>eight hundred fifty dollars;</u>	12694

(e) Beginning January 1, 2019, and each calendar year 12695  
thereafter, one hundred sixty thousand five hundred dollars. 12696

(4) For the judges of the courts of common pleas, the 12697  
following amounts effective in the following years, reduced by an 12698  
amount equal to the annual compensation paid to that judge from 12699  
the county treasury pursuant to section 141.05 of the Revised 12700  
Code: 12701

(a) Beginning January 1, ~~2000~~ 2014, one hundred ~~twenty-one~~ 12702  
~~thousand five~~ three hundred ~~fifty~~ dollars, ~~reduced by an amount~~ 12703  
~~equal to the annual compensation paid to that judge from the~~ 12704  
~~county treasury pursuant to section 141.05 of the Revised Code;~~ 12705

(b) Beginning ~~January 1, 2001~~ on the effective date of this 12706  
amendment, one hundred ~~three~~ twenty-seven thousand ~~five~~ four 12707  
~~hundred~~ fifty dollars, ~~reduced by an amount equal to the annual~~ 12708  
~~compensation paid to that judge from the county treasury pursuant~~ 12709  
~~to section 141.05 of the Revised Code;~~ 12710

(c) ~~After 2001, the aggregate annual salary amount determined~~ 12711  
~~under division (E)(2) of this section reduced by an amount equal~~ 12712  
~~to the annual compensation paid to that judge from the county~~ 12713  
~~treasury pursuant to section 141.05 of the Revised Code~~ Beginning 12714  
January 1, 2017, one hundred thirty-three thousand eight hundred 12715  
fifty dollars; 12716

(d) Beginning January 1, 2018, one hundred forty thousand 12717  
five hundred fifty dollars; 12718

(e) Beginning January 1, 2019, and each calendar year 12719  
thereafter, one hundred forty-seven thousand six hundred dollars. 12720

(5) For the full-time judges of a municipal court or the 12721  
part-time judges of a municipal court of a territory having a 12722  
population of more than fifty thousand, the following amounts 12723  
effective in the following years, ~~which amounts shall be in~~ 12724  
~~addition to all amounts received~~ reduced by an amount equal to the 12725

annual compensation paid to that judge pursuant to divisions 12726  
division (B)(1)(a) and (2) of section 1901.11 of the Revised Code 12727  
from municipal corporations and counties: 12728

(a) Beginning January 1, ~~2000~~ 2014, ~~thirty-two~~ one hundred 12729  
~~fourteen~~ thousand ~~six~~ one hundred ~~fifty~~ dollars; 12730

(b) Beginning ~~January 1, 2001~~ on the effective date of this 12731  
amendment, thirty-five one hundred nineteen thousand ~~five~~ eight 12732  
hundred ~~fifty~~ dollars; 12733

(c) ~~After 2001, the amount determined under division (E)(3)~~ 12734  
~~of this section~~ Beginning January 1, 2017, one hundred twenty-five 12735  
thousand eight hundred fifty dollars; 12736

(d) Beginning January 1, 2018, one hundred thirty-two 12737  
thousand one hundred fifty dollars; 12738

(e) Beginning January 1, 2019, and each calendar year 12739  
thereafter, one hundred thirty-eight thousand eight hundred 12740  
dollars. 12741

(6) For judges of a municipal court designated as part-time 12742  
judges by section 1901.08 of the Revised Code, other than 12743  
part-time judges to whom division (A)(5) of this section applies, 12744  
and for judges of a county court, the following amounts effective 12745  
in the following years, ~~which amounts shall be in addition to any~~ 12746  
~~amounts received~~ reduced by an amount equal to the annual 12747  
compensation paid to that judge pursuant to division (A) of 12748  
section 1901.11 of the Revised Code from municipal corporations 12749  
and counties or pursuant to division (A) of section 1907.16 of the 12750  
Revised Code from counties: 12751

(a) Beginning January 1, ~~2000~~ 2014, ~~eighteen~~ sixty-five 12752  
thousand ~~eight~~ six hundred ~~fifty~~ dollars; 12753

(b) Beginning ~~January 1, 2001~~ on the effective date of this 12754  
amendment, twenty-sixty-eight thousand ~~four~~ nine hundred fifty 12755

dollars; 12756

~~(c) After 2001, the amount determined under division (E)(4)~~ 12757  
~~of this section~~ Beginning January 1, 2017, seventy-two thousand 12758  
four hundred dollars; 12759

(d) Beginning January 1, 2018, seventy-six thousand fifty 12760  
dollars; 12761

(e) Beginning January 1, 2019, and each calendar year 12762  
thereafter, seventy-nine thousand nine hundred dollars. 12763

(B) Except as provided in sections 1901.122 and 1901.123 of 12764  
the Revised Code, except as otherwise provided in this division, 12765  
and except for the compensation to which the judges described in 12766  
division (A)(5) of this section are entitled pursuant to divisions 12767  
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 12768  
annual salary of the chief justice of the supreme court and of 12769  
each justice or judge listed in division (A) of this section shall 12770  
be paid in equal monthly installments from the state treasury. If 12771  
the chief justice of the supreme court or any justice or judge 12772  
listed in division (A)(2), (3), or (4) of this section delivers a 12773  
written request to be paid biweekly to the administrative director 12774  
of the supreme court prior to the first day of January of any 12775  
year, the annual salary of the chief justice or the justice or 12776  
judge that is listed in division (A)(2), (3), or (4) of this 12777  
section shall be paid, during the year immediately following the 12778  
year in which the request is delivered to the administrative 12779  
director of the supreme court, biweekly from the state treasury. 12780

(C) Upon the death of the chief justice or a justice of the 12781  
supreme court during that person's term of office, an amount shall 12782  
be paid in accordance with section 2113.04 of the Revised Code, or 12783  
to that person's estate. The amount shall equal the amount of the 12784  
salary that the chief justice or justice would have received 12785  
during the remainder of the unexpired term or an amount equal to 12786

the salary of office for two years, whichever is less. 12787

(D) Neither the chief justice of the supreme court nor any 12788  
justice or judge of the supreme court, the court of appeals, the 12789  
court of common pleas, or the probate court shall hold any other 12790  
office of trust or profit under the authority of this state or the 12791  
United States. 12792

~~(E)(1) Each year from 2002 through 2008, the annual salaries 12793  
of the chief justice of the supreme court and of the justices and 12794  
judges named in divisions (A)(2) and (3) of this section shall be 12795  
increased by an amount equal to the adjustment percentage for that 12796  
year multiplied by the compensation paid the preceding year 12797  
pursuant to division (A)(1), (2), or (3) of this section. 12798~~

~~(2) Each year from 2002 through 2008, the aggregate annual 12799  
salary payable under division (A)(4) of this section to the judges 12800  
named in that division shall be increased by an amount equal to 12801  
the adjustment percentage for that year multiplied by the 12802  
aggregate compensation paid the preceding year pursuant to 12803  
division (A)(4) of this section and section 141.05 of the Revised 12804  
Code. 12805~~

~~(3) Each year from 2002 through 2008, the salary payable from 12806  
the state treasury under division (A)(5) of this section to the 12807  
judges named in that division shall be increased by an amount 12808  
equal to the adjustment percentage for that year multiplied by the 12809  
aggregate compensation paid the preceding year pursuant to 12810  
division (A)(5) of this section and division (B)(1)(a) of section 12811  
1901.11 of the Revised Code. 12812~~

~~(4) Each year from 2002 through 2008, the salary payable from 12813  
the state treasury under division (A)(6) of this section to the 12814  
judges named in that division shall be increased by an amount 12815  
equal to the adjustment percentage for that year multiplied by the 12816  
aggregate compensation paid the preceding year pursuant to 12817~~

~~division (A)(6) of this section and division (A) of section 12818  
1901.11 of the Revised Code from municipal corporations and 12819  
counties or division (A) of section 1907.16 of the Revised Code 12820  
from counties. 12821~~

~~(F)~~ In addition to the salaries payable pursuant to this 12822  
section, the chief justice of the supreme court and the justices 12823  
of the supreme court shall be entitled to a vehicle allowance of 12824  
five hundred dollars per month, payable from the state treasury. 12825  
The allowance shall be increased on the first day of January of 12826  
each odd-numbered year by an amount equal to the percentage 12827  
increase, if any, in the consumer price index for the immediately 12828  
preceding twenty-four month period for which information is 12829  
available. 12830

~~(G)~~(F) On or before the first day of December of each year, 12831  
the Ohio supreme court, through its chief administrator, shall 12832  
notify the administrative judge of the Montgomery county municipal 12833  
court, the board of county commissioners of Montgomery county, and 12834  
the treasurer of the state of the yearly salary cost of five 12835  
part-time county court judges as of that date. If the total yearly 12836  
salary costs of all of the judges of the Montgomery county 12837  
municipal court as of the first day of December of that same year 12838  
exceeds that amount, the administrative judge of the Montgomery 12839  
county municipal court shall cause payment of the excess between 12840  
those two amounts less any reduced amount paid for the health care 12841  
costs of the Montgomery county municipal court judges in 12842  
comparison to the health care costs of five part-time county court 12843  
judges from the general special projects fund or the fund for a 12844  
specific special project created pursuant to section 1901.26 of 12845  
the Revised Code to the treasurer of Montgomery county and to the 12846  
treasurer of the state in amounts proportional to the percentage 12847  
of the salaries of the municipal court judges paid by the county 12848  
and by the state. 12849



<del>(H)</del> (G) As used in this section:	12850
(1) The <del>"adjustment percentage" for a year is the lesser of</del>	12851
<del>the following:</del>	12852
<del>(a) Three per cent;</del>	12853
<del>(b) The percentage increase, if any, in the consumer price</del>	12854
<del>index over the twelve month period that ends on the thirtieth day</del>	12855
<del>of September of the immediately preceding year, rounded to the</del>	12856
<del>nearest one tenth of one per cent.</del>	12857
<del>(2)</del> "Consumer price index" has the same meaning as in section	12858
101.27 of the Revised Code.	12859
<del>(3)</del> (2) "Salary" does not include any portion of the cost,	12860
premium, or charge for health, medical, hospital, dental, or	12861
surgical benefits, or any combination of those benefits, covering	12862
the chief justice of the supreme court or a justice or judge named	12863
in this section and paid on the chief justice's or the justice's	12864
or judge's behalf by a governmental entity.	12865
<b>Sec. 145.012.</b> (A) "Public employee," as defined in division	12866
(A) of section 145.01 of the Revised Code, does not include any	12867
person:	12868
(1) Who is employed by a private, temporary-help service and	12869
performs services under the direction of a public employer or is	12870
employed on a contractual basis as an independent contractor under	12871
a personal service contract with a public employer;	12872
(2) Who is an emergency employee serving on a temporary basis	12873
in case of fire, snow, earthquake, flood, or other similar	12874
emergency;	12875
(3) Who is employed in a program established pursuant to the	12876
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	12877
1501;	12878

(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	12879 12880 12881 12882
(5) Who is employed as an election worker and paid less than six hundred dollars per calendar year for that service;	12883 12884
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	12885 12886 12887 12888 12889
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	12890 12891 12892
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	12893 12894 12895 12896
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.	12897 12898 12899
(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;	12900 12901 12902 12903 12904 12905
(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	12906 12907
(9) Who is a member of the board of directors of a sanitary	12908

district established under Chapter 6115. of the Revised Code;	12909
(10) Who is a member of the unemployment compensation advisory council;	12910 12911
(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code;	12912 12913 12914
(12) Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012;	12915 12916 12917 12918 12919
<u>(13) Who is excluded from membership in the state teachers retirement system pursuant to section 3307.011 of the Revised Code;</u>	12920 12921 12922
<u>(14) Who is excluded from membership in the school employees retirement system pursuant to section 3309.013 of the Revised Code.</u>	12923 12924 12925
(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for the mentally ill or criminally insane operated by the department of mental health and addiction services, no resident in an institution for the mentally retarded operated by the department of developmental disabilities, no resident admitted as a patient of a veterans' home operated under Chapter 5907. of the Revised Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or calculating service credit or benefits under this chapter. Nothing in this division shall be construed to affect any service credit attained by any person who was a public employee before becoming an inmate, patient, or resident at any institution listed in this division, or the payment of any benefit for which such a person or	12926 12927 12928 12929 12930 12931 12932 12933 12934 12935 12936 12937 12938 12939

such a person's beneficiaries otherwise would be eligible. 12940

**Sec. 145.114.** (A) As used in this section and in section 12941  
145.116 of the Revised Code: 12942

(1) "Agent" means a dealer, as defined in section 1707.01 of 12943  
the Revised Code, who is licensed under sections 1707.01 to 12944  
1707.45 of the Revised Code or under comparable laws of another 12945  
state or of the United States. 12946

(2) "Minority business enterprise" has the same meaning as in 12947  
section 122.71 of the Revised Code. 12948

(3) "Ohio-qualified agent" means an agent designated as such 12949  
by the public employees retirement board. 12950

(4) "Ohio-qualified investment manager" means an investment 12951  
manager designated as such by the public employees retirement 12952  
board. 12953

(5) "Principal place of business" means an office in which 12954  
the agent regularly provides securities or investment advisory 12955  
services and solicits, meets with, or otherwise communicates with 12956  
clients. 12957

(B) The public employees retirement board shall, for the 12958  
purposes of this section, designate an agent as an Ohio-qualified 12959  
agent if the agent meets all of the following requirements: 12960

(1) The agent is subject to taxation under Chapter 5725., 12961  
5726., 5733., 5747., or 5751. of the Revised Code; 12962

(2) The agent is authorized to conduct business in this 12963  
state; 12964

(3) The agent maintains a principal place of business in this 12965  
state and employs at least five residents of this state. 12966

(C) The public employees retirement board shall adopt and 12967  
implement a written policy to establish criteria and procedures 12968

used to select agents to execute securities transactions on behalf	12969
of the retirement system. The policy shall address each of the	12970
following:	12971
(1) Commissions charged by the agent, both in the aggregate	12972
and on a per share basis;	12973
(2) The execution speed and trade settlement capabilities of	12974
the agent;	12975
(3) The responsiveness, reliability, and integrity of the	12976
agent;	12977
(4) The nature and value of research provided by the agent;	12978
(5) Any special capabilities of the agent.	12979
(D)(1) The board shall, at least annually, establish a policy	12980
with the goal to increase utilization by the board of	12981
Ohio-qualified agents for the execution of domestic equity and	12982
fixed income trades on behalf of the retirement system, when an	12983
Ohio-qualified agent offers quality, services, and safety	12984
comparable to other agents otherwise available to the board and	12985
meets the criteria established under division (C) of this section.	12986
(2) The board shall review, at least annually, the	12987
performance of the agents that execute securities transactions on	12988
behalf of the board.	12989
(3) The board shall determine whether an agent is an	12990
Ohio-qualified agent, meets the criteria established by the board	12991
pursuant to division (C) of this section, and offers quality,	12992
services, and safety comparable to other agents otherwise	12993
available to the board. The board's determination shall be final.	12994
<del>(E) The board shall, at least annually, submit to the Ohio</del>	12995
<del>retirement study council a report containing the following</del>	12996
<del>information:</del>	12997
<del>(1) The name of each agent designated as an Ohio-qualified</del>	12998

<del>agent under this section;</del>	12999
<del>(2) The name of each agent that executes securities transactions on behalf of the board;</del>	13000
<del>(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;</del>	13001
<del>(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;</del>	13002
<del>(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;</del>	13003
<del>(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;</del>	13004
<del>(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;</del>	13005
<del>(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;</del>	13006
<del>(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;</del>	13007
<del>(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;</del>	13008
<del>(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;</del>	13009
<del>(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;</del>	13010
<del>(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;</del>	13011
<del>(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;</del>	13012
<del>(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.</del>	13013
<del>(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.</del>	13014
<b>Sec. 145.116.</b> (A) The public employees retirement board shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:	13015
shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:	13016
manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:	13017
manager meets all of the following requirements:	13018
(1) The investment manager is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	13019
(1) The investment manager is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	13020
(2) The investment manager meets one of the following requirements:	13021
(2) The investment manager meets one of the following requirements:	13022
(a) Has its corporate headquarters or principal place of business in this state;	13023
(a) Has its corporate headquarters or principal place of business in this state;	13024
(b) Employs at least five hundred individuals in this state;	13025
(c) Has a principal place of business in this state and employs at least <del>20</del> <u>twenty</u> residents of this state.	13026
(c) Has a principal place of business in this state and employs at least <del>20</del> <u>twenty</u> residents of this state.	13027

(B)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified investment managers, when an Ohio-qualified investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The policy shall also provide for the following:

(a) A process whereby the board can develop a list of Ohio-qualified investment managers and their investment products;

(b) A process whereby the board can give public notice to Ohio-qualified investment managers of the board's search for an investment manager that includes the board's search criteria.

(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The board's determination shall be final.

~~(C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~

~~(1) The name of each investment manager designated as an Ohio-qualified investment manager under this section;~~

~~(2) The name of each investment manager with which the board contracts;~~

~~(3) The amount of assets managed by Ohio-qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted;~~

~~(4) The compensation paid to Ohio-qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted;~~

~~(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.~~ 13058  
13059

**Sec. 145.27.** (A)(1) As used in this division, "personal history record" means information maintained by the public employees retirement board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, telephone number, social security number, record of contributions, correspondence with the public employees retirement system, or other information the board determines to be confidential. 13060  
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(2) The records of the board shall be open to public inspection and may be made available in printed or electronic format, except that the following shall be excluded, except with the written authorization of the individual concerned: 13068  
13069  
13070  
13071

(a) The individual's statement of previous service and other information as provided for in section 145.16 of the Revised Code; 13072  
13073

(b) The amount of a monthly allowance or benefit paid to the individual; 13074  
13075

(c) The individual's personal history record. 13076

(B) All medical reports and recommendations required by this chapter are privileged, except as follows: 13077  
13078

(1) Copies of medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release from the individual or the individual's agent, or when necessary for the proper administration of the fund, to the board assigned physician. 13079  
13080  
13081  
13082  
13083  
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(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section. 13085  
13086  
13087



(C) Any person who is a member or contributor of the system 13088  
shall be furnished with a statement of the amount to the credit of 13089  
the individual's account upon written request. The board is not 13090  
required to answer more than one such request of a person in any 13091  
one year. The board may issue annual statements of accounts to 13092  
members and contributors. 13093

(D) Notwithstanding the exceptions to public inspection in 13094  
division (A)(2) of this section, the board may furnish the 13095  
following information: 13096

(1) If a member, former member, contributor, former 13097  
contributor, or retirant is subject to an order issued under 13098  
section 2907.15 of the Revised Code or an order issued under 13099  
division (A) or (B) of section 2929.192 of the Revised Code or is 13100  
convicted of or pleads guilty to a violation of section 2921.41 of 13101  
the Revised Code, on written request of a prosecutor as defined in 13102  
section 2935.01 of the Revised Code, the board shall furnish to 13103  
the prosecutor the information requested from the individual's 13104  
personal history record. 13105

(2) Pursuant to a court or administrative order issued 13106  
pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised 13107  
Code, the board shall furnish to a court or child support 13108  
enforcement agency the information required under that section. 13109

(3) At the written request of any person, the board shall 13110  
provide to the person a list of the names and addresses of 13111  
members, former members, contributors, former contributors, 13112  
retirants, or beneficiaries. The costs of compiling, copying, and 13113  
mailing the list shall be paid by such person. 13114

(4) Within fourteen days after receiving from the director of 13115  
job and family services a list of the names and social security 13116  
numbers of recipients of public assistance pursuant to section 13117  
5101.181 of the Revised Code, the board shall inform the auditor 13118

of state of the name, current or most recent employer address, and 13119  
social security number of each member whose name and social 13120  
security number are the same as that of a person whose name or 13121  
social security number was submitted by the director. The board 13122  
and its employees shall, except for purposes of furnishing the 13123  
auditor of state with information required by this section, 13124  
preserve the confidentiality of recipients of public assistance in 13125  
compliance with section 5101.181 of the Revised Code. 13126

(5) The system shall comply with orders issued under section 13127  
3105.87 of the Revised Code. 13128

On the written request of an alternate payee, as defined in 13129  
section 3105.80 of the Revised Code, the system shall furnish to 13130  
the alternate payee information on the amount and status of any 13131  
amounts payable to the alternate payee under an order issued under 13132  
section 3105.171 or 3105.65 of the Revised Code. 13133

(6) At the request of any person, the board shall make 13134  
available to the person copies of all documents, including 13135  
resumes, in the board's possession regarding filling a vacancy of 13136  
an employee member or retirant member of the board. The person who 13137  
made the request shall pay the cost of compiling, copying, and 13138  
mailing the documents. The information described in division 13139  
(D)(6) of this section is a public record. 13140

(7) The system shall provide the notice required by section 13141  
145.573 of the Revised Code to the prosecutor assigned to the 13142  
case. 13143

(8) The system may provide information requested by the 13144  
United States social security administration, United States 13145  
centers for medicare and medicaid, Ohio public employees deferred 13146  
compensation program, Ohio police and fire pension fund, school 13147  
employees retirement system, state teachers retirement system, 13148  
state highway patrol retirement system, or Cincinnati retirement 13149

system. 13150

(E) A statement that contains information obtained from the 13151  
system's records that is signed by the executive director or an 13152  
officer of the system and to which the system's official seal is 13153  
affixed, or copies of the system's records to which the signature 13154  
and seal are attached, shall be received as true copies of the 13155  
system's records in any court or before any officer of this state. 13156

(F) For purposes of this section, the board may maintain 13157  
records in printed or electronic format. 13158

(G) Notwithstanding the exceptions to public inspection in 13159  
division (A)(2) of this section or the privileges contained in 13160  
division (B) of this section, the board shall furnish to the 13161  
administrator of workers' compensation the records required under 13162  
section 145.364 of the Revised Code. 13163

Sec. 145.364. Upon a member's receiving a disability benefit 13164  
under section 145.36 or 145.361 of the Revised Code for 13165  
post-traumatic stress disorder without an accompanying physical 13166  
injury, the public employees retirement board shall notify the 13167  
administrator of workers' compensation of all of the following: 13168

(A) The name of the member; 13169

(B) That the member's post-traumatic stress disorder, without 13170  
an accompanying physical injury, qualifies that member for a 13171  
disability benefit under section 145.36 or 145.361 of the Revised 13172  
Code; 13173

(C) The effective date of the member's disability benefit; 13174

(D) The date that payments for the member's disability 13175  
benefit commence. 13176

**Sec. 145.56.** The right of an individual to a pension, an 13177  
annuity, or a retirement allowance itself, the right of an 13178

individual to any optional benefit, any other right accrued or 13179  
accruing to any individual, under this chapter, or under any 13180  
municipal retirement system established subject to this chapter 13181  
under the laws of this state or any charter, the various funds 13182  
created by this chapter, or under such municipal retirement 13183  
system, and all moneys, investments, and income from moneys or 13184  
investments are exempt from any state tax, except the tax imposed 13185  
by section 5747.02 of the Revised Code, and are exempt from any 13186  
county, municipal, or other local tax, except income taxes imposed 13187  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 13188  
Code, and, except as provided in sections 145.57, 145.572, 13189  
145.573, 145.574, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and 13190  
Chapters 3119., 3121., 3123., and 3125. of the Revised Code, shall 13191  
not be subject to execution, garnishment, attachment, the 13192  
operation of bankruptcy or insolvency laws, or other process of 13193  
law whatsoever, and shall be unassignable except as specifically 13194  
provided in this chapter and sections 3105.171, 3105.65, and 13195  
~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of 13196  
the Revised Code. 13197

**Sec. 145.571.** (A) As used in this section, "alternate payee," 13198  
"benefit," "lump sum payment," "participant," and "public 13199  
retirement program" have the same meanings as in section 3105.80 13200  
of the Revised Code. 13201

(B) On receipt of an order issued under section 3105.171 or 13202  
3105.65 of the Revised Code, the public employees retirement 13203  
system shall determine whether the order meets the requirements of 13204  
sections 3105.80 to 3105.90 of the Revised Code. The system shall 13205  
retain in the participant's record an order the system determines 13206  
meets the requirements. Not later than sixty days after receipt, 13207  
the system shall return to the court that issued the order any 13208  
order the system determines does not meet the requirements. 13209

(C) The system shall comply with an order retained under 13210  
division (B) of this section at the following times as 13211  
appropriate: 13212

(1) If the participant has applied for or is receiving a 13213  
benefit or has applied for but not yet received a lump sum 13214  
payment, as soon as practicable; 13215

(2) If the participant has not applied for a benefit or lump 13216  
sum payment, on application by the participant for a benefit or 13217  
lump sum payment. 13218

(D) If the system transfers a participant's service credit or 13219  
contributions made by or on behalf of a participant to a public 13220  
retirement program that is not named in the order, the system 13221  
shall do both of the following: 13222

(1) Notify the court that issued the order by sending the 13223  
court a copy of the order and the name and address of the public 13224  
retirement program to which the transfer was made; 13225

(2) Send a copy of the order to the public retirement program 13226  
to which the transfer was made. 13227

(E) If it receives a participant's service credit or 13228  
contributions and a copy of an order as provided in division (D) 13229  
of this section, the system shall administer the order as if it 13230  
were the public retirement program named in the order. 13231

(F) If a participant's benefit or lump sum payment is or will 13232  
be subject to more than one order described in section 3105.81 of 13233  
the Revised Code or to an order described in section 3105.81 of 13234  
the Revised Code and a withholding order under section 3111.23 or 13235  
3113.21 of the Revised Code, the system shall, after determining 13236  
that the amounts that are or will be withheld will cause the 13237  
benefit or lump sum payment to fall below the limits described in 13238  
section 3105.85 of the Revised Code, do all of the following: 13239

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the system;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

**Sec. 149.04.** Messages of the governor, and the inaugural address of the governor-elect, shall be ~~printed produced and distributed~~ in pamphlet electronic form and ~~distributed as follows:~~

~~(A) To~~ to the governor ~~delivering a message or address, two hundred fifty copies;~~

~~(B) To~~ to each member of the general assembly, ~~five copies;~~

~~(C) To~~ and to the state library, ~~two copies.~~ A physical copy of the message or address shall be provided, upon request, to any recipient named in this section.

<b>Sec. 149.43.</b> (A) As used in this section:	13270
(1) "Public record" means records kept by any public office,	13271
including, but not limited to, state, county, city, village,	13272
township, and school district units, and records pertaining to the	13273
delivery of educational services by an alternative school in this	13274
state kept by the nonprofit or for-profit entity operating the	13275
alternative school pursuant to section 3313.533 of the Revised	13276
Code. "Public record" does not mean any of the following:	13277
(a) Medical records;	13278
(b) Records pertaining to probation and parole proceedings or	13279
to proceedings related to the imposition of community control	13280
sanctions and post-release control sanctions;	13281
(c) Records pertaining to actions under section 2151.85 and	13282
division (C) of section 2919.121 of the Revised Code and to	13283
appeals of actions arising under those sections;	13284
(d) Records pertaining to adoption proceedings, including the	13285
contents of an adoption file maintained by the department of	13286
health under sections 3705.12 to 3705.124 of the Revised Code;	13287
(e) Information in a record contained in the putative father	13288
registry established by section 3107.062 of the Revised Code,	13289
regardless of whether the information is held by the department of	13290
job and family services or, pursuant to section 3111.69 of the	13291
Revised Code, the office of child support in the department or a	13292
child support enforcement agency;	13293
(f) Records specified in division (A) of section 3107.52 of	13294
the Revised Code;	13295
(g) Trial preparation records;	13296
(h) Confidential law enforcement investigatory records;	13297
(i) Records containing information that is confidential under	13298

section 2710.03 or 4112.05 of the Revised Code;	13299
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	13300 13301
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	13302 13303 13304 13305
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	13306 13307 13308 13309
(m) Intellectual property records;	13310
(n) Donor profile records;	13311
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	13312 13313
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	13314 13315 13316 13317 13318 13319
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	13320 13321 13322 13323 13324
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	13325 13326
(s) <del>Records provided to, statements made by review board members during meetings of, and all work products</del> <u>In the case</u> of a	13327 13328



child fatality review board acting under sections 307.621 to 13329  
307.629 of the Revised Code or a review conducted pursuant to 13330  
guidelines established by the director of health under section 13331  
3701.70 of the Revised Code, records provided to the board or 13332  
director, statements made by board members during meetings of the 13333  
board or by persons participating in the director's review, and 13334  
all work products of the board or director, and in the case of a 13335  
child fatality review board, child fatality review data submitted 13336  
by the ~~child fatality review~~ board to the department of health or 13337  
a national child death review database, other than the report 13338  
prepared pursuant to division (A) of section 307.626 of the 13339  
Revised Code; 13340

(t) Records provided to and statements made by the executive 13341  
director of a public children services agency or a prosecuting 13342  
attorney acting pursuant to section 5153.171 of the Revised Code 13343  
other than the information released under that section; 13344

(u) Test materials, examinations, or evaluation tools used in 13345  
an examination for licensure as a nursing home administrator that 13346  
the board of executives of long-term services and supports 13347  
administers under section 4751.04 of the Revised Code or contracts 13348  
under that section with a private or government entity to 13349  
administer; 13350

(v) Records the release of which is prohibited by state or 13351  
federal law; 13352

(w) Proprietary information of or relating to any person that 13353  
is submitted to or compiled by the Ohio venture capital authority 13354  
created under section 150.01 of the Revised Code; 13355

(x) Financial statements and data any person submits for any 13356  
purpose to the Ohio housing finance agency or the controlling 13357  
board in connection with applying for, receiving, or accounting 13358  
for financial assistance from the agency, and information that 13359

identifies any individual who benefits directly or indirectly from	13360
financial assistance from the agency;	13361
(y) Records listed in section 5101.29 of the Revised Code;	13362
(z) Discharges recorded with a county recorder under section	13363
317.24 of the Revised Code, as specified in division (B)(2) of	13364
that section;	13365
(aa) Usage information including names and addresses of	13366
specific residential and commercial customers of a municipally	13367
owned or operated public utility;	13368
(bb) Records described in division (C) of section 187.04 of	13369
the Revised Code that are not designated to be made available to	13370
the public as provided in that division;	13371
(cc) Information and records that are made confidential,	13372
privileged, and not subject to disclosure under divisions (B) and	13373
(C) of section 2949.221 of the Revised Code.	13374
(2) "Confidential law enforcement investigatory record" means	13375
any record that pertains to a law enforcement matter of a	13376
criminal, quasi-criminal, civil, or administrative nature, but	13377
only to the extent that the release of the record would create a	13378
high probability of disclosure of any of the following:	13379
(a) The identity of a suspect who has not been charged with	13380
the offense to which the record pertains, or of an information	13381
source or witness to whom confidentiality has been reasonably	13382
promised;	13383
(b) Information provided by an information source or witness	13384
to whom confidentiality has been reasonably promised, which	13385
information would reasonably tend to disclose the source's or	13386
witness's identity;	13387
(c) Specific confidential investigatory techniques or	13388
procedures or specific investigatory work product;	13389

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and

investigation residential and familial information" means any 13421  
information that discloses any of the following about a peace 13422  
officer, parole officer, probation officer, bailiff, prosecuting 13423  
attorney, assistant prosecuting attorney, correctional employee, 13424  
community-based correctional facility employee, youth services 13425  
employee, firefighter, EMT, or investigator of the bureau of 13426  
criminal identification and investigation: 13427

(a) The address of the actual personal residence of a peace 13428  
officer, parole officer, probation officer, bailiff, assistant 13429  
prosecuting attorney, correctional employee, community-based 13430  
correctional facility employee, youth services employee, 13431  
firefighter, EMT, or an investigator of the bureau of criminal 13432  
identification and investigation, except for the state or 13433  
political subdivision in which the peace officer, parole officer, 13434  
probation officer, bailiff, assistant prosecuting attorney, 13435  
correctional employee, community-based correctional facility 13436  
employee, youth services employee, firefighter, EMT, or 13437  
investigator of the bureau of criminal identification and 13438  
investigation resides; 13439

(b) Information compiled from referral to or participation in 13440  
an employee assistance program; 13441

(c) The social security number, the residential telephone 13442  
number, any bank account, debit card, charge card, or credit card 13443  
number, or the emergency telephone number of, or any medical 13444  
information pertaining to, a peace officer, parole officer, 13445  
probation officer, bailiff, prosecuting attorney, assistant 13446  
prosecuting attorney, correctional employee, community-based 13447  
correctional facility employee, youth services employee, 13448  
firefighter, EMT, or investigator of the bureau of criminal 13449  
identification and investigation; 13450

(d) The name of any beneficiary of employment benefits, 13451  
including, but not limited to, life insurance benefits, provided 13452

to a peace officer, parole officer, probation officer, bailiff, 13453  
prosecuting attorney, assistant prosecuting attorney, correctional 13454  
employee, community-based correctional facility employee, youth 13455  
services employee, firefighter, EMT, or investigator of the bureau 13456  
of criminal identification and investigation by the peace 13457  
officer's, parole officer's, probation officer's, bailiff's, 13458  
prosecuting attorney's, assistant prosecuting attorney's, 13459  
correctional employee's, community-based correctional facility 13460  
employee's, youth services employee's, firefighter's, EMT's, or 13461  
investigator of the bureau of criminal identification and 13462  
investigation's employer; 13463

(e) The identity and amount of any charitable or employment 13464  
benefit deduction made by the peace officer's, parole officer's, 13465  
probation officer's, bailiff's, prosecuting attorney's, assistant 13466  
prosecuting attorney's, correctional employee's, community-based 13467  
correctional facility employee's, youth services employee's, 13468  
firefighter's, EMT's, or investigator of the bureau of criminal 13469  
identification and investigation's employer from the peace 13470  
officer's, parole officer's, probation officer's, bailiff's, 13471  
prosecuting attorney's, assistant prosecuting attorney's, 13472  
correctional employee's, community-based correctional facility 13473  
employee's, youth services employee's, firefighter's, EMT's, or 13474  
investigator of the bureau of criminal identification and 13475  
investigation's compensation unless the amount of the deduction is 13476  
required by state or federal law; 13477

(f) The name, the residential address, the name of the 13478  
employer, the address of the employer, the social security number, 13479  
the residential telephone number, any bank account, debit card, 13480  
charge card, or credit card number, or the emergency telephone 13481  
number of the spouse, a former spouse, or any child of a peace 13482  
officer, parole officer, probation officer, bailiff, prosecuting 13483  
attorney, assistant prosecuting attorney, correctional employee, 13484

community-based correctional facility employee, youth services 13485  
employee, firefighter, EMT, or investigator of the bureau of 13486  
criminal identification and investigation; 13487

(g) A photograph of a peace officer who holds a position or 13488  
has an assignment that may include undercover or plain clothes 13489  
positions or assignments as determined by the peace officer's 13490  
appointing authority. 13491

As used in divisions (A)(7) and (B)(9) of this section, 13492  
"peace officer" has the same meaning as in section 109.71 of the 13493  
Revised Code and also includes the superintendent and troopers of 13494  
the state highway patrol; it does not include the sheriff of a 13495  
county or a supervisory employee who, in the absence of the 13496  
sheriff, is authorized to stand in for, exercise the authority of, 13497  
and perform the duties of the sheriff. 13498

As used in divisions (A)(7) and (B)(9) of this section, 13499  
"correctional employee" means any employee of the department of 13500  
rehabilitation and correction who in the course of performing the 13501  
employee's job duties has or has had contact with inmates and 13502  
persons under supervision. 13503

As used in divisions (A)(7) and (B)(9) of this section, 13504  
"youth services employee" means any employee of the department of 13505  
youth services who in the course of performing the employee's job 13506  
duties has or has had contact with children committed to the 13507  
custody of the department of youth services. 13508

As used in divisions (A)(7) and (B)(9) of this section, 13509  
"firefighter" means any regular, paid or volunteer, member of a 13510  
lawfully constituted fire department of a municipal corporation, 13511  
township, fire district, or village. 13512

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 13513  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 13514  
medical services for a public emergency medical service 13515

organization. "Emergency medical service organization," 13516  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 13517  
section 4765.01 of the Revised Code. 13518

As used in divisions (A)(7) and (B)(9) of this section, 13519  
"investigator of the bureau of criminal identification and 13520  
investigation" has the meaning defined in section 2903.11 of the 13521  
Revised Code. 13522

(8) "Information pertaining to the recreational activities of 13523  
a person under the age of eighteen" means information that is kept 13524  
in the ordinary course of business by a public office, that 13525  
pertains to the recreational activities of a person under the age 13526  
of eighteen years, and that discloses any of the following: 13527

(a) The address or telephone number of a person under the age 13528  
of eighteen or the address or telephone number of that person's 13529  
parent, guardian, custodian, or emergency contact person; 13530

(b) The social security number, birth date, or photographic 13531  
image of a person under the age of eighteen; 13532

(c) Any medical record, history, or information pertaining to 13533  
a person under the age of eighteen; 13534

(d) Any additional information sought or required about a 13535  
person under the age of eighteen for the purpose of allowing that 13536  
person to participate in any recreational activity conducted or 13537  
sponsored by a public office or to use or obtain admission 13538  
privileges to any recreational facility owned or operated by a 13539  
public office. 13540

(9) "Community control sanction" has the same meaning as in 13541  
section 2929.01 of the Revised Code. 13542

(10) "Post-release control sanction" has the same meaning as 13543  
in section 2967.01 of the Revised Code. 13544

(11) "Redaction" means obscuring or deleting any information 13545

that is exempt from the duty to permit public inspection or 13546  
copying from an item that otherwise meets the definition of a 13547  
"record" in section 149.011 of the Revised Code. 13548

(12) "Designee" and "elected official" have the same meanings 13549  
as in section 109.43 of the Revised Code. 13550

(B)(1) Upon request and subject to division (B)(8) of this 13551  
section, all public records responsive to the request shall be 13552  
promptly prepared and made available for inspection to any person 13553  
at all reasonable times during regular business hours. Subject to 13554  
division (B)(8) of this section, upon request, a public office or 13555  
person responsible for public records shall make copies of the 13556  
requested public record available at cost and within a reasonable 13557  
period of time. If a public record contains information that is 13558  
exempt from the duty to permit public inspection or to copy the 13559  
public record, the public office or the person responsible for the 13560  
public record shall make available all of the information within 13561  
the public record that is not exempt. When making that public 13562  
record available for public inspection or copying that public 13563  
record, the public office or the person responsible for the public 13564  
record shall notify the requester of any redaction or make the 13565  
redaction plainly visible. A redaction shall be deemed a denial of 13566  
a request to inspect or copy the redacted information, except if 13567  
federal or state law authorizes or requires a public office to 13568  
make the redaction. 13569

(2) To facilitate broader access to public records, a public 13570  
office or the person responsible for public records shall organize 13571  
and maintain public records in a manner that they can be made 13572  
available for inspection or copying in accordance with division 13573  
(B) of this section. A public office also shall have available a 13574  
copy of its current records retention schedule at a location 13575  
readily available to the public. If a requester makes an ambiguous 13576  
or overly broad request or has difficulty in making a request for 13577



copies or inspection of public records under this section such 13578  
that the public office or the person responsible for the requested 13579  
public record cannot reasonably identify what public records are 13580  
being requested, the public office or the person responsible for 13581  
the requested public record may deny the request but shall provide 13582  
the requester with an opportunity to revise the request by 13583  
informing the requester of the manner in which records are 13584  
maintained by the public office and accessed in the ordinary 13585  
course of the public office's or person's duties. 13586

(3) If a request is ultimately denied, in part or in whole, 13587  
the public office or the person responsible for the requested 13588  
public record shall provide the requester with an explanation, 13589  
including legal authority, setting forth why the request was 13590  
denied. If the initial request was provided in writing, the 13591  
explanation also shall be provided to the requester in writing. 13592  
The explanation shall not preclude the public office or the person 13593  
responsible for the requested public record from relying upon 13594  
additional reasons or legal authority in defending an action 13595  
commenced under division (C) of this section. 13596

(4) Unless specifically required or authorized by state or 13597  
federal law or in accordance with division (B) of this section, no 13598  
public office or person responsible for public records may limit 13599  
or condition the availability of public records by requiring 13600  
disclosure of the requester's identity or the intended use of the 13601  
requested public record. Any requirement that the requester 13602  
disclose the requestor's identity or the intended use of the 13603  
requested public record constitutes a denial of the request. 13604

(5) A public office or person responsible for public records 13605  
may ask a requester to make the request in writing, may ask for 13606  
the requester's identity, and may inquire about the intended use 13607  
of the information requested, but may do so only after disclosing 13608  
to the requester that a written request is not mandatory and that 13609

the requester may decline to reveal the requester's identity or 13610  
the intended use and when a written request or disclosure of the 13611  
identity or intended use would benefit the requester by enhancing 13612  
the ability of the public office or person responsible for public 13613  
records to identify, locate, or deliver the public records sought 13614  
by the requester. 13615

(6) If any person chooses to obtain a copy of a public record 13616  
in accordance with division (B) of this section, the public office 13617  
or person responsible for the public record may require that 13618  
person to pay in advance the cost involved in providing the copy 13619  
of the public record in accordance with the choice made by the 13620  
person seeking the copy under this division. The public office or 13621  
the person responsible for the public record shall permit that 13622  
person to choose to have the public record duplicated upon paper, 13623  
upon the same medium upon which the public office or person 13624  
responsible for the public record keeps it, or upon any other 13625  
medium upon which the public office or person responsible for the 13626  
public record determines that it reasonably can be duplicated as 13627  
an integral part of the normal operations of the public office or 13628  
person responsible for the public record. When the person seeking 13629  
the copy makes a choice under this division, the public office or 13630  
person responsible for the public record shall provide a copy of 13631  
it in accordance with the choice made by the person seeking the 13632  
copy. Nothing in this section requires a public office or person 13633  
responsible for the public record to allow the person seeking a 13634  
copy of the public record to make the copies of the public record. 13635

(7) Upon a request made in accordance with division (B) of 13636  
this section and subject to division (B)(6) of this section, a 13637  
public office or person responsible for public records shall 13638  
transmit a copy of a public record to any person by United States 13639  
mail or by any other means of delivery or transmission within a 13640  
reasonable period of time after receiving the request for the 13641

copy. The public office or person responsible for the public 13642  
record may require the person making the request to pay in advance 13643  
the cost of postage if the copy is transmitted by United States 13644  
mail or the cost of delivery if the copy is transmitted other than 13645  
by United States mail, and to pay in advance the costs incurred 13646  
for other supplies used in the mailing, delivery, or transmission. 13647

Any public office may adopt a policy and procedures that it 13648  
will follow in transmitting, within a reasonable period of time 13649  
after receiving a request, copies of public records by United 13650  
States mail or by any other means of delivery or transmission 13651  
pursuant to this division. A public office that adopts a policy 13652  
and procedures under this division shall comply with them in 13653  
performing its duties under this division. 13654

In any policy and procedures adopted under this division, a 13655  
public office may limit the number of records requested by a 13656  
person that the office will transmit by United States mail to ten 13657  
per month, unless the person certifies to the office in writing 13658  
that the person does not intend to use or forward the requested 13659  
records, or the information contained in them, for commercial 13660  
purposes. For purposes of this division, "commercial" shall be 13661  
narrowly construed and does not include reporting or gathering 13662  
news, reporting or gathering information to assist citizen 13663  
oversight or understanding of the operation or activities of 13664  
government, or nonprofit educational research. 13665

(8) A public office or person responsible for public records 13666  
is not required to permit a person who is incarcerated pursuant to 13667  
a criminal conviction or a juvenile adjudication to inspect or to 13668  
obtain a copy of any public record concerning a criminal 13669  
investigation or prosecution or concerning what would be a 13670  
criminal investigation or prosecution if the subject of the 13671  
investigation or prosecution were an adult, unless the request to 13672  
inspect or to obtain a copy of the record is for the purpose of 13673

acquiring information that is subject to release as a public 13674  
record under this section and the judge who imposed the sentence 13675  
or made the adjudication with respect to the person, or the 13676  
judge's successor in office, finds that the information sought in 13677  
the public record is necessary to support what appears to be a 13678  
justiciable claim of the person. 13679

(9)(a) Upon written request made and signed by a journalist 13680  
on or after December 16, 1999, a public office, or person 13681  
responsible for public records, having custody of the records of 13682  
the agency employing a specified peace officer, parole officer, 13683  
probation officer, bailiff, prosecuting attorney, assistant 13684  
prosecuting attorney, correctional employee, community-based 13685  
correctional facility employee, youth services employee, 13686  
firefighter, EMT, or investigator of the bureau of criminal 13687  
identification and investigation shall disclose to the journalist 13688  
the address of the actual personal residence of the peace officer, 13689  
parole officer, probation officer, bailiff, prosecuting attorney, 13690  
assistant prosecuting attorney, correctional employee, 13691  
community-based correctional facility employee, youth services 13692  
employee, firefighter, EMT, or investigator of the bureau of 13693  
criminal identification and investigation and, if the peace 13694  
officer's, parole officer's, probation officer's, bailiff's, 13695  
prosecuting attorney's, assistant prosecuting attorney's, 13696  
correctional employee's, community-based correctional facility 13697  
employee's, youth services employee's, firefighter's, EMT's, or 13698  
investigator of the bureau of criminal identification and 13699  
investigation's spouse, former spouse, or child is employed by a 13700  
public office, the name and address of the employer of the peace 13701  
officer's, parole officer's, probation officer's, bailiff's, 13702  
prosecuting attorney's, assistant prosecuting attorney's, 13703  
correctional employee's, community-based correctional facility 13704  
employee's, youth services employee's, firefighter's, EMT's, or 13705  
investigator of the bureau of criminal identification and 13706

investigation's spouse, former spouse, or child. The request shall 13707  
include the journalist's name and title and the name and address 13708  
of the journalist's employer and shall state that disclosure of 13709  
the information sought would be in the public interest. 13710

(b) Division (B)(9)(a) of this section also applies to 13711  
journalist requests for customer information maintained by a 13712  
municipally owned or operated public utility, other than social 13713  
security numbers and any private financial information such as 13714  
credit reports, payment methods, credit card numbers, and bank 13715  
account information. 13716

(c) As used in division (B)(9) of this section, "journalist" 13717  
means a person engaged in, connected with, or employed by any news 13718  
medium, including a newspaper, magazine, press association, news 13719  
agency, or wire service, a radio or television station, or a 13720  
similar medium, for the purpose of gathering, processing, 13721  
transmitting, compiling, editing, or disseminating information for 13722  
the general public. 13723

(C)(1) If a person allegedly is aggrieved by the failure of a 13724  
public office or the person responsible for public records to 13725  
promptly prepare a public record and to make it available to the 13726  
person for inspection in accordance with division (B) of this 13727  
section or by any other failure of a public office or the person 13728  
responsible for public records to comply with an obligation in 13729  
accordance with division (B) of this section, the person allegedly 13730  
aggrieved may commence a mandamus action to obtain a judgment that 13731  
orders the public office or the person responsible for the public 13732  
record to comply with division (B) of this section, that awards 13733  
court costs and reasonable attorney's fees to the person that 13734  
instituted the mandamus action, and, if applicable, that includes 13735  
an order fixing statutory damages under division (C)(1) of this 13736  
section. The mandamus action may be commenced in the court of 13737  
common pleas of the county in which division (B) of this section 13738

allegedly was not complied with, in the supreme court pursuant to 13739  
its original jurisdiction under Section 2 of Article IV, Ohio 13740  
Constitution, or in the court of appeals for the appellate 13741  
district in which division (B) of this section allegedly was not 13742  
complied with pursuant to its original jurisdiction under Section 13743  
3 of Article IV, Ohio Constitution. 13744

If a requestor transmits a written request by hand delivery 13745  
or certified mail to inspect or receive copies of any public 13746  
record in a manner that fairly describes the public record or 13747  
class of public records to the public office or person responsible 13748  
for the requested public records, except as otherwise provided in 13749  
this section, the requestor shall be entitled to recover the 13750  
amount of statutory damages set forth in this division if a court 13751  
determines that the public office or the person responsible for 13752  
public records failed to comply with an obligation in accordance 13753  
with division (B) of this section. 13754

The amount of statutory damages shall be fixed at one hundred 13755  
dollars for each business day during which the public office or 13756  
person responsible for the requested public records failed to 13757  
comply with an obligation in accordance with division (B) of this 13758  
section, beginning with the day on which the requester files a 13759  
mandamus action to recover statutory damages, up to a maximum of 13760  
one thousand dollars. The award of statutory damages shall not be 13761  
construed as a penalty, but as compensation for injury arising 13762  
from lost use of the requested information. The existence of this 13763  
injury shall be conclusively presumed. The award of statutory 13764  
damages shall be in addition to all other remedies authorized by 13765  
this section. 13766

The court may reduce an award of statutory damages or not 13767  
award statutory damages if the court determines both of the 13768  
following: 13769

(a) That, based on the ordinary application of statutory law 13770

and case law as it existed at the time of the conduct or 13771  
threatened conduct of the public office or person responsible for 13772  
the requested public records that allegedly constitutes a failure 13773  
to comply with an obligation in accordance with division (B) of 13774  
this section and that was the basis of the mandamus action, a 13775  
well-informed public office or person responsible for the 13776  
requested public records reasonably would believe that the conduct 13777  
or threatened conduct of the public office or person responsible 13778  
for the requested public records did not constitute a failure to 13779  
comply with an obligation in accordance with division (B) of this 13780  
section; 13781

(b) That a well-informed public office or person responsible 13782  
for the requested public records reasonably would believe that the 13783  
conduct or threatened conduct of the public office or person 13784  
responsible for the requested public records would serve the 13785  
public policy that underlies the authority that is asserted as 13786  
permitting that conduct or threatened conduct. 13787

(2)(a) If the court issues a writ of mandamus that orders the 13788  
public office or the person responsible for the public record to 13789  
comply with division (B) of this section and determines that the 13790  
circumstances described in division (C)(1) of this section exist, 13791  
the court shall determine and award to the relator all court 13792  
costs. 13793

(b) If the court renders a judgment that orders the public 13794  
office or the person responsible for the public record to comply 13795  
with division (B) of this section, the court may award reasonable 13796  
attorney's fees subject to reduction as described in division 13797  
(C)(2)(c) of this section. The court shall award reasonable 13798  
attorney's fees, subject to reduction as described in division 13799  
(C)(2)(c) of this section when either of the following applies: 13800

(i) The public office or the person responsible for the 13801  
public records failed to respond affirmatively or negatively to 13802

the public records request in accordance with the time allowed 13803  
under division (B) of this section. 13804

(ii) The public office or the person responsible for the 13805  
public records promised to permit the relator to inspect or 13806  
receive copies of the public records requested within a specified 13807  
period of time but failed to fulfill that promise within that 13808  
specified period of time. 13809

(c) Court costs and reasonable attorney's fees awarded under 13810  
this section shall be construed as remedial and not punitive. 13811  
Reasonable attorney's fees shall include reasonable fees incurred 13812  
to produce proof of the reasonableness and amount of the fees and 13813  
to otherwise litigate entitlement to the fees. The court may 13814  
reduce an award of attorney's fees to the relator or not award 13815  
attorney's fees to the relator if the court determines both of the 13816  
following: 13817

(i) That, based on the ordinary application of statutory law 13818  
and case law as it existed at the time of the conduct or 13819  
threatened conduct of the public office or person responsible for 13820  
the requested public records that allegedly constitutes a failure 13821  
to comply with an obligation in accordance with division (B) of 13822  
this section and that was the basis of the mandamus action, a 13823  
well-informed public office or person responsible for the 13824  
requested public records reasonably would believe that the conduct 13825  
or threatened conduct of the public office or person responsible 13826  
for the requested public records did not constitute a failure to 13827  
comply with an obligation in accordance with division (B) of this 13828  
section; 13829

(ii) That a well-informed public office or person responsible 13830  
for the requested public records reasonably would believe that the 13831  
conduct or threatened conduct of the public office or person 13832  
responsible for the requested public records as described in 13833  
division (C)(2)(c)(i) of this section would serve the public 13834



policy that underlies the authority that is asserted as permitting 13835  
that conduct or threatened conduct. 13836

(D) Chapter 1347. of the Revised Code does not limit the 13837  
provisions of this section. 13838

(E)(1) To ensure that all employees of public offices are 13839  
appropriately educated about a public office's obligations under 13840  
division (B) of this section, all elected officials or their 13841  
appropriate designees shall attend training approved by the 13842  
attorney general as provided in section 109.43 of the Revised 13843  
Code. In addition, all public offices shall adopt a public records 13844  
policy in compliance with this section for responding to public 13845  
records requests. In adopting a public records policy under this 13846  
division, a public office may obtain guidance from the model 13847  
public records policy developed and provided to the public office 13848  
by the attorney general under section 109.43 of the Revised Code. 13849  
Except as otherwise provided in this section, the policy may not 13850  
limit the number of public records that the public office will 13851  
make available to a single person, may not limit the number of 13852  
public records that it will make available during a fixed period 13853  
of time, and may not establish a fixed period of time before it 13854  
will respond to a request for inspection or copying of public 13855  
records, unless that period is less than eight hours. 13856

(2) The public office shall distribute the public records 13857  
policy adopted by the public office under division (E)(1) of this 13858  
section to the employee of the public office who is the records 13859  
custodian or records manager or otherwise has custody of the 13860  
records of that office. The public office shall require that 13861  
employee to acknowledge receipt of the copy of the public records 13862  
policy. The public office shall create a poster that describes its 13863  
public records policy and shall post the poster in a conspicuous 13864  
place in the public office and in all locations where the public 13865  
office has branch offices. The public office may post its public 13866

records policy on the internet web site of the public office if 13867  
the public office maintains an internet web site. A public office 13868  
that has established a manual or handbook of its general policies 13869  
and procedures for all employees of the public office shall 13870  
include the public records policy of the public office in the 13871  
manual or handbook. 13872

(F)(1) The bureau of motor vehicles may adopt rules pursuant 13873  
to Chapter 119. of the Revised Code to reasonably limit the number 13874  
of bulk commercial special extraction requests made by a person 13875  
for the same records or for updated records during a calendar 13876  
year. The rules may include provisions for charges to be made for 13877  
bulk commercial special extraction requests for the actual cost of 13878  
the bureau, plus special extraction costs, plus ten per cent. The 13879  
bureau may charge for expenses for redacting information, the 13880  
release of which is prohibited by law. 13881

(2) As used in division (F)(1) of this section: 13882

(a) "Actual cost" means the cost of depleted supplies, 13883  
records storage media costs, actual mailing and alternative 13884  
delivery costs, or other transmitting costs, and any direct 13885  
equipment operating and maintenance costs, including actual costs 13886  
paid to private contractors for copying services. 13887

(b) "Bulk commercial special extraction request" means a 13888  
request for copies of a record for information in a format other 13889  
than the format already available, or information that cannot be 13890  
extracted without examination of all items in a records series, 13891  
class of records, or database by a person who intends to use or 13892  
forward the copies for surveys, marketing, solicitation, or resale 13893  
for commercial purposes. "Bulk commercial special extraction 13894  
request" does not include a request by a person who gives 13895  
assurance to the bureau that the person making the request does 13896  
not intend to use or forward the requested copies for surveys, 13897  
marketing, solicitation, or resale for commercial purposes. 13898

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product. 13899  
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(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services. 13901  
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(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research. 13908  
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**Sec. 153.08.** On the day and at the place named in the notice provided for in section 153.06 of the Revised Code, the owner referred to in section 153.01 of the Revised Code shall open the bids and shall publicly, with the assistance of the architect or engineer, immediately proceed to tabulate the bids ~~upon duplicate sheets.~~ For a bid filed electronically, the public bid opening may be broadcast by electronic means pursuant to rules established by the Ohio facilities construction commission. A bid shall be invalid and not considered unless a bid guaranty meeting the requirements of section 153.54 of the Revised Code and in the form approved by the commission is filed with such bid. For a bid that is not filed electronically, the bid and bid guaranty shall be filed in one sealed envelope. If the bid and bid guaranty are filed electronically, they must be received electronically before the deadline published pursuant to section 153.06 of the Revised Code. For all bids filed electronically, the original, unaltered 13914  
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bid guaranty shall be made available to the public authority after 13930  
the public bid opening, which may be achieved by means of an 13931  
electronic verification and security system established under 13932  
rules adopted by the Ohio facilities construction commission under 13933  
Chapter 119. of the Revised Code. After investigation, which shall 13934  
be completed within thirty days, the contract shall be awarded by 13935  
such owner to the lowest responsive and responsible bidder in 13936  
accordance with section 9.312 of the Revised Code. 13937

No contract shall be entered into until the industrial 13938  
commission has certified that the person so awarded the contract 13939  
has complied with sections 4123.01 to 4123.94 of the Revised Code, 13940  
until, if the bidder so awarded the contract is a foreign 13941  
corporation, the secretary of state has certified that such 13942  
corporation is authorized to do business in this state, until, if 13943  
the bidder so awarded the contract is a person nonresident of this 13944  
state, such person has filed with the secretary of state a power 13945  
of attorney designating the secretary of state as its agent for 13946  
the purpose of accepting service of summons in any action brought 13947  
under section 153.05 of the Revised Code or under sections 4123.01 13948  
to 4123.94 of the Revised Code, and until the contract and bond, 13949  
if any, are submitted to the attorney general and the attorney 13950  
general's approval certified thereon. 13951

No contract shall be entered into unless the bidder possesses 13952  
a valid certificate of compliance with affirmative action programs 13953  
issued pursuant to section 9.47 of the Revised Code and dated no 13954  
earlier than one hundred eighty days prior to the date fixed for 13955  
the opening of bids for a particular project. 13956

**Sec. 153.70.** (A) Except for any person providing professional 13957  
design services of a research or training nature, any person 13958  
rendering professional design services to a public authority or to 13959  
a design-build firm, including a criteria architect or engineer 13960

and person performing architect or engineer of record services, 13961  
shall have and maintain, or be covered by, during the period the 13962  
services are rendered, a professional liability insurance policy 13963  
or policies with a company or companies that are authorized to do 13964  
business in this state and that afford professional liability 13965  
coverage for the professional design services rendered. The 13966  
insurance shall be in an amount considered sufficient by the 13967  
public authority. At the public authority's discretion, the 13968  
design-build firm shall carry contractor's professional liability 13969  
insurance and any other insurance the public authority considers 13970  
appropriate. 13971

(B) The requirement for professional liability insurance set 13972  
forth in division (A) of this section may be waived by the public 13973  
authority for good cause, or the public authority may allow the 13974  
person providing the professional design services to provide other 13975  
assurances of financial responsibility. 13976

(C) Before construction begins pursuant to a contract for 13977  
design-build services with a design-build firm, the design-build 13978  
firm shall provide a surety bond to the public authority in 13979  
accordance with rules adopted by the executive director of 13980  
~~administrative services~~ the Ohio facilities construction 13981  
commission under Chapter 119. of the Revised Code. 13982

**Sec. 153.83.** (A) As used in this section, "public 13983  
improvement" means any of the following: 13984

(1) A road, bridge, highway, street, or tunnel; 13985

(2) A waste water treatment system or water supply system; 13986

(3) A solid waste disposal facility or a storm water and 13987  
sanitary collection, storage, and treatment facility; 13988

(4) Any structure or work constructed by a state agency or by 13989  
another person on behalf of a state agency pursuant to a contract 13990

<u>with the state agency.</u>	13991
<u>(B) Before a state agency may issue a bid specification for a proposed public improvement that requires a contractor or subcontractor to enter into a project labor agreement, the state agency shall hold a public hearing on the matter.</u>	13992 13993 13994 13995
<u>(C) The state agency shall publish notice of the hearing not less than thirty days before the date of the hearing.</u>	13996 13997
<u>(D) A state agency shall decide whether to include the requirement described in division (B) of this section for a proposed public improvement not earlier than thirty days after the hearing required under that division.</u>	13998 13999 14000 14001
<b>Sec. 156.01.</b> As used in sections 156.01 to 156.05 of the Revised Code:	14002 14003
(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost.	14004 14005 14006 14007 14008
(B) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption and operating costs. The term includes any of the following:	14009 14010 14011 14012
(1) Installation or modification of insulation in the building structure and systems within the building;	14013 14014
(2) Installation or modification of storm windows and doors, multiglazed windows and doors, and heat absorbing or heat reflective glazed and coated window and door systems; installation of additional glazing; reductions in glass area; and other window and door system modifications that reduce energy consumption and operating costs;	14015 14016 14017 14018 14019 14020

(3) Installation or modification of automatic energy control systems;	14021 14022
(4) Replacement or modification of heating, ventilating, or air conditioning systems;	14023 14024
(5) Application of caulking and weather stripping;	14025
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	14026 14027 14028 14029 14030
(7) Installation or modification of energy recovery systems;	14031
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	14032 14033 14034 14035
(9) Installation or modification of trigeneration systems that produce heat and cooling, as well as electricity, for use primarily within a building or complex of buildings;	14036 14037 14038
(10) Installation or modification of systems that harvest renewable energy from solar, wind, water, biomass, bio-gas, or geothermal sources, for use primarily within a building or complex of buildings;	14039 14040 14041 14042
(11) Retro-commissioning or recommissioning energy-related systems to verify that they are installed and calibrated to optimize energy and operational performance within a building or complex of buildings;	14043 14044 14045 14046
(12) Consolidation, virtualization, and optimization of computer servers, data storage devices, or other information technology hardware and infrastructure;	14047 14048 14049
(13) Any other modification, installation, or remodeling	14050

approved by the executive director of ~~administrative services~~ the 14051  
Ohio facilities construction commission as an energy conservation 14052  
measure for one or more buildings owned by either of the 14053  
following: 14054

(a) The state; 14055

(b) A state institution of higher education as defined in 14056  
section 3345.011 of the Revised Code that implements the energy 14057  
conservation measure in consultation with the executive director. 14058

(C) "Energy saving measure" means the acquisition and 14059  
installation, by purchase, lease, lease-purchase, lease with an 14060  
option to buy, or installment purchase, of an energy conservation 14061  
measure and any attendant architectural and engineering consulting 14062  
services. 14063

(D) "Energy, water, or wastewater cost savings" means a 14064  
measured reduction in, as applicable, the cost of fuel, energy or 14065  
water consumption, wastewater production, or stipulated operation 14066  
or maintenance resulting from the implementation of one or more 14067  
energy or water conservation measures, when compared to an 14068  
established baseline for previous such costs, respectively. 14069

(E) "Operating cost savings" means a measured reduction in 14070  
the cost of stipulated operation or maintenance created by the 14071  
installation of new equipment or implementation of a new service, 14072  
when compared with an established baseline for previous such 14073  
stipulated costs. 14074

(F) "Water conservation measure" means an installation or 14075  
modification of an installation in, or a remodeling of, an 14076  
existing building or the surrounding grounds in order to reduce 14077  
water consumption. The term includes any of the following: 14078

(1) Water-conserving fixture, appliance, or equipment, or the 14079  
substitution of a nonwater-using fixture, appliance, or equipment; 14080



(2) Water-conserving, landscape irrigation equipment;	14081
(3) Landscaping measure that reduces storm water runoff demand and capture and hold applied water and rainfall, including landscape contouring such as the use of a berm, swale, or terrace and including the use of a soil amendment, including compost, that increases the water-holding capacity of the soil;	14082 14083 14084 14085 14086
(4) Rainwater harvesting equipment or equipment to make use of water collected as part of a storm water system installed for water quality control;	14087 14088 14089
(5) Equipment for recycling or reuse of water originating on the premises or from another source, including treated, municipal effluent;	14090 14091 14092
(6) Equipment needed to capture water for nonpotable uses from any nonconventional, alternate source, including air conditioning condensate or gray water;	14093 14094 14095
(7) Any other modification, installation, or remodeling approved by the <u>executive</u> director of <del>administrative services</del> <u>the Ohio facilities construction commission</u> as a water conservation measure for one or more buildings or the surrounding grounds owned by either of the following:	14096 14097 14098 14099 14100
(a) The state;	14101
(b) A state institution of higher education as defined in section 3345.011 of the Revised Code that implements the water conservation measure in consultation with the <u>executive</u> director.	14102 14103 14104
(G) "Water saving measure" means the acquisition and installation, by the purchase, lease, lease-purchase, lease with an option to buy, or installment purchases of a water conservation measure and any attendant architectural and engineering consulting services.	14105 14106 14107 14108 14109
<b>Sec. 156.02.</b> The executive director of the Ohio facilities	14110

construction commission may, on the executive director's own 14111  
initiative or at the request of a state agency, contract with an 14112  
energy or a water services company, architect, professional 14113  
engineer, contractor, or other person experienced in the design 14114  
and implementation of energy or water conservation measures for a 14115  
report containing an analysis and recommendations pertaining to 14116  
the implementation of energy or water conservation measures that 14117  
result in energy, water, or wastewater cost savings, operating 14118  
cost savings, or avoided capital costs for the institution. The 14119  
report shall include estimates of all costs of such installations, 14120  
including the costs of design, engineering, installation, 14121  
maintenance, repairs, and debt service, and estimates of the 14122  
energy, water, or wastewater cost savings, operating cost savings, 14123  
and avoided capital costs created. 14124

**Sec. 156.04.** (A) In accordance with this section and section 14125  
156.03 of the Revised Code, the executive director of the Ohio 14126  
facilities construction commission may, on the executive 14127  
director's own initiative or at the request of a state agency, 14128  
enter into an installment payment contract for the implementation 14129  
of one or more energy or water saving measures. If the executive 14130  
director wishes an installment payment contract to be exempted 14131  
from Chapter 153. of the Revised Code, the executive director 14132  
shall proceed pursuant to section 156.03 of the Revised Code. 14133

(B) Any installment payment contract under this section shall 14134  
provide that all payments, except payments for repairs and 14135  
obligations on termination of the contract prior to its 14136  
expiration, are to be a stated percentage of calculated energy, 14137  
water, or wastewater cost savings, operating costs, and avoided 14138  
capital costs attributable to the one or more measures over a 14139  
defined period of time and are to be made only to the extent that 14140  
those calculated amounts actually occur. No such contract shall 14141  
contain either of the following: 14142

(1) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants; 14143  
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(2) In the case of a contract for a cogeneration system described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years. 14146  
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(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated ~~to the Ohio facilities construction commission~~ by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made. 14150  
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(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code. 14159  
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Sec. 164.13. (A) The sewer development advancement fund, which is hereby created in the state treasury, shall consist of money appropriated to the fund by the general assembly, money repaid to the fund for advances made from it, and interest paid for delay in repayment of advances from the fund. The fund shall be administered by the director of the Ohio public works commission. Money in the fund shall be used solely for both of the following: 14163  
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(1) Advances to legislative authorities of municipal corporations and governing boards of any other public entities to meet that portion of the cost of the extension of water or sewer 14171  
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<u>lines to be financed by assessments for which collections are</u>	14174
<u>deferred or exempt pursuant to section 929.03 of the Revised Code;</u>	14175
<u>(2) Advances to boards of county commissioners and boards of</u>	14176
<u>trustees of regional water and sewer districts established under</u>	14177
<u>Chapter 6119. of the Revised Code to meet that portion of the cost</u>	14178
<u>of the extension of water or sewer lines to be financed by special</u>	14179
<u>assessments, tap-in charges or fees, rentals or other charges, or</u>	14180
<u>a combination thereof, as applicable, for which collections are</u>	14181
<u>deferred or exempt pursuant to section 929.03, 6103.052, 6117.062,</u>	14182
<u>6117.522, or 6119.602 of the Revised Code.</u>	14183
<u>(B) The director of the commission shall do all of the</u>	14184
<u>following:</u>	14185
<u>(1) Consider applications for advances from the fund made</u>	14186
<u>pursuant to section 929.03, 6103.052, 6117.062, 6117.521, or</u>	14187
<u>6119.601 of the Revised Code;</u>	14188
<u>(2) Determine, pursuant to the standards established in</u>	14189
<u>division (C) of this section, whether an advance of money should</u>	14190
<u>be made as requested by application, approve the amount of the</u>	14191
<u>advance, if any, to be made, and fix the maximum time within which</u>	14192
<u>the advance shall be repaid;</u>	14193
<u>(3) Establish policies and procedures prescribing all of the</u>	14194
<u>following:</u>	14195
<u>(a) The form of the application for advances from the fund</u>	14196
<u>and the time and manner for submitting an application;</u>	14197
<u>(b) The criteria to be used in determining the occurrence of</u>	14198
<u>a change in the use of property as referred to in division (C) of</u>	14199
<u>section 929.03 or division (C) of both sections 6103.052 and</u>	14200
<u>6117.062 of the Revised Code;</u>	14201
<u>(c) The criteria to be used in determining the disposition of</u>	14202
<u>requests for advances from the fund made pursuant to division (C)</u>	14203

<u>of this section;</u>	14204
<u>(d) Standards for the use of boards of county commissioners</u>	14205
<u>in determining the disposition of requests for deferment of the</u>	14206
<u>collection of assessments pursuant to division (B) of both</u>	14207
<u>sections 6103.052 and 6117.062 of the Revised Code;</u>	14208
<u>(e) Standards for the use of boards of county commissioners</u>	14209
<u>and boards of trustees of regional water and sewer districts in</u>	14210
<u>determining what portion of the deferred cost is attributable to</u>	14211
<u>special assessments, tap-in charges or fees, rentals or other</u>	14212
<u>charges, or a combination thereof, as applicable, pursuant to</u>	14213
<u>section 6103.052, 6117.062, 6117.522, or 6119.602 of the Revised</u>	14214
<u>Code.</u>	14215
<u>(4) Investigate the uses of those lands on which the deferred</u>	14216
<u>or exempted collection of assessments has been the basis for</u>	14217
<u>advances of moneys from the fund, require the boards of county</u>	14218
<u>commissioners to repay the commission pursuant to division (C) or</u>	14219
<u>(D) of section 6103.052 or division (C) or (D) of section 6117.062</u>	14220
<u>of the Revised Code the advances due as a result of changes in the</u>	14221
<u>use of property, and require boards of county commissioners,</u>	14222
<u>legislative authorities of municipal corporations, and other</u>	14223
<u>governing boards of any other public entities to repay the</u>	14224
<u>commission under division (D) of section 929.03 of the Revised</u>	14225
<u>Code;</u>	14226
<u>(5) Pay into the fund all repayments of money advanced from</u>	14227
<u>the fund and interest paid for delay in repayment of advances made</u>	14228
<u>from the fund;</u>	14229
<u>(6) Defer the repayment by a board of county commissioners of</u>	14230
<u>money previously advanced from the fund when a board defers the</u>	14231
<u>collection of assessments, tap-in charges or fees, or a</u>	14232
<u>combination thereof, as applicable, pursuant to division (C) of</u>	14233
<u>section 6103.052 or division (C) of section 6117.062 of the</u>	14234

Revised Code. 14235

(C)(1) The director of the commission may advance money from 14236  
the sewer development advancement fund to provide water and sewer 14237  
facilities to aid in the establishment of new industrial plants, 14238  
the expansion of existing industrial plants, or such other 14239  
industrial development as may be defined by the commission without 14240  
undue financial burden on open lands over or along which the lines 14241  
for such facilities are extended. 14242

(2) The director also may advance money from the fund to 14243  
provide water and sewer facilities to aid in the establishment of 14244  
commercial and residential developments without undue financial 14245  
burden on open lands over or along which the lines for such 14246  
facilities are extended, provided that the advances under division 14247  
(C)(1) of this section have priority over advances under this 14248  
division. 14249

(3) The director also may advance money from the fund for 14250  
assessments not collected under section 929.03 of the Revised 14251  
Code. Requests made by a board of county commissioners, 14252  
legislative authority of a municipal corporation, or other 14253  
governing board of any other public entity under that section have 14254  
priority over requests submitted under division (C)(1) or (2) of 14255  
this section, and the advances shall be repaid when the assessment 14256  
is collected by the board of county commissioners, legislative 14257  
authority, or other governing board under division (C) of section 14258  
929.03 of the Revised Code. 14259

(4) Requests made pursuant to section 6103.052, 6117.062, 14260  
6117.521, or 6119.601 of the Revised Code have priority over 14261  
requests submitted under division (C)(1), (2), or (3) of this 14262  
section. 14263

(5) Requests made pursuant to section 6103.052, 6117.062, 14264  
6117.521, or 6119.601 of the Revised Code for an advance of money 14265

from the fund for a project that involves an area subject to final 14266  
findings and orders issued by the director of environmental 14267  
protection under Chapter 6111. or 6117. of the Revised Code have 14268  
priority over requests submitted under division (C)(1), (2), (3), 14269  
or (4) of this section. 14270

**Sec. 167.041.** An educational service center serving as a 14271  
fiscal agent for a regional council of governments may establish a 14272  
program for the council in which the fiscal agent may enter into 14273  
agreements with the governing body of one or more member 14274  
governments to lend money to the member or members for the purpose 14275  
of improving infrastructure within the territory of the member or 14276  
members located within this state. 14277

**Sec. 167.06.** (A) The governing bodies of the member 14278  
governments may appropriate funds to meet the expenses of the 14279  
council. Services of personnel, use of equipment, and office 14280  
space, and other necessary services may be accepted from members 14281  
as part of their financial support. The members of the council, or 14282  
the state of Ohio, its departments, agencies, instrumentalities, 14283  
or political subdivisions or any governmental unit may give to the 14284  
council moneys, real property, personal property, or services. The 14285  
council may establish schedules of dues to be paid by its voting 14286  
members to aid the financing of the operations and programs of the 14287  
council in the manner provided in the agreement establishing the 14288  
council or in the by-laws of the council. The council may permit 14289  
non-member political subdivisions to participate in any of its 14290  
activities regardless of whether such political subdivisions have 14291  
paid dues to the council. 14292

(B) The council may accept funds, grants, gifts, and services 14293  
from the government of the United States or its agencies, from 14294  
this state or its departments, agencies, instrumentalities, or 14295  
from political subdivisions or from any other governmental unit 14296

whether participating in the council or not, and from private and 14297  
civic sources. 14298

(C) A regional council of governments established to provide 14299  
health care benefits to the member governments' employees and the 14300  
employees' dependents may pool funds received from all the members 14301  
of the council, including members from other states to the extent 14302  
that the laws of such other states permit, for the payment of 14303  
health care related claims and expenses. 14304

(D) The council shall make an annual report of its activities 14305  
to the member governments. 14306

**Sec. 169.051.** (A) As used in this section, "United States 14307  
savings bond" means property, tangible or intangible, in the form 14308  
of a savings bond issued by the United States treasury whether in 14309  
paper form, electric, or paperless form, along with all proceeds 14310  
thereof. 14311

(B) Notwithstanding any provision of the Revised Code to the 14312  
contrary, United States savings bonds held or owing in this state 14313  
by any person, or issued or owed in the course of a holder's 14314  
business, or by a state or other government, political 14315  
subdivision, agency, or instrumentality, and all proceeds thereof, 14316  
shall be presumed abandoned in this state and constitute unclaimed 14317  
funds under this chapter if both of the following apply: 14318

(1) The last known address of the owner of the United States 14319  
savings bond is in this state; 14320

(2) The United States savings bond has remained unclaimed and 14321  
unredeemed for three years after final maturity. 14322

(C) United States savings bonds that are presumed abandoned 14323  
and constitute unclaimed funds under division (B) of this section, 14324  
including bonds in the possession of the director of commerce, 14325  
shall escheat to the state three years after becoming abandoned 14326



and unclaimed property. All property rights and legal title to and ownership of such bonds or proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state as provided in divisions (D) to (H) of this section.

(D) If, within one hundred eighty days after the three-year period prescribed under division (C) of this section, no claim has been filed under this chapter for the bond, the director shall commence a civil action in a court of competent jurisdiction for a determination that the bond escheats to the state. The director may postpone the commencement of an action until a sufficient number of bonds have accumulated in the director's custody to justify the expense of the proceedings.

(E) Service by publication shall be made in accordance with Rule 4.4 of the Rules of Civil Procedure.

(F) If no person files a claim or appears at the hearing to substantiate a claim or if the court determines that a claimant is not entitled to the property claimed, and if the court is satisfied by the evidence that the director has substantially complied with the laws of this state, the court shall enter a judgment that the bonds have escheated to the state and all property rights and legal title to and ownership of the bonds or the proceeds from the bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, have vested solely in the state.

(G) The director shall redeem the United States savings bonds escheated to the state by judgment of the court. When the proceeds that have escheated have been recovered by the director, the director shall pay all costs incident to the collection and recovery of the proceeds from the redemption of the bonds and disburse the remaining balance of the proceeds in the manner provided under section 169.05 of the Revised Code for all other

unclaimed funds. 14359

(H) Notwithstanding section 169.08 of the Revised Code, any 14360  
person claiming a United States savings bond that has escheated to 14361  
the state under this section, or for the proceeds from the bond, 14362  
may file a claim with the director. Upon providing sufficient 14363  
proof of the validity of the person's claim, the director may, in 14364  
the director's discretion, pay the claim less any expenses and 14365  
costs incurred by the state in securing full title and ownership 14366  
of the property by escheat. If payment has been made to a 14367  
claimant, no action thereafter may be maintained by any other 14368  
claimant against the state or any officer of the state, for or on 14369  
account of the payment of the claim. 14370

**Sec. 173.47.** (A) For purposes of publishing the Ohio 14371  
long-term care consumer guide, the department of aging shall 14372  
conduct or provide for the conduct of an annual customer 14373  
satisfaction survey of each long-term care facility. The results 14374  
of the surveys may include information obtained from long-term 14375  
care facility residents, their families, or both. ~~A survey that is~~ 14376  
~~to include information obtained from nursing facility residents~~ 14377  
~~shall include the questions specified in divisions (C)(7)(a) and~~ 14378  
~~(b) of section 5165.25 of the Revised Code. A survey that is to~~ 14379  
~~include information obtained from the families of nursing facility~~ 14380  
~~residents shall include the questions specified in divisions~~ 14381  
~~(C)(8)(a) and (b) of section 5165.25 of the Revised Code.~~ 14382

(B) Each long-term care facility shall cooperate in the 14383  
conduct of its annual customer satisfaction survey. 14384

**Sec. 173.48.** (A)(1) The department of aging may charge annual 14385  
fees to long-term care facilities for the publication of the Ohio 14386  
long-term care consumer guide. The department may contract with 14387  
any person or government entity to collect the fees on its behalf. 14388

All fees collected under this section shall be deposited in 14389  
accordance with division (B) of this section. 14390

(2) The annual fees charged under this section shall not 14391  
exceed the following amounts: 14392

(a) ~~Six hundred fifty dollars for~~ For each long-term care 14393  
facility that is a nursing home, six hundred fifty dollars; 14394

(b) ~~Three hundred dollars for~~ For each long-term care 14395  
facility that is a residential care facility: 14396

(i) Until June 30, 2016, three hundred dollars; 14397

(ii) Beginning July 1, 2016, three hundred fifty dollars. 14398

(3) Fees paid by a long-term care facility that is a nursing 14399  
facility shall be reimbursed through the medicaid program. 14400

(B) There is hereby created in the state treasury the 14401  
long-term care consumer guide fund. Money collected from the fees 14402  
charged for the publication of the Ohio long-term care consumer 14403  
guide under division (A) of this section shall be credited to the 14404  
fund. The department shall use money in the fund for costs 14405  
associated with publishing the Ohio long-term care consumer guide, 14406  
including, but not limited to, costs incurred in conducting or 14407  
providing for the conduct of customer satisfaction surveys. 14408

**Sec. 173.522.** (A) The department of aging shall create and 14409  
administer the state-funded component of the PASSPORT program. The 14410  
state-funded component shall not be administered as part of the 14411  
medicaid program. 14412

(B) For an individual to be eligible for the state-funded 14413  
component of the PASSPORT program, the individual must meet one of 14414  
the following requirements and meet the additional eligibility 14415  
requirements applicable to the individual established in rules 14416  
adopted under division (D) of this section: 14417

(1) The individual must have been enrolled in the 14418  
state-funded component on September 1, 1991, (as the state-funded 14419  
component was authorized by uncodified law in effect at that time) 14420  
and have had one or more applications for enrollment in the 14421  
medicaid-funded component of the PASSPORT program (or, if the 14422  
medicaid-funded component is terminated under division (C) of 14423  
section 173.52 of the Revised Code, the unified long-term services 14424  
and support medicaid waiver component) denied. 14425

~~(2) The individual must have had the individual's enrollment 14426  
in the medicaid funded component of the PASSPORT program (or, if 14427  
the medicaid funded component is terminated under division (C) of 14428  
section 173.52 of the Revised Code, the unified long term services 14429  
and support medicaid waiver component) terminated and the 14430  
individual must still need the home and community based services 14431  
provided under the PASSPORT program to protect the individual's 14432  
health and safety. 14433~~

~~(3) The individual must have an application for the 14434  
medicaid-funded component of the PASSPORT program (or, if the 14435  
medicaid-funded component is terminated under division (C) of 14436  
section 173.52 of the Revised Code, the unified long-term services 14437  
and support medicaid waiver component) pending and the department 14438  
or the department's designee must have determined that the 14439  
individual meets the nonfinancial eligibility requirements of the 14440  
medicaid-funded component (or, if the medicaid-funded component is 14441  
terminated under division (C) of section 173.52 of the Revised 14442  
Code, the unified long-term services and support medicaid waiver 14443  
component) and not have reason to doubt that the individual meets 14444  
the financial eligibility requirements of the medicaid-funded 14445  
component (or, if the medicaid-funded component is terminated 14446  
under division (C) of section 173.52 of the Revised Code, the 14447  
unified long-term services and support medicaid waiver component). 14448~~

(C) An individual who is eligible for the state-funded 14449

component of the PASSPORT program because the individual meets the 14450  
requirement of division (B)~~(3)~~(2) of this section may participate 14451  
in the component on that basis for ~~not more than ninety days~~ a 14452  
period of time specified in rules adopted under division (D) of 14453  
this section. 14454

(D)(1) The director of aging shall adopt rules in accordance 14455  
with section 111.15 of the Revised Code to implement the 14456  
state-funded component of the PASSPORT program. ~~The~~ 14457

The rules shall include all of the following: 14458

(a) Additional eligibility requirements for an individual to 14459  
be eligible for the state-funded component of the PASSPORT 14460  
program; 14461

(b) The duration that an individual eligible for the 14462  
state-funded component of the PASSPORT program under division 14463  
(B)(2) of this section may participate in that component; 14464

(c) Any other rules the director considers appropriate to 14465  
implement the state-funded component of the PASSPORT program. 14466

(2) The additional eligibility requirements established in 14467  
the rules may vary for the different groups of individuals 14468  
specified in divisions (B)(1), and (2), ~~and (3)~~ of this section. 14469

**Sec. 173.523.** (A) An individual who is an applicant for or 14470  
participant or former participant in the state-funded component of 14471  
the PASSPORT program may appeal an adverse action taken or 14472  
proposed to be taken by the department of aging or an entity 14473  
designated by the department concerning participation in or 14474  
services provided under the component if the action will result in 14475  
any of the following: 14476

(1) Denial of enrollment or continued enrollment in the 14477  
component; 14478

(2) Denial of or reduction in the amount of services 14479

requested by or offered to the individual under the component; 14480

(3) Assessment of any patient liability payment pursuant to 14481  
rules adopted by the department under this section. 14482

The appeal shall be made in accordance with section 173.56 of 14483  
the Revised Code and rules adopted pursuant to that section. 14484

(B) An individual who is an applicant for or participant or 14485  
former participant in the state-funded component of the PASSPORT 14486  
program may not bring an appeal under this or any other section of 14487  
the Revised Code if any of the following is the case: 14488

(1) The individual has voluntarily withdrawn the application 14489  
for enrollment in the component; 14490

(2) The individual has voluntarily terminated enrollment in 14491  
the component; 14492

(3) The individual agrees with the action being taken or 14493  
proposed; 14494

(4) The individual fails to submit a written request for a 14495  
hearing to the director of aging within the time specified in the 14496  
rules adopted pursuant to section 173.56 of the Revised Code; 14497

(5) The individual has received services under the component 14498  
for the maximum time permitted by ~~this~~ section 173.522 of the 14499  
Revised Code. 14500

**Sec. 173.543.** The department of aging shall create and 14501  
administer the state-funded component of the assisted living 14502  
program. The state-funded component shall not be administered as 14503  
part of the medicaid program. 14504

An individual who is eligible for the state-funded component 14505  
may participate in the component for ~~not more than ninety days a~~ 14506  
period of time specified in rules adopted under this section. 14507

The director of aging shall adopt rules in accordance with 14508

section 111.15 of the Revised Code to implement the state-funded 14509  
component. The rules shall specify the period that an individual 14510  
eligible for the state-funded component may participate in the 14511  
component. 14512

**Sec. 173.544.** To be eligible for the state-funded component 14513  
of the assisted living program, an individual must meet all of the 14514  
following requirements: 14515

(A) The individual must need an intermediate level of care as 14516  
determined by an assessment conducted under section 173.546 of the 14517  
Revised Code. 14518

(B) The individual must have an application for the 14519  
medicaid-funded component of the assisted living program (or, if 14520  
the medicaid-funded component is terminated under division (C) of 14521  
section 173.54 of the Revised Code, the unified long-term services 14522  
and support medicaid waiver component) pending and the department 14523  
or the department's designee must have determined that the 14524  
individual meets the nonfinancial eligibility requirements of the 14525  
medicaid-funded component (or, if the medicaid-funded component is 14526  
terminated under division (C) of section 173.54 of the Revised 14527  
Code, the unified long-term services and support medicaid waiver 14528  
component) and not have reason to doubt that the individual meets 14529  
the financial eligibility requirements of the medicaid-funded 14530  
component (or, if the medicaid-funded component is terminated 14531  
under division (C) of section 173.54 of the Revised Code, the 14532  
unified long-term services and support medicaid waiver component). 14533

(C) While receiving assisted living services under the 14534  
state-funded component, the individual must reside in a 14535  
residential care facility that is authorized by a valid provider 14536  
agreement to participate in the component, including both of the 14537  
following: 14538

(1) A residential care facility that is owned or operated by 14539

a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;

(2) A county or district home licensed as a residential care facility.

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section ~~173.54~~ 173.543 of the Revised Code.

**Sec. 173.545.** (A) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may appeal an adverse action taken or proposed to be taken by the department of aging or an entity designated by the department concerning participation in or services provided under the component if the action will result in any of the following:

(1) Denial of enrollment or continued enrollment in the component;

(2) Denial of or reduction in the amount of services requested by or offered to the individual under the component;

(3) Assessment of any patient liability payment pursuant to rules adopted by the department under this section.

The appeal shall be made in accordance with section 173.56 of the Revised Code and rules adopted pursuant to that section.

(B) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may not bring an appeal under this or any other section of the Revised Code if any of the following is the case:

(1) The individual has voluntarily withdrawn the application for enrollment in the component;



(2) The individual has voluntarily terminated enrollment in the component; 14570  
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(3) The individual agrees with the action being taken or proposed; 14572  
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(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code; 14574  
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(5) The individual has received services under the component for the maximum time permitted by ~~this~~ section 173.543 of the Revised Code. 14577  
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Sec. 173.548. An individual enrolled in the medicaid-funded component of the assisted living program may choose a single occupancy room or multiple occupancy room in the residential care facility in which the individual resides. The choice of a multiple occupancy room is subject to approval pursuant to a process the director of aging shall establish in rules adopted under section 173.54 of the Revised Code. 14580  
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Sec. 174.02. (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, money transferred from the housing trust reserve fund pursuant to section 174.09 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the ~~department of~~ development services agency for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development services shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The ~~department~~ 14587  
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development services agency shall administer the fund. The Ohio 14600  
housing finance agency shall use money allocated to it for 14601  
implementing and administering its programs and duties under 14602  
sections 174.03 and 174.05 of the Revised Code, and the ~~department~~ 14603  
development services agency shall use the remaining money in the 14604  
fund for implementing and administering its programs and duties 14605  
under sections 174.03 to 174.06 of the Revised Code. Use of all 14606  
money drawn from the fund is subject to the following 14607  
restrictions: 14608

(1)(a) Not more than five per cent of the current year 14609  
appropriation authority for the fund shall be allocated between 14610  
grants to community development corporations for the community 14611  
development corporation grant program and grants and loans to the 14612  
Ohio community development finance fund, a private nonprofit 14613  
corporation. 14614

(b) In any year in which the amount in the fund exceeds one 14615  
hundred thousand dollars and at least that much is allocated for 14616  
the uses described in this section, not less than one hundred 14617  
thousand dollars shall be used to provide training, technical 14618  
assistance, and capacity building assistance to nonprofit 14619  
development organizations. 14620

(2) Not more than ten per cent of any current year 14621  
appropriation authority for the fund shall be used for the 14622  
emergency shelter housing grants program to make grants to 14623  
private, nonprofit organizations and municipal corporations, 14624  
counties, and townships for emergency shelter housing for the 14625  
homeless and emergency shelter facilities serving unaccompanied 14626  
youth seventeen years of age and younger. The grants shall be 14627  
distributed pursuant to rules the director adopts and qualify as 14628  
matching funds for funds obtained pursuant to the McKinney Act, 14629  
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 14630

(3) In any fiscal year in which the amount in the fund 14631

exceeds the amount awarded pursuant to division (A)(1)(b) of this 14632  
section by at least two hundred fifty thousand dollars, at least 14633  
two hundred fifty thousand dollars from the fund shall be provided 14634  
to the department of aging for the resident services coordinator 14635  
program as established in section 173.08 of the Revised Code. 14636

(4) Of all current year appropriation authority for the fund, 14637  
not more than five per cent shall be used for administration. 14638

(5) Not less than forty-five per cent of the funds awarded 14639  
during any one fiscal year shall be for grants and loans to 14640  
nonprofit organizations under section 174.03 of the Revised Code. 14641

(6) Not less than fifty per cent of the funds awarded during 14642  
any one fiscal year, excluding the amounts awarded pursuant to 14643  
divisions (A)(1), (2), and (7) of this section, shall be for 14644  
grants and loans for activities that provide housing and housing 14645  
assistance to families and individuals in rural areas and small 14646  
cities that are not eligible to participate as a participating 14647  
jurisdiction under the "HOME Investment Partnerships Act," 104 14648  
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 14649

(7) No money in the fund shall be used to pay for any legal 14650  
services other than the usual and customary legal services 14651  
associated with the acquisition of housing. 14652

(8) Money in the fund may be used as matching money for 14653  
federal funds received by the state, counties, municipal 14654  
corporations, and townships for the activities listed in section 14655  
174.03 of the Revised Code. 14656

(B) If, after the second quarter of any year, it appears to 14657  
the director of development services that the full amount of the 14658  
money in the fund designated in that year for activities that 14659  
provide housing and housing assistance to families and individuals 14660  
in rural areas and small cities under division (A) of this section 14661  
will not be used for that purpose, the director may reallocate all 14662

or a portion of that amount for other housing activities. In 14663  
determining whether or how to reallocate money under this 14664  
division, the director may consult with and shall receive advice 14665  
from the housing trust fund advisory committee. 14666

Sec. 174.09. (A) The housing trust reserve fund is hereby 14667  
created in the state treasury. The fund shall consist of housing 14668  
trust fund fees collected by county recorders pursuant to section 14669  
317.36 of the Revised Code and deposited into the fund pursuant to 14670  
section 319.63 of the Revised Code. All investment earnings of the 14671  
fund shall be credited to the fund. 14672

(B) If, in the prior fiscal year, the housing trust fund fees 14673  
received by the treasurer of state under section 319.63 of the 14674  
Revised Code amount to less than fifty million dollars, the 14675  
director of development services may request the director of 14676  
budget and management to transfer money from the housing trust 14677  
reserve fund to the low- and moderate-income housing trust fund 14678  
created under section 174.02 of the Revised Code. The amount 14679  
transferred, when combined with the housing trust fund fees 14680  
received by the treasurer of state in the prior fiscal year, shall 14681  
not exceed fifty million dollars. The director of development 14682  
services shall provide any additional information regarding a 14683  
transfer request that the director of budget and management may 14684  
require. Based on that information, the director of budget and 14685  
management shall determine the amount to be transferred. 14686

Sec. 187.03. (A) JobsOhio may perform such functions as 14687  
permitted and shall perform such duties as prescribed by law and 14688  
as set forth in any contract entered into under section 187.04 of 14689  
the Revised Code, but shall not be considered a state or public 14690  
department, agency, office, body, institution, or instrumentality 14691  
for purposes of section 1.60 or Chapter 102., 121., 125., or 149. 14692  
of the Revised Code. JobsOhio and its board of directors are not 14693

subject to the following sections of Chapter 1702. of the Revised 14694  
Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 14695  
1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 14696  
1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 14697  
1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this 14698  
division shall be construed to impair the powers and duties of the 14699  
Ohio ethics commission described in section 102.06 of the Revised 14700  
Code to investigate and enforce section 102.02 of the Revised Code 14701  
with regard to individuals required to file statements under 14702  
division (B)(2) of this section. 14703

(B)(1) Directors and employees of JobsOhio are not employees 14704  
or officials of the state and, except as provided in division 14705  
(B)(2) of this section, are not subject to Chapter 102., 124., 14706  
145., or 4117. of the Revised Code. 14707

(2) The chief investment officer, any other officer or 14708  
employee with significant administrative, supervisory, 14709  
contracting, or investment authority, and any director of JobsOhio 14710  
shall file, with the Ohio ethics commission, a financial 14711  
disclosure statement pursuant to section 102.02 of the Revised 14712  
Code that includes, in place of the information required by 14713  
divisions (A)(2)(b), ~~(7)(g)~~, ~~(8)(h)~~, and ~~(9)(i)~~ of that section, 14714  
the information required by divisions (A) and (B) of section 14715  
102.022 of the Revised Code. The governor shall comply with all 14716  
applicable requirements of section 102.02 of the Revised Code. 14717

(3) Actual or in-kind expenditures for the travel, meals, or 14718  
lodging of the governor or of any public official or employee 14719  
designated by the governor for the purpose of this division shall 14720  
not be considered a violation of section 102.03 of the Revised 14721  
Code if the expenditures are made by the corporation, or on behalf 14722  
of the corporation by any person, in connection with the 14723  
governor's performance of official duties related to JobsOhio. The 14724

governor may designate any person, including a person who is a 14725  
public official or employee as defined in section 102.01 of the 14726  
Revised Code, for the purpose of this division if such 14727  
expenditures are made on behalf of the person in connection with 14728  
the governor's performance of official duties related to JobsOhio. 14729  
A public official or employee so designated by the governor shall 14730  
comply with all applicable requirements of section 102.02 of the 14731  
Revised Code. 14732

At the times and frequency agreed to under division (B)(2)(b) 14733  
of section 187.04 of the Revised Code, beginning in 2012, the 14734  
corporation shall file with the development services agency a 14735  
written report of all such expenditures paid or incurred during 14736  
the preceding calendar year. The report shall state the dollar 14737  
value and purpose of each expenditure, the date of each 14738  
expenditure, the name of the person that paid or incurred each 14739  
expenditure, and the location, if any, where services or benefits 14740  
of an expenditure were received, provided that any such 14741  
information that may disclose proprietary information as defined 14742  
in division (C) of this section shall not be included in the 14743  
report. 14744

(4) The prohibition applicable to former public officials or 14745  
employees in division (A)(1) of section 102.03 of the Revised Code 14746  
does not apply to any person appointed to be a director or hired 14747  
as an employee of JobsOhio. 14748

(5) Notwithstanding division (A)(2) of section 145.01 of the 14749  
Revised Code, any person who is a former state employee shall no 14750  
longer be considered a public employee for purposes of Chapter 14751  
145. of the Revised Code upon commencement of employment with 14752  
JobsOhio. 14753

(6) Any director, officer, or employee of JobsOhio may 14754  
request an advisory opinion from the Ohio ethics commission with 14755  
regard to questions concerning the provisions of sections 102.02 14756

and 102.022 of the Revised Code to which the person is subject. 14757

(C) Meetings of the board of directors at which a quorum of 14758  
the board is required to be physically present pursuant to 14759  
division (F) of section 187.01 of the Revised Code shall be open 14760  
to the public except, by a majority vote of the directors present 14761  
at the meeting, such a meeting may be closed to the public only 14762  
for one or more of the following purposes: 14763

(1) To consider business strategy of the corporation; 14764

(2) To consider proprietary information belonging to 14765  
potential applicants or potential recipients of business 14766  
recruitment, retention, or creation incentives. For the purposes 14767  
of this division, "proprietary information" means marketing plans, 14768  
specific business strategy, production techniques and trade 14769  
secrets, financial projections, or personal financial statements 14770  
of applicants or members of the applicants' immediate family, 14771  
including, but not limited to, tax records or other similar 14772  
information not open to the public inspection. 14773

(3) To consider legal matters, including litigation, in which 14774  
the corporation is or may be involved; 14775

(4) To consider personnel matters related to an individual 14776  
employee of the corporation. 14777

(D) The board of directors shall establish a reasonable 14778  
method whereby any person may obtain the time and place of all 14779  
public meetings described in division (C) of this section. The 14780  
method shall provide that any person, upon request and payment of 14781  
a reasonable fee, may obtain reasonable advance notification of 14782  
all such meetings. 14783

(E) The board of directors shall promptly prepare, file, and 14784  
maintain minutes of all public meetings described in division (C) 14785  
of this section. 14786

(F) Not later than March 1, 2012, and the first day of March 14787  
of each year thereafter, the chief investment officer of JobsOhio 14788  
shall prepare and submit a report of the corporation's activities 14789  
for the preceding year to the governor, the speaker and minority 14790  
leader of the house of representatives, and the president and 14791  
minority leader of the senate. The annual report shall include the 14792  
following: 14793

(1) An analysis of the state's economy; 14794

(2) A description of the structure, operation, and financial 14795  
status of the corporation; 14796

(3) A description of the corporation's strategy to improve 14797  
the state economy and the standards of measure used to evaluate 14798  
its progress; 14799

(4) An evaluation of the performance of current strategies 14800  
and major initiatives; 14801

(5) An analysis of any statutory or administrative barriers 14802  
to successful economic development, business recruitment, and job 14803  
growth in the state identified by JobsOhio during the preceding 14804  
year. 14805

**Sec. 191.04.** (A) In accordance with federal laws governing 14806  
the confidentiality of individually identifiable health 14807  
information, including the "Health Insurance Portability and 14808  
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 14809  
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 14810  
by the United States department of health and human services to 14811  
implement the act, a state agency may exchange protected health 14812  
information with another state agency relating to eligibility for 14813  
or enrollment in a health plan or relating to participation in a 14814  
government program providing public benefits if the exchange of 14815  
information is necessary for either or both of the following: 14816



(1) Operating a health plan;	14817
(2) Coordinating, or improving the administration or management of, the health care-related functions of at least one government program providing public benefits.	14818 14819 14820
(B) For fiscal years 2013, <del>2014, and 2015</del> <u>through 2017</u> only, a state agency also may exchange personally identifiable information with another state agency for purposes related to and in support of a health transformation initiative identified by the executive director of the office of health transformation pursuant to division (C) of section 191.06 of the Revised Code.	14821 14822 14823 14824 14825 14826
(C) With respect to a state agency that uses or discloses personally identifiable information, all of the following conditions apply:	14827 14828 14829
(1) The state agency shall use or disclose the information only as permitted or required by state and federal law. In addition, if the information is obtained during fiscal year 2013, 2014, or 2015 from an exchange of personally identifiable information permitted under division (B) of this section, the agency shall also use or disclose the information in accordance with all operating protocols that apply to the use or disclosure.	14830 14831 14832 14833 14834 14835 14836
(2) If the state agency is a state agency other than the department of medicaid and it uses or discloses protected health information that is related to a medicaid recipient and obtained from the department of medicaid or another agency operating a component of the medicaid program, the state agency shall comply with all state and federal laws that apply to the department of medicaid when that department, as the state's single state agency to supervise the medicaid program, uses or discloses protected health information.	14837 14838 14839 14840 14841 14842 14843 14844 14845
(3) A state agency shall implement administrative, physical, and technical safeguards for the purpose of protecting the	14846 14847

confidentiality, integrity, and availability of personally 14848  
identifiable information the creation, receipt, maintenance, or 14849  
transmittal of which is affected or governed by this section. 14850

(4) If a state agency discovers an unauthorized use or 14851  
disclosure of unsecured protected health information or unsecured 14852  
individually identifiable health information, the state agency 14853  
shall, not later than seventy-two hours after the discovery, do 14854  
all of the following: 14855

(a) Identify the individuals who are the subject of the 14856  
protected health information or individually identifiable health 14857  
information; 14858

(b) Report the discovery and the names of all individuals 14859  
identified pursuant to division (C)(4)(a) of this section to all 14860  
other state agencies and the executive director of the office of 14861  
health transformation or the executive director's designee; 14862

(c) Mitigate, to the extent reasonably possible, any 14863  
potential adverse effects of the unauthorized use or disclosure. 14864

(5) A state agency shall make available to the executive 14865  
director of the office of health transformation or the executive 14866  
director's designee, and to any other state or federal 14867  
governmental entity required by law to have access on that 14868  
entity's request, all internal practices, records, and 14869  
documentation relating to personally identifiable information it 14870  
receives, uses, or discloses that is affected or governed by this 14871  
section. 14872

(6) On termination or expiration of an operating protocol and 14873  
if feasible, a state agency shall return or destroy all personally 14874  
identifiable information received directly from or received on 14875  
behalf of another state agency. If the personally identifiable 14876  
information is not returned or destroyed, the state agency 14877  
maintaining the information shall extend the protections set forth 14878

in this section for as long as it is maintained. 14879

(7) If a state agency enters into a subcontract or, when 14880  
required by 45 C.F.R. 164.502(e)(2), a business associate 14881  
agreement, the subcontract or business associate agreement shall 14882  
require the subcontractor or business associate to comply with the 14883  
terms of this section as if the subcontractor or business 14884  
associate were a state agency. 14885

**Sec. 191.06.** (A) The provisions of this section shall apply 14886  
only for fiscal years 2013, ~~2014, and 2015~~ through 2017. 14887

(B) The executive director of the office of health 14888  
transformation or the executive director's designee may facilitate 14889  
the coordination of operations and exchange of information between 14890  
state agencies. The purpose of the executive director's authority 14891  
under this section is to support agency collaboration for health 14892  
transformation purposes, including modernization of the medicaid 14893  
program, streamlining of health and human services programs in 14894  
this state, and improving the quality, continuity, and efficiency 14895  
of health care and health care support systems in this state. 14896

(C) In furtherance of the authority of the executive director 14897  
of the office of health transformation under division (B) of this 14898  
section, the executive director or the executive director's 14899  
designee shall identify each health transformation initiative in 14900  
this state that involves the participation of two or more state 14901  
agencies and that permits or requires an interagency agreement to 14902  
be entered into for purposes of specifying each participating 14903  
agency's role in coordinating, operating, or funding the 14904  
initiative, or facilitating the exchange of data or other 14905  
information for the initiative. The executive director shall 14906  
publish a list of the identified health transformation initiatives 14907  
on the internet web site maintained by the office of health 14908  
transformation. 14909

(D) For each health transformation initiative that is 14910  
identified under division (C) of this section, the executive 14911  
director or the executive director's designee shall, in 14912  
consultation with each participating agency, adopt one or more 14913  
operating protocols. Notwithstanding any law enacted by the 14914  
general assembly or rule adopted by a state agency, the provisions 14915  
in a protocol shall supersede any provisions in an interagency 14916  
agreement, including an interagency agreement entered into under 14917  
section 5101.10 or 5162.35 of the Revised Code, that differ from 14918  
the provisions of the protocol. 14919

(E)(1) An operating protocol adopted under division (D) of 14920  
this section shall include both of the following: 14921

(a) All terms necessary to meet the requirements of "other 14922  
arrangements" between a covered entity and a business associate 14923  
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 14924

(b) If known, the date on which the protocol will terminate 14925  
or expire. 14926

(2) In addition, a protocol may specify the extent to which 14927  
each participating agency is responsible and accountable for 14928  
completing the tasks necessary for successful completion of the 14929  
initiative, including tasks relating to the following components 14930  
of the initiative: 14931

(a) Workflow; 14932

(b) Funding; 14933

(c) Exchange of data or other information that is 14934  
confidential pursuant to state or federal law. 14935

(F) An operating protocol adopted under division (D) of this 14936  
section shall have the same force and effect as an interagency 14937  
agreement or data sharing agreement, and each participating agency 14938  
shall comply with it. 14939

Sec. 193.15. (A) As used in sections 193.15 to 193.17 of the 14940  
Revised Code, "infrastructure capital improvement" includes 14941  
projects involving buildings, utilities, roadways, runways, 14942  
railways, ramps, gates, fencing, and facilities other than 14943  
buildings, including new construction, renovations, energy 14944  
conservation measures, security upgrades, site preparation, land 14945  
acquisition, clearance, demolition, removal, furnishings, 14946  
equipment, design, engineering, and planning studies. 14947

(B) There is hereby created the Ohio military facilities 14948  
commission for the purpose of developing and implementing a 14949  
program to finance or assist in the financing of infrastructure 14950  
capital improvements on military and defense installations in the 14951  
state, including but not limited to those facilities operated by 14952  
the United States department of veterans affairs, the Ohio 14953  
department of veterans services, the national aeronautics and 14954  
space administration, and the Ohio national guard. 14955

Sec. 193.16. (A) The Ohio military facilities commission 14956  
shall consist of the following members: 14957

(1) Three members of the house of representatives appointed 14958  
by the speaker of the house of representatives, two of whom are 14959  
members of the majority party and one of whom is a member of the 14960  
minority party; 14961

(2) Three members of the senate appointed by the president of 14962  
the senate, two of whom are members of the majority party and one 14963  
of whom is a member of the minority party; 14964

(3) The adjutant general or a designee of the adjutant 14965  
general; 14966

(4) The director of budget and management or a designee of 14967  
the director; 14968

(5) The director of administrative services or a designee of 14969

the director. 14970

(B)(1) Initial appointments to the commission shall be made not later than December 31, 2015. The appointed members shall serve four-year terms. 14971  
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(2) Members may be reappointed to the commission. 14974

(3) Vacancies on the commission shall be filled in the same manner as the original appointments. 14975  
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(4) Members serve at the pleasure of, and may be removed for just cause by, the member's appointing authority. 14977  
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(C) The development services agency shall provide administrative assistance to the commission. 14979  
14980

**Sec. 193.17.** (A) The Ohio military facilities commission shall accept applications for financial assistance under the program. The financial assistance may be in the form of grants, loans, and loan guarantees. It may also be provided for rental or lease payments that enable new construction in support of the purposes of sections 193.15 to 193.17 of the Revised Code. 14981  
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(B) Upon receipt of an application, the commission shall examine the proposed infrastructure capital improvement to determine if it will support job creation, increase opportunities for long-term economic development, or increase the military value of the installation as described in section 2913 of the "Defense Base Closure and Realignment Act of 1990," Public Law Number 101-510, as amended. Only those improvements that meet at least one of those conditions are eligible to receive financial assistance under the program. 14987  
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**Sec. 305.31.** The procedure for submitting to a referendum a resolution adopted by a board of county commissioners under division (H) of section 307.695 of the Revised Code that is not 14996  
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submitted to the electors of the county for their approval or 14999  
disapproval; any resolution adopted by a board of county 15000  
commissioners pursuant to division (D)(1) of section 307.697, 15001  
section 322.02, 322.06, or 324.02, sections ~~1515.22~~ 940.31 and 15002  
~~1515.24~~ 940.33, division (B)(1) of section 4301.421, section 15003  
4504.02, 5739.021, or 5739.026, division (A)(6), (A)(10), or (M) 15004  
of section 5739.09, section 5741.021 or 5741.023, or division 15005  
(C)(1) of section 5743.024 of the Revised Code; or a rule adopted 15006  
pursuant to section 307.79 of the Revised Code shall be as 15007  
prescribed by this section. 15008

Except as otherwise provided in this paragraph, when a 15009  
petition, signed by ten per cent of the number of electors who 15010  
voted for governor at the most recent general election for the 15011  
office of governor in the county, is filed with the county auditor 15012  
within thirty days after the date the resolution is passed or rule 15013  
is adopted by the board of county commissioners, or is filed 15014  
within forty-five days after the resolution is passed, in the case 15015  
of a resolution adopted pursuant to section 5739.021 of the 15016  
Revised Code that is passed within one year after a resolution 15017  
adopted pursuant to that section has been rejected or repealed by 15018  
the electors, requesting that the resolution be submitted to the 15019  
electors of the county for their approval or rejection, the county 15020  
auditor shall, after ten days following the filing of the 15021  
petition, and not later than four p.m. of the ninetieth day before 15022  
the day of election, transmit a certified copy of the text of the 15023  
resolution or rule to the board of elections. In the case of a 15024  
petition requesting that a resolution adopted under division 15025  
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 15026  
division (C)(1) of section 5743.024 of the Revised Code be 15027  
submitted to electors for their approval or rejection, the 15028  
petition shall be signed by seven per cent of the number of 15029  
electors who voted for governor at the most recent election for 15030  
the office of governor in the county. The county auditor shall 15031

transmit the petition to the board together with the certified 15032  
copy of the resolution or rule. The board shall examine all 15033  
signatures on the petition to determine the number of electors of 15034  
the county who signed the petition. The board shall return the 15035  
petition to the auditor within ten days after receiving it, 15036  
together with a statement attesting to the number of such electors 15037  
who signed the petition. The board shall submit the resolution or 15038  
rule to the electors of the county, for their approval or 15039  
rejection, at the succeeding general election held in the county 15040  
in any year, or on the day of the succeeding primary election held 15041  
in the county in even-numbered years, occurring subsequent to 15042  
ninety days after the auditor certifies the sufficiency and 15043  
validity of the petition to the board of elections. 15044

No resolution shall go into effect until approved by the 15045  
majority of those voting upon it. However, a rule shall take 15046  
effect and remain in effect unless and until a majority of the 15047  
electors voting on the question of repeal approve the repeal. 15048  
Sections 305.31 to 305.41 of the Revised Code do not prevent a 15049  
county, after the passage of any resolution or adoption of any 15050  
rule, from proceeding at once to give any notice or make any 15051  
publication required by the resolution or rule. 15052

The board of county commissioners shall make available to any 15053  
person, upon request, a certified copy of any resolution or rule 15054  
subject to the procedure for submitting a referendum under 15055  
sections 305.31 to 305.42 of the Revised Code beginning on the 15056  
date the resolution or rule is adopted by the board. The board may 15057  
charge a fee for the cost of copying the resolution or rule. 15058

As used in this section, "certified copy" means a copy 15059  
containing a written statement attesting that it is a true and 15060  
exact reproduction of the original resolution or rule. 15061

**Sec. 306.35.** Upon the creation of a regional transit 15062



authority as provided by section 306.32 of the Revised Code, and 15063  
upon the qualifying of its board of trustees and the election of a 15064  
president and a vice-president, the authority shall exercise in 15065  
its own name all the rights, powers, and duties vested in and 15066  
conferred upon it by sections 306.30 to 306.53 of the Revised 15067  
Code. Subject to any reservations, limitations, and qualifications 15068  
that are set forth in those sections, the regional transit 15069  
authority: 15070

(A) May sue or be sued in its corporate name; 15071

(B) May make contracts in the exercise of the rights, powers, 15072  
and duties conferred upon it; 15073

(C) May adopt and at will alter a seal and use such seal by 15074  
causing it to be impressed, affixed, reproduced, or otherwise 15075  
used, but failure to affix the seal shall not affect the validity 15076  
of any instrument; 15077

(D)(1) May adopt, amend, and repeal bylaws for the 15078  
administration of its affairs and rules for the control of the 15079  
administration and operation of transit facilities under its 15080  
jurisdiction, and for the exercise of all of its rights of 15081  
ownership in those transit facilities; 15082

(2) The regional transit authority also may adopt bylaws and 15083  
rules for the following purposes: 15084

(a) To prohibit selling, giving away, or using any beer or 15085  
intoxicating liquor on transit vehicles or transit property; 15086

(b) For the preservation of good order within or on transit 15087  
vehicles or transit property; 15088

(c) To provide for the protection and preservation of all 15089  
property and life within or on transit vehicles or transit 15090  
property; 15091

(d) To regulate and enforce the collection of fares. 15092

(3) Before a bylaw or rule adopted under division (D)(2) of this section takes effect, the regional transit authority shall provide for a notice of its adoption to be published once a week for two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code.

(4) No person shall violate any bylaw or rule of a regional transit authority adopted under division (D)(2) of this section.

(E) May fix, alter, and collect fares, rates, and rentals and other charges for the use of transit facilities under its jurisdiction to be determined exclusively by it for the purpose of providing for the payment of the expenses of the regional transit authority, the acquisition, construction, improvement, extension, repair, maintenance, and operation of transit facilities under its jurisdiction, the payment of principal and interest on its obligations, and to fulfill the terms of any agreements made with purchasers or holders of any such obligations, or with any person or political subdivision;

(F) Shall have jurisdiction, control, possession, and supervision of all property, rights, easements, licenses, moneys, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to it;

(G)(1) Except as provided in division (G)(2) of this section, may acquire, construct, improve, extend, repair, lease, operate, maintain, or manage transit facilities within or without its territorial boundaries, considered necessary to accomplish the purposes of its organization and make charges for the use of transit facilities.

(2) Beginning on July 1, 2011, a regional transit authority shall not extend its service or facilities into a political

subdivision outside the territorial boundaries of the authority 15124  
without giving prior notice to the legislative authority of the 15125  
political subdivision. The legislative authority shall have thirty 15126  
days after receiving the notice to comment on the proposal. 15127

(H) May levy and collect taxes as provided in sections 306.40 15128  
and 306.49 of the Revised Code; 15129

(I) May issue bonds secured by its general credit as provided 15130  
in section 306.40 of the Revised Code; 15131

(J) May hold, encumber, control, acquire by donation, by 15132  
purchase for cash or by installment payments, by lease-purchase 15133  
agreement, by lease with option to purchase, by borrowing from any 15134  
federal, state, or other governmental or private source, or by 15135  
condemnation, and may construct, own, lease as lessee or lessor, 15136  
use, and sell, real and personal property, or any interest or 15137  
right in real and personal property, within or without its 15138  
territorial boundaries, for the location or protection of transit 15139  
facilities and improvements and access to transit facilities and 15140  
improvements, the relocation of buildings, structures, and 15141  
improvements situated on lands acquired by the regional transit 15142  
authority, or for any other necessary purpose, or for obtaining or 15143  
storing materials to be used in constructing, maintaining, and 15144  
improving transit facilities under its jurisdiction; 15145

(K) May exercise the power of eminent domain to acquire 15146  
property or any interest in property, within or without its 15147  
territorial boundaries, that is necessary or proper for the 15148  
construction or efficient operation of any transit facility or 15149  
access to any transit facility under its jurisdiction in 15150  
accordance with section 306.36 of the Revised Code; 15151

(L) May provide by agreement with any county, including the 15152  
counties within its territorial boundaries, or any municipal 15153  
corporation or any combination of counties or municipal 15154

corporations for the making of necessary surveys, appraisals, and 15155  
examinations preliminary to the acquisition or construction of any 15156  
transit facility and the amount of the expense for the surveys, 15157  
appraisals, and examinations to be paid by each such county or 15158  
municipal corporation; 15159

(M) May provide by agreement with any county, including the 15160  
counties within its territorial boundaries, or any municipal 15161  
corporation or any combination of those counties or municipal 15162  
corporations for the acquisition, construction, improvement, 15163  
extension, maintenance, or operation of any transit facility owned 15164  
or to be owned and operated by it or owned or to be owned and 15165  
operated by any such county or municipal corporation and the terms 15166  
on which it shall be acquired, leased, constructed, maintained, or 15167  
operated, and the amount of the cost and expense of the 15168  
acquisition, lease, construction, maintenance, or operation to be 15169  
paid by each such county or municipal corporation; 15170

(N) May issue revenue bonds for the purpose of acquiring, 15171  
replacing, improving, extending, enlarging, or constructing any 15172  
facility or permanent improvement that it is authorized to 15173  
acquire, replace, improve, extend, enlarge, or construct, 15174  
including all costs in connection with and incidental to the 15175  
acquisition, replacement, improvement, extension, enlargement, or 15176  
construction, and their financing, as provided by section 306.37 15177  
of the Revised Code; 15178

(O) May enter into and supervise franchise agreements for the 15179  
operation of a transit system; 15180

(P) May accept the assignment of and supervise an existing 15181  
franchise agreement for the operation of a transit system; 15182

(Q) May exercise a right to purchase a transit system in 15183  
accordance with the acquisition terms of an existing franchise 15184  
agreement; and in connection with the purchase the regional 15185

transit authority may issue revenue bonds as provided by section 15186  
306.37 of the Revised Code or issue bonds secured by its general 15187  
credit as provided in section 306.40 of the Revised Code; 15188

(R) May apply for and accept grants or loans from the United 15189  
States, the state, or any other public ~~body~~ or any private source 15190  
for the purpose of providing for the development or improvement of 15191  
transit facilities, mass transportation facilities, equipment, 15192  
techniques, methods, or services, and grants or loans needed to 15193  
exercise a right to purchase a transit system pursuant to 15194  
agreement with the owner of those transit facilities, or for 15195  
providing lawful financial assistance to existing transit systems; 15196  
and may provide any consideration that may be required in order to 15197  
obtain those grants or loans from the United States, the state, or 15198  
other public ~~body~~ or private source, either of which grants or 15199  
loans may be evidenced by the issuance of revenue bonds as 15200  
provided by section 306.37 of the Revised Code or general 15201  
obligation bonds as provided by section 306.40 of the Revised 15202  
Code; 15203

(S) May employ and fix the compensation of consulting 15204  
engineers, superintendents, managers, and such other engineering, 15205  
construction, accounting and financial experts, attorneys, and 15206  
other employees and agents necessary for the accomplishment of its 15207  
purposes; 15208

(T) May procure insurance against loss to it by reason of 15209  
damages to its properties resulting from fire, theft, accident, or 15210  
other casualties or by reason of its liability for any damages to 15211  
persons or property occurring in the construction or operation of 15212  
transit facilities under its jurisdiction or the conduct of its 15213  
activities; 15214

(U) May maintain funds that it considers necessary for the 15215  
efficient performance of its duties; 15216

(V) May direct its agents or employees, when properly	15217
identified in writing, after at least five days' written notice,	15218
to enter upon lands within or without its territorial boundaries	15219
in order to make surveys and examinations preliminary to the	15220
location and construction of transit facilities, without liability	15221
to it or its agents or employees except for actual damage done;	15222
(W) On its own motion, may request the appropriate zoning	15223
board, as defined in section 4563.03 of the Revised Code, to	15224
establish and enforce zoning regulations pertaining to any transit	15225
facility under its jurisdiction in the manner prescribed by	15226
sections 4563.01 to 4563.21 of the Revised Code;	15227
(X) If it acquires any existing transit system, shall assume	15228
all the employer's obligations under any existing labor contract	15229
between the employees and management of the system. If the board	15230
acquires, constructs, controls, or operates any such facilities,	15231
it shall negotiate arrangements to protect the interests of	15232
employees affected by the acquisition, construction, control, or	15233
operation. The arrangements shall include, but are not limited to:	15234
(1) The preservation of rights, privileges, and benefits	15235
under existing collective bargaining agreements or otherwise, the	15236
preservation of rights and benefits under any existing pension	15237
plans covering prior service, and continued participation in	15238
social security in addition to participation in the public	15239
employees retirement system as required in Chapter 145. of the	15240
Revised Code;	15241
(2) The continuation of collective bargaining rights;	15242
(3) The protection of individual employees against a	15243
worsening of their positions with respect to their employment;	15244
(4) Assurances of employment to employees of those transit	15245
systems and priority reemployment of employees terminated or laid	15246
off;	15247

(5) Paid training or retraining programs;	15248
(6) Signed written labor agreements.	15249
The arrangements may include provisions for the submission of	15250
labor disputes to final and binding arbitration.	15251
(Y) May provide for and maintain security operations,	15252
including a transit police department, subject to section 306.352	15253
of the Revised Code. Regional transit authority police officers	15254
shall have the power and duty to act as peace officers within	15255
transit facilities owned, operated, or leased by the transit	15256
authority to protect the transit authority's property and the	15257
person and property of passengers, to preserve the peace, and to	15258
enforce all laws of the state and ordinances and regulations of	15259
political subdivisions in which the transit authority operates.	15260
Regional transit authority police officers also shall have the	15261
power and duty to act as peace officers when they render emergency	15262
assistance outside their jurisdiction to any other peace officer	15263
who is not a regional transit authority police officer and who has	15264
arrest authority under section 2935.03 of the Revised Code.	15265
Regional transit authority police officers may render emergency	15266
assistance if there is a threat of imminent physical danger to the	15267
peace officer, a threat of physical harm to another person, or any	15268
other serious emergency situation and if either the peace officer	15269
who is assisted requests emergency assistance or it appears that	15270
the peace officer who is assisted is unable to request emergency	15271
assistance and the circumstances observed by the regional transit	15272
authority police officer reasonably indicate that emergency	15273
assistance is appropriate.	15274
Before exercising powers of arrest and the other powers and	15275
duties of a peace officer, each regional transit authority police	15276
officer shall take an oath and give bond to the state in a sum	15277
that the board of trustees prescribes for the proper performance	15278
of the officer's duties.	15279

Persons employed as regional transit authority police 15280  
officers shall complete training for the position to which they 15281  
have been appointed as required by the Ohio peace officer training 15282  
commission as authorized in section 109.77 of the Revised Code, or 15283  
be otherwise qualified. The cost of the training shall be provided 15284  
by the regional transit authority. 15285

(Z) May procure a policy or policies insuring members of its 15286  
board of trustees against liability on account of damages or 15287  
injury to persons and property resulting from any act or omission 15288  
of a member in the member's official capacity as a member of the 15289  
board or resulting solely out of the member's membership on the 15290  
board; 15291

(AA) May enter into any agreement for the sale and leaseback 15292  
or lease and leaseback of transit facilities, which agreement may 15293  
contain all necessary covenants for the security and protection of 15294  
any lessor or the regional transit authority including, but not 15295  
limited to, indemnification of the lessor against the loss of 15296  
anticipated tax benefits arising from acts, omissions, or 15297  
misrepresentations of the regional transit authority. In 15298  
connection with that transaction, the regional transit authority 15299  
may contract for insurance and letters of credit and pay any 15300  
premiums or other charges for the insurance and letters of credit. 15301  
The fiscal officer shall not be required to furnish any 15302  
certificate under section 5705.41 of the Revised Code in 15303  
connection with the execution of any such agreement. 15304

(BB) In regard to any contract entered into on or after March 15305  
19, 1993, for the rendering of services or the supplying of 15306  
materials or for the construction, demolition, alteration, repair, 15307  
or reconstruction of transit facilities in which a bond is 15308  
required for the faithful performance of the contract, may permit 15309  
the person awarded the contract to utilize a letter of credit 15310  
issued by a bank or other financial institution in lieu of the 15311



bond; 15312

(CC) May enter into agreements with municipal corporations 15313  
located within the territorial jurisdiction of the regional 15314  
transit authority permitting regional transit authority police 15315  
officers employed under division (Y) of this section to exercise 15316  
full arrest powers, as provided in section 2935.03 of the Revised 15317  
Code, for the purpose of preserving the peace and enforcing all 15318  
laws of the state and ordinances and regulations of the municipal 15319  
corporation within the areas that may be agreed to by the regional 15320  
transit authority and the municipal corporation. 15321

Sec. 307.679. (A) As used in this section: 15322

(1) "Sports park" means any facility designed and constructed 15323  
as a venue for public entertainment and recreation by the 15324  
presentation of sporting and athletic events, or other events and 15325  
exhibitions, including a facility designed to provide a site for 15326  
one or more athletic or sports teams or activities, spectator 15327  
facilities, parking facilities, walkways, and auxiliary 15328  
facilities; real and personal property; property rights; 15329  
easements; leasehold estates; and other interests appropriate for, 15330  
or used in connection with, the operation of those facilities. 15331  
"Sports park" includes sports complexes consisting of multiple 15332  
athletic fields for youth and secondary school students and 15333  
related spectator, parking, and auxiliary facilities. 15334

(2) "Sports park bonds" means bonds, notes, or any other debt 15335  
issued by a county or a port authority for a project, including 15336  
any bonds issued to refinance or otherwise refund such debt. 15337

(3) "Debt service charges" means the principal of and 15338  
interest and any premium due on sports park bonds whether due at 15339  
maturity or upon mandatory redemption, together with any required 15340  
deposits to reserves for the payment of principal of and interest 15341  
on such sports park bonds, and includes any payments required by a 15342

port authority to satisfy any of its obligations arising from any 15343  
guaranty agreements, reimbursement agreements, or other credit 15344  
enhancement agreements described in this section. 15345

(4) "Eligible corporation" means a nonprofit corporation that 15346  
is organized under the laws of this state the authorized purposes 15347  
of which encompasses the ability to construct, lease, and operate 15348  
a sports park, including a nonprofit corporation established under 15349  
Chapter 1702. or a community improvement corporation established 15350  
under Chapter 1724. of the Revised Code. 15351

(5) "Operator" means the person that leases or subleases a 15352  
sports park from a county, port authority, or eligible corporation 15353  
and that operates and manages the sports park. 15354

(6) "Port authority" means a port authority created under 15355  
Chapter 4582. of the Revised Code. 15356

(7) "Project" means acquiring, constructing, reconstructing, 15357  
renovating, rehabilitating, expanding, adding to, equipping, 15358  
furnishing, or otherwise improving a sports park. 15359

(8) "One purpose," "permanent improvement," and "person," 15360  
have the same meanings as in section 133.01 of the Revised Code. 15361

(B) The board of county commissioners of a county having a 15362  
population greater than seventy-five thousand but less than 15363  
seventy-eight thousand according to the 2010 federal decennial 15364  
census may enter into a cooperative agreement with a port 15365  
authority, eligible corporation, operator, or any other person 15366  
under which: 15367

(1) The board agrees to do any or all of the following: 15368

(a) Levy a tax or increase the rate of a tax under section 15369  
5739.09 of the Revised Code, as authorized by that section; 15370

(b) Acquire, convey, or lease real or other property for a 15371  
project; 15372

<u>(c) Issue sports park bonds for a project;</u>	15373
<u>(d) Pledge and contribute all or a portion of the revenue from taxes the board agrees to levy under division (B)(1)(a) of this section, together with any investment and earnings on that revenue, to pay debt service charges;</u>	15374 15375 15376 15377
<u>(e) Pledge and contribute nontax revenues, together with any investment and earnings on such revenues, to pay the debt service charges, and, as the board considers appropriate, use all or any portion of a tax levied under section 5739.09 of the Revised Code to maintain, pay, or otherwise satisfy county obligations and expenses that such nontax revenues would otherwise pay;</u>	15378 15379 15380 15381 15382 15383
<u>(f) Construct a sports park;</u>	15384
<u>(g) Authorize the port authority, eligible corporation, operator, or other person to administer on behalf of the county any contracts for a project.</u>	15385 15386 15387
<u>(2) The port authority agrees to do any or all of the following:</u>	15388 15389
<u>(a) Acquire, convey, or lease real or other property for a project;</u>	15390 15391
<u>(b) Issue sports park bonds for a project;</u>	15392
<u>(c) Construct a sports park;</u>	15393
<u>(d) Authorize the eligible corporation, operator, or other person to administer on behalf of the port authority any contracts for a project.</u>	15394 15395 15396
<u>(3) The eligible corporation agrees to do any or all of the following:</u>	15397 15398
<u>(a) Acquire, convey, or lease real or other property for a project;</u>	15399 15400
<u>(b) Construct a sports park;</u>	15401

(c) Authorize the operator or another person to administer on behalf of the corporation any contracts for a project. 15402  
15403

(4) The operator agrees to do any or all of the following: 15404

(a) Acquire, convey, or lease real or other property for a project; 15405  
15406

(b) Administer on behalf of the county, port authority, or corporation, any contracts for a project; 15407  
15408

(c) Lease a sports park from the county, port authority, or corporation on terms to be agreed upon between the operator and the lessor, including a lease-purchase agreement under which the operator agrees to acquire for one dollar the sports park at the later of the end of the lease or upon retirement of the sports park bonds; 15409  
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(d) Operate and maintain the sports park. 15415

(C) The pledges and contributions provided for in a cooperative agreement entered into under this section shall be for the period prescribed in the cooperative agreement, but shall not exceed the period necessary to retire any sports park bonds and to satisfy any sports park bond issuing authority's obligations arising from a guaranty agreement, reimbursement agreement, or other credit enhancement agreement relating to sports park bonds or to the revenues pledged to such bonds. 15416  
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The cooperative agreement shall provide for its termination, including termination of the pledges and contributions described in division (B) of this section if the sports park bonds have not been issued, sold, and delivered within two years after the effective date of the cooperative agreement. The cooperative agreement shall provide that any sports park bonds shall be secured by a trust agreement between the issuing authority and a corporate trustee that is a trust company or bank having the powers of a trust company. If the bonds are issued by the port 15424  
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authority, the county may be a party to such trust agreement for 15433  
the purpose of securing the pledge by the county of its 15434  
contribution to the corporation pursuant to division (B)(1) of 15435  
this section. 15436

A pledge of money by a county under this section shall not be 15437  
net indebtedness of the county for purposes of section 133.07 of 15438  
the Revised Code. Transactions described in divisions (B)(1)(b), 15439  
(2)(a), (3)(a), and (4)(a) and (c) of this section are not subject 15440  
to the requirements and limitations of sections 307.02, 307.09, 15441  
307.12, 307.86, 307.862, and 4582.12 of the Revised Code. A 15442  
project is a permanent improvement for one purpose for the 15443  
purposes of Chapter 133. of the Revised Code. 15444

**Sec. 317.08.** (A) The county recorder shall record all 15445  
instruments in one general record series to be known as the 15446  
"official records." The county recorder shall record in the 15447  
official records all of the following instruments that are 15448  
presented for recording, upon payment of the fees prescribed by 15449  
law: 15450

(1) Deeds and other instruments of writing for the absolute 15451  
and unconditional sale or conveyance of lands, tenements, and 15452  
hereditaments; 15453

(2) Notices as provided in sections 5301.47 to 5301.56 of the 15454  
Revised Code; 15455

(3) Judgments or decrees in actions brought under section 15456  
5303.01 of the Revised Code; 15457

(4) Declarations and bylaws, and all amendments to 15458  
declarations and bylaws, as provided in Chapter 5311. of the 15459  
Revised Code; 15460

(5) Affidavits as provided in sections 5301.252 and 5301.56 15461  
of the Revised Code; 15462

(6) Certificates as provided in section 5311.17 of the Revised Code;	15463 15464
(7) Articles dedicating archaeological preserves accepted by the director of the Ohio historical society under section 149.52 of the Revised Code;	15465 15466 15467
(8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code;	15468 15469 15470
(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	15471 15472
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	15473 15474 15475 15476
(11) Instruments or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code;	15477 15478
(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	15479 15480
(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;	15481 15482 15483
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code;	15484 15485 15486 15487 15488 15489 15490
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	15491 15492

(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	15493 15494
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	15495 15496 15497
(18) Agreements entered into under section 1506.44 of the Revised Code;	15498 15499
(19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;	15500 15501 15502 15503 15504
(20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully performed by one or more of the parties to them within one year of the date of the contracts;	15505 15506 15507 15508
(21) Options to purchase real estate, including supplements, modifications, and amendments of the options, but no option of that nature shall be recorded if it does not state a specific day and year of expiration of its validity;	15509 15510 15511 15512
(22) Any tax certificate sold under section 5721.33 of the Revised Code, or memorandum of it, that is presented for filing of record;	15513 15514 15515
(23) Powers of attorney, including all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;	15516 15517 15518
(24) Plats and maps of town lots, of the subdivision of town lots, and of other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county	15519 15520 15521 15522

engineer, and all drawings and amendments to drawings, as provided 15523  
in Chapter 5311. of the Revised Code; 15524

(25) Leases, including a lease described in section 5301.09 15525  
of the Revised Code, memoranda of leases, and supplements, 15526  
modifications, and amendments of leases and memoranda of leases; 15527

(26) Declarations executed pursuant to section 2133.02 of the 15528  
Revised Code and durable powers of attorney for health care 15529  
executed pursuant to section 1337.12 of the Revised Code; 15530

(27) Unemployment compensation liens, internal revenue tax 15531  
liens, and other liens in favor of the United States as described 15532  
in division (A) of section 317.09 of the Revised Code, personal 15533  
tax liens, mechanic's liens, agricultural product liens, notices 15534  
of liens, certificates of satisfaction or partial release of 15535  
estate tax liens, discharges of recognizances, excise and 15536  
franchise tax liens on corporations, broker's liens, and liens 15537  
provided for in section 1513.33, 1513.37, 3752.13, 4141.23, 15538  
5111.022, or 5311.18 of the Revised Code; ~~and~~ 15539

(28) Corrupt activity lien notices filed pursuant to section 15540  
2923.36 of the Revised Code and medicaid fraud lien notices filed 15541  
pursuant to section 2933.75 of the Revised Code; 15542

(29) Notices attached to real property under section 6112.06, 15543  
6117.52, or 6119.60 of the Revised Code. 15544

(B) All instruments or memoranda of instruments entitled to 15545  
record shall be recorded in the order in which they are presented 15546  
for recording. 15547

The recording of an option to purchase real estate, including 15548  
any supplement, modification, and amendment of the option, under 15549  
this section shall serve as notice to any purchaser of an interest 15550  
in the real estate covered by the option only during the period of 15551  
the validity of the option as stated in the option. 15552



(C) In addition to the official records, a county recorder 15553  
may elect to keep a separate set of records that contain the 15554  
instruments listed in division (A)(24) of this section. 15555

(D) As part of the official records, the county recorder 15556  
shall keep a separate set of records containing all transfers, 15557  
conveyances, or assignments of any type of tangible or intangible 15558  
personal property or any rights or interests in that property if 15559  
and to the extent that any person wishes to record that personal 15560  
property transaction and if the applicable instrument is 15561  
acknowledged before a notary public. If the transferor is a 15562  
natural person, the notice of personal property transfer shall be 15563  
recorded in the county in this state in which the transferor 15564  
maintains the transferor's principal residence. If the transferor 15565  
is not a natural person, the notice of personal property transfer 15566  
shall be recorded in the county in this state in which the 15567  
transferor maintains its principal place of business. If the 15568  
transferor does not maintain a principal residence or a principal 15569  
place of business in this state and the transfer is to a trustee 15570  
of a legacy trust formed pursuant to Chapter 5816. of the Revised 15571  
Code, the notice of personal property transfer shall be recorded 15572  
in the county in this state where that trustee maintains a 15573  
principal residence or principal place of business. In all other 15574  
instances, the notice of personal property transfer shall be 15575  
recorded in the county in this state where the property described 15576  
in the notice is located. 15577

Sec. 317.241. (A) Commencing on January 1, 2017, a county 15578  
recorder shall issue an Ohio veterans identification card to an 15579  
individual who is not eligible for a federally issued veterans 15580  
identification card, and who has met the following requirements: 15581

(1) Presented the individual's armed forces discharge record 15582  
for recording in the record of discharges in the office of the 15583

<u>county recorder;</u>	15584
<u>(2) Provided, while appearing in person at a county recorder's office, two forms of current and valid identification, at least one of which bears a photograph of the individual;</u>	15585 15586 15587
<u>(3) Paid a fee not to exceed two dollars.</u>	15588
<u>An Ohio veterans identification card expires ten years after the date of issuance. A veteran whose identification card has expired may apply to a county recorder for the issuance of a new identification card, and a veteran whose current card has been lost or damaged, may apply to a county recorder for a replacement identification card, by meeting the requirements described in this section.</u>	15589 15590 15591 15592 15593 15594 15595
<u>(B) The following documents are valid forms of identification for the purposes of this section:</u>	15596 15597
<u>(1) An original or a certified birth certificate.</u>	15598
<u>(2) An identification card issued by the United States department of veterans affairs.</u>	15599 15600
<u>(3) A United States military identification card.</u>	15601
<u>(4) A social security card.</u>	15602
<u>(5) A license or permit to carry a concealed weapon issued by this state or any other state.</u>	15603 15604
<u>(6) A motor vehicle operator's license issued by this state or any other state that bears a photograph of the licensee.</u>	15605 15606
<u>(7) An identification card issued by this state or any other state that bears a photograph of the individual identified.</u>	15607 15608
<u>(8) A valid passport that bears a photograph of the individual to whom the passport was issued.</u>	15609 15610
<u>(9) A United States armed forces discharge record.</u>	15611
<u>(C) Fees collected under this section shall be deposited into</u>	15612

the county treasury to the credit of the county recorder's 15613  
technology fund established under section 317.321 of the Revised 15614  
Code. If no such fund exists, the fee shall be deposited into the 15615  
county general fund. 15616

(D)(1) An Ohio veterans identification card shall conform to 15617  
the material and design standards established by the director of 15618  
veterans services. 15619

(2) An applicant for an Ohio veterans identification card 15620  
shall be photographed in color at the time the application for the 15621  
card is made. A county recorder shall provide the necessary 15622  
equipment to take a color photograph of an applicant for an Ohio 15623  
veterans identification card. Photographic records of a county 15624  
recorder's office that are obtained under this section are the 15625  
property of the county recorder's office. 15626

(E) All application materials, including applications, 15627  
photographs, documents, or other information submitted with an 15628  
application or obtained by a county recorder are not public 15629  
records under section 149.43 of the Revised Code. The county 15630  
recorder may only release application materials as follows: 15631

(1) To a state, local, or federal governmental agency for 15632  
criminal justice purposes or to a court for any purpose arising in 15633  
the court. 15634

(2) To the department of veterans services, but only if the 15635  
veteran gives prior signed written approval. 15636

(3) To a county veterans service commission, but only if the 15637  
veteran gives prior signed written approval. 15638

A governmental agency, a court, the department of veterans 15639  
services, or a county veterans service commission to which 15640  
application materials have been released shall maintain the 15641  
confidentiality of those materials. 15642

(F) A county recorder may contract with any other political 15643  
subdivision of the state for Ohio veterans identification card 15644  
production services. 15645

(G) A county recorder may accept donations, in the form of 15646  
supplies and equipment, to be used in the production of Ohio 15647  
veterans identification cards. 15648

**Sec. 317.36.** (A) The county recorder shall collect the low- 15649  
and moderate-income housing trust fund fee as specified in 15650  
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 15651  
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 15652  
6101.09, and 6115.09 of the Revised Code. The amount of any 15653  
housing trust fund fee the recorder is authorized to collect is 15654  
equal to the amount of any base fee the recorder is authorized to 15655  
collect for services. The housing trust fund fee shall be 15656  
collected in addition to the base fee. 15657

(B) The recorder shall certify the amounts collected as 15658  
housing trust fund fees pursuant to division (A) of this section 15659  
into the county treasury as housing trust fund fees to be paid as 15660  
follows: 15661

(1) Fifty per cent shall be paid to the treasurer of state 15662  
pursuant to section 319.63 of the Revised Code. 15663

(2) Fifty per cent shall be paid to the board of 15664  
commissioners of the county for the purpose of housing for the 15665  
homeless, including homeless youth and homeless prevention, low 15666  
income housing, housing assistance for people with disabilities, 15667  
housing assistance for the elderly, housing assistance for youth 15668  
in need, housing assistance for people in recovery, and housing 15669  
assistance for people in need of alternatives to institutional 15670  
settings in that county. The county shall maintain a preference 15671  
for projects serving persons with an annual household income of 15672  
thirty-five per cent of the state median or below. 15673

Sec. 319.63. (A) During the first thirty days of each 15674  
calendar quarter, the county auditor shall pay to the treasurer of 15675  
state ~~all~~ fifty per cent of the amounts that the county recorder 15676  
collected as housing trust fund fees pursuant to section 317.36 of 15677  
the Revised Code during the previous calendar quarter. If payment 15678  
is made to the treasurer of state within the first thirty days of 15679  
the quarter, the county auditor may retain of the amounts to be 15680  
paid to the treasurer of state an administrative fee of one per 15681  
cent of the amount of the trust fund fees collected during the 15682  
previous calendar quarter. 15683

(B) The treasurer of state shall deposit the first fifty 15684  
million dollars of housing trust fund fees received each year 15685  
pursuant to this section into the low- and moderate-income housing 15686  
trust fund~~7~~, created under section 174.02 of the Revised Code~~7~~, ~~and~~. 15687  
The treasurer of state shall deposit any amounts received each 15688  
year in excess of fifty million dollars into the housing trust 15689  
reserve fund created under section 174.09 of the Revised Code, 15690  
unless the cash balance of the housing trust reserve fund is 15691  
greater than fifteen million dollars. In that event, the treasurer 15692  
of state shall deposit any amounts received each year in excess of 15693  
fifty million dollars into the state general revenue fund. 15694

(C) The county auditor shall deposit the administrative fee 15695  
that the auditor is permitted to retain pursuant to division (A) 15696  
of this section into the county general fund for the county 15697  
recorder to use in administering the trust fund fee. 15698

Sec. 321.24. (A) On or before the fifteenth day of February, 15699  
in each year, the county treasurer shall settle with the county 15700  
auditor for all taxes and assessments that the treasurer has 15701  
collected on the general duplicate of real and public utility 15702  
property at the time of making the settlement. If the county 15703  
treasurer has made or will make advance payments to the several 15704

taxing districts of current year unpaid taxes under section 15705  
321.341 of the Revised Code before collecting them, the county 15706  
treasurer shall take the advance payments into account for 15707  
purposes of the settlement with the county auditor under this 15708  
division. 15709

(B) On or before the thirtieth day of June, in each year, the 15710  
treasurer shall settle with the auditor for all advance payments 15711  
of general personal and classified property taxes that the 15712  
treasurer has received at the time of making the settlement. 15713

(C) On or before the tenth day of August, in each year, the 15714  
treasurer shall settle with the auditor for all taxes and 15715  
assessments that the treasurer has collected on the general 15716  
duplicates of real and public utility property at the time of 15717  
making such settlement, not included in the preceding February 15718  
settlement. If the county treasurer has made or will make advance 15719  
payments to the several taxing districts of the current year 15720  
delinquent taxes under section 321.341 of the Revised Code before 15721  
collecting them, the county treasurer shall take the advance 15722  
payments into account for purposes of the settlement with the 15723  
county auditor under this division. 15724

(D) On or before the thirty-first day of October, in each 15725  
year, the treasurer shall settle with the auditor for all taxes 15726  
that the treasurer has collected on the general personal and 15727  
classified property duplicates, and for all advance payments of 15728  
general personal and classified property taxes, not included in 15729  
the preceding June settlement, that the treasurer has received at 15730  
the time of making such settlement. 15731

(E) In the event the time for the payment of taxes is 15732  
extended, pursuant to section 323.17 of the Revised Code, the date 15733  
on or before which settlement for the taxes so extended must be 15734  
made, as herein prescribed, shall be deemed to be extended for a 15735

like period of time. At each such settlement, the auditor shall 15736  
allow to the treasurer, on the moneys received or collected and 15737  
accounted for by the treasurer, the treasurer's fees, at the rate 15738  
or percentage allowed by law, at a full settlement of the 15739  
treasurer. 15740

(F) Within thirty days after the day of each settlement of 15741  
taxes required under divisions (A) and (C) of this section, the 15742  
treasurer shall certify to the tax commissioner any adjustments 15743  
that have been made to the amount certified previously pursuant to 15744  
section 319.302 of the Revised Code and that the settlement has 15745  
been completed. Upon receipt of such certification, the 15746  
commissioner shall provide for payment to the county treasurer 15747  
from the general revenue fund of an amount equal to one-half of 15748  
the amount certified by the treasurer in the preceding tax year 15749  
under section 319.302 of the Revised Code, less one-half of the 15750  
amount computed for all taxing districts in that county for the 15751  
current fiscal year under section 5703.80 of the Revised Code for 15752  
crediting to the property tax administration fund. Such payment 15753  
shall be credited upon receipt to the county's undivided income 15754  
tax fund, and the county auditor shall transfer to the county 15755  
general fund from the amount thereof the total amount of all fees 15756  
and charges which the auditor and treasurer would have been 15757  
authorized to receive had such section not been in effect and that 15758  
amount had been levied and collected as taxes. The county auditor 15759  
shall distribute the amount remaining among the various taxing 15760  
districts in the county as if it had been levied, collected, and 15761  
settled as real property taxes. The amount distributed to each 15762  
taxing district shall be reduced by the total of the amounts 15763  
computed for the district under section 5703.80 of the Revised 15764  
Code, but the reduction shall not exceed the amount that otherwise 15765  
would be distributed to the taxing district under this division. 15766  
The tax commissioner shall make available to taxing districts such 15767  
information as is sufficient for a taxing district to be able to 15768

determine the amount of the reduction in its distribution under 15769  
this section. 15770

(G)(1) Within thirty days after the day of the settlement 15771  
required in division (D) of this section, the county treasurer 15772  
shall notify the tax commissioner that the settlement has been 15773  
completed. Upon receipt of that notification, the commissioner 15774  
shall provide for payment to the county treasurer from the general 15775  
revenue fund of an amount equal to the amount certified under 15776  
former section 319.311 of the Revised Code and paid in the state's 15777  
fiscal year 2003 multiplied by the percentage specified in 15778  
division (G)(2) of this section. The payment shall be credited 15779  
upon receipt to the county's undivided income tax fund, and the 15780  
county auditor shall distribute the amount thereof among the 15781  
various taxing districts of the county as if it had been levied, 15782  
collected, and settled as personal property taxes. The amount 15783  
received by a taxing district under this division shall be 15784  
apportioned among its funds in the same proportion as the current 15785  
year's personal property taxes are apportioned. 15786

(2) Payments required under division (G)(1) of this section 15787  
shall be made at the following percentages of the amount certified 15788  
under former section 319.311 of the Revised Code and paid under 15789  
division (G)(1) of this section in the state's fiscal year 2003: 15790

(a) In fiscal year 2004, ninety per cent; 15791

(b) In fiscal year 2005, eighty per cent; 15792

(c) In fiscal year 2006, sixty-four per cent; 15793

(d) In fiscal year 2007, forty per cent; 15794

(e) In fiscal year 2008, thirty-two per cent; 15795

(f) In fiscal year 2009, sixteen per cent. 15796

After fiscal year 2009, no payments shall be made under 15797  
division (G)(1) of this section. 15798



(H)(1) On or before the fifteenth day of April each year, the county treasurer shall settle with the county auditor for all manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(2) On or before the fifteenth day of September each year, the county treasurer shall settle with the county auditor for all remaining manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(3) If the time for payment of such taxes is extended under section 4503.06 of the Revised Code, the time for making the settlement as prescribed by divisions (H)(1) and (2) of this section is extended for a like period of time.

(I) On or before the second Monday in September of each year, the county treasurer shall certify to the tax commissioner the total amount by which the manufactured home taxes levied in that year were reduced pursuant to section 319.302 of the Revised Code. Within ninety days after the receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified by the treasurer. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges that the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as manufactured home taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as manufactured home taxes.

(J) On the same date as each settlement of taxes under

divisions (A) and (C) of this section, and notwithstanding any 15831  
other provision of this section, the county treasurer shall 15832  
provide for payment to the treasurer of state, from the county 15833  
undivided general tax fund, of an amount equal to the amount of 15834  
the taxes and assessments the treasurer has collected with respect 15835  
to the tangible personal property of electric companies and energy 15836  
companies, as those terms are defined in section 5727.01 of the 15837  
Revised Code, multiplied by a fraction, the numerator of which is 15838  
the difference between the percentage determined for that tax year 15839  
under division (B)(3) of section 5727.09 of the Revised Code and 15840  
eighty-five per cent, and the denominator of which is the 15841  
percentage determined for that tax year under that division. The 15842  
treasurer of state shall place all money transferred pursuant to 15843  
this division to the credit of the production equipment property 15844  
tax replacement fund, which is hereby created in the state 15845  
treasury. 15846

**Sec. 323.13.** Except as provided in section 323.134 of the 15847  
Revised Code, immediately upon receipt of any tax duplicate from 15848  
the county auditor, but not less than twenty days prior to the 15849  
last date on which the first one-half taxes may be paid without 15850  
penalty as prescribed in section 323.12 or 323.17 of the Revised 15851  
Code, the county treasurer shall cause to be prepared and mailed 15852  
or delivered to each person charged on such duplicate with taxes 15853  
or to an agent designated by such person, the tax bill prescribed 15854  
by the commissioner of tax equalization under section 323.131 of 15855  
the Revised Code. When taxes are paid by installments, the county 15856  
treasurer shall mail or deliver to each person charged on such 15857  
duplicate or the agent designated by such person, a second tax 15858  
bill showing the amount due at the time of the second tax 15859  
collection. The second-half tax bill shall be mailed or delivered 15860  
at least twenty days prior to the close of the second-half tax 15861  
collection period. The treasurer shall maintain a record of the 15862

person or agent to whom each bill is mailed or delivered. 15863

After delivery of the delinquent land duplicate as prescribed 15864  
in section 5721.011 of the Revised Code, the county treasurer may 15865  
prepare and mail to each person in whose name property therein is 15866  
listed an additional tax bill showing the total amount of 15867  
delinquent taxes appearing on such duplicate against such 15868  
property. The tax bill shall include a notice that the interest 15869  
charge prescribed by division (B) of section 323.121 of the 15870  
Revised Code has begun to accrue. 15871

A change in the mailing address of any tax bill shall be made 15872  
in writing to the county treasurer. 15873

Upon certification by the county auditor of the apportionment 15874  
of taxes following the transfer of a part of a tract or lot of 15875  
real estate, and upon request by the owner of any transferred or 15876  
remaining part of such tract or parcel, the treasurer shall cause 15877  
to be prepared and mailed or delivered to such owner a tax bill 15878  
for the taxes allocated to the owner's part, together with the 15879  
penalties, interest, and other charges. 15880

Failure to receive any bill required by this section does not 15881  
excuse failure or delay to pay any taxes shown on such bill or, 15882  
except as provided in division (B)(1) of section 5715.39 of the 15883  
Revised Code, avoid any penalty, interest, or charge for such 15884  
delay. 15885

**Sec. 325.03.** Each county auditor shall be classified, for 15886  
salary purposes, according to the population of the county. All 15887  
county auditors shall receive annual compensation in accordance 15888  
with the following schedules and in accordance with section 325.18 15889  
of the Revised Code: 15890

~~(A) CLASSIFICATION AND COMPENSATION SCHEDULE~~ 15891  
15892

<del>FOR CALENDAR YEAR 2000</del>			15893
<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	15894
<del>1</del>	<del>1—20,000</del>	<del>\$39,368</del>	15895
<del>2</del>	<del>20,001—40,000</del>	<del>41,706</del>	15896
<del>3</del>	<del>40,001—55,000</del>	<del>43,911</del>	15897
<del>4</del>	<del>55,001—70,000</del>	<del>45,376</del>	15898
<del>5</del>	<del>70,001—85,000</del>	<del>46,876</del>	15899
<del>6</del>	<del>85,001—95,000</del>	<del>51,801</del>	15900
<del>7</del>	<del>95,001—105,000</del>	<del>53,383</del>	15901
<del>8</del>	<del>105,001—125,000</del>	<del>54,927</del>	15902
<del>9</del>	<del>125,001—175,000</del>	<del>57,950</del>	15903
<del>10</del>	<del>175,001—275,000</del>	<del>59,911</del>	15904
<del>11</del>	<del>275,001—400,000</del>	<del>65,004</del>	15905
<del>12</del>	<del>400,001—550,000</del>	<del>67,213</del>	15906
<del>13</del>	<del>550,001—1,000,000</del>	<del>69,267</del>	15907
<del>14</del>	<del>Over 1,000,000</del>	<del>71,225</del>	15908
<del>(B) CLASSIFICATION AND COMPENSATION SCHEDULE</del>			15909
<del>FOR CALENDAR YEAR 2001</del>			15910
<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	15911
<del>1</del>	<del>1—20,000</del>	<del>\$40,549</del>	15912
<del>2</del>	<del>20,001—40,000</del>	<del>42,957</del>	15913
<del>3</del>	<del>40,001—55,000</del>	<del>45,228</del>	15914
<del>4</del>	<del>55,001—70,000</del>	<del>46,737</del>	15915
<del>5</del>	<del>70,001—85,000</del>	<del>48,282</del>	15916
<del>6</del>	<del>85,001—95,000</del>	<del>53,356</del>	15917
<del>7</del>	<del>95,001—105,000</del>	<del>54,983</del>	15918
<del>8</del>	<del>105,001—125,000</del>	<del>56,575</del>	15919
<del>9</del>	<del>125,001—175,000</del>	<del>59,690</del>	15920
<del>10</del>	<del>175,001—275,000</del>	<del>61,708</del>	15921
<del>11</del>	<del>275,001—400,000</del>	<del>66,953</del>	15922
<del>12</del>	<del>400,001—550,000</del>	<del>69,229</del>	15923
<del>13</del>	<del>550,001—1,000,000</del>	<del>71,345</del>	15924
<del>14</del>	<del>Over 1,000,000</del>	<del>73,362</del>	15925

~~(C)~~ CLASSIFICATION AND COMPENSATION SCHEDULE 15926

FOR CALENDAR YEAR 2002 15927

Class	Population Range	Compensation	
1	1 - 20,000	\$41,765	15929
2	20,001 - 40,000	44,246	15930
3	40,001 - 55,000	46,585	15931
4	55,001 - 70,000	48,139	15932
5	70,001 - 85,000	49,731	15933
6	85,001 - 95,000	54,957	15934
7	95,001 - 105,000	56,633	15935
8	105,001 - 125,000	58,272	15936
9	125,001 - 175,000	61,480	15937
10	175,001 - 275,000	63,560	15938
11	275,001 - 400,000	68,962	15939
12	400,001 - 550,000	71,306	15940
13	550,001 - 1,000,000	73,485	15941
14	Over 1,000,000	75,563	15942

~~(D)~~ CLASSIFICATION AND COMPENSATION SCHEDULE 15943

~~AFTER FOR CALENDAR YEAR 2002 2016~~ 15944

Class	Population Range	Compensation	
1	1 - 20,000	<del>\$45,573</del> <u>56,103</u>	15946
2	20,001 - 35,000	<del>47,983</del> <u>59,069</u>	15947
3	35,001 - 55,000	<del>49,584</del> <u>61,039</u>	15948
4	55,001 - 95,000	<del>58,332</del> <u>71,810</u>	15949
5	95,001 - 200,000	<del>65,466</del> <u>80,592</u>	15950
6	200,001 - 400,000	<del>73,445</del> <u>90,414</u>	15951
7	400,001 - 1,000,000	<del>77,829</del> <u>95,810</u>	15952
8	1,000,001 or more	<del>80,164</del> <u>98,684</u>	15953

CLASSIFICATION AND COMPENSATION SCHEDULE 15954

FOR CALENDAR YEAR 2017 AND THEREAFTER 15955

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,091</u>	15957
<u>2</u>	<u>55,001 - 95,000</u>	<u>75,400</u>	15958

<u>3</u>	<u>95,001 - 200,000</u>	<u>84,621</u>	15959
<u>4</u>	<u>200,001 - 400,000</u>	<u>94,935</u>	15960
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>100,601</u>	15961
<u>6</u>	<u>1,000,001 or more</u>	<u>103,618</u>	15962

**Sec. 325.04.** Each county treasurer shall be classified, for 15963  
salary purposes, according to the population of the county. All 15964  
county treasurers shall receive annual compensation in accordance 15965  
with the following schedules and in accordance with section 325.18 15966  
of the Revised Code: 15967

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 15968

~~FOR CALENDER YEAR 2000~~ 15969

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$29,932</del>	15971
<del>2</del>	<del>20,001 — 40,000</del>	<del>32,426</del>	15972
<del>3</del>	<del>40,001 — 55,000</del>	<del>34,921</del>	15973
<del>4</del>	<del>55,001 — 70,000</del>	<del>37,415</del>	15974
<del>5</del>	<del>70,001 — 85,000</del>	<del>39,078</del>	15975
<del>6</del>	<del>85,001 — 95,000</del>	<del>42,404</del>	15976
<del>7</del>	<del>95,001 — 105,000</del>	<del>44,067</del>	15977
<del>8</del>	<del>105,001 — 125,000</del>	<del>45,729</del>	15978
<del>9</del>	<del>125,001 — 175,000</del>	<del>48,640</del>	15979
<del>10</del>	<del>175,001 — 275,000</del>	<del>50,718</del>	15980
<del>11</del>	<del>275,001 — 400,000</del>	<del>54,460</del>	15981
<del>12</del>	<del>400,001 — 550,000</del>	<del>56,538</del>	15982
<del>13</del>	<del>550,001 — 1,000,000</del>	<del>58,617</del>	15983
<del>14</del>	<del>Over 1,000,000</del>	<del>60,695</del>	15984

CLASSIFICATION AND COMPENSATION SCHEDULE 15985

FOR ~~CALENDER~~ CALENDAR YEAR 2001 15986

Class	Population Range	Compensation	
1	1 - 20,000	\$33,399	15988
2	20,001 - 35,000	35,969	15989
3	35,001 - 55,000	38,537	15990

4	55,001 - 95,000	45,389	15991
5	95,001 - 200,000	52,240	15992
6	200,001 - 400,000	58,234	15993
7	400,001 - 1,000,000	62,516	15994
8	1,000,001 or more	64,704	15995

CLASSIFICATION AND COMPENSATION SCHEDULE 15996

FOR CALENDAR YEAR 2016 15997

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$41,115</u>	15999
<u>2</u>	<u>20,001 - 35,000</u>	<u>44,281</u>	16000
<u>3</u>	<u>35,001 - 55,000</u>	<u>47,441</u>	16001
<u>4</u>	<u>55,001 - 95,000</u>	<u>55,875</u>	16002
<u>5</u>	<u>95,001 - 200,000</u>	<u>64,309</u>	16003
<u>6</u>	<u>200,001 - 400,000</u>	<u>71,689</u>	16004
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>76,959</u>	16005
<u>8</u>	<u>1,000,001 or more</u>	<u>79,653</u>	16006

CLASSIFICATION AND COMPENSATION SCHEDULE 16007

FOR CALENDAR YEAR 2017 AND THEREAFTER 16008

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$49,813</u>	16010
<u>2</u>	<u>55,001 - 95,000</u>	<u>58,668</u>	16011
<u>3</u>	<u>95,001 - 200,000</u>	<u>67,525</u>	16012
<u>4</u>	<u>200,001 - 400,000</u>	<u>75,273</u>	16013
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>80,807</u>	16014
<u>6</u>	<u>1,000,001 or more</u>	<u>83,636</u>	16015

**Sec. 325.06.** (A) Each sheriff shall be classified, for salary 16016  
purposes, according to the population of the county. All sheriffs 16017  
shall receive annual compensation in accordance with the following 16018  
schedules and in accordance with section 325.18 of the Revised 16019  
Code: 16020

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16021

~~FOR CALENDAR YEAR 2000~~ 16022

Class	Population Range	Compensation	
<del>1</del>	<del>1 — 20,000</del>	<del>\$37,172</del>	16023
<del>2</del>	<del>20,001 — 40,000</del>	<del>39,666</del>	16024
<del>3</del>	<del>40,001 — 55,000</del>	<del>42,160</del>	16025
<del>4</del>	<del>55,001 — 70,000</del>	<del>43,824</del>	16026
<del>5</del>	<del>70,001 — 85,000</del>	<del>47,737</del>	16027
<del>6</del>	<del>85,001 — 95,000</del>	<del>49,401</del>	16028
<del>7</del>	<del>95,001 — 105,000</del>	<del>51,063</del>	16029
<del>8</del>	<del>105,001 — 125,000</del>	<del>52,727</del>	16030
<del>9</del>	<del>125,001 — 175,000</del>	<del>55,636</del>	16031
<del>10</del>	<del>175,001 — 275,000</del>	<del>62,216</del>	16032
<del>11</del>	<del>275,001 — 400,000</del>	<del>64,296</del>	16033
<del>12</del>	<del>400,001 — 600,000</del>	<del>69,699</del>	16034
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>71,778</del>	16035
<del>14</del>	<del>Over 1,000,000</del>	<del>73,857</del>	16036

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR ~~CALENDAR~~ CALENDAR YEAR 2001

Class	Population Range	Compensation	
1	1 - 20,000	\$40,855	16037
2	20,001 - 35,000	43,425	16038
3	35,001 - 55,000	45,139	16039
4	55,001 - 95,000	52,595	16040
5	95,001 - 200,000	64,082	16041
6	200,001 - 400,000	71,790	16042
7	400,001 - 1,000,000	76,073	16043
8	1,000,001 or more	78,279	16044

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2016

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$50,295</u>	16045
<u>2</u>	<u>20,001 - 35,000</u>	<u>53,458</u>	16046
<u>3</u>	<u>35,001 - 55,000</u>	<u>55,568</u>	16047
<u>4</u>	<u>55,001 - 95,000</u>	<u>64,747</u>	16048



<u>5</u>	<u>95,001 - 200,000</u>	<u>78,888</u>	16056
<u>6</u>	<u>200,001 - 400,000</u>	<u>88,379</u>	16057
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>93,650</u>	16058
<u>8</u>	<u>1,000,001 or more</u>	<u>96,364</u>	16059

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2017

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$58,347</u>	16063
<u>2</u>	<u>55,001 - 95,000</u>	<u>67,985</u>	16064
<u>3</u>	<u>95,001 - 200,000</u>	<u>82,832</u>	16065
<u>4</u>	<u>200,001 - 400,000</u>	<u>92,797</u>	16066
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>98,332</u>	16067
<u>6</u>	<u>1,000,001 or more</u>	<u>101,182</u>	16068

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2018

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$61,624</u>	16072
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,384</u>	16073
<u>3</u>	<u>95,001 - 200,000</u>	<u>86,974</u>	16074
<u>4</u>	<u>200,001 - 400,000</u>	<u>97,437</u>	16075
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>103,249</u>	16076
<u>6</u>	<u>1,000,001 or more</u>	<u>106,241</u>	16077

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEARS 2019 AND THEREAFTER

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,327</u>	16081
<u>2</u>	<u>55,001 - 95,000</u>	<u>74,953</u>	16082
<u>3</u>	<u>95,001 - 200,000</u>	<u>91,322</u>	16083
<u>4</u>	<u>200,001 - 400,000</u>	<u>102,309</u>	16084
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>108,411</u>	16085
<u>6</u>	<u>1,000,001 or more</u>	<u>111,553</u>	16086

(B) In addition to the annual compensation that a sheriff receives under this section for performing the duties of sheriff

prescribed by law, each sheriff shall receive in consideration of 16089  
the impact of Amended Substitute Senate Bill No. 2 of the 121st 16090  
general assembly on the workload of the sheriff, an additional 16091  
amount equal to one-eighth of the annual compensation that the 16092  
sheriff receives under division (A) of this section and section 16093  
325.18 of the Revised Code. This additional compensation shall be 16094  
paid biweekly from the county treasury if adequate funds have been 16095  
appropriated by the general assembly. If adequate funds have been 16096  
appropriated by the general assembly for the purposes of this 16097  
section, not later than the fifteenth day of March and September 16098  
of each year, the attorney general shall reimburse the fiscal 16099  
officer of the county the amount of additional compensation paid 16100  
under this division, the related amount of employer contributions 16101  
made under Chapter 145. of the Revised Code as required by the 16102  
public employees retirement board, and the related amount of the 16103  
payments to the social security administration for employer 16104  
contributions for Medicare part A. The fiscal officer shall 16105  
deposit the revenue in the county treasury. 16106

**Sec. 325.08.** Each clerk of the court of common pleas shall be 16107  
classified, for salary purposes, according to the population of 16108  
the county. All clerks of the court of common pleas shall receive 16109  
annual compensation in accordance with the following schedules and 16110  
in accordance with section 325.18 of the Revised Code: 16111

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16112

~~FOR CALENDER YEAR 2000~~ 16113

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$29,932</del>	16114
<del>2</del>	<del>20,001 — 40,000</del>	<del>32,426</del>	16115
<del>3</del>	<del>40,001 — 55,000</del>	<del>34,921</del>	16116
<del>4</del>	<del>55,001 — 70,000</del>	<del>37,415</del>	16117
<del>5</del>	<del>70,001 — 85,000</del>	<del>39,078</del>	16118
<del>6</del>	<del>85,001 — 95,000</del>	<del>42,404</del>	16119

7	<del>95,001 — 105,000</del>	44,067	16121
8	<del>105,001 — 125,000</del>	45,729	16122
9	<del>125,001 — 175,000</del>	48,640	16123
10	<del>175,001 — 275,000</del>	50,718	16124
11	<del>275,001 — 400,000</del>	54,460	16125
12	<del>400,001 — 600,000</del>	56,538	16126
13	<del>600,001 — 1,000,000</del>	58,616	16127
14	<del>Over 1,000,000</del>	60,695	16128

CLASSIFICATION AND COMPENSATION SCHEDULE 16129

FOR ~~CALENDAR~~ CALENDAR YEAR 2001 16130

Class	Population Range	Compensation	
1	1 - 20,000	\$33,399	16132
2	20,001 - 35,000	35,969	16133
3	35,001 - 55,000	38,537	16134
4	55,001 - 95,000	45,389	16135
5	95,001 - 200,000	52,240	16136
6	200,001 - 400,000	58,234	16137
7	400,001 - 1,000,000	62,516	16138
8	1,000,001 or more	64,704	16139

CLASSIFICATION AND COMPENSATION SCHEDULE 16140

FOR CALENDAR YEAR 2016 16141

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$41,115</u>	16143
<u>2</u>	<u>20,001 - 35,000</u>	<u>44,281</u>	16144
<u>3</u>	<u>35,001 - 55,000</u>	<u>47,441</u>	16145
<u>4</u>	<u>55,001 - 95,000</u>	<u>55,875</u>	16146
<u>5</u>	<u>95,001 - 200,000</u>	<u>64,309</u>	16147
<u>6</u>	<u>200,001 - 400,000</u>	<u>71,689</u>	16148
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>76,959</u>	16149
<u>8</u>	<u>1,000,001 or more</u>	<u>79,653</u>	16150

CLASSIFICATION AND COMPENSATION SCHEDULE 16151

FOR CALENDAR YEAR 2017 AND THEREAFTER 16152

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16153
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<u>1</u>	<u>1 - 55,000</u>	<u>\$49,813</u>	16154
<u>2</u>	<u>55,001 - 95,000</u>	<u>58,668</u>	16155
<u>3</u>	<u>95,001 - 200,000</u>	<u>67,525</u>	16156
<u>4</u>	<u>200,001 - 400,000</u>	<u>75,273</u>	16157
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>80,807</u>	16158
<u>6</u>	<u>1,000,001 or more</u>	<u>83,636</u>	16159

**Sec. 325.09.** Each county recorder shall be classified, for 16160  
salary purposes, according to the population of the county. All 16161  
county recorders shall receive annual compensation in accordance 16162  
with the following schedules and in accordance with section 325.18 16163  
of the Revised Code: 16164

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16165

~~FOR CALENDER YEAR 2000~~ 16166

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 - 20,000</del>	<del>\$29,101</del>	16168
<del>2</del>	<del>20,001 - 40,000</del>	<del>31,595</del>	16169
<del>3</del>	<del>40,001 - 55,000</del>	<del>34,089</del>	16170
<del>4</del>	<del>55,001 - 70,000</del>	<del>35,752</del>	16171
<del>5</del>	<del>70,001 - 85,000</del>	<del>37,415</del>	16172
<del>6</del>	<del>85,001 - 95,000</del>	<del>40,741</del>	16173
<del>7</del>	<del>95,001 - 105,000</del>	<del>41,572</del>	16174
<del>8</del>	<del>105,001 - 125,000</del>	<del>42,404</del>	16175
<del>9</del>	<del>125,001 - 175,000</del>	<del>44,898</del>	16176
<del>10</del>	<del>175,001 - 275,000</del>	<del>47,392</del>	16177
<del>11</del>	<del>275,001 - 400,000</del>	<del>51,550</del>	16178
<del>12</del>	<del>400,001 - 600,000</del>	<del>54,044</del>	16179
<del>13</del>	<del>600,001 - 1,000,000</del>	<del>56,538</del>	16180
<del>14</del>	<del>Over 1,000,000</del>	<del>59,033</del>	16181

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16182

~~FOR CALENDER CALENDAR YEAR 2001~~ 16183

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 - 20,000</del>	<del>\$32,543</del>	16185

2	20,001 - 35,000	35,112	16186
3	35,001 - 55,000	36,825	16187
4	55,001 - 95,000	42,820	16188
5	95,001 - 200,000	48,815	16189
6	200,001 - 400,000	55,665	16190
7	400,001 - 1,000,000	60,803	16191
8	1,000,001 or more	63,479	16192

CLASSIFICATION AND COMPENSATION SCHEDULE 16193

FOR CALENDAR YEAR 2016 16194

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$40,061</u>	16195
<u>2</u>	<u>20,001 - 35,000</u>	<u>43,223</u>	16196
<u>3</u>	<u>35,001 - 55,000</u>	<u>45,333</u>	16197
<u>4</u>	<u>55,001 - 95,000</u>	<u>52,713</u>	16198
<u>5</u>	<u>95,001 - 200,000</u>	<u>60,094</u>	16199
<u>6</u>	<u>200,001 - 400,000</u>	<u>68,525</u>	16200
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>74,851</u>	16201
<u>8</u>	<u>1,000,001 or more</u>	<u>78,144</u>	16202

CLASSIFICATION AND COMPENSATION SCHEDULE 16203

FOR CALENDAR YEAR 2017 AND THEREAFTER 16204

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$47,599</u>	16205
<u>2</u>	<u>55,001 - 95,000</u>	<u>55,349</u>	16206
<u>3</u>	<u>95,001 - 200,000</u>	<u>63,098</u>	16207
<u>4</u>	<u>200,001 - 400,000</u>	<u>71,951</u>	16208
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>78,594</u>	16209
<u>6</u>	<u>1,000,001 or more</u>	<u>82,051</u>	16210

**Sec. 325.10.** Each county commissioner shall be classified, 16213  
for salary purposes, according to the population of the county. 16214  
All county commissioners shall receive annual compensation in 16215  
accordance with the following schedules and in accordance with 16216  
section 325.18 of the Revised Code: 16217

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16218

~~FOR CALENDER YEAR 2000~~ 16219

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$28,006</del>	16220
<del>2</del>	<del>20,001 — 40,000</del>	<del>30,932</del>	16221
<del>3</del>	<del>40,001 — 55,000</del>	<del>33,858</del>	16222
<del>4</del>	<del>55,001 — 70,000</del>	<del>36,784</del>	16223
<del>5</del>	<del>70,001 — 85,000</del>	<del>39,710</del>	16224
<del>6</del>	<del>85,001 — 95,000</del>	<del>43,890</del>	16225
<del>7</del>	<del>95,001 — 105,000</del>	<del>45,980</del>	16226
<del>8</del>	<del>105,001 — 125,000</del>	<del>48,070</del>	16227
<del>9</del>	<del>125,001 — 175,000</del>	<del>51,205</del>	16228
<del>10</del>	<del>175,001 — 275,000</del>	<del>54,340</del>	16229
<del>11</del>	<del>275,001 — 400,000</del>	<del>59,565</del>	16230
<del>12</del>	<del>400,001 — 600,000</del>	<del>63,745</del>	16231
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>67,925</del>	16232
<del>14</del>	<del>Over 1,000,000</del>	<del>72,105</del>	16233

CLASSIFICATION AND COMPENSATION SCHEDULE 16234

FOR ~~CALENDER~~ CALENDAR YEAR 2001 16235

Class	Population Range	Compensation	
1	1 - 20,000	\$31,860	16236
2	20,001 - 35,000	34,874	16237
3	35,001 - 55,000	37,888	16238
4	55,001 - 95,000	47,359	16239
5	95,001 - 200,000	55,970	16240
6	200,001 - 400,000	65,656	16241
7	400,001 - 1,000,000	74,269	16242
8	1,000,001 or more	78,874	16243

CLASSIFICATION AND COMPENSATION SCHEDULE 16244

FOR CALENDAR YEAR 2016 16245

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$39,221</u>	16246
<u>2</u>	<u>20,001 - 35,000</u>	<u>42,932</u>	16247

<u>3</u>	<u>35,001 - 55,000</u>	<u>46,642</u>	16251
<u>4</u>	<u>55,001 - 95,000</u>	<u>58,300</u>	16252
<u>5</u>	<u>95,001 - 200,000</u>	<u>68,901</u>	16253
<u>6</u>	<u>200,001 - 400,000</u>	<u>80,825</u>	16254
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>91,429</u>	16255
<u>8</u>	<u>1,000,001 or more</u>	<u>97,098</u>	16256

CLASSIFICATION AND COMPENSATION SCHEDULE 16257

FOR CALENDAR YEAR 2017 AND THEREAFTER 16258

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16259
<u>1</u>	<u>1 - 55,000</u>	<u>\$48,974</u>	16260
<u>2</u>	<u>55,001 - 95,000</u>	<u>61,215</u>	16261
<u>3</u>	<u>95,001 - 200,000</u>	<u>72,346</u>	16262
<u>4</u>	<u>200,001 - 400,000</u>	<u>84,866</u>	16263
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>96,000</u>	16264
<u>6</u>	<u>1,000,001 or more</u>	<u>101,953</u>	16265

**Sec. 325.11.** (A) Each prosecuting attorney shall be 16266  
classified, for salary purposes, according to the population of 16267  
the county. All prosecuting attorneys shall receive annual 16268  
compensation in accordance with the following schedules and in 16269  
accordance with section 325.18 of the Revised Code: 16270

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16271

~~FOR CALENDAR YEAR 2000 FOR~~ 16272

~~PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE~~ 16273

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16274
<del>1</del>	<del>1 - 20,000</del>	<del>\$43,235</del>	16275
<del>2</del>	<del>20,001 - 40,000</del>	<del>44,898</del>	16276
<del>3</del>	<del>40,001 - 55,000</del>	<del>46,561</del>	16277
<del>4</del>	<del>55,001 - 70,000</del>	<del>48,224</del>	16278
<del>5</del>	<del>70,001 - 85,000</del>	<del>49,471</del>	16279
<del>6</del>	<del>85,001 - 95,000</del>	<del>52,381</del>	16280
<del>7</del>	<del>95,001 - 105,000</del>	<del>53,628</del>	16281
<del>8</del>	<del>105,001 - 125,000</del>	<del>54,875</del>	16282

9	<del>125,001 — 175,000</del>	<del>56,538</del>	16283
10	<del>175,001 — 275,000</del>	<del>58,201</del>	16284
11	<del>275,001 — 400,000</del>	<del>61,527</del>	16285
12	<del>400,001 — 600,000</del>	<del>64,853</del>	16286
13	<del>600,001 — 1,000,000</del>	<del>66,516</del>	16287
14	<del>Over 1,000,000</del>	<del>69,010</del>	16288

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16289

~~FOR CALENDER YEAR 2000 FOR~~ 16290

~~PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE~~ 16291

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$76,651</del>	16292
<del>2</del>	<del>20,001 — 40,000</del>	<del>76,651</del>	16293
<del>3</del>	<del>40,001 — 55,000</del>	<del>86,233</del>	16294
<del>4</del>	<del>55,001 — 70,000</del>	<del>86,233</del>	16295
<del>5</del>	<del>70,001 — 85,000</del>	<del>95,815</del>	16296
<del>6</del>	<del>85,001 — 95,000</del>	<del>95,815</del>	16297
<del>7</del>	<del>95,001 — 105,000</del>	<del>95,815</del>	16298
<del>8</del>	<del>105,001 — 125,000</del>	<del>95,815</del>	16299
<del>9</del>	<del>125,001 — 175,000</del>	<del>95,815</del>	16300
<del>10</del>	<del>175,001 — 275,000</del>	<del>95,815</del>	16301
<del>11</del>	<del>275,001 — 400,000</del>	<del>95,815</del>	16302
<del>12</del>	<del>400,001 — 600,000</del>	<del>95,815</del>	16303
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>95,815</del>	16304
<del>14</del>	<del>Over 1,000,000</del>	<del>95,815</del>	16305

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16306

~~FOR CALENDER CALENDAR YEAR 2001 FOR~~ 16307

~~PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE~~ 16308

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 - 20,000</del>	<del>\$46,245</del>	16309
<del>2</del>	<del>20,001 - 35,000</del>	<del>47,958</del>	16310
<del>3</del>	<del>35,001 - 55,000</del>	<del>49,671</del>	16311
<del>4</del>	<del>55,001 - 95,000</del>	<del>55,237</del>	16312
<del>5</del>	<del>95,001 - 200,000</del>	<del>59,947</del>	16313



6	200,001 - 400,000	66,799	16316
7	400,001 - 1,000,000	71,079	16317
8	1,000,001 or more	73,709	16318

CLASSIFICATION AND COMPENSATION SCHEDULE 16319

FOR ~~CALENDER~~ CALENDAR YEAR 2001 FOR 16320

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16321

Class	Population Range	Compensation	
1	1 - 20,000	\$78,952	16322
2	20,001 - 35,000	88,821	16323
3	35,001 - 55,000	88,821	16324
4	55,001 - 95,000	98,689	16325
5	95,001 - 200,000	98,689	16326
6	200,001 - 400,000	98,689	16327
7	400,001 - 1,000,000	101,085	16328
8	1,000,001 or more	103,480	16329

CLASSIFICATION AND COMPENSATION SCHEDULE 16330

FOR CALENDAR YEAR 2016 FOR 16331

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 16332

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$56,929</u>	16333
<u>2</u>	<u>20,001 - 35,000</u>	<u>59,037</u>	16334
<u>3</u>	<u>35,001 - 55,000</u>	<u>61,146</u>	16335
<u>4</u>	<u>55,001 - 95,000</u>	<u>67,999</u>	16336
<u>5</u>	<u>95,001 - 200,000</u>	<u>73,798</u>	16337
<u>6</u>	<u>200,001 - 400,000</u>	<u>82,233</u>	16338
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>87,502</u>	16339
<u>8</u>	<u>1,000,001 or more</u>	<u>90,739</u>	16340

CLASSIFICATION AND COMPENSATION SCHEDULE 16341

FOR CALENDAR YEAR 2016 FOR 16342

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16343

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$97,193</u>	16344
<u>2</u>	<u>20,001 - 35,000</u>	<u>109,342</u>	16345

<u>3</u>	<u>35,001 - 55,000</u>	<u>109,342</u>	16349
<u>4</u>	<u>55,001 - 95,000</u>	<u>121,488</u>	16350
<u>5</u>	<u>95,001 - 200,000</u>	<u>121,488</u>	16351
<u>6</u>	<u>200,001 - 400,000</u>	<u>121,488</u>	16352
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>124,439</u>	16353
<u>8</u>	<u>1,000,001 or more</u>	<u>127,389</u>	16354

CLASSIFICATION AND COMPENSATION SCHEDULE 16355

FOR CALENDAR YEAR 2017 FOR 16356

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 16357

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,203</u>	16359
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,399</u>	16360
<u>3</u>	<u>95,001 - 200,000</u>	<u>77,488</u>	16361
<u>4</u>	<u>200,001 - 400,000</u>	<u>86,344</u>	16362
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>91,877</u>	16363
<u>6</u>	<u>1,000,001 or more</u>	<u>95,276</u>	16364

CLASSIFICATION AND COMPENSATION SCHEDULE 16365

FOR CALENDAR YEAR 2017 FOR 16366

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16367

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$114,809</u>	16369
<u>2</u>	<u>55,001 - 95,000</u>	<u>127,563</u>	16370
<u>3</u>	<u>95,001 - 200,000</u>	<u>127,563</u>	16371
<u>4</u>	<u>200,001 - 400,000</u>	<u>127,563</u>	16372
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>130,661</u>	16373
<u>6</u>	<u>1,000,001 or more</u>	<u>133,759</u>	16374

CLASSIFICATION AND COMPENSATION SCHEDULE 16375

FOR CALENDAR YEAR 2018 FOR 16376

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 16377

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$67,413</u>	16379
<u>2</u>	<u>55,001 - 95,000</u>	<u>74,969</u>	16380
<u>3</u>	<u>95,001 - 200,000</u>	<u>81,363</u>	16381

<u>4</u>	<u>200,001 - 400,000</u>	<u>90,662</u>	16382
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>96,471</u>	16383
<u>6</u>	<u>1,000,001 or more</u>	<u>100,040</u>	16384

CLASSIFICATION AND COMPENSATION SCHEDULE 16385

FOR CALENDAR YEAR 2018 FOR 16386

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16387

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$120,549</u>	16388
<u>2</u>	<u>55,001 - 95,000</u>	<u>133,941</u>	16389
<u>3</u>	<u>95,001 - 200,000</u>	<u>133,941</u>	16390
<u>4</u>	<u>200,001 - 400,000</u>	<u>133,941</u>	16391
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>137,194</u>	16392
<u>6</u>	<u>1,000,001 or more</u>	<u>140,447</u>	16393

CLASSIFICATION AND COMPENSATION SCHEDULE 16394

FOR CALENDAR YEARS 2019 AND THEREAFTER FOR 16395

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16396

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$70,784</u>	16397
<u>2</u>	<u>55,001 - 95,000</u>	<u>78,717</u>	16398
<u>3</u>	<u>95,001 - 200,000</u>	<u>85,431</u>	16399
<u>4</u>	<u>200,001 - 400,000</u>	<u>95,195</u>	16400
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>101,294</u>	16401
<u>6</u>	<u>1,000,001 or more</u>	<u>105,042</u>	16402

CLASSIFICATION AND COMPENSATION SCHEDULE 16403

FOR CALENDAR YEARS 2019 AND THEREAFTER FOR 16404

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16405

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$126,577</u>	16406
<u>2</u>	<u>55,001 - 95,000</u>	<u>140,638</u>	16407
<u>3</u>	<u>95,001 - 200,000</u>	<u>140,638</u>	16408
<u>4</u>	<u>200,001 - 400,000</u>	<u>140,638</u>	16409
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>144,053</u>	16410
<u>6</u>	<u>1,000,001 or more</u>	<u>147,469</u>	16411

(B) Notwithstanding the compensation specified in division (A) of this section, a prosecuting attorney in a county with a population of one million one or more who does not engage in the private practice of law shall receive in calendar year 2020 and in each calendar year thereafter annual compensation in an amount equal to the total compensation paid to a judge of the court of common pleas of that county pursuant to sections 141.04 and 141.05 of the Revised Code for the same calendar year, reduced by one hundred dollars.

(C) A prosecuting attorney shall not engage in the private practice of law unless before taking office the prosecuting attorney notifies the board of county commissioners of the intention to engage in the private practice of law.

A prosecuting attorney may elect to engage or not to engage in the private practice of law before the commencement of each new term of office, and a prosecuting attorney who engages in the private practice of law who intends not to engage in the private practice of law during the prosecuting attorney's next term of office shall so notify the board of county commissioners. A prosecuting attorney who elects not to engage in the private practice of law may, for a period of six months after taking office, engage in the private practice of law for the purpose of concluding the affairs of private practice of law without any diminution of salary as provided for in division (A) of this section and in section 325.18 of the Revised Code.

~~(C)~~(D) As used in this section, "salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the prosecuting attorney and paid on that person's behalf by a governmental entity.

**Sec. 325.14.** (A) Each county engineer shall be classified,

for salary purposes, according to the population of the county. 16446  
All county engineers shall receive annual compensation in 16447  
accordance with the following schedules and in accordance with 16448  
section 325.18 of the Revised Code: 16449

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16450

~~FOR CALENDAR YEAR 2000 FOR~~ 16451

~~COUNTY ENGINEERS WITH A PRIVATE PRACTICE~~ 16452

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$44,898</del>	16453
<del>2</del>	<del>20,001 — 40,000</del>	<del>46,893</del>	16454
<del>3</del>	<del>40,001 — 55,000</del>	<del>48,889</del>	16455
<del>4</del>	<del>55,001 — 70,000</del>	<del>50,884</del>	16456
<del>5</del>	<del>70,001 — 85,000</del>	<del>52,215</del>	16457
<del>6</del>	<del>85,001 — 95,000</del>	<del>53,545</del>	16458
<del>7</del>	<del>95,001 — 105,000</del>	<del>54,875</del>	16459
<del>8</del>	<del>105,001 — 125,000</del>	<del>55,707</del>	16460
<del>9</del>	<del>125,001 — 175,000</del>	<del>57,370</del>	16461
<del>10</del>	<del>175,001 — 275,000</del>	<del>59,033</del>	16462
<del>11</del>	<del>275,001 — 400,000</del>	<del>60,695</del>	16463
<del>12</del>	<del>400,001 — 600,000</del>	<del>62,358</del>	16464
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>64,021</del>	16465
<del>14</del>	<del>Over 1,000,000</del>	<del>66,516</del>	16466

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16467

~~FOR CALENDAR YEAR 2000 FOR~~ 16468

~~COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE~~ 16469

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$64,694</del>	16470
<del>2</del>	<del>20,001 — 40,000</del>	<del>66,690</del>	16471
<del>3</del>	<del>40,001 — 55,000</del>	<del>68,686</del>	16472
<del>4</del>	<del>55,001 — 70,000</del>	<del>70,681</del>	16473
<del>5</del>	<del>70,001 — 85,000</del>	<del>72,011</del>	16474
<del>6</del>	<del>85,001 — 95,000</del>	<del>73,342</del>	16475

7	<del>95,001 - 105,000</del>	<del>74,672</del>	16478
8	<del>105,001 - 125,000</del>	<del>75,503</del>	16479
9	<del>125,001 - 175,000</del>	<del>77,166</del>	16480
10	<del>175,001 - 275,000</del>	<del>78,829</del>	16481
11	<del>275,001 - 400,000</del>	<del>80,492</del>	16482
12	<del>400,001 - 600,000</del>	<del>82,155</del>	16483
13	<del>600,001 - 1,000,000</del>	<del>83,818</del>	16484
14	<del>Over 1,000,000</del>	<del>86,312</del>	16485

CLASSIFICATION AND COMPENSATION SCHEDULE 16486

FOR CALENDAR YEAR 2001 FOR 16487

COUNTY ENGINEERS WITH A PRIVATE PRACTICE 16488

Class	Population Range	Compensation	
1	1 - 20,000	\$48,300	16490
2	20,001 - 35,000	50,356	16491
3	35,001 - 55,000	52,411	16492
4	55,001 - 95,000	56,521	16493
5	95,001 - 200,000	60,803	16494
6	200,001 - 400,000	64,229	16495
7	400,001 - 1,000,000	68,510	16496
8	1,000,001 or more	71,182	16497

CLASSIFICATION AND COMPENSATION SCHEDULE 16498

FOR CALENDAR YEAR 2001 FOR 16499

COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE 16500

Class	Population Range	Compensation	
1	1 - 20,000	\$68,691	16502
2	20,001 - 35,000	70,746	16503
3	35,001 - 55,000	72,801	16504
4	55,001 - 95,000	76,912	16505
5	95,001 - 200,000	81,193	16506
6	200,001 - 400,000	84,619	16507
7	400,001 - 1,000,000	88,901	16508
8	1,000,001 or more	91,568	16509

CLASSIFICATION AND COMPENSATION SCHEDULE 16510

		<u>FOR CALENDAR YEAR 2016 FOR</u>	16511
		<u>COUNTY ENGINEERS WITH A PRIVATE PRACTICE</u>	16512
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16513
<u>1</u>	<u>1 - 20,000</u>	<u>\$59,460</u>	16514
<u>2</u>	<u>20,001 - 35,000</u>	<u>61,991</u>	16515
<u>3</u>	<u>35,001 - 55,000</u>	<u>64,520</u>	16516
<u>4</u>	<u>55,001 - 95,000</u>	<u>69,580</u>	16517
<u>5</u>	<u>95,001 - 200,000</u>	<u>74,851</u>	16518
<u>6</u>	<u>200,001 - 400,000</u>	<u>79,068</u>	16519
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>84,339</u>	16520
<u>8</u>	<u>1,000,001 or more</u>	<u>87,628</u>	16521
		<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>	16522
		<u>FOR CALENDAR YEAR 2016 FOR</u>	16523
		<u>COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE</u>	16524
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16525
<u>1</u>	<u>1 - 20,000</u>	<u>\$84,563</u>	16526
<u>2</u>	<u>20,001 - 35,000</u>	<u>87,091</u>	16527
<u>3</u>	<u>35,001 - 55,000</u>	<u>89,622</u>	16528
<u>4</u>	<u>55,001 - 95,000</u>	<u>94,683</u>	16529
<u>5</u>	<u>95,001 - 200,000</u>	<u>99,953</u>	16530
<u>6</u>	<u>200,001 - 400,000</u>	<u>104,169</u>	16531
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>109,442</u>	16532
<u>8</u>	<u>1,000,001 or more</u>	<u>112,725</u>	16533
		<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>	16534
		<u>FOR CALENDAR YEAR 2017 AND THEREAFTER FOR</u>	16535
		<u>COUNTY ENGINEERS WITH A PRIVATE PRACTICE</u>	16536
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16537
<u>1</u>	<u>1 - 55,000</u>	<u>\$67,746</u>	16538
<u>2</u>	<u>55,001 - 95,000</u>	<u>73,059</u>	16539
<u>3</u>	<u>95,001 - 200,000</u>	<u>78,594</u>	16540
<u>4</u>	<u>200,001 - 400,000</u>	<u>83,022</u>	16541
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>88,556</u>	16542
<u>6</u>	<u>1,000,001 or more</u>	<u>92,009</u>	16543

CLASSIFICATION AND COMPENSATION SCHEDULE 16544  
FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 16545  
COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE 16546

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$94,103</u>	16548
<u>2</u>	<u>55,001 - 95,000</u>	<u>99,417</u>	16549
<u>3</u>	<u>95,001 - 200,000</u>	<u>104,950</u>	16550
<u>4</u>	<u>200,001 - 400,000</u>	<u>109,378</u>	16551
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>114,914</u>	16552
<u>6</u>	<u>1,000,001 or more</u>	<u>118,361</u>	16553

Such salary may be paid monthly out of the general county 16554  
fund or out of the county's share of the fund derived from the 16555  
receipts from motor vehicle licenses, as distributed by section 16556  
4501.04 of the Revised Code, and the county's share of the fund 16557  
derived from the motor vehicle fuel tax, as distributed by section 16558  
5735.27 of the Revised Code, as the board of county commissioners 16559  
directs, upon the warrant of the county auditor and shall be in 16560  
lieu of all fees, costs, per diem or other allowances, and other 16561  
perquisites, of whatever kind, which any engineer collects and 16562  
receives. The engineer shall be the county tax map draftperson, 16563  
but shall receive no additional compensation for performing the 16564  
duties of that position. When the engineer performs service in 16565  
connection with ditches or drainage works, the engineer shall 16566  
charge and collect the per diem allowances or other fees provided 16567  
by law and shall pay all of those allowances and fees, monthly, 16568  
into the county treasury to the credit of the general county fund. 16569  
The engineer shall pay into the county treasury all allowances and 16570  
fees collected when the engineer performs services under sections 16571  
315.28 to 315.34 of the Revised Code. 16572

(B) A county engineer may elect to engage or not to engage in 16573  
the private practice of engineering or surveying before the 16574  
commencement of each new term of office, and a county engineer who 16575  
elects not to engage in the private practice of engineering or 16576



surveying may, for a period of six months after taking office, 16577  
engage in the private practice of engineering or surveying for the 16578  
purpose of concluding the affairs of private practice without any 16579  
diminution of salary as provided in division (A) of this section 16580  
and in section 325.18 of the Revised Code. 16581

**Sec. 325.15.** (A) Each coroner shall be classified, for salary 16582  
purposes, according to the population of the county. All coroners 16583  
shall receive annual compensation in accordance with the following 16584  
schedules and in accordance with section 325.18 of the Revised 16585  
Code: 16586

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16587

~~FOR CALENDAR YEAR 2000 FOR~~ 16588

~~CORONERS WITH A PRIVATE PRACTICE~~ 16589

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
<del>1</del>	<del>1 — 20,000</del>	<del>\$16,628</del>	16591
<del>2</del>	<del>20,001 — 40,000</del>	<del>18,293</del>	16592
<del>3</del>	<del>40,001 — 55,000</del>	<del>20,786</del>	16593
<del>4</del>	<del>55,001 — 70,000</del>	<del>23,280</del>	16594
<del>5</del>	<del>70,001 — 85,000</del>	<del>25,774</del>	16595
<del>6</del>	<del>85,001 — 95,000</del>	<del>31,595</del>	16596
<del>7</del>	<del>95,001 — 105,000</del>	<del>34,089</del>	16597
<del>8</del>	<del>105,001 — 125,000</del>	<del>36,584</del>	16598
<del>9</del>	<del>125,001 — 175,000</del>	<del>39,909</del>	16599
<del>10</del>	<del>175,001 — 275,000</del>	<del>42,404</del>	16600
<del>11</del>	<del>275,001 — 400,000</del>	<del>49,054</del>	16601
<del>12</del>	<del>400,001 — 600,000</del>	<del>52,380</del>	16602
<del>13</del>	<del>600,001 — 1,000,000</del>	<del>55,706</del>	16603
<del>14</del>	<del>Over 1,000,000</del>	<del>59,032</del>	16604

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16605

~~FOR CALENDAR YEAR 2000 FOR~~ 16606

~~CORONERS WITHOUT A PRIVATE PRACTICE~~ 16607

<del>Class</del>	<del>Population Range</del>	<del>Compensation</del>	
			16608

10	<del>175,001 — 275,000</del>	<del>\$95,815</del>	16609
11	<del>275,001 — 400,000</del>	<del>95,815</del>	16610
12	<del>400,001 — 600,000</del>	<del>95,815</del>	16611
13	<del>600,001 — 1,000,000</del>	<del>95,815</del>	16612
14	<del>Over 1,000,000</del>	<del>95,815</del>	16613

CLASSIFICATION AND COMPENSATION SCHEDULE 16614

FOR CALENDAR YEAR 2001 FOR 16615

CORONERS WITH A PRIVATE PRACTICE 16616

Class	Population Range	Compensation	
1	1 - 20,000	\$18,842	16618
2	20,001 - 35,000	21,410	16619
3	35,001 - 55,000	23,978	16620
4	55,001 - 95,000	35,112	16621
5	95,001 - 200,000	43,676	16622
6	200,001 - 400,000	53,951	16623
7	400,001 - 1,000,000	60,803	16624
8	1,000,001 or more	64,451	16625

CLASSIFICATION AND COMPENSATION SCHEDULE 16626

FOR CALENDAR YEAR 2001 FOR 16627

CORONERS WITHOUT A PRIVATE PRACTICE 16628

Class	Population Range	Compensation	
5	175,001 - 200,000	\$98,689	16630
6	200,001 - 400,000	98,689	16631
7	400,001 - 1,000,000	101,085	16632
8	1,000,001 or more	103,480	16633

CLASSIFICATION AND COMPENSATION SCHEDULE 16634

FOR CALENDAR YEAR 2016 FOR 16635

CORONERS WITH A PRIVATE PRACTICE 16636

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$23,195</u>	16638
<u>2</u>	<u>20,001 - 35,000</u>	<u>26,357</u>	16639
<u>3</u>	<u>35,001 - 55,000</u>	<u>29,518</u>	16640
<u>4</u>	<u>55,001 - 95,000</u>	<u>43,223</u>	16641

<u>5</u>	<u>95,001 - 200,000</u>	<u>53,769</u>	16642
<u>6</u>	<u>200,001 - 400,000</u>	<u>66,418</u>	16643
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>74,851</u>	16644
<u>8</u>	<u>1,000,001 or more</u>	<u>79,343</u>	16645

CLASSIFICATION AND COMPENSATION SCHEDULE 16646

FOR CALENDAR YEAR 2016 FOR 16647

CORONERS WITHOUT A PRIVATE PRACTICE 16648

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>5</u>	<u>175,001 - 200,000</u>	<u>\$121,488</u>	16650
<u>6</u>	<u>200,001 - 400,000</u>	<u>121,488</u>	16651
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>124,439</u>	16652
<u>8</u>	<u>1,000,001 or more</u>	<u>127,389</u>	16653

CLASSIFICATION AND COMPENSATION SCHEDULE 16654

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 16655

CORONERS WITH A PRIVATE PRACTICE 16656

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$30,993</u>	16658
<u>2</u>	<u>55,001 - 95,000</u>	<u>45,384</u>	16659
<u>3</u>	<u>95,001 - 200,000</u>	<u>56,458</u>	16660
<u>4</u>	<u>200,001 - 400,000</u>	<u>69,739</u>	16661
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>78,594</u>	16662
<u>6</u>	<u>1,000,001 or more</u>	<u>83,310</u>	16663

CLASSIFICATION AND COMPENSATION SCHEDULE 16664

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 16665

CORONERS WITHOUT A PRIVATE PRACTICE 16666

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>3</u>	<u>175,001 - 200,000</u>	<u>\$127,563</u>	16668
<u>4</u>	<u>200,001 - 400,000</u>	<u>127,563</u>	16669
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>130,661</u>	16670
<u>6</u>	<u>1,000,001 or more</u>	<u>133,759</u>	16671

(B) A coroner in a county with a population of one hundred 16672  
seventy-five thousand one or more shall not engage in the private 16673  
practice of medicine unless, before taking office, the coroner 16674

notifies the board of county commissioners of the intention to 16675  
engage in that private practice. 16676

A coroner in a county with a population of one hundred 16677  
seventy-five thousand one or more shall elect to engage or not to 16678  
engage in the private practice of medicine before the commencement 16679  
of each new term of office, and a coroner in such a county who 16680  
engages in the private practice of medicine but who intends not to 16681  
engage in the private practice of medicine during the coroner's 16682  
next term of office shall so notify the board of county 16683  
commissioners as specified in this division. For a period of six 16684  
months after taking office, a coroner who elects not to engage in 16685  
the private practice of medicine may engage in the private 16686  
practice of medicine, without any reduction of the salary as 16687  
provided in division (A) of this section and in section 325.18 of 16688  
the Revised Code, for the purpose of concluding the affairs of the 16689  
coroner's private practice of medicine. 16690

**Sec. 339.06.** (A) The board of county hospital trustees, upon 16691  
completion of construction or leasing and equipping of a county 16692  
hospital, shall assume and continue the operation of the hospital. 16693

(B) The board of county hospital trustees shall have the 16694  
entire management and control of the county hospital. The board 16695  
may in writing delegate its management and control of the county 16696  
hospital to the administrator of the county hospital employed 16697  
under section 339.07 of the Revised Code. The board shall 16698  
establish such rules for the hospital's government, management, 16699  
control, and the admission of persons as are expedient. 16700

(C) The board of county hospital trustees has control of the 16701  
property of the county hospital, including management and disposal 16702  
of surplus property other than real estate or an interest in real 16703  
estate. 16704

(D) With respect to the use of funds by the board of county 16705

hospital trustees and its accounting for the use of funds, all of 16706  
the following apply: 16707

(1) The board of county hospital trustees has control of all 16708  
funds used in the county hospital's operation, including moneys 16709  
received from the operation of the hospital, moneys appropriated 16710  
for its operation by the board of county commissioners, and moneys 16711  
resulting from special levies submitted by the board of county 16712  
commissioners as provided for in section 5705.22 of the Revised 16713  
Code. 16714

(2) Of the funds used in the county hospital's operation, all 16715  
or part of any amount determined not to be necessary to meet 16716  
current demands on the hospital may be invested by the board of 16717  
county hospital trustees or its designee in any classifications of 16718  
securities and obligations eligible for deposit or investment of 16719  
county moneys pursuant to section 135.35 of the Revised Code, 16720  
subject to the approval of the board's written investment policy 16721  
by the county investment advisory committee established pursuant 16722  
to section 135.341 of the Revised Code. If a county hospital is 16723  
based in a county that has adopted a charter under Section 3 of 16724  
Article X, Ohio Constitution, such funds may be invested by the 16725  
board of county hospital trustees as provided in this division or 16726  
in an ordinance adopted by the legislative authority of the 16727  
county, in either case subject to approval by the county 16728  
investment advisory committee, or as provided in section 339.061 16729  
of the Revised Code. 16730

(3) Annually, not later than sixty days before the end of the 16731  
fiscal year used by the county hospital, the board of county 16732  
hospital trustees shall submit its proposed budget for the ensuing 16733  
fiscal year to the board of county commissioners for that board's 16734  
review. The board of county commissioners shall review and approve 16735  
the proposed budget by the first day of the fiscal year to which 16736  
the budget applies. If the board of county commissioners has not 16737

approved the budget by the first day of the fiscal year to which 16738  
the budget applies, the budget is deemed to have been approved by 16739  
the board on the first day of that fiscal year. 16740

(4) The board of county hospital trustees shall not expend 16741  
funds received from taxes collected pursuant to any tax levied 16742  
under section 5705.22 of the Revised Code or the amount 16743  
appropriated to the county hospital by the board of county 16744  
commissioners in the annual appropriation measure for the county 16745  
until its budget for the applicable fiscal year is approved in 16746  
accordance with division (C)(3) of this section. At any time the 16747  
amount received from those sources differs from the amount shown 16748  
in the approved budget, the board of county commissioners may 16749  
require the board of county hospital trustees to revise the county 16750  
hospital budget accordingly. 16751

(5) Funds under the control of the board of county hospital 16752  
trustees may be disbursed by the board, consistent with the 16753  
approved budget, for the uses and purposes of the county hospital; 16754  
for the replacement of necessary equipment; for the acquisition, 16755  
leasing, or construction of permanent improvements to county 16756  
hospital property; or for making a donation authorized by division 16757  
(E) of this section. Each disbursement of funds shall be made on a 16758  
voucher signed by signatories designated and approved by the board 16759  
of county hospital trustees. 16760

(6) The head of a board of county hospital trustees is not 16761  
required to file an estimate of contemplated revenue and 16762  
expenditures for the ensuing fiscal year under section 5705.28 of 16763  
the Revised Code unless the board of county commissioners levies a 16764  
tax for the county hospital, or such a tax is proposed, or the 16765  
board of county hospital trustees desires that the board of county 16766  
commissioners make an appropriation to the county hospital for the 16767  
ensuing fiscal year. 16768

(7) All moneys appropriated by the board of county 16769

commissioners or from special levies by the board of county 16770  
commissioners for the operation of the hospital, when collected 16771  
shall be paid to the board of county hospital trustees on a 16772  
warrant of the county auditor and approved by the board of county 16773  
commissioners. 16774

(8) The board of county hospital trustees shall provide for 16775  
the conduct of an annual financial audit of the county hospital. 16776  
Not later than thirty days after it receives the final report of 16777  
an annual financial audit, the board shall file a copy of the 16778  
report with the board of county commissioners. 16779

(E) For the public purpose of improving the health, safety, 16780  
and general welfare of the community, the board of county hospital 16781  
trustees may donate to a nonprofit entity any of the following: 16782

(1) Moneys and other financial assets determined not to be 16783  
necessary to meet current demands on the hospital; 16784

(2) Surplus hospital property, including supplies, equipment, 16785  
office facilities, and other property that is not real estate or 16786  
an interest in real estate; 16787

(3) Services rendered by the hospital. 16788

(F)(1) For purposes of division (F)(2) of this section: 16789

(a) "Bank" has the same meaning as in section 1101.01 of the 16790  
Revised Code. 16791

(b) "Savings and loan association" has the same meaning as in 16792  
section 1151.01 of the Revised Code. 16793

(c) "Savings bank" has the same meaning as in section 1161.01 16794  
of the Revised Code. 16795

(2) The board of county hospital trustees may enter into a 16796  
contract for a secured line of credit with a bank, savings and 16797  
loan association, or savings bank if the contract meets all of the 16798  
following requirements: 16799

(a) The term of the contract does not exceed one year, except 16800  
that the contract may provide for the automatic renewal of the 16801  
contract for up to four additional one-year periods if, on the 16802  
date of automatic renewal, the aggregate outstanding draws 16803  
remaining unpaid under the secured line of credit do not exceed 16804  
fifty per cent of the maximum amount that can be drawn under the 16805  
secured line of credit. 16806

(b) The contract provides that the bank, savings and loan 16807  
association, or savings bank shall not commence a civil action 16808  
against the board of county commissioners, any member of the 16809  
board, or the county to recover the principal, interest, or any 16810  
charges or other amounts that remain outstanding on the secured 16811  
line of credit at the time of any default by the board of county 16812  
hospital trustees. 16813

(c) The contract provides that no assets other than those of 16814  
the county hospital can be used to secure the line of credit. 16815

(d) The terms and conditions of the contract comply with all 16816  
state and federal statutes and rules governing the extension of a 16817  
secured line of credit. 16818

(3) Any obligation incurred by a board of county hospital 16819  
trustees under division (F)(2) of this section is an obligation of 16820  
that board only and not a general obligation of the board of 16821  
county commissioners or the county within the meaning of division 16822  
(Q) of section 133.01 of the Revised Code. 16823

(4) Notwithstanding anything to the contrary in the Revised 16824  
Code, the board of county hospital trustees may secure the line of 16825  
credit authorized under division (F)(2) of this section by the 16826  
grant of a security interest in any part or all of its tangible 16827  
personal property and intangible personal property, including its 16828  
deposit accounts, accounts receivable, or both. 16829

(5) No board of county hospital trustees shall at any time 16830



have more than one secured line of credit under division (F)(2) of 16831  
this section. 16832

(G) The board of county hospital trustees shall establish a 16833  
schedule of charges for all services and treatment rendered by the 16834  
county hospital. It may provide for the free treatment in the 16835  
hospital of soldiers, sailors, and marines of the county, under 16836  
such conditions and rules as it prescribes. 16837

(H) The board of county hospital trustees may designate the 16838  
amounts and forms of insurance protection to be provided, and the 16839  
board of county commissioners shall assist in obtaining such 16840  
protection. The expense of providing the protection shall be paid 16841  
from hospital operating funds. 16842

(I) The board of county hospital trustees may authorize a 16843  
county hospital and each of its units, hospital board members, 16844  
designated hospital employees, and medical staff members to be a 16845  
member of and maintain membership in any local, state, or national 16846  
group or association organized and operated for the promotion of 16847  
the public health and welfare or advancement of the efficiency of 16848  
hospital administration and in connection therewith to use tax 16849  
funds for the payment of dues and fees and related expenses but 16850  
nothing in this section prohibits the board from using receipts 16851  
from hospital operation, other than tax funds, for the payment of 16852  
such dues and fees. 16853

(J) The following apply to the board of county hospital 16854  
trustees in relation to its employees and the employees of the 16855  
county hospital: 16856

(1) The board shall adopt the wage and salary schedule for 16857  
employees. 16858

(2) The board may employ the hospital's administrator 16859  
pursuant to section 339.07 of the Revised Code, and the 16860  
administrator may employ individuals for the hospital in 16861

accordance with that section. 16862

(3) The board may employ assistants as necessary to perform 16863  
its clerical work, superintend properly the construction of the 16864  
county hospital, and pay the hospital's expenses. Such employees 16865  
may be paid from funds provided for the county hospital. 16866

(4) The board may hire, by contract or as salaried employees, 16867  
such management consultants, accountants, attorneys, engineers, 16868  
architects, construction managers, and other professional advisors 16869  
as it determines are necessary and desirable to assist in the 16870  
management of the programs and operation of the county hospital. 16871  
Such professional advisors may be paid from county hospital 16872  
operating funds. 16873

(5) Notwithstanding section 325.19 of the Revised Code, the 16874  
board may grant to employees any fringe benefits the board 16875  
determines to be customary and usual in the nonprofit hospital 16876  
field in its community, including, but not limited to: 16877

(a) Additional vacation leave with full pay for full-time 16878  
employees, including full-time hourly rate employees, after 16879  
service of one year; 16880

(b) Vacation leave and holiday pay for part-time employees on 16881  
a pro rata basis; 16882

(c) Leave with full pay due to death in the employee's 16883  
immediate family, which shall not be deducted from the employee's 16884  
accumulated sick leave; 16885

(d) Premium pay for working on holidays listed in section 16886  
325.19 of the Revised Code; 16887

(e) Moving expenses for new employees; 16888

(f) Discounts on hospital supplies and services. 16889

(6) The board may provide holiday leave by observing Martin 16890  
Luther King day, Washington-Lincoln day, Columbus day, and 16891

Veterans' day on days other than those specified in section 1.14 of the Revised Code. 16892  
16893

(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code. 16894  
16895

(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community. 16896  
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(9) The board may provide employee recognition awards and hold employee recognition dinners. 16900  
16901

(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section. 16902  
16903

(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees. 16904  
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The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners. 16911  
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(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts. 16914  
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**Sec. 339.061.** (A) As used in this section, "charter county hospital" means a county hospital based in a county that has adopted a charter under Section 3 of Article X, Ohio Constitution. 16918  
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16920

(B) The board of county hospital trustees of a charter county 16921

hospital shall hold and administer all money received from the 16922  
operation of the county hospital, including money arising from 16923  
rendering medical services to patients, whether received from the 16924  
patient or on behalf of the patient, including inpatient and 16925  
outpatient fees, laboratory and other procedure fees, physician 16926  
services, and all other fees, deposits, charges, receipts, and 16927  
income received as a result of the operation of the county 16928  
hospital and medical staff. 16929

(C) The board of county hospital trustees of a charter county 16930  
hospital shall invest money described in division (B) of this 16931  
section pursuant to an investment policy adopted by the board in a 16932  
public meeting. The investment policy does not take effect unless 16933  
it is approved by the county investment advisory committee 16934  
established pursuant to section 135.341 of the Revised Code. The 16935  
investment policy shall provide for all of the following: 16936

(1) That all fiduciaries shall discharge their duties with 16937  
the care, skill, prudence, and diligence under the circumstances 16938  
then prevailing that a prudent person acting in like capacity and 16939  
familiar with such matters would use in the conduct of an 16940  
enterprise of a like character and with like aims; 16941

(2) That at least twenty-five per cent of the average amount 16942  
of the investment portfolio over the course of the preceding 16943  
fiscal year shall be invested, as a reserve, in securities of the 16944  
United States government or of its agencies or instrumentalities, 16945  
the treasurer of state's Ohio subdivisions fund, obligations of 16946  
this state or any political subdivision of this state, 16947  
certificates of deposit of any national bank located in this 16948  
state, written repurchase agreements with any eligible financial 16949  
institution in this state that is a member of the federal reserve 16950  
system or federal home loan bank, money market funds, or bankers 16951  
acceptances maturing in two hundred seventy days or less that are 16952  
eligible for purchase by the federal reserve system; 16953

(3) That money not required to be invested as a reserve under 16954  
division (C)(2) of this section may be pooled with other 16955  
institutional funds and invested in accordance with section 16956  
1715.52 of the Revised Code; 16957

(4) The establishment of an investment committee within the 16958  
board of county hospital trustees, which shall meet at least 16959  
quarterly, to review and recommend revisions to the board's 16960  
investment policy and to advise the board on investments made 16961  
under division (C) of this section for the purpose of assisting 16962  
the board in meeting its obligations as a fiduciary under that 16963  
division. The policy shall authorize the committee to retain the 16964  
services of an investment advisor who meets both of the following 16965  
qualifications: 16966

(a) The advisor is licensed by the division of securities 16967  
under section 1707.141 of the Revised Code or is registered with 16968  
the United States securities and exchange commission. 16969

(b) The advisor has experience in the management of 16970  
investments of public funds, especially in the investment of state 16971  
government investment portfolios, or is an institution eligible to 16972  
be a public depository as described in section 135.03 of the 16973  
Revised Code. 16974

(D) Title to investments made by a board of county hospital 16975  
trustees with money described in division (B) of this section 16976  
shall not be vested in the county but shall be held in trust by 16977  
the board. 16978

(E) Authority provided by this section is supplemental to the 16979  
authority granted under division (D) of section 339.06 of the 16980  
Revised Code and authority granted under the ordinances or charter 16981  
of the county. 16982

**Sec. 340.03.** (A) Subject to rules issued by the director of 16983

mental health and addiction services after consultation with 16984  
relevant constituencies as required by division (A)(10) of section 16985  
5119.21 of the Revised Code, the board of alcohol, drug addiction, 16986  
and mental health services shall: 16987

(1) Serve as the community addiction and mental health 16988  
services planning agency for the county or counties under its 16989  
jurisdiction, and in so doing it shall: 16990

(a) Evaluate the need for facilities and community addiction 16991  
and mental health services; 16992

(b) In cooperation with other local and regional planning and 16993  
funding bodies and with relevant ethnic organizations, assess the 16994  
community addiction and mental health needs, evaluate strengths 16995  
and challenges, and set priorities for community addiction and 16996  
mental health services, including treatment and prevention. When 16997  
the board sets priorities for the operation of addiction services, 16998  
the board shall consult with the county commissioners of the 16999  
counties in the board's service district regarding the services 17000  
described in section 340.15 of the Revised Code and shall give 17001  
priority to those services, except that those services shall not 17002  
have a priority over services provided to pregnant women under 17003  
programs developed in relation to the mandate established in 17004  
section 5119.17 of the Revised Code; 17005

(c) In accordance with guidelines issued by the director of 17006  
mental health and addiction services after consultation with board 17007  
representatives, annually develop and submit to the department of 17008  
mental health and addiction services a community addiction and 17009  
mental health services plan listing ~~community~~ addiction and mental 17010  
health services needs, including the needs of all residents of the 17011  
district currently receiving inpatient services in state-operated 17012  
hospitals, the needs of other populations as required by state or 17013  
federal law or programs, the needs of all children subject to a 17014  
determination made pursuant to section 121.38 of the Revised Code, 17015

and priorities for facilities and community addiction and mental 17016  
health services during the period for which the plan will be in 17017  
effect. 17018

In alcohol, drug addiction, and mental health service 17019  
districts that have separate alcohol and drug addiction services 17020  
and community mental health boards, the alcohol and drug addiction 17021  
services board shall submit a community addiction services plan 17022  
and the community mental health board shall submit a community 17023  
mental health services plan. Each board shall consult with its 17024  
counterpart in developing its plan and address the interaction 17025  
between the local addiction services and mental health services 17026  
systems and populations with regard to needs and priorities in 17027  
developing its plan. 17028

The department shall approve or disapprove the plan, in whole 17029  
or in part, according to the criteria developed pursuant to 17030  
section 5119.22 of the Revised Code. Eligibility for state and 17031  
federal funding shall be contingent upon an approved plan or 17032  
relevant part of a plan. 17033

If a board determines that it is necessary to amend a plan 17034  
that has been approved under this division, the board shall submit 17035  
a proposed amendment to the director. The director may approve or 17036  
disapprove all or part of the amendment. The director shall inform 17037  
the board of the reasons for disapproval of all or part of an 17038  
amendment and of the criteria that must be met before the 17039  
amendment may be approved. The director shall provide the board an 17040  
opportunity to present its case on behalf of the amendment. The 17041  
director shall give the board a reasonable time in which to meet 17042  
the criteria, and shall offer the board technical assistance to 17043  
help it meet the criteria. 17044

The board shall operate in accordance with the plan approved 17045  
by the department. 17046

(d) Promote, arrange, and implement working agreements with 17047  
social agencies, both public and private, and with judicial 17048  
agencies. 17049

(2) Investigate, or request another agency to investigate, 17050  
any complaint alleging abuse or neglect of any person receiving 17051  
services from a community addiction or mental health services 17052  
provider ~~certified under section 5119.36 of the Revised Code~~ or 17053  
alleging abuse or neglect of a resident receiving addiction 17054  
services or with mental illness or severe mental disability 17055  
residing in a residential facility licensed under section 5119.34 17056  
of the Revised Code. If the investigation substantiates the charge 17057  
of abuse or neglect, the board shall take whatever action it 17058  
determines is necessary to correct the situation, including 17059  
notification of the appropriate authorities. Upon request, the 17060  
board shall provide information about such investigations to the 17061  
department. 17062

(3) For the purpose of section 5119.36 of the Revised Code, 17063  
cooperate with the director of mental health and addiction 17064  
services in visiting and evaluating whether the addiction or 17065  
mental health services of a community addiction or mental health 17066  
services provider satisfy the certification standards established 17067  
by rules adopted under that section; 17068

(4) In accordance with criteria established under division 17069  
(E) of section 5119.22 of the Revised Code, conduct program audits 17070  
that review and evaluate the quality, effectiveness, and 17071  
efficiency of addiction and mental health services provided 17072  
through its community addiction and mental health ~~contracted~~ 17073  
services providers and submit its findings and recommendations to 17074  
the department of mental health and addiction services; 17075

(5) In accordance with section 5119.34 of the Revised Code, 17076  
review an application for a residential facility license and 17077  
provide to the department of mental health and addiction services 17078



any information about the applicant or facility that the board 17079  
would like the department to consider in reviewing the 17080  
application; 17081

(6) Audit, in accordance with rules adopted by the auditor of 17082  
state pursuant to section 117.20 of the Revised Code, at least 17083  
annually all programs and services provided under contract with 17084  
the board. In so doing, the board may contract for or employ the 17085  
services of private auditors. A copy of the fiscal audit report 17086  
shall be provided to the director of mental health and addiction 17087  
services, the auditor of state, and the county auditor of each 17088  
county in the board's district. 17089

(7) Recruit and promote local financial support for addiction 17090  
and mental health services from private and public sources; 17091

(8)(a) Enter into contracts with public and private 17092  
facilities for the operation of facility services and enter into 17093  
contracts with public and private community addiction and mental 17094  
health ~~service~~ services providers for the provision of ~~community~~ 17095  
addiction and mental health services. The board may not contract 17096  
with a residential facility subject to section 5119.34 of the 17097  
Revised Code unless the facility is licensed by the director of 17098  
mental health and addiction services ~~and~~. The board may not 17099  
contract with a community addiction or mental health services 17100  
provider to provide ~~community~~ addiction or mental health services 17101  
unless the services are certified by the director of mental health 17102  
and addiction services under section 5119.36 of the Revised Code. 17103  
Section 307.86 of the Revised Code does not apply to contracts 17104  
entered into under this division. In contracting with a community 17105  
addiction or mental health services provider, a board shall 17106  
consider the cost effectiveness of addiction or mental health 17107  
services provided by that provider and the quality and continuity 17108  
of care, and may review cost elements, including salary costs, of 17109  
the services to be provided. A utilization review process may be 17110

established as part of the contract for services entered into 17111  
between a board and a community addiction or mental health 17112  
services provider. The board may establish this process in a way 17113  
that is most effective and efficient in meeting local needs. 17114

If either the board or a facility or community addiction or 17115  
mental health services provider with which the board contracts 17116  
under this division proposes not to renew the contract or proposes 17117  
substantial changes in contract terms, the other party shall be 17118  
given written notice at least one hundred twenty days before the 17119  
expiration date of the contract. During the first sixty days of 17120  
this one hundred twenty-day period, both parties shall attempt to 17121  
resolve any dispute through good faith collaboration and 17122  
negotiation in order to continue to provide services to persons in 17123  
need. If the dispute has not been resolved sixty days before the 17124  
expiration date of the contract, either party may notify the 17125  
department of mental health and addiction services of the 17126  
unresolved dispute. The director may require both parties to 17127  
submit the dispute to a third party with the cost to be shared by 17128  
the board and the facility or provider. The third party shall 17129  
issue to the board, the facility or provider, and the department 17130  
recommendations on how the dispute may be resolved twenty days 17131  
prior to the expiration date of the contract, unless both parties 17132  
agree to a time extension. The director shall adopt rules 17133  
establishing the procedures of this dispute resolution process. 17134

(b) With the prior approval of the director of mental health 17135  
and addiction services, a board may operate a facility or provide 17136  
~~a community~~ an addiction or mental health service as follows, if 17137  
there is no other qualified private or public facility or 17138  
community addiction or mental health services provider that is 17139  
immediately available and willing to operate such a facility or 17140  
provide the service: 17141

(i) In an emergency situation, any board may operate a 17142

facility or provide a ~~community~~ an addiction or mental health 17143  
service in order to provide essential services for the duration of 17144  
the emergency~~+~~. 17145

(ii) In a service district with a population of at least one 17146  
hundred thousand but less than five hundred thousand, a board may 17147  
operate a facility or provide a ~~community~~ an addiction or mental 17148  
health service for no longer than one year~~+~~. 17149

(iii) In a service district with a population of less than 17150  
one hundred thousand, a board may operate a facility or provide a 17151  
~~community~~ an addiction or mental health service for no longer than 17152  
one year, except that such a board may operate a facility or 17153  
provide a ~~community~~ an addiction or mental health service for more 17154  
than one year with the prior approval of the director and the 17155  
prior approval of the board of county commissioners, or of a 17156  
majority of the boards of county commissioners if the district is 17157  
a joint-county district. 17158

The director shall not give a board approval to operate a 17159  
facility or provide a ~~community~~ an addiction or mental health 17160  
service under division (A)(8)(b)(ii) or (iii) of this section 17161  
unless the director determines that it is not feasible to have the 17162  
department operate the facility or provide the service. 17163

The director shall not give a board approval to operate a 17164  
facility or provide a ~~community~~ an addiction or mental health 17165  
service under division (A)(8)(b)(iii) of this section unless the 17166  
director determines that the board will provide greater 17167  
administrative efficiency and more or better services than would 17168  
be available if the board contracted with a private or public 17169  
facility or community addiction or mental health services 17170  
provider. 17171

The director shall not give a board approval to operate a 17172  
facility previously operated by a person or other government 17173

entity unless the board has established to the director's 17174  
satisfaction that the person or other government entity cannot 17175  
effectively operate the facility or that the person or other 17176  
government entity has requested the board to take over operation 17177  
of the facility. The director shall not give a board approval to 17178  
provide ~~a community~~ an addiction or mental health service 17179  
previously provided by a community addiction or mental health 17180  
services provider unless the board has established to the 17181  
director's satisfaction that the provider cannot effectively 17182  
provide the service or that the provider has requested the board 17183  
take over providing the service. 17184

The director shall review and evaluate a board's operation of 17185  
a facility and provision of ~~community~~ addiction or mental health 17186  
~~service~~ services under division (A)(8)(b) of this section. 17187

Nothing in division (A)(8)(b) of this section authorizes a 17188  
board to administer or direct the daily operation of any facility 17189  
or community addiction or mental health services provider, but a 17190  
facility or provider may contract with a board to receive 17191  
administrative services or staff direction from the board under 17192  
the direction of the governing body of the facility or provider. 17193

(9) Approve fee schedules and related charges or adopt a unit 17194  
cost schedule or other methods of payment for contract services 17195  
provided by community addiction or mental health services 17196  
providers in accordance with guidelines issued by the department 17197  
as necessary to comply with state and federal laws pertaining to 17198  
financial assistance; 17199

(10) Submit to the director and the county commissioners of 17200  
the county or counties served by the board, and make available to 17201  
the public, an annual report of the services under the 17202  
jurisdiction of the board, including a fiscal accounting; 17203

(11) Establish, to the extent resources are available, a 17204

continuum of care, which provides for prevention, treatment, 17205  
support, and rehabilitation services and opportunities. The 17206  
essential elements of the continuum include, but are not limited 17207  
to, the following components in accordance with section 5119.21 of 17208  
the Revised Code: 17209

(a) To locate persons in need of addiction or mental health 17210  
services to inform them of available services and benefits; 17211

(b) Assistance for persons receiving addiction or mental 17212  
health services to obtain services necessary to meet basic human 17213  
needs for food, clothing, shelter, medical care, personal safety, 17214  
and income; 17215

(c) Addiction and mental health services, including, ~~but not~~ 17216  
~~limited to,~~ outpatient, residential, partial hospitalization, and, 17217  
where appropriate, inpatient care; 17218

(d) Emergency services and crisis intervention; 17219

(e) Assistance for persons receiving services to obtain 17220  
vocational services and opportunities for jobs; 17221

(f) The provision of services designed to develop social, 17222  
community, and personal living skills; 17223

(g) Access to a wide range of housing and the provision of 17224  
residential treatment and support; 17225

(h) Support, assistance, consultation, and education for 17226  
families, friends, persons receiving addiction or mental health 17227  
services, and others; 17228

(i) Recognition and encouragement of families, friends, 17229  
neighborhood networks, especially networks that include racial and 17230  
ethnic minorities, churches, community organizations, and 17231  
community employment as natural supports for persons receiving 17232  
addiction or mental health services; 17233

(j) Grievance procedures and protection of the rights of 17234

persons receiving addiction or mental health services; 17235

(k) Community psychiatric supportive treatment services, 17236  
which includes continual individualized assistance and advocacy to 17237  
ensure that needed services are offered and procured. 17238

(12) Establish a method for evaluating referrals for 17239  
~~involuntary commitment~~ court-ordered treatment and affidavits 17240  
filed pursuant to section 5122.11 of the Revised Code in order to 17241  
assist the probate division of the court of common pleas in 17242  
determining whether there is probable cause that a respondent is 17243  
subject to ~~involuntary hospitalization~~ court-ordered treatment and 17244  
~~what alternative treatment is~~ whether alternatives to  
hospitalization are available and appropriate, ~~if any;~~ 17245  
17246

(13) Designate the treatment services, provider, facility, or 17247  
other placement for each person involuntarily committed to the 17248  
board pursuant to Chapter 5122. of the Revised Code. The board 17249  
shall provide the least restrictive and most appropriate 17250  
alternative that is available for any person involuntarily 17251  
committed to it and shall assure that the listed services 17252  
submitted and approved in accordance with division (B) of section 17253  
340.08 of the Revised Code are available to severely mentally 17254  
disabled persons residing within its service district. The board 17255  
shall establish the procedure for authorizing payment for 17256  
services, which may include prior authorization in appropriate 17257  
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 17258  
section, the board may provide for services directly to a severely 17259  
mentally disabled person when life or safety is endangered and 17260  
when no community mental health services provider is available to 17261  
provide the service. 17262

(14) Ensure that ~~apartments or rooms~~ housing built, 17263  
subsidized, renovated, rented, owned, or leased by the board or a 17264  
community addiction or mental health services provider ~~have~~ has 17265  
been approved as meeting minimum fire safety standards and that 17266

persons residing in the ~~rooms or apartments are receiving~~ housing 17267  
have access to appropriate and necessary services, including 17268  
culturally relevant services, from a community addiction or mental 17269  
health services provider. This division does not apply to 17270  
residential facilities licensed pursuant to section 5119.34 of the 17271  
Revised Code. 17272

(15) Establish a mechanism for obtaining advice and 17273  
involvement of persons receiving ~~publicly funded~~ addiction or 17274  
mental health services on matters pertaining to addiction and 17275  
mental health services in the alcohol, drug addiction, and mental 17276  
health service district; 17277

(16) Perform the duties required by rules adopted under 17278  
section 5119.22 of the Revised Code regarding referrals by the 17279  
board or mental health services providers under contract with the 17280  
board of individuals with mental illness or severe mental 17281  
disability to residential facilities ~~as defined in division~~ 17282  
~~(A)(9)(b)(iii) of~~ licensed under section 5119.34 of the Revised 17283  
Code and effective arrangements for ongoing mental health services 17284  
for the individuals. The board is accountable in the manner 17285  
specified in the rules for ensuring that the ongoing mental health 17286  
services are effectively arranged for the individuals. 17287

(B) The board shall establish such rules, operating 17288  
procedures, standards, and bylaws, and perform such other duties 17289  
as may be necessary or proper to carry out the purposes of this 17290  
chapter. 17291

(C) A board of alcohol, drug addiction, and mental health 17292  
services may receive by gift, grant, devise, or bequest any 17293  
moneys, lands, or property for the benefit of the purposes for 17294  
which the board is established, and may hold and apply it 17295  
according to the terms of the gift, grant, or bequest. All money 17296  
received, including accrued interest, by gift, grant, or bequest 17297  
shall be deposited in the treasury of the county, the treasurer of 17298

which is custodian of the alcohol, drug addiction, and mental 17299  
health services funds to the credit of the board and shall be 17300  
available for use by the board for purposes stated by the donor or 17301  
grantor. 17302

(D) No board member or employee of a board of alcohol, drug 17303  
addiction, and mental health services shall be liable for injury 17304  
or damages caused by any action or inaction taken within the scope 17305  
of the board member's official duties or the employee's 17306  
employment, whether or not such action or inaction is expressly 17307  
authorized by this section or any other section of the Revised 17308  
Code, unless such action or inaction constitutes willful or wanton 17309  
misconduct. Chapter 2744. of the Revised Code applies to any 17310  
action or inaction by a board member or employee of a board taken 17311  
within the scope of the board member's official duties or 17312  
employee's employment. For the purposes of this division, the 17313  
conduct of a board member or employee shall not be considered 17314  
willful or wanton misconduct if the board member or employee acted 17315  
in good faith and in a manner that the board member or employee 17316  
reasonably believed was in or was not opposed to the best 17317  
interests of the board and, with respect to any criminal action or 17318  
proceeding, had no reasonable cause to believe the conduct was 17319  
unlawful. 17320

(E) The meetings held by any committee established by a board 17321  
of alcohol, drug addiction, and mental health services shall be 17322  
considered to be meetings of a public body subject to section 17323  
121.22 of the Revised Code. 17324

**Sec. 340.034.** All of the following apply to the recovery 17325  
housing required by section 340.033 of the Revised Code to be 17326  
included in the array of treatment ~~and support~~ services and 17327  
recovery support for all levels of opioid and co-occurring drug 17328  
addiction that are part of the continuum of care established by 17329



each board of alcohol, drug addiction, and mental health services 17330  
pursuant to division (A)(11) of section 340.03 of the Revised 17331  
Code: 17332

(A) The recovery housing shall not be ~~owned or operated~~ 17333  
~~subject to residential facility licensure by a residential~~ 17334  
~~facility as defined in the department of mental health and~~ 17335  
~~addiction services under~~ section 5119.34 of the Revised Code ~~and~~ 17336  
~~instead. In addition, the recovery housing shall not be owned and~~ 17337  
~~operated by the following:~~ 17338

~~(1) Except as provided in division (A)(2) of this section, a~~ 17339  
~~community addiction services provider or other local~~ 17340  
~~nongovernmental organization (including a peer run recovery~~ 17341  
~~organization), as appropriate to the needs of the board's service~~ 17342  
~~district;~~ 17343

~~(2) The board, if either a board of alcohol, drug addiction,~~ 17344  
~~and mental health services unless any of the following applies:~~ 17345

~~(a)(1) The board owns and operates the recovery housing on~~ 17346  
~~the effective date of this section September 15, 2016.~~ 17347

~~(b)(2) The board utilizes local funds in the development,~~ 17348  
~~purchase, or operation of the recovery housing.~~ 17349

(3) The board determines that there is an emergency a need 17350  
for the board to assume the ownership and operation of the 17351  
recovery housing such as when an existing owner and operator of 17352  
the recovery housing goes out of business, and the board considers 17353  
the assumption of ownership and operation of the recovery housing 17354  
to be ~~its last resort~~ in the best interest of the community. 17355

(B) The recovery housing shall have protocols for all of the 17356  
following: 17357

(1) Administrative oversight; 17358

(2) Quality standards; 17359

(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere. 17360  
17361

(C) Family members of the recovery housing's residents may reside in the recovery housing to the extent the recovery housing's protocols permit. 17362  
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(D) The recovery housing shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the recovery housing's protocols, in collaboration with the recovery housing's owner and operator, and, if appropriate, in consultation and integration with a community addiction services provider. 17365  
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(E) The recovery housing may permit its residents to receive medication-assisted treatment ~~at the recovery housing~~. 17372  
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(F) ~~The A recovery housing resident may not provide community addiction services but may assist a resident in obtaining community receive~~ addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. ~~The community addiction services may be provided at the recovery housing or elsewhere.~~ 17374  
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Sec. 340.035. A board of alcohol, drug addiction, and mental health services may advocate on behalf of medicaid recipients enrolled in medicaid managed care organizations and medicaid-eligible individuals, any of whom have been identified as needing addiction or mental health services. 17380  
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**Sec. 340.04.** In addition to such other duties as may be lawfully imposed, the executive director of a board of alcohol, drug addiction, and mental health services shall: 17385  
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17387

(A) Serve as executive officer of the board and subject to the prior approval of the board for each contract, execute 17388  
17389

contracts on its behalf;	17390
(B) Supervise services and facilities provided, operated, contracted, or supported by the board to the extent of determining that services and facilities are being administered in conformity with this chapter and rules of the director of mental health and addiction services;	17391 17392 17393 17394 17395
(C) Provide consultation to <u>community</u> addiction and mental health services providers providing services supported by the board;	17396 17397 17398
(D) Recommend to the board the changes necessary to increase the effectiveness of addiction and mental health services and other matters necessary or desirable to carry out this chapter;	17399 17400 17401
(E) Employ and remove from office such employees and consultants in the classified civil service and, subject to the approval of the board, employ and remove from office such other employees and consultants as may be necessary for the work of the board, and fix their compensation and reimbursement within the limits set by the salary schedule and the budget approved by the board;	17402 17403 17404 17405 17406 17407 17408
(F) Encourage the development and expansion of preventive, treatment, rehabilitative, and consultative services in the field of addiction and mental health services with emphasis on continuity of care;	17409 17410 17411 17412
(G) Prepare for board approval an annual report of the services and facilities under the jurisdiction of the board, including a fiscal accounting of all services;	17413 17414 17415
(H) Conduct such studies as may be necessary and practicable for the promotion of mental health, promotion of addiction services, and the prevention of mental illness, emotional disorders, and addiction;	17416 17417 17418 17419

(I) Authorize the county auditor, or in a joint-county district the county auditor designated as the auditor for the district, to issue warrants for the payment of board obligations approved by the board, provided that all payments from funds distributed to the board by the department of mental health and addiction services are in accordance with the budget submitted pursuant to section 340.08 of the Revised Code, as approved by the department of mental health and addiction services.

**Sec. 340.05.** A community addiction or mental health services provider that receives a complaint alleging abuse or neglect of an individual with mental illness or severe mental disability, or an individual receiving addiction services, who resides in a residential facility ~~as defined in division (A)(9)(b) of~~ licensed under section 5119.34 of the Revised Code shall report the complaint to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the residential facility is located. A board of alcohol, drug addiction, and mental health services that receives such a complaint or a report from a community addiction or mental health services provider of such a complaint shall report the complaint to the director of mental health and addiction services for the purpose of the director conducting an investigation under section 5119.34 of the Revised Code. The board may enter the facility with or without the director and, if the health and safety of a resident is in immediate danger, take any necessary action to protect the resident. The board's action shall not violate any resident's rights specified in rules adopted by the department of mental health and addiction services under section 5119.34 of the Revised Code. The board shall immediately report to the director regarding the board's actions under this section.

**Sec. 340.07.** The board of county commissioners of any county 17451  
participating in an alcohol, drug addiction, and mental health 17452  
service district or joint-county district, upon receipt from the 17453  
board of alcohol, drug addition, and mental health services of a 17454  
resolution so requesting, may appropriate money to such board for 17455  
the operation, lease, acquisition, construction, renovation, and 17456  
maintenance of addiction or mental health services providers and 17457  
facilities in accordance with the comprehensive community 17458  
~~addiction and~~ mental health and addiction services budget approved 17459  
by the department of mental health and addiction services pursuant 17460  
to section ~~340.08~~ 5119.22 of the Revised Code. 17461

**Sec. 340.12.** ~~No~~ As used in this section, "disability" has the 17462  
same meaning as in section 4112.01 of the Revised Code. 17463

No board of alcohol, drug addiction, and mental health 17464  
services or any community addiction or mental health services 17465  
provider under contract with such a board shall discriminate in 17466  
the provision of services under its authority, in employment, or 17467  
under a contract on the basis of race, color, religion, creed, 17468  
sex, age, national origin, or disability. 17469

Each board and each community addiction or mental health 17470  
services provider shall have a written affirmative action program. 17471  
The affirmative action program shall include goals for the 17472  
employment and effective utilization of, including contracts with, 17473  
members of economically disadvantaged groups as defined in 17474  
division (E)(1) of section 122.71 of the Revised Code in 17475  
percentages reflecting as nearly as possible the composition of 17476  
the alcohol, drug addiction, and mental health service district 17477  
served by the board. Each board and provider shall file a 17478  
description of the affirmative action program and a progress 17479  
report on its implementation with the department of mental health 17480  
and addiction services. 17481

**Sec. 340.15.** (A) A public children services agency that 17482  
identifies a child by a risk assessment conducted pursuant to 17483  
section 5153.16 of the Revised Code as being at imminent risk of 17484  
being abused or neglected because of an addiction of a parent, 17485  
guardian, or custodian of the child to a drug of abuse or alcohol 17486  
shall refer the child's addicted parent, guardian, or custodian 17487  
and, if the agency determines that the child needs alcohol or 17488  
other drug addiction services, the child to a community addiction 17489  
services provider ~~certified by the department of mental health and~~ 17490  
~~addiction services under section 5119.36 of the Revised Code.~~ A 17491  
public children services agency that is sent a court order issued 17492  
pursuant to division (B) of section 2151.3514 of the Revised Code 17493  
shall refer the addicted parent or other caregiver of the child 17494  
identified in the court order to a community addiction services 17495  
provider ~~certified by the department of mental health and~~ 17496  
~~addiction services under section 5119.36 of the Revised Code.~~ On 17497  
receipt of a referral under this division and to the extent 17498  
funding identified under division (A)(1) of section 340.08 of the 17499  
Revised Code is available, the provider shall provide the 17500  
following services to the addicted parent, guardian, custodian, or 17501  
caregiver and child in need of addiction services: 17502

(1) If it is determined pursuant to an initial screening to 17503  
be needed, assessment and appropriate treatment; 17504

(2) Documentation of progress in accordance with a treatment 17505  
plan developed for the addicted parent, guardian, custodian, 17506  
caregiver, or child; 17507

(3) If the referral is based on a court order issued pursuant 17508  
to division (B) of section 2151.3514 of the Revised Code and the 17509  
order requires the specified parent or other caregiver of the 17510  
child to submit to alcohol or other drug testing during, after, or 17511  
both during and after, treatment, testing in accordance with the 17512

court order. 17513

(B) The services described in division (A) of this section 17514  
shall have a priority as provided in the addiction and mental 17515  
health services plan and budget established pursuant to sections 17516  
340.03 and 340.08 of the Revised Code. Once a referral has been 17517  
received pursuant to this section, the public children services 17518  
agency and the addiction services provider shall, in accordance 17519  
with 42 C.F.R. Part 2, share with each other any information 17520  
concerning the persons and services described in that division 17521  
that the agency and provider determine are necessary to share. If 17522  
the referral is based on a court order issued pursuant to division 17523  
(B) of section 2151.3514 of the Revised Code, the results and 17524  
recommendations of the addiction services provider also shall be 17525  
provided and used as described in division (D) of that section. 17526  
Information obtained or maintained by the agency or provider 17527  
pursuant to this section that could enable the identification of 17528  
any person described in division (A) of this section is not a 17529  
public record subject to inspection or copying under section 17530  
149.43 of the Revised Code. 17531

**Sec. 341.34.** (A) As used in this section, "building or 17532  
structure" includes, but is not limited to, a modular unit, 17533  
building, or structure and a movable unit, building, or structure. 17534

(B)(1) The board of county commissioners of any county, by 17535  
resolution, may dedicate and permit the use, as a minimum security 17536  
jail, of any vacant or abandoned public building or structure 17537  
owned by the county that has not been dedicated to or is not then 17538  
in use for any county or other public purpose, or any building or 17539  
structure rented or leased by the county. The board of county 17540  
commissioners of any county, by resolution, also may dedicate and 17541  
permit the use, as a minimum security jail, of any building or 17542  
structure purchased by or constructed by or for the county. 17543

Subject to divisions (B)(3) and (C) of this section, upon the  
effective date of such a resolution, the specified building or  
structure shall be used, in accordance with this section, for the  
confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a  
traffic violation or a misdemeanor or is sentenced to a  
residential sanction in the jail for a felony of the fourth or  
fifth degree pursuant to sections 2929.11 to 2929.19 of the  
Revised Code, and the jail administrator or the jail  
administrator's designee has classified the person as a minimal  
security risk. In determining the person's classification under  
this division, the administrator or designee shall consider all  
relevant factors, including, but not limited to, the person's  
escape risk and propensity for assaultive or violent behavior,  
based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a  
misdemeanor, or a felony of the fourth or fifth degree and has had  
bail set and has not been released on bail and is confined in a  
county or municipal jail pending trial, and the jail administrator  
or the jail administrator's designee has classified the person as  
a minimal security risk. In determining the person's  
classification under this division, the administrator or designee  
shall consider all relevant factors, including, but not limited  
to, the person's escape risk and propensity for assaultive or  
violent behavior, based upon the person's prior and current  
behavior. Nothing in this division authorizes the operation or  
management of a minimum security jail by a private entity.

(c) The person is an inmate transferred by order of a judge  
of the sentencing court upon the request of the sheriff,  
administrator, jailer, or other person responsible for operating  
the jail other than a contractor as defined in section 9.06 of the  
Revised Code, who is named in the request as being suitable for



confinement in a minimum security facility. 17576

(2) The board of county commissioners of any county, by 17577  
resolution, may affiliate with one or more adjacent counties, or 17578  
with one or more municipal corporations located within the county 17579  
or within an adjacent county, and dedicate and permit the use, as 17580  
a minimum security jail, of any vacant or abandoned public 17581  
building or structure owned by any of the affiliating counties or 17582  
municipal corporations that has not been dedicated to or is not 17583  
then in use for any public purpose, or any building or structure 17584  
rented or leased by any of the affiliating counties or municipal 17585  
corporations. The board of county commissioners of any county, by 17586  
resolution, also may affiliate with one or more adjacent counties 17587  
or with one or more municipal corporations located within the 17588  
county or within an adjacent county and dedicate and permit the 17589  
use, as a minimum security jail, of any building or structure 17590  
purchased by or constructed by or for any of the affiliating 17591  
counties or municipal corporations. Any counties and municipal 17592  
corporations that affiliate for purposes of this division shall 17593  
enter into an agreement that establishes the responsibilities for 17594  
the operation and for the cost of operation of the minimum 17595  
security jail. Subject to divisions (B)(3) and (C) of this 17596  
section, upon the effective date of a resolution adopted under 17597  
this division, the specified building or structure shall be used, 17598  
in accordance with this section, for the confinement of persons 17599  
who meet one of the following conditions: 17600

(a) The person is sentenced to a term of imprisonment for a 17601  
traffic violation, a misdemeanor, or a violation of an ordinance 17602  
of any municipal corporation, or is sentenced to a residential 17603  
sanction in the jail for a felony of the fourth or fifth degree 17604  
pursuant to sections 2929.11 to 2929.19 of the Revised Code, and 17605  
the jail administrator or the jail administrator's designee has 17606  
classified the person as a minimal security risk. In determining 17607

the person's classification under this division, the administrator 17608  
or designee shall consider all relevant factors, including, but 17609  
not limited to, the person's escape risk and propensity for 17610  
assaultive or violent behavior, based upon the person's prior and 17611  
current behavior. 17612

(b) The person is charged with a traffic violation, a 17613  
misdemeanor, or a felony of the fourth or fifth degree and has had 17614  
bail set and has not been released on bail and is confined in a 17615  
county jail pending trial, and the jail administrator or the jail 17616  
administrator's designee has classified the person as a minimal 17617  
security risk. In determining the person's classification under 17618  
this division, the administrator or designee shall consider all 17619  
relevant factors, including, but not limited to, the person's 17620  
escape risk and propensity for assaultive or violent behavior, 17621  
based upon the person's prior and current behavior. Nothing in 17622  
this division authorizes the operation or management of a minimum 17623  
security jail by a private entity. 17624

(c) The person is an inmate transferred by order of a judge 17625  
of the sentencing court upon the request of the sheriff, 17626  
administrator, jailer, or other person responsible for operating 17627  
the jail other than a contractor as defined in section 9.06 of the 17628  
Revised Code, who is named in the request as being suitable for 17629  
confinement in a minimum security facility. 17630

(3) No person shall be confined in a building or structure 17631  
dedicated as a minimum security jail under division (B)(1) or (2) 17632  
of this section unless the judge who sentenced the person to the 17633  
term of imprisonment for the traffic violation or the misdemeanor 17634  
specifies that the term of imprisonment is to be served in that 17635  
jail, and division (B)(1) or (2) of this section permits the 17636  
confinement of the person in that jail or unless the judge who 17637  
sentenced the person to the residential sanction for the felony 17638  
specifies that the residential sanction is to be served in a jail, 17639

and division (B)(1) or (2) of this section permits the confinement 17640  
of the person in that jail. If a rented or leased building or 17641  
structure is so dedicated, the building or structure may be used 17642  
as a minimum security jail only during the period that it is 17643  
rented or leased by the county or by an affiliated county or 17644  
municipal corporation. If a person convicted of a misdemeanor is 17645  
confined to a building or structure dedicated as a minimum 17646  
security jail under division (B)(1) or (2) of this section and the 17647  
sheriff, administrator, jailer, or other person responsible for 17648  
operating the jail other than a contractor as defined in section 17649  
9.06 of the Revised Code determines that it would be more 17650  
appropriate for the person so confined to be confined in another 17651  
jail or workhouse facility, the sheriff, administrator, jailer, or 17652  
other person may transfer the person so confined to a more 17653  
appropriate jail or workhouse facility. 17654

(C) All of the following apply to a building or structure 17655  
that is dedicated pursuant to division (B)(1) or (2) of this 17656  
section for use as a minimum security jail: 17657

(1) To the extent that the use of the building or structure 17658  
as a minimum security jail requires a variance from any county, 17659  
municipal corporation, or township zoning regulations or 17660  
ordinances, the variance shall be granted. 17661

(2) Except as provided in this section, the building or 17662  
structure shall not be used to confine any person unless it is in 17663  
substantial compliance with any applicable housing, fire 17664  
prevention, sanitation, health, and safety codes, regulations, or 17665  
standards. 17666

(3) Unless such satisfaction or compliance is required under 17667  
the standards described in division (C)(4) of this section, and 17668  
notwithstanding any other provision of state or local law to the 17669  
contrary, the building or structure need not satisfy or comply 17670  
with any state or local building standard or code in order to be 17671

used to confine a person for the purposes specified in division 17672  
(B) of this section. 17673

(4) The building or structure shall not be used to confine 17674  
any person unless it is in compliance with all minimum standards 17675  
and minimum renovation, modification, and construction criteria 17676  
for minimum security jails that have been proposed by the 17677  
department of rehabilitation and correction, through its bureau of 17678  
adult detention, under section 5120.10 of the Revised Code. 17679

(5) The building or structure need not be renovated or 17680  
modified into a secure detention facility in order to be used 17681  
solely to confine a person for the purposes specified in divisions 17682  
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 17683

(6) The building or structure shall be used, equipped, 17684  
furnished, and staffed in the manner necessary to provide adequate 17685  
and suitable living, sleeping, food service or preparation, 17686  
drinking, bathing and toilet, sanitation, and other necessary 17687  
facilities, furnishings, and equipment. 17688

(D) Except as provided in this section, a minimum security 17689  
jail dedicated and used under this section shall be considered to 17690  
be part of the jail, workhouse, or other correctional facilities 17691  
of the county or the affiliated counties and municipal 17692  
corporations for all purposes under the law. All persons confined 17693  
in such a minimum security jail shall be and shall remain, in all 17694  
respects, under the control of the county authority that has 17695  
responsibility for the management and operation of the jail, 17696  
workhouse, or other correctional facilities of the county or, if 17697  
it is operated by any affiliation of counties or municipal 17698  
corporations, under the control of the specified county or 17699  
municipal corporation with that authority, provided that, if the 17700  
person was convicted of a felony and is serving a residential 17701  
sanction in the facility, all provisions of law that pertain to 17702  
persons convicted of a felony that would not by their nature 17703

clearly be inapplicable apply regarding the person. A minimum 17704  
security jail dedicated and used under this section shall be 17705  
managed and maintained in accordance with policies and procedures 17706  
adopted by the board of county commissioners or the affiliated 17707  
counties and municipal corporations governing the safe and 17708  
healthful operation of the jail, the confinement and supervision 17709  
of the persons sentenced to it, and their participation in work 17710  
release or similar rehabilitation programs. In addition to other 17711  
rules of conduct and discipline, the rights of ingress and egress 17712  
of persons confined in a minimum security jail dedicated and used 17713  
under this section shall be subject to reasonable restrictions. 17714  
Every person confined in a minimum security jail dedicated and 17715  
used under this section shall be given verbal and written 17716  
notification, at the time of the person's admission to the jail, 17717  
that purposely leaving, or purposely failing to return to, the 17718  
jail without proper authority or permission constitutes the felony 17719  
offense of escape. 17720

(E) If a person who has been convicted of or pleaded guilty 17721  
to an offense is sentenced to a term of imprisonment or a 17722  
residential sanction in a minimum security jail as described in 17723  
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 17724  
an inmate transferred to a minimum security jail by order of a 17725  
judge of the sentencing court as described in division 17726  
(B)(1)~~(b)~~(c) or (B)(2)~~(b)~~(c) of this section, at the time of 17727  
reception and at other times the person in charge of the operation 17728  
of the jail determines to be appropriate, the sheriff or other 17729  
person in charge of the operation of the jail may cause the 17730  
convicted offender to be examined and tested for tuberculosis, HIV 17731  
infection, hepatitis, including but not limited to hepatitis A, B, 17732  
and C, and other contagious diseases. The person in charge of the 17733  
operation of the jail may cause a convicted offender in the jail 17734  
who refuses to be tested or treated for tuberculosis, HIV 17735  
infection, hepatitis, including but not limited to hepatitis A, B, 17736

and C, or another contagious disease to be tested and treated 17737  
involuntarily. 17738

**Sec. 343.01.** (A) In order to comply with division (B) of 17739  
section 3734.52 of the Revised Code, the board of county 17740  
commissioners of each county shall do one of the following: 17741

(1) Establish, by resolution, and maintain a county solid 17742  
waste management district under this chapter that consists of all 17743  
the incorporated and unincorporated territory within the county 17744  
except as otherwise provided in division (A) of this section; 17745

(2) With the boards of county commissioners of one or more 17746  
other counties establish, by agreement, and maintain a joint solid 17747  
waste management district under this chapter that consists of all 17748  
the incorporated and unincorporated territory within the counties 17749  
forming the joint district except as otherwise provided in 17750  
division (A) of this section. 17751

If a municipal corporation is located in more than one solid 17752  
waste management district, the entire municipal corporation shall 17753  
be considered to be included in and shall be under the 17754  
jurisdiction of the district in which a majority of the population 17755  
of the municipal corporation resides. 17756

A county and joint district established to comply with 17757  
division (B) of section 3734.52 of the Revised Code shall have a 17758  
population of not less than one hundred twenty thousand unless, in 17759  
the instance of a county district, the board of county 17760  
commissioners has obtained an exemption from that requirement 17761  
under division (C)(1) or (2) of that section. Each joint district 17762  
established to comply with an order issued under division (D) of 17763  
that section shall have a population of at least one hundred 17764  
twenty thousand. 17765

(B) The boards of county commissioners of the counties 17766

establishing a joint district constitute, collectively, the board 17767  
of directors of the joint district, except that if a county with a 17768  
form of legislative authority other than a board of county 17769  
commissioners participates, it shall be represented on the board 17770  
of directors by three persons appointed by the legislative 17771  
authority. 17772

The agreement to establish and maintain a joint district 17773  
shall be ratified by resolution of the board of county 17774  
commissioners of each participating county. Upon ratification, the 17775  
board of directors shall take control of and manage the joint 17776  
district subject to this chapter, except that, in the case of a 17777  
joint district formed pursuant to division (C), (D), or (E) of 17778  
section 343.012 of the Revised Code, the board of directors shall 17779  
take control of and manage the district when the formation of the 17780  
district becomes final under the applicable division. A majority 17781  
of the board of directors constitutes a quorum, and a majority 17782  
vote is required for the board to act. 17783

A county participating in a joint district may contribute 17784  
lands or rights or interests therein, money, other personal 17785  
property or rights or interests therein, or services to the 17786  
district. The agreement shall specify any contributions of 17787  
participating counties and the rights of the participating 17788  
counties in lands or personal property, or rights or interests 17789  
therein, contributed to or otherwise acquired by the joint 17790  
district. The agreement may be amended or added to by a majority 17791  
vote of the board of directors, but no amendment or addition shall 17792  
divest a participating county of any right or interest in lands or 17793  
personal property without its consent. 17794

The board of directors may appoint and fix the compensation 17795  
of employees of, accept gifts, devises, and bequests for, and take 17796  
other actions necessary to control and manage the joint district. 17797  
Employees of the district shall be considered county employees for 17798

the purposes of Chapter 124. of the Revised Code and other 17799  
provisions of state law applicable to employees. Instead of or in 17800  
addition to appointing employees of the district, the board of 17801  
directors may agree to use employees of one or more of the 17802  
participating counties in the service of the joint district and to 17803  
share in their compensation in any manner that may be agreed upon. 17804

The board of directors shall do one of the following: 17805

(1) Designate the county auditor, including any other 17806  
official acting in a capacity similar to a county auditor under a 17807  
county charter, of a county participating in the joint district as 17808  
the fiscal officer of the district, and the county treasurer, or 17809  
other official acting in a capacity similar to a county treasurer 17810  
under a county charter, of that county as the treasurer of the 17811  
district. The designated county officials shall perform any 17812  
applicable duties for the district as each typically performs for 17813  
the county of which the individual is an official, except as 17814  
otherwise may be provided in any bylaws or resolutions adopted by 17815  
the board of directors. The board of directors may pay to that 17816  
county any amount agreed upon by the board of directors and the 17817  
board of county commissioners of that county to reimburse that 17818  
county for the cost properly allocable to the service of its 17819  
officials as fiscal officer and treasurer of the joint district. 17820

(2) Appoint one individual who is neither a county auditor 17821  
nor a county treasurer, and who may be an employee of the 17822  
district, to serve as both the treasurer of the district and its 17823  
fiscal officer. That individual shall act as custodian of the 17824  
funds of the board and the district and shall maintain all 17825  
accounts of the district. Any reference in this chapter or Chapter 17826  
3734. of the Revised Code to a county auditor or county treasurer 17827  
serving as fiscal officer of a district or custodian of any funds 17828  
of a board or district is deemed to refer to an individual 17829  
appointed under division (B)(2) of this section. 17830



The fiscal officer of a district shall establish a general 17831  
fund and any other necessary funds for the district. 17832

(C) A board of county commissioners of a county district or 17833  
board of directors of a joint district may acquire, by purchase or 17834  
lease, construct, improve, enlarge, replace, maintain, and operate 17835  
such solid waste collection systems within their respective 17836  
districts and such solid waste facilities within or outside their 17837  
respective districts as are necessary for the protection of the 17838  
public health. A board of county commissioners may acquire within 17839  
its county real property or any estate, interest, or right 17840  
therein, by appropriation or any other method, for use by a county 17841  
or joint district in connection with such facilities. 17842  
Appropriation proceedings shall be conducted in accordance with 17843  
sections 163.01 to 163.22 of the Revised Code. 17844

(D) The sanitary engineer or sanitary engineering department 17845  
of a county maintaining a district and any sanitary engineer or 17846  
sanitary engineering department of a county in a joint district, 17847  
as determined by the board of directors, in addition to other 17848  
duties assigned to that engineer or department, shall assist the 17849  
board of county commissioners or directors in the performance of 17850  
their duties under this chapter and sections 3734.52 to 3734.575 17851  
of the Revised Code and shall be charged with any other duties and 17852  
services in relation thereto that the board prescribes. A board 17853  
may employ registered professional engineers to assist the 17854  
sanitary engineer in those duties and also may employ financial 17855  
advisers and any other professional services it considers 17856  
necessary to assist it in the construction, financing, and 17857  
maintenance of solid waste collection or other solid waste 17858  
facilities. Such contracts of employment shall not require the 17859  
certificate provided in section 5705.41 of the Revised Code. 17860  
Payment for such services may be made from the general fund or any 17861  
other fund legally available for that use at times that are agreed 17862

upon or as determined by the board of county commissioners or 17863  
directors, and the funds may be reimbursed from the proceeds of 17864  
bonds or notes issued to pay the cost of any improvement to which 17865  
the services related. 17866

(E)(1) The prosecuting attorney of the county shall serve as 17867  
the legal advisor of a county district and shall provide such 17868  
services to the board of county commissioners of the district as 17869  
are required or authorized to be provided to other county boards 17870  
under Chapter 309. of the Revised Code, except that, if the board 17871  
considers it to be necessary or appropriate, the board, on its own 17872  
initiative, may employ an attorney or other legal counsel on an 17873  
annual basis to serve as the legal advisor of the district in 17874  
place of the prosecuting attorney. When the prosecuting attorney 17875  
is serving as the district's legal advisor and the board considers 17876  
it to be necessary or appropriate, the board, on its own 17877  
initiative, may employ an attorney or other legal counsel to 17878  
represent or advise the board regarding a particular matter in 17879  
place of the prosecuting attorney. The employment of an attorney 17880  
or other legal counsel on an annual basis or in a particular 17881  
matter is not subject to or governed by sections 305.14 and 309.09 17882  
of the Revised Code. 17883

Notwithstanding the employment of an attorney or other legal 17884  
counsel on an annual basis to serve as the district's legal 17885  
advisor, the board may require written opinions or instructions 17886  
from the prosecuting attorney under section 309.09 of the Revised 17887  
Code in matters connected with its official duties as though the 17888  
prosecuting attorney were serving as the legal advisor of the 17889  
district. 17890

(2) The board of directors of a joint district may designate 17891  
the prosecuting attorney of one of the counties forming the 17892  
district to serve as the legal advisor of the district. When so 17893  
designated, the prosecuting attorney shall provide such services 17894

to the joint district as are required or authorized to be provided 17895  
to county boards under Chapter 309. of the Revised Code. The board 17896  
of directors may pay to that county any amount agreed upon by the 17897  
board of directors and the board of county commissioners of that 17898  
county to reimburse that county for the cost properly allocable to 17899  
the services of its prosecuting attorney as the legal advisor of 17900  
the joint district. When that prosecuting attorney is so serving 17901  
and the board considers it to be necessary or appropriate, the 17902  
board, on its own initiative, may employ an attorney or other 17903  
legal counsel to represent or advise the board regarding a 17904  
particular matter in place of the prosecuting attorney. 17905

Instead of designating the prosecuting attorney of one of the 17906  
counties forming the district to be the legal advisor of the 17907  
district, the board of directors may employ on an annual basis an 17908  
attorney or other legal counsel to serve as the district's legal 17909  
advisor. Notwithstanding the employment of an attorney or other 17910  
legal counsel as the district's legal advisor, the board of 17911  
directors may require written opinions or instructions from the 17912  
prosecuting attorney of any of the counties forming the district 17913  
in matters connected with the board's official duties, and the 17914  
prosecuting attorney shall provide the written opinion or 17915  
instructions as though the prosecuting attorney had been 17916  
designated to serve as the district's legal advisor under division 17917  
(E)(2) of this section. 17918

(F) A board of county commissioners may issue bonds or bond 17919  
anticipation notes of the county to pay the cost of preparing 17920  
general and detailed plans and other data required for the 17921  
construction of solid waste facilities in connection with a county 17922  
or joint district. A board of directors of a joint solid waste 17923  
management district may issue bonds or bond anticipation notes of 17924  
the joint solid waste management district to pay the cost of 17925  
preparing general and detailed plans and other data required for 17926

the construction of solid waste facilities in connection with a joint district. The bonds and notes shall be issued in accordance with Chapter 133. of the Revised Code, except that the maximum maturity of bonds issued for that purpose shall not exceed ten years. Bond anticipation notes may be paid from the proceeds of bonds issued either to pay the cost of the solid waste facilities or to pay the cost of the plans and other data.

(G) To the extent authorized by the solid waste management plan of the district approved under section 3734.521 or 3734.55 of the Revised Code or subsequent amended plans of the district approved under section 3734.521 or 3734.56 of the Revised Code, the board of county commissioners of a county district or board of directors of a joint district may adopt, publish, and enforce rules doing any of the following:

(1) Prohibiting or limiting the receipt of solid wastes generated outside the district or outside a service area prescribed in the solid waste management plan or amended plan, at facilities located within the solid waste management district, consistent with the projections contained in the plan or amended plan under divisions (A)(6) and (7) of section 3734.53 of the Revised Code. However, rules adopted by a board under division (G)(1) of this section may be adopted and enforced with respect to solid waste disposal facilities in the solid waste management district that are not owned by a county or the solid waste management district only if the board submits an application to the director of environmental protection that demonstrates that there is insufficient capacity to dispose of all solid wastes that are generated within the district at the solid waste disposal facilities located within the district and the director approves the application. The demonstration in the application shall be based on projections contained in the plan or amended plan of the district. The director shall establish the form of the

application. The approval or disapproval of such an application by 17959  
the director is an action that is appealable under section 3745.04 17960  
of the Revised Code. 17961

In addition, the director of environmental protection may 17962  
issue an order modifying a rule adopted under division (G)(1) of 17963  
this section to allow the disposal in the district of solid wastes 17964  
from another county or joint solid waste management district if 17965  
all of the following apply: 17966

(a) The district in which the wastes were generated does not 17967  
have sufficient capacity to dispose of solid wastes generated 17968  
within it for six months following the date of the director's 17969  
order+\_. 17970

(b) No new solid waste facilities will begin operation during 17971  
those six months in the district in which the wastes were 17972  
generated and, despite good faith efforts to do so, it is 17973  
impossible to site new solid waste facilities within the district 17974  
because of its high population density+\_. 17975

(c) The district in which the wastes were generated has made 17976  
good faith efforts to negotiate with other districts to 17977  
incorporate its disposal needs within those districts' solid waste 17978  
management plans, including efforts to develop joint facilities 17979  
authorized under section 343.02 of the Revised Code, and the 17980  
efforts have been unsuccessful+\_. 17981

(d) The district in which the wastes were generated has 17982  
located a facility willing to accept the district's solid wastes 17983  
for disposal within the receiving district+\_. 17984

(e) The district in which the wastes were generated has 17985  
demonstrated to the director that the conditions specified in 17986  
divisions (G)(1)(a) to (d) of this section have been met+\_. 17987

(f) The director finds that the issuance of the order will be 17988  
consistent with the state solid waste management plan and that 17989

receipt of the out-of-district wastes will not limit the capacity 17990  
of the receiving district to dispose of its in-district wastes to 17991  
less than eight years. 17992

Any 17993

Any order issued under division (G)(1) of this section shall 17994  
not become final until thirty days after it has been served by 17995  
certified mail upon the county or joint solid waste management 17996  
district that will receive the out-of-district wastes. 17997

(2) Governing the maintenance, protection, and use of solid 17998  
waste collection or other solid waste facilities located within 17999  
its district. The rules adopted under division (G)(2) of this 18000  
section shall not establish design standards for solid waste 18001  
facilities and shall be consistent with the solid waste provisions 18002  
of Chapter 3734. of the Revised Code and the rules adopted under 18003  
those provisions. The rules adopted under division (G)(2) of this 18004  
section may prohibit any person, municipal corporation, township, 18005  
or other political subdivision from constructing, enlarging, or 18006  
modifying any solid waste facility until general plans and 18007  
specifications for the proposed improvement have been submitted to 18008  
and approved by the board of county commissioners or board of 18009  
directors as complying with the solid waste management plan or 18010  
amended plan of the district. The construction of such a facility 18011  
shall be done under the supervision of the county sanitary 18012  
engineer or, in the case of a joint district, a county sanitary 18013  
engineer designated by the board of directors, and any person, 18014  
municipal corporation, township, or other political subdivision 18015  
proposing or constructing such improvements shall pay to the 18016  
county or joint district all expenses incurred by the board in 18017  
connection therewith. The sanitary engineer may enter upon any 18018  
public or private property for the purpose of making surveys or 18019  
examinations necessary for designing solid waste facilities or for 18020  
supervising the construction, enlargement, modification, or 18021

operation of any such facilities. No person, municipal 18022  
corporation, township, or other political subdivision shall forbid 18023  
or interfere with the sanitary engineer or the sanitary engineer's 18024  
authorized assistants entering upon such property for that 18025  
purpose. If actual damage is done to property by the making of the 18026  
surveys and examinations, a board shall pay the reasonable value 18027  
of that damage to the owner of the property damaged, and the cost 18028  
shall be included in the financing of the improvement for which 18029  
the surveys and examinations are made. 18030

(3) Governing the development and implementation of a program 18031  
for the inspection of solid wastes generated outside the 18032  
boundaries of this state that are disposed of at solid waste 18033  
facilities included in the district's solid waste management plan 18034  
or amended plan. A board of county commissioners or board of 18035  
directors or its authorized representative may enter upon the 18036  
premises of any solid waste facility included in the district's 18037  
solid waste management plan or amended plan for the purpose of 18038  
conducting the inspections required or authorized by the rules 18039  
adopted under division (G)(3) of this section. No person, 18040  
municipal corporation, township, or other political subdivision 18041  
shall forbid or interfere with a board of county commissioners or 18042  
directors or its authorized representative entering upon the 18043  
premises of any such solid waste facility for that purpose. 18044

(4) Exempting the owner or operator of any existing or 18045  
proposed solid waste facility provided for in the plan or amended 18046  
plan from compliance with any amendment to a township zoning 18047  
resolution adopted under section 519.12 of the Revised Code or to 18048  
a county rural zoning resolution adopted under section 303.12 of 18049  
the Revised Code that rezoned or redistricted the parcel or 18050  
parcels upon which the facility is to be constructed or modified 18051  
and that became effective within two years prior to the filing of 18052  
an application for a permit required under division (A)(2)(a) of 18053

section 3734.05 of the Revised Code to open a new or modify an 18054  
existing solid waste facility. 18055

(H) A board of county commissioners or board of directors may 18056  
enter into a contract with any person, municipal corporation, 18057  
township, or other political subdivision for the operation and 18058  
maintenance of any solid waste facilities regardless of whether 18059  
the facilities are owned or leased by the county or joint district 18060  
or the contractor. 18061

(I)(1) No person, municipal corporation, township, or other 18062  
political subdivision shall tamper with or damage any solid waste 18063  
facility constructed under this chapter or any apparatus or 18064  
accessory connected therewith or pertaining thereto, fail or 18065  
refuse to comply with the applicable rules adopted by a board of 18066  
county commissioners or directors under division (G)(1), (2), (3), 18067  
or (4) of this section, refuse to permit an inspection or 18068  
examination by a sanitary engineer as authorized under division 18069  
(G)(2) of this section, or refuse to permit an inspection by a 18070  
board of county commissioners or directors or its authorized 18071  
representative as required or authorized by rules adopted under 18072  
division (G)(3) of this section. 18073

(2) If the board of county commissioners of a county district 18074  
or board of directors of a joint district has established facility 18075  
designations under section 343.013, 343.014, or 343.015 of the 18076  
Revised Code, or the director has established facility 18077  
designations in the initial or amended plan of the district 18078  
prepared and ordered to be implemented under section 3734.521, 18079  
3734.55, or 3734.56 of the Revised Code, no person, municipal 18080  
corporation, township, or other political subdivision shall 18081  
deliver, or cause the delivery of, any solid wastes generated 18082  
within a county or joint district to any solid waste facility 18083  
other than the facility designated under section 343.013, 343.014, 18084  
or 343.015 of the Revised Code, or in the initial or amended plan 18085



of the district prepared and ordered to be implemented under 18086  
section 3734.521, 3734.55, or 3734.56 of the Revised Code, as 18087  
applicable, except that source separated recyclable materials may 18088  
be taken to any legitimate recycling facility. Upon the request of 18089  
a person or the legislative authority of a municipal corporation 18090  
or township, the board of county commissioners of a county 18091  
district or board of directors of a joint district may grant a 18092  
waiver authorizing the delivery of all or any portion of the solid 18093  
wastes generated in a municipal corporation or township to a solid 18094  
waste facility other than the facility designated under section 18095  
343.013, 343.014, or 343.015 of the Revised Code, or in the 18096  
initial or amended plan of the district prepared and ordered to be 18097  
implemented under section 3734.521, 3734.55, or 3734.56 of the 18098  
Revised Code, as applicable, regardless of whether the other 18099  
facility is located within or outside of the district, if the 18100  
board finds that delivery of those solid wastes to the other 18101  
facility is not inconsistent with the projections contained in the 18102  
district's initial or amended plan under divisions (A)(6) and (7) 18103  
of section 3734.53 of the Revised Code as approved or ordered to 18104  
be implemented and will not adversely affect the implementation 18105  
and financing of the district's initial or amended plan pursuant 18106  
to the implementation schedule contained in it under divisions 18107  
(A)(12)(a) to (d) of that section. The board shall act on a 18108  
request for such a waiver within ninety days after receiving the 18109  
request. Upon granting such a waiver, the board shall send notice 18110  
of that fact to the director. The notice shall indicate to whom 18111  
the waiver was granted. Any waiver or authorization granted by a 18112  
board on or before October 29, 1993, shall continue in force until 18113  
the board takes action concerning the same entity under this 18114  
division or until action is taken under division (G) of section 18115  
343.014 of the Revised Code. 18116

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not 18117  
apply to the construction, operation, use, repair, enlargement, or 18118

modification of either of the following:	18119
(1) A solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;	18120 18121 18122 18123 18124
(2) A facility that exclusively disposes of wastes that are generated from the combustion of coal, or from the combustion of primarily coal in combination with scrap tires, that is not combined in any way with garbage at one or more premises owned by the generator.	18125 18126 18127 18128 18129
(K)(1) A member of the board of county commissioners of a county solid waste management district, member of the board of directors of a joint solid waste management district, member of the board of trustees of a regional solid waste management authority managing a county or joint solid waste management district, or officer or employee of any solid waste management district, for the purposes of sections 102.03, 102.04, 2921.41, and 2921.42 of the Revised Code, shall not be considered to be directly or indirectly interested in, or improperly influenced by, any of the following:	18130 18131 18132 18133 18134 18135 18136 18137 18138 18139
(a) A contract entered into under this chapter or section 307.15 or sections 3734.52 to 3734.575 of the Revised Code between the district and any county forming the district, municipal corporation or township located within the district, or health district having territorial jurisdiction within the district, of which that member, officer, or employee also is an officer or employee, but only to the extent that any interest or influence could arise from holding public office or employment with the political subdivision or health district;	18140 18141 18142 18143 18144 18145 18146 18147 18148
(b) A contract entered into under this chapter or section	18149

307.15 or sections 3734.52 to 3734.575 of the Revised Code between 18150  
the district and a county planning commission organized under 18151  
section 713.22 of the Revised Code, or regional planning 18152  
commission created under section 713.21 of the Revised Code, 18153  
having territorial jurisdiction within the district, of which that 18154  
member also is a member, officer, or employee, but only to the 18155  
extent that any interest or influence could arise from holding 18156  
public office or employment with the commission; 18157

(c) An expenditure of money made by the district for the 18158  
benefit of any county forming the district, municipal corporation 18159  
or township located within the district, or health district or 18160  
county or regional planning commission having territorial 18161  
jurisdiction within the district, of which that member also is a 18162  
member, officer, or employee, but only to the extent that any 18163  
interest or influence could arise from holding public office or 18164  
employment with the political subdivision, health district, or 18165  
commission; 18166

(d) An expenditure of money made for the benefit of the 18167  
district by any county forming the district, municipal corporation 18168  
or township located within the district, or health district or 18169  
county or regional planning commission having territorial 18170  
jurisdiction within the district, of which that member also is a 18171  
member, officer, or employee, but only to the extent that any 18172  
interest or influence could arise from holding public office or 18173  
employment with the political subdivision, health district, or 18174  
commission. 18175

(2) A solid waste management district, county, municipal 18176  
corporation, township, health district, or planning commission 18177  
described or referred to in divisions (K)(1)(a) to (d) of this 18178  
section shall not be construed to be the business associate of a 18179  
person who is concurrently a member of the board of county 18180  
commissioners, directors, or trustees, or an officer or employee, 18181

of the district and an officer or employee of that municipal 18182  
corporation, county, township, health district, or planning 18183  
commission for the purposes of sections 102.03, 2921.42, and 18184  
2921.43 of the Revised Code. Any person who is concurrently a 18185  
member of the board of county commissioners, directors, or 18186  
trustees, or an officer or employee, of a solid waste management 18187  
district so described or referred to and an officer or employee of 18188  
a county, municipal corporation, township, health district, or 18189  
planning commission so described or referred to may participate 18190  
fully in deliberations concerning and vote on or otherwise 18191  
participate in the approval or disapproval of any contract or 18192  
expenditure of funds described in those divisions as a member of 18193  
the board of county commissioners or directors, or an officer or 18194  
employee, of a county or joint solid waste management district; 18195  
member of the board of trustees, or an officer or employee, of a 18196  
regional solid waste management authority managing a county or 18197  
joint solid waste management district; member of the legislative 18198  
authority, or an officer or employee, of a county forming the 18199  
district; member of the legislative authority, or an officer or 18200  
employee, of a municipal corporation or township located within 18201  
the district; member of the board of health, or an officer or 18202  
employee, of a health district having territorial jurisdiction 18203  
within the district; or member of the planning commission, or an 18204  
officer or employee of a county or regional planning commission 18205  
having territorial jurisdiction within the district. 18206

(3) Nothing in division (K)(1) or (2) of this section shall 18207  
be construed to exempt any member of the board of county 18208  
commissioners, directors, or trustees, or an officer or employee, 18209  
of a solid waste management district from a conflict of interest 18210  
arising because of a personal or private business interest. 18211

(4) A member of the board of county commissioners of a county 18212  
solid waste management district, board of directors of a joint 18213

solid waste management district, or board of trustees of a 18214  
regional solid waste management authority managing a county or 18215  
joint solid waste management district, or an officer or employee, 18216  
of any such solid waste management district, neither shall be 18217  
disqualified from holding any other public office or position of 18218  
employment nor be required to forfeit any other public office or 18219  
position of employment by reason of serving as a member of the 18220  
board of county commissioners, directors, or trustees, or as an 18221  
officer or employee, of the district, notwithstanding any 18222  
requirement to the contrary under the common law of this state or 18223  
the Revised Code. 18224

(L) As used in this chapter: 18225

(1) "Board of health," "disposal," "health district," "scrap 18226  
tires," and "solid waste transfer facility" have the same meanings 18227  
as in section 3734.01 of the Revised Code. 18228

(2) "Change in district composition" and "change" have the 18229  
same meaning as in section 3734.521 of the Revised Code. 18230

(3)(a) Except as provided in division (L)(3)(b) or (c), and 18231  
(d), of this section, "solid wastes" has the same meaning as in 18232  
section 3734.01 of the Revised Code. 18233

(b) If the solid waste management district is not one that 18234  
resulted from proceedings for a change in district composition 18235  
under sections 343.012 and 3734.521 of the Revised Code, until 18236  
such time as an amended solid waste management plan is approved 18237  
under section 3734.56 of the Revised Code, "solid wastes" need not 18238  
include scrap tires unless the solid waste management policy 18239  
committee established under section 3734.54 of the Revised Code 18240  
for the district chooses to include the management of scrap tires 18241  
in the district's initial solid waste management plan prepared 18242  
under sections 3734.54 and 3734.55 of the Revised Code. 18243

(c) If the solid waste management district is one resulting 18244

from proceedings for a change in district composition under 18245  
sections 343.012 and 3734.521 of the Revised Code and if the 18246  
change involves an existing district that is operating under 18247  
either an initial solid waste management plan approved or prepared 18248  
and ordered to be implemented under section 3734.55 of the Revised 18249  
Code or an initial or amended plan approved or prepared and 18250  
ordered to be implemented under section 3734.521 of the Revised 18251  
Code that does not provide for the management of scrap tires and 18252  
scrap tire facilities, until such time as the amended plan of the 18253  
district resulting from the change is approved under section 18254  
3734.56 of the Revised Code, "solid wastes" need not include scrap 18255  
tires unless the solid waste management policy committee 18256  
established under division (C) of section 3734.521 of the Revised 18257  
Code for the district chooses to include the management of scrap 18258  
tires in the district's initial or amended solid waste management 18259  
plan prepared under section 3734.521 of the Revised Code in 18260  
connection with the change proceedings. 18261

(d) If the policy committee chooses to include the management 18262  
of scrap tires in an initial plan prepared under sections 3734.54 18263  
and 3734.55 of the Revised Code or in an initial or amended plan 18264  
prepared under section 3734.521 of the Revised Code, the board of 18265  
county commissioners or directors shall execute all of the duties 18266  
imposed and may exercise any or all of the rights granted under 18267  
this section for the purpose of managing solid wastes that consist 18268  
of scrap tires. 18269

(4)(a) Except as provided in division (L)(4)(b) or (c), and 18270  
(d) of this section, "facility" has the same meaning as in section 18271  
3734.01 of the Revised Code and also includes any solid waste 18272  
transfer, recycling, or resource recovery facility. 18273

(b) If the solid waste management district is not one that 18274  
resulted from proceedings for a change in district composition 18275  
under sections 343.012 and 3734.521 of the Revised Code, until 18276

such time as an amended solid waste management plan is approved 18277  
under section 3734.56 of the Revised Code, "facility" need not 18278  
include any scrap tire collection, storage, monocell, monofill, or 18279  
recovery facility unless the solid waste management policy 18280  
committee established under section 3734.54 of the Revised Code 18281  
for the district chooses to include the management of scrap tire 18282  
facilities in the district's initial solid waste management plan 18283  
prepared under sections 3734.54 and 3734.55 of the Revised Code. 18284

(c) If the solid waste management district is one resulting 18285  
from proceedings for a change in district composition under 18286  
sections 343.012 and 3734.521 of the Revised Code and if the 18287  
change involves an existing district that is operating under 18288  
either an initial solid waste management plan approved under 18289  
section 3734.55 of the Revised Code or an initial or amended plan 18290  
approved or prepared and ordered to be implemented under section 18291  
3734.521 of the Revised Code that does not provide for the 18292  
management of scrap tires and scrap tire facilities, until such 18293  
time as the amended plan of the district resulting from the change 18294  
is approved under section 3734.56 of the Revised Code, "facility" 18295  
need not include scrap tires unless the solid waste management 18296  
policy committee established under division (C) of section 18297  
3734.521 of the Revised Code for the district chooses to include 18298  
the management of scrap tires in the district's initial or amended 18299  
solid waste management plan prepared under section 3734.521 of the 18300  
Revised Code in connection with the change proceedings. 18301

(d) If the policy committee chooses to include the management 18302  
of scrap tires in an initial plan prepared under sections 3734.54 18303  
and 3734.55 of the Revised Code or in an initial or amended plan 18304  
prepared under section 3734.521 of the Revised Code, the board of 18305  
county commissioners or directors shall execute all of the duties 18306  
imposed and may exercise any or all of the rights granted under 18307  
this section for the purpose of managing solid waste facilities 18308

that are scrap tire collection, storage, monocell, monofill, or 18309  
recovery facilities. 18310

(M) As used in this section: 18311

(1) "Source separated recyclable materials" means materials 18312  
that are separated from other solid wastes at the location where 18313  
the materials are generated for the purpose of recycling the 18314  
materials at a legitimate recycling facility. 18315

(2) "Legitimate recycling facility" has the same meaning as 18316  
in rule 3745-27-01 of the Administrative Code. 18317

**Sec. 349.01.** As used in this chapter: 18318

(A) "New community" means a community or ~~an addition~~ 18319  
development of property in relation to an existing community 18320  
~~planned pursuant to this chapter~~ so that ~~it~~ the resulting 18321  
community includes facilities for the conduct of industrial, 18322  
commercial, residential, cultural, educational, and recreational 18323  
activities, and designed in accordance with planning concepts for 18324  
the placement of utility, open space, and other supportive 18325  
facilities. 18326

~~In the case of a new community authority established within~~ 18327  
~~three years after March 22, 2012, the effective date of H.B. 225~~ 18328  
~~of the 129th general assembly, "new community" may mean a~~ 18329  
~~community or development of property planned under this chapter in~~ 18330  
~~relation to an existing community so that the community includes~~ 18331  
~~facilities for the conduct of community activities, and is~~ 18332  
~~designed in accordance with planning concepts for the placement of~~ 18333  
~~utility, open space, and other supportive facilities for the~~ 18334  
~~community.~~ 18335

(B) "New community development program" means a program for 18336  
the development of a new community characterized by well-balanced 18337  
and diversified land use patterns and which includes land 18338



acquisition and land development, the acquisition, construction, 18339  
operation, and maintenance of community facilities, and the 18340  
provision of services authorized in this chapter. 18341

~~In the case of a new community authority established within~~ 18342  
~~three years after March 22, 2012, the effective date of H.B. 225~~ 18343  
~~of the 129th general assembly, a~~ A new community development 18344  
program may take into account any existing community in relation 18345  
to which a new community is developed for purposes of being 18346  
characterized by well-balanced and diversified land use patterns. 18347

(C) "New community district" means the area of land described 18348  
by the developer in the petition as set forth in division (A) of 18349  
section 349.03 of the Revised Code for development as a new 18350  
community and any lands added to the district by amendment of the 18351  
resolution establishing the community authority. 18352

(D) "New community authority" means a body corporate and 18353  
politic in this state, established pursuant to section 349.03 of 18354  
the Revised Code and governed by a board of trustees as provided 18355  
in section 349.04 of the Revised Code. 18356

(E) "Developer" means any person, organized for carrying out 18357  
a new community development program who owns or controls, through 18358  
leases of at least seventy-five years' duration, options, or 18359  
contracts to purchase, the land within a new community district, 18360  
or any municipal corporation, county, or port authority that owns 18361  
the land within a new community district, or has the ability to 18362  
acquire such land, either by voluntary acquisition or condemnation 18363  
in order to eliminate slum, blighted, and deteriorated or 18364  
deteriorating areas and to prevent the recurrence thereof. ~~In the~~ 18365  
~~case of a new community authority established within three years~~ 18366  
~~after March 22, 2012, the effective date of H.B. 225 of the 129th~~ 18367  
~~general assembly, "developer~~ "Developer" may also mean a person, 18368  
municipal corporation, county, or port authority that controls 18369  
land within a new community district through leases of at least 18370

~~forty~~ seventy-five years' duration. 18371

(F) "Organizational board of commissioners" means the 18372  
following: 18373

(1) For a new community district that is located in only one 18374  
county, the board of county commissioners of that county; 18375

(2) For a new community district that is located in more than 18376  
one county, a board consisting of the members of the board of 18377  
county commissioners of each of the counties in which the district 18378  
is located, provided that action of the board shall require a 18379  
majority vote of the members of each separate board of county 18380  
commissioners; or 18381

(3) For a new community district that is located entirely 18382  
within the boundaries of a municipal corporation or for a new 18383  
community district where more than half of the new community 18384  
district is located within the boundaries of the most populous 18385  
municipal corporation of a county, the legislative authority of 18386  
the municipal corporation. 18387

(G) "Land acquisition" means the acquisition of real property 18388  
and interests in real property as part of a new community 18389  
development program. 18390

(H) "Land development" means the process of clearing and 18391  
grading land, making, installing, or constructing water 18392  
distribution systems, sewers, sewage collection systems, steam, 18393  
gas, and electric lines, roads, streets, curbs, gutters, 18394  
sidewalks, storm drainage facilities, and other installations or 18395  
work, whether within or without the new community district, and 18396  
the construction of community facilities. 18397

(I)~~(1)~~ "Community facilities" means all real property, 18398  
buildings, structures, or other facilities, including related 18399  
fixtures, equipment, and furnishings, to be owned, operated, 18400  
financed, constructed, and maintained under this chapter or in 18401

furtherance of community activities, including public, community, 18402  
village, neighborhood, or town buildings, centers and plazas, 18403  
auditoriums, day care centers, recreation halls, educational 18404  
facilities, health care facilities including hospital facilities 18405  
as defined in section 140.01 of the Revised Code, 18406  
telecommunications facilities, including all facilities necessary 18407  
to provide telecommunications service as defined in section 18408  
4927.01 of the Revised Code, recreational facilities, natural 18409  
resource facilities, including parks and other open space land, 18410  
lakes and streams, cultural facilities, community streets and 18411  
off-street parking facilities, pathway and bikeway systems, 18412  
pedestrian underpasses and overpasses, lighting facilities, design 18413  
amenities, or other community facilities, and buildings needed in 18414  
connection with water supply or sewage disposal installations, or 18415  
energy facilities including those for renewable or sustainable 18416  
energy sources, and steam, gas, or electric lines or installation. 18417

~~(2) In the case of a new community authority established 18418  
within three years after March 22, 2012, the effective date of 18419  
H.B. 225 of the 129th general assembly, "community facilities" may 18420  
mean, in addition to the facilities authorized in division (I)(1) 18421  
of this section, any community facilities that are owned, 18422  
operated, financed, constructed, or maintained for, relating to, 18423  
or in furtherance of community activities, including, but not 18424  
limited to, town buildings or other facilities, health care 18425  
facilities including, but limited to, hospital facilities, and 18426  
off-street parking facilities. 18427~~

(J) "Cost" as applied to a new community development program 18428  
means all costs related to land acquisition and land development, 18429  
the acquisition, construction, maintenance, and operation of 18430  
community facilities and offices of the community authority, and 18431  
of providing furnishings and equipment therefor, financing charges 18432  
including interest prior to and during construction and for the 18433

duration of the new community development program, planning 18434  
expenses, engineering expenses, administrative expenses including 18435  
working capital, and all other expenses necessary and incident to 18436  
the carrying forward of the new community development program. 18437

(K) "Income source" means any and all sources of income to 18438  
the community authority, including community development charges 18439  
of which the new community authority is the beneficiary as 18440  
provided in section 349.07 of the Revised Code, rentals, user fees 18441  
and other charges received by the new community authority, any 18442  
gift or grant received, any moneys received from any funds 18443  
invested by or on behalf of the new community authority, and 18444  
proceeds from the sale or lease of land and community facilities. 18445

(L) "Community development charge" means: 18446

(1) A dollar amount which shall be determined on the basis of 18447  
the assessed valuation of real property or interests in real 18448  
property in a new community district owned, sold, leased, or 18449  
otherwise conveyed by the developer or the new community 18450  
authority, the income of the residents of such property subject to 18451  
such charge under section 349.07 of the Revised Code, if such 18452  
property is devoted to residential uses or to the profits, gross 18453  
receipts, or other revenues of any business including, but not 18454  
limited to, rentals received from leases of real property located 18455  
in the district, a uniform or other fee on each parcel of such 18456  
real property ~~originally~~ owned, sold, leased, or otherwise 18457  
conveyed by the developer or new community authority, or any 18458  
combination of the foregoing bases. 18459

(2) ~~For a new community authority that is established within~~ 18460  
~~three years after March 22, 2012, the effective date of H.B. 225~~ 18461  
~~of the 129th general assembly, "community development charge"~~ 18462  
~~includes, in addition to the charges authorized in division (L)(1)~~ 18463  
~~of this section, a charge determined on the basis of all or a part~~ 18464  
~~of the income of the residents of real property within the new~~ 18465

~~community district if such property is devoted to residential~~ 18466  
~~uses, or all or a part of the profits, gross receipts, or other~~ 18467  
~~revenues of any business operating in the new community district,~~ 18468  
~~including, but not limited to, rentals received from leases of~~ 18469  
~~real property located in the district.~~ If a new community 18470  
authority imposes a community development charge determined on the 18471  
basis of rentals received from leases of real property, 18472  
improvements of any real property located in the new community 18473  
district and subject to that charge may not be exempted from 18474  
taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of 18475  
the Revised Code. 18476

(M) "Proximate city" means the following: 18477

(1) For a new community district other than a new community 18478  
district described in division (M)(2) or (3) of this section, any 18479  
city that, as of the date of filing of the petition under section 18480  
349.03 of the Revised Code, is the city with the greatest 18481  
population located in the county in which the proposed new 18482  
community district is located, is the city with the greatest 18483  
population located in an adjoining county if any portion of such 18484  
city is within five miles of any part of the boundaries of such 18485  
district, or exercises extraterritorial subdivision authority 18486  
under section 711.09 of the Revised Code with respect to any part 18487  
of such district. 18488

~~In the case of a new community authority that is established~~ 18489  
~~within three years after March 22, 2012, the effective date of~~ 18490  
~~H.B. 225 of the 129th general assembly, "proximate city" may mean~~ 18491  
a (2) A municipal corporation in which, at the time of filing the 18492  
petition under section 349.03 of the Revised Code, any portion of 18493  
the proposed new community district is located, ~~or.~~ 18494

(3) For a new community district other than a new community 18495  
district described in division (M)(2) of this section, if at the 18496  
time of ~~that~~ filing the petition under section 349.03 of the 18497

Revised Code, more than one-half of the proposed district is 18498  
contained within a joint economic development district created 18499  
under sections 715.70 to 715.83 of the Revised Code, the township 18500  
containing the greatest portion of the territory of the joint 18501  
economic development district. 18502

(N) "Community activities" means cultural, educational, 18503  
governmental, recreational, residential, industrial, commercial, 18504  
distribution and research activities, or any combination thereof 18505  
that includes residential activities. 18506

**Sec. 349.03.** (A) Proceedings for the organization of a new 18507  
community authority shall be initiated by a petition filed by the 18508  
developer in the office of the clerk of the organizational board 18509  
of ~~county commissioners of one of the counties in which all or~~ 18510  
~~part of the proposed new community district is located.~~ Such 18511  
petition shall be signed by the developer and may be signed by 18512  
each proximate city. The legislative authorities of each such 18513  
proximate city shall act in behalf of such city. Such petition 18514  
shall contain: 18515

(1) The name of the proposed new community authority; 18516

(2) The address where the principal office of the authority 18517  
will be located or the manner in which the location will be 18518  
selected; 18519

(3) A map and a full and accurate description of the 18520  
boundaries of the new community district together with a 18521  
description of the properties within such boundaries, if any, 18522  
which will not be included in the new community district. 18523

The total acreage included in such district shall not be less 18524  
than one thousand acres, all of which acreage shall be owned by, 18525  
or under the control through leases of at least seventy-five 18526  
years' duration, options, or contracts to purchase, of the 18527

developer, if the developer is a private entity unless one of the following applies:

(a) The district is wholly contained within municipal corporations.

~~(b) In the case of a new community authority that is established within three years after the effective date of H.B. 225 of the 129th general assembly, more More than one-half of the proposed district is, at the time of filing the petition under this section 349.03 of the Revised Code, contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code.~~

~~The acreage included in a proposed district shall be developable as one functionally interrelated community. In the case of a new community authority established on or after July 7, 2010, and before January 1, 2012, such leases may be of not less than forty years' duration, and the acreage may be developable so that the community is one functionally interrelated community.~~

(4) A statement setting forth the zoning regulations proposed for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor;

(5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the projected total residential population of, and employment within, the new community;

(6) A suggested number of members, consistent with section 18559  
349.04 of the Revised Code, for the board of trustees; 18560

(7) A preliminary economic feasibility analysis, including 18561  
the area development pattern and demand, location and proposed new 18562  
community district size, present and future socio-economic 18563  
conditions, public services provision, financial plan, and the 18564  
developer's management capability; 18565

(8) A statement that the development will comply with all 18566  
applicable environmental laws and regulations. 18567

Upon the filing of such petition, the organizational board of 18568  
commissioners shall determine whether such petition complies with 18569  
the requirements of this section as to form and substance. The 18570  
board in subsequent proceedings may at any time permit the 18571  
petition to be amended in form and substance to conform to the 18572  
facts by correcting any errors in the description of the proposed 18573  
new community district or in any other particular. 18574

Upon the determination of the organizational board of 18575  
commissioners that a sufficient petition has been filed in 18576  
accordance with this section, the board shall fix the time and 18577  
place of a hearing on the petition for the establishment of the 18578  
proposed new community authority. Such hearing shall be held not 18579  
less than ninety-five nor more than one hundred fifteen days after 18580  
the petition filing date, except that if the petition has been 18581  
signed by all proximate cities or if the organizational board of 18582  
commissioners is the legislative authority of the only proximate 18583  
city for the proposed new community district, such hearing shall 18584  
be held not less than thirty nor more than forty-five days after 18585  
the petition filing date. The clerk of the organizational board of 18586  
~~county~~ commissioners with which the petition was filed shall give 18587  
notice thereof by publication once each week for three consecutive 18588  
weeks, or as provided in section 7.16 of the Revised Code, in a 18589  
newspaper of general circulation in any county of which a portion 18590



is within the proposed new community district. ~~Such~~ Except where 18591  
the organizational board of commissioners is the legislative 18592  
authority of the only proximate city for the proposed new 18593  
community district, such clerk shall also give written notice of 18594  
the date, time, and place of the hearing and furnish a certified 18595  
copy of the petition to the clerk of the legislative authority of 18596  
each proximate city which has not signed such petition. ~~In~~ Except 18597  
where the organizational board of commissioners is the legislative 18598  
authority of the only proximate city for the proposed new 18599  
community district, in the event that the legislative authority of 18600  
a proximate city which did not sign the petition does not approve 18601  
by ordinance, resolution, or motion the establishment of the 18602  
proposed new community authority and does not deliver such 18603  
ordinance, resolution, or motion to the clerk of the 18604  
organizational board of ~~county~~ commissioners with which the 18605  
petition was filed within ninety days following the date of the 18606  
first publication of the notice of the public hearing, the 18607  
organizational board of commissioners shall cancel such public 18608  
hearing and terminate the proceedings for the establishment of the 18609  
new community authority. 18610

Upon the hearing, if the organizational board of 18611  
commissioners determines by resolution that the proposed new 18612  
community district will be conducive to the public health, safety, 18613  
convenience, and welfare, and is intended to result in the 18614  
development of a new community, the board shall by its resolution, 18615  
~~entered of record in its journal and the journal of the board of~~ 18616  
~~county commissioners with which the petition was filed,~~ declare 18617  
the new community authority to be organized and a body politic and 18618  
corporate with the corporate name designated in the resolution, 18619  
and define the boundary of the new community district. In 18620  
addition, the resolution shall provide the method of selecting the 18621  
board of trustees of the new community authority and fix the 18622  
surety for their bonds in accordance with section 349.04 of the 18623

Revised Code. 18624

If the organizational board of commissioners finds that the 18625  
establishment of the district will not be conducive to the public 18626  
health, safety, convenience, or welfare, or is not intended to 18627  
result in the development of a new community, it shall reject the 18628  
petition thereby terminating the proceedings for the establishment 18629  
of the new community authority. 18630

(B) At any time after the creation of a new community 18631  
authority, the developer may file an application with the clerk of 18632  
the organizational board of ~~county~~ commissioners ~~of the county in~~ 18633  
with which the original petition was filed, setting forth a 18634  
general description of territory it desires to add or to delete 18635  
from such district, that such change will be conducive to the 18636  
public health, safety, convenience, and welfare, and will be 18637  
consistent with the development of a new community and will not 18638  
jeopardize the plan of the new community. If the developer is not 18639  
a municipal corporation, port authority, or county, all of such an 18640  
addition to such a district shall be owned by, or under the 18641  
control through leases of at least seventy-five years' duration, 18642  
options, or contracts to purchase, of the developer. ~~In the case~~ 18643  
~~of a new community authority established on or after July 7, 2010,~~ 18644  
~~and before January 1, 2012, such leases may be of not less than~~ 18645  
~~forty years' duration.~~ Upon the filing of the application, the 18646  
organizational board of commissioners shall follow the same 18647  
procedure as required by this section in relation to the petition 18648  
for the establishment of the proposed new community. 18649

(C) If all or any part of the new community district is 18650  
annexed to one or more existing municipal corporations, their 18651  
legislative authorities may appoint persons to replace any 18652  
appointed citizen member of the board of trustees. The number of 18653  
such trustees to be replaced by the municipal corporation shall be 18654  
the number, rounded to the lowest integer, bearing the 18655

proportionate relationship to the number of existing appointed 18656  
citizen members as the acreage of the new community district 18657  
within such municipal corporation bears to the total acreage of 18658  
the new community district. If any such municipal corporation 18659  
chooses to replace an appointed citizen member, it shall do so by 18660  
ordinance, the term of the trustee being replaced shall terminate 18661  
thirty days from the date of passage of such ordinance, and the 18662  
trustee to be replaced shall be determined by lot. Each newly 18663  
appointed member shall assume the term of the member's 18664  
predecessor. 18665

**Sec. 349.04.** The following method of selecting a board of 18666  
trustees is deemed to be a compelling state interest. Within ten 18667  
days after the new community authority has been established, as 18668  
provided in section 349.03 of the Revised Code, an initial board 18669  
of trustees shall be appointed as follows: the organizational 18670  
board of commissioners shall appoint by resolution at least three, 18671  
but not more than six, citizen members of the board of trustees to 18672  
represent the interests of present and future residents and 18673  
employers of the new community district and one member to serve as 18674  
a representative of local government, and the developer shall 18675  
appoint a number of members equal to the number of citizen members 18676  
to serve as representatives of the developer. ~~In the case of a new~~ 18677  
~~community authority established within three years after March 22,~~ 18678  
~~2012, the citizen members may represent present and future~~ 18679  
~~employers within the new community district and any present or~~ 18680  
~~future residents of the district.~~ 18681

Members shall serve two-year overlapping terms, with two of 18682  
each of the initial citizen and developer members appointed to 18683  
serve initial one-year terms. The organizational board of 18684  
commissioners shall adopt, by further resolution adopted within 18685  
one year of such resolution establishing such initial board of 18686  
trustees, a method for selection of successor members thereof 18687

which determines the projected total population of the projected 18688  
new community and meets the following criteria: 18689

(A) The appointed citizen members shall be replaced by 18690  
elected citizen members according to a schedule established by the 18691  
organizational board of commissioners calculated to achieve one 18692  
such replacement each time the new community district gains a 18693  
proportion, having a numerator of one and a denominator of twice 18694  
the number of citizen members, of its projected total population 18695  
until such time as all of the appointed citizen members are 18696  
replaced. 18697

(B) Representatives of the developer shall be replaced by 18698  
elected citizen members according to a schedule established by the 18699  
organizational board of commissioners calculated to achieve one 18700  
such replacement each time the new community district gains a 18701  
proportion, having a numerator of one and a denominator equal to 18702  
the number of developer members, of its projected total population 18703  
until such time as all of the developer's representatives are 18704  
replaced. 18705

(C) The representative of local government shall be replaced 18706  
by an elected citizen member at the time the new community 18707  
district gains three-quarters of its projected total population. 18708

Elected citizen members of the board of trustees shall be 18709  
elected by a majority of the residents of the new community 18710  
district voting at elections held at the times and in the manner 18711  
provided in a resolution of the organizational board of 18712  
commissioners. Each citizen member except an appointed citizen 18713  
member shall be a qualified elector who resides within the new 18714  
community district. The organizational board of commissioners, by 18715  
resolution, may adopt an alternative method of selecting or 18716  
electing successor members of the board of trustees provided that 18717  
if an alternative method of selection is adopted for a new 18718  
community authority organized prior to March 22, 2012, the board 18719

of trustees of that authority shall be limited in the collection 18720  
of a community development charge, collected pursuant to division 18721  
(Q) of section 349.06 of the Revised Code, and the issuance of 18722  
bonds or notes, issued pursuant to section 349.08 of the Revised 18723  
Code, to the amount or to the extent otherwise permitted for a 18724  
board of trustees whose members are not elected by residents of 18725  
the new community district. If the alternative method provides for 18726  
the election of citizen members, the elections may be held at the 18727  
times and in the manner provided in the petition or in a 18728  
resolution of the organizational board of commissioners, and the 18729  
elected citizen members shall be qualified electors who reside in 18730  
the new community district. 18731

Citizen members shall not be employees of or have financial 18732  
interest in the developer. If a vacancy occurs in the office of a 18733  
member other than a member appointed by the developer, the 18734  
organizational board of commissioners may appoint a successor 18735  
member for the remainder of the unexpired term. Any appointed 18736  
member of the board of trustees may at any time be removed by the 18737  
organizational board of commissioners for misfeasance, 18738  
nonfeasance, or malfeasance in office. Members appointed by the 18739  
developer may also at any time be removed by the developer without 18740  
a showing of cause. 18741

Each member of the board of trustees, before entering upon 18742  
official duties, shall take and subscribe to an oath before an 18743  
officer authorized to administer oaths in Ohio that the member 18744  
will honestly and faithfully perform the duties of the member's 18745  
office. Such oath shall be filed in the office of the clerk of the 18746  
organizational board of ~~county~~ commissioners ~~in~~ with which the 18747  
petition was filed. Upon taking the oath, the board of trustees 18748  
shall elect one of its number as chairperson and another as 18749  
vice-chairperson, and shall appoint suitable persons as secretary 18750  
and treasurer who need not be members of the board. The treasurer 18751

shall be the fiscal officer of the authority. The board shall 18752  
adopt by-laws governing the administration of the affairs of the 18753  
new community authority. Each member of the board shall post a 18754  
bond for the faithful performance of official duties and give 18755  
surety therefor in such amount, but not less than ten thousand 18756  
dollars, as the resolution creating such board shall prescribe. 18757

All of the powers of the new community authority shall be 18758  
exercised by its board of trustees, but without relief of such 18759  
responsibility, such powers may be delegated to committees of the 18760  
board or its officers and employees in accordance with its 18761  
by-laws. A majority of the board shall constitute a quorum, and a 18762  
concurrence of a majority of a quorum in any matter within the 18763  
board's duties is sufficient for its determination, provided a 18764  
quorum is present when such concurrence is had and a majority of 18765  
those members constituting such quorum are trustees not appointed 18766  
by the developer. All trustees shall be empowered to vote on all 18767  
matters within the authority of the board of trustees, and no vote 18768  
by a member appointed by the developer shall be construed to give 18769  
rise to civil or criminal liability for conflict of interest on 18770  
the part of public officials. 18771

**Sec. 349.06.** In furtherance of the purposes of this chapter, 18772  
a new community authority may: 18773

(A) Acquire by purchase, lease, gift, or otherwise, on such 18774  
terms and in such manner as it considers proper, real and personal 18775  
property or any estate, interest, or right therein, within or 18776  
without the new community district; 18777

(B) Improve, maintain, sell, lease or otherwise dispose of 18778  
real and personal property and community facilities, on such terms 18779  
and in such manner as it considers proper; 18780

(C) Landscape and otherwise aesthetically improve areas 18781  
within the new community district, including but not limited to 18782

maintenance, landscaping and other community improvement services; 18783

(D) Provide, engage in, or otherwise sponsor recreational, 18784  
educational, health, social, vocational, cultural, beautification, 18785  
and amusement activities and related services primarily for 18786  
residents of ~~the district. In the case of a new community~~ 18787  
~~authority established within three years after the effective date~~ 18788  
~~of H.B. 225 of the 129th general assembly, such activities and~~ 18789  
~~services may be for residents of, visitors to, employees working~~ 18790  
within, or employers operating businesses in the district, or any 18791  
combination thereof. 18792

(E) Fix, alter, impose, collect and receive service and user 18793  
fees, rentals, and other charges to cover all costs in carrying 18794  
out the new community development program; 18795

(F) Adopt, modify, and enforce reasonable rules and 18796  
regulations governing the use of community facilities; 18797

(G) Employ such managers, administrative officers, agents, 18798  
engineers, architects, attorneys, contractors, sub-contractors, 18799  
and employees as may be appropriate in the exercise of the rights, 18800  
powers and duties conferred upon it, prescribe the duties and 18801  
compensation for such persons, require bonds to be given by any 18802  
such persons and by officers of the authority for the faithful 18803  
performance of their duties, and fix the amount and surety 18804  
therefor; and pay the same; 18805

(H) Sue and be sued in its corporate name; 18806

(I) Make and enter into all contracts and agreements and 18807  
execute all instruments relating to a new community development 18808  
program, including contracts with the developer and other persons 18809  
or entities related thereto for land acquisition and land 18810  
development; acquisition, construction, and maintenance of 18811  
community facilities; the provision of community services and 18812  
management and coordinating services; with federal, state, 18813

interstate, regional, and local agencies and political 18814  
subdivisions or combinations thereof in connection with the 18815  
financing of such program, and with any municipal corporation or 18816  
other public body, or combination thereof, providing for the 18817  
acquisition, construction, improvement, extension, maintenance or 18818  
operation of joint lands or facilities or for the provision of any 18819  
services or activities relating to and in furtherance of a new 18820  
community development program, including the creation of or 18821  
participation in a regional transit authority created pursuant to 18822  
the Revised Code; 18823

(J) Apply for and accept grants, loans or commitments of 18824  
guarantee or insurance including any guarantees of community 18825  
authority bonds and notes, from the United States, the state, or 18826  
other public body or other sources, and provide any consideration 18827  
which may be required in order to obtain such grants, loans or 18828  
contracts of guarantee or insurance. Such loans or contracts of 18829  
guarantee or insurance may be evidenced by the issuance of bonds 18830  
as provided in section 349.08 of the Revised Code; 18831

(K) Procure insurance against loss to it by reason of damage 18832  
to its properties resulting from fire, theft, accident, or other 18833  
casualties, or by reason of its liability for any damages to 18834  
persons or property occurring in the construction or operation of 18835  
facilities or areas under its jurisdiction or the conduct of its 18836  
activities; 18837

(L) Maintain such funds or reserves as it considers necessary 18838  
for the efficient performance of its duties; 18839

(M) Enter agreements with the boards of education of any 18840  
school districts in which all or part of the new community 18841  
district lies, whereby the community authority may acquire 18842  
property for, may construct and equip, and may sell, lease, 18843  
dedicate, with or without consideration, or otherwise transfer 18844  
lands, schools, classrooms, or other facilities, whether or not 18845



within the new community district, from the authority to the 18846  
school district for school and related purposes; 18847

(N) Prepare plans for acquisition and development of lands 18848  
and facilities, and enter into agreements with city, county, or 18849  
regional planning commissions to perform or obtain all or any part 18850  
of planning services for the new community district; 18851

(O) Engage in planning for the new community district, which 18852  
may be predominantly residential and open space, and prepare or 18853  
approve a development plan or plans therefor, and engage in land 18854  
acquisitions and land development in accordance with such plan or 18855  
plans; 18856

(P) Issue new community authority bonds and notes and 18857  
community authority refunding bonds, payable solely from the 18858  
income source provided in section 349.08 of the Revised Code, 18859  
unless the bonds are refunded by refunding bonds, for the purpose 18860  
of paying any part of the cost as applied to the new community 18861  
development program or parts thereof; 18862

(Q) Enforce any covenants running with the land of which the 18863  
new community authority is the beneficiary, including but not 18864  
limited to the collection by any and all appropriate means of any 18865  
community development charge deemed to be a covenant running with 18866  
the land and enforceable by the new community authority pursuant 18867  
to section 349.07 of the Revised Code; and to waive, reduce, or 18868  
terminate any community development charge of which it is the 18869  
beneficiary to the extent not needed for any of the purposes 18870  
provided in section 349.07 of the Revised Code, the procedure for 18871  
which shall be provided in such covenants, and if new community 18872  
authority bonds have been issued pledging any such community 18873  
development charge, to the extent not prohibited in the resolution 18874  
authorizing the issuance of such new community authority bonds or 18875  
the trust agreement or indenture of mortgage securing the bonds; 18876

(R) Appropriate for its use, under sections 163.01 to 163.22 18877  
of the Revised Code, any land, easement, rights, rights-of-way, 18878  
franchises, or other property in the new community district 18879  
required by the authority for community facilities. The authority 18880  
may not so appropriate any land, easement, rights, rights-of-way, 18881  
franchises, or other property that is not included in the new 18882  
community district. 18883

(S) ~~In the case of a new community authority established~~ 18884  
~~within three years after the effective date of H.B. 225 of the~~ 18885  
~~129th general assembly, enter~~ Enter into any agreements as may be 18886  
necessary, appropriate, or useful to support a new community 18887  
development program, including, but not limited to, cooperative 18888  
agreements or other agreements with political subdivisions for 18889  
services, materials, or products; for the administration, 18890  
calculation, or collection of community development charges; or 18891  
for sharing of revenue derived from community development charges, 18892  
community facilities, or other sources. The agreements may be made 18893  
with or without consideration as the parties determine. 18894

**Sec. 349.07.** Notwithstanding any other rule of law, any 18895  
covenant or agreement in deeds, land contracts, leases and any 18896  
other instruments or conveyance by which real estate or any 18897  
interest in real estate is conveyed by or to the developer or by 18898  
the new community authority to any person or entity, including the 18899  
developer, whereby such person or entity agrees, by acceptance of 18900  
any such instrument of conveyance containing said covenant of 18901  
agreement, to pay annually or semiannually a community development 18902  
charge for the benefit and use of the new community authority to 18903  
cover all or part of the cost of the acquisition, construction, 18904  
operation and maintenance of land, land development and community 18905  
facilities, the debt service thereof and any other cost incurred 18906  
by the authority in the exercise of the powers granted by Chapter 18907  
349. of the Revised Code shall be deemed to be a covenant running 18908

with the land and shall, in any event and without regard to 18909  
technical classification, after such instrument has been duly 18910  
recorded in the land records of the county, be fully binding on 18911  
behalf of and enforceable by the new community authority against 18912  
each such person or entity and all successors and assigns of the 18913  
property conveyed by such instrument of conveyance. 18914

No purchase agreement for any real estate or interest in real 18915  
estate upon which a community development charge exists by reason 18916  
of a covenant running with the land shall be enforceable by the 18917  
seller or binding upon the purchaser unless such purchase 18918  
agreement specifically refers to such community development charge 18919  
and identifies the volume and page number of the deed records of 18920  
the county in which the covenant running with the land 18921  
establishing such community development charge is recorded, 18922  
provided that in the event a conveyance of such real estate or 18923  
interest in real estate is made pursuant to a purchase agreement 18924  
which does not make such reference and identification, the 18925  
covenant shall continue to be deemed to be a covenant running with 18926  
the land fully binding on behalf of and enforceable by the 18927  
community authority against such person or entity accepting the 18928  
conveyance pursuant to such purchase agreement. 18929

~~When any community development charge is not paid when due,~~ 18930  
~~the~~ The new community authority may certify the community 18931  
development charge to the county auditor, who shall enter the 18932  
unpaid charge on the tax list and duplicates of real property 18933  
opposite the parcel against which it is charged, and certify the 18934  
charge to the county treasurer. An unpaid community development 18935  
charge is a lien on property against which it is charged from the 18936  
date the charge is entered on the tax list, and shall be collected 18937  
in the manner provided for the collection of real property taxes. 18938  
Once the charge is collected, it shall be paid immediately to the 18939  
new community district. 18940

No community development charge established pursuant to this 18941  
chapter shall be construed as prohibiting or limiting the taxing 18942  
power of municipal corporations. 18943

**Sec. 349.14.** Except as provided in section 349.03 of the 18944  
Revised Code, or as otherwise provided in a resolution adopted by 18945  
the organizational board of commissioners of a new community 18946  
authority ~~established within three years after the effective date~~ 18947  
~~of H.B. 225 of the 129th general assembly,~~ a new community 18948  
authority organized under this chapter may be dissolved only on 18949  
the vote of a majority of the voters of the new community district 18950  
at a special election called by the board of trustees on the 18951  
question of dissolution. Such an election may be called only after 18952  
the board has determined that the new community development 18953  
program has been completed, when no community authority bonds or 18954  
notes are outstanding, and other legal indebtedness of the 18955  
authority has been discharged or provided for, and only after 18956  
there has been filed with the board of trustees a petition 18957  
requesting such election, signed by a number of qualified electors 18958  
residing in the new community district equal to not less than 18959  
eight per cent of the total vote cast for all candidates for 18960  
governor in the new community district at the most recent general 18961  
election at which a governor was elected. If a majority of the 18962  
votes cast favor dissolution, the board of trustees shall, by 18963  
resolution, declare the authority dissolved and thereupon the 18964  
community authority shall be dissolved. A certified copy of the 18965  
resolution shall, within fifteen days after its adoption, be filed 18966  
with the clerk of the organizational board of ~~county~~ commissioners 18967  
of the county ~~in~~ with which the petition for the organization of 18968  
the new community authority was filed. 18969

Upon dissolution of a new community authority, the powers 18970  
thereof shall cease to exist. Any property of the new community 18971  
authority shall vest with a municipal corporation, county, or 18972

~~township in which that property is located within the corporate limits of a municipality shall vest in that municipal corporation and all other property of the community authority shall vest in the county in which said property is located. In the case of a new community authority established within three years after the effective date of H.B. 225 of the 129th general assembly, such property not vested in a municipal corporation may also be vested in the township where the property is located, or with the developer of the new community authority or the developer's designee, all as provided in a resolution adopted by the organizational board of commissioners. Any vesting of property in a municipal corporation, township, or county shall be subject to acceptance of the property by resolution of the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners, as applicable. If the legislative authority of a municipal corporation, board of township trustees, or board of county commissioners declines to accept the property, the property vests with the developer or the developer's designee. Any funds of the community authority at the time of dissolution shall be transferred to the municipal corporation and county or township, as provided in a resolution, in which the new community district is located in the proportion to the assessed valuation of taxable real property of the new community authority within such municipal corporation and township or county or township as said valuation appears on the current assessment rolls.~~

**Sec. 351.021.** (A) The resolution of the county commissioners creating a convention facilities authority, or any amendment or supplement to that resolution, may authorize the authority to levy one or both of the excise taxes authorized by division (B) of this section to pay the cost of one or more facilities; to pay principal, interest, and premium on convention facilities

authority tax anticipation bonds issued to pay those costs; to pay 19005  
the operating costs of the authority; to pay operating and 19006  
maintenance costs of those facilities; and to pay the costs of 19007  
administering the excise tax. 19008

(B) The board of directors of a convention facilities 19009  
authority that has been authorized pursuant to resolution adopted, 19010  
amended, or supplemented by the board of county commissioners 19011  
pursuant to division (A) of this section may levy, by resolution 19012  
adopted on or before December 31, 1988, either or both of the 19013  
following: 19014

(1) Within the territory of the authority, an additional 19015  
excise tax not to exceed four per cent on each transaction. The 19016  
excise tax authorized by division (B)(1) of this section shall be 19017  
in addition to any excise tax levied pursuant to section 5739.08 19018  
or 5739.09 of the Revised Code, or division (B)(2) of this 19019  
section. 19020

(2) Within that portion of any municipal corporation that is 19021  
located within the territory of the authority or within the 19022  
boundaries of any township that is located within the territory of 19023  
the authority, which municipal corporation or township is levying 19024  
any portion of the excise tax authorized by division (A) of 19025  
section 5739.08 of the Revised Code, and with the approval, by 19026  
ordinance or resolution, of the legislative authority of that 19027  
municipal corporation or township, an additional excise tax not to 19028  
exceed nine-tenths of one per cent on each transaction. The excise 19029  
tax authorized by division (B)(2) of this section may be levied 19030  
only if, on the effective date of the levy specified in the 19031  
resolution making the levy, the amount being levied pursuant to 19032  
division (A) of section 5739.08 of the Revised Code by each 19033  
municipal corporation or township in which the tax authorized by 19034  
division (B)(2) of this section will be levied, when added to the 19035  
amount levied under division (B)(2) of this section, does not 19036

exceed three per cent on each transaction. The excise tax 19037  
authorized by division (B)(2) of this section shall be in addition 19038  
to any excise tax that is levied pursuant to section 5739.08 or 19039  
5739.09 of the Revised Code, or division (B)(1) of this section. 19040

(C)(1) The board of directors of a convention facilities 19041  
authority that is located in an eligible Appalachian county; that 19042  
has been authorized pursuant to resolution adopted, amended, or 19043  
supplemented by the board of county commissioners pursuant to 19044  
division (A) of this section; and that is not levying a tax under 19045  
division (B)(1) or (2) of this section may levy within the 19046  
territory of the authority, by resolution adopted on or before 19047  
December 31, 2005, an additional excise tax not to exceed three 19048  
per cent on each transaction. The excise tax authorized under 19049  
division (C)(1) of this section shall be in addition to any excise 19050  
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 19051  
Code. 19052

As used in division (C)(1) of this section, "eligible 19053  
Appalachian county" means a county in this state designated as 19054  
being in the "Appalachian region" under the "Appalachian Regional 19055  
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 19056  
having a population less than eighty thousand according to the 19057  
most recent federal decennial census. 19058

(2) Division (C)(2) of this section applies only to a 19059  
convention facilities authority located in a county with a 19060  
population, according to the 2000 federal decennial census, of at 19061  
least one hundred thirty-five thousand and not more than one 19062  
hundred fifty thousand and containing entirely within its 19063  
boundaries the territory of a municipal corporation with a 19064  
population according to that census of more than fifty thousand. 19065  
The board of directors of such a convention facilities authority, 19066  
by resolution adopted on or before November 1, 2009, may levy 19067  
within the territory of the authority an excise tax on 19068

transactions by which lodging by a hotel is or is to be furnished 19069  
to transient guests at a rate not to exceed three per cent on such 19070  
transactions for the same purposes for which a tax may be levied 19071  
under division (B) of this section. The resolution may be adopted 19072  
only if the board of county commissioners of the county, by 19073  
resolution, authorizes the levy of the tax. The resolution of the 19074  
board of county commissioners is subject to referendum as 19075  
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 19076  
pursuant to those procedures, a referendum is to be held, the 19077  
board's resolution does not take effect until approved by a 19078  
majority of electors voting on the question. The convention 19079  
facilities authority may adopt the resolution authorized by 19080  
division (C)(2) of this section before the election, but the 19081  
authority's resolution shall not take effect if the board of 19082  
commissioners' resolution is not approved at the election. A tax 19083  
levied under division (C)(2) of this section is in addition to any 19084  
tax levied under section 5739.09 of the Revised Code. 19085

(D) The authority shall provide for the administration and 19086  
allocation of an excise tax levied pursuant to division (B) or (C) 19087  
of this section. All receipts arising from those excise taxes 19088  
shall be expended for the purposes provided in, and in accordance 19089  
with this section and section 351.141 of the Revised Code. An 19090  
excise tax levied under division (B) or (C) of this section shall 19091  
remain in effect at the rate at which it is levied for at least 19092  
the duration of the period for which the receipts from the tax 19093  
have been anticipated and pledged pursuant to section 351.141 of 19094  
the Revised Code. 19095

(E) Except as provided in division (B)(2) of this section, 19096  
the levy of an excise tax on each transaction pursuant to sections 19097  
5739.08 and 5739.09 of the Revised Code does not prevent a 19098  
convention facilities authority from levying an excise tax 19099  
pursuant to division (B) or (C) of this section. 19100



(F) A convention facilities authority located in a county 19101  
with a population greater than eighty thousand but less than 19102  
ninety thousand according to the 2010 federal decennial census 19103  
that levies a tax under division (B) of this section may amend the 19104  
resolution levying the tax to allocate a portion of the revenue 19105  
from the tax for support of tourism-related sites or facilities 19106  
and programs operated by the county or a municipal corporation 19107  
within the county in which the authority is located or for the 19108  
purpose of leasing lands for county fairs, erecting buildings for 19109  
county fair purposes, making improvements on a county fairground, 19110  
or for any purpose connected with the use of a county fairground 19111  
or with the management thereof by the county in which the 19112  
authority is located. The revenue allocated by the authority for 19113  
such purposes in a calendar year shall not exceed fifteen per cent 19114  
of the total revenue from the tax in the preceding calendar year. 19115

(G) A tax levied by a convention facilities authority under 19116  
this section on transactions by which lodging by a hotel is or is 19117  
to be furnished to transient guests shall include transactions 19118  
done by or through a provider of hotel intermediary services, as 19119  
defined in section 5739.01 of the Revised Code, and shall be 19120  
levied on the basis of the total price paid by the consumer for 19121  
hotel lodging as advertised by the provider of hotel intermediary 19122  
services. 19123

**Sec. 353.06.** As used in this section, "hotel," "hotel 19124  
intermediary service," and "transient guests" have the same 19125  
meanings as in section 5739.01 of the Revised Code. 19126

A resolution creating a lake facilities authority under 19127  
section 353.02 of the Revised Code, or any amendments or 19128  
supplements thereto, may authorize the authority to levy an excise 19129  
tax on transactions by which lodging in a hotel is or is to be 19130  
furnished to transient guests to pay any costs authorized under 19131

this chapter; to pay principal, interest, and premium on lake facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; and to pay the costs of administering the tax.

Upon the affirmative vote of at least a majority of the qualified electors in a primary or general election within the impacted lake district voting at an election held for the purpose of authorizing the tax, the board of directors of a lake facilities authority authorized to levy a tax under this section may, by resolution, levy an additional excise tax within the territory of the impacted lake district on all transactions by which lodging in a hotel is or is to be furnished to transient guests. The rate of the tax, when added to the aggregate rate of excise taxes levied in the impacted lake district pursuant to section 351.021, 5739.08, or 5739.09 of the Revised Code, shall not cause the total aggregate rate to exceed five per cent on any such transaction.

The lake facilities authority shall provide for the administration and allocation of a tax levied pursuant to this section. All receipts arising from the tax shall be expended for the purposes provided in, and in accordance with, this section. An excise tax levied under this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 353.08 of the Revised Code.

The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as follows or in any other form acceptable to the secretary of state:

"An excise tax on all transactions by which lodging in a hotel is or is to be furnished to transient guests within the territory of the (name of impacted lake district) ..... for the purpose of ..... at a rate of ..... for .....

(number of years the tax is to be levied).

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	For the Excise Tax
	Against the Excise Tax

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A tax levied by a lake facilities authority under this section on transactions by which lodging by a hotel is or is to be furnished to transient guests shall include transactions done by or through a provider of hotel intermediary services, as defined in section 5739.01 of the Revised Code, and shall be levied on the basis of the total price paid by the consumer for hotel lodging as advertised by the provider of hotel intermediary services.

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**Sec. 355.02.** (A) Each board of county commissioners may adopt a resolution to establish a ~~county~~ local healthier buckeye council. If a local council is established, the resolution shall specify the organization of the council and shall designate a member to serve as a staffing agent and, if the board determines necessary, a member to serve as a fiscal agent. The board may revise the council's organization as necessary by adopting a resolution.

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(B)(1) The board may invite any person or entity to become a member of the council, including a ~~public or private agency or group that funds, advocates, or provides care coordination services, provides or promotes private employment or educational services, or otherwise contributes to the well being of individuals and families~~ any of the following:

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(a) Individuals with community leadership experience;

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(b) Individuals with experience leading others;

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(c) Individuals likely to receive healthier buckeye services and participate in healthier buckeye programs;

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<u>(d) Representatives from public and private entities,</u>	19194
<u>including any of the following:</u>	19195
<u>(i) Employers;</u>	19196
<u>(ii) Municipal corporations, counties, and townships;</u>	19197
<u>(iii) Courts, including those with specialized court programs</u>	19198
<u>certified by the Ohio supreme court;</u>	19199
<u>(iv) Law enforcement;</u>	19200
<u>(v) Faith-based social services organizations;</u>	19201
<u>(vi) Foundations;</u>	19202
<u>(vii) Public health, including free clinics;</u>	19203
<u>(viii) Child support enforcement agencies;</u>	19204
<u>(ix) Children services agencies;</u>	19205
<u>(x) Child care providers;</u>	19206
<u>(xi) Preschool programs;</u>	19207
<u>(xii) Primary and secondary schools;</u>	19208
<u>(xiii) Colleges and universities;</u>	19209
<u>(xiv) Mental health and addiction services providers;</u>	19210
<u>(xv) Medicaid care coordinators or service providers;</u>	19211
<u>(xvi) Emergency or urgent care services providers;</u>	19212
<u>(xvii) Transportation providers;</u>	19213
<u>(xviii) Housing providers;</u>	19214
<u>(xix) The boy scouts of America, 4-H clubs, boys and girls</u>	19215
<u>clubs of America, and other similar organizations.</u>	19216
<u>(2) The board may form a multi-county council in accordance</u>	19217
<u>with division (C) of this section.</u>	19218
<u>(C)(1) The boards of county commissioners of any two or more</u>	19219
<u>counties, by entering into a written agreement, may form a joint</u>	19220

local healthier buckeye council. The agreement shall be ratified 19221  
by resolution of the board of county commissioners of each county 19222  
that entered into the agreement. Each board of county 19223  
commissioners that enters into an agreement shall give notice of 19224  
the agreement to the Ohio healthier buckeye advisory council. 19225

(2) An agreement to establish a joint local healthier buckeye 19226  
council may set forth procedures or standards necessary for the 19227  
joint local healthier buckeye council to perform its duties and 19228  
operate efficiently. 19229

(3) Costs incurred in operating a joint local healthier 19230  
buckeye council shall be paid from a joint general fund created by 19231  
the council, except as may be otherwise provided in the agreement. 19232

(4) If a joint local healthier buckeye council is 19233  
established, all references in the Revised Code to a local 19234  
healthier buckeye council shall apply to the joint local council. 19235

**Sec. 355.03.** (A) A county local healthier buckeye council may 19236  
de shall promote all of the following: 19237

~~(A)~~(1) A cooperative and effective environment in all 19238  
communities to maximize opportunities for individuals and families 19239  
to achieve and maintain optimal health in all aspects, thereby 19240  
achieving greater productivity and reducing reliance on publicly 19241  
funded assistance programs; 19242

Promote means (2) Means by which council members or the 19243  
entities the members represent may reduce the reliance of 19244  
individuals and families on publicly funded assistance programs 19245  
using both of the following: 19246

~~(1)~~(a) Programs that have been demonstrated to be effective 19247  
and have one or more of the following features: 19248

~~(a)~~(i) Low costs; 19249

~~(b)~~(ii) Use volunteer workers; 19250

<del>(e)(iii)</del> Use incentives to encourage designated behaviors;	19251
<del>(d)(iv)</del> Are led by peers.	19252
<del>(2)(b)</del> Practices that identify and seek to eliminate barriers to achieving greater financial independence for individuals and families who receive services from or participate in programs operated by council members or the entities the members represent.	19253 19254 19255 19256
<del>(B) Promote care</del> <u>(3) Care</u> coordination among physical health, behavioral health, social, employment, education, and housing service providers within the county.	19257 19258 19259
<u>(B) A local healthier buckeye council shall develop a healthier buckeye plan that promotes the objectives set forth in division (A) of this section and submit the council's healthier buckeye plan to the board of county commissioners that created the council and to the Ohio healthier buckeye advisory council.</u>	19260 19261 19262 19263 19264
<u>(C) A local healthier buckeye council shall convene at least once per year.</u>	19265 19266
<u>(D) A local healthier buckeye council shall organize itself in accordance with section 355.02 of the Revised Code and any other applicable provisions of law.</u>	19267 19268 19269
<del>(C) Collect</del> <u>(E) A local healthier buckeye council shall collect</u> and analyze data regarding individuals or families who receive services from or participate in programs operated by council members or the entities the members represent.	19270 19271 19272 19273
<u>(F) Beginning one year after the effective date of this amendment, each local healthier buckeye council shall submit an annual report of the council's performance to the Ohio healthier buckeye council.</u>	19274 19275 19276 19277
<u>(G) A local healthier buckeye council may apply for, receive, and oversee the administration of grants.</u>	19278 19279

**Sec. 355.04.** A ~~county~~ local healthier buckeye council ~~may~~ 19280  
shall report the following information to the joint medicaid 19281  
oversight committee created in section 103.41 of the Revised Code 19282  
and to the Ohio healthier buckeye advisory council: 19283

(A) Notification that the ~~county~~ local council has been 19284  
established and information regarding the council's organization, 19285  
plan, and activities; 19286

(B) Information regarding enrollment or outcome data 19287  
collected under division ~~(C)~~(E) of section 355.03 of the Revised 19288  
Code; 19289

(C) Recommendations regarding the best practices for the 19290  
administration and delivery of publicly funded assistance programs 19291  
or other services or programs provided by council members or the 19292  
entities the members represent; 19293

(D) Recommendations regarding the best practices in care 19294  
coordination. 19295

**Sec. 503.55.** (A) As used in this section: 19296

(1) "Financial transaction device" includes a credit card, 19297  
debit card, charge card, or prepaid or stored value card, or 19298  
automated clearinghouse network credit, debit, or e-check entry 19299  
that includes, but is not limited to, accounts receivable and 19300  
internet-initiated, point of purchase, and telephone-initiated 19301  
applications or any other device or method for making an 19302  
electronic payment or transfer of funds. 19303

(2) "Township expenses" includes fees, costs, assessments, 19304  
finances, penalties, payments, or any other expense a person owes or 19305  
otherwise pays to a township. 19306

(B) Notwithstanding any other section of the Revised Code and 19307  
except as provided in division (D) of this section, a board of 19308

township trustees may adopt a resolution authorizing the 19309  
acceptance of payments by financial transaction devices for 19310  
township expenses. The resolution shall include the following: 19311

(1) A specification of those township offices that are 19312  
authorized to accept payments by financial transaction devices; 19313

(2) A list of township expenses that may be paid for through 19314  
the use of a financial transaction device; 19315

(3) Specific identification of financial transaction devices 19316  
that the board authorizes as acceptable means of payment for 19317  
township expenses. Uniform acceptance of financial transaction 19318  
devices among different types of township expenses is not 19319  
required. 19320

(4) The amount, if any, authorized as a surcharge or 19321  
convenience fee under division (E) of this section for persons 19322  
using a financial transaction device. Uniform application of 19323  
surcharges or convenience fees among different types of township 19324  
expenses is not required. 19325

(5) A specific provision as provided in division (G) of this 19326  
section requiring the payment of a penalty if a payment made by 19327  
means of a financial transaction device is returned or dishonored 19328  
for any reason. 19329

The board's resolution also shall designate the township 19330  
fiscal officer as an administrative agent to solicit proposals, 19331  
within guidelines established by the board in the resolution and 19332  
in compliance with the procedures provided in division (C) of this 19333  
section, from financial institutions, issuers of financial 19334  
transaction devices, and processors of financial transaction 19335  
devices, to make recommendations about those proposals to the 19336  
board, and to assist township offices in implementing the 19337  
township's financial transaction devices program. 19338

(C) The township shall follow the procedures provided in this 19339



division whenever it plans to contract with financial 19340  
institutions, issuers of financial transaction devices, or 19341  
processors of financial transaction devices for the purposes of 19342  
this section. The township fiscal officer shall request proposals 19343  
from financial institutions, issuers of financial transaction 19344  
devices, or processors of financial transaction devices, as 19345  
appropriate in accordance with the resolution adopted under 19346  
division (B) of this section. Upon receiving the proposals, the 19347  
fiscal officer shall review them and make a recommendation to the 19348  
board of trustees on which proposals to accept. The board of 19349  
trustees shall consider the fiscal officer's recommendation and 19350  
review all proposals submitted, and then may choose to contract 19351  
with any or all of the entities submitting proposals, as 19352  
appropriate. The board of trustees shall provide any financial 19353  
institution, issuer, or processor that submitted a proposal, but 19354  
with which the board does not enter into a contract, notice that 19355  
its proposal is rejected. The notice shall state the reasons for 19356  
the rejection, indicate whose proposals were accepted, and provide 19357  
a copy of the terms and conditions of the successful bids. 19358

(D) A board of township trustees adopting a resolution under 19359  
this section shall post a copy of the resolution in each township 19360  
office accepting payment by a financial transaction device. 19361

Each township office subject to the board's resolution 19362  
adopted under division (B) of this section may use only the 19363  
financial institutions, issuers of financial transaction devices, 19364  
and processors of financial transaction devices with which the 19365  
board of township trustees contracts, and each such office is 19366  
subject to the terms of those contracts. 19367

(E) A board of township trustees may establish a surcharge or 19368  
convenience fee that may be imposed upon a person making payment 19369  
by a financial transaction device. The surcharge or convenience 19370  
fee shall not be imposed unless authorized or otherwise permitted 19371

by the rules prescribed by an agreement governing the use and 19372  
acceptance of the financial transaction device. 19373

If a surcharge or convenience fee is imposed, every township 19374  
office accepting payment by a financial transaction device shall 19375  
clearly post a notice in that office, and shall notify each person 19376  
making a payment by such a device, about the surcharge or fee. 19377  
Notice to each person making a payment shall be provided 19378  
regardless of the medium used to make the payment and in a manner 19379  
appropriate to that medium. Each notice shall include all of the 19380  
following: 19381

(1) A statement that there is a surcharge or convenience fee 19382  
for using a financial transaction device; 19383

(2) The total amount of the charge or fee expressed in 19384  
dollars and cents for each transaction, or the rate of the charge 19385  
or fee expressed as a percentage of the total amount of the 19386  
transaction, whichever is applicable; 19387

(3) A clear statement that the surcharge or convenience fee 19388  
is nonrefundable. 19389

(F) If a person elects to make a payment to the township by a 19390  
financial transaction device and a surcharge or convenience fee is 19391  
imposed, the payment of the surcharge or fee shall be considered 19392  
voluntary and the surcharge or fee is not refundable. 19393

(G) If a person makes payment by financial transaction device 19394  
and the payment is returned or dishonored for any reason, the 19395  
person is liable to the township for payment of a penalty over and 19396  
above the amount of the expense due. The board of township 19397  
trustees shall determine the amount of the penalty, which may be 19398  
either a fee not to exceed twenty dollars or payment of the amount 19399  
necessary to reimburse the township for banking charges, legal 19400  
fees, or other expenses incurred by the township in collecting the 19401  
returned or dishonored payment. The remedies and procedures 19402

provided in this section are in addition to any other available 19403  
civil or criminal remedies provided by law. 19404

(H) No person making any payment by financial transaction 19405  
device to a township office shall be relieved from liability for 19406  
the underlying obligation except to the extent that the township 19407  
realizes final payment of the underlying obligation in cash or its 19408  
equivalent. If final payment is not made by the financial 19409  
transaction device issuer or other guarantor of payment in the 19410  
transaction, the underlying obligation shall survive and the 19411  
township shall retain all remedies for enforcement that would have 19412  
applied if the transaction had not occurred. 19413

(I) A township official or employee who accepts a financial 19414  
transaction device payment in accordance with this section and any 19415  
applicable state or local policies or rules is immune from 19416  
personal liability for the final collection of such payments. 19417

**Sec. 503.56.** (A) As used in this section: 19418

(1) "Tourism development district" means a district 19419  
designated by a township under this section. 19420

(2) "Territory of a tourism development district" means all 19421  
of the area included within the territorial boundaries of a 19422  
tourism development district. 19423

(3) "Business" means a sole proprietorship, a corporation for 19424  
profit, a pass-through entity as defined in section 5733.04 of the 19425  
Revised Code, the federal government, the state, the state's 19426  
political subdivisions, a nonprofit organization, or a school 19427  
district. A business "operates within the proposed district" if 19428  
the business would be subject to a tax levied in the proposed 19429  
tourism development district pursuant to division (A)(2) of 19430  
section 5739.101 of the Revised Code. 19431

(4) "Owner" means a partner of a partnership, a member of a 19432

limited liability company, a majority shareholder of an S 19433  
corporation, a person with a majority ownership interest in a 19434  
pass-through entity, or any officer, employee, or agent with the 19435  
authority to make decisions legally binding upon a business. The 19436  
signature of any owner of a business operates as the signature of 19437  
the business. 19438

(5) "Eligible township" means a township wholly or partly 19439  
located in a county having a population greater than three hundred 19440  
seventy-five thousand but less than four hundred thousand that 19441  
levies taxes under section 5739.021 or 5739.026 of the Revised 19442  
Code, the aggregate rate of which does not exceed one-half of one 19443  
per cent on the effective date of the enactment of this section. 19444

(B)(1) The board of trustees of an eligible township, by 19445  
resolution, may declare an unincorporated area of the township to 19446  
be a tourism development district for the purpose of fostering and 19447  
developing tourism in the district if all of the following 19448  
criteria are met: 19449

(a) The district's area does not exceed two hundred acres. 19450

(b) All territory in the district is contiguous. 19451

(c) Before adopting that resolution or ordinance, the board 19452  
holds at least two public hearings concerning the creation of the 19453  
tourism development district. 19454

(d) Before adopting the resolution or ordinance, the board 19455  
receives a petition signed by every record owner of a parcel of 19456  
real property located in the proposed district and the owner of 19457  
every business that operates in the proposed district. 19458

(e) The board adopts the resolution on or before December 31, 19459  
2018. 19460

(2) The petition described in division (B)(1)(d) of this 19461  
section shall include an explanation of the taxes and charges that 19462

may be levied or imposed in the proposed district. 19463

(3) The board shall certify the resolution to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. 19464  
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(4) Subject to the limitations of division (B)(1)(a) and (b) of this section, the board of trustees of an eligible township may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district. 19468  
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(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the township fiscal officer of the township that designated the tourism development district. A lessor that imposes such a fee shall remit all collections of the fee to the fiscal officer of the township in which the real property is located. 19478  
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The board shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten 19490  
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per cent of the amount of fee due, and the rate at which interest 19495  
accrues does not exceed the rate per annum prescribed pursuant to 19496  
section 5703.47 of the Revised Code. The regulations shall 19497  
provide, after deducting the real and actual costs of 19498  
administering the fee, that the revenue be used exclusively for 19499  
fostering and developing tourism within the tourism development 19500  
district. 19501

(D) The board of trustees of an eligible township that has 19502  
designated a tourism development district under this section may 19503  
levy one or both of the taxes authorized under section 503.57 or 19504  
5739.101 of the Revised Code. 19505

**Sec. 503.57.** (A) As used in this section: 19506

(1) "Admission" means the right or privilege to enter into a 19507  
place. 19508

(2) "Tourism development district" means a district 19509  
designated by a township under section 503.56 of the Revised Code. 19510

(3) "Territory of a tourism development district" means all 19511  
of the area included within the territorial boundaries of a 19512  
tourism development district. 19513

(B) For the purpose of fostering and developing tourism 19514  
within a tourism development district and paying the costs of 19515  
administering the tax, the legislative authority of a township 19516  
may, by resolution, levy a tax upon all of the following: 19517

(1) Amounts paid for admission to any place, including 19518  
parking lots and facilities, located in the territory of a tourism 19519  
development district; 19520

(2) Amounts paid for tickets or cards of admission to 19521  
theaters, operas, and other places of amusement located in the 19522  
territory of a tourism development district, sold at places other 19523  
than the ticket offices of such places, over and above the amounts 19524

representing the established price therefor at such ticket 19525  
offices; 19526

(3) Amounts paid for admission to any public performance at 19527  
any roof garden, cabaret, or other similar entertainment venue 19528  
located in the territory of a tourism development district, in 19529  
which the charge for admission is a service or cover charge; 19530

(4) Amounts paid as annual membership dues by every club or 19531  
organization maintaining a golf course located in the territory of 19532  
a tourism development district; 19533

(5) Green fees paid to a golf course located in the territory 19534  
of a tourism development district either under club or private 19535  
ownership. 19536

(C) The rate of a tax levied under this section shall not 19537  
exceed five per cent of the admission charge, membership dues, or 19538  
green fees. Every person receiving any payment on which a tax is 19539  
levied under this section shall collect the amount of the tax from 19540  
the person making the admission payment. 19541

(D) The legislative authority of a township levying a tax 19542  
pursuant to this section shall establish all regulations necessary 19543  
to provide for the administration of the tax. The regulations may 19544  
prescribe the time for payment of the tax, and may provide for the 19545  
imposition of a penalty or interest, or both, for late payments, 19546  
provided that the penalty does not exceed ten per cent of the 19547  
amount of tax due, and the rate at which interest accrues does not 19548  
exceed the rate per annum prescribed pursuant to section 5703.47 19549  
of the Revised Code. The regulations shall provide, after 19550  
deducting the real and actual costs of administering the tax, that 19551  
the revenue be used exclusively for fostering and developing 19552  
tourism within the tourism development district in which the tax 19553  
is levied. 19554

**Sec. 505.101.** The board of township trustees of any township 19555  
may, by resolution, enter into a contract, without advertising or 19556  
bidding, for the purchase or sale of motor vehicles, materials, 19557  
equipment, or supplies from or to any department, agency, or 19558  
political subdivision of the state, for the purchase of services 19559  
with a soil and water conservation district established under 19560  
Chapter ~~1515.~~ 940. of the Revised Code, for the purchase of 19561  
supplies, services, materials, and equipment with a regional 19562  
planning commission pursuant to division (D) of section 713.23 of 19563  
the Revised Code, or for the purchase of services from an 19564  
educational service center under section 3313.846 of the Revised 19565  
Code. The resolution shall: 19566

(A) Set forth the maximum amount to be paid as the purchase 19567  
price for the motor vehicles, materials, equipment, supplies, or 19568  
services; 19569

(B) Describe the type of motor vehicles, materials, 19570  
equipment, supplies, or services that are to be purchased; 19571

(C) Appropriate sufficient funds to pay the purchase price 19572  
for the motor vehicles, materials, equipment, supplies, or 19573  
services, except that no such appropriation is necessary if funds 19574  
have been previously appropriated for the purpose and remain 19575  
unencumbered at the time the resolution is adopted. 19576

**Sec. 505.1010.** A board of township trustees may purchase real 19577  
or personal property at public auction by adopting a resolution to 19578  
designate an individual, officer, or employee to represent the 19579  
board and tender bids at the auction. Any purchase made at a 19580  
public auction shall be subject to a maximum purchase price 19581  
established by resolution of the board or an appraisal obtained 19582  
before the auction and approved by the board of township trustees. 19583  
A purchase made under this section shall comply with division (D) 19584



of section 5705.41 of the Revised Code. 19585

**Sec. 505.24.** ~~Each~~ (A) In calendar year 2016, each township 19586  
trustee is entitled to compensation ~~as follows:~~ 19587

~~(A) Except as otherwise provided in division (B) of this~~ 19588  
~~section,~~ in an amount for each day of service in the business of 19589  
the township, to be paid from the township treasury as follows: 19590

(1) In townships having a budget of two hundred fifty 19591  
thousand dollars or less, ~~twenty~~ thirty-eight dollars and 19592  
forty-nine cents per day for not more than two hundred days; 19593

(2) In townships having a budget of more than two hundred 19594  
fifty thousand but not more than ~~one~~ five hundred thousand 19595  
dollars, ~~twenty-four~~ forty-four dollars and fifty-seven cents per 19596  
day for not more than two hundred days; 19597

(3) In townships having a budget of more than ~~one~~ five 19598  
hundred thousand but not more than ~~two~~ seven hundred fifty 19599  
thousand dollars, ~~twenty-eight~~ forty-seven dollars and ~~fifty~~ 19600  
twenty-seven cents per day for not more than two hundred days; 19601

(4) In townships having a budget of more than ~~two~~ seven 19602  
hundred fifty thousand but not more than one million five hundred 19603  
thousand dollars, ~~thirty-three~~ fifty-four dollars and one cent per 19604  
day for not more than two hundred days; 19605

(5) In townships having a budget of more than one million 19606  
five hundred thousand but not more than ~~seven~~ three million five 19607  
hundred ~~fifty~~ thousand dollars, ~~thirty-five~~ fifty-nine dollars and 19608  
forty-two cents per day for not more than two hundred days; 19609

(6) In townships having a budget of more than ~~seven~~ three 19610  
million five hundred ~~fifty~~ thousand but not more than ~~one~~ six 19611  
million ~~five hundred thousand~~ dollars, ~~forty~~ sixty-four dollars 19612  
and eighty-two cents per day for not more than two hundred days; 19613

(7) In townships having a budget of more than ~~one~~ six million 19614

~~five hundred thousand but not more than three ten million five  
hundred thousand dollars, ~~forty four~~ eighty-three dollars and  
ninety-nine cents per day for not more than two hundred days;~~ 19615  
19616  
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(8) ~~In townships having a budget of more than three ten  
million five hundred thousand dollars but not more than six  
million dollars, ~~forty eight~~ one hundred seven dollars and  
ninety-eight cents per day for not more than two hundred days;~~ 19618  
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~~(9) In townships having a budget of more than six million  
dollars, fifty two dollars per day for not more than two hundred  
days.~~ 19622  
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(B) ~~Beginning in~~ In calendar year ~~1999~~ 2017, the amounts paid 19625  
as specified in division (A) of this section shall be ~~replaced by~~ 19626  
~~the following amounts:~~ 19627

~~(1) In calendar year 1999, the amounts specified in division  
(A) of this section increased by three per cent;~~ 19628  
19629

~~(2) In calendar year 2000, the amounts determined under  
division (B)(1) of this section increased by three per cent;~~ 19630  
19631

~~(3) In calendar year 2001, the amounts determined under  
division (B)(2) of this section increased by three per cent;~~ 19632  
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~~(4) In calendar year 2002, except in townships having a  
budget of more than six million dollars, the amounts determined  
under division (B)(3) of this section increased by three per cent;  
in townships having a budget of more than six million but not more  
than ten million dollars, seventy dollars per day for not more  
than two hundred days; and in townships having a budget of more  
than ten million dollars, ninety dollars per day for not more than  
two hundred days;~~ 19634  
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~~(5) In calendar years 2003 through 2008, the amounts  
determined under division (B) of this section for the immediately  
preceding calendar year increased by the lesser of the following:~~ 19642  
19643  
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<del>(a) Three per cent;</del>	19645
<del>(b) The percentage increase, if any, in the consumer price index over the twelve month period that ends on the thirtieth day of September of the immediately preceding calendar year, rounded to the nearest one tenth of one <u>increased by five per cent</u>;</del>	19646 19647 19648 19649
<del>(6) In calendar year 2009 and thereafter, the amount determined under division (B) of this section for calendar year 2008.</del>	19650 19651 19652
<del>As used in division (B) of this section, "consumer price index" has the same meaning as in section 325.18 of the Revised Code.</del>	19653 19654 19655
<del>(C) <u>In calendar year 2018 and thereafter, each township trustee is entitled to compensation in the amount determined under division (B) of this section.</u></del>	19656 19657 19658
<del>(D) Whenever members of a board of township trustees are compensated per diem and not by annual salary, the board shall establish, by resolution, a method by which each member of the board shall periodically notify the township fiscal officer of the number of days spent in the service of the township and the kinds of services rendered on those days. The per diem compensation shall be paid from the township general fund or from other township funds in such proportions as the kinds of services performed may require. The notice shall be filed with the township fiscal officer and preserved for inspection by any persons interested.</del>	19659 19660 19661 19662 19663 19664 19665 19666 19667 19668 19669
<del>By unanimous vote, a board of township trustees may adopt a method of compensation consisting of an annual salary to be paid in equal monthly payments. If the office of trustee is held by more than one person during any calendar year, each person holding the office shall receive payments for only those months, and any fractions of those months, during which the person holds the</del>	19670 19671 19672 19673 19674 19675

office. The amount of the annual salary approved by the board 19676  
shall be no more than the maximum amount that could be received 19677  
annually by a trustee if the trustee were paid on a per diem basis 19678  
as specified in this division, and shall be paid from the township 19679  
general fund or from other township funds in such proportions as 19680  
the board may specify by resolution. Each trustee shall certify 19681  
the percentage of time spent working on matters to be paid from 19682  
the township general fund and from other township funds in such 19683  
proportions as the kinds of services performed. A board of 19684  
township trustees that has adopted a salary method of compensation 19685  
may return to a method of compensation on a per diem basis as 19686  
specified in this division by a majority vote. Any change in the 19687  
method of compensation shall be effective on the first day of 19688  
January of the year following the year during which the board has 19689  
voted to change the method of compensation. 19690

**Sec. 505.701.** The board of trustees of any township, through 19691  
unanimous vote of its membership, may designate, participate in, 19692  
and cooperate with any community improvement corporation organized 19693  
under Chapter 1724. of the Revised Code and may give financial or 19694  
other assistance, including any fees generated by the corporation, 19695  
to that corporation to defray ~~its administrative~~ the expenses of 19696  
the corporation. The corporation may use the board's contributions 19697  
for any of its functions under Chapter 1724. of the Revised Code 19698  
subject to any limitations as may be provided by resolution of the 19699  
board of trustees. Any moneys contributed by the board ~~for this~~ 19700  
~~purpose to the corporation~~ shall be drawn from the general fund of 19701  
the township not otherwise appropriated. 19702

In addition, the board may purchase real property for the 19703  
purpose of transferring that property to the community improvement 19704  
corporation. In order to finance the purchase of that real 19705  
property, the board may issue general obligation bonds of the 19706  
township in accordance with Chapter 133. of the Revised Code, for 19707

which the full faith and credit of the township shall be pledged. 19708

**Sec. 505.86.** (A) As used in this section, ~~"total:~~ 19709

"Party in interest" means an owner of record of the real 19710  
property on which the building or structure is located, and 19711  
includes a holder of a legal or equitable lien of record on the 19712  
real property or the building or other structure. 19713

"Total cost" means any costs incurred due to the use of 19714  
employees, materials, or equipment of the township, any costs 19715  
arising out of contracts for labor, materials, or equipment, and 19716  
costs of service of notice or publication required under this 19717  
section. 19718

(B) A board of township trustees, by resolution, may provide 19719  
for the removal, repair, or securance of buildings or other 19720  
structures in the township that have been declared insecure, 19721  
unsafe, or structurally defective by any fire department under 19722  
contract with the township or by the county building department or 19723  
other authority responsible under Chapter 3781. of the Revised 19724  
Code for the enforcement of building regulations or the 19725  
performance of building inspections in the township, or buildings 19726  
or other structures that have been declared to be in a condition 19727  
dangerous to life or health, or unfit for human habitation by the 19728  
board of health of the general health district of which the 19729  
township is a part. 19730

At least thirty days prior to the removal, repair, or 19731  
securance of any insecure, unsafe, or structurally defective 19732  
building or other structure, the board of township trustees shall 19733  
give notice by certified mail, return receipt requested, to each 19734  
party in interest of its intention with respect to the removal, 19735  
repair, or securance ~~to the holders of legal or equitable liens of~~ 19736  
~~record upon the real property on which the building is located and~~ 19737  
~~to owners of record of the property of an insecure, unsafe, or~~ 19738

structurally defective or unfit building or other structure. 19739

If the ~~owner's~~ address of a party in interest is unknown and 19740  
cannot reasonably be obtained, it is sufficient to publish the 19741  
notice once in a newspaper of general circulation in the township. 19742

(C)(1) If the board of trustees, in a resolution adopted 19743  
under this section, pursues action to remove any insecure, unsafe, 19744  
or structurally defective building or other structure, the notice 19745  
shall include a statement informing the parties in interest that 19746  
each party in interest is entitled to a hearing if the party in 19747  
interest requests a hearing in writing within thirty days after 19748  
which the notice was mailed. The written request for a hearing 19749  
shall be made to the township fiscal officer. 19750

(2) If a party in interest timely requests a hearing, the 19751  
board shall set the date, time, and place for the hearing and 19752  
notify the party in interest by certified mail, return receipt 19753  
requested. The date set for the hearing shall be within fifteen 19754  
days, but not earlier than seven days, after the party in interest 19755  
has requested a hearing, unless otherwise agreed to by both the 19756  
board and the party in interest. The hearing shall be recorded by 19757  
stenographic or electronic means. 19758

(3) The board shall make an order deciding the matter not 19759  
later than thirty days after a hearing, or not later than thirty 19760  
days after mailing notice to the parties in interest if no party 19761  
in interest requested a hearing. The order may dismiss the matter 19762  
or direct the removal, repair, or securance of the building or 19763  
other structure. At any time, a party in interest may consent to 19764  
an order. 19765

(4) A party in interest who requested and participated in a 19766  
hearing, and who is adversely affected by the order of the board, 19767  
may appeal the order under section 2506.01 of the Revised Code. 19768

~~The owners of record of the property or the holders of liens~~ 19769

~~of record upon the property~~ (D) At any time, a party in interest 19770  
may enter into an agreement with the board of township trustees to 19771  
perform the removal, repair, or securance of the insecure, unsafe, 19772  
or structurally defective or unfit building or other structure. ~~if~~ 19773

(E) If an emergency exists, as determined by the board, 19774  
notice may be given other than by certified mail and less than 19775  
thirty days prior to the removal, repair, or securance. 19776

~~(C) A board may collect the~~ (F) The total cost of removing, 19777  
repairing, or securing buildings or other structures that have 19778  
been declared insecure, unsafe, structurally defective, or unfit 19779  
for human habitation, or of making emergency corrections of 19780  
hazardous conditions, when approved by the board, shall be paid 19781  
out of the township general fund from moneys not otherwise 19782  
appropriated, except that, if the costs incurred exceed five 19783  
hundred dollars, the board may borrow moneys from a financial 19784  
institution to pay for the costs in whole or in part. 19785

The total cost may be collected by either of the following 19786  
methods: 19787

(1) The board may have the fiscal officer of the township 19788  
certify the total costs, together with a proper description of the 19789  
lands to the county auditor who shall place the costs upon the tax 19790  
duplicate. The costs are a lien upon the lands from and after the 19791  
date of entry. ~~The costs shall be collected as other taxes and~~ 19792  
~~returned to the township general fund.~~ 19793

(2) The board may commence a civil action to recover the 19794  
total costs from the owner of record of the real property on which 19795  
the building or structure is located. 19796

~~(D)~~(G) Any board of township trustees may, whenever a policy 19797  
or policies of insurance are in force providing coverage against 19798  
the peril of fire on a building or structure and the loss agreed 19799  
to between the named insured or insureds and the company or 19800

companies is more than five thousand dollars and equals or exceeds 19801  
sixty per cent of the aggregate limits of liability on all fire 19802  
policies covering the building or structure on the property, 19803  
accept security payments and follow the procedures of divisions 19804  
(C) and (D) of section 3929.86 of the Revised Code. 19805

**Sec. 507.09.** (A) ~~Except as otherwise provided in division (D)~~ 19806  
~~of this section~~ In calendar year 2016, the township fiscal officer 19807  
shall be entitled to compensation as follows: 19808

(1) In townships having a budget of two hundred fifty 19809  
thousand dollars or less, ~~three~~ ten thousand ~~five~~ three hundred 19810  
ninety-eight dollars; 19811

(2) In townships having a budget of more than two hundred 19812  
fifty thousand but not more than ~~one~~ five hundred thousand 19813  
dollars, ~~five~~ thirteen thousand ~~five~~ three hundred seventy 19814  
dollars; 19815

(3) In townships having a budget of more than ~~one~~ five 19816  
hundred thousand but not more than ~~two~~ seven hundred fifty 19817  
thousand dollars, ~~seven~~ fourteen thousand ~~seven~~ eight hundred 19818  
fifty-four dollars; 19819

(4) In townships having a budget of more than ~~two~~ seven 19820  
hundred fifty thousand but not more than one million five hundred 19821  
thousand dollars, ~~nine~~ seventeen thousand ~~nine~~ eight hundred 19822  
twenty-six dollars; 19823

(5) In townships having a budget of more than one million 19824  
five hundred thousand but not more than ~~seven~~ three million five 19825  
hundred ~~fifty~~ thousand dollars, ~~eleven~~ twenty thousand seven 19826  
hundred ninety-six dollars; 19827

(6) In townships having a budget of more than ~~seven~~ three 19828  
million five hundred ~~fifty~~ thousand but not more than ~~one~~ six 19829  
million ~~five hundred thousand~~ dollars, ~~thirteen~~ twenty-two 19830



thousand two hundred eighty-two dollars; 19831

(7) In townships having a budget of more than ~~one~~ six million 19832  
~~five hundred thousand~~ but not more than ~~three~~ ten million ~~five~~ 19833  
~~hundred thousand~~ dollars, ~~fifteen~~ twenty-five thousand ~~four~~ five 19834  
hundred seventy-three dollars; 19835

(8) In townships having a budget of more than ~~three~~ ten 19836  
million ~~five hundred thousand~~ dollars but not more than ~~six~~ 19837  
~~million~~ dollars, ~~sixteen~~ twenty-nine thousand five hundred 19838  
eighty-five dollars; 19839

~~(9) In townships having a budget of more than six million~~ 19840  
~~dollars, seventeen thousand six hundred dollars.~~ 19841

(B) In calendar year 2017, the compensation determined under 19842  
division (A) of this section shall be increased by five per cent. 19843

(C) In calendar year 2018 and thereafter, the township fiscal 19844  
officer shall be entitled to the compensation determined under 19845  
division (B) of this section. 19846

(D) Any township fiscal officer may elect to receive less 19847  
than the compensation the fiscal officer is entitled to under 19848  
~~division (A)~~ of this section. Any township fiscal officer electing 19849  
to do this shall so notify the board of township trustees in 19850  
writing, and the board shall include this notice in the minutes of 19851  
its next board meeting. 19852

~~(C)~~(E) The compensation of the township fiscal officer shall 19853  
be paid in equal monthly payments. If the office of township 19854  
fiscal officer is held by more than one person during any calendar 19855  
year, each person holding the office shall receive payments for 19856  
only those months, and any fractions of those months, during which 19857  
the person holds the office. 19858

A township fiscal officer may be compensated from the 19859  
township general fund or from other township funds based on the 19860

proportion of time the township fiscal officer spends providing 19861  
services related to each fund. A township fiscal officer must 19862  
document the amount of time the township fiscal officer spends 19863  
providing services related to each fund by certification 19864  
specifying the percentage of time spent working on matters to be 19865  
paid from the township general fund or from other township funds 19866  
in such proportions as the kinds of services performed. 19867

~~(D) Beginning in calendar year 1999, the township fiscal 19868  
officer shall be entitled to compensation as follows: 19869~~

~~(1) In calendar year 1999, the compensation specified in 19870  
division (A) of this section increased by three per cent; 19871~~

~~(2) In calendar year 2000, the compensation determined under 19872  
division (D)(1) of this section increased by three per cent; 19873~~

~~(3) In calendar year 2001, the compensation determined under 19874  
division (D)(2) of this section increased by three per cent; 19875~~

~~(4) In calendar year 2002, except in townships having a 19876  
budget of more than six million dollars, the compensation 19877  
determined under division (D)(3) of this section increased by 19878  
three per cent; in townships having a budget of more than six 19879  
million but not more than ten million dollars, nineteen thousand 19880  
eight hundred ten dollars; and in townships having a budget of 19881  
more than ten million dollars, twenty thousand nine hundred 19882  
dollars; 19883~~

~~(5) In calendar year 2003, the compensation determined under 19884  
division (D)(4) of this section increased by three per cent or the 19885  
percentage increase in the consumer price index as described in 19886  
division (D)(7)(b) of this section, whichever percentage is lower; 19887~~

~~(6) In calendar year 2004, except in townships having a 19888  
budget of more than six million dollars, the compensation 19889  
determined under division (D)(5) of this section for the calendar 19890  
year 2003 increased by three per cent or the percentage increase 19891~~

~~in the consumer price index as described in division (D)(7)(b) of 19892  
this section, whichever percentage is lower; in townships having a 19893  
budget of more than six million but not more than ten million 19894  
dollars, twenty two thousand eighty seven dollars; and in 19895  
townships having a budget of more than ten million dollars, 19896  
twenty five thousand five hundred fifty three dollars; 19897~~

~~(7) In calendar years 2005 through 2008, the compensation 19898  
determined under division (D) of this section for the immediately 19899  
preceding calendar year increased by the lesser of the following: 19900~~

~~(a) Three per cent; 19901~~

~~(b) The percentage increase, if any, in the consumer price 19902  
index over the twelve month period that ends on the thirtieth day 19903  
of September of the immediately preceding calendar year, rounded 19904  
to the nearest one tenth of one per cent; 19905~~

~~(8) In calendar year 2009 and thereafter, the amount 19906  
determined under division (D) of this section for calendar year 19907  
2008. 19908~~

~~As used in this division, "consumer price index" has the same 19909  
meaning as in section 325.18 of the Revised Code. 19910~~

**Sec. 507.11.** (A) The board of township trustees may 19911  
authorize, by resolution, township officers and employees to incur 19912  
obligations of two thousand five hundred dollars or less on behalf 19913  
of the township, or it may authorize, by resolution, the township 19914  
administrator to so authorize township officers and employees. The 19915  
obligations incurred on behalf of the township by a township 19916  
officer or employee acting pursuant to any such resolution shall 19917  
be subsequently approved by the adoption of a formal resolution of 19918  
the board of township trustees. 19919

(B)(1) No money belonging to the township shall be paid out, 19920  
except upon an order signed by at least two of the township 19921

trustees, and countersigned by the township fiscal officer. 19922

(2) As provided in division (E) of section 9.37 of the 19923  
Revised Code, and notwithstanding division (B)(1) of this section, 19924  
a board of township trustees may adopt a resolution authorizing 19925  
the payment of lawful obligations of the township by direct 19926  
deposit of funds by electronic transfer in accordance with section 19927  
9.37 of the Revised Code. 19928

**Sec. 517.07.** Upon application, the board of township trustees 19929  
shall sell at a reasonable price the number of lots as public 19930  
wants demand for burial purposes. Purchasers of lots or other 19931  
interment rights, upon complying with the terms of sale, may 19932  
receive deeds for the lots or rights which the board shall execute 19933  
and which shall be recorded by the township fiscal officer in a 19934  
book for that purpose. The expense of recording shall be paid by 19935  
the person receiving the deed. Upon the application of a head of a 19936  
family living in the township, the board shall, without charge, 19937  
make and deliver to the applicant a deed for a suitable lot or 19938  
right for the ~~burial~~ interment of the applicant's family, if, in 19939  
the opinion of the board and by reason of the circumstances of the 19940  
family, the payment would be oppressive. 19941

The terms of sale and any deed for lots executed after July 19942  
24, 1986, for an entombment, columbarium, or other interment right 19943  
executed on or after the effective date of this amendment, may 19944  
include the following requirements: 19945

(A) The grantee shall provide to the board of township 19946  
trustees, in writing, a list of the names and addresses of the 19947  
persons to whom the grantee's property would pass by intestate 19948  
succession. 19949

(B) The grantee shall notify the board in writing of any 19950  
subsequent changes in the name or address of any persons to whom 19951  
property would descend. 19952

(C) Any person who receives a township cemetery lot or right 19953  
by gift, inheritance, or any other means other than the original 19954  
conveyance shall, within one year after receiving the interest, 19955  
give written notice of the person's name and address to the board 19956  
having control of the cemetery, and shall notify the board of any 19957  
subsequent changes in the person's name or address. 19958

The terms of sale and any deed for any lots or rights 19959  
executed in compliance with the notification requirements set 19960  
forth in divisions (A), (B), and (C) of this section shall state 19961  
that the board of township trustees shall have right of reentry to 19962  
the cemetery lot or right if the notification requirements are not 19963  
met. At least ninety days before establishing reentry, the board 19964  
shall send a notice by certified mail to the last known owner at 19965  
the owner's last known address to inform the owner that the 19966  
owner's interest in the lot or right will cease unless the 19967  
notification requirements are met. If the owner's address is 19968  
unknown and cannot reasonably be obtained, it is sufficient to 19969  
publish the notice once in a newspaper of general circulation in 19970  
the county. In order to establish reentry, the board shall pass a 19971  
resolution stating that the conditions of the sale or of the deed 19972  
have not been fulfilled, and that the board reclaims its interest 19973  
in the lot or right. 19974

The board may limit the terms of sale or the deed for a 19975  
cemetery lot or right by specifying that the owner, a member of 19976  
the owner's family, or an owner's descendant must use the lot, 19977  
tomb, or columbarium, or at least ~~one burial place within a~~ 19978  
portion of the lot, tomb, or columbarium, within a specified time 19979  
period. The board may specify this time period to be at least 19980  
twenty but not more than fifty years, with right of renewal 19981  
provided at no cost. At least ninety days prior to the termination 19982  
date for use of the cemetery lot, tomb, or columbarium, the board 19983  
shall send a notice to the owner to inform the owner that the 19984

owner's interest in the lot or right will cease on the termination 19985  
date unless the owner contracts for renewal by that date. The 19986  
board shall send the notice by certified mail to the owner if the 19987  
owner is a resident of the township or is a nonresident whose 19988  
address is known. If the owner's address is unknown and cannot 19989  
reasonably be obtained, it is sufficient to publish the notice 19990  
once in a newspaper of general circulation in the county. 19991

The terms of sale and any deed for lots or rights conveyed 19992  
with a termination date shall state that the board shall have 19993  
right of reentry to the lot or right at the end of the specified 19994  
time period if the lot, tomb, or columbarium, is not used within 19995  
this time period or renewed for an extended period. In order to 19996  
establish reentry, the board shall pass a resolution stating that 19997  
the conditions of the sale or of the deed have not been fulfilled, 19998  
and that the board reclaims its interest in the lot or right. The 19999  
board shall compensate owners of unused lots or rights who do not 20000  
renew the terms of sale or the deed by paying the owner eighty per 20001  
cent of the purchase price. The board may repurchase any cemetery 20002  
lot or right from its owner at any time at a price that is 20003  
mutually agreed upon by the board and the owner. 20004

Sec. 517.073. The board of township trustees may reenter a 20005  
lot for which the terms of sale or deed was executed prior to July 20006  
24, 1986, or an entombment, columbarium, or other interment right 20007  
for which the terms of sale or deed was executed prior to the 20008  
effective date of this section, if the board determines the lot or 20009  
right is unused and adopts a resolution creating a procedure for 20010  
right of reentry in accordance with this section. The resolution 20011  
shall state that the board of township trustees has the right of 20012  
reentry to the cemetery lot or right purchased prior to July 24, 20013  
1986, or prior to the effective date of this section. Before 20014  
reentering a lot or right, the board shall send a notice by 20015  
certified mail to the last known owner at the owner's last known 20016

address to inform the owner that the owner's interest in the lot 20017  
or right will cease unless the owner or owner's heir responds by a 20018  
specified date. If the owner's address is unknown and cannot be 20019  
obtained reasonably, it is sufficient to publish the notice once 20020  
in a newspaper of general circulation in the county. To establish 20021  
reentry, the board shall pass a resolution stating that the owner 20022  
has not responded by the specified date, and that the board 20023  
reclaims its interest in the lot or right. 20024

At least ninety days prior to the termination date for use of 20025  
the cemetery lot, tomb, or columbarium, the board shall send a 20026  
notice to the owner to inform the owner that the owner's interest 20027  
in the lot or right will cease on the termination date unless the 20028  
owner or owner's heir contracts for renewal by that date. The 20029  
board shall send the notice by certified mail to the owner if the 20030  
owner is a resident of the township or is a nonresident whose 20031  
address is known. If the owner's address is unknown and cannot 20032  
reasonably be obtained, it is sufficient to publish the notice 20033  
once in a newspaper of general circulation in the county. 20034

In order to establish reentry, the board shall pass a 20035  
resolution stating that because of the lack of response to notice 20036  
sent by certified mail that provided a termination date, the board 20037  
reclaims its interest in the lot or right. 20038

**Sec. 517.15.** A board of township trustees may create a 20039  
permanent cemetery endowment fund for the purpose of maintaining, 20040  
improving, and beautifying township cemeteries and burial lots in 20041  
township cemeteries. The fund shall consist of money arising from 20042  
the following sources: 20043

(A) Gifts, devises, or bequests received for the purpose of 20044  
maintaining, improving, or beautifying township cemeteries; 20045

(B) Charges added to the price regularly charged for burial 20046

lots for the purpose of maintaining, improving, or beautifying township cemeteries; 20047  
20048

(C) Contributions of money from the township general fund; 20049

(D) An individual agreement with the purchaser of a burial lot providing that a part of the purchase price is to be applied to the purpose of maintaining, improving, or beautifying any burial lot designated and named by the purchaser; 20050  
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(E) Individual gifts, devises, or bequests made for the maintenance, improvement, and beautification of any burial lot designated and named by the person making the gift, devise, or bequest. 20054  
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Upon unanimous consent of the board of trustees, the board may use the principal of the fund if the board is unable to maintain, improve, and beautify township cemeteries using only the income from the fund. 20058  
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**Sec. 715.014.** (A) As used in this section: 20062

(1) "Tourism development district" means a district designated by a municipal corporation under this section. 20063  
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(2) "Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district. 20065  
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(3) "Business" and "owner" have the same meanings as in section 503.56 of the Revised Code. 20068  
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(4) "Eligible municipal corporation" means a municipal corporation wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on the effective date of the enactment of this section. 20070  
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(B)(1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met: 20077  
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(a) The district's area does not exceed two hundred acres. 20082

(b) All territory in the district is contiguous. 20083

(c) Before adopting the resolution or ordinance, the legislative authority holds at least two public hearings concerning the creation of the tourism development district. 20084  
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(d) Before adopting the resolution or ordinance, the legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district. 20087  
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(e) The legislative authority adopts the resolution or ordinance on or before December 31, 2018. 20092  
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(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district. 20094  
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(3) The legislative authority shall certify the resolution or ordinance to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. 20097  
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(4) Subject to the limitations of divisions (B)(1)(a) and (b) of this section, the legislative authority of an eligible municipal corporation may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) 20101  
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of this section must be signed by every record owner of a parcel 20107  
of real property located in the area proposed to be added to the 20108  
district and the owner of every business that operates in the area 20109  
proposed to be added to the district. 20110

(C) For the purpose of fostering and developing tourism in a 20111  
tourism development district, a lessor leasing real property in a 20112  
tourism development district may impose and collect a uniform fee 20113  
on each parcel of real property leased by the lessor, to be paid 20114  
by each of the person's lessees. A lessee is subject to such a fee 20115  
only if the lease separately states the amount of the fee. Before 20116  
a lessor may impose and collect such a fee, the lessor shall file 20117  
a copy of such lease with the city auditor, village clerk, or 20118  
other municipal officer having the duties and functions of a city 20119  
auditor or village clerk. A lessor that imposes such a fee shall 20120  
remit all collections of the fee to the municipal corporation in 20121  
which the real property is located. 20122

The legislative authority of that municipal corporation shall 20123  
establish all regulations necessary to provide for the 20124  
administration and remittance of such fees. The regulations may 20125  
prescribe the time for payment of the fee, and may provide for the 20126  
imposition of a penalty or interest, or both, for late 20127  
remittances, provided that the penalty does not exceed ten per 20128  
cent of the amount of fee due, and the rate at which interest 20129  
accrues does not exceed the rate per annum prescribed pursuant to 20130  
section 5703.47 of the Revised Code. The regulations shall 20131  
provide, after deducting the real and actual costs of 20132  
administering the fee, that the revenue be used exclusively for 20133  
fostering and developing tourism within the tourism development 20134  
district. 20135

(D) The legislative authority of an eligible municipal 20136  
corporation that has designated a tourism development district may 20137  
levy the tax authorized under section 5739.101 of the Revised 20138

Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

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**Sec. 717.01.** Each municipal corporation may do any of the following:

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(A) Acquire by purchase or condemnation real estate with or without buildings on it, and easements or interests in real estate;

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(B) Extend, enlarge, reconstruct, repair, equip, furnish, or improve a building or improvement that it is authorized to acquire or construct;

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(C) Erect a crematory or provide other means for disposing of garbage or refuse, and erect public comfort stations;

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(D) Purchase turnpike roads and make them free;

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(E) Construct wharves and landings on navigable waters;

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(F) Construct infirmaries, workhouses, prisons, police stations, houses of refuge and correction, market houses, public halls, public offices, municipal garages, repair shops, storage houses, and warehouses;

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(G) Construct or acquire waterworks for supplying water to the municipal corporation and its inhabitants and extend the waterworks system outside of the municipal corporation limits;

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(H) Construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the municipal corporation and its inhabitants;

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(I) Provide grounds for cemeteries or crematories, enclose

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and embellish them, and construct vaults or crematories;	20168
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	20169 20170
(K) Construct free public libraries and reading rooms, and free recreation centers;	20171 20172
(L) Establish free public baths and municipal lodging houses;	20173
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	20174 20175 20176
(N) Provide land for and improve parks, boulevards, and public playgrounds;	20177 20178
(O) Construct hospitals and pesthouses;	20179
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	20180 20181
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	20182 20183 20184
(R) Construct or improve viaducts, bridges, and culverts;	20185
(S)(1) Construct any building necessary for the police or fire department;	20186 20187
(2) Purchase fire engines or fire boats;	20188
(3) Construct water towers or fire cisterns;	20189
(4) Place underground the wires or signal apparatus of any police or fire department.	20190 20191
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	20192 20193
(U) Construct subways under any street or boulevard or elsewhere;	20194 20195

(V) Acquire by purchase, gift, devise, bequest, lease, 20196  
condemnation proceedings, or otherwise, real or personal property, 20197  
and thereon and thereof to establish, construct, enlarge, improve, 20198  
equip, maintain, and operate airports, landing fields, or other 20199  
air navigation facilities, either within or outside the limits of 20200  
a municipal corporation, and acquire by purchase, gift, devise, 20201  
lease, or condemnation proceedings rights-of-way for connections 20202  
with highways, waterways, and electric, steam, and interurban 20203  
railroads, and improve and equip such facilities with structures 20204  
necessary or appropriate for such purposes. No municipal 20205  
corporation may take or disturb property or facilities belonging 20206  
to any public utility or to a common carrier engaged in interstate 20207  
commerce, which property or facilities are required for the proper 20208  
and convenient operation of the utility or carrier, unless 20209  
provision is made for the restoration, relocation, or duplication 20210  
of the property or facilities elsewhere at the sole cost of the 20211  
municipal corporation. 20212

(W) Provide by agreement with any regional airport authority, 20213  
created under section 308.03 of the Revised Code, for the making 20214  
of necessary surveys, appraisals, and examinations preliminary to 20215  
the acquisition or construction of any airport or airport facility 20216  
and pay the portion of the expense of the surveys, appraisals, and 20217  
examinations as set forth in the agreement; 20218

(X) Provide by agreement with any regional airport authority, 20219  
created under section 308.03 of the Revised Code, for the 20220  
acquisition, construction, maintenance, or operation of any 20221  
airport or airport facility owned or to be owned and operated by 20222  
the regional airport authority or owned or to be owned and 20223  
operated by the municipal corporation and pay the portion of the 20224  
expense of it as set forth in the agreement; 20225

(Y) Acquire by gift, purchase, lease, or condemnation, land, 20226  
forest, and water rights necessary for conservation of forest 20227

reserves, water parks, or reservoirs, either within or without the 20228  
limits of the municipal corporation, and improve and equip the 20229  
forest and water parks with structures, equipment, and 20230  
reforestation necessary or appropriate for any purpose for the 20231  
utilization of any of the forest and water benefits that may 20232  
properly accrue therefrom to the municipal corporation; 20233

(Z) Acquire real property by purchase, gift, or devise and 20234  
construct and maintain on it public swimming pools, either within 20235  
or outside the limits of the municipal corporation; 20236

(AA) Construct or rehabilitate, equip, maintain, operate, and 20237  
lease facilities for housing of elderly persons and for persons of 20238  
low and moderate income, and appurtenant facilities. No municipal 20239  
corporation shall deny housing accommodations to or withhold 20240  
housing accommodations from elderly persons or persons of low and 20241  
moderate income because of race, color, religion, sex, familial 20242  
status as defined in section 4112.01 of the Revised Code, military 20243  
status as defined in that section, disability as defined in that 20244  
section, ancestry, or national origin. Any elderly person or 20245  
person of low or moderate income who is denied housing 20246  
accommodations or has them withheld by a municipal corporation 20247  
because of race, color, religion, sex, familial status as defined 20248  
in section 4112.01 of the Revised Code, military status as defined 20249  
in that section, disability as defined in that section, ancestry, 20250  
or national origin may file a charge with the Ohio civil rights 20251  
commission as provided in Chapter 4112. of the Revised Code. 20252

(BB) Acquire, rehabilitate, and develop rail property or rail 20253  
service, and enter into agreements with the Ohio rail development 20254  
commission, boards of county commissioners, boards of township 20255  
trustees, legislative authorities of other municipal corporations, 20256  
with other governmental agencies or organizations, and with 20257  
private agencies or organizations in order to achieve those 20258  
purposes; 20259

(CC) Appropriate and contribute money to a soil and water conservation district for use under Chapter ~~1515~~. 940. of the Revised Code;

(DD) Authorize the board of county commissioners, pursuant to a contract authorizing the action, to contract on the municipal corporation's behalf for the administration and enforcement within its jurisdiction of the state building code by another county or another municipal corporation located within or outside the county. The contract for administration and enforcement shall provide for obtaining certification pursuant to division (E) of section 3781.10 of the Revised Code for the exercise of administration and enforcement authority within the municipal corporation seeking those services and shall specify which political subdivision is responsible for securing that certification.

(EE) Expend money for providing and maintaining services and facilities for senior citizens.

"Airport," "landing field," and "air navigation facility," as defined in section 4561.01 of the Revised Code, apply to division (V) of this section.

As used in divisions (W) and (X) of this section, "airport" and "airport facility" have the same meanings as in section 308.01 of the Revised Code.

As used in division (BB) of this section, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code.

**Sec. 718.01.** Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Revised Code,

unless a different meaning is clearly required. If a term used in 20290  
this chapter that is not otherwise defined in this chapter is used 20291  
in a comparable context in both the laws of the United States 20292  
relating to federal income tax and in Title LVII of the Revised 20293  
Code and the use is not consistent, then the use of the term in 20294  
the laws of the United States relating to federal income tax shall 20295  
control over the use of the term in Title LVII of the Revised 20296  
Code. 20297

As used in this chapter: 20298

(A)(1) "Municipal taxable income" means the following: 20299

(a) For a person other than an individual, income reduced by 20300  
exempt income to the extent otherwise included in income and then, 20301  
as applicable, apportioned or situated to the municipal corporation 20302  
under section 718.02 of the Revised Code, and further reduced by 20303  
any pre-2017 net operating loss carryforward available to the 20304  
person for the municipal corporation. 20305

(b)(i) For an individual who is a resident of a municipal 20306  
corporation other than a qualified municipal corporation, income 20307  
reduced by exempt income to the extent otherwise included in 20308  
income, then reduced as provided in division (A)(2) of this 20309  
section, and further reduced by any pre-2017 net operating loss 20310  
carryforward available to the individual for the municipal 20311  
corporation. 20312

(ii) For an individual who is a resident of a qualified 20313  
municipal corporation, Ohio adjusted gross income reduced by 20314  
income exempted, and increased by deductions excluded, by the 20315  
qualified municipal corporation from the qualified municipal 20316  
corporation's tax ~~on or before December 31, 2013~~. If a qualified 20317  
municipal corporation, on or before December 31, 2013, exempts 20318  
income earned by individuals who are not residents of the 20319  
qualified municipal corporation and net profit of persons that are 20320



not wholly located within the qualified municipal corporation, 20321  
such individual or person shall have no municipal taxable income 20322  
for the purposes of the tax levied by the qualified municipal 20323  
corporation and may be exempted by the qualified municipal 20324  
corporation from the requirements of section 718.03 of the Revised 20325  
Code. 20326

(c) For an individual who is a nonresident of a municipal 20327  
corporation, income reduced by exempt income to the extent 20328  
otherwise included in income and then, as applicable, apportioned 20329  
or situated to the municipal corporation under section 718.02 of 20330  
the Revised Code, then reduced as provided in division (A)(2) of 20331  
this section, and further reduced by any pre-2017 net operating 20332  
loss carryforward available to the individual for the municipal 20333  
corporation. 20334

(2) In computing the municipal taxable income of a taxpayer 20335  
who is an individual, the taxpayer may subtract, as provided in 20336  
division (A)(1)(b)(i) or (c) of this section, the amount of the 20337  
individual's employee business expenses reported on the 20338  
individual's form 2106 that the individual deducted for federal 20339  
income tax purposes for the taxable year, subject to the 20340  
limitation imposed by section 67 of the Internal Revenue Code. For 20341  
the municipal corporation in which the taxpayer is a resident, the 20342  
taxpayer may deduct all such expenses allowed for federal income 20343  
tax purposes. For a municipal corporation in which the taxpayer is 20344  
not a resident, the taxpayer may deduct such expenses only to the 20345  
extent the expenses are related to the taxpayer's performance of 20346  
personal services in that nonresident municipal corporation. 20347

(B) "Income" means the following: 20348

(1)(a) For residents, all income, salaries, qualifying wages, 20349  
commissions, and other compensation from whatever source earned or 20350  
received by the resident, including the resident's distributive 20351  
share of the net profit of pass-through entities owned directly or 20352

indirectly by the resident and any net profit of the resident, 20353  
except as provided in division (D)(4) of this section. 20354

(b) For the purposes of division (B)(1)(a) of this section: 20355

(i) Any net operating loss of the resident incurred in the 20356  
taxable year and the resident's distributive share of any net 20357  
operating loss generated in the same taxable year and attributable 20358  
to the resident's ownership interest in a pass-through entity 20359  
shall be allowed as a deduction, for that taxable year and the 20360  
following five taxable years, against any other net profit of the 20361  
resident or the resident's distributive share of any net profit 20362  
attributable to the resident's ownership interest in a 20363  
pass-through entity until fully utilized, subject to division 20364  
(B)(1)(d) of this section; 20365

(ii) The resident's distributive share of the net profit of 20366  
each pass-through entity owned directly or indirectly by the 20367  
resident shall be calculated without regard to any net operating 20368  
loss that is carried forward by that entity from a prior taxable 20369  
year and applied to reduce the entity's net profit for the current 20370  
taxable year. 20371

(c) Division (B)(1)(b) of this section does not apply with 20372  
respect to any net profit or net operating loss attributable to an 20373  
ownership interest in an S corporation unless shareholders' 20374  
distributive shares of net profits from S corporations are subject 20375  
to tax in the municipal corporation as provided in division 20376  
(C)(14)(b) or (c) of this section. 20377

(d) Any amount of a net operating loss used to reduce a 20378  
taxpayer's net profit for a taxable year shall reduce the amount 20379  
of net operating loss that may be carried forward to any 20380  
subsequent year for use by that taxpayer. In no event shall the 20381  
cumulative deductions for all taxable years with respect to a 20382  
taxpayer's net operating loss exceed the original amount of that 20383

net operating loss available to that taxpayer. 20384

(2) In the case of nonresidents, all income, salaries, 20385  
qualifying wages, commissions, and other compensation from 20386  
whatever source earned or received by the nonresident for work 20387  
done, services performed or rendered, or activities conducted in 20388  
the municipal corporation, including any net profit of the 20389  
nonresident, but excluding the nonresident's distributive share of 20390  
the net profit or loss of only pass-through entities owned 20391  
directly or indirectly by the nonresident. 20392

(3) For taxpayers that are not individuals, net profit of the 20393  
taxpayer; 20394

(4) Lottery, sweepstakes, gambling and sports winnings, 20395  
winnings from games of chance, and prizes and awards. If the 20396  
taxpayer is a professional gambler for federal income tax 20397  
purposes, the taxpayer may deduct related wagering losses and 20398  
expenses to the extent authorized under the Internal Revenue Code 20399  
and claimed against such winnings. 20400

(C) "Exempt income" means all of the following: 20401

(1) The military pay or allowances of members of the armed 20402  
forces of the United States or members of their reserve 20403  
components, including the national guard of any state; 20404

(2)(a) Except as provided in division (C)(2)(b) of this 20405  
section, intangible income; 20406

(b) A municipal corporation that taxed any type of intangible 20407  
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 20408  
116th general assembly, may continue to tax that type of income if 20409  
a majority of the electors of the municipal corporation voting on 20410  
the question of whether to permit the taxation of that type of 20411  
intangible income after 1988 voted in favor thereof at an election 20412  
held on November 8, 1988. 20413

(3) Social security benefits, railroad retirement benefits, 20414  
unemployment compensation, pensions, retirement benefit payments, 20415  
payments from annuities, and similar payments made to an employee 20416  
or to the beneficiary of an employee under a retirement program or 20417  
plan, disability payments received from private industry or local, 20418  
state, or federal governments or from charitable, religious or 20419  
educational organizations, and the proceeds of sickness, accident, 20420  
or liability insurance policies. As used in division (C)(3) of 20421  
this section, "unemployment compensation" does not include 20422  
supplemental unemployment compensation described in section 20423  
3402(o)(2) of the Internal Revenue Code. 20424

(4) The income of religious, fraternal, charitable, 20425  
scientific, literary, or educational institutions to the extent 20426  
such income is derived from tax-exempt real estate, tax-exempt 20427  
tangible or intangible property, or tax-exempt activities. 20428

(5) Compensation paid under section 3501.28 or 3501.36 of the 20429  
Revised Code to a person serving as a precinct election official 20430  
to the extent that such compensation does not exceed one thousand 20431  
dollars for the taxable year. Such compensation in excess of one 20432  
thousand dollars for the taxable year may be subject to taxation 20433  
by a municipal corporation. A municipal corporation shall not 20434  
require the payer of such compensation to withhold any tax from 20435  
that compensation. 20436

(6) Dues, contributions, and similar payments received by 20437  
charitable, religious, educational, or literary organizations or 20438  
labor unions, lodges, and similar organizations; 20439

(7) Alimony and child support received; 20440

(8) Compensation for personal injuries or for damages to 20441  
property from insurance proceeds or otherwise, excluding 20442  
compensation paid for lost salaries or wages or compensation from 20443  
punitive damages; 20444

(9) Income of a public utility when that public utility is 20445  
subject to the tax levied under section 5727.24 or 5727.30 of the 20446  
Revised Code. Division (C)(9) of this section does not apply for 20447  
purposes of Chapter 5745. of the Revised Code. 20448

(10) Gains from involuntary conversions, interest on federal 20449  
obligations, items of income subject to a tax levied by the state 20450  
and that a municipal corporation is specifically prohibited by law 20451  
from taxing, and income of a decedent's estate during the period 20452  
of administration except such income from the operation of a trade 20453  
or business; 20454

(11) Compensation or allowances excluded from federal gross 20455  
income under section 107 of the Internal Revenue Code; 20456

(12) Employee compensation that is not qualifying wages as 20457  
defined in division (R) of this section; 20458

(13) Compensation paid to a person employed within the 20459  
boundaries of a United States air force base under the 20460  
jurisdiction of the United States air force that is used for the 20461  
housing of members of the United States air force and is a center 20462  
for air force operations, unless the person is subject to taxation 20463  
because of residence or domicile. If the compensation is subject 20464  
to taxation because of residence or domicile, tax on such income 20465  
shall be payable only to the municipal corporation of residence or 20466  
domicile. 20467

(14)(a) Except as provided in division (C)(14)(b) or (c) of 20468  
this section, an S corporation shareholder's distributive share of 20469  
net profits of the S corporation, other than any part of the 20470  
distributive share of net profits that represents wages as defined 20471  
in section 3121(a) of the Internal Revenue Code or net earnings 20472  
from self-employment as defined in section 1402(a) of the Internal 20473  
Revenue Code. 20474

(b) If, pursuant to division (H) of former section 718.01 of 20475

the Revised Code as it existed before March 11, 2004, a majority  
of the electors of a municipal corporation voted in favor of the  
question at an election held on November 4, 2003, the municipal  
corporation may continue after 2002 to tax an S corporation  
shareholder's distributive share of net profits of an S  
corporation.

(c) If, on December 6, 2002, a municipal corporation was  
imposing, assessing, and collecting a tax on an S corporation  
shareholder's distributive share of net profits of the S  
corporation to the extent the distributive share would be  
allocated or apportioned to this state under divisions (B)(1) and  
(2) of section 5733.05 of the Revised Code if the S corporation  
were a corporation subject to taxes imposed under Chapter 5733. of  
the Revised Code, the municipal corporation may continue to impose  
the tax on such distributive shares to the extent such shares  
would be so allocated or apportioned to this state only until  
December 31, 2004, unless a majority of the electors of the  
municipal corporation voting on the question of continuing to tax  
such shares after that date voted in favor of that question at an  
election held November 2, 2004. If a majority of those electors  
voted in favor of the question, the municipal corporation may  
continue after December 31, 2004, to impose the tax on such  
distributive shares only to the extent such shares would be so  
allocated or apportioned to this state.

(d) A municipal corporation shall be deemed to have elected  
to tax S corporation shareholders' distributive shares of net  
profits of the S corporation in the hands of the shareholders if a  
majority of the electors of a municipal corporation voted in favor  
of a question at an election held under division (C)(14)(b) or (c)  
of this section. The municipal corporation shall specify by  
resolution or ordinance that the tax applies to the distributive  
share of a shareholder of an S corporation in the hands of the

shareholder of the S corporation. 20508

(15) To the extent authorized under a resolution or ordinance 20509  
adopted by a municipal corporation before January 1, 2016, all or 20510  
a portion of the income of individuals or a class of individuals 20511  
under eighteen years of age. 20512

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 20513  
(d) of this section, qualifying wages described in division (B)(1) 20514  
or (E) of section 718.011 of the Revised Code to the extent the 20515  
qualifying wages are not subject to withholding for the municipal 20516  
corporation under either of those divisions. 20517

(b) The exemption provided in division (C)(16)(a) of this 20518  
section does not apply with respect to the municipal corporation 20519  
in which the employee resided at the time the employee earned the 20520  
qualifying wages. 20521

(c) The exemption provided in division (C)(16)(a) of this 20522  
section does not apply to qualifying wages that an employer elects 20523  
to withhold under division (D)(2) of section 718.011 of the 20524  
Revised Code. 20525

(d) The exemption provided in division (C)(16)(a) of this 20526  
section does not apply to qualifying wages if both of the 20527  
following conditions apply: 20528

(i) For qualifying wages described in division (B)(1) of 20529  
section 718.011 of the Revised Code, the employee's employer 20530  
withholds and remits tax on the qualifying wages to the municipal 20531  
corporation in which the employee's principal place of work is 20532  
situated, or, for qualifying wages described in division (E) of 20533  
section 718.011 of the Revised Code, the employee's employer 20534  
withholds and remits tax on the qualifying wages to the municipal 20535  
corporation in which the employer's fixed location is located; 20536

(ii) The employee receives a refund of the tax described in 20537  
division (C)(16)(d)(i) of this section on the basis of the 20538

employee not performing services in that municipal corporation. 20539

(17)(a) Except as provided in division (C)(17)(b) or (c) of 20540  
this section, compensation that is not qualifying wages paid to a 20541  
nonresident individual for personal services performed in the 20542  
municipal corporation on not more than twenty days in a taxable 20543  
year. 20544

(b) The exemption provided in division (C)(17)(a) of this 20545  
section does not apply under either of the following 20546  
circumstances: 20547

(i) The individual's base of operation is located in the 20548  
municipal corporation. 20549

(ii) The individual is a professional athlete, professional 20550  
entertainer, or public figure, and the compensation is paid for 20551  
the performance of services in the individual's capacity as a 20552  
professional athlete, professional entertainer, or public figure. 20553  
For purposes of division (C)(17)(b)(ii) of this section, 20554  
"professional athlete," "professional entertainer," and "public 20555  
figure" have the same meanings as in section 718.011 of the 20556  
Revised Code. 20557

(c) Compensation to which division (C)(17) of this section 20558  
applies shall be treated as earned or received at the individual's 20559  
base of operation. If the individual does not have a base of 20560  
operation, the compensation shall be treated as earned or received 20561  
where the individual is domiciled. 20562

(d) For purposes of division (C)(17) of this section, "base 20563  
of operation" means the location where an individual owns or rents 20564  
an office, storefront, or similar facility to which the individual 20565  
regularly reports and at which the individual regularly performs 20566  
personal services for compensation. 20567

(18) Compensation paid to a person for personal services 20568  
performed for a political subdivision on property owned by the 20569



political subdivision, regardless of whether the compensation is 20570  
received by an employee of the subdivision or another person 20571  
performing services for the subdivision under a contract with the 20572  
subdivision, if the property on which services are performed is 20573  
annexed to a municipal corporation pursuant to section 709.023 of 20574  
the Revised Code on or after March 27, 2013, unless the person is 20575  
subject to such taxation because of residence. If the compensation 20576  
is subject to taxation because of residence, municipal income tax 20577  
shall be payable only to the municipal corporation of residence. 20578

(19) Income the taxation of which is prohibited by the 20579  
constitution or laws of the United States. 20580

Any item of income that is exempt income of a pass-through 20581  
entity under division (C) of this section is exempt income of each 20582  
owner of the pass-through entity to the extent of that owner's 20583  
distributive or proportionate share of that item of the entity's 20584  
income. 20585

(D)(1) "Net profit" for a person other than an individual 20586  
means adjusted federal taxable income. 20587

(2) "Net profit" for a person who is an individual means the 20588  
individual's net profit required to be reported on schedule C, 20589  
schedule E, or schedule F reduced by any net operating loss 20590  
carried forward. For the purposes of division (D)(2) of this 20591  
section, the net operating loss carried forward shall be 20592  
calculated and deducted in the same manner as provided in division 20593  
(E)(8) of this section. 20594

(3) For the purposes of this chapter, and notwithstanding 20595  
division (D)(1) of this section, net profit of a disregarded 20596  
entity shall not be taxable as against that disregarded entity, 20597  
but shall instead be included in the net profit of the owner of 20598  
the disregarded entity. 20599

(4) For the purposes of this chapter, and notwithstanding any 20600

other provision of this chapter, the net profit of a publicly 20601  
traded partnership that makes the election described in division 20602  
(D)(4) of this section shall be taxed as if the partnership were a 20603  
C corporation, and shall not be treated as the net profit or 20604  
income of any owner of the partnership. 20605

A publicly traded partnership that is treated as a 20606  
partnership for federal income tax purposes and that is subject to 20607  
tax on its net profits in one or more municipal corporations in 20608  
this state may elect to be treated as a C corporation for 20609  
municipal income tax purposes. The publicly traded partnership 20610  
shall make the election in every municipal corporation in which 20611  
the partnership is subject to taxation on its net profits. The 20612  
election shall be made on the annual tax return filed in each such 20613  
municipal corporation. The publicly traded partnership shall not 20614  
be required to file the election with any municipal corporation in 20615  
which the partnership is not subject to taxation on its net 20616  
profits, but division (D)(4) of this section applies to all 20617  
municipal corporations in which an individual owner of the 20618  
partnership resides. 20619

(E) "Adjusted federal taxable income," for a person required 20620  
to file as a C corporation, or for a person that has elected to be 20621  
taxed as a C corporation under division (D)(4) of this section, 20622  
means a C corporation's federal taxable income before net 20623  
operating losses and special deductions as determined under the 20624  
Internal Revenue Code, adjusted as follows: 20625

(1) Deduct intangible income to the extent included in 20626  
federal taxable income. The deduction shall be allowed regardless 20627  
of whether the intangible income relates to assets used in a trade 20628  
or business or assets held for the production of income. 20629

(2) Add an amount equal to five per cent of intangible income 20630  
deducted under division (E)(1) of this section, but excluding that 20631  
portion of intangible income directly related to the sale, 20632

exchange, or other disposition of property described in section 20633  
1221 of the Internal Revenue Code; 20634

(3) Add any losses allowed as a deduction in the computation 20635  
of federal taxable income if the losses directly relate to the 20636  
sale, exchange, or other disposition of an asset described in 20637  
section 1221 or 1231 of the Internal Revenue Code; 20638

(4)(a) Except as provided in division (E)(4)(b) of this 20639  
section, deduct income and gain included in federal taxable income 20640  
to the extent the income and gain directly relate to the sale, 20641  
exchange, or other disposition of an asset described in section 20642  
1221 or 1231 of the Internal Revenue Code; 20643

(b) Division (E)(4)(a) of this section does not apply to the 20644  
extent the income or gain is income or gain described in section 20645  
1245 or 1250 of the Internal Revenue Code. 20646

(5) Add taxes on or measured by net income allowed as a 20647  
deduction in the computation of federal taxable income; 20648

(6) In the case of a real estate investment trust or 20649  
regulated investment company, add all amounts with respect to 20650  
dividends to, distributions to, or amounts set aside for or 20651  
credited to the benefit of investors and allowed as a deduction in 20652  
the computation of federal taxable income; 20653

(7) Deduct, to the extent not otherwise deducted or excluded 20654  
in computing federal taxable income, any income derived from a 20655  
transfer agreement or from the enterprise transferred under that 20656  
agreement under section 4313.02 of the Revised Code; 20657

(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) 20658  
of this section, deduct any net operating loss incurred by the 20659  
person in a taxable year beginning on or after January 1, 2017. 20660

The amount of such net operating loss shall be deducted from 20661  
net profit that is reduced by exempt income to the extent 20662

necessary to reduce municipal taxable income to zero, with any 20663  
remaining unused portion of the net operating loss carried forward 20664  
to not more than five consecutive taxable years following the 20665  
taxable year in which the loss was incurred, but in no case for 20666  
more years than necessary for the deduction to be fully utilized. 20667

(b) No person shall use the deduction allowed by division 20668  
(E)(8) of this section to offset qualifying wages. 20669

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 20670  
or 2022, a person may not deduct, for purposes of an income tax 20671  
levied by a municipal corporation that levies an income tax before 20672  
January 1, 2016, more than fifty per cent of the amount of the 20673  
deduction otherwise allowed by division (E)(8)(a) of this section. 20674

(ii) For taxable years beginning in 2023 or thereafter, a 20675  
person may deduct, for purposes of an income tax levied by a 20676  
municipal corporation that levies an income tax before January 1, 20677  
2016, the full amount allowed by division (E)(8)(a) of this 20678  
section. 20679

(d) Any pre-2017 net operating loss carryforward deduction 20680  
that is available must be utilized before a taxpayer may deduct 20681  
any amount pursuant to division (E)(8) of this section. 20682

(e) Nothing in ~~divisions~~ division (E)(8)(c)(i) ~~and (ii)~~ of 20683  
this section precludes a person from carrying forward, for ~~the~~ 20684  
~~period otherwise permitted under division (E)(8)(a) of this~~ 20685  
~~section use with respect to any return filed for a taxable year~~ 20686  
beginning after 2018, any amount of net operating loss that was 20687  
not fully utilized by operation of ~~divisions~~ division (E)(8)(c)(i) 20688  
~~and (ii)~~ of this section. To the extent that an amount of net 20689  
operating loss that was not fully utilized in one or more taxable 20690  
years by operation of division (E)(8)(c)(i) of this section is 20691  
carried forward for use with respect to a return filed for a 20692  
taxable year beginning in 2019, 2020, 2021, or 2022, the 20693

limitation described in division (E)(8)(c)(i) of this section 20694  
shall apply to the amount carried forward. 20695

(9) Deduct any net profit of a pass-through entity owned 20696  
directly or indirectly by the taxpayer and included in the 20697  
taxpayer's federal taxable income unless an affiliated group of 20698  
corporations includes that net profit in the group's federal 20699  
taxable income in accordance with division (E)(3)(b) of section 20700  
718.06 of the Revised Code. 20701

(10) Add any loss incurred by a pass-through entity owned 20702  
directly or indirectly by the taxpayer and included in the 20703  
taxpayer's federal taxable income unless an affiliated group of 20704  
corporations includes that loss in the group's federal taxable 20705  
income in accordance with division (E)(3)(b) of section 718.06 of 20706  
the Revised Code. 20707

If the taxpayer is not a C corporation, is not a disregarded 20708  
entity that has made the election described in division (L)(2) of 20709  
this section, is not a publicly traded partnership that has made 20710  
the election described in division (D)(4) of this section, and is 20711  
not an individual, the taxpayer shall compute adjusted federal 20712  
taxable income under this section as if the taxpayer were a C 20713  
corporation, except guaranteed payments and other similar amounts 20714  
paid or accrued to a partner, former partner, shareholder, former 20715  
shareholder, member, or former member shall not be allowed as a 20716  
deductible expense unless such payments are in consideration for 20717  
the use of capital and treated as payment of interest under 20718  
section 469 of the Internal Revenue Code or United States treasury 20719  
regulations. Amounts paid or accrued to a qualified self-employed 20720  
retirement plan with respect to a partner, former partner, 20721  
shareholder, former shareholder, member, or former member of the 20722  
taxpayer, amounts paid or accrued to or for health insurance for a 20723  
partner, former partner, shareholder, former shareholder, member, 20724  
or former member, and amounts paid or accrued to or for life 20725

insurance for a partner, former partner, shareholder, former 20726  
shareholder, member, or former member shall not be allowed as a 20727  
deduction. 20728

Nothing in division (E) of this section shall be construed as 20729  
allowing the taxpayer to add or deduct any amount more than once 20730  
or shall be construed as allowing any taxpayer to deduct any 20731  
amount paid to or accrued for purposes of federal self-employment 20732  
tax. 20733

(F) "Schedule C" means internal revenue service schedule C 20734  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 20735  
Code. 20736

(G) "Schedule E" means internal revenue service schedule E 20737  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 20738  
Code. 20739

(H) "Schedule F" means internal revenue service schedule F 20740  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 20741  
Code. 20742

(I) "Internal Revenue Code" has the same meaning as in 20743  
section 5747.01 of the Revised Code. 20744

(J) "Resident" means an individual who is domiciled in the 20745  
municipal corporation as determined under section 718.012 of the 20746  
Revised Code. 20747

(K) "Nonresident" means an individual that is not a resident. 20748

(L)(1) "Taxpayer" means a person subject to a tax levied on 20749  
income by a municipal corporation in accordance with this chapter. 20750  
"Taxpayer" does not include a grantor trust or, except as provided 20751  
in division (L)(2)(a) of this section, a disregarded entity. 20752

(2)(a) A single member limited liability company that is a 20753  
disregarded entity for federal tax purposes may be a separate 20754  
taxpayer from its single member in all Ohio municipal corporations 20755

in which it either filed as a separate taxpayer or did not file 20756  
for its taxable year ending in 2003, if all of the following 20757  
conditions are met: 20758

(i) The limited liability company's single member is also a 20759  
limited liability company. 20760

(ii) The limited liability company and its single member were 20761  
formed and doing business in one or more Ohio municipal 20762  
corporations for at least five years before January 1, 2004. 20763

(iii) Not later than December 31, 2004, the limited liability 20764  
company and its single member each made an election to be treated 20765  
as a separate taxpayer under division (L) of this section as this 20766  
section existed on December 31, 2004. 20767

(iv) The limited liability company was not formed for the 20768  
purpose of evading or reducing Ohio municipal corporation income 20769  
tax liability of the limited liability company or its single 20770  
member. 20771

(v) The Ohio municipal corporation that was the primary place 20772  
of business of the sole member of the limited liability company 20773  
consented to the election. 20774

(b) For purposes of division (L)(2)(a)(v) of this section, a 20775  
municipal corporation was the primary place of business of a 20776  
limited liability company if, for the limited liability company's 20777  
taxable year ending in 2003, its income tax liability was greater 20778  
in that municipal corporation than in any other municipal 20779  
corporation in Ohio, and that tax liability to that municipal 20780  
corporation for its taxable year ending in 2003 was at least four 20781  
hundred thousand dollars. 20782

(M) "Person" includes individuals, firms, companies, joint 20783  
stock companies, business trusts, estates, trusts, partnerships, 20784  
limited liability partnerships, limited liability companies, 20785  
associations, C corporations, S corporations, governmental 20786

entities, and any other entity. 20787

(N) "Pass-through entity" means a partnership not treated as 20788  
an association taxable as a C corporation for federal income tax 20789  
purposes, a limited liability company not treated as an 20790  
association taxable as a C corporation for federal income tax 20791  
purposes, an S corporation, or any other class of entity from 20792  
which the income or profits of the entity are given pass-through 20793  
treatment for federal income tax purposes. "Pass-through entity" 20794  
does not include a trust, estate, grantor of a grantor trust, or 20795  
disregarded entity. 20796

(O) "S corporation" means a person that has made an election 20797  
under subchapter S of Chapter 1 of Subtitle A of the Internal 20798  
Revenue Code for its taxable year. 20799

(P) "Single member limited liability company" means a limited 20800  
liability company that has one direct member. 20801

(Q) "Limited liability company" means a limited liability 20802  
company formed under Chapter 1705. of the Revised Code or under 20803  
the laws of another state. 20804

(R) "Qualifying wages" means wages, as defined in section 20805  
3121(a) of the Internal Revenue Code, without regard to any wage 20806  
limitations, adjusted as follows: 20807

(1) Deduct the following amounts: 20808

(a) Any amount included in wages if the amount constitutes 20809  
compensation attributable to a plan or program described in 20810  
section 125 of the Internal Revenue Code. 20811

(b) Any amount included in wages if the amount constitutes 20812  
payment on account of a disability related to sickness or an 20813  
accident paid by a party unrelated to the employer, agent of an 20814  
employer, or other payer. 20815

(c) Any amount attributable to a nonqualified deferred 20816



compensation plan or program described in section 3121(v)(2)(C) of 20817  
the Internal Revenue Code if the compensation is included in wages 20818  
and the municipal corporation has, by resolution or ordinance 20819  
adopted before January 1, 2016, exempted the amount from 20820  
withholding and tax. 20821

(d) Any amount included in wages if the amount arises from 20822  
the sale, exchange, or other disposition of a stock option, the 20823  
exercise of a stock option, or the sale, exchange, or other 20824  
disposition of stock purchased under a stock option and the 20825  
municipal corporation has, by resolution or ordinance adopted 20826  
before January 1, 2016, exempted the amount from withholding and 20827  
tax. 20828

(e) Any amount included in wages that is exempt income. 20829

(2) Add the following amounts: 20830

(a) Any amount not included in wages solely because the 20831  
employee was employed by the employer before April 1, 1986. 20832

(b) Any amount not included in wages because the amount 20833  
arises from the sale, exchange, or other disposition of a stock 20834  
option, the exercise of a stock option, or the sale, exchange, or 20835  
other disposition of stock purchased under a stock option and the 20836  
municipal corporation has not, by resolution or ordinance, 20837  
exempted the amount from withholding and tax adopted before 20838  
January 1, 2016. Division (R)(2)(b) of this section applies only 20839  
to those amounts constituting ordinary income. 20840

(c) Any amount not included in wages if the amount is an 20841  
amount described in section 401(k), 403(b), or 457 of the Internal 20842  
Revenue Code. Division (R)(2)(c) of this section applies only to 20843  
employee contributions and employee deferrals. 20844

(d) Any amount that is supplemental unemployment compensation 20845  
benefits described in section 3402(o)(2) of the Internal Revenue 20846  
Code and not included in wages. 20847

(e) Any amount received that is treated as self-employment 20848  
income for federal tax purposes in accordance with section 20849  
1402(a)(8) of the Internal Revenue Code. 20850

(f) Any amount not included in wages if all of the following 20851  
apply: 20852

(i) For the taxable year the amount is employee compensation 20853  
that is earned outside of the United States and that either is 20854  
included in the taxpayer's gross income for federal income tax 20855  
purposes or would have been included in the taxpayer's gross 20856  
income for such purposes if the taxpayer did not elect to exclude 20857  
the income under section 911 of the Internal Revenue Code; 20858

(ii) For no preceding taxable year did the amount constitute 20859  
wages as defined in section 3121(a) of the Internal Revenue Code; 20860

(iii) For no succeeding taxable year will the amount 20861  
constitute wages; and 20862

(iv) For any taxable year the amount has not otherwise been 20863  
added to wages pursuant to either division (R)(2) of this section 20864  
or section 718.03 of the Revised Code, as that section existed 20865  
before the effective date of H.B. 5 of the 130th general assembly, 20866  
March 23, 2015. 20867

(S) "Intangible income" means income of any of the following 20868  
types: income yield, interest, capital gains, dividends, or other 20869  
income arising from the ownership, sale, exchange, or other 20870  
disposition of intangible property including, but not limited to, 20871  
investments, deposits, money, or credits as those terms are 20872  
defined in Chapter 5701. of the Revised Code, and patents, 20873  
copyrights, trademarks, tradenames, investments in real estate 20874  
investment trusts, investments in regulated investment companies, 20875  
and appreciation on deferred compensation. "Intangible income" 20876  
does not include prizes, awards, or other income associated with 20877  
any lottery winnings, gambling winnings, or other similar games of 20878

chance.	20879
(T) "Taxable year" means the corresponding tax reporting	20880
period as prescribed for the taxpayer under the Internal Revenue	20881
Code.	20882
(U) "Tax administrator" means the individual charged with	20883
direct responsibility for administration of an income tax levied	20884
by a municipal corporation in accordance with this chapter, and	20885
also includes the following:	20886
(1) A municipal corporation acting as the agent of another	20887
municipal corporation;	20888
(2) A person retained by a municipal corporation to	20889
administer a tax levied by the municipal corporation, but only if	20890
the municipal corporation does not compensate the person in whole	20891
or in part on a contingency basis;	20892
(3) The central collection agency or the regional income tax	20893
agency or their successors in interest, or another entity	20894
organized to perform functions similar to those performed by the	20895
central collection agency and the regional income tax agency.	20896
(V) "Employer" means a person that is an employer for federal	20897
income tax purposes.	20898
(W) "Employee" means an individual who is an employee for	20899
federal income tax purposes.	20900
(X) "Other payer" means any person, other than an	20901
individual's employer or the employer's agent, that pays an	20902
individual any amount included in the federal gross income of the	20903
individual. "Other payer" includes casino operators and video	20904
lottery terminal sales agents.	20905
(Y) "Calendar quarter" means the three-month period ending on	20906
the last day of March, June, September, or December.	20907
(Z) "Form 2106" means internal revenue service form 2106	20908

filed by a taxpayer pursuant to the Internal Revenue Code. 20909

(AA) "Municipal corporation" includes a joint economic 20910  
development district or joint economic development zone that 20911  
levies an income tax under section 715.691, 715.70, 715.71, or 20912  
715.74 of the Revised Code. 20913

(BB) "Disregarded entity" means a single member limited 20914  
liability company, a qualifying subchapter S subsidiary, or 20915  
another entity if the company, subsidiary, or entity is a 20916  
disregarded entity for federal income tax purposes. 20917

(CC) "Generic form" means an electronic or paper form that is 20918  
not prescribed by a particular municipal corporation and that is 20919  
designed for reporting taxes withheld by an employer, agent of an 20920  
employer, or other payer, estimated municipal income taxes, or 20921  
annual municipal income tax liability or for filing a refund 20922  
claim. 20923

(DD) "Tax return preparer" means any individual described in 20924  
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 20925  
301.7701-15. 20926

(EE) "Ohio business gateway" means the online computer 20927  
network system, created under section 125.30 of the Revised Code, 20928  
that allows persons to electronically file business reply forms 20929  
with state agencies and includes any successor electronic filing 20930  
and payment system. 20931

(FF) "Local board of tax review" and "board of tax review" 20932  
mean the entity created under section 718.11 of the Revised Code. 20933

(GG) "Net operating loss" means a loss incurred by a person 20934  
in the operation of a trade or business. "Net operating loss" does 20935  
not include unutilized losses resulting from basis limitations, 20936  
at-risk limitations, or passive activity loss limitations. 20937

(HH) "Casino operator" and "casino facility" have the same 20938

meanings as in section 3772.01 of the Revised Code.	20939
(II) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.	20940 20941
(JJ) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Revised Code.	20942 20943 20944 20945
(KK) "Postal service" means the United States postal service.	20946
(LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code.	20947 20948 20949
(MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of section 5703.056 of the Revised Code.	20950 20951 20952
(NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.	20953 20954 20955 20956 20957 20958 20959 20960 20961 20962
(OO) "Related entity" means any of the following:	20963
(1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the	20964 20965 20966 20967 20968

value of the taxpayer's outstanding stock; 20969

(2) A stockholder, or a stockholder's partnership, estate, 20970  
trust, or corporation, if the stockholder and the stockholder's 20971  
partnerships, estates, trusts, or corporations own directly, 20972  
indirectly, beneficially, or constructively, in the aggregate, at 20973  
least fifty per cent of the value of the taxpayer's outstanding 20974  
stock; 20975

(3) A corporation, or a party related to the corporation in a 20976  
manner that would require an attribution of stock from the 20977  
corporation to the party or from the party to the corporation 20978  
under division (OO)(4) of this section, provided the taxpayer owns 20979  
directly, indirectly, beneficially, or constructively, at least 20980  
fifty per cent of the value of the corporation's outstanding 20981  
stock; 20982

(4) The attribution rules described in section 318 of the 20983  
Internal Revenue Code apply for the purpose of determining whether 20984  
the ownership requirements in divisions (OO)(1) to (3) of this 20985  
section have been met. 20986

(PP)(1) "Assessment" means a written finding by the tax 20987  
administrator that a person has underpaid municipal income tax, or 20988  
owes penalty and interest, or any combination of tax, penalty, or 20989  
interest, to the municipal corporation that commences the person's 20990  
time limitation for making an appeal to the local board of tax 20991  
review pursuant to section 718.11 of the Revised Code, and has 20992  
"ASSESSMENT" written in all capital letters at the top of such 20993  
finding. 20994

(2) "Assessment" does not include an informal notice denying 20995  
a request for refund issued under division (B)(3) of section 20996  
718.19 of the Revised Code, a billing statement notifying a 20997  
taxpayer of current or past-due balances owed to the municipal 20998  
corporation, a tax administrator's request for additional 20999

information, a notification to the taxpayer of mathematical 21000  
errors, or a tax administrator's other written correspondence to a 21001  
person or taxpayer that does meet the criteria prescribed by 21002  
division (PP)(1) of this section. 21003

(QQ) "Taxpayers' rights and responsibilities" means the 21004  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 21005  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 21006  
Revised Code and the responsibilities of taxpayers to file, 21007  
report, withhold, remit, and pay municipal income tax and 21008  
otherwise comply with Chapter 718. of the Revised Code and 21009  
resolutions, ordinances, and rules adopted by a municipal 21010  
corporation for the imposition and administration of a municipal 21011  
income tax. 21012

(RR) "Qualified municipal corporation" means a municipal 21013  
corporation that, by resolution or ordinance adopted on or before 21014  
December 31, 2011, adopted Ohio adjusted gross income, as defined 21015  
by section 5747.01 of the Revised Code, as the income subject to 21016  
tax for the purposes of imposing a municipal income tax. 21017

(SS)(1) "Pre-2017 net operating loss carryforward" means any 21018  
net operating loss incurred in a taxable year beginning before 21019  
January 1, 2017, to the extent such loss was permitted, by a 21020  
resolution or ordinance of the municipal corporation that was 21021  
adopted by the municipal corporation before January 1, 2016, to be 21022  
carried forward and utilized to offset income or net profit 21023  
generated in such municipal corporation in future taxable years. 21024

(2) For the purpose of calculating municipal taxable income, 21025  
any pre-2017 net operating loss carryforward may be carried 21026  
forward to any taxable year, including taxable years beginning in 21027  
2017 or thereafter, for the number of taxable years provided in 21028  
the resolution or ordinance or until fully utilized, whichever is 21029  
earlier. 21030

(TT) "Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(UU) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person for the purpose of determining liability for a municipal income tax.

(VV) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

**Sec. 718.04.** (A) Notwithstanding division (A) of section 715.013 of the Revised Code, a municipal corporation may levy a tax on income and a withholding tax if such taxes are levied in accordance with the provisions and limitations specified in this chapter. On or after January 1, 2016, the ordinance or resolution levying such taxes, as adopted or amended by the legislative



authority of the municipal corporation, shall include all of the 21062  
following: 21063

(1) A statement that the tax is an annual tax levied on the 21064  
income of every person residing in or earning or receiving income 21065  
in the municipal corporation and that the tax shall be measured by 21066  
municipal taxable income; 21067

(2) A statement that the municipal corporation is levying the 21068  
tax in accordance with the limitations specified in this chapter 21069  
and that the resolution or ordinance thereby incorporates the 21070  
provisions of this chapter; 21071

(3) The rate of the tax; 21072

(4) Whether, and the extent to which, a credit, as described 21073  
in division (D) of this section, will be allowed against the tax; 21074

(5) The purpose or purposes of the tax; 21075

(6) Any other provision necessary for the administration of 21076  
the tax, provided that the provision does not conflict with any 21077  
provision of this chapter. 21078

(B) Any municipal corporation that, on or before ~~the~~ 21079  
~~effective date of the enactment of this section~~ March 23, 2015, 21080  
levies an income tax at a rate in excess of one per cent may 21081  
continue to levy the tax at the rate specified in the original 21082  
ordinance or resolution, provided that such rate continues in 21083  
effect as specified in the original ordinance or resolution. 21084

(C)(1) No municipal corporation shall tax income at other 21085  
than a uniform rate. 21086

(2) Except as provided in division (B) of this section, no 21087  
municipal corporation shall levy a tax on income at a rate in 21088  
excess of one per cent without having obtained the approval of the 21089  
excess by a majority of the electors of the municipality voting on 21090  
the question at a general, primary, or special election. The 21091

legislative authority of the municipal corporation shall file with 21092  
the board of elections at least ninety days before the day of the 21093  
election a copy of the ordinance together with a resolution 21094  
specifying the date the election is to be held and directing the 21095  
board of elections to conduct the election. The ballot shall be in 21096  
the following form: "Shall the Ordinance providing for a ... per 21097  
cent levy on income for (Brief description of the purpose of the 21098  
proposed levy) be passed? 21099

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

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In the event of an affirmative vote, the proceeds of the levy may 21104  
be used only for the specified purpose. 21105

(D) A municipal corporation may, by ordinance or resolution, 21106  
grant a credit to residents of the municipal corporation for all 21107  
or a portion of the taxes paid to any municipal corporation, in 21108  
this state or elsewhere, by the resident or by a pass-through 21109  
entity owned, directly or indirectly, by a resident, on the 21110  
resident's distributive or proportionate share of the income of 21111  
the pass-through entity. A municipal corporation is not required 21112  
to refund taxes not paid to the municipal corporation. 21113

(E) Except as otherwise provided in this chapter, a municipal 21114  
corporation that levies an income tax in effect for taxable years 21115  
beginning before January 1, 2016, may continue to administer and 21116  
enforce the provisions of such tax for all taxable years beginning 21117  
before January 1, 2016, provided that the provisions of such tax 21118  
are consistent with this chapter as it existed prior to ~~the~~ 21119  
~~effective date of the enactment of this section~~ March 23, 2015. 21120

(F) Nothing in this chapter authorizes a municipal 21121  
corporation to levy a tax on income, or to administer or collect 21122

such a tax or penalties or interest related to such a tax, 21123  
contrary to the provisions and limitations specified in this 21124  
chapter. No municipal corporation shall enforce an ordinance or 21125  
resolution that conflicts with the provisions of this chapter. 21126

(G)(1) Division (G) of this section applies to a municipal 21127  
corporation that, at the time of entering into a written agreement 21128  
under division (G)(2) of this section, shares the same territory 21129  
as a city, local, or exempted village school district, to the 21130  
extent that not more than thirty per cent of the territory of the 21131  
municipal corporation is located outside the school district and a 21132  
portion of the territory of the school district that is not 21133  
located within the municipal corporation is located within another 21134  
municipal corporation having a population of four hundred thousand 21135  
or more according to the federal decennial census most recently 21136  
completed before the agreement is entered into under division 21137  
(G)(2) of this section. 21138

(2) The legislative authority of a municipal corporation to 21139  
which division (G) of this section applies may propose to the 21140  
electors an income tax, one of the purposes of which shall be to 21141  
provide financial assistance to the school district described in 21142  
division (G)(1) of this section. Prior to proposing the tax, the 21143  
legislative authority shall negotiate and enter into a written 21144  
agreement with the board of education of that school district 21145  
specifying the tax rate; the percentage or amount of tax revenue 21146  
to be paid to the school district or the method of establishing or 21147  
determining that percentage or amount, which may be subject to 21148  
change periodically; the purpose for which the school district 21149  
will use the money; the first year the tax will be levied; the 21150  
date of the election on the question of the tax; and the method 21151  
and schedule by which, and the conditions under which, the 21152  
municipal corporation will make payments to the school district. 21153  
The tax shall otherwise comply with the provisions and limitations 21154

specified in this chapter. 21155

**Sec. 718.05.** (A) An annual return with respect to the income 21156  
tax levied by a municipal corporation shall be completed and filed 21157  
by every taxpayer for any taxable year for which the taxpayer is 21158  
liable for the tax. If the total credit allowed against the tax as 21159  
described in division (D) of section 718.04 of the Revised Code 21160  
for the year is equal to or exceeds the tax imposed by the 21161  
municipal corporation, no return shall be required unless the 21162  
municipal ordinance or resolution levying the tax requires the 21163  
filing of a return in such circumstances. 21164

(B) If an individual is deceased, any return or notice 21165  
required of that individual shall be completed and filed by that 21166  
decedent's executor, administrator, or other person charged with 21167  
the property of that decedent. 21168

(C) If an individual is unable to complete and file a return 21169  
or notice required by a municipal corporation in accordance with 21170  
this chapter, the return or notice required of that individual 21171  
shall be completed and filed by the individual's duly authorized 21172  
agent, guardian, conservator, fiduciary, or other person charged 21173  
with the care of the person or property of that individual. 21174

(D) Returns or notices required of an estate or a trust shall 21175  
be completed and filed by the fiduciary of the estate or trust. 21176

(E) No municipal corporation shall deny spouses the ability 21177  
to file a joint return. 21178

(F)(1) Each return required to be filed under this section 21179  
shall contain the signature of the taxpayer or the taxpayer's duly 21180  
authorized agent and of the person who prepared the return for the 21181  
taxpayer, and shall include the taxpayer's social security number 21182  
or taxpayer identification number. Each return shall be verified 21183  
by a declaration under penalty of perjury. 21184

(2) A tax administrator may require a taxpayer who is an individual to include, with each annual return, amended return, or request for refund required under this section, copies of only the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040 or, in the case of a return or request required by a qualified municipal corporation, Ohio form IT-1040; and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the tax administrator unless the tax administrator requests such copies after the return has been filed.

(3) A tax administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio business gateway or in some other manner shall either mail the documents required under this division to the tax administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio business gateway. The department

of taxation shall publish a method of electronically submitting 21217  
the documents required under this division through the Ohio 21218  
business gateway on or before January 1, 2016. The department 21219  
shall transmit all documents submitted electronically under this 21220  
division to the appropriate tax administrator. 21221

(4) After a taxpayer files a tax return, the tax 21222  
administrator may request, and the taxpayer shall provide, any 21223  
information, statements, or documents required by the municipal 21224  
corporation to determine and verify the taxpayer's municipal 21225  
income tax liability. The requirements imposed under division (F) 21226  
of this section apply regardless of whether the taxpayer files on 21227  
a generic form or on a form prescribed by the tax administrator. 21228

(G)(1)(a) Except as otherwise provided in this chapter, each 21229  
individual income tax return required to be filed under this 21230  
section shall be completed and filed as required by the tax 21231  
administrator on or before the date prescribed for the filing of 21232  
state individual income tax returns under division (G) of section 21233  
5747.08 of the Revised Code. The taxpayer shall complete and file 21234  
the return or notice on forms prescribed by the tax administrator 21235  
or on generic forms, together with remittance made payable to the 21236  
municipal corporation or tax administrator. No remittance is 21237  
required if the amount shown to be due is ten dollars or less. 21238

(b) Except as otherwise provided in this chapter, each annual 21239  
net profit return required to be filed under this section by a 21240  
taxpayer that is not an individual shall be completed and filed as 21241  
required by the tax administrator on or before the fifteenth day 21242  
of the fourth month following the end of the taxpayer's taxable 21243  
year. The taxpayer shall complete and file the return or notice on 21244  
forms prescribed by the tax administrator or on generic forms, 21245  
together with remittance made payable to the municipal corporation 21246  
or tax administrator. No remittance is required if the amount 21247  
shown to be due is ten dollars or less. 21248

(2)(a) Any taxpayer that has duly requested an automatic 21249  
six-month extension for filing the taxpayer's federal income tax 21250  
return shall automatically receive an extension for the filing of 21251  
a municipal income tax return. The extended due date of the 21252  
municipal income tax return shall be the fifteenth day of the 21253  
tenth month after the last day of the taxable year to which the 21254  
return relates. ~~An~~ 21255

(b) A taxpayer that has not requested or received a six-month 21256  
extension for filing the taxpayer's federal income tax return may 21257  
request that the tax administrator grant the taxpayer a six-month 21258  
extension of the date for filing the taxpayer's municipal income 21259  
tax return. If the request is received by the tax administrator on 21260  
or before the date the municipal income tax return is due, the tax 21261  
administrator shall grant the taxpayer's requested extension. 21262

(c) An extension of time to file under ~~this~~ division (G)(2) 21263  
of this section is not an extension of the time to pay any tax due 21264  
unless the tax administrator grants an extension of that date. 21265

(3) If the tax commissioner extends for all taxpayers the 21266  
date for filing state income tax returns under division (G) of 21267  
section 5747.08 of the Revised Code, a taxpayer shall 21268  
automatically receive an extension for the filing of a municipal 21269  
income tax return. The extended due date of the municipal income 21270  
tax return shall be the same as the extended due date of the state 21271  
income tax return. 21272

(4) If the tax administrator considers it necessary in order 21273  
to ensure the payment of the tax imposed by the municipal 21274  
corporation in accordance with this chapter, the tax administrator 21275  
may require taxpayers to file returns and make payments otherwise 21276  
than as provided in this section, including taxpayers not 21277  
otherwise required to file annual returns. 21278

(5) To the extent that any provision in this division 21279

conflicts with any provision in section 718.052 of the Revised Code, the provision in that section prevails.

(H)(1) For taxable years beginning after 2015, a municipal corporation shall not require a taxpayer to remit tax with respect to net profits if the amount due is less than ten dollars.

(2) Any taxpayer not required to remit tax to a municipal corporation for a taxable year pursuant to division (H)(1) of this section shall file with the municipal corporation an annual net profit return under division (F)(3) of this section.

(I) This division shall not apply to payments required to be made under division (B)(1)(a) or (2)(a) of section 718.03 of the Revised Code.

(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the tax administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) If a payment is required to be made by electronic funds transfer, the payment is considered to be made when the payment is credited to an account designated by the tax administrator for the receipt of tax payments, except that, when a payment made by electronic funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be



made when the taxpayer submitted the payment. 21311

(J) The amounts withheld by an employer, the agent of an 21312  
employer, or an other payer as described in section 718.03 of the 21313  
Revised Code shall be allowed to the recipient of the compensation 21314  
as credits against payment of the tax imposed on the recipient by 21315  
the municipal corporation, unless the amounts withheld were not 21316  
remitted to the municipal corporation and the recipient colluded 21317  
with the employer, agent, or other payer in connection with the 21318  
failure to remit the amounts withheld. 21319

(K) Each return required by a municipal corporation to be 21320  
filed in accordance with this section shall include a box that the 21321  
taxpayer may check to authorize another person, including a tax 21322  
return preparer who prepared the return, to communicate with the 21323  
tax administrator about matters pertaining to the return. The 21324  
return or instructions accompanying the return shall indicate that 21325  
by checking the box the taxpayer authorizes the tax administrator 21326  
to contact the preparer or other person concerning questions that 21327  
arise during the examination or other review of the return and 21328  
authorizes the preparer or other person only to provide the tax 21329  
administrator with information that is missing from the return, to 21330  
contact the tax administrator for information about the 21331  
examination or other review of the return or the status of the 21332  
taxpayer's refund or payments, and to respond to notices about 21333  
mathematical errors, offsets, or return preparation that the 21334  
taxpayer has received from the tax administrator and has shown to 21335  
the preparer or other person. 21336

(L) The tax administrator of a municipal corporation shall 21337  
accept for filing a generic form of any income tax return, report, 21338  
or document required by the municipal corporation in accordance 21339  
with this chapter, provided that the generic form, once completed 21340  
and filed, contains all of the information required by ordinance, 21341  
resolution, or rules adopted by the municipal corporation or tax 21342

administrator, and provided that the taxpayer or tax return 21343  
preparer filing the generic form otherwise complies with the 21344  
provisions of this chapter and of the municipal corporation 21345  
ordinance or resolution governing the filing of returns, reports, 21346  
or documents. 21347

(M) When income tax returns, reports, or other documents 21348  
require the signature of a tax return preparer, the tax 21349  
administrator shall accept a facsimile of such a signature in lieu 21350  
of a manual signature. 21351

(N)(1) As used in this division, "worksite location" has the 21352  
same meaning as in section 718.011 of the Revised Code. 21353

(2) A person may notify a tax administrator that the person 21354  
does not expect to be a taxpayer with respect to the municipal 21355  
corporation for a taxable year if both of the following conditions 21356  
apply: 21357

(a) The person was required to file a tax return with the 21358  
municipal corporation for the immediately preceding taxable year 21359  
because the person performed services at a worksite location 21360  
within that municipal corporation. 21361

(b) The person no longer provides services in the municipal 21362  
corporation and does not expect to be subject to the municipal 21363  
corporation's income tax for the taxable year. 21364

The person shall provide the notice in a signed affidavit 21365  
that briefly explains the person's circumstances, including the 21366  
location of the previous worksite location and the last date on 21367  
which the person performed services or made any sales within the 21368  
municipal corporation. The affidavit also shall include the 21369  
following statement: "The affiant has no plans to perform any 21370  
services within the municipal corporation, make any sales in the 21371  
municipal corporation, or otherwise become subject to the tax 21372  
levied by the municipal corporation during the taxable year. If 21373

the affiant does become subject to the tax levied by the municipal corporation for the taxable year, the affiant agrees to be considered a taxpayer and to properly register as a taxpayer with the municipal corporation if such a registration is required by the municipal corporation's resolutions, ordinances, or rules." 21374  
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The person shall sign the affidavit under penalty of perjury. 21379

(c) If a person submits an affidavit described in division (N)(2) of this section, the tax administrator shall not require the person to file any tax return for the taxable year unless the tax administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change. Nothing in division (N) of this section prohibits the tax administrator from performing an audit of the person. 21380  
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**Sec. 718.07.** ~~On and after January 1, 2002, each~~ The tax administrator of a municipal corporation that imposes a tax on income in accordance with this chapter shall make electronic versions of any rules or ordinances governing the tax available to the public through the internet, including, but not limited to, ordinances or rules governing the rate of tax; payment and withholding of taxes; filing any prescribed returns, reports, or other documents; dates for filing or paying taxes, including estimated taxes; penalties, interest, assessment, and other collection remedies; rights of taxpayers to appeal; and procedures for filing appeals; and a summary of taxpayers' rights and responsibilities. ~~On and after that date, any municipal corporation that requires taxpayers to file income tax returns, reports, or other documents~~ The tax administrator shall make blanks of such any prescribed returns, reports, or documents, and any instructions pertaining thereto, available to the public electronically through the internet. Electronic versions of rules, ordinances, blanks, and instructions shall be made available either by posting them on the electronic site established by the 21387  
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tax commissioner under section 5703.49 of the Revised Code ~~or~~ and, 21406  
if the municipal corporation or tax administrator maintains an 21407  
electronic site for the posting of such documents that is 21408  
accessible through the internet, by posting them on ~~an~~ that 21409  
electronic site ~~established by the municipal corporation that is~~ 21410  
~~accessible through the internet.~~ If a municipal corporation or tax 21411  
administrator establishes such an electronic site, the municipal 21412  
corporation shall incorporate an electronic link between that site 21413  
and the site established pursuant to section 5703.49 of the 21414  
Revised Code, and shall provide to the tax commissioner the 21415  
uniform resource locator of the site established pursuant to this 21416  
division. 21417

**Sec. 731.59.** All securities belonging to the treasury of any 21418  
municipal corporation or to any fund thereof, other than the 21419  
sinking fund, may be placed in the custody of any member of the 21420  
federal reserve banking system, upon the issuance by such member 21421  
of its custodian or other bailment receipt to the treasurer of the 21422  
municipal corporation. Such custody shall be as a qualified 21423  
trustee pursuant to division ~~(D)~~(E) of section 135.18 of the 21424  
Revised Code, which shall be required to report to the treasurer, 21425  
auditor of state, or an authorized outside auditor at any time 21426  
upon request as to the identity, market value, and location of the 21427  
document evidencing each security. Such securities, if not kept in 21428  
the custody of a member of the federal reserve banking system, 21429  
shall be in the custody of such treasurer and shall be kept ~~by him~~ 21430  
in a safe deposit box or vault belonging to a regular depository 21431  
of the municipal corporation. If such securities are so kept, such 21432  
safe deposit box or vault shall be opened only in the presence of 21433  
one or more of the three officers named in section 731.57 of the 21434  
Revised Code, and only upon a warrant or order of the chief 21435  
accounting officer directing the deposit or removal of securities 21436  
purchased or sold or the clipping of interest coupons for 21437

collection. A report of whatever is placed in or removed from such 21438  
safe deposit box or vault upon any such occasion shall be signed 21439  
by the treasurer and by the witness required by this section, and 21440  
shall be returned to the chief accounting officer upon the same 21441  
day. Whenever any securities are so held for the municipal 21442  
corporation the officers having power to make such investments 21443  
shall be bonded in amounts to be stipulated by ordinance. Such 21444  
bonds may cover other contingencies in which such officers might 21445  
become liable to the municipal corporation. In the event 21446  
securities are deposited with a member of the federal reserve 21447  
banking system, such securities may be withdrawn or sold only upon 21448  
order of the three officers named in such section. 21449

All investments, except for investments by the municipal 21450  
corporation in the issues of such municipal corporation, shall be 21451  
made only through a member of the national association of 21452  
securities dealers, inc., through a bank, savings bank, or savings 21453  
and loan association regulated by the superintendent of financial 21454  
institutions, or through an institution regulated by the 21455  
comptroller of the currency, federal deposit insurance 21456  
corporation, board of governors of the federal reserve system, or 21457  
federal home loan bank board. Payment for investments shall be 21458  
made only upon the delivery of securities representing such 21459  
investments to the treasurer or qualified trustee. If the 21460  
securities transferred are not represented by a certificate, 21461  
payment shall be made only upon receipt of confirmation of 21462  
transfer from the custodian by the treasurer, governing board, or 21463  
qualified trustee. 21464

**Sec. 737.41.** (A) The legislative authority of a municipal 21465  
corporation in which is established a municipal court, other than 21466  
a county-operated municipal court, that has a department of 21467  
probation shall establish in the municipal treasury a municipal 21468  
probation services fund. The fund shall contain all moneys paid to 21469

the treasurer of the municipal corporation under section 2951.021 21470  
of the Revised Code for deposit into the fund. The treasurer of 21471  
the municipal corporation shall disburse the money contained in 21472  
the fund at the request of the municipal court department of 21473  
probation, for use only by that department for specialized staff, 21474  
purchase of equipment, purchase of services, reconciliation 21475  
programs for offenders and victims, other treatment programs, 21476  
including community addiction services providers ~~certified under~~ 21477  
~~section 5119.36 of the Revised Code~~, determined to be appropriate 21478  
by the chief probation officer, and other similar expenses related 21479  
to placing offenders under a community control sanction. 21480

(B) Any money in a municipal probation services fund at the 21481  
end of a fiscal year shall not revert to the treasury of the 21482  
municipal corporation but shall be retained in the fund. 21483

(C) As used in this section: 21484

(1) "County-operated municipal court" has the same meaning as 21485  
in section 1901.03 of the Revised Code. 21486

(2) "Community addiction services provider" has the same 21487  
meaning as in section 5119.01 of the Revised Code. 21488

(3) "Community control sanction" has the same meaning as in 21489  
section 2929.01 of the Revised Code. 21490

**Sec. 742.114.** (A) As used in this section and in section 21491  
742.116 of the Revised Code: 21492

(1) "Agent" means a dealer, as defined in section 1707.01 of 21493  
the Revised Code, who is licensed under sections 1707.01 to 21494  
1707.45 of the Revised Code or under comparable laws of another 21495  
state or of the United States. 21496

(2) "Minority business enterprise" has the same meaning as in 21497  
section 122.71 of the Revised Code. 21498

(3) "Ohio-qualified agent" means an agent designated as such 21499

by the board of trustees of the fund.	21500
(4) "Ohio-qualified investment manager" means an investment manager designated as such by the board of trustees of the fund.	21501 21502
(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.	21503 21504 21505 21506
(B) The board of trustees of the fund shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:	21507 21508 21509
(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	21510 21511
(2) The agent is authorized to conduct business in this state;	21512 21513
(3) The agent maintains a principal place of business in this state and employs at least five residents of this state.	21514 21515
(C) The board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following:	21516 21517 21518 21519
(1) Commissions charged by the agent, both in the aggregate and on a per share basis;	21520 21521
(2) The execution speed and trade settlement capabilities of the agent;	21522 21523
(3) The responsiveness, reliability, and integrity of the agent;	21524 21525
(4) The nature and value of research provided by the agent;	21526
(5) Any special capabilities of the agent.	21527
(D)(1) The board shall, at least annually, establish a policy	21528

with the goal to increase utilization by the board of 21529  
Ohio-qualified agents for the execution of domestic equity and 21530  
fixed-income trades on behalf of the retirement system, when an 21531  
Ohio-qualified agent offers quality, services, and safety 21532  
comparable to other agents otherwise available to the board and 21533  
meets the criteria established under division (C) of this section. 21534

(2) The board shall review, at least annually, the 21535  
performance of the agents that execute securities transactions on 21536  
behalf of the board. 21537

(3) The board shall determine whether an agent is an 21538  
Ohio-qualified agent, meets the criteria established by the board 21539  
pursuant to division (C) of this section, and offers quality, 21540  
services, and safety comparable to other agents otherwise 21541  
available to the board. The board's determination shall be final. 21542

~~(E) The board shall, at least annually, submit to the Ohio 21543  
retirement study council a report containing the following 21544  
information:~~ 21545

~~(1) The name of each agent designated as an Ohio qualified 21546  
agent under this section:~~ 21547

~~(2) The name of each agent that executes securities 21548  
transactions on behalf of the board:~~ 21549

~~(3) The amount of equity and fixed income trades that are 21550  
executed by Ohio qualified agents, expressed as a percentage of 21551  
all equity and fixed income trades that are executed by agents on 21552  
behalf of the board:~~ 21553

~~(4) The compensation paid to Ohio qualified agents, expressed 21554  
as a percentage of total compensation paid to all agents that 21555  
execute securities transactions on behalf of the board:~~ 21556

~~(5) The amount of equity and fixed income trades that are 21557  
executed by agents that are minority business enterprises,~~ 21558



~~expressed as a percentage of all equity and fixed income trades 21559  
that are executed by agents on behalf of the board; 21560~~

~~(6) Any other information requested by the Ohio retirement 21561  
study council regarding the board's use of agents. 21562~~

**Sec. 742.116.** (A) The board of trustees of the pension fund 21563  
shall, for the purposes of this section, designate an investment 21564  
manager as an Ohio-qualified investment manager if the investment 21565  
manager meets all of the following requirements: 21566

(1) The investment manager is subject to taxation under 21567  
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code; 21568

(2) The investment manager meets one of the following 21569  
requirements: 21570

(a) Has its corporate headquarters or principal place of 21571  
business in this state; 21572

(b) Employs at least five hundred individuals in this state; 21573

(c) Has a principal place of business in this state and 21574  
employs at least ~~20~~ twenty residents of this state. 21575

(B)(1) The board shall, at least annually, establish a policy 21576  
with the goal to increase utilization by the board of 21577  
Ohio-qualified investment managers, when an Ohio-qualified 21578  
investment manager offers quality, services, and safety comparable 21579  
to other investment managers otherwise available to the board. The 21580  
policy shall also provide for the following: 21581

(a) A process whereby the board can develop a list of 21582  
Ohio-qualified investment managers and their investment products; 21583

(b) A process whereby the board can give public notice to 21584  
Ohio-qualified investment managers of the board's search for an 21585  
investment manager that includes the board's search criteria. 21586

(2) The board shall determine whether an investment manager 21587

is an Ohio-qualified investment manager and whether the investment 21588  
manager offers quality, services, and safety comparable to other 21589  
investment managers otherwise available to the board. The board's 21590  
determination shall be final. 21591

~~(C) The board shall, at least annually, submit to the Ohio 21592  
retirement study council a report containing the following 21593  
information: 21594~~

~~(1) The name of each investment manager designated as an 21595  
Ohio-qualified investment manager under this section; 21596~~

~~(2) The name of each investment manager with which the board 21597  
contracts; 21598~~

~~(3) The amount of assets managed by Ohio-qualified investment 21599  
managers, expressed as a percentage of the total assets held by 21600  
the retirement system and as a percentage of assets managed by 21601  
investment managers with which the board has contracted; 21602~~

~~(4) The compensation paid to Ohio-qualified investment 21603  
managers, expressed as a percentage of total compensation paid to 21604  
all investment managers with which the board has contracted; 21605~~

~~(5) Any other information requested by the Ohio retirement 21606  
study council regarding the board's use of investment managers. 21607~~

Sec. 742.391. Upon a member's receiving a disability benefit 21608  
under section 742.38 or 742.39 of the Revised Code for 21609  
post-traumatic stress disorder without an accompanying physical 21610  
injury, the board of trustees of the Ohio police and fire pension 21611  
fund shall notify the administrator of workers' compensation of 21612  
all of the following: 21613

(A) The name of the member; 21614

(B) That the member's post-traumatic stress disorder, without 21615  
an accompanying physical injury, qualifies that member for a 21616  
disability benefit under section 742.38 or 742.39 of the Revised 21617

<u>Code;</u>	21618
<u>(C) The effective date of the member's disability benefit;</u>	21619
<u>(D) The date that payments for the member's disability benefit commence.</u>	21620 21621
<b>Sec. 742.41.</b> (A) As used in this section:	21622
(1) "Other system retirant" has the same meaning as in section 742.26 of the Revised Code.	21623 21624
(2) "Personal history record" includes a member's, former member's, or other system retirant's name, address, telephone number, social security number, record of contributions, correspondence with the Ohio police and fire pension fund, status of any application for benefits, and any other information deemed confidential by the trustees of the fund.	21625 21626 21627 21628 21629 21630
(B) The treasurer of state shall furnish annually to the board of trustees of the fund a sworn statement of the amount of the funds in the treasurer of state's custody belonging to the Ohio police and fire pension fund. The records of the fund shall be open for public inspection except for the following, which shall be excluded, except with the written authorization of the individual concerned:	21631 21632 21633 21634 21635 21636 21637
(1) The individual's personal history record;	21638
(2) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual.	21639 21640
(C) All medical reports and recommendations required are privileged, except as follows:	21641 21642
(1) Copies of medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent or, when necessary	21643 21644 21645 21646

for the proper administration of the fund, to the board-assigned physician. 21647  
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(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section. 21649  
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(D) Any person who is a member of the fund or an other system retirant shall be furnished with a statement of the amount to the credit of the person's individual account upon the person's written request. The fund need not answer more than one such request of a person in any one year. 21652  
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(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the fund may furnish the following information: 21657  
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(1) If a member, former member, or other system retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the fund shall furnish to the prosecutor the information requested from the individual's personal history record. 21660  
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(2) Pursuant to a court order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the fund shall furnish to a court or child support enforcement agency the information required under that section. 21669  
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(3) At the request of any organization or association of members of the fund, the fund shall provide a list of the names and addresses of members of the fund and other system retirants. The fund shall comply with the request of such organization or association at least once a year and may impose a reasonable 21673  
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charge for the list. 21678

(4) Within fourteen days after receiving from the director of 21679  
job and family services a list of the names and social security 21680  
numbers of recipients of public assistance pursuant to section 21681  
5101.181 of the Revised Code, the fund shall inform the auditor of 21682  
state of the name, current or most recent employer address, and 21683  
social security number of each member or other system retirant 21684  
whose name and social security number are the same as that of a 21685  
person whose name or social security number was submitted by the 21686  
director. The fund and its employees shall, except for purposes of 21687  
furnishing the auditor of state with information required by this 21688  
section, preserve the confidentiality of recipients of public 21689  
assistance in compliance with section 5101.181 of the Revised 21690  
Code. 21691

(5) The fund shall comply with orders issued under section 21692  
3105.87 of the Revised Code. 21693

On the written request of an alternate payee, as defined in 21694  
section 3105.80 of the Revised Code, the fund shall furnish to the 21695  
alternate payee information on the amount and status of any 21696  
amounts payable to the alternate payee under an order issued under 21697  
section 3105.171 or 3105.65 of the Revised Code. 21698

(6) At the request of any person, the fund shall make 21699  
available to the person copies of all documents, including 21700  
resumes, in the fund's possession regarding filling a vacancy of a 21701  
police officer employee member, firefighter employee member, 21702  
police retirant member, or firefighter retirant member of the 21703  
board of trustees. The person who made the request shall pay the 21704  
cost of compiling, copying, and mailing the documents. The 21705  
information described in this division is a public record. 21706

(7) The fund shall provide the notice required by section 21707  
742.464 of the Revised Code to the prosecutor assigned to the 21708

case. 21709

(F) A statement that contains information obtained from the 21710  
fund's records that is signed by the secretary of the board of 21711  
trustees of the Ohio police and fire pension fund and to which the 21712  
board's official seal is affixed, or copies of the fund's records 21713  
to which the signature and seal are attached, shall be received as 21714  
true copies of the fund's records in any court or before any 21715  
officer of this state. 21716

(G) Notwithstanding the exceptions to public inspection in 21717  
division (B) of this section or the privileges contained in 21718  
division (C) of this section, the fund shall furnish to the 21719  
administrator of workers' compensation the records required under 21720  
section 742.391 of the Revised Code. 21721

**Sec. 742.462.** (A) As used in this section, "alternate payee," 21722  
"benefit," "lump sum payment," "participant," and "public 21723  
retirement program" have the same meanings as in section 3105.80 21724  
of the Revised Code. 21725

(B) On receipt of an order issued under section 3105.171 or 21726  
3105.65 of the Revised Code, the Ohio police and fire pension fund 21727  
shall determine whether the order meets the requirements of 21728  
sections 3105.80 to 3105.90 of the Revised Code. The fund shall 21729  
retain in the participant's record an order the fund determines 21730  
meets the requirements. Not later than sixty days after receipt, 21731  
the fund shall return to the court that issued the order any order 21732  
the fund determines does not meet the requirements. 21733

(C) The fund shall comply with an order retained under 21734  
division (B) of this section at the following times as 21735  
appropriate: 21736

(1) If the participant has applied for or is receiving a 21737  
benefit or has applied for but not yet received a lump sum 21738

payment, as soon as practicable; 21739

(2) If the participant has not applied for a benefit or lump sum payment, on application by the participant for a benefit or lump sum payment. 21740  
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(D) If the fund transfers a participant's service credit or contributions made by or on behalf of a participant to a public retirement program that is not named in the order, the fund shall do both of the following: 21743  
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(1) Notify the court that issued the order by sending the court a copy of the order and the name and address of the public retirement program to which the transfer was made; 21747  
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(2) Send a copy of the order to the public retirement program to which the transfer was made. 21750  
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(E) If it receives a participant's service credit or contributions and a copy of an order as provided in division (D) of this section, the fund shall administer the order as if it were the public retirement program named in the order. 21752  
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(F) If a participant's benefit or lump sum payment is or will be subject to more than one order described in section 3105.81 of the Revised Code or to an order described in section 3105.81 of the Revised Code and a withholding order under section 3111.23 or 3113.21 of the Revised Code, the fund shall, after determining that the amounts that are or will be withheld will cause the benefit or lump sum payment to fall below the limits described in section 3105.85 of the Revised Code, do all of the following: 21756  
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(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the fund in accordance with division (G) of this section; 21764  
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(2) Reduce the amount paid to an alternate payee based on the 21768

priority established under division (F)(1) of this section; 21769

(3) Notify, by regular mail, a participant and alternate 21770  
payee of any action taken under this division. 21771

(G) A withholding or deduction notice issued under section 21772  
3111.23 or 3113.21 of the Revised Code or an order described in 21773  
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 21774  
other orders and shall be complied with in accordance with child 21775  
support enforcement laws. All other orders are entitled to 21776  
priority in order of earliest retention by the fund. The fund is 21777  
not to retain an order that provides for the division of property 21778  
unless the order is filed in a court with jurisdiction in this 21779  
state. 21780

(H) The fund is not liable in civil damages for loss 21781  
resulting from any action or failure to act in compliance with 21782  
this section. 21783

**Sec. 742.47.** Except as provided in sections 742.461, 742.463, 21784  
742.464, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and Chapters 21785  
3119., 3121., 3123., and 3125. of the Revised Code, sums of money 21786  
due or to become due to any individual from the Ohio police and 21787  
fire pension fund are not liable to attachment, garnishment, levy, 21788  
or seizure under any legal or equitable process or any other 21789  
process of law whatsoever, whether those sums remain with the 21790  
treasurer of the fund or any officer or agent of the board of 21791  
trustees of the fund or are in the course of transmission to the 21792  
individual entitled to them, but shall inure wholly to the benefit 21793  
of that individual. 21794

**Sec. 743.50.** (A) A municipal corporation that has established 21795  
and implemented a watershed management program with regard to a 21796  
reservoir for drinking water shall allow an owner of property that 21797  
is contiguous to property that constitutes a buffer around a body 21798



of water that is part of such a reservoir to maintain property 21799  
that constitutes a buffer if the maintenance is for any of the 21800  
following: 21801

(1) Creation of an access path that is not wider than five 21802  
feet to the body of water; 21803

(2) Creation of a view corridor along adjacent property 21804  
boundaries; 21805

(3) Removal of invasive plant species as defined in section 21806  
901.50 of the Revised Code; 21807

(4) Creation and maintenance of a filter strip of plants and 21808  
grass that are native to the area surrounding the reservoir in 21809  
order to provide adequate filtering of wastewater and polluted 21810  
runoff from the owner's property to the body of water; 21811

(5) Beautification of the property. 21812

(B) A peace officer or other official with authority to cite 21813  
trespassers on property that is owned by a municipal corporation 21814  
and that constitutes a buffer as described in division (A) of this 21815  
section shall not issue a civil or criminal citation to an 21816  
individual who enters the property for the sole purpose of mowing 21817  
grass, weeds, or other vegetation or for any of the purposes 21818  
specified in that division. 21819

**Sec. 759.36.** At any joint meeting provided for by section 21820  
759.35 of the Revised Code, or at the joint meeting provided for 21821  
by section 759.34 of the Revised Code, by a majority vote of all 21822  
present counting members of the legislative authorities of 21823  
municipal corporations and of boards of township trustees, the 21824  
meeting may elect a board of cemetery trustees consisting of three 21825  
members, of which one or more must be a member of each of the 21826  
separate boards of township trustees and legislative authorities 21827  
which comprise the union cemetery association represented by the 21828

joint meeting. 21829

The board of cemetery trustees so elected shall have the 21830  
custody of the funds derived from the tax levy provided by section 21831  
759.34 of the Revised Code, and the political subdivision shall 21832  
pay the funds to the board of cemetery trustees upon its 21833  
application for them. The board of cemetery trustees also shall 21834  
have the custody of the funds derived from any tax levied by the 21835  
union cemetery district under Chapter 5705. of the Revised Code. 21836  
The board of cemetery trustees shall have all the powers and 21837  
perform all the duties exercised and performed by the director of 21838  
public service of a municipal corporation under sections 759.09 to 21839  
759.14 of the Revised Code. The board of cemetery trustees may 21840  
create a permanent endowment fund for the express purpose of 21841  
keeping the cemetery clean and in good order and may: 21842

(A) Add to the price regularly charged for lots a sum for 21843  
that purpose; 21844

(B) Receive gifts for that purpose; 21845

(C) Enter into separate agreements with the purchasers of 21846  
lots by which an agreed part of the purchase price shall 21847  
constitute a permanent fund; 21848

(D) Receive individual gifts for the fund, the income thereof 21849  
to be used for the upkeep and care of lots. 21850

When any such funds are received or created, they shall be a 21851  
permanent fund for such use and the income therefrom shall be used 21852  
only for such purpose, and the principal sum shall be kept and 21853  
invested under the same terms fixed by law for the investment of 21854  
the funds of a minor by his the minor's guardian except that upon 21855  
unanimous consent of the board of cemetery trustees, the board may 21856  
use the principal of the fund if the board is unable to keep the 21857  
cemetery clean and in good order using only the income from the 21858  
fund. 21859

At the first election of the board of cemetery trustees, one 21860  
member shall be chosen for one year, one for two years, and one 21861  
for three years, together with the part of a year intervening 21862  
between the time of the election and the first day of January next 21863  
thereafter. Yearly thereafter, at the joint meeting held in May, 21864  
one member shall be chosen for three years commencing on the first 21865  
day of January next thereafter. Any regular or regularly called 21866  
joint meeting of the board of township trustees and municipal 21867  
legislative authority may fill vacancies occurring on the board of 21868  
cemetery trustees by a majority vote of the members present, the 21869  
election to be for the unexpired term. 21870

One member of the board of cemetery trustees or a person 21871  
selected by the board of trustees shall be designated the 21872  
clerk-treasurer for a term not to exceed two years. The 21873  
clerk-treasurer shall be compensated from the cemetery fund in an 21874  
amount fixed by the board of trustees in view of the size and 21875  
financial condition of the cemetery association. The 21876  
clerk-treasurer shall be charged with the duty of accounting for 21877  
the fund and shall be bonded in an amount equal to or greater than 21878  
the amount in the fund, but not less than one thousand dollars, 21879  
the bond to be subject to the approval of the board of cemetery 21880  
trustees and to be paid for from the cemetery funds. 21881

Any member of the board of cemetery trustees may be removed 21882  
by the joint meeting, on a two-thirds vote of all members entitled 21883  
to sit in such meeting, for misfeasance or malfeasance in office, 21884  
gross neglect of duty, or gross immorality, but no member shall be 21885  
so removed until ~~he has~~ having had at least ten days' notice in 21886  
writing, together with a copy of the charges against ~~him~~ the 21887  
member, and an opportunity to appear and defend ~~himself~~ self 21888  
either in person or by counsel. 21889

**Sec. 901.08.** The director of agriculture shall appoint a 21890

chief of the division of administration, a chief of the division 21891  
of animal health, a chief of the division of livestock 21892  
environmental permitting, a chief of the division of soil and 21893  
water conservation, a chief of the division of dairy, a chief of 21894  
the division of food safety, a chief of the division of markets, a 21895  
chief of the division of plant health, a chief of the division of 21896  
weights and measures, a chief of the division of meat inspection, 21897  
a chief of the division of consumer protection laboratory, a chief 21898  
of the division of enforcement, and a chief of the division of 21899  
amusement ride safety. 21900

**Sec. 901.21.** (A) As used in this section and section 901.22 21901  
of the Revised Code: 21902

(1) "Agricultural easement" has the same meaning as in 21903  
section 5301.67 of the Revised Code. 21904

(2) "Agriculture" means those activities occurring on land 21905  
devoted exclusively to agricultural use, as defined in section 21906  
5713.30 of the Revised Code, or on land that constitutes a 21907  
homestead. 21908

(3) "Homestead" means the portion of a farm on which is 21909  
located a dwelling house, yard, or outbuildings such as a barn or 21910  
garage. 21911

(B) The director of agriculture may acquire real property 21912  
used predominantly in agriculture and agricultural easements by 21913  
gift, devise, or bequest if, at the time an easement is granted, 21914  
such an easement is on land that is valued for purposes of real 21915  
property taxation at its current value for agricultural use under 21916  
section 5713.31 of the Revised Code or that constitutes a 21917  
homestead. Any terms may be included in an agricultural easement 21918  
so acquired that are necessary or appropriate to preserve on 21919  
behalf of the grantor of the easement the favorable tax 21920  
consequences of the gift, devise, or bequest under the "Internal 21921

Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 21922  
The director, by any such means or by purchase or lease, may 21923  
acquire, or acquire the use of, stationary personal property or 21924  
equipment that is located on land acquired in fee by the director 21925  
under this section and that is necessary or appropriate for the 21926  
use of the land predominantly in agriculture. 21927

(C) The director may include, in an agricultural easement 21928  
acquired under division (B) of this section, a provision to 21929  
preserve a unique natural or physical feature on the land so long 21930  
as the use of the land remains predominantly agricultural. 21931

(D) The director may do all things necessary or appropriate 21932  
to retain the use of real property acquired in fee under division 21933  
(B) of this section predominantly in agriculture, including, 21934  
without limitation, performing any of the activities described in 21935  
division (A)(1) or (2) of section 5713.30 of the Revised Code or 21936  
entering into contracts to lease or rent the real property so 21937  
acquired to persons or governmental entities that will use the 21938  
land predominantly in agriculture. 21939

(E)(1) When the director considers it to be necessary or 21940  
appropriate, the director may sell real property acquired in fee, 21941  
and stationary personal property or equipment acquired by gift, 21942  
devise, bequest, or purchase, under division (B) of this section 21943  
on such terms as the director considers to be advantageous to this 21944  
state. 21945

(2) An agricultural easement acquired under division (B) of 21946  
this section may be extinguished under the circumstances 21947  
prescribed, and in accordance with the terms and conditions set 21948  
forth, in the instrument conveying the agricultural easement. 21949

(F) There is hereby created in the state treasury the 21950  
agricultural easement purchase fund. The fund shall consist of the 21951  
proceeds received from the sale of real and personal property 21952

under division (E) of this section; moneys received due to the 21953  
extinguishment of agricultural easements acquired by the director 21954  
under division (B) of this section or section 5301.691 of the 21955  
Revised Code; moneys received due to the extinguishment of 21956  
agricultural easements purchased with the assistance of matching 21957  
grants made under section 901.22 of the Revised Code; gifts, 21958  
bequests, devises, and contributions received by the director for 21959  
the purpose of acquiring agricultural easements; and grants 21960  
received from public or private sources for the purpose of 21961  
purchasing agricultural easements. The fund shall be administered 21962  
by the director, and moneys in the fund shall be used by the 21963  
director exclusively to purchase agricultural easements under 21964  
division (A) of section 5301.691 of the Revised Code and provide 21965  
matching grants under section 901.22 of the Revised Code to 21966  
municipal corporations, counties, townships, soil and water 21967  
conservation districts established under Chapter ~~1515~~. 940. of the 21968  
Revised Code, and charitable organizations described in division 21969  
(B) of section 5301.69 of the Revised Code for the purchase of 21970  
agricultural easements. Money in the fund shall be used only to 21971  
purchase agricultural easements on land that is valued for 21972  
purposes of real property taxation at its current value for 21973  
agricultural use under section 5713.31 of the Revised Code or that 21974  
constitutes a homestead when the easement is purchased. 21975

(G) There is hereby created in the state treasury the clean 21976  
Ohio agricultural easement fund. Twelve and one-half per cent of 21977  
net proceeds of obligations issued and sold pursuant to sections 21978  
151.01 and 151.09 of the Revised Code shall be deposited into the 21979  
fund. The fund shall be used by the director for the purposes of 21980  
this section, section 901.22 of the Revised Code, and the 21981  
provisions of sections 5301.67 to 5301.70 of the Revised Code 21982  
governing agricultural easements. Investment earnings of the fund 21983  
shall be credited to the fund and may be used to pay costs 21984  
incurred by the director in administering those sections and 21985

provisions.	21986
(H) The term of an agricultural easement purchased wholly or	21987
in part with money from the clean Ohio agricultural easement fund	21988
or the agricultural easement purchase fund shall be perpetual and	21989
shall run with the land.	21990
<b>Sec. 901.22.</b> (A) The director of agriculture, in accordance	21991
with Chapter 119. of the Revised Code, shall adopt rules that do	21992
all of the following:	21993
(1) Establish procedures and eligibility criteria for making	21994
matching grants to municipal corporations, counties, townships,	21995
soil and water conservation districts established under Chapter	21996
<del>1515.</del> <u>940.</u> of the Revised Code, and charitable organizations	21997
described in division (B) of section 5301.69 of the Revised Code	21998
for the purchase of agricultural easements. With respect to	21999
agricultural easements that are purchased or proposed to be	22000
purchased with such matching grants that consist in whole or in	22001
part of moneys from the clean Ohio agricultural easement fund	22002
created in section 901.21 of the Revised Code, the rules shall	22003
establish all of the following:	22004
(a) Procedures for all of the following:	22005
(i) Soliciting and accepting applications for matching	22006
grants;	22007
(ii) Participation by local governments and by the public in	22008
the process of making matching grants to charitable organizations;	22009
(iii) Notifying local governments, charitable organizations,	22010
and organizations that represent the interests of farmers of the	22011
ranking system established in rules adopted under division	22012
(A)(1)(b) of this section.	22013
(b) A ranking system for applications for the matching grants	22014
that is based on the soil type, proximity of the land or other	22015

land that is conducive to agriculture as defined by rules adopted 22016  
under this section and that is the subject of an application to 22017  
other agricultural land or other land that is conducive to 22018  
agriculture as defined by rules adopted under this section and 22019  
that is already or is in the process of becoming permanently 22020  
protected from development, farm stewardship, development 22021  
pressure, and, if applicable, a local comprehensive land use plan 22022  
involved with a proposed agricultural easement. The rules shall 22023  
require that preference be given to proposed agricultural 22024  
easements that involve the greatest proportion of all of the 22025  
following: 22026

(i) Prime soils, unique or locally important soils, 22027  
microclimates, or similar features; 22028

(ii) Land that is adjacent to or that is in close proximity 22029  
to other agricultural land or other land that is conducive to 22030  
agriculture as defined by rules adopted under this section and 22031  
that is already or is in the process of becoming permanently 22032  
protected from development, by agricultural easement or otherwise, 22033  
so that a buffer would exist between the land involving the 22034  
proposed agricultural easement and areas that have been developed 22035  
or likely will be developed for purposes other than agriculture; 22036

(iii) The use of best management practices, including 22037  
federally or state approved conservation plans, and a history of 22038  
substantial compliance with applicable federal and state laws; 22039

(iv) Development pressure that is imminent, but not a result 22040  
of current location in the direct path of urban development; 22041

(v) Areas identified for agricultural protection in local 22042  
comprehensive land use plans. 22043

(c) Any other criteria that the director determines are 22044  
necessary for selecting applications for matching grants; 22045

(d) Requirements regarding the information that must be 22046



included in the annual monitoring report that must be prepared for 22047  
an agricultural easement under division (E)(2) of section 5301.691 22048  
of the Revised Code, procedures for submitting a copy of the 22049  
report to the office of farmland preservation in the department of 22050  
agriculture, and requirements and procedures governing corrective 22051  
actions that may be necessary to enforce the terms of the 22052  
agricultural easement. 22053

(2) Establish provisions that shall be included in the 22054  
instrument conveying to a municipal corporation, county, township, 22055  
soil and water conservation district, or charitable organization 22056  
any agricultural easement purchased with matching grant funds 22057  
provided by the director under this section, including, without 22058  
limitation, all of the following provisions: 22059

(a) A provision stating that an easement so purchased may be 22060  
extinguished only if an unexpected change in the conditions of or 22061  
surrounding the land that is subject to the easement makes 22062  
impossible or impractical the continued use of the land for the 22063  
purposes described in the easement, or if the requirements of the 22064  
easement are extinguished by judicial proceedings; 22065

(b) A provision requiring that, upon the sale, exchange, or 22066  
involuntary conversion of the land subject to the easement, the 22067  
holder of the easement shall be paid an amount of money that is at 22068  
least equal to the proportionate value of the easement compared to 22069  
the total value of the land at the time the easement was acquired; 22070

(c) A provision requiring that, upon receipt of the portion 22071  
of the proceeds of a sale, exchange, or involuntary conversion 22072  
described in division (A)(2)(b) of this section, the municipal 22073  
corporation, county, township, soil and water conservation 22074  
district, or charitable organization remit to the director an 22075  
amount of money equal to the percentage of the cost of purchasing 22076  
the easement it received as a matching grant under this section. 22077

Moneys received by the director pursuant to rules adopted 22078  
under division (A)(2)(c) of this section shall be credited to the 22079  
agricultural easement purchase fund created in section 901.21 of 22080  
the Revised Code. 22081

(3) Establish a provision that provides a charitable 22082  
organization, municipal corporation, township, county, or soil and 22083  
water conservation district with the option of purchasing 22084  
agricultural easements either in installments or with a lump sum 22085  
payment. The rules shall include a requirement that a charitable 22086  
organization, municipal corporation, township, county, or soil and 22087  
water conservation district negotiate with the seller of the 22088  
agricultural easement concerning any installment payment terms, 22089  
including the dates and amounts of payments and the interest rate 22090  
on the outstanding balance. The rules also shall require the 22091  
director to approve any method of payment that is undertaken in 22092  
accordance with the rules adopted under division (A)(3) of this 22093  
section. 22094

(4) Establish any other requirements that the director 22095  
considers to be necessary or appropriate to implement or 22096  
administer a program to make matching grants under this section 22097  
and monitor those grants. 22098

(B) The director may develop guidelines regarding the 22099  
acquisition of agricultural easements by the department of 22100  
agriculture and the provisions of instruments conveying those 22101  
easements. The director may make the guidelines available to 22102  
public and private entities authorized to acquire and hold 22103  
agricultural easements. 22104

(C) The director may provide technical assistance in 22105  
developing a program for the acquisition and monitoring of 22106  
agricultural easements to public and private entities authorized 22107  
to hold agricultural easements. The technical assistance may 22108  
include, without limitation, reviewing and providing advisory 22109

recommendations regarding draft instruments conveying agricultural easements. 22110  
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(D)(1) The director may make matching grants from the agricultural easement purchase fund and the clean Ohio agricultural easement fund to municipal corporations, counties, townships, soil and water conservation districts, and charitable organizations to assist those political subdivisions and charitable organizations in purchasing agricultural easements. Application for a matching grant shall be made on forms prescribed and provided by the director. The matching grants shall be made in compliance with the criteria and procedures established in rules adopted under this section. Instruments conveying agricultural easements purchased with matching grant funds provided under this section, at a minimum, shall include the mandatory provisions set forth in those rules. 22112  
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Matching grants made under this division using moneys from the clean Ohio agricultural easement fund created in section 901.21 of the Revised Code may provide up to seventy-five per cent of the value of an agricultural easement as determined by a general real estate appraiser who is certified under Chapter 4763. of the Revised Code or as determined through a points-based appraisal system established under division (D)(2) of this section. Not less than twenty-five per cent of the value of the agricultural easement shall be provided by the recipient of the matching grant or donated by the person who is transferring the easement to the grant recipient. The amount of such a matching grant used for the purchase of a single agricultural easement shall not exceed one million dollars. 22125  
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(2) The director shall establish a points-based appraisal system for the purposes of division (D)(1) of this section. The director may include any or all of the following factors in the system: 22138  
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(a) Whether the applicable county auditor has determined that the land is land that is devoted exclusively to agriculture for the purposes of sections 5713.30 to 5713.38 of the Revised Code;	22142 22143 22144
(b) Changes in land values following the completion of the applicable county auditor's reappraisal or triennial update;	22145 22146
(c) Soil types and productivity;	22147
(d) Proximity of the land to land that is already subject to an agricultural easement, conservation easement created under sections 5301.67 to 5301.70 of the Revised Code, or similar land-use limitation;	22148 22149 22150 22151
(e) Proximity of the land to water and sewer lines, road interchanges, and nonagricultural development;	22152 22153
(f) Parcel size and roadway frontage of the land;	22154
(g) Existence of an agreement entered into under division (D) of section <del>1515.08</del> <u>940.06</u> of the Revised Code or of an operation and management plan developed under division (A) of section <del>1511.021</del> <u>939.03</u> of the Revised Code;	22155 22156 22157 22158
(h) Existence of a comprehensive plan that is adopted under section 303.02 or 519.02 of the Revised Code or that is adopted by the planning commission of a municipal corporation under section 713.06 of the Revised Code;	22159 22160 22161 22162
(i) Any other factors that the director determines are necessary for inclusion in the system.	22163 22164
(E) An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical feature on the land so long as the use of the land remains predominantly agricultural.	22165 22166 22167 22168 22169
(F) For any agricultural easement purchased with a matching grant that consists in whole or in part of moneys from the clean	22170 22171

Ohio agricultural easement fund, the director shall be named as a grantee on the instrument conveying the easement, as shall the municipal corporation, county, township, soil and water conservation district, or charitable organization that receives the grant.

(G)(1) The director shall monitor and evaluate the effectiveness and efficiency of the agricultural easement program as a farmland preservation tool. On or before July 1, 1999, and the first day of July of each year thereafter, the director shall prepare and submit a report to the chairpersons of the standing committees of the senate and the house of representatives that consider legislation regarding agriculture. The report shall consider and address the following criteria to determine the program's effectiveness:

(a) The number of agricultural easements purchased during the preceding year;

(b) The location of those easements;

(c) The number of acres of land preserved for agricultural use;

(d) The amount of money used by a municipal corporation, township, county, or soil and water conservation district from any fund to purchase the agricultural easements;

(e) The number of state matching grants given to purchase the agricultural easements;

(f) The amount of state matching grant moneys used to purchase the agricultural easements.

(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:

(a) The total number of acres in the county;

(b) The total number of acres in current agricultural use;	22202
(c) The total number of acres preserved for agricultural use in the preceding year;	22203 22204
(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.	22205 22206
<b>Sec. 902.01.</b> As used in this chapter:	22207
(A) "Bonds" means bonds, notes, or other forms of evidences of obligation issued in temporary or definitive form, including refunding bonds and notes and bonds and notes issued in anticipation of the issuance of bonds and renewal notes.	22208 22209 22210 22211
(B) "Bond proceedings" means the resolution or ordinance or the trust agreement or indenture of mortgage, or combination thereof, authorizing or providing for the terms and conditions applicable to bonds issued under authority of this chapter.	22212 22213 22214 22215
(C) "Borrower" means the recipient of a loan or the lessee or purchaser of a project under this chapter and is limited to a sole proprietor, or to a partnership, joint venture, firm, association, or corporation, a majority of whose stockholders, partners, members, or associates are persons or the spouses of persons related to each other within the fourth degree of kinship, according to law, provided that the sole proprietor or at least one of such related persons resides or will reside on or is or will actively operate the project or the farm or agricultural enterprise composed, in whole or in part, of the project, and provided further that the sole proprietor or all of the stockholders, members, partners, or associates are natural persons. The agricultural financing commission may establish procedures for the determination of the eligibility of borrowers under this chapter which determinations are conclusive in relation to the validity and enforceability of bonds issued under bond	22216 22217 22218 22219 22220 22221 22222 22223 22224 22225 22226 22227 22228 22229 22230 22231

proceedings authorized in connection therewith, and in relation to 22232  
security interests given and leases, subleases, sale agreements, 22233  
loan agreements, and other agreements made in connection 22234  
therewith, all in accordance with their terms. 22235

(D) "Composite financing arrangement" means the sale of a 22236  
single issue of bonds to finance two or more projects, including, 22237  
but not limited to, a single issue of bonds for a group of loans 22238  
submitted by or through a single lending institution or with 22239  
credit enhancement from a single lending institution, or the sale 22240  
by or on behalf of one or more issuers of two or more issues or 22241  
lots of bonds under or pursuant to a single sale agreement, single 22242  
marketing arrangement, or single official statement, offering 22243  
circular, or other marketing document. 22244

(E) "Issuer" means the state, or any county or municipal 22245  
corporation of the state. 22246

(F) "Issuing authority" means ~~in the case of the state, the~~ 22247  
~~agricultural financing commission created by section 901.61 of the~~ 22248  
~~Revised Code;~~ in the case of a municipal corporation, the 22249  
legislative authority thereof; and in the case of a county, the 22250  
board of county commissioners or whatever officers, board, 22251  
commission, council, or other body might succeed to or assume the 22252  
legislative powers of the board of county commissioners. 22253

(G) "Lending institution" means any domestic building and 22254  
loan association as defined in section 1151.01 of the Revised 22255  
Code, any service corporation the entire stock of which is owned 22256  
by one or more such building and loan associations, a bank which 22257  
has its principal place of business located in this state, a bank 22258  
subsidiary corporation that is wholly owned by a bank having its 22259  
principal place of business located in this state, any state or 22260  
federal governmental agency or instrumentality including without 22261  
limitation the federal land bank, production credit association, 22262  
or bank for cooperatives, or any of their local associations, or 22263

any other financial institution or entity authorized to make 22264  
mortgage loans and qualified to do business in this state. 22265

(H) "Loan" includes a loan made to or through, or a deposit 22266  
with, a lending institution or a loan made directly to the owner 22267  
or operator of a project to finance one or more projects. 22268  
Notwithstanding any other provision of this chapter, loans from 22269  
proceeds of bonds issued under a composite financing arrangement 22270  
shall be made only to or through, or by a deposit with, a lending 22271  
institution, including the purchase of loans from lending 22272  
institutions, or be made in any other manner in which a lending 22273  
institution has been or is involved in the origination or credit 22274  
enhancement of the loan. 22275

(I) "Mortgage loan" means a loan secured by a mortgage, deed 22276  
of trust, or other security interest. 22277

(J) "Pledged facilities" means the project or projects 22278  
mortgaged or facilities the rentals, revenues, and other income, 22279  
charges, and moneys from which are pledged, or both, for the 22280  
payment of the principal of and interest on the bonds issued under 22281  
authority of section 902.04 of the Revised Code, and includes a 22282  
project for which a loan has been made under authority of this 22283  
chapter, in which case, references in this chapter to revenues of 22284  
such pledged facilities or from the disposition thereof include 22285  
payments made or to be made to or for the account of the issuer 22286  
pursuant to such loan. 22287

(K) "Project" means real or personal property, or both, 22288  
including undivided and other interests therein, acquired by gift 22289  
or purchase, constructed, reconstructed, enlarged, improved, 22290  
furnished, or equipped, or any combination thereof, by an issuer, 22291  
or by others from the proceeds of bonds, located within the 22292  
boundaries of the issuer, and used or to be used by a borrower for 22293  
agricultural purposes as provided in division (D) of this section. 22294  
A project is hereby determined to qualify as facilities for 22295



industry, commerce, distribution, or research described in Section 22296  
13 of Article VIII, Ohio Constitution. 22297

(L) "Purchase" means, with respect to loans, the purchase of 22298  
loans from, or other acquisition by an issuer of loans of, lending 22299  
institutions. 22300

(M) "Revenues" means the rentals, revenues, payments, 22301  
repayments, income, charges, and moneys derived or to be derived 22302  
from the use, lease, sublease, rental, sale, including installment 22303  
sale or conditional sale, or other disposition of pledged 22304  
facilities, or derived or to be derived pursuant to a loan made 22305  
for a project, bond proceeds to the extent provided in the bond 22306  
proceedings for the payment of principal of, or premium, if any, 22307  
or interest on the bonds, proceeds from any insurance, 22308  
condemnation, or guaranty pertaining to pledged facilities or the 22309  
financing thereof, any income and profit from the investment of 22310  
the proceeds of bonds or of any revenues, any fees and charges 22311  
received by or on behalf of an issuer for the services of or 22312  
commitments by the issuer, and moneys received in repayment of and 22313  
for interest on any loan made or purchased by an issuer, moneys 22314  
received by an issuer upon the sale of any bonds of the issuer 22315  
under section 902.04 of the Revised Code, any moneys received from 22316  
investment of funds of an issuer or from the sale of collateral 22317  
securing loans made or purchased by the issuer, including 22318  
collateral acquired by foreclosure or other action to enforce a 22319  
security interest, and any moneys received in payment of a claim 22320  
under insurance, guarantees, letters of credit, or otherwise with 22321  
respect to any loans made or purchased by an issuer or any 22322  
collateral held by the issuer of any bonds issued under this 22323  
chapter. 22324

(N) "Security interest" means a mortgage, lien, or other 22325  
encumbrance on, or pledge or assignment of, or other security 22326  
interest with respect to all or any part of pledged facilities, 22327

revenues, reserve funds, or other funds established under the bond 22328  
proceedings, or on, of, or with respect to, a lease, sublease, 22329  
sale, conditional sale, or installment sale agreement, loan 22330  
agreement, or any other agreement pertaining to the lease, 22331  
sublease, sale, or other disposition of a project or pertaining to 22332  
a loan made for a project, or any guaranty or insurance agreement 22333  
made with respect thereto, or any interest of the issuer therein, 22334  
or any other interest granted, assigned, purchased, or released to 22335  
secure payments of the principal of, premium, if any, or interest 22336  
on any bonds or to secure any other payments to be made by an 22337  
issuer under the bond proceedings. Any security interest under 22338  
this chapter may be prior or subordinate to or on a parity with 22339  
any other mortgage, lien, encumbrance, pledge, assignment, or 22340  
other security interest. 22341

**Sec. 903.01.** As used in this chapter: 22342

(A) "Agricultural animal" means any animal generally used for 22343  
food or in the production of food, including cattle, sheep, goats, 22344  
rabbits, poultry, and swine; horses; alpacas; llamas; and any 22345  
other animal included by the director of agriculture by rule. 22346  
"Agricultural animal" does not include fish or other aquatic 22347  
animals regardless of whether they are raised at fish hatcheries, 22348  
fish farms, or other facilities that raise aquatic animals. 22349

(B) "Animal feeding facility" means a lot, building, or 22350  
structure where both of the following conditions are met: 22351

(1) Agricultural animals have been, are, or will be stabled 22352  
or confined and fed or maintained there for a total of forty-five 22353  
days or more in any twelve-month period. 22354

(2) Crops, vegetative forage growth, or post-harvest residues 22355  
are not sustained in the normal growing season over any portion of 22356  
the lot, building, or structure. 22357

"Animal feeding facility" also includes land that is owned or leased by or otherwise is under the control of the owner or operator of the lot, building, or structure and on which manure originating from agricultural animals in the lot, building, or structure or a production area is or may be applied.

Two or more animal feeding facilities under common ownership shall be considered to be a single animal feeding facility for the purposes of this chapter if they adjoin each other or if they use a common area or system for the disposal of manure.

(C) "Animal feeding operation" has the same meaning as "animal feeding facility."

(D) "Cattle" includes, but is not limited to, heifers, steers, bulls, and cow and calf pairs.

(E) "Concentrated animal feeding facility" means an animal feeding facility with a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section.

(F) "Concentrated animal feeding operation" means an animal feeding facility that complies with one of the following:

(1) Has a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section;

(2) Satisfies the criteria in division (M), (Q), or (FF) of this section;

(3) Is designated by the director of agriculture as a medium or small concentrated animal feeding operation pursuant to rules.

(G) "Discharge" means to add from a point source to waters of the state.

(H) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33

U.S.C. 1251 et. seq., as amended, and regulations adopted under	22388
it.	22389
(I) "Finalized," with respect to the programs required under	22390
division (A)(1) of section 903.02 and division (A)(1) of section	22391
903.03 of the Revised Code, means that all rules that are	22392
necessary for the administration of this chapter have been adopted	22393
and all employees of the department of agriculture that are	22394
necessary for the administration of this chapter have been	22395
employed.	22396
(J) "General permit" has the meaning that is established in	22397
rules.	22398
(K) "Individual permit" has the meaning that is established	22399
in rules.	22400
(L) "Installation permit" means a permit for the installation	22401
or modification of a disposal system or any part of a disposal	22402
system issued by the director of environmental protection under	22403
division (J)(1) of section 6111.03 of the Revised Code.	22404
(M) "Large concentrated animal feeding operation" means an	22405
animal feeding facility that stables or confines at least the	22406
number of animals specified in any of the following categories:	22407
(1) Seven hundred mature dairy cattle whether milked or dry;	22408
(2) One thousand veal calves;	22409
(3) One thousand cattle other than mature dairy cattle or	22410
veal calves;	22411
(4) Two thousand five hundred swine that each weigh	22412
fifty-five pounds or more;	22413
(5) Ten thousand swine that each weigh less than fifty-five	22414
pounds;	22415
(6) Five hundred horses;	22416

(7) Ten thousand sheep or lambs;	22417
(8) Fifty-five thousand turkeys;	22418
(9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	22419 22420
(10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22421 22422 22423
(11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22424 22425 22426
(12) Thirty thousand ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22427 22428 22429
(13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system.	22430 22431
(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section.	22432 22433 22434 22435
(O) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting or the composting of animal excreta.	22436 22437 22438 22439 22440 22441 22442
(P) "Manure storage or treatment facility" means any excavated, diked, or walled structure or combination of structures designed for the biological stabilization, holding, or storage of manure.	22443 22444 22445 22446

(Q) "Medium concentrated animal feeding operation" means an animal feeding facility that satisfies both of the following:	22447 22448
(1) The facility stables or confines the number of animals specified in any of the following categories:	22449 22450
(a) Two hundred to six hundred ninety-nine mature dairy cattle whether milked or dry;	22451 22452
(b) Three hundred to nine hundred ninety-nine veal calves;	22453
(c) Three hundred to nine hundred ninety-nine cattle other than mature dairy cattle or veal calves;	22454 22455
(d) Seven hundred fifty to two thousand four hundred ninety-nine swine that each weigh fifty-five pounds or more;	22456 22457
(e) Three thousand to nine thousand nine hundred ninety-nine swine that each weigh less than fifty-five pounds;	22458 22459
(f) One hundred fifty to four hundred ninety-nine horses;	22460
(g) Three thousand to nine thousand nine hundred ninety-nine sheep or lambs;	22461 22462
(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	22463 22464
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	22465 22466 22467
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22468 22469 22470 22471
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22472 22473 22474 22475

(1) Ten thousand to twenty-nine thousand nine hundred	22476
ninety-nine ducks if the animal feeding facility uses a manure	22477
handling system that is not a liquid manure handling system;	22478
(m) One thousand five hundred to four thousand nine hundred	22479
ninety-nine ducks if the animal feeding facility uses a liquid	22480
manure handling system.	22481
(2) The facility does one of the following:	22482
(a) Discharges pollutants into waters of the United States	22483
through a ditch constructed by humans, a flushing system	22484
constructed by humans, or another similar device constructed by	22485
humans;	22486
(b) Discharges pollutants directly into waters of the United	22487
States that originate outside of and that pass over, across, or	22488
through the facility or otherwise come into direct contact with	22489
the animals at the facility.	22490
"Medium concentrated animal feeding operation" includes an	22491
animal feeding facility that is designated by the director as a	22492
medium concentrated animal feeding operation pursuant to rules.	22493
(R) "Mortality composting" means the controlled decomposition	22494
of organic solid material consisting of dead animals that	22495
stabilizes the organic fraction of the material.	22496
(S) "NPDES permit" means a permit issued under the national	22497
pollutant discharge elimination system established in section 402	22498
of the Federal Water Pollution Control Act and includes the	22499
renewal of such a permit. "NPDES permit" includes the federally	22500
enforceable provisions of a permit to operate into which NPDES	22501
permit provisions have been incorporated.	22502
(T) "Permit" includes an initial, renewed, or modified permit	22503
to install, permit to operate, NPDES permit, and installation	22504
permit unless expressly stated otherwise.	22505

(U) "Permit to install" means a permit issued under section 903.02 of the Revised Code.	22506 22507
(V) "Permit to operate" means a permit issued or renewed under section 903.03 of the Revised Code and includes incorporated NPDES permit provisions, if applicable.	22508 22509 22510
(W) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes the state, any political subdivision of the state, any interstate body created by compact, the United States, or any department, agency, or instrumentality of any of those entities.	22511 22512 22513 22514 22515
(X) "Point source" has the same meaning as in the Federal Water Pollution Control Act.	22516 22517
(Y) "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials except those regulated under the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste, including manure, discharged into water. "Pollutant" does not include either of the following:	22518 22519 22520 22521 22522 22523 22524 22525
(1) Sewage from vessels;	22526
(2) Water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well that is used either to facilitate production or for disposal purposes is approved by the state and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources.	22527 22528 22529 22530 22531 22532 22533
(Z) "Process generated waste water" means water that is directly or indirectly used in the operation of an animal feeding facility for any of the following:	22534 22535 22536



(1) Spillage or overflow from animal watering systems;	22537
(2) Washing, cleaning, or flushing pens, barns, manure pits, or other areas of an animal feeding facility;	22538 22539
(3) Direct contact swimming, washing, or spray cooling of animals;	22540 22541
(4) Dust control.	22542
(AA) "Process waste water" means any process generated waste water and any precipitation, including rain or snow, that comes into contact with manure, litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or direct products such as milk or eggs.	22543 22544 22545 22546 22547 22548
(BB) "Production area" means any of the following components of an animal feeding facility:	22549 22550
(1) Animal confinement areas, including, but not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, animal walkways, and stables;	22551 22552 22553 22554
(2) Manure storage areas, including, but not limited to, manure storage or treatment facilities;	22555 22556
(3) Raw material storage areas, including, but not limited to, feed silos, silage bunkers, commodity buildings, and bedding materials;	22557 22558 22559
(4) Waste containment areas, including, but not limited to, any of the following:	22560 22561
(a) An egg washing or egg processing facility;	22562
(b) An area used in the storage, handling, treatment, or disposal of mortalities;	22563 22564
(c) Settling basins, runoff ponds, liquid impoundments, and	22565

areas within berms and diversions that are designed and maintained 22566  
to separate uncontaminated storm water runoff from contaminated 22567  
water and to contain and treat contaminated storm water runoff. 22568

(CC) "Public meeting" means a nonadversarial public hearing 22569  
at which a person may present written or oral statements for the 22570  
director of agriculture's consideration and includes public 22571  
hearings held under section 6111.12 of the Revised Code. 22572

~~(DD) "Review compliance certificate" means a certificate 22573  
issued under section 903.04 of the Revised Code. 22574~~

~~(EE)~~ "Rule" means a rule adopted under section 903.10 of the 22575  
Revised Code. 22576

~~(FF)~~(EE) "Small concentrated animal feeding operation" means 22577  
an animal feeding facility that is not a large or medium 22578  
concentrated animal feeding operation and that is designated by 22579  
the director as a small concentrated animal feeding operation 22580  
pursuant to rules. 22581

~~(GG)~~(FF) "Waters of the state" has the same meaning as in 22582  
section 6111.01 of the Revised Code. 22583

**Sec. 903.03.** (A)(1) Not later than one hundred eighty days 22584  
after March 15, 2001, the director of agriculture shall prepare a 22585  
program for the issuance of permits to operate under this section. 22586

(2) Except for a concentrated animal feeding facility that is 22587  
operating under an installation permit ~~or a review compliance~~ 22588  
~~certificate~~, on and after the date on which the director has 22589  
finalized the program required under division (A)(1) of this 22590  
section, no person shall own or operate a concentrated animal 22591  
feeding facility without a permit to operate issued by the 22592  
director under this section. 22593

(B) The director or the director's authorized representative 22594  
may help an applicant for a permit to operate during the 22595

permitting process by providing guidance and technical assistance. 22596

(C) An applicant for a permit to operate shall submit a fee 22597  
in an amount established by rule together with, except as 22598  
otherwise provided in division (E) of this section, an application 22599  
to the director on a form that the director prescribes and 22600  
provides. The applicant shall include with the application all of 22601  
the following information: 22602

(1) The name and address of the applicant, of all partners if 22603  
the applicant is a partnership, of all members if the applicant is 22604  
a limited liability company, or of all officers and directors if 22605  
the applicant is a corporation, and of any other person who has a 22606  
right to control or in fact controls management of the applicant 22607  
or the selection of officers, directors, or managers of the 22608  
applicant. As used in division (C)(1) of this section, "control" 22609  
has the same meaning as in division (C)(1) of section 903.02 of 22610  
the Revised Code. 22611

(2) Information concerning the applicant's past compliance 22612  
with laws pertaining to environmental protection that is required 22613  
to be provided under section 903.05 of the Revised Code, if 22614  
applicable; 22615

(3) A manure management plan for the concentrated animal 22616  
feeding facility that conforms to best management practices 22617  
regarding the handling, storage, transportation, and land 22618  
application of manure generated at the facility and that contains 22619  
any other information required by rule; 22620

(4) An insect and rodent control plan for the concentrated 22621  
animal feeding facility that conforms to best management practices 22622  
and is prepared in accordance with section 903.06 of the Revised 22623  
Code; 22624

(5) In the case of an application for a major concentrated 22625  
animal feeding facility, written proof that the person who would 22626

be responsible for the supervision of the management and handling 22627  
of manure at the facility has been issued a livestock manager 22628  
certification in accordance with section 903.07 of the Revised 22629  
Code or will obtain a livestock manager certification prior to 22630  
applying any manure to land. 22631

(D) The director shall issue permits to operate in accordance 22632  
with section 903.09 of the Revised Code. The director shall deny a 22633  
permit to operate if either of the following applies: 22634

(1) The permit application contains misleading or false 22635  
information. 22636

(2) The manure management plan or insect and rodent control 22637  
plan fails to conform to best management practices. 22638

Additional grounds for the denial of a permit to operate 22639  
shall be those established in this chapter and in rules. 22640

(E) The director shall issue general permits to operate for 22641  
categories of concentrated animal feeding facilities that will 22642  
apply in lieu of individual permits to operate, provided that each 22643  
category of facilities meets all of the criteria established in 22644  
rules for general permits to operate. A person who is required to 22645  
obtain a permit to operate shall submit to the director a notice 22646  
of the person's intent to be covered under an existing general 22647  
permit or, at the person's option, shall submit an application for 22648  
an individual permit to operate. Upon receipt of a notice of 22649  
intent to be covered under an existing general permit, the 22650  
director shall notify the applicant in writing that the person is 22651  
covered by the general permit if the person satisfies the criteria 22652  
established in rules for eligibility for such coverage. If the 22653  
person is ineligible for coverage under the general permit, the 22654  
director shall require the submission of an application for an 22655  
individual permit to operate. 22656

(F) A permit to operate shall be valid for a period of five 22657

years. 22658

(G) A permit to operate may be renewed. An application for 22659  
renewal of a permit to operate shall be submitted to the director 22660  
at least one hundred eighty days prior to the expiration date of 22661  
the permit to operate and shall comply with the requirements 22662  
governing applications for permits to operate that are established 22663  
under this section and by rules, including requirements pertaining 22664  
to public notice and participation. 22665

(H) The director may modify, suspend, or revoke a permit to 22666  
operate in accordance with rules. 22667

(I) The owner or operator of a concentrated animal feeding 22668  
facility who proposes to make a major operational change at the 22669  
facility shall submit an application for approval of the change to 22670  
the director in accordance with rules. 22671

**Sec. 903.07.** (A) On and after the date that is established in 22672  
rules by the director of agriculture, both of the following apply: 22673  
22674

(1) The management and handling of manure at a major 22675  
concentrated animal feeding facility, including the land 22676  
application of manure or the removal of manure from a manure 22677  
storage or treatment facility, shall be conducted only by or under 22678  
the supervision of a person holding a livestock manager 22679  
certification issued under this section. A person managing or 22680  
handling manure who is acting under the instructions and control 22681  
of a person holding a livestock manager certification is 22682  
considered to be under the supervision of the certificate holder 22683  
if the certificate holder is responsible for the actions of the 22684  
person and is available when needed even though the certificate 22685  
holder is not physically present at the time of the manure 22686  
management or handling. 22687

(2) No person shall transport and land apply annually or buy, 22688  
sell, or land apply annually the volume of manure established in 22689  
rules adopted by the director under division ~~(E)~~(D)(5) of section 22690  
903.10 of the Revised Code unless the person holds a livestock 22691  
manager certification issued under this section. 22692

(B) The director shall issue a livestock manager 22693  
certification to a person who has submitted a complete application 22694  
for certification on a form prescribed and provided by the 22695  
director, together with the appropriate application fee, and who 22696  
has completed successfully the required training and has passed 22697  
the required examination. The director may suspend or revoke a 22698  
livestock manager certification and may reinstate a suspended or 22699  
revoked livestock manager certification in accordance with rules. 22700

(C) Information required to be included in an application for 22701  
a livestock manager certification, the amount of the application 22702  
fee, requirements regarding training and the examination, 22703  
requirements governing the management and handling of manure, 22704  
including the land application of manure, and requirements 22705  
governing the keeping of records regarding the handling of manure, 22706  
including the land application of manure, shall be established in 22707  
rules. 22708

**Sec. 903.082.** (A) The director of agriculture may determine 22709  
that an animal feeding facility that is not a concentrated animal 22710  
feeding facility nevertheless shall be required to apply for and 22711  
receive a permit to operate when all of the following apply: 22712

(1) The director has ~~received from the chief of the division~~ 22713  
~~of soil and water resources in the department of natural resources~~ 22714  
~~a copy of an order issued~~ specified a corrective action to be 22715  
taken under section ~~1511.02~~ 939.07 of the Revised Code ~~that~~ 22716  
~~specifies that the animal feeding facility has caused agricultural~~ 22717  
~~pollution by failure to comply with standards established under~~ 22718

~~that section and that the animal feeding facility therefore should~~ 22719  
~~be required to be permitted as a concentrated animal feeding~~ 22720  
~~facility.~~ 22721

(2) The director or the director's authorized representative 22722  
has inspected the animal feeding facility. 22723

(3) The director or the director's authorized representative 22724  
finds that the facility is not being operated in a manner that 22725  
protects the waters of the state. 22726

(B) In a situation in which best management practices cannot 22727  
be implemented without modifying the existing animal feeding 22728  
facility, the owner or operator of the facility shall apply for a 22729  
permit to install for the facility. 22730

(C) In the case of an animal feeding facility for which a 22731  
permit to operate is required under this section, a permit to 22732  
operate shall not be required after the end of the five-year term 22733  
of the permit if the problems that caused the facility to be 22734  
required to obtain the permit have been corrected to the 22735  
director's satisfaction. 22736

**Sec. 903.09.** (A) Prior to issuing or modifying a permit to 22737  
install, permit to operate, or NPDES permit, the director of 22738  
agriculture shall issue a draft permit. The director or the 22739  
director's representative shall mail notice of the issuance of a 22740  
draft permit to the applicant and shall publish the notice once in 22741  
a newspaper of general circulation in the county in which the 22742  
concentrated animal feeding facility or discharger is located or 22743  
proposed to be located. The director shall mail notice of the 22744  
issuance of a draft permit and a copy of the draft permit to the 22745  
board of county commissioners of the county and the board of 22746  
township trustees of the township in which the concentrated animal 22747  
feeding facility or discharger is located or proposed to be 22748  
located. The director or the director's representative also shall 22749

provide notice of the issuance of a draft NPDES permit to any 22750  
other persons that are entitled to notice under the Federal Water 22751  
Pollution Control Act. Notice of the issuance of a draft permit to 22752  
install, permit to operate, or NPDES permit shall include the 22753  
address where written comments concerning the draft permit may be 22754  
submitted and the period of time during which comments will be 22755  
accepted as established by rule. 22756

If the director receives written comments in an amount that 22757  
demonstrates significant public interest, as defined by rule, in 22758  
the draft permit, the director shall schedule one public meeting 22759  
to provide information to the public and to hear comments 22760  
pertinent to the draft permit. The notice of the public meeting 22761  
shall be provided in the same manner as the notice of the issuance 22762  
of the draft permit. 22763

(B) If a person is required to obtain both a permit to 22764  
install and a permit to operate, including any permit to operate 22765  
with NPDES provisions, and public meetings are required for both 22766  
permits, the public meetings for the permits shall be combined. 22767

(C) The director shall apply the antidegradation policy 22768  
adopted under section 6111.12 of the Revised Code to permits 22769  
issued under this chapter to the same degree and under the same 22770  
circumstances as it applies to permits issued under Chapter 6111. 22771  
of the Revised Code. The director shall hold one public meeting to 22772  
consider antidegradation issues when such a meeting is required by 22773  
the antidegradation policy. When allowed by the antidegradation 22774  
policy, the director shall hold the public meeting on 22775  
antidegradation issues concurrently with any public meeting held 22776  
for the draft permit. 22777

(D) The director or the director's representative shall 22778  
publish notice of the issuance of a final permit to install, 22779  
permit to operate, or NPDES permit once in a newspaper of general 22780



circulation in the county in which the concentrated animal feeding 22781  
facility or discharger is located. 22782

(E) Notice or a public meeting is not required for the 22783  
modification of a permit made with the consent of the permittee 22784  
for the correction of typographical errors. 22785

(F) The denial, modification, suspension, or revocation of a 22786  
permit to install, permit to operate, or NPDES permit without the 22787  
consent of the applicant or permittee shall be preceded by a 22788  
proposed action stating the director's intention to issue an order 22789  
with respect to the permit and the reasons for it. 22790

The director shall mail to the applicant or the permittee 22791  
notice of the director's proposed action to deny, modify, suspend, 22792  
or revoke a permit to install, permit to operate, or NPDES permit. 22793  
The director shall publish the notice once in a newspaper of 22794  
general circulation in the county in which the concentrated animal 22795  
feeding facility or concentrated animal feeding operation is 22796  
located or proposed to be located. The director shall mail a copy 22797  
of the notice of the proposed action to the board of county 22798  
commissioners of the county and to the board of township trustees 22799  
of the township in which the concentrated animal feeding facility 22800  
or concentrated animal feeding operation is located or proposed to 22801  
be located. The director also shall provide notice of the 22802  
director's proposed action to deny, modify, suspend, or revoke a 22803  
permit to install, permit to operate, or NPDES permit to any other 22804  
person that is entitled to notice under the Federal Water 22805  
Pollution Control Act. The notice of the director's proposed 22806  
action to deny, modify, suspend, or revoke a permit to install, 22807  
permit to operate, or NPDES permit shall include the address where 22808  
written comments concerning the director's proposed action may be 22809  
submitted and the period of time during which comments will be 22810  
accepted as established by rule. If the director receives written 22811  
comments in an amount that demonstrates significant public 22812

interest, as defined by rule, the director shall schedule one 22813  
public meeting to provide information to the public and to hear 22814  
comments pertinent to the proposed action. The notice of the 22815  
public meeting shall be provided in the same manner as the notice 22816  
of the director's proposed action. 22817

The director shall not issue an order that makes the proposed 22818  
action final until the applicant or permittee has had an 22819  
opportunity for an adjudication hearing in accordance with Chapter 22820  
119. of the Revised Code, except that section 119.12 of the 22821  
Revised Code does not apply. An order of the director that 22822  
finalizes the proposed action or an order issuing a permit without 22823  
a prior proposed action may be appealed to the environmental 22824  
review appeals commission under sections 3745.04 to 3745.06 of the 22825  
Revised Code. 22826

(G)(1) The director shall issue an order issuing or denying 22827  
an application for a permit to operate that contains NPDES 22828  
provisions or for a NPDES permit, as well as any application for a 22829  
permit to install that is submitted simultaneously, not later than 22830  
one hundred eighty days after receiving the application. 22831

(2) In the case of an application for a permit to install or 22832  
permit to operate that is not connected with an application for a 22833  
NPDES permit, the director shall issue or propose to deny the 22834  
permit not later than ninety days after receiving the application. 22835  
If the director has proposed to deny the permit to install or 22836  
permit to operate under division (G)(2) of this section, the 22837  
director shall issue an order denying the permit or, if the 22838  
director decides against the proposed denial, issuing the permit 22839  
not later than one hundred eighty days after receiving the 22840  
application. If the director denies the permit, the director shall 22841  
notify the applicant in writing of the reason for the denial. 22842

(H) All rulemaking and the issuance of civil penalties under 22843  
this chapter shall comply with Chapter 119. of the Revised Code. 22844

(I) Upon the transfer of ownership of an animal feeding facility for which a permit to install, an installation permit, a ~~review compliance certificate,~~ or a permit to operate that contains no NPDES provisions has been issued, the permit ~~or certificate~~ shall be transferred to the new owner of the animal feeding facility except as provided in division (C) of section 903.05 of the Revised Code. In the case of the transfer of ownership of a point source for which a NPDES permit or a permit to operate that contains NPDES provisions has been issued, the permit shall be transferred in accordance with rules.

(J) Applications for installation permits for animal feeding facilities pending before the director of environmental protection on the date on which the director of agriculture has finalized the programs required under division (A)(1) of section 903.02 and division (A)(1) of section 903.03 of the Revised Code shall be transferred to the director of agriculture. In the case of an applicant who is required to obtain a permit to install and a permit to operate under sections 903.02 and 903.03, respectively, of the Revised Code, the director of agriculture shall process the pending application for an installation permit as an application for a permit to install and a permit to operate.

(K) Applications for NPDES permits for either of the following that are pending before the director of environmental protection on the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code shall be transferred to the director of agriculture:

(1) The discharge of pollutants from a concentrated animal feeding operation;

(2) The discharge of storm water resulting from an animal feeding facility.

In the case of an applicant who is required to obtain a NPDES permit under section 903.08 of the Revised Code, the director of agriculture shall process the pending application as an application for a NPDES permit under that section.

**Sec. 903.10.** The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(A) Establish all of the following concerning permits to install and permits to operate:

(1) A description of what constitutes a modification of a concentrated animal feeding facility;

(2) A description of what constitutes a major operational change at a concentrated animal feeding facility;

(3) The amount of the fee that must be submitted with each permit application and each application for a permit modification;

(4) Information that must be included in the designs and plans required to be submitted with an application for a permit to install and criteria for approving, disapproving, or requiring modification of the designs and plans;

(5) Information that must be included in a manure management plan required to be submitted with an application for a permit to operate;

(6) Information that must be included in an application for the modification of an installation permit, a permit to install, or a permit to operate;

(7) Information that must be included in an application for approval of a major operational change at a concentrated animal feeding facility;

(8) Any additional information that must be included with a

permit application;	22905
(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	22906 22907 22908
(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	22909 22910 22911
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	22912 22913 22914 22915
(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	22916 22917 22918
(13) A requirement that a person that is required to obtain both a permit to install and a permit to operate submit applications for those permits simultaneously;	22919 22920 22921
(14) A definition of "general permit to operate" that establishes categories of concentrated animal feeding facilities to be covered under such a permit and a definition of "individual permit to operate" together with the criteria for issuing a general permit to operate and the criteria for determining a person's eligibility to operate under a general permit to operate.	22922 22923 22924 22925 22926 22927
<del>(B) Establish all of the following for the purposes of review compliance certificates issued under section 903.04 of the Revised Code:</del>	22928 22929 22930
<del>(1) The form of a certificate;</del>	22931
<del>(2) Criteria for what constitutes a significant capital expenditure under division (D) of that section;</del>	22932 22933
<del>(3) Deadlines and procedures for submitting information under</del>	22934

<del>division (E)(2) of that section.</del>	22935
<del>(C)</del> Establish best management practices that minimize water pollution, odors, insects, and rodents, that govern the land application of manure that originated at a concentrated animal feeding facility, and that govern all of the following activities that occur at a concentrated animal feeding facility:	22936
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(1) Manure management, including the storage, handling, transportation, and land application of manure. Rules adopted under division <del>(C)</del> <u>(B)</u> (1) of this section shall include practices that prevent surface and ground water contamination caused by the storage of manure or the land application of manure and prevent the contamination of water in drainage tiles that may be caused by that application.	22941
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(2) Disposal of dead livestock;	22948
(3) Production of biodiesel, biomass energy, electric or heat energy, and biologically derived methane gas as those terms are defined in section 5713.30 of the Revised Code;	22949
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(4) Any other activity that the director considers appropriate.	22952
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Best management practices established in rules adopted under division <del>(C)</del> <u>(B)</u> of this section shall not conflict with best management practices established in rules that have been adopted under any other section of the Revised Code. The rules adopted under division <del>(C)</del> <u>(B)</u> of this section shall establish guidelines that require owners or operators of concentrated animal feeding facilities to consult with and work with local officials, including boards of county commissioners and boards of township trustees, in addressing issues related to local government infrastructure needs and the financing of that infrastructure.	22954
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<del>(D)</del> <u>(C)</u> Establish all of the following concerning insect and rodent control plans required under section 903.06 of the Revised	22964
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Code:	22966
(1) The information to be included in an insect and rodent control plan;	22967 22968
(2) Criteria for approving, disapproving, or requiring modification of an insect and rodent control plan;	22969 22970
(3) Criteria for determining compliance with or violation of an insect and rodent control plan;	22971 22972
(4) Procedures and standards for monitoring insect and rodent control plans;	22973 22974
(5) Procedures and standards for enforcing insect and rodent control plans at concentrated animal feeding facilities at which insects or rodents constitute a nuisance or adversely affect public health;	22975 22976 22977 22978
(6) The amount of civil penalties for violation of an insect and rodent control plan assessed by the director of agriculture under division (B) of section 903.16 of the Revised Code, provided that the rules adopted under division <del>(D)</del> <u>(C)</u> (6) of this section shall not establish a civil penalty of more than ten thousand dollars for a violation involving a concentrated animal feeding facility that is not a major concentrated animal feeding facility and shall not establish a civil penalty of more than twenty-five thousand dollars for a violation involving a major concentrated animal feeding facility;	22979 22980 22981 22982 22983 22984 22985 22986 22987 22988
(7) The time period within which the director must approve or deny an insect and rodent control plan after receiving it;	22989 22990
(8) Any other provisions necessary to administer and enforce section 903.12 of the Revised Code.	22991 22992
<del>(E)</del> <u>(D)</u> Establish all of the following concerning livestock manager certifications required under section 903.07 of the Revised Code:	22993 22994 22995

(1) The information to be included in an application for a livestock manager certification and the amount of the application fee;	22996 22997 22998
(2) The content of the training required to be completed and of the examination required to be passed by an applicant for a livestock manager certification. The training shall include and the examination shall test the applicant's knowledge of information on topics that include calculating nutrient values in manure, devising and implementing a plan for the land application of manure, removing manure held in a manure storage or treatment facility, and following best management practices established in rules for disposal of dead animals and manure management, including practices that control odor and protect the environment. The director may specify other types of recognized training programs that, if completed, are considered to satisfy the training and examination requirement.	22999 23000 23001 23002 23003 23004 23005 23006 23007 23008 23009 23010 23011
(3) Criteria and procedures for the issuance, denial, suspension, revocation, or reinstatement of a livestock manager certification;	23012 23013 23014
(4) The length of time during which livestock manager certifications will be valid and procedures for their renewal;	23015 23016
(5) The volume of manure that must be transported and land applied annually or the volume of manure that must be bought, sold, or land applied annually by a person in order for the person to be required to obtain a livestock manager certification under division (A)(2) of section 903.07 of the Revised Code;	23017 23018 23019 23020 23021
(6) Requirements governing the management and handling of manure, including the land application of manure;	23022 23023
(7) Requirements governing the keeping of records regarding the handling of manure, including the land application of manure;	23024 23025
(8) Any other provisions necessary to administer and enforce	23026



section 903.07 of the Revised Code.	23027
<del>(F)</del> (E) Establish all of the following concerning NPDES permits:	23028
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(1) The designation of concentrated animal feeding operations that are subject to NPDES permit requirements under section 903.08 of the Revised Code;	23030
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(2) Effluent limitations governing discharges into waters of the state that are authorized by permits;	23033
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(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	23035
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(4) Terms and conditions to be included in a permit, including, as applicable, best management practices; installation of discharge or water quality monitoring methods or equipment; creation and retention of records; submission of periodic reports; schedules of compliance; net volume, net weight, and, where necessary, concentration and mass loading limits of manure that may be discharged into waters of the state; and authorized duration and frequency of any discharges into waters of the state;	23038
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(5) Procedures for the submission of applications for permits and notices of intent to be covered by general permits, including information that must be included in the applications and notices;	23046
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(6) The amount of the fee that must be submitted with an application for a permit;	23049
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(7) Procedures for processing permit applications, including public notice and participation requirements;	23051
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(8) Procedures for notifying the United States environmental protection agency of the submission of permit applications, the director's action on those applications, and any other reasonable and relevant information;	23053
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(9) Procedures for notifying and receiving and responding to recommendations from other states whose waters may be affected by the issuance of a permit;	23057 23058 23059
(10) Procedures for the transfer of permits to new owners or operators;	23060 23061
(11) Grounds and procedures for the issuance, denial, modification, suspension, or revocation of permits, including general permits;	23062 23063 23064
(12) A definition of "general NPDES permit" that establishes categories of point sources to be covered under such a permit and a definition of "individual NPDES permit" together with the criteria for issuing a general NPDES permit and the criteria for determining a person's eligibility to discharge under a general NPDES permit.	23065 23066 23067 23068 23069 23070
The rules adopted under division <del>(F)</del> <u>(E)</u> of this section shall be consistent with the requirements of the Federal Water Pollution Control Act.	23071 23072 23073
<del>(G)</del> <u>(F)</u> Establish public notice and participation requirements, in addition to the procedures established in rules adopted under division <del>(F)</del> <u>(E)</u> (7) of this section, for the issuance, denial, modification, transfer, suspension, and revocation of permits to install, permits to operate, and NPDES permits consistent with section 903.09 of the Revised Code, including a definition of what constitutes significant public interest for the purposes of divisions (A) and (F) of section 903.09 of the Revised Code and procedures for public meetings. The rules shall require that information that is presented at such a public meeting be limited to the criteria that are applicable to the permit application that is the subject of the public meeting.	23074 23075 23076 23077 23078 23079 23080 23081 23082 23083 23084 23085
<del>(H)</del> <u>(G)</u> Establish the amount of civil penalties assessed by the director of agriculture under division (B) of section 903.16	23086 23087

of the Revised Code for violation of the terms and conditions of a 23088  
permit to install, or permit to operate, ~~or review compliance~~ 23089  
~~certificate~~, provided that the rules adopted under this division 23090  
shall not establish a civil penalty of more than ten thousand 23091  
dollars per day for each violation; 23092

~~(I)~~(H) Establish procedures for the protection of trade 23093  
secrets from public disclosure. The procedures shall authorize the 23094  
release of trade secrets to officers, employees, or authorized 23095  
representatives of the state, another state, or the United States 23096  
when necessary for an enforcement action brought under this 23097  
chapter or when otherwise required by the Federal Water Pollution 23098  
Control Act. The rules shall require at least ten days' written 23099  
notice to the person to whom a trade secret applies prior to the 23100  
release of the trade secret. Rules adopted under this division do 23101  
not apply to any information that is contained in applications, 23102  
including attachments, for NPDES permits and that is required to 23103  
be submitted under section 903.08 of the Revised Code or rules 23104  
adopted under division ~~(F)~~(E) of this section. 23105

~~(J)~~(I) Establish any other provisions necessary to administer 23106  
and enforce this chapter. 23107

**Sec. 903.11.** (A) The director of agriculture may enter into 23108  
contracts or agreements to carry out the purposes of this chapter 23109  
with any public or private person, including OSU extension, the 23110  
natural resources conservation service in the United States 23111  
department of agriculture, the environmental protection agency, 23112  
~~the division of soil and water resources in the department of~~ 23113  
~~natural resources~~, and soil and water conservation districts 23114  
established under Chapter ~~1515~~. 940. of the Revised Code. However, 23115  
the director shall not enter into a contract or agreement with a 23116  
private person for the review of applications for permits to 23117  
install, permits to operate, or NPDES permits, ~~or review~~ 23118

~~compliance certificates~~ that are issued under this chapter or for 23119  
the inspection of a facility regulated under this chapter or with 23120  
any person for the issuance of any of those permits ~~or~~ 23121  
~~certificates~~ or for the enforcement of this chapter and rules 23122  
adopted under it. 23123

(B) The director may administer grants and loans using moneys 23124  
from the federal government and other sources, public or private, 23125  
for carrying out any of the director's functions. Nothing in this 23126  
chapter shall be construed to limit the eligibility of owners or 23127  
operators of animal feeding facilities or other agricultural 23128  
enterprises to receive moneys from the water pollution control 23129  
loan fund established under section 6111.036 of the Revised Code 23130  
and the nonpoint source pollution management fund established 23131  
under section 6111.037 of the Revised Code. 23132

The director of agriculture shall provide the director of 23133  
environmental protection with written recommendations for 23134  
providing financial assistance from those funds to agricultural 23135  
enterprises. The director of environmental protection shall 23136  
consider the recommendations in developing priorities for 23137  
providing financial assistance from the funds. 23138

**Sec. 903.12.** (A) The director of agriculture or the 23139  
director's authorized representative at reasonable times may enter 23140  
on any public or private property, real or personal, to make 23141  
investigations and inspections, including the sampling of 23142  
discharges and the inspection of discharge monitoring equipment, 23143  
or to otherwise execute duties that are necessary for the 23144  
administration and enforcement of this chapter. The director or 23145  
the director's authorized representative at reasonable times may 23146  
examine and copy any records pertaining to discharges that are 23147  
subject to this chapter or any records that are required to be 23148  
maintained by the terms and conditions of a permit ~~or review~~ 23149

~~compliance certificate~~ issued under this chapter. If refused 23150  
entry, the director or the director's authorized representative 23151  
may apply for and the court of common pleas having jurisdiction 23152  
may issue an appropriate warrant. 23153

(B) No person to whom a permit ~~or review compliance~~ 23154  
~~certificate~~ has been issued under this chapter shall refuse entry 23155  
to the director or the director's authorized representative or 23156  
purposely hinder or thwart the director or the director's 23157  
authorized representative in the exercise of any authority granted 23158  
under division (A) of this section. 23159

**Sec. 903.13.** In a private civil action for an alleged 23160  
nuisance related to agricultural activities conducted at a 23161  
concentrated animal feeding facility, it is an affirmative defense 23162  
if the person owning, operating, or otherwise responsible for the 23163  
concentrated animal feeding facility is in compliance with best 23164  
management practices established in the installation permit, or 23165  
permit to operate, ~~or review compliance certificate~~ issued for the 23166  
concentrated animal feeding facility and the agricultural 23167  
activities do not violate federal, state, and local laws governing 23168  
nuisances. 23169

**Sec. 903.16.** (A) The director of agriculture may propose to 23170  
require corrective actions and assess a civil penalty against an 23171  
owner or operator of a concentrated animal feeding facility if the 23172  
director or the director's authorized representative determines 23173  
that the owner or operator is not in compliance with section 23174  
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 23175  
the Revised Code, the terms and conditions of a permit to install, 23176  
or permit to operate, ~~or review compliance certificate~~ issued for 23177  
the concentrated animal feeding facility, including the 23178  
requirements established under division (C) of section 903.06 of 23179

the Revised Code, or rules adopted under division (A), (B), (C), 23180  
(D), ~~(E)~~, or ~~(F)~~(I) of section 903.10 of the Revised Code. 23181  
However, the director may impose a civil penalty only if all of 23182  
the following occur: 23183

(1) The owner or operator is notified in writing of the 23184  
deficiencies resulting in noncompliance, the actions that the 23185  
owner or operator must take to correct the deficiencies, and the 23186  
time period within which the owner or operator must correct the 23187  
deficiencies and attain compliance. 23188

(2) After the time period specified in the notice has 23189  
elapsed, the director or the director's duly authorized 23190  
representative has inspected the concentrated animal feeding 23191  
facility, determined that the owner or operator is still not in 23192  
compliance, and issued a notice of an adjudication hearing. 23193

(3) The director affords the owner or operator an opportunity 23194  
for an adjudication hearing under Chapter 119. of the Revised Code 23195  
to challenge the director's determination that the owner or 23196  
operator is not in compliance or the imposition of the civil 23197  
penalty, or both. However, the owner or operator may waive the 23198  
right to an adjudication hearing. 23199

(B) If the opportunity for an adjudication hearing is waived 23200  
or if, after an adjudication hearing, the director determines that 23201  
a violation has occurred or is occurring, the director may issue 23202  
an order requiring compliance and assess the civil penalty. The 23203  
order and the assessment of the civil penalty may be appealed in 23204  
accordance with section 119.12 of the Revised Code. 23205

Civil penalties shall be assessed under this division as 23206  
follows: 23207

(1) A person who has violated section 903.02~~7~~ or 903.03~~7~~ or 23208  
~~903.04~~ of the Revised Code, the terms and conditions of a permit 23209

to install, or permit to operate, ~~or review compliance~~ 23210  
eertificate, or rules adopted under division (A), (B), (C), (D), 23211  
~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code shall pay a 23212  
civil penalty in an amount established in rules unless the 23213  
violation is of the requirements established under division (C) of 23214  
section 903.06 or division (A) of section 903.07 of the Revised 23215  
Code. 23216

(2) A person who has violated the requirements established 23217  
under division (C) of section 903.06 of the Revised Code shall pay 23218  
a civil penalty in an amount established in rules for each 23219  
violation. Each seven-day period during which a violation 23220  
continues constitutes a separate violation. 23221

(3) A person who has violated the requirements established 23222  
under division (A) of section 903.07 of the Revised Code shall pay 23223  
a civil penalty of not more than ten thousand dollars for each 23224  
violation. Each thirty-day period during which a violation 23225  
continues constitutes a separate violation. 23226

(C) The attorney general, upon the written request of the 23227  
director, shall bring an action for an injunction in any court of 23228  
competent jurisdiction against any person violating or threatening 23229  
to violate section 903.02, or 903.03, ~~or 903.04~~ or division (A) of 23230  
section 903.07 of the Revised Code; the terms and conditions of a 23231  
permit to install, or permit to operate, ~~or review compliance~~ 23232  
eertificate, including the requirements established under division 23233  
(C) of section 903.06 of the Revised Code; rules adopted under 23234  
division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of 23235  
the Revised Code; or an order issued under division (B) of this 23236  
section or division (B) of section 903.07 of the Revised Code. 23237

(D)(1) In lieu of seeking civil penalties under division (A) 23238  
of this section, the director may request the attorney general, in 23239  
writing, to bring an action for a civil penalty in a court of 23240  
competent jurisdiction against any person that has violated or is 23241

violating division (A) of section 903.07 of the Revised Code or 23242  
the terms and conditions of a permit to install, or permit to 23243  
operate, ~~or review compliance certificate~~, including the 23244  
requirements established under division (C) of section 903.06 of 23245  
the Revised Code. 23246

(2) The director may request the attorney general, in 23247  
writing, to bring an action for a civil penalty in a court of 23248  
competent jurisdiction against any person that has violated or is 23249  
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 23250  
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 23251  
~~(J)~~(I) of section 903.10 of the Revised Code, or an order issued 23252  
under division (B) of this section or division (B) of section 23253  
903.07 of the Revised Code. 23254

(3) A person who has committed a violation for which the 23255  
attorney general may bring an action for a civil penalty under 23256  
division (D)(1) or (2) of this section shall pay a civil penalty 23257  
of not more than ten thousand dollars per violation. Each day that 23258  
a violation continues constitutes a separate violation. 23259

(E) In addition to any other penalties imposed under this 23260  
section, the director may impose an administrative penalty against 23261  
an owner or operator of a concentrated animal feeding facility if 23262  
the director or the director's authorized representative 23263  
determines that the owner or operator is not in compliance with 23264  
best management practices that are established in rules adopted 23265  
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 23266  
Code or in the permit to install, or permit to operate, ~~or review~~ 23267  
~~compliance certificate~~ issued for the facility. The administrative 23268  
penalty shall not exceed five thousand dollars. 23269

The director shall afford the owner or operator an 23270  
opportunity for an adjudication hearing under Chapter 119. of the 23271  
Revised Code to challenge the director's determination under this 23272  
division, the director's imposition of an administrative penalty 23273



under this division, or both. The director's determination and the 23274  
imposition of the administrative penalty may be appealed in 23275  
accordance with section 119.12 of the Revised Code. 23276

**Sec. 903.17.** (A) The director of agriculture may propose to 23277  
require corrective actions and assess a civil penalty against an 23278  
owner or operator of an animal feeding operation if the director 23279  
or the director's authorized representative determines that the 23280  
owner or operator is not in compliance with section 903.08 of the 23281  
Revised Code, the terms and conditions of a NPDES permit, the 23282  
NPDES provisions of a permit to operate, or rules adopted under 23283  
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 23284  
the director may impose a civil penalty only if all of the 23285  
following occur: 23286

(1) The owner or operator is notified in writing of the 23287  
deficiencies resulting in noncompliance, the actions that the 23288  
owner or operator must take to correct the deficiencies, and the 23289  
time period within which the owner or operator must correct the 23290  
deficiencies and attain compliance. 23291

(2) After the time period specified in the notice has 23292  
elapsed, the director or the director's duly authorized 23293  
representative has inspected the animal feeding operation, 23294  
determined that the owner or operator is still not in compliance, 23295  
and issued a notice of violation to require corrective actions. 23296

(3) The director affords the owner or operator an opportunity 23297  
for an adjudication hearing under Chapter 119. of the Revised Code 23298  
to challenge the director's determination that the owner or 23299  
operator is not in compliance or the imposition of the civil 23300  
penalty, or both. However, the owner or operator may waive the 23301  
right to an adjudication hearing. 23302

(B) If the opportunity for an adjudication hearing is waived 23303  
or if, after an adjudication hearing, the director determines that 23304

a violation has occurred or is occurring, the director may issue 23305  
an order and assess a civil penalty of not more than ten thousand 23306  
dollars per violation against the violator. For purposes of 23307  
determining the civil penalty, each day that a violation continues 23308  
constitutes a separate and distinct violation. The order and the 23309  
assessment of the civil penalty may be appealed in accordance with 23310  
section 119.12 of the Revised Code. 23311

(C) To the extent consistent with the Federal Water Pollution 23312  
Control Act, the director shall consider technical feasibility and 23313  
economic costs in issuing orders under this section. 23314

(D)(1) The attorney general, upon the written request of the 23315  
director, shall bring an action for an injunction in any court of 23316  
competent jurisdiction against any person violating or threatening 23317  
to violate section 903.08 of the Revised Code, the terms and 23318  
conditions of a NPDES permit, the NPDES provisions of a permit to 23319  
operate, rules adopted under division ~~(F)~~(E) of section 903.10 of 23320  
the Revised Code, or an order issued under division (B) of this 23321  
section. 23322

(2) In lieu of seeking civil penalties under division (A) of 23323  
this section, the director may request, in writing, the attorney 23324  
general to bring an action for a civil penalty of not more than 23325  
ten thousand dollars per violation in a court of competent 23326  
jurisdiction against any person that has violated or is violating 23327  
section 903.08 of the Revised Code, the terms and conditions of a 23328  
NPDES permit, the NPDES provisions of a permit to operate, rules 23329  
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 23330  
Code, or an order issued under division (B) of this section. For 23331  
purposes of determining the civil penalty to be assessed under 23332  
division (B) of this section, each day that a violation continues 23333  
constitutes a separate and distinct violation. 23334

(E) In addition to any other penalties imposed under this 23335  
section, the director may impose an administrative penalty against 23336

an owner or operator of an animal feeding operation if the 23337  
director or the director's authorized representative determines 23338  
that the owner or operator has discharged pollutants into waters 23339  
of the state in violation of section 903.08 of the Revised Code or 23340  
the terms and conditions of a NPDES permit or the NPDES provisions 23341  
of the permit to operate issued for the operation. The 23342  
administrative penalty shall not exceed five thousand dollars. 23343

The director shall afford the owner or operator an 23344  
opportunity for an adjudication hearing under Chapter 119. of the 23345  
Revised Code to challenge the director's determination under this 23346  
division, the director's imposition of an administrative penalty 23347  
under this division, or both. The director's determination and the 23348  
imposition of the administrative penalty may be appealed in 23349  
accordance with section 119.12 of the Revised Code. 23350

**Sec. 903.25.** An owner or operator of an animal feeding 23351  
facility who holds a permit to install, a permit to operate, a 23352  
~~review compliance certificate,~~ or a NPDES permit or who is 23353  
operating under an operation and management plan, as defined in 23354  
section ~~1511.01~~ 939.01 of the Revised Code, developed or approved 23355  
by the ~~chief of the division of soil and water resources in the~~ 23356  
~~department of natural resources under section 1511.02~~ director of 23357  
agriculture under section 939.02 of the Revised Code or by the 23358  
supervisors of the appropriate soil and water conservation 23359  
district under section ~~1515.08~~ 940.06 of the Revised Code shall 23360  
not be required by any political subdivision of the state or any 23361  
officer, employee, agency, board, commission, department, or other 23362  
instrumentality of a political subdivision to obtain a license, 23363  
permit, or other approval pertaining to manure, insects or 23364  
rodents, odor, or siting requirements for installation of an 23365  
animal feeding facility. 23366

**Sec. 905.31.** As used in sections 905.31 to 905.503 of the 23367

Revised Code:	23368
(A) "Brand name" means a name or expression, design, or trademark used in connection with one or several grades of any type of fertilizer.	23369 23370 23371
(B) "Bulk fertilizer" means any type of fertilizer in solid, liquid, or gaseous state, or any combination thereof, in a nonpackaged form.	23372 23373 23374
(C) "Distribute" means to offer for sale, sell, barter, or otherwise supply fertilizer for other than manufacturing purposes.	23375 23376
(D) "Fertilizer" means any substance containing nitrogen, phosphorus, or potassium or any recognized plant nutrient element or compound that is used for its plant nutrient content or for compounding mixed fertilizers. "Fertilizer" does not include lime, limestone, marl, unground bone, water, residual farm products, and animal and vegetable manures unless mixed with fertilizer materials or distributed with a guaranteed analysis.	23377 23378 23379 23380 23381 23382 23383
(E) "Grade" means the percentages of total nitrogen, available phosphorus or available phosphate (P <sub>2</sub> O <sub>5</sub> ), and soluble potassium or soluble potash (K <sub>2</sub> O) stated in the same terms, order, and percentage as in guaranteed analysis.	23384 23385 23386 23387
(F) "Guaranteed analysis" means:	23388
(1) The minimum percentages of plant nutrients claimed in the following order and form:	23389 23390
Total Nitrogen (N)    per cent	23391
Available phosphate (P <sub>2</sub> O <sub>5</sub> )    per cent	23392
Soluble Potash (K <sub>2</sub> O)    per cent	23393
(2) Guaranteed analysis includes, in the following order:	23394
(a) For bone and tankage, total phosphorus (P) or phosphate (P <sub>2</sub> O <sub>5</sub> );	23395 23396
(b) For basic slag and unacidulated phosphatic materials,	23397

available and total phosphorus (P) or phosphate (P <sub>2</sub> O <sub>5</sub> ) and the degree of fineness;	23398 23399
(c) Additional plant nutrients guaranteed expressed as percentage of elements in the order and form as prescribed by rules adopted by the director of agriculture.	23400 23401 23402
(G) "Label" means any written or printed matter on the package or tag attached to it or on the pertinent delivery and billing invoice.	23403 23404 23405
(H) "Manufacture" means to process, granulate, blend, mix, or alter the composition of fertilizers for distribution.	23406 23407
(I) "Mixed fertilizer" means any combination or mixture of fertilizer designed for use, or claimed to have value, in promoting plant growth, including fertilizer pesticide mixtures.	23408 23409 23410
(J) "Net weight" means the weight of a commodity excluding any packaging in pounds or metric equivalent, as determined by a sealed weighing device or other means prescribed by rules adopted by the director.	23411 23412 23413 23414
(K) "Packaged fertilizer" means any type of fertilizer in closed containers of not over one hundred pounds or metric equivalent.	23415 23416 23417
(L) "Per cent" or "percentage" means the percentage of weight.	23418 23419
(M) "Person" includes any partnership, association, firm, corporation, company, society, individual or combination of individuals, institution, park, or public agency administered by the state or any subdivision of the state.	23420 23421 23422 23423
(N) "Product name" means a coined or specific designation applied to an individual fertilizer material or mixture of a fixed composition and derivation.	23424 23425 23426
(O) "Sale" means exchange of ownership or transfer of	23427

custody.	23428
(P) "Official sample" means the sample of fertilizer taken and designated as official by the director.	23429 23430
(Q) "Specialty fertilizer" means any fertilizer designed, labeled, and distributed for uses other than the production of commercial crops.	23431 23432 23433
(R) "Ton" means a net weight of two thousand pounds.	23434
(S) "Fertilizer material" includes any of the following:	23435
(1) A material containing not more than one of the following primary plant nutrients:	23436 23437
(a) Nitrogen (N);	23438
(b) Phosphorus (P);	23439
(c) Potassium (K).	23440
(2) A material that has not less than eighty-five per cent of its plant nutrient content composed of a single chemical compound;	23441 23442
(3) A material that is derived from a residue or by-product of a plant or animal or a natural material deposit and has been processed in such a way that its plant nutrients content has not been materially changed except by purification and concentration.	23443 23444 23445 23446
(T) "Custom mixed fertilizer" means a fertilizer that is not premixed, but that is blended specifically to meet the nutrient needs of one specific customer.	23447 23448 23449
(U) "Director" or "director of agriculture" means the director of agriculture or the director's designee.	23450 23451
(V) "Lot" means an identifiable quantity of fertilizer that may be used as an official sample.	23452 23453
(W) "Unit" means twenty pounds of fertilizer or one per cent of a ton.	23454 23455

(X) "Anhydrous ammonia equipment" means, with regard to the 23456  
handling or storage of anhydrous ammonia, a container or 23457  
containers with a maximum capacity of not more than four thousand 23458  
nine hundred ninety-nine gallons or any appurtenances, pumps, 23459  
compressors, or interconnecting pipes associated with such a 23460  
container or containers. "Anhydrous ammonia equipment" does not 23461  
include equipment for the manufacture of anhydrous ammonia or the 23462  
storage of anhydrous ammonia either underground or in refrigerated 23463  
structures. 23464

(Y) "Anhydrous ammonia system" or "system" means, with regard 23465  
to the handling or storage of anhydrous ammonia, a container or 23466  
containers with a minimum capacity of not less than five thousand 23467  
gallons or any appurtenances, pumps, compressors, or 23468  
interconnecting pipes associated with such a container or 23469  
containers. "Anhydrous ammonia system" does not include equipment 23470  
for the manufacture of anhydrous ammonia or the storage of 23471  
anhydrous ammonia either underground or in refrigerated 23472  
structures. 23473

(Z) "Agricultural production" means the cultivation, 23474  
primarily for sale, of plants or any parts of plants on more than 23475  
fifty acres. "Agricultural production" does not include the use of 23476  
start-up fertilizer applied through a planter. 23477

(AA) "Rule" means a rule adopted under section 905.322, 23478  
905.40, or 905.44 of the Revised Code, as applicable. 23479

(BB) "Certificate holder" means a person who has been 23480  
certified to apply fertilizer under section 905.321 of the Revised 23481  
Code and rules adopted under section 905.322 of the Revised Code. 23482

(CC) "Residual farm products" has the same meaning as in 23483  
section ~~1511.01~~ 939.01 of the Revised Code. 23484

(DD) "Voluntary nutrient management plan" means any of the 23485  
following: 23486

(1) A nutrient management plan that is in the form of the Ohio nutrient management workbook made available by the Ohio state university; 23487  
23488  
23489

(2) A comprehensive nutrient management plan developed by the United States department of agriculture natural resources conservation service, a technical service provider certified by the conservation service, or a person authorized by the conservation service to develop a plan; 23490  
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23492  
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(3) A document that is equivalent to a plan specified in division (DD)(1) or (2) of this section, that is in a form approved by the director or the director's designee, and that contains at least all of the following information: 23495  
23496  
23497  
23498

(a) Results of soil tests conducted on land subject to the plan that comply with the field office technical guide established by the conservation service and adopted by the ~~chief of the division of soil and water resources in the department of natural resources~~ director in rules adopted under division (E) of section ~~1511.02~~ 939.02 of the Revised Code and that are not older than three years; 23499  
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23501  
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23505

(b) Documentation of the method and seasonal time of utilization and application of nutrients; 23506  
23507

(c) Identification of all nutrients applied, including manure, fertilizer, sewage sludge, and biodigester residue; 23508  
23509

(d) Field information regarding land subject to the plan, including the location, spreadable acreage, crops grown, and actual and projected yields. 23510  
23511  
23512

**Sec. 905.323.** (A)(1) A person who owns or operates agricultural land may do any of the following: 23513  
23514

(a) Develop a voluntary nutrient management plan; 23515

(b) Request any person to develop a voluntary nutrient 23516



management plan on behalf of the person who owns or operates the agricultural land; 23517  
23518

(c) Request the supervisors of the applicable soil and water conservation district organized in accordance with Chapter ~~1515-~~ 23519  
940. of the Revised Code to develop a voluntary nutrient 23520  
management plan on the person's behalf. 23521  
23522

(2) A person who owns or operates agricultural land and who 23523  
has developed or has had developed a voluntary nutrient management 23524  
plan under division (A)(1)(a) or (b) of this section, as 23525  
applicable, may request the supervisors of the applicable soil and 23526  
water conservation district, the director of agriculture, or the 23527  
director's designee to approve the plan. The supervisors, 23528  
director, or director's designee shall approve or disapprove the 23529  
plan. 23530

(B) If a voluntary nutrient management plan is disapproved 23531  
under this section, the person who developed the plan or had it 23532  
developed may request an adjudication hearing in accordance with 23533  
Chapter 119. of the Revised Code. 23534

(C) A person whose voluntary nutrient management plan is 23535  
disapproved may appeal to the court of common pleas of Franklin 23536  
county. 23537

(D) After a voluntary nutrient management plan has been 23538  
approved under this section, the person who developed the plan or 23539  
had it developed shall submit the plan once every five years to 23540  
the supervisors of the applicable soil and water conservation 23541  
district or the director for review. If after the review the 23542  
supervisors or the director determines that the plan needs to be 23543  
modified, the supervisors or director shall notify the person who 23544  
submitted the plan. The person then shall provide for the 23545  
modification of the plan. The procedures and requirements 23546  
established in divisions (A) to (C) of this section apply to a 23547

modification of the plan. 23548

**Sec. 918.41.** If the director of agriculture has not entered 23549  
into an agreement with the United States department of agriculture 23550  
in compliance with section 918.44 of the Revised Code, ~~he~~ the 23551  
director shall establish and maintain a state acceptance service 23552  
within the department of agriculture to examine and monitor 23553  
compliance by meat and poultry vendors ~~on the list established and~~ 23554  
~~maintained by the director of administrative services under~~ 23555  
~~section 125.17 of the Revised Code~~ with the specifications of the 23556  
state purchase contracts awarded them under section 125.11 of the 23557  
Revised Code, and by establishments, as defined in section 918.01 23558  
or 918.21 of the Revised Code, subject to state or federal 23559  
inspection. State acceptance service shall be made available to 23560  
such vendors and establishments within the state from eight a.m. 23561  
to five p.m. Monday through Friday. 23562

At least forty-eight hours, excluding Saturday and Sunday, 23563  
before the date on which ~~he~~ a vendor or authorized representative 23564  
from such an establishment desires examination and monitoring of 23565  
the production of meat products, as defined in section 918.01 of 23566  
the Revised Code, or poultry products, as defined in section 23567  
918.21 of the Revised Code, that ~~he~~ the vendor or establishment 23568  
intends to supply to the state under a state purchase contract, a 23569  
vendor or authorized representative from such an establishment 23570  
shall contact the state acceptance service and request examination 23571  
and monitoring. A state acceptor shall examine and monitor the 23572  
production of the meat or poultry products to determine whether 23573  
there is compliance with the state purchase contract 23574  
specifications. The containers of products found to be in 23575  
compliance shall be sealed, dated, and marked with an official 23576  
mark. The state acceptor shall provide an official acceptance 23577  
certificate to accompany each shipment to its destination. 23578

The director shall train and appoint as state acceptors 23579  
inspectors, as defined in sections 918.01 and 918.21 of the 23580  
Revised Code. 23581

Acceptance may be provided by the United States department of 23582  
agriculture at the option of the vendor or authorized 23583  
representative of such an establishment. 23584

**Sec. 929.03.** (A)(1) No public entity with authority to levy 23585  
special assessments on real property shall collect an assessment 23586  
for purposes of sewer, water, or electrical service on real 23587  
property that is within an agricultural district as described in 23588  
division (A)(2) of this section without the permission of the 23589  
owner, except that any assessment may be collected on a lot 23590  
surrounding a dwelling or other structure not used in agricultural 23591  
production that does not exceed one acre or the minimum area 23592  
required by local zoning or subdivision rules, whichever is the 23593  
greater area. 23594

(2) For purposes of division (A)(1) of this section, an 23595  
agricultural district is such a district that is established: 23596

(a) In the case of counties, prior to the adoption of a 23597  
resolution of necessity by a board of county commissioners, 23598  
pursuant to section 6103.05 or 6117.06 of the Revised Code; 23599

(b) In the case of municipal corporations, prior to whichever 23600  
of the following occurs first: 23601

(i) The adoption of the resolution of necessity by the 23602  
municipal legislative authority, pursuant to section 727.12 or 23603  
729.02 of the Revised Code; 23604

(ii) The service of notice on all or some of the owners to be 23605  
assessed pursuant to section 729.06 of the Revised Code; 23606

(iii) The adoption of the resolution or ordinance by the 23607  
municipal legislative authority declaring the necessity for the 23608

improvement, the costs of which are to be assessed under 23609  
procedures authorized by a municipal charter adopted pursuant to 23610  
Section 7 of Article XVIII, Ohio Constitution, or, if no such 23611  
ordinance or resolution is required under the charter, the service 23612  
of the first notice on all or some of the owners of lands to be 23613  
assessed, or the adoption of the first ordinance or resolution by 23614  
the municipal legislative authority pertaining to the assessment 23615  
proceedings under the charter. 23616

(c) In the case of a regional water and sewer district 23617  
established pursuant to Chapter 6119. of the Revised Code, prior 23618  
to the adoption of a resolution of necessity by the board of 23619  
trustees of the district under section 6119.25 of the Revised 23620  
Code. 23621

(B) For each special assessment levied by a public entity on 23622  
real property within an agricultural district for purposes of 23623  
sewer, water, or electrical service, the county auditor shall make 23624  
and maintain a list showing: 23625

(1) The name of the owner of each lot, tract, or parcel of 23626  
land that is exempt from the collection of the special assessment 23627  
under this section; 23628

(2) A description of the exempt land; 23629

(3) The purpose of the special assessment; 23630

(4) The amount of the uncollected assessment on the exempt 23631  
land. 23632

In the case of a county project constructed under Chapter 23633  
6103. or 6117. of the Revised Code, the county auditor may use a 23634  
list provided for in those chapters in lieu of the list required 23635  
by division (B) of this section. The auditor shall also record in 23636  
the water works record required by section 6103.16 of the Revised 23637  
Code or the sewer improvement record required by section 6117.33 23638  
of the Revised Code those assessments not collected under this 23639

section. The recording of the assessments does not permit the 23640  
collection of the assessments until such time as exempt lands are 23641  
withdrawn from agricultural districts or converted to 23642  
nonagricultural use. 23643

(C) If at any time any of the owner's exempt land, other than 23644  
a lot sold or transferred to a son, daughter, brother, sister, 23645  
mother, or father for the purpose of constructing a dwelling in 23646  
which the relative will reside for at least three years, is 23647  
withdrawn from an agricultural district or if the owner of the 23648  
exempt land uses on that land the service for which the special 23649  
assessment was assessed, the public entity may collect the entire 23650  
uncollected assessment, except as otherwise provided in this 23651  
division, in addition to an amount equal to the rate of interest 23652  
that any bonds or notes issued for the project for which the 23653  
assessment was made did bear for the number of years the land was 23654  
exempted, not to exceed twenty-five or the number of years for 23655  
which the bonds or notes were issued, whichever is the lesser 23656  
number. The owner shall notify the county auditor of any 23657  
withdrawal from a district or use of the service within ninety 23658  
days following the withdrawal or use of the service. The charge 23659  
shall constitute a lien of the public entity upon the land and 23660  
shall continue until discharged. All liens shall be recorded in 23661  
the appropriate county recorder's office. Moneys collected as a 23662  
result of the charge shall be deposited in the appropriate fund of 23663  
the public entity that levied the special assessment. 23664

If the owner of exempt land sells or transfers a lot to the 23665  
owner's son, daughter, brother, sister, mother, or father for the 23666  
purpose of constructing a dwelling in which the relative will 23667  
reside for at least three years, and if the owner or the buyer of 23668  
the lot uses the service for which the special assessment was 23669  
assessed only to provide service to that lot, the owner of the lot 23670  
shall pay only that portion of the uncollected assessment and 23671

interest that applies to the lot. 23672

If at any time any part of an owner's exempt land is 23673  
appropriated, the owner shall pay only that portion of the 23674  
uncollected assessment and interest that applies to the 23675  
appropriated parcel of land. 23676

In lieu of immediate payment of the uncollected assessment 23677  
and interest, the board of county commissioners, legislative 23678  
authority of a municipal corporation, or other governing board of 23679  
any other public entity may, upon the request of the owner, 23680  
establish an extended repayment schedule for the owner. If the 23681  
board, legislative authority, or other governing board establishes 23682  
such a schedule, it shall notify the county auditor of the 23683  
schedule. 23684

(D) A board of county commissioners, legislative authority of 23685  
a municipal corporation, or other governing board of any other 23686  
public entity may apply to the Ohio public works commission 23687  
created by section 164.02 of the Revised Code for an advance of 23688  
money from the sewer development advancement fund created by 23689  
section 164.13 of the Revised Code in an amount equal to that 23690  
portion of the costs of a water or sewer improvement authorized by 23691  
law that is to be financed by assessments whose collection is 23692  
prohibited under division (A) of this section. The application for 23693  
such an advance of money shall be made in the manner prescribed in 23694  
policies and procedures established by the director of the 23695  
commission. Upon collection of any assessment whose collection was 23696  
prohibited under division (A) of this section, the board of county 23697  
commissioners, legislative authority, or other governing board 23698  
shall repay the commission the amount of any money advanced by it 23699  
in regard to the assessment. 23700

**Sec. 931.01.** As used in this chapter: 23701

(A) "Agriculture" has the same meaning as in section 1.61 of 23702

the Revised Code.	23703
(B) "Best management practices" means the engagement of	23704
agricultural production and management, including practices such	23705
as manure handling, tillage, forestry management, and similar	23706
practices, in a manner that is generally accepted in the	23707
agriculture industry and that is approved by any of the following:	23708
(1) The United States department of agriculture;	23709
(2) The natural resources conservation service in the United	23710
States department of agriculture;	23711
(3) The department of <del>natural resources</del> <u>agriculture</u> ;	23712
(4) A soil and water conservation district established under	23713
Chapter <del>1515-</del> <u>940.</u> of the Revised Code;	23714
(5) With respect to organic or sustainable production	23715
methods, a conservation professional whom the director of	23716
agriculture approves as having expertise in those methods.	23717
(C) "Contiguous farmland" means any of the following:	23718
(1) Geographically contiguous property used for agriculture;	23719
(2) Noncontiguous property used for agriculture that is owned	23720
by one person and connected by a right-of-way that the person	23721
controls and to which the public does not have access;	23722
(3) Two or more pieces of property used for agriculture that	23723
would be geographically contiguous but for the fact that the	23724
property is separated by a public or private right-of-way or	23725
rights-of-way or by rivers, streams, creeks, or other bodies of	23726
water.	23727
<b>Sec. 931.02.</b> (A) Land that is located in the unincorporated	23728
area of a township or county may be enrolled in an agricultural	23729
security area through the submittal of an application to the board	23730
of township trustees of each township and to the board of county	23731

commissioners of each county in which the land is located 23732  
requesting the establishment of such an area. Land that is located 23733  
in a municipal corporation and land that is located in territory 23734  
that is proposed to be annexed to a municipal corporation by a 23735  
pending proceeding before the board of county commissioners or in 23736  
any court of competent jurisdiction shall not be included in an 23737  
agricultural security area. 23738

If all of the land sought to be enrolled in the agricultural 23739  
security area is owned by the same person, that person shall 23740  
submit the application to the required boards. If the land sought 23741  
to be enrolled consists of parcels owned by different persons who 23742  
have aggregated their parcels, either each owner may submit a 23743  
separate application to the required boards or all of the owners 23744  
collectively may submit one application for the entire 23745  
agricultural security area to the required boards. 23746

An application shall be on the form that the director of 23747  
agriculture prescribes. The director shall provide copies of the 23748  
application form to county auditors. 23749

An application shall be signed by each applicant who is 23750  
submitting it and shall contain all of the following: 23751

(1) The first, middle, and last name of the applicant or 23752  
applicants; 23753

(2) Information concerning any property interest in the land 23754  
sought to be enrolled in an agricultural security area that is 23755  
held by a person other than the applicant or applicants, 23756  
including, without limitation, mineral rights or easements in the 23757  
land that are held by a person other than the applicant or 23758  
applicants and any other interest in the land that may not be 23759  
conducive to agriculture and that is held by another person; 23760

(3) A statement by each applicant who is submitting the 23761  
application that the applicant will not initiate, approve, or 23762



finance any new development for nonagricultural purposes on the 23763  
land that is proposed to be enrolled in an agricultural security 23764  
area during the ten-year period of the enrollment, except as is 23765  
otherwise authorized under division (A) of section 931.04 of the 23766  
Revised Code. For purposes of division (A)(3) of this section, 23767  
"new development" includes, without limitation, an applicant's 23768  
transfer to another person of the ownership of a property interest 23769  
in the land that occurs during the period beginning on the date 23770  
that the application is submitted and ending on the date that the 23771  
ten-year period of enrollment is scheduled to expire, except as 23772  
otherwise provided in division (D) of this section. "New 23773  
development" does not include taking any actions that are 23774  
authorized under property rights in the land, such as mineral 23775  
rights or easements, that were transferred to a person other than 23776  
an applicant prior to the date that the application is submitted. 23777  
In addition, "new development" does not include the construction, 23778  
modification, or operation of wind energy-producing facilities, 23779  
including windmills and wind turbines, the grant of easements for 23780  
or the construction, modification, or operation of transmission or 23781  
distribution lines for electricity, gas, or oil or of any 23782  
gathering or production lines for oil or gas, or the grant of new 23783  
mineral leases, or the drilling or operation of any oil or gas 23784  
well on or in connection with the land, provided that such 23785  
activities do not cause the land to become ineligible for 23786  
valuation and assessment for real property tax purposes in 23787  
accordance with its current agricultural use value under sections 23788  
5713.30 to 5713.38 of the Revised Code. 23789

(4) A listing of all administrative enforcement orders issued 23790  
to each applicant who is submitting the application, all civil 23791  
actions in which an applicant was determined by the trier of fact 23792  
to be liable in damages or was the subject of injunctive relief or 23793  
another type of civil relief, and all criminal actions in which an 23794  
applicant pleaded guilty or was convicted, during the ten years 23795

immediately preceding the date of submission of the application, 23796  
in connection with any violation of environmental laws or similar 23797  
laws of another state. As used in division (A)(4) of this section, 23798  
"environmental laws" has the same meaning as in section 3745.70 of 23799  
the Revised Code. 23800

(5) A statement from the natural resources conservation 23801  
service in the United States department of agriculture, a soil and 23802  
water conservation district with jurisdiction over the land to 23803  
which the application applies, or any other conservation 23804  
professional approved by the director that, at the time of the 23805  
application, each applicant who is submitting the application is 23806  
complying with best management practices; 23807

(6) A map that complies with all of the following: 23808

(a) Is prepared by a regional or county planning commission 23809  
established under section 713.21 of the Revised Code; a 23810  
professional engineer, including a county engineer, or surveyor 23811  
registered under Chapter 4733. of the Revised Code; a soil and 23812  
water conservation district created pursuant to section ~~1515.03~~ 23813  
940.03 of the Revised Code; or the natural resources conservation 23814  
service; 23815

(b) Identifies the area of land to which the application 23816  
applies and includes the corresponding parcel number that the 23817  
county auditor has assigned under section 319.28 of the Revised 23818  
Code to each parcel of land that comprises that area; 23819

(c) Shows the boundaries of the land to be enrolled in an 23820  
agricultural security area; 23821

(d) Shows the names and locations of all streams, creeks, or 23822  
other bodies of water, roads, rights-of-way, and railroads 23823  
together with any existing residential, recreational, commercial, 23824  
or industrial facilities that are situated on the land to be 23825  
included in the area and within five hundred feet of the perimeter 23826

of the area. The map also shall show the location of all utility, 23827  
water, and sewer lines that are situated on the land to be 23828  
included in the area and within five hundred feet of the perimeter 23829  
of the area unless the board of county commissioners of each 23830  
county and the board of township trustees of each township in 23831  
which the land is located exempts the application from that 23832  
requirement because the information generally is not readily 23833  
available. 23834

(e) Indicates the date on which the map was prepared; 23835

(f) Identifies the person or persons who prepared the map. 23836

(7) A list of the other boards of township trustees and 23837  
boards of county commissioners to whom an application has been 23838  
submitted. 23839

An application submitted under this section is a public 23840  
record. 23841

A board of township trustees and a board of county 23842  
commissioners each may establish a reasonable fee or schedule of 23843  
fees to be paid at the time that an application is submitted for 23844  
the purpose of paying the costs of public notice and certified 23845  
mail that are incurred in any proceedings conducted under this 23846  
chapter. The clerk of the board shall maintain an accurate and 23847  
detailed accounting of all money that is received and expended in 23848  
the processing of an application and shall return to the applicant 23849  
any unused portion of the fee or fees after the conclusion of the 23850  
proceedings. 23851

(B) An area shall be established as an agricultural security 23852  
area when all of the following criteria are satisfied: 23853

(1) The area consists of not less than five hundred acres of 23854  
contiguous farmland that is located in the unincorporated area of 23855  
a township or county. In order to satisfy this requirement, two or 23856  
more owners of contiguous farmland may aggregate their land. 23857

(2) The land forming the area is in an agricultural district	23858
or districts established under Chapter 929. of the Revised Code.	23859
(3) The land forming the area is valued and assessed for real	23860
property tax purposes in accordance with its current agricultural	23861
use value under sections 5713.30 to 5713.38 of the Revised Code.	23862
Land forming the area that is a portion of a farm on which is	23863
located a dwelling house, a yard, or outbuildings such as a barn	23864
or garage shall be deemed to satisfy the criteria established in	23865
divisions (B)(1) and (3) of this section.	23866
(4) Each application submitted by the owner or owners of the	23867
land forming the area is approved under section 931.03 of the	23868
Revised Code by the boards of township trustees of all of the	23869
townships in which the land is located.	23870
(5) Each application submitted by the owner or owners of the	23871
land forming the area is approved under section 931.03 of the	23872
Revised Code by the boards of county commissioners of all of the	23873
counties in which the land is located.	23874
(C) Additional contiguous farmland may be enrolled in an	23875
existing agricultural security area during a partially elapsed	23876
ten-year enrollment period either by a landowner who already has	23877
land enrolled in the agricultural security area or by a landowner	23878
who does not already have land enrolled in the agricultural	23879
security area. To enroll additional contiguous land in an existing	23880
agricultural security area under this division, a landowner shall	23881
obtain permission from each owner of land that already is enrolled	23882
in the agricultural security area, submit an application in	23883
accordance with this section, and obtain approval of the	23884
application from all appropriate boards of township trustees and	23885
boards of county commissioners in accordance with section 931.03	23886
of the Revised Code. Enrollment of the additional land in the	23887
existing agricultural security area shall continue until the	23888
expiration of the current, partially elapsed ten-year enrollment	23889

period and may be renewed in accordance with section 931.06 of the Revised Code. 23890  
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(D) If an owner of land that is enrolled in an agricultural security area transfers the land to another person during a partially elapsed ten-year enrollment period, the land may remain in the agricultural security area until the expiration of that period, provided that both of the following apply: 23892  
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(1) The transferee certifies and submits a statement, together with the transferee's first, middle, and last name and a description of the transferred land, to the appropriate boards of township trustees and boards of county commissioners specifying that, in accordance with division (A)(3) of this section, the transferee will not initiate, approve, or finance any new development for nonagricultural purposes on the transferred land during the remainder of the partially elapsed ten-year enrollment period. Upon receipt of the statement, the boards of township trustees and boards of county commissioners shall adopt a resolution acknowledging the receipt. 23897  
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(2) The transferred land continues to satisfy the criteria established in divisions (B)(2) and (3) of this section during the remainder of the partially elapsed ten-year enrollment period. 23908  
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Divisions (A), (B), and (C) of section 931.03 of the Revised Code do not apply to the continued inclusion of such transferred land in an agricultural security area. Upon the expiration of the partially elapsed ten-year enrollment period, enrollment in the agricultural security area may be renewed in accordance with section 931.06 of the Revised Code. 23911  
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Sec. 939.01. As used in this chapter: 23917

(A) "Agricultural pollution" means failure to use management or conservation practices in farming operations to abate wind or 23918  
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water erosion of the soil or to abate the degradation of the 23920  
waters of the state by residual farm products, manure, or soil 23921  
sediment, including attached substances. 23922

(B) "Animal feeding operation" means the production area, as 23923  
defined in section 903.01 of the Revised Code, of an agricultural 23924  
operation where agricultural animals are kept and raised in 23925  
confined areas. "Animal feeding operation" does not include a 23926  
facility that possesses a permit issued under Chapter 903. or 23927  
division (J) of section 6111.03 of the Revised Code. 23928

(C) "Best management practices" means practices or a 23929  
combination of practices that are determined to be the most 23930  
effective and practicable means of preventing or reducing 23931  
agricultural pollution sources to a level compatible with the 23932  
attainment of applicable water quality standards. "Best management 23933  
practices" includes structural and nonstructural practices, 23934  
conservation practices, and operation and maintenance procedures. 23935

(D) "Composting" means the controlled decomposition of 23936  
organic solid material consisting of dead animals that stabilizes 23937  
the organic fraction of the material. 23938

(E) "Conservation" means the wise use and management of 23939  
natural resources. 23940

(F) "Manure" means animal excreta. 23941

(G) "Ohio soil and water conservation commission" means the 23942  
Ohio soil and water conservation commission established in section 23943  
940.02 of the Revised Code. 23944

(H) "Operation and management plan" means a written record, 23945  
developed or approved by the director of agriculture, the 23946  
director's designee, or the board of supervisors of a soil and 23947  
water conservation district, for the owner or operator of 23948  
agricultural land or an animal feeding operation that contains 23949  
both of the following: 23950

(1) Implementation schedules and operational procedures for a level of management and pollution abatement practices that will abate the degradation of the waters of the state by residual farm products, manure, and soil sediment, including attached pollutants; 23951  
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(2) Best management practices that are to be used by the owner or operator. 23956  
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(I) "Pollution abatement practice" means any erosion control, residual farm products, or manure pollution abatement facility, structure, or procedure and the operation and management associated with it as contained in an operation and management plan. 23958  
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(J) "Residual farm products" means bedding, wash waters, waste feed, and silage drainage. "Residual farm products" also includes the compost products resulting from the composting of dead animals in operations subject to section 939.04 of the Revised Code when either of the following applies: 23963  
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(1) The composting is conducted by the person who raises the animals and the compost product is used in agricultural operations owned or operated by that person regardless of whether the person owns the animals. 23968  
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(2) The composting is conducted by the person who owns the animals, but does not raise them and the compost product is used in agricultural operations either by a person who raises the animals or by a person who raises grain that is used to feed them and that is supplied by the owner of the animals. 23972  
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(K) "Soil and water conservation district" has the same meaning as in section 940.01 of the Revised Code. 23977  
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(L) "Waters of the state" means all streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of 23979  
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water, surface and underground, natural or artificial, regardless 23982  
of the depth of the strata in which underground water is located, 23983  
that are situated wholly or partly within, or border on, this 23984  
state or are within its jurisdiction, except those private waters 23985  
that do not combine or effect a junction with natural surface or 23986  
underground waters. 23987

~~Sec. 1511.02~~ 939.02. The ~~chief of the division of soil and~~ 23988  
~~water resources, subject to the approval of the director of~~ 23989  
~~natural resources,~~ agriculture shall do all of the following: 23990

(A) Provide administrative leadership to soil and water 23991  
conservation districts in planning, budgeting, staffing, and 23992  
administering district programs and the training of district 23993  
supervisors and personnel in their duties, responsibilities, and 23994  
authorities as prescribed in this chapter and Chapter ~~1515.~~ 940. 23995  
of the Revised Code; 23996

(B) Administer this chapter and Chapter ~~1515.~~ 940. of the 23997  
Revised Code pertaining to state responsibilities and provide 23998  
staff assistance to the Ohio soil and water conservation 23999  
commission in exercising its statutory responsibilities; 24000

(C) Assist in expediting state responsibilities for watershed 24001  
development and other natural resource conservation works of 24002  
improvement; 24003

(D) Coordinate the development and implementation of 24004  
cooperative programs and working agreements between soil and water 24005  
conservation districts and ~~divisions or sections of~~ the department 24006  
of ~~natural resources,~~ agriculture or other agencies of local, 24007  
state, and federal government; 24008

(E) Subject to the approval of the Ohio soil and water 24009  
conservation commission, adopt, ~~amend, or rescind~~ rules pursuant 24010  
~~to~~ in accordance with Chapter 119. of the Revised Code. ~~Rules~~ 24011



~~adopted pursuant to this section that do or comply with all of the~~ 24012  
~~following:~~ 24013

(1) ~~Shall establish~~ Establish technically feasible and 24014  
economically reasonable standards to achieve a level of management 24015  
and conservation practices in farming ~~or silvicultural~~ operations 24016  
that will abate wind or water erosion of the soil or abate the 24017  
degradation of the waters of the state by residual farm products, 24018  
manure, or soil sediment, including attached substances ~~attached~~ 24019  
~~thereto~~, and establish criteria for determination of the 24020  
acceptability of such management and conservation practices; 24021

(2) ~~Shall establish technically feasible and economically~~ 24022  
~~reasonable standards to achieve a level of management and~~ 24023  
~~conservation practices that will abate wind or water erosion of~~ 24024  
~~the soil or abate the degradation of the waters of the state by~~ 24025  
~~soil sediment in conjunction with land grading, excavating,~~ 24026  
~~filling, or other soil disturbing activities on land used or being~~ 24027  
~~developed for nonfarm commercial, industrial, residential, or~~ 24028  
~~other nonfarm purposes, and establish criteria for determination~~ 24029  
~~of the acceptability of such management and conservation~~ 24030  
~~practices. The standards shall be designed to implement applicable~~ 24031  
~~areawide waste treatment management plans prepared under section~~ 24032  
~~208 of the "Federal Water Pollution Control Act," 86 Stat. 816~~ 24033  
~~(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria~~ 24034  
~~shall not apply in any municipal corporation or county that adopts~~ 24035  
~~ordinances or rules pertaining to sediment control, nor to lands~~ 24036  
~~being used in a strip mine operation as defined in section 1513.01~~ 24037  
~~of the Revised Code, nor to lands being used in a surface mining~~ 24038  
~~operation as defined in section 1514.01 of the Revised Code.~~ 24039

(3) ~~May recommend criteria and procedures for the approval of~~ 24040  
~~urban sediment pollution abatement plans and issuance of permits~~ 24041  
~~prior to any grading, excavating, filling, or other whole or~~ 24042  
~~partial disturbance of five or more contiguous acres of land owned~~ 24043

~~by one person or operated as one development unit and require~~ 24044  
~~implementation of such a plan. Areas of less than five contiguous~~ 24045  
~~acres are not exempt from compliance with other provisions of this~~ 24046  
~~chapter and rules adopted under them.~~ 24047

~~(4) Shall establish~~ Establish procedures for administration 24048  
of rules for agricultural pollution abatement ~~and urban sediment~~ 24049  
~~pollution abatement~~ and for enforcement of those rules ~~for~~ 24050  
~~agricultural pollution abatement;~~ 24051

~~(5) Shall specify~~ (3) Specify the pollution abatement 24052  
practices eligible for state cost sharing and determine the 24053  
conditions for eligibility, the construction standards and 24054  
specifications, the useful life, the maintenance requirements, and 24055  
the limits of cost sharing for those practices. Eligible practices 24056  
shall be limited to practices that address agricultural ~~or~~ 24057  
~~silvicultural~~ operations and that require expenditures that are 24058  
likely to exceed the economic returns to the owner or operator and 24059  
that abate soil erosion or degradation of the waters of the state 24060  
by residual farm products, manure, or soil sediment, including 24061  
attached pollutants ~~attached thereto.~~ 24062

~~(6) Shall establish~~ (4) Establish procedures for 24063  
administering grants to owners or operators of agricultural land 24064  
or animal feeding operations for the implementation of operation 24065  
and management plans; 24066

~~(7) Shall establish procedures for administering grants to~~ 24067  
~~soil and water conservation districts for urban sediment pollution~~ 24068  
~~abatement programs, specify the types of projects eligible for~~ 24069  
~~grants, establish limits on the availability of grants, and~~ 24070  
~~establish requirements governing the execution of projects to~~ 24071  
~~encourage the reduction of erosion and sedimentation associated~~ 24072  
~~with soil disturbing activities;~~ 24073

~~(8) Shall do all~~ (5) Do both of the following with regard to 24074

composting conducted in conjunction with agricultural operations: 24075

~~(a) Provide for the distribution of educational material 24076  
concerning composting to the offices of OSU extension for the 24077  
purposes of section 1511.022 of the Revised Code; 24078~~

~~(b) Establish methods, techniques, or practices for 24079  
composting dead animals, or particular types of dead animals, that 24080  
are to be used at such operations, as the chief director considers 24081  
to be necessary or appropriate; 24082~~

~~(c) Establish requirements and procedures governing the 24083  
review and approval or disapproval of composting plans by the 24084  
supervisors of soil and water conservation districts under 24085  
division ~~(Q)~~(R) of section ~~1515.08~~ 940.06 of the Revised Code. 24086~~

~~(9) Shall be adopted, amended, or rescinded after the chief 24087  
does all of the following: 24088~~

~~(a) Mails notice to each statewide organization that the 24089  
chief determines represents persons or local governmental agencies 24090  
who would be affected by the proposed rule, amendment thereto, or 24091  
rescission thereof at least thirty five days before any public 24092  
hearing thereon; 24093~~

~~(b) Mails a copy of each proposed rule, amendment thereto, or 24094  
rescission thereof to any person who requests a copy, within five 24095  
days after receipt of the request; 24096~~

~~(c) Consults with appropriate state and local governmental 24097  
agencies or their representatives, including statewide 24098  
organizations of local governmental officials, industrial 24099  
representatives, and other interested persons; 24100~~

~~(d) If the rule relates to agricultural pollution abatement, 24101  
develops an economic impact statement concerning the effect of the 24102  
proposed rule or amendment. 24103~~

~~(10) Shall not (6) Establish best management practices for 24104~~

<u>inclusion in operation and management plans;</u>	24105
<u>(7) Establish the amount of civil penalties assessed by the</u>	24106
<u>director under division (B) of section 939.07 of the Revised Code</u>	24107
<u>for violation of rules adopted under division (E) of this section;</u>	24108
<u>(8) Not</u> conflict with air or water quality standards adopted	24109
pursuant to section 3704.03 or 6111.041 of the Revised Code.	24110
Compliance with rules adopted <del>pursuant to</del> <u>under</u> this section does	24111
not affect liability for noncompliance with air or water quality	24112
standards adopted pursuant to section 3704.03 or 6111.041 of the	24113
Revised Code. The application of a level of management and	24114
conservation practices recommended under this section to control	24115
windblown soil from farming operations creates a presumption of	24116
compliance with section 3704.03 of the Revised Code as that	24117
section applies to windblown soil.	24118
<del>(11) Insofar as the rules relate to urban sediment pollution,</del>	24119
<del>shall not be applicable in a municipal corporation or county that</del>	24120
<del>adopts ordinances or rules for urban sediment control, except that</del>	24121
<del>a municipal corporation or county that adopts such ordinances or</del>	24122
<del>rules may receive moneys for urban sediment control that are</del>	24123
<del>disbursed by the board of supervisors of the applicable soil and</del>	24124
<del>water conservation district under division (N) of section 1515.08</del>	24125
<del>of the Revised Code. The rules shall not exempt any person from</del>	24126
<del>compliance with municipal ordinances enacted pursuant to Section 3</del>	24127
<del>of Article XVIII, Ohio Constitution.</del>	24128
(F) Cost share with landowners on practices established	24129
pursuant to division (E) <del>(5)</del> <u>(3)</u> of this section as moneys are	24130
appropriated and available for that purpose. Any practice for	24131
which cost share is provided shall be maintained for its useful	24132
life. Failure to maintain a cost share practice for its useful	24133
life shall subject the landowner to full repayment to the <del>division</del>	24134
<u>department.</u>	24135

~~(G) Issue orders requiring compliance with any rule adopted under division (E)(1) of this section or with section 1511.022 of the Revised Code. Before the chief issues an order, the chief shall afford each person allegedly liable an adjudication hearing under Chapter 119. of the Revised Code. The chief may require in an order that a person who has caused agricultural pollution by failure to comply with the standards established under division (E)(1) of this section operate under an operation and management plan approved by the chief under this section. The chief shall require in an order that a person who has failed to comply with division (A) of section 1511.022 of the Revised Code prepare a composting plan in accordance with rules adopted under division (E)(8)(c) of this section and operate in accordance with that plan or that a person who has failed to operate in accordance with such a plan begin to operate in accordance with it. Each order shall be issued in writing and contain a finding by the chief of the facts upon which the order is based and the standard that is not being met.~~ 24136  
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~~(H) Employ field assistants and such other employees as that~~ 24154  
are necessary for the performance of the work prescribed by 24155  
Chapter ~~1515.~~ 940. of the Revised Code, for performance of work of 24156  
the ~~division~~ department under this chapter, and as agreed to under 24157  
working agreements or contractual arrangements with soil and water 24158  
conservation districts, prescribe their duties, and fix their 24159  
compensation in accordance with ~~such~~ schedules ~~as~~ that are 24160  
provided by law for the compensation of state employees. All 24161

All such employees of the ~~division~~ department, unless 24162  
specifically exempted by law, shall be employed subject to the 24163  
classified civil service laws in force at the time of employment. 24164

~~(I)~~(H) In connection with new or relocated projects involving 24165  
highways, underground cables, pipelines, railroads, and other 24166  
improvements affecting soil and water resources, including surface 24167

and subsurface drainage:	24168
(1) Provide engineering service <del>as</del> <u>that</u> is mutually agreeable	24169
to the Ohio soil and water conservation commission and the	24170
director to aid in the design and installation of soil and water	24171
conservation practices as a necessary component of such projects;	24172
(2) Maintain close liaison between the owners of lands on	24173
which the projects are executed, soil and water conservation	24174
districts, and authorities responsible for such projects;	24175
(3) Review plans for such projects to ensure their compliance	24176
with standards developed under division (E) of this section in	24177
cooperation with the department of transportation or with any	24178
other interested agency that is engaged in soil or water	24179
conservation projects in the state in order to minimize adverse	24180
impacts on soil and water resources adjacent to or otherwise	24181
affected by these projects;	24182
(4) Recommend measures to retard erosion and protect soil and	24183
water resources through the installation of water impoundment or	24184
other soil and water conservation practices;	24185
(5) Cooperate with other agencies and subdivisions of the	24186
state to protect the agricultural status of rural lands adjacent	24187
to such projects and control adverse impacts on soil and water	24188
resources.	24189
<del>(F)</del> <u>(I)</u> Collect, analyze, inventory, and interpret all	24190
available information pertaining to the origin, distribution,	24191
extent, use, and conservation of the soil resources of the state;	24192
<del>(K)</del> <u>(J)</u> Prepare and maintain up-to-date reports, maps, and	24193
other materials pertaining to the soil resources of the state and	24194
their use and make that information available to governmental	24195
agencies, public officials, conservation entities, and the public;	24196
<del>(L)</del> <u>(K)</u> Provide soil and water conservation districts with	24197

technical assistance including on-site soil investigations and 24198  
soil interpretation reports on the suitability or limitations of 24199  
soil to support a particular use or to plan soil conservation 24200  
measures. The assistance shall be ~~upon such~~ on terms ~~as~~ that are 24201  
mutually agreeable to the districts and the department of ~~natural~~ 24202  
~~resources~~ agriculture. 24203

~~(M)~~(L) Assist local government officials in utilizing land 24204  
use planning and zoning, current agricultural use value 24205  
assessment, development reviews, and land management activities; 24206

~~(N)~~(M) When necessary for the purposes of this chapter or 24207  
Chapter ~~1515-~~ 940. of the Revised Code, develop or approve 24208  
operation and management plans. The director may designate an 24209  
employee of the department to develop or approve operation and 24210  
management plans in lieu of the director. 24211

This section does not restrict the manure of domestic or farm 24212  
animals defecated on land outside an animal feeding operation or 24213  
runoff ~~therefrom~~ from that land into the waters of the state. 24214

**Sec. ~~1511.021~~ 939.03.** (A) ~~Any~~ A person who owns or operates 24215  
agricultural land or an animal feeding operation may develop and 24216  
operate under an operation and management plan approved by the 24217  
~~chief of the division of soil and water resources~~ director of 24218  
agriculture or the director's designee under section ~~1511.02~~ 24219  
939.02 of the Revised Code or by the supervisors of the applicable 24220  
soil and water conservation district under section ~~1515.08~~ 940.06 24221  
of the Revised Code. 24222

(B) ~~Any~~ A person who wishes to make a complaint regarding 24223  
nuisances involving agricultural pollution may do so orally or by 24224  
submitting a written, signed, and dated complaint to the ~~chief~~ 24225  
director or to the ~~chief's~~ director's designee. After receiving an 24226  
oral complaint, the ~~chief~~ director or the ~~chief's~~ director's 24227  
designee may cause an investigation to be conducted to determine 24228

whether agricultural pollution has occurred or is imminent. After 24229  
receiving a written, signed, and dated complaint, the ~~chief~~ 24230  
director or the ~~chief's~~ director's designee shall cause such an 24231  
investigation to be conducted. 24232

(C) In a private civil action for nuisances involving 24233  
agricultural pollution, it is an affirmative defense if the person 24234  
owning, operating, or otherwise responsible for agricultural land 24235  
or an animal feeding operation is operating under and in 24236  
substantial compliance with an approved operation and management 24237  
plan developed under division (A) of this section, with an 24238  
operation and management plan developed by the ~~chief~~ director or 24239  
the director's designee under section ~~1511.02~~ 939.02 of the 24240  
Revised Code or by the supervisors of the applicable soil and 24241  
water conservation district under section ~~1515.08~~ 940.06 of the 24242  
Revised Code, or with an operation and management plan required ~~by~~ 24243  
~~an order issued by the chief~~ under division ~~(G)~~(A)(2) of section 24244  
~~1511.02~~ 939.02 of the Revised Code. Nothing in this section is in 24245  
derogation of the authority granted to the ~~chief~~ director in 24246  
division (E) of section ~~1511.02~~ 939.02 and in section ~~1511.07~~ 24247  
939.07 of the Revised Code. 24248

**Sec. ~~1511.022~~ 939.04.** (A) ~~Any~~ A person who owns or operates 24249  
an agricultural operation, or owns the animals raised by the owner 24250  
or operator of an agricultural operation, and who wishes to 24251  
conduct composting of dead animals resulting from the agricultural 24252  
operation shall do both of the following: 24253

(1) Participate in an educational course concerning 24254  
composting conducted by OSU extension and obtain a certificate of 24255  
completion for the course; 24256

(2) Use the appropriate method, technique, or practice of 24257  
composting established in rules adopted under division ~~(E)~~(8)(5) 24258  
of section ~~1511.02~~ 939.02 of the Revised Code. 24259



(B) ~~Any~~ A person who fails to comply with division (A) of 24260  
this section shall prepare and operate under a composting plan ~~in~~ 24261  
~~accordance with an order issued~~ required by the ~~chief of the~~ 24262  
~~division of soil and water resources~~ director of agriculture under 24263  
division ~~(G)~~(A)(2) of section ~~1511.02~~ 939.02 of the Revised Code. 24264  
If the person's proposed composting plan is disapproved by the 24265  
~~board of~~ supervisors of the appropriate soil and water 24266  
conservation district under division ~~(Q)~~(R)(3) of section ~~1515.08~~ 24267  
940.06 of the Revised Code, the person may appeal the plan 24268  
disapproval to the ~~chief~~ director, who shall afford the person a 24269  
hearing. Following the hearing, the ~~chief~~ director shall uphold 24270  
the plan disapproval or reverse it. If the ~~chief~~ director reverses 24271  
the disapproval, the plan shall be deemed approved. 24272

**Sec. ~~1511.05~~ 939.05.** The ~~chief of the division of soil and~~ 24273  
~~water resources~~ director of agriculture, subject to approval of 24274  
the terms of the agreement by the Ohio soil and water conservation 24275  
commission, shall enter into cooperative agreements with the ~~board~~ 24276  
~~of~~ supervisors of ~~any~~ a soil and water conservation district 24277  
desiring to enter into ~~such~~ those agreements pursuant to section 24278  
~~1515.08~~ 940.06 of the Revised Code. ~~Such~~ The agreements shall be 24279  
entered into to obtain compliance with rules ~~and orders~~ of the 24280  
~~chief~~ director pertaining to agricultural pollution abatement ~~and~~ 24281  
~~urban sediment pollution abatement.~~ 24282

The ~~chief or any person designated by the chief~~ director or 24283  
the director's designee may ~~upon obtaining agreement with the~~ 24284  
~~owner, tenant, or manager of any land, public or private,~~ enter 24285  
thereon at reasonable times on private property, with the consent 24286  
of the property owner, or on public property to make inspections 24287  
inspect and investigate conditions to determine whether or not 24288  
there is compliance with the rules adopted under division (E)(1) 24289  
of section ~~1511.02~~ 939.02 of the Revised Code. Upon reason to 24290  
believe there is a violation, the ~~chief or the chief's~~ director or 24291

the director's designee may apply for and a judge of the court of 24292  
common pleas for the county where the land is located may issue an 24293  
appropriate ~~inspection~~ search warrant as necessary to achieve the 24294  
purposes of this chapter. 24295

**Sec. 1511.03 939.06.** ~~The chief of the division of soil and~~ 24296  
~~water resources may enter~~ director of agriculture may do any of 24297  
the following: 24298

(A) Enter into contracts or agreements, ~~with the approval of~~ 24299  
~~the director of natural resources,~~ with any agency of the United 24300  
States government, or any other public or private agency, or 24301  
organization, for the performance of the prescribed duties of the 24302  
~~division,~~ department of agriculture under this chapter and Chapter 24303  
940. of the Revised Code or for accomplishing cooperative projects 24304  
within the ~~designated duties of the division~~ scope of those 24305  
duties; 24306

(B) Enter into agreements with local government agencies for 24307  
the purpose of soil surveys, land use inventories, and other 24308  
soil-related duties; 24309

(C) Accept donations, grants, and contributions in money, 24310  
service, or equipment to enhance or expedite the prescribed work 24311  
of the department. 24312

**Sec. 939.07.** (A)(1) The director of agriculture may propose 24313  
to require corrective actions and assess a civil penalty against 24314  
the owner or operator of agricultural land or an animal feeding 24315  
operation if the director or the director's designee determines 24316  
that the owner or operator is doing one of the following: 24317

(a) Not complying with a standard established in rules 24318  
adopted under division (E)(1) of section 939.02 of the Revised 24319  
Code; 24320

(b) Not operating in accordance with an approved operation 24321

and management plan that is developed under division (A) of 24322  
section 939.03 of the Revised Code, with an operation and 24323  
management plan developed by the director or the director's 24324  
designee under section 939.02 of the Revised Code or by the 24325  
supervisors of the applicable soil and water conservation district 24326  
under section 940.06 of the Revised Code, or with an operation and 24327  
management plan required by the director under division (A)(2) of 24328  
this section; 24329

(c) Not complying with a standard established in rules 24330  
adopted under division (E)(5)(a) of section 939.02 of the Revised 24331  
Code; 24332

(d) Not operating in accordance with a composting plan that 24333  
is approved in accordance with rules adopted under division 24334  
(E)(5)(b) of section 939.02 of the Revised Code or required by the 24335  
director under division (A)(2) of this section. 24336

(2) The director may include in the corrective actions a 24337  
requirement that an owner or operator do one of the following: 24338

(a) Operate under an operation and management plan approved 24339  
by the director or the director's designee under section 939.02 of 24340  
the Revised Code; 24341

(b) If the owner or operator has failed to operate in 24342  
accordance with an existing operation and management plan, operate 24343  
in accordance with that plan; 24344

(c) Prepare a composting plan in accordance with rules 24345  
adopted under division (E)(5)(b) of section 939.02 of the Revised 24346  
Code and operate in accordance with that plan; 24347

(d) If the owner or operator has failed to operate in 24348  
accordance with an existing composting plan, operate in accordance 24349  
with that plan. 24350

(3) The director may impose a civil penalty only if all of 24351

the following occur: 24352

(a) The owner or operator is notified in writing of the 24353  
deficiencies resulting in noncompliance, the actions that the 24354  
owner or operator must take to correct the deficiencies, and the 24355  
time period within which the owner or operator must correct the 24356  
deficiencies and attain compliance. 24357

(b) After the time period specified in the notice has 24358  
elapsed, the director or the director's designee has inspected the 24359  
agricultural land or animal feeding operation, determined that the 24360  
owner or operator is still not in compliance, and issued a notice 24361  
of an adjudication hearing. 24362

(c) The director affords the owner or operator an opportunity 24363  
for an adjudication hearing under Chapter 119. of the Revised Code 24364  
to challenge the determination of the director or the director's 24365  
designee that the owner or operator is not in compliance or the 24366  
imposition of the civil penalty, or both. However, the owner or 24367  
operator may waive the right to an adjudication hearing. 24368

(4) If the opportunity for an adjudication hearing is waived 24369  
or if, after an adjudication hearing, the director determines that 24370  
noncompliance has occurred or is occurring, the director may issue 24371  
an order requiring compliance and assess the civil penalty. The 24372  
order and the assessment of the civil penalty may be appealed in 24373  
accordance with section 119.12 of the Revised Code. 24374

(5) A person who has violated rules adopted under division 24375  
(E) of section 939.02 of the Revised Code shall pay a civil 24376  
penalty in an amount established in rules adopted under that 24377  
section. 24378

(B) The attorney general, upon the written request of the 24379  
director, shall bring an action for an injunction in any court of 24380  
competent jurisdiction against a person violating or threatening 24381  
to violate rules adopted under division (E) of section 939.02 of 24382

the Revised Code or an order issued under division (A)(4) of this section. 24383  
24384

(C)(1) In lieu of imposing a civil penalty under division (A) of this section, the director may request the attorney general, in writing, to bring an action for a civil penalty in a court of competent jurisdiction against a person that has violated or is violating a rule adopted under division (E) of section 939.02 of the Revised Code. 24385  
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(2) The civil penalty for which an action may be brought under division (C)(1) of this section shall not exceed ten thousand dollars per violation. Each day that a violation continues constitutes a separate violation. 24391  
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(D) In addition to any other penalties imposed under this section, the director may impose an administrative penalty against the owner or operator of agricultural land or an animal feeding operation if the director or the director's designee determines that the owner or operator is not in compliance with best management practices that are established in rules adopted under division (E) of section 939.02 of the Revised Code. The administrative penalty shall not exceed five thousand dollars. 24395  
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The director shall afford the owner or operator an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the determination of the director or the director's designee under this division, the director's imposition of an administrative penalty under this division, or both. The determination and the imposition of the administrative penalty may be appealed in accordance with section 119.12 of the Revised Code. 24403  
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(E) Notwithstanding any other provision in this section, if the director determines that an emergency exists requiring immediate action to protect public health or safety or the environment, the director may issue an order, without notice or 24410  
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adjudication hearing, stating the existence of the emergency and 24414  
requiring that action be taken that is necessary to address the 24415  
emergency. The order shall take effect immediately. A person to 24416  
whom the order is issued shall comply immediately, but on 24417  
application to the director shall be afforded an adjudication 24418  
hearing in accordance with Chapter 119. of the Revised Code as 24419  
soon as possible, but not later than thirty days after the 24420  
director's receipt of the application. Following the hearing, the 24421  
director shall continue the order in effect, revoke it, or modify 24422  
it. The order may be appealed in accordance with section 119.12 of 24423  
the Revised Code. An emergency order shall not remain in effect 24424  
for more than one hundred twenty days after its issuance. 24425

If a person to whom an order is issued does not comply with 24426  
the order within a reasonable period of time as determined by the 24427  
director, the director or the director's designee may enter on 24428  
private or public lands to investigate and take action to 24429  
mitigate, minimize, remove, or abate the conditions that are the 24430  
subject of the order. 24431

(F) A person that is responsible for causing or allowing the 24432  
unauthorized spill, release, or discharge of manure or residual 24433  
farm products is liable to the director for the costs incurred in 24434  
investigating, mitigating, minimizing, removing, or abating the 24435  
spill, release, or discharge. Upon request of the director, the 24436  
attorney general shall bring a civil action against the 24437  
responsible person or persons to recover those costs. 24438

(G) Money recovered under division (F) of this section and 24439  
money collected from civil penalties assessed under this section 24440  
shall be paid into the state treasury to the credit of the 24441  
agricultural pollution abatement fund created in section 939.10 of 24442  
the Revised Code. 24443

(H) As used in this section, "noncompliance" means doing one 24444  
of the actions specified in division (A)(1) of this section. 24445

<b>Sec. <del>1511.10</del> <u>939.08</u>.</b> (A) Except as provided in division (B)	24446
of this section, no person in the western basin shall surface	24447
apply manure under any of the following circumstances:	24448
(1) On snow-covered or frozen soil;	24449
(2) When the top two inches of soil are saturated from	24450
precipitation;	24451
(3) When the local weather forecast for the application area	24452
contains greater than a fifty per cent chance of precipitation	24453
exceeding one-half inch in a twenty-four-hour period.	24454
(B) Division (A) of this section does not apply if a person	24455
in the western basin applies manure under any of the following	24456
circumstances:	24457
(1) The manure is injected into the ground.	24458
(2) The manure is incorporated within twenty-four hours of	24459
surface application.	24460
(3) The manure is applied onto a growing crop.	24461
(4) In the event of an emergency, the <del>chief of the division</del>	24462
<del>of soil and water resources</del> <u>director of agriculture</u> or the <del>chief's</del>	24463
<u>director's</u> designee provides written consent and the manure	24464
application is made in accordance with procedures established in	24465
the United States department of agriculture natural resources	24466
conservation service practice standard code 590 prepared for this	24467
state.	24468
(C)(1) Upon receiving a complaint by any person or upon	24469
receiving information that would indicate a violation of this	24470
section, the <del>chief</del> <u>director</u> or the <del>chief's</del> <u>director's</u> designee may	24471
investigate or make inquiries into any alleged failure to comply	24472
with this section.	24473
(2) After receiving a complaint by any person or upon	24474

receiving information that would indicate a violation of this 24475  
section, the ~~chief~~ director or the ~~chief's~~ director's designee may 24476  
enter at reasonable times on any private or public property to 24477  
inspect and investigate conditions relating to any such alleged 24478  
failure to comply with this section. 24479

(3) If an individual denies access to the individual's 24480  
property, the ~~chief~~ director may apply to a court of competent 24481  
jurisdiction in the county in which the premises is located for a 24482  
search warrant authorizing access to the premises for the purposes 24483  
of this section. 24484

(4) The court shall issue the search warrant for the purposes 24485  
requested if there is probable cause to believe that the person is 24486  
not in compliance with this section. The finding of probable cause 24487  
may be based on hearsay, provided that there is a reasonable basis 24488  
for believing that the source of the hearsay is credible. 24489

(D) This section does not affect any restrictions established 24490  
in Chapter 903. of the Revised Code or otherwise apply to those 24491  
entities or facilities that are permitted as concentrated animal 24492  
feeding facilities under that chapter. 24493

(E) As used in this section, "western basin" has the same 24494  
meaning as in section 905.326 of the Revised Code. 24495

**Sec. ~~1511.11~~ 939.09.** (A) Except as provided in division (D) 24496  
of this section, the ~~chief of the division of soil and water~~ 24497  
~~resources~~ director of agriculture may assess a civil penalty 24498  
against a person that violates section ~~1511.10~~ 939.08 of the 24499  
Revised Code. The ~~chief~~ director may impose a civil penalty only 24500  
if the ~~chief~~ director affords the person an opportunity for an 24501  
adjudication hearing under Chapter 119. of the Revised Code to 24502  
challenge the ~~chief's~~ director's determination that the person 24503  
violated section ~~1511.10~~ 939.08 of the Revised Code. The person 24504  
may waive the right to an adjudication hearing. 24505



(B) If the opportunity for an adjudication hearing is waived 24506  
or if, after an adjudication hearing, the ~~chief director~~ 24507  
determines that a violation has occurred or is occurring, the 24508  
~~chief director~~ may issue an order requiring compliance with 24509  
section ~~1511.10~~ 939.08 of the Revised Code and assess the civil 24510  
penalty. The order and the assessment of the civil penalty may be 24511  
appealed in accordance with section 119.12 of the Revised Code. 24512

(C) A person that has violated section ~~1511.10~~ 939.08 of the 24513  
Revised Code shall pay a civil penalty in an amount established in 24514  
rules. Each day during which manure is applied in violation of 24515  
section ~~1511.10~~ 939.08 of the Revised Code constitutes a separate 24516  
violation. 24517

(D)(1) The owner or operator of a small agricultural 24518  
operation or a medium agricultural operation may apply to the 24519  
~~chief director~~ for an exemption from the prohibition established 24520  
in division (A) of section ~~1511.10~~ 939.08 of the Revised Code. If 24521  
the ~~chief director~~ or the ~~chief's director's~~ designee determines 24522  
that it is appropriate, the ~~chief director~~ or the ~~chief's~~ 24523  
~~director's~~ designee may issue such an exemption as follows: 24524

(a) For a medium agricultural operation, for a period ending 24525  
not later than one year after ~~the effective date of this section~~ 24526  
July 3, 2015; 24527

(b) For a small agricultural operation, for a period ending 24528  
not later than two years after ~~the effective date of this section~~ 24529  
July 3, 2015. 24530

(2) The ~~chief director~~ shall establish the form of the 24531  
application for an exemption in rules adopted under division (E) 24532  
of this section. 24533

(3) The ~~chief director~~ or the ~~chief's director's~~ designee 24534  
shall approve or deny an application for an exemption submitted 24535  
under division (D)(1) of this section not later than thirty days 24536

after an application has been submitted. 24537

(4) The ~~chief~~ director or the ~~chief's~~ director's designee may 24538  
deny an application for an exemption or revoke an exemption 24539  
approved under division (D)(3) of this section if the ~~chief~~ 24540  
director or the ~~chief's~~ director's designee determines that the 24541  
owner or operator is not in substantial compliance with this 24542  
chapter and rules adopted under it other than violating division 24543  
(A) of section ~~1511.10~~ 939.08 of the Revised Code. 24544

(5) An owner or operator that has been issued an exemption 24545  
under this section is not subject to civil penalties assessed for 24546  
a violation of division (A) of section ~~1511.10~~ 939.08 of the 24547  
Revised Code during the exemption period. 24548

(6) An owner or operator that has an initial application for 24549  
an exemption that is pending the ~~chief's~~ director's review is not 24550  
subject to civil penalties assessed for a violation of division 24551  
(A) of section ~~1511.10~~ 939.08 of the Revised Code. 24552

(E) The ~~chief~~ director shall adopt rules in accordance with 24553  
Chapter 119. of the Revised Code that establish both of the 24554  
following: 24555

(1) The amount of the civil penalty assessed under this 24556  
section. The civil penalty shall be not more than ten thousand 24557  
dollars for each violation. 24558

(2) Requirements governing the application form for an 24559  
exemption submitted under division (D) of this section. The rules 24560  
shall require the form to include all of the following: 24561

(a) A statement from the applicant affirming that the 24562  
applicant understands the provisions of sections ~~1511.10~~ 939.08 24563  
and ~~1511.11~~ 939.09 of the Revised Code; 24564

(b) A statement from the applicant affirming that the 24565  
applicant understands that the applicant must be in compliance 24566

with procedures established in the United States department of 24567  
agriculture natural resources conservation service practice 24568  
standard code 590 prepared for this state except procedures that 24569  
are in conflict with this section and section ~~1511.10~~ 939.08 of 24570  
the Revised Code; 24571

(c) A place for the applicant to explain the reasons for the 24572  
necessity for the exemption; 24573

(d) A place on the form that provides information on programs 24574  
that may assist an applicant with methods to comply with division 24575  
(A) of section ~~1511.10~~ 939.08 of the Revised Code; 24576

(e) A place on the form that provides the applicant an 24577  
opportunity to request technical assistance or information from 24578  
the ~~chief~~ director or the applicable soil and water conservation 24579  
district to assist the applicant to comply with division (A) of 24580  
section ~~1511.10~~ 939.08 of the Revised Code. 24581

(F) Money collected from civil penalties assessed under this 24582  
section shall be paid into the state treasury to the credit of the 24583  
agricultural pollution abatement fund created in section 939.10 of 24584  
the Revised Code. 24585

(G) As used in this section: 24586

(1) "Small agricultural operation" means an agricultural 24587  
operation in the western basin that stables or confines fewer than 24588  
any of the numbers of animals specified in divisions (Q)(1)(a) to 24589  
(m) of section 903.01 of the Revised Code. 24590

(2) "Medium agricultural operation" means an agricultural 24591  
operation in the western basin that stables or confines any of the 24592  
numbers of animals specified in divisions (Q)(1)(a) to (m) of 24593  
section 903.01 of the Revised Code. 24594

(3) "Western basin" has the same meaning as in section 24595  
905.326 of the Revised Code. 24596

**Sec. ~~1511.071~~ 939.10.** There is hereby created in the state 24597  
treasury the agricultural pollution abatement fund, which shall be 24598  
administered by the ~~chief of the division of soil and water~~ 24599  
~~resources~~ director of agriculture. The fund may be used to pay 24600  
costs incurred by the ~~division~~ department of agriculture under 24601  
division ~~(A)(3)(E)~~ of section ~~1511.07~~ 939.07 of the Revised Code 24602  
in investigating, mitigating, minimizing, removing, or abating any 24603  
pollution of the waters of the state caused by agricultural 24604  
pollution or an unauthorized release, spill, or discharge of 24605  
manure into or upon the environment that requires emergency action 24606  
to protect the public health. 24607

~~Any person responsible for causing or allowing agricultural~~ 24608  
~~pollution or an unauthorized release, spill, or discharge is~~ 24609  
~~liable to the chief for any costs incurred by the division and~~ 24610  
~~soil and water conservation districts in investigating,~~ 24611  
~~mitigating, minimizing, removing, or abating the agricultural~~ 24612  
~~pollution or release, spill, or discharge, regardless of whether~~ 24613  
~~those costs were paid out of the agricultural pollution abatement~~ 24614  
~~fund or any other fund of the division or a district. Upon the~~ 24615  
~~request of the chief, the attorney general shall bring a civil~~ 24616  
~~action against the responsible person to recover those costs.~~ 24617  
~~Moneys recovered under this section shall be paid into the~~ 24618  
~~agricultural pollution abatement fund.~~ 24619

**Sec. ~~1515.01~~ 940.01.** As used in this chapter: 24620

(A) "Soil and water conservation district" means a district 24621  
organized in accordance with this chapter. 24622

(B) "Supervisor" means one of the members of the governing 24623  
body of a district. 24624

(C) "Landowner," "owner," or "owner of land" means an owner 24625  
of record as shown by the records in the office of the county 24626

recorder. With respect to an improvement or a proposed 24627  
improvement, "landowner," "owner," or "owner of land" also 24628  
includes any public corporation and the director of any 24629  
department, office, or institution of the state that is affected 24630  
by the improvement or that would be affected by the proposed 24631  
improvement, but that does not own any right, title, estate, or 24632  
interest in or to any real property. 24633

(D) "Land occupier" or "occupier of land" means any person, 24634  
firm, or corporation that controls the use of land whether as 24635  
landowner, lessee, renter, or tenant. 24636

(E) "Due notice" means notice published at least twice, 24637  
stating time and place, with an interval of at least thirteen days 24638  
between the two publication dates, in a newspaper of general 24639  
circulation within a soil and water conservation district. 24640

(F) "Agricultural pollution" means failure to use management 24641  
or conservation practices in farming or silvicultural operations 24642  
to abate wind or water erosion of the soil or to abate the 24643  
degradation of the waters of the state by residual farm products, 24644  
manure, or soil sediment, including substances attached thereto. 24645

(G) "Urban sediment pollution" means failure to use 24646  
management or conservation practices to abate wind or water 24647  
erosion of the soil or to abate the degradation of the waters of 24648  
the state by soil sediment in conjunction with land grading, 24649  
excavating, filling, or other soil disturbing activities on land 24650  
used or being developed for nonfarm commercial, industrial, 24651  
residential, or other nonfarm purposes, except lands being used in 24652  
a strip mine operation as defined in section 1513.01 of the 24653  
Revised Code and except lands being used in a surface mining 24654  
operation as defined in section 1514.01 of the Revised Code. 24655

(H) "Uniform assessment" means an assessment that is both of 24656  
the following: 24657

(1) Based upon a complete appraisal of each parcel of land, 24658  
together with all improvements thereon, within a project area and 24659  
of the benefits or damages brought about as a result of the 24660  
project that is determined by criteria applied equally to all 24661  
parcels within the project area; 24662

(2) Levied upon the parcels at a uniform rate on the basis of 24663  
the appraisal. 24664

(I) "Varied assessment" means any assessment that does not 24665  
meet the criteria established in division (H) of this section. 24666

(J) "Project area" means an area determined and certified by 24667  
the supervisors of a soil and water conservation district under 24668  
section ~~1515.19~~ 940.25 of the Revised Code. 24669

(K) "Benefit" or "benefits" means advantages to land and 24670  
owners, to public corporations, and to the state resulting from 24671  
drainage, conservation, control, and management of water and from 24672  
environmental, wildlife, and recreational improvements. "Benefit" 24673  
or "benefits" includes, but is not limited to, any of the 24674  
following factors: 24675

(1) Elimination or reduction of damage from flooding; 24676

(2) Removal of water conditions that jeopardize public 24677  
health, safety, or welfare; 24678

(3) Increased value of land resulting from an improvement; 24679

(4) Use of water for irrigation, storage, regulation of 24680  
stream flow, soil conservation, water supply, or any other 24681  
incidental purpose; 24682

(5) Providing an outlet for the accelerated runoff from 24683  
artificial drainage if a stream, watercourse, channel, or ditch 24684  
that is under improvement is called upon to discharge functions 24685  
for which it was not designed. Uplands that have been removed from 24686  
their natural state by deforestation, cultivation, artificial 24687

drainage, urban development, or other human methods shall be 24688  
considered to be benefited by an improvement that is required to 24689  
dispose of the accelerated flow of water from the uplands. 24690

(L) "Improvement" or "conservation works of improvement" 24691  
means an improvement that is made under the authority established 24692  
in division (C) of section ~~1515.08~~ 940.06 of the Revised Code. 24693

(M) "Land" has the same meaning as in section 6131.01 of the 24694  
Revised Code. 24695

(N) "Manure," "operation and management plan," and "residual 24696  
farm products" have the same meanings as in section ~~1511.01~~ 939.01 24697  
of the Revised Code. 24698

(O) "Voluntary nutrient management plan" has the same meaning 24699  
as in section 905.31 of the Revised Code. 24700

**Sec. ~~1515.02~~ 940.02.** There is hereby established in the 24701  
department of ~~natural resources~~ agriculture the Ohio soil and 24702  
water conservation commission. The commission shall consist of 24703  
seven members of equal status and authority, six of whom shall be 24704  
appointed by the governor with the advice and consent of the 24705  
senate, and one of whom shall be designated by resolution of the 24706  
board of directors of the Ohio federation of soil and water 24707  
conservation districts. The directors of agriculture, 24708  
environmental protection, and natural resources, the 24709  
vice-president for agricultural administration of the Ohio state 24710  
university, and an officer of the Ohio federation of soil and 24711  
water conservation districts, or their designees, may serve as ex 24712  
officio members of the commission, but without the power to vote. 24713  
A vacancy in the office of an appointed member shall be filled by 24714  
the governor, with the advice and consent of the senate. Any 24715  
member appointed to fill a vacancy occurring prior to the 24716  
expiration of the term for which the member's predecessor was 24717  
appointed shall hold office for the remainder of that term. Of the 24718

appointed members, four shall be persons who have a knowledge of 24719  
or interest in agricultural production and the natural resources 24720  
of the state. One member shall represent rural interests and one 24721  
member shall represent urban interests. Not more than three of the 24722  
appointed members shall be members of the same political party. 24723

Terms of office of the member designated by the board of 24724  
directors of the federation and the members appointed by the 24725  
governor shall be for four years, commencing on the first day of 24726  
July and ending on the thirtieth day of June. 24727

Each appointed member shall hold office from the date of 24728  
appointment until the end of the term for which the member was 24729  
appointed. Any appointed member shall continue in office 24730  
subsequent to the expiration date of the member's term until the 24731  
member's successor takes office, or until a period of sixty days 24732  
has elapsed, whichever occurs first. 24733

The commission shall organize by selecting from its members a 24734  
chairperson and a vice-chairperson. The commission shall hold at 24735  
least one regular meeting in each quarter of each calendar year 24736  
and shall keep a record of its proceedings, which shall be open to 24737  
the public for inspection. Special meetings may be called by the 24738  
chairperson and shall be called by the chairperson upon receipt of 24739  
a written request signed by two or more members of the commission. 24740  
Written notice of the time and place of each meeting shall be sent 24741  
to each member of the commission. A majority of the commission 24742  
shall constitute a quorum. 24743

The commission may adopt rules as necessary to carry out the 24744  
purposes of this chapter, subject to Chapter 119. of the Revised 24745  
Code. 24746

The governor may remove any appointed member of the 24747  
commission at any time for inefficiency, neglect of duty, or 24748  
malfeasance in office, after giving to the member a copy of the 24749



charges against the member and an opportunity to be heard publicly 24750  
in person or by counsel in the member's defense. Any such act of 24751  
removal by the governor is final. A statement of the findings of 24752  
the governor, the reason for the governor's action, and the 24753  
answer, if any, of the member shall be filed by the governor with 24754  
the secretary of state and shall be open to public inspection. 24755

All members of the commission shall be reimbursed for the 24756  
necessary expenses incurred by them in the performance of their 24757  
duties as members. 24758

Upon recommendation by the commission, the director of 24759  
~~natural resources~~ agriculture shall designate an executive 24760  
secretary and provide staff necessary to carry out the powers and 24761  
duties of the commission. 24762

The commission shall do all of the following: 24763

(A) Determine distribution of funds under section ~~1515.14~~ 24764  
940.15 of the Revised Code, recommend to the director ~~of natural~~ 24765  
~~resources~~ and other agencies the levels of appropriations to 24766  
special funds established to assist soil and water conservation 24767  
districts, and recommend the amount of federal funds to be 24768  
requested and policies for the use of such funds in support of 24769  
soil and water conservation district programs; 24770

(B) Assist in keeping the supervisors of soil and water 24771  
conservation districts informed of their powers and duties, 24772  
program opportunities, and the activities and experience of all 24773  
other districts, and facilitate the interchange of advice, 24774  
experience, and cooperation between the districts; 24775

(C) Seek the cooperation and assistance of the federal 24776  
government or any of its agencies, and of agencies of this state, 24777  
in the work of the districts; 24778

(D) Adopt appropriate rules governing the conduct of 24779  
elections provided for in this chapter, subject to Chapter 119. of 24780

the Revised Code, provided that only owners and occupiers of lands 24781  
situated within the boundaries of the districts or proposed 24782  
districts to which the elections apply shall be eligible to vote 24783  
in the elections; 24784

(E) Recommend to the director priorities for planning and 24785  
construction of small watershed projects, and make recommendations 24786  
to the director concerning coordination of programs as proposed 24787  
and implemented in agreements with soil and water conservation 24788  
districts; 24789

(F) Recommend to the director, the governor, and the general 24790  
assembly programs and legislation with respect to the operations 24791  
of soil and water conservation districts that will encourage 24792  
proper soil, water, and other natural resource management and 24793  
promote the economic and social development of the state; 24794

(G) Recommend to the director of agriculture a procedure for 24795  
coordination of a program of agricultural pollution abatement. 24796  
Implementation of such a program shall be based on air and water 24797  
quality standards adopted pursuant to sections 3704.03 and 24798  
6111.041 of the Revised Code, respectively. The director of 24799  
agriculture, through the division of soil and water conservation, 24800  
shall coordinate the efforts of state and local governmental 24801  
agencies to meet the minimum state air and water quality standards 24802  
relating to agricultural pollutants. The director of environmental 24803  
protection shall utilize the division of soil and water 24804  
conservation in the department of agriculture and soil and water 24805  
conservation districts in encouraging landowner abatement of 24806  
agricultural pollution. 24807

**Sec. 1515.03 940.03.** Each county shall have a soil and water 24808  
conservation district coextensive with the geographic area of the 24809  
county, and each district shall constitute a political subdivision 24810  
of this state. 24811

**Sec. ~~1515.05~~ 940.04.** Each soil and water conservation 24812  
district shall be administered by a board consisting of the five 24813  
supervisors. Elections of supervisors shall be conducted by the 24814  
Ohio soil and water conservation commission pursuant to rules it 24815  
adopts under Chapter 119. of the Revised Code. The term of each 24816  
supervisor shall be for three years, ~~except that supervisors~~ 24817  
~~holding office on May 2, 1980 shall serve the terms to which they~~ 24818  
~~were elected or appointed under former section 1515.05 of the~~ 24819  
~~Revised Code.~~ Due notice of election of supervisors shall be given 24820  
by the commission. Successors to fill unexpired terms may be 24821  
appointed by the commission on the unanimous recommendation of the 24822  
remaining supervisors. In any case in which a unanimous 24823  
recommendation cannot be agreed upon, a successor to fill an 24824  
unexpired term shall be elected in the same manner in which ~~his~~ 24825  
the supervisor's predecessor was elected. 24826

Eligible voters and candidates for supervisor shall be at 24827  
least eighteen years of age by the day of election. Candidates 24828  
shall reside in the district in which they are running for office. 24829

**Sec. ~~1515.07~~ 940.05.** The governing body of a soil and water 24830  
conservation district shall consist of five supervisors, as 24831  
provided for in section ~~1515.05~~ 940.04 of the Revised Code. 24832

The supervisors shall organize annually by selecting a 24833  
~~chairman~~ chairperson, a secretary, and a treasurer. They shall 24834  
designate one of their members as fiscal agent. A majority of the 24835  
five supervisors shall constitute a quorum. The concurrence of a 24836  
majority of the five supervisors in any matter shall be required 24837  
for its determination. A supervisor shall receive no compensation 24838  
for ~~his~~ the supervisor's services, except when both of the 24839  
following occur: 24840

(A) A district board of supervisors designates one or more of 24841

its supervisors to represent the district on a joint district board or if an agency or instrumentality of the United States, of this state, or of a political subdivision of this state requires or requests district board representation;

(B) Such compensation is provided for by public moneys other than moneys in the special fund of the local district created pursuant to section ~~1515.10~~ 940.12 of the Revised Code.

A supervisor is entitled to be reimbursed for the necessary expenses incurred in the discharge of ~~his~~ official duties.

The supervisors shall furnish to the Ohio soil and water conservation commission, upon its request, copies of rules, orders, contracts, forms, and other documents they adopt or employ and other information concerning their activities as it requires in the performance of its duties under this chapter.

At least once each year, a district shall submit to the commission a report of progress and operations, including a summary of receipts and disbursements during the period covered by the report. A district shall submit additional financial reports as requested by the commission.

The supervisors shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds and shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted. Any supervisor may be removed by the commission upon notice and hearing for neglect of duty or malfeasance in office.

**Sec. ~~1515.08~~ 940.06.** The supervisors of a soil and water conservation district have the following powers in addition to their other powers:

(A) To conduct surveys, investigations, and research relating to the character of soil erosion, floodwater and sediment damages,

and the preventive and control measures and works of improvement 24872  
for flood prevention and the conservation, development, 24873  
utilization, and disposal of water needed within the district, and 24874  
to publish the results of those surveys, investigations, or 24875  
research, provided that no district shall initiate any research 24876  
program except in cooperation or after consultation with the Ohio 24877  
agricultural research and development center; 24878

(B) To develop plans for the conservation of soil resources, 24879  
for the control and prevention of soil erosion, and for works of 24880  
improvement for flood prevention and the conservation, 24881  
development, utilization, and disposal of water within the 24882  
district, and to publish those plans and information; 24883

(C) To implement, construct, repair, maintain, and operate 24884  
preventive and control measures and other works of improvement for 24885  
natural resource conservation and development and flood 24886  
prevention, and the conservation, development, utilization, and 24887  
disposal of water within the district on lands owned or controlled 24888  
by this state or any of its agencies and on any other lands within 24889  
the district, which works may include any facilities authorized 24890  
under state or federal programs, and to acquire, by purchase or 24891  
gift, to hold, encumber, or dispose of, and to lease real and 24892  
personal property or interests in such property for those 24893  
purposes; 24894

(D) To cooperate or enter into agreements with any occupier 24895  
of lands within the district in the carrying on of natural 24896  
resource conservation operations and works of improvement for 24897  
flood prevention and the conservation, development, utilization, 24898  
and management of natural resources within the district, subject 24899  
to such conditions as the supervisors consider necessary; 24900

(E) To accept donations, gifts, grants, and contributions in 24901  
money, service, materials, or otherwise, and to use or expend them 24902  
according to their terms; 24903

(F) To adopt, amend, and rescind rules to carry into effect 24904  
the purposes and powers of the district; 24905

(G) To sue and plead in the name of the district, and be sued 24906  
and impleaded in the name of the district, with respect to its 24907  
contracts and, as indicated in section ~~1515.081~~ 940.07 of the 24908  
Revised Code, certain torts of its officers, employees, or agents 24909  
acting within the scope of their employment or official 24910  
responsibilities, or with respect to the enforcement of its 24911  
obligations and covenants made under this chapter; 24912

(H) To make and enter into all contracts, leases, and 24913  
agreements and execute all instruments necessary or incidental to 24914  
the performance of the duties and the execution of the powers of 24915  
the district under this chapter, provided that all of the 24916  
following apply: 24917

(1) Except as provided in section 307.86 of the Revised Code 24918  
regarding expenditures by boards of county commissioners, when the 24919  
cost under any such contract, lease, or agreement, other than 24920  
compensation for personal services or rental of office space, 24921  
involves an expenditure of more than the amount established in 24922  
that section regarding expenditures by boards of county 24923  
commissioners, the supervisors shall make a written contract with 24924  
the lowest and best bidder after advertisement, for not less than 24925  
two nor more than four consecutive weeks preceding the day of the 24926  
opening of bids, in a newspaper of general circulation within the 24927  
district or as provided in section 7.16 of the Revised Code and in 24928  
such other publications as the supervisors determine. The notice 24929  
shall state the general character of the work and materials to be 24930  
furnished, the place where plans and specifications may be 24931  
examined, and the time and place of receiving bids. 24932

(2) Each bid for a contract shall contain the full name of 24933  
every person interested in it. 24934

(3) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall meet the requirements of section 153.54 of the Revised Code.

(4) Each bid for a contract, other than a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, at the discretion of the supervisors, may be accompanied by a bond or certified check on a solvent bank in an amount not to exceed five per cent of the bid, conditioned that, if the bid is accepted, a contract shall be entered into.

(5) The supervisors may reject any and all bids.

~~(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;~~

~~(J)~~ To charge, alter, and collect rentals and other charges for the use or services of any works of the district;

~~(K)~~(J) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;

~~(L)~~(K) To enter into agreements or contracts with the department of agriculture for the determination, implementation, inspection, and funding of agricultural pollution abatement ~~and urban sediment pollution abatement~~ measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department ~~shall authorize~~ authorizes the ~~division of soil and water resources~~ department to implement the required program;

~~(M)~~(L) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource

conservation, development, and utilization; 24966

~~(N)(M)~~ To enter into contracts or agreements with the chief 24967  
~~of the division of soil and water resources to implement and~~ 24968  
~~administer a program for~~ director of environmental protection in 24969  
furtherance of actions to abate urban sediment pollution ~~abatement~~ 24970  
~~and to receive and expend moneys provided by the chief for that~~ 24971  
~~purpose;~~ 24972

~~(O)(N)~~ To develop operation and management plans as 24973  
necessary; 24974

~~(P)(O)~~ To determine whether operation and management plans 24975  
developed under division (A) of section ~~1511.021~~ 939.03 of the 24976  
Revised Code comply with the standards established under division 24977  
(E)(1) of section ~~1511.02~~ 939.02 of the Revised Code and to 24978  
approve or disapprove the plans, based on such compliance. If an 24979  
operation and management plan is disapproved, the board shall 24980  
provide a written explanation to the person who submitted the 24981  
plan. The person may appeal the plan disapproval to the ~~chief~~ 24982  
director of agriculture or the director's designee, who shall 24983  
afford the person a hearing. Following the hearing, the ~~chief~~ 24984  
director or the director's designee shall uphold the plan 24985  
disapproval or reverse it. If the ~~chief~~ director or the director's 24986  
designee reverses the plan disapproval, the plan shall be deemed 24987  
approved under this division. In the event that any person 24988  
operating or owning agricultural land or an animal feeding 24989  
operation in accordance with an approved operation and management 24990  
plan who, in good faith, is following that plan, causes 24991  
agricultural pollution, the plan shall be revised in a fashion 24992  
necessary to mitigate the agricultural pollution, as determined 24993  
and approved by the board of supervisors of the soil and water 24994  
conservation district. 24995

~~(Q)(P)~~ To develop timber harvest plans; 24996



(Q) To determine whether timber harvest plans developed under division (A) of section 1503.52 of the Revised Code comply with the standards established under division (A)(1) of section 1503.51 of the Revised Code and to approve or disapprove the plans based on such compliance. If a timber harvest plan is disapproved, the board shall provide a written explanation to the person who submitted the plan. The person may appeal the plan disapproval to the chief of the division of forestry or the chief's designee, who shall afford the person a hearing. Following the hearing, the chief or the chief's designee shall uphold the plan disapproval or reverse it. If the chief or the chief's designee reverses the plan disapproval, the plan shall be deemed approved under this division. 24997  
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(R) With regard to composting conducted in conjunction with agricultural operations, to do all of the following: 25010  
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(1) Upon request or upon their own initiative, inspect composting at any such operation to determine whether the composting is being conducted in accordance with section ~~1511.022~~ 939.04 of the Revised Code; 25012  
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(2) If the board determines that composting is not being so conducted, request the ~~chief to issue an order under division (G) of section 1511.02 of the Revised Code requiring~~ director to take corrective actions under section 939.07 of the Revised Code that require the person who is conducting the composting to prepare a composting plan in accordance with rules adopted under division (E)~~(8)(e)(5)(a)~~ of ~~that~~ section 939.02 of the Revised Code and to operate in accordance with that plan or to operate in accordance with a previously prepared plan, as applicable; 25016  
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(3) In accordance with rules adopted under division (E)~~(8)(e)(5)(b)~~ of section ~~1511.02~~ 939.02 of the Revised Code, review and approve or disapprove any such composting plan. If a plan is disapproved, the board shall provide a written explanation 25025  
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to the person who submitted the plan. 25029

As used in division ~~(Q)~~(R) of this section, "composting" has 25030  
the same meaning as in section ~~1511.01~~ 939.01 of the Revised Code. 25031

~~(R)~~(S) With regard to conservation activities that are 25032  
conducted in conjunction with agricultural operations, to assist 25033  
the county auditor, upon request, in determining whether a 25034  
conservation activity is a conservation practice for purposes of 25035  
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 25036  
Revised Code. 25037

As used in this division, "conservation practice" has the 25038  
same meaning as in section 5713.30 of the Revised Code. 25039

~~(S)~~(T) To develop and approve or disapprove voluntary 25040  
nutrient management plans in accordance with section 905.323 of 25041  
the Revised Code; 25042

~~(T)~~(U) To do all acts necessary or proper to carry out the 25043  
powers granted in this chapter. 25044

The director ~~of natural resources~~ shall make recommendations 25045  
to reduce the adverse environmental effects of each project that a 25046  
soil and water conservation district plans to undertake under 25047  
division (A), (B), (C), or (D) of this section and that will be 25048  
funded in whole or in part by moneys authorized under section 25049  
~~1515.16~~ 940.17 of the Revised Code and shall disapprove any such 25050  
project that the director finds will adversely affect the 25051  
environment without equal or greater benefit to the public. The 25052  
director's disapproval or recommendations, upon the request of the 25053  
district filed in accordance with rules adopted by the Ohio soil 25054  
and water conservation commission, shall be reviewed by the 25055  
commission, which may confirm the director's decision, modify it, 25056  
or add recommendations to or approve a project the director has 25057  
disapproved. 25058

Any instrument by which real property is acquired pursuant to 25059

this section shall identify the agency of the state that has the 25060  
use and benefit of the real property as specified in section 25061  
5301.012 of the Revised Code. 25062

**Sec. ~~1515.081~~ 940.07.** (A) As used in this section: 25063

(1) "Judgment" includes a consent judgment. 25064

(2) "Tort action" means a civil action for damages for 25065  
injury, death, or loss to person or property, other than a civil 25066  
action for damages for a breach of contract or another agreement 25067  
between persons. 25068

(B) Except as provided in divisions (C) and (D) of this 25069  
section, the provisions of Chapter 2744. of the Revised Code apply 25070  
to soil and water conservation districts as political subdivisions 25071  
of the state and to their supervisors and other officers, 25072  
employees, and agents as employees of political subdivisions of 25073  
the state. 25074

(C)(1) The attorney general, an assistant attorney general, 25075  
or special counsel appointed by the attorney general shall defend 25076  
a soil and water conservation district in any tort action that is 25077  
commenced against the district as a political subdivision of the 25078  
state under or pursuant to Chapter 2744. of the Revised Code, if a 25079  
written request for the legal representation is submitted to the 25080  
attorney general by the Ohio soil and water conservation 25081  
commission. If a request is so submitted, the prosecuting attorney 25082  
of the county associated with the district does not have legal 25083  
representation duties in connection with the tort action under 25084  
section ~~1515.11~~ 940.13 of the Revised Code. 25085

(2) The attorney general, an assistant attorney general, or 25086  
special counsel appointed by the attorney general shall defend a 25087  
supervisor or other officer, employee, or agent of a soil and 25088  
water conservation district in any tort action that is commenced 25089

against that person and based upon an action or omission allegedly 25090  
associated with ~~his~~ that person's employment or official 25091  
responsibilities for the district, if both of the following apply: 25092

(a) At the time of the action or omission, the person was not 25093  
acting manifestly outside the scope of ~~his~~ the person's employment 25094  
or official responsibilities for the district or acting with 25095  
malicious purpose, in bad faith, or in a wanton or reckless 25096  
manner; 25097

(b) A written request for the legal representation is 25098  
submitted to the attorney general by the Ohio soil and water 25099  
conservation commission. 25100

(3) If a request for legal representation is submitted to the 25101  
attorney general pursuant to division (C)(2) of this section, 25102  
divisions (A)(1) and (C) of section 2744.07 of the Revised Code do 25103  
not apply to the soil and water conservation district and the 25104  
defense of its supervisor or other officer, employee, or agent. 25105

(D)(1) The state shall indemnify and hold harmless a soil and 25106  
water conservation district as follows: 25107

(a) In the amount of any judgment that is rendered against 25108  
the district in a tort action that is commenced under or pursuant 25109  
to Chapter 2744. of the Revised Code; 25110

(b) In the amount of any settlement of a tort action against 25111  
the district as described in division (D)(1)(a) of this section, 25112  
or of a claim for damages for injury, death, or loss to person or 25113  
property that could become a basis of a tort action against the 25114  
district as described in division (D)(1)(a) of this section. 25115

(2) The state shall indemnify and hold harmless a supervisor 25116  
or other officer, employee, or agent of a soil and water 25117  
conservation district as follows: 25118

(a) Subject to the limitations specified in division (D)(3) 25119

of this section, in the amount of any judgment that is rendered 25120  
against that person in a tort action based upon an action or 25121  
omission allegedly associated with ~~his~~ the person's employment or 25122  
official responsibilities for the district; 25123

(b) Subject to the limitations specified in division (D)(3) 25124  
of this section, in the amount of any settlement of a tort action 25125  
as described in division (D)(2)(a) of this section or of any 25126  
settlement of a claim for damages for injury, death, or loss to 25127  
person or property that could become a basis of a tort action as 25128  
described in division (D)(2)(a) of this section. 25129

(3)(a) The maximum aggregate amount of indemnification paid 25130  
directly from state funds to or on behalf of any supervisor or 25131  
other officer, employee, or agent of a soil and water conservation 25132  
district pursuant to divisions (D)(2)(a) and (b) of this section 25133  
shall be one million dollars per occurrence, regardless of the 25134  
number of persons who suffer injury, death, or loss to person or 25135  
property as a result of the action or omission of that person. 25136

(b) An indemnification may be made pursuant to division 25137  
(D)(2)(a) or (b) of this section only if, at the time of the 25138  
action or omission, the supervisor or other officer, employee, or 25139  
agent of a soil and water conservation district was not acting 25140  
manifestly outside the scope of ~~his~~ the supervisor's or other 25141  
officer's, employee's, or agent's employment or official 25142  
responsibilities for the district or acting with malicious 25143  
purpose, in bad faith, or in a wanton or reckless manner. 25144

(c) An indemnification shall not be made pursuant to division 25145  
(D)(2)(a) or (b) of this section for any portion of a consent 25146  
judgment or settlement that is unreasonable or for any portion of 25147  
a judgment that represents punitive or exemplary damages. 25148

(4) Division (A)(2) of section 2744.07 of the Revised Code 25149  
does not apply to a soil and water conservation district, or to 25150

any of its supervisors or other officers, employees, or agents, to 25151  
the extent that division (D) of this section requires the state to 25152  
indemnify and hold harmless a supervisor or other officer, 25153  
employee, or agent of that district. 25154

**Sec. ~~1515.09~~ 940.08.** The supervisors of a soil and water 25155  
conservation district may employ assistants and such other 25156  
employees as they consider necessary and may provide for the 25157  
payment of the reasonable compensation of such assistants and 25158  
employees and expenses incurred by them in the discharge of their 25159  
duties from the special fund established for the district pursuant 25160  
to section ~~1515.10~~ 940.12 of the Revised Code. 25161

District employees are entitled to the sick leave benefits 25162  
that are provided in section 124.38 of the Revised Code and the 25163  
vacation leave benefits that are provided in section 325.19 of the 25164  
Revised Code and are entitled to participate in the sick leave 25165  
donation program established under section ~~1515.091~~ 940.09 of the 25166  
Revised Code. 25167

The supervisors may designate the amounts and forms of other 25168  
benefits, including insurance protection, to be provided to 25169  
employees and may make payments of benefits from the district fund 25170  
that is created with moneys accepted by the supervisors in 25171  
accordance with division (E) of section ~~1515.08~~ 940.06 of the 25172  
Revised Code or from the special fund created pursuant to section 25173  
~~1515.10~~ 940.12 of the Revised Code. The board of county 25174  
commissioners may make payments of benefits that are provided 25175  
under this section. 25176

The supervisors may purchase such materials, equipment, and 25177  
supplies, may lease such equipment, and may rent, purchase, or 25178  
construct, and maintain, such offices, and provide for such 25179  
equipment and supplies therefor, as they consider necessary and 25180  
may pay for the same from the special fund established for the 25181

district pursuant to section <del>1515.10</del> <u>940.12</u> of the Revised Code.	25182
<b>Sec. <del>1515.091</del> <u>940.09</u>.</b> (A) As used in this section:	25183
(1) <u>"Receiving employee"</u> means an employee of a soil and water conservation district who receives donated sick leave as authorized by this section.	25184 25185 25186
(2) <u>"Donating employee"</u> means an employee of a soil and water conservation district who donates sick leave as authorized by this section.	25187 25188 25189
(3) <u>"Paid leave"</u> has the same meaning as in section 124.391 of the Revised Code.	25190 25191
(4) <u>"Full-time employee"</u> means an employee of a soil and water conservation district whose regular hours of service for the district total forty hours per week or who renders any other standard of service accepted as full-time by the district.	25192 25193 25194 25195
(5) <u>"Full-time limited hours employee"</u> means an employee of a soil and water conservation district whose regular hours of service for the district total twenty-five to thirty-nine hours per week or who renders any other standard of service accepted as full-time limited hours by the district.	25196 25197 25198 25199 25200
(B)(1) An employee of a soil and water conservation district is eligible to become a receiving employee if the employee is a full-time employee, or a full-time limited hours employee, who has completed the prescribed probationary period, has used up all accrued paid leave, and has been placed on an approved, unpaid, medical-related leave of absence for a period of at least thirty consecutive working days because of the employee's own serious illness or because of a serious illness of a member of the employee's immediate family.	25201 25202 25203 25204 25205 25206 25207 25208 25209
(2) An employee who desires to become a receiving employee shall submit to the board of supervisors of the employing soil and	25210 25211

water conservation district, along with a satisfactory physician's 25212  
certification, a written request for donated sick leave. The board 25213  
of supervisors shall determine whether the employee is eligible to 25214  
become a receiving employee and shall approve the request if it 25215  
determines the employee is eligible. 25216

(C)(1) A board of supervisors that approves a request for an 25217  
employee to become a receiving employee shall forward the approved 25218  
application to a committee that the Ohio association of soil and 25219  
water conservation district employees shall appoint to act as a 25220  
clearinghouse for the donation of sick leave under this section. 25221  
The committee shall post notice for not less than ten days 25222  
informing all employees of soil and water conservation districts 25223  
throughout the state that it has received an approved application 25224  
to become a receiving employee. 25225

(2) A soil and water conservation district employee desiring 25226  
to become a donating employee shall complete and submit a sick 25227  
leave donation form to the employee's immediate supervisor within 25228  
twenty days after the date of the initial posting of the notice 25229  
described in division (C)(1) of this section. If the board of 25230  
supervisors of the employing district of an employee desiring to 25231  
become a donating employee approves the sick leave donation, the 25232  
board shall forward to the committee, together with a check equal 25233  
to the total value of the sick leave donation, a copy of the sick 25234  
leave donation form, and the board shall notify the receiving 25235  
employee regarding the donation. 25236

(D) If the committee described in division (C)(1) of this 25237  
section receives a sick leave donation form and a check from a 25238  
board of supervisors, the committee shall deposit the check into 25239  
an account that it shall establish to be used to dispense funds to 25240  
the employing district of a receiving employee. The committee 25241  
shall notify the board of supervisors of the employing district of 25242  
a receiving employee of the amount of sick leave donated. The 25243



board of supervisors shall bill the committee during each pay 25244  
period for the receiving employee's gross hourly wages in an 25245  
amount that does not exceed the amount donated to the receiving 25246  
employee. The board of supervisors, with the approval of the 25247  
county auditor, shall provide for the deposit into its appropriate 25248  
payroll account of any payments it receives for the benefit of a 25249  
receiving employee. 25250

(E) The donation and receipt of sick leave under this section 25251  
is subject to all of the following: 25252

(1) All donations of sick leave shall be voluntary. 25253

(2) A donating employee is eligible to donate not less than 25254  
eight hours and not more than eighty hours of sick leave during 25255  
the same calendar year. 25256

(3) The value of an hour of sick leave donated is the value 25257  
of the donating employee's gross hourly wage. The number of hours 25258  
received by a receiving employee from a donating employee shall be 25259  
a number that, when multiplied by the receiving employee's gross 25260  
hourly wage, equals the amount resulting when the donating 25261  
employee's gross hourly wage is multiplied by the number of hours 25262  
of sick leave donated. 25263

(4) No paid leave shall accrue to a receiving employee for 25264  
any compensation received through donated sick leave, and the 25265  
receipt of donated sick leave does not affect the date on which a 25266  
receiving employee first qualifies for continuation of health 25267  
insurance coverage. 25268

(5) If a receiving employee does not use all donated sick 25269  
leave during the period of the employee's leave of absence, the 25270  
unused balance shall remain in the account that the committee 25271  
described in division (C)(1) of this section established under 25272  
division (D) of this section and shall be used to dispense funds 25273  
in the future to the employing district of a receiving employee. 25274

~~Sec. 1515.092~~ 940.10. (A) When the supervisors of a soil and 25275  
water conservation district find, by resolution, that the district 25276  
has personal property, including motor vehicles acquired for the 25277  
use of district officers, road machinery, equipment, tools, or 25278  
supplies, ~~which~~ that is not needed for public use, or is obsolete 25279  
or unfit for the use for which it was acquired, the supervisors 25280  
may sell such property at public auction or by sealed bid to the 25281  
highest bidder, after giving at least ten days' notice of the 25282  
time, place, and manner of sale by posting a typewritten or 25283  
printed notice in the office of the board of county commissioners. 25284  
~~In case~~ If the fair market value of the property to be sold 25285  
pursuant to this division is, in the opinion of the supervisors, 25286  
in excess of two thousand dollars, notice of the time, place, and 25287  
manner of the sale shall also be published in a newspaper of 25288  
general circulation in the district at least ten days prior to 25289  
such sale. The supervisors may authorize the sale of such personal 25290  
property without advertisement or public notification and 25291  
competitive bidding to the federal government, the state, or any 25292  
political subdivision of the state. 25293

If the supervisors conduct a sale of personal property by 25294  
sealed bid, the form of the bid shall be as prescribed by the 25295  
supervisors, and each bid shall contain the name of the person 25296  
submitting it. Bids received shall be opened and tabulated at the 25297  
time stated in the notice. The property shall be sold to the 25298  
highest bidder, except that the supervisors may reject all bids 25299  
and hold another sale, by public auction or sealed bid, in the 25300  
manner prescribed by this section. 25301

(B) Where the supervisors find, by resolution, that the 25302  
district has vehicles, equipment, or machinery ~~which~~ that is not 25303  
needed, or is unfit for public use, and the supervisors desire to 25304  
sell such vehicles, equipment, or machinery to the person or firm 25305  
from which they propose to purchase other vehicles, equipment, or 25306

machinery, the supervisors may offer to sell the vehicles, 25307  
equipment, or machinery to such person or firm, and to have such 25308  
selling price credited to the person or firm against the purchase 25309  
price of other vehicles, equipment, or machinery. 25310

(C) Where the supervisors advertise for bids for the sale of 25311  
new vehicles, equipment, or machinery to the district, they may 25312  
include in the same advertisement a notice of their willingness to 25313  
accept bids for the purchase of district-owned vehicles, 25314  
equipment, or machinery ~~which~~ that is obsolete or not needed for 25315  
public use, and to have the amount of such bids subtracted from 25316  
the selling price of the other vehicles, equipment, or machinery 25317  
as a means of determining the lowest responsible bidder. 25318

**Sec. ~~1515.093~~ 940.11.** The supervisors of a soil and water 25319  
conservation district may hold one or more credit cards on behalf 25320  
of the district and may authorize any supervisor or employee of 25321  
the district to use such a credit card to pay for expenses related 25322  
to the purposes of the district. The supervisors shall pay the 25323  
debt incurred as a result of the use of such a credit card from 25324  
money accepted by the supervisors as authorized under division (E) 25325  
of section ~~1515.08~~ 940.06 of the Revised Code or from the special 25326  
fund established for the district under section ~~1515.10~~ 940.12 of 25327  
the Revised Code. 25328

The misuse of a credit card held on behalf of a soil and 25329  
water conservation district is a violation of section 2913.21 of 25330  
the Revised Code. In addition, a supervisor or employee of a 25331  
district who makes unauthorized use of such a credit card may be 25332  
held personally liable to the district for the unauthorized use. 25333  
This section does not limit any other liability of a supervisor or 25334  
employee of a district for the unauthorized use of such a credit 25335  
card. 25336

A supervisor or employee of a soil and water conservation 25337

district who is authorized to use a credit card that is held on 25338  
behalf of the district and who suspects the loss, theft, or 25339  
possibility of another person's unauthorized use of the credit 25340  
card immediately shall notify the supervisors in writing of the 25341  
suspected loss, theft, or possible unauthorized use. 25342

**Sec. ~~1515.10~~ 940.12.** The board of county commissioners of 25343  
each county in which there is a soil and water conservation 25344  
district may levy a tax within the ten-mill limitation and may 25345  
appropriate money from the proceeds of the levy or from the 25346  
general fund of the county. The money shall be held in a special 25347  
fund for the credit of the district, to be expended for the 25348  
purposes prescribed in sections ~~1515.09~~ 940.08 and ~~1515.093~~ 940.11 25349  
of the Revised Code, for construction and maintenance of 25350  
improvements by the district, and for other expenses incurred in 25351  
carrying out the program of the district upon the written order of 25352  
the fiscal agent for the district after authorization by a 25353  
majority of the supervisors of the district. 25354

**Sec. ~~1515.11~~ 940.13.** The prosecuting attorney of a county in 25355  
which there is a soil and water conservation district shall be the 25356  
legal adviser of the district. The prosecuting attorney shall be 25357  
the legal counsel of such district in all civil actions brought by 25358  
or against it and shall conduct all such actions in ~~his~~ the 25359  
prosecuting attorney's official capacity. The supervisors of a 25360  
district may also employ such attorneys as may be necessary or 25361  
desirable in the operations of the district. 25362

**Sec. ~~1515.13~~ 940.14.** ~~Sections 1515.01 to 1515.29 of the~~ 25363  
~~Revised Code do~~ This chapter does not infringe upon the rights, 25364  
powers, and authority vested by law in the division of wildlife in 25365  
the department of natural resources. 25366

Sec. ~~1515.14~~ 940.15. Within (A) Except as provided in 25367  
division (B) of this section, within the limits of funds 25368  
appropriated to the department of ~~natural resources~~ agriculture 25369  
and the soil and water conservation district assistance fund 25370  
created in this section, there shall be paid in each calendar year 25371  
to each ~~local~~ soil and water conservation district an amount not 25372  
to exceed one dollar for each one dollar received in accordance 25373  
with section ~~1515.10~~ 940.12 of the Revised Code, received from tax 25374  
levies in excess of the ten-mill levy limitation approved for the 25375  
benefit of ~~local~~ soil and water conservation districts, received 25376  
pursuant to a contract entered into under section 6117.021 of the 25377  
Revised Code, or received from an appropriation by a municipal 25378  
corporation or a township to a maximum of eight thousand dollars, 25379  
provided that the Ohio soil and water conservation commission may 25380  
approve payment to a district in an amount in excess of eight 25381  
thousand dollars in any calendar year upon receipt of a request 25382  
and justification from the district. The county auditor shall 25383  
credit such payments to the special fund established pursuant to 25384  
section ~~1515.10~~ 940.12 of the Revised Code for the ~~local~~ soil and 25385  
water conservation district. The department may make advances at 25386  
least quarterly to each district on the basis of the estimated 25387  
contribution of the state to each district. Moneys received by 25388  
each district shall be expended for the purposes of the district. 25389

~~For~~ (B) Money paid to a soil and water conservation district 25390  
under division (A) of this section that results from a board of 25391  
county commissioners' compensation to the district pursuant to a 25392  
contract entered into under section 6117.021 of the Revised Code 25393  
in calendar years 2015, 2016, and 2017 shall not exceed the amount 25394  
of money paid to the district under that division during calendar 25395  
year 2013 that resulted from the board of county commissioners' 25396  
having used the proceeds of a contract entered into between the 25397  
board of county commissioners and a district of a type similar to 25398

that which is authorized by section 6117.021 of the Revised Code, 25399  
directly or indirectly, for matching funds in calendar year 2013, 25400  
but may exceed that amount to the extent that other sources of 25401  
local matching funds specified by division (A) of this section are 25402  
used by the district for local matching funds in state fiscal 25403  
years 2015, 2016, and 2017. 25404

(C) For the purpose of providing money to soil and water 25405  
conservation districts under this section, there is hereby created 25406  
in the state treasury the soil and water conservation district 25407  
assistance fund consisting of money credited to it under sections 25408  
3714.073 and 3734.901 and division (A)(4) of section 3734.57 of 25409  
the Revised Code. 25410

**Sec. ~~1515.15~~ 940.16.** A board of county commissioners may 25411  
apply to the Ohio soil and water conservation commission for an 25412  
advance of moneys from the soil and water conservation fund, which 25413  
is hereby created in the state treasury, to enable a soil and 25414  
water conservation district to pay all or part of the cost of 25415  
surveys and plans, appraisals, estimates of cost, land options, 25416  
and other incidental expenses of constructing works of improvement 25417  
for the district. The commission shall consider the application 25418  
and shall recommend an amount of moneys reasonably needed for that 25419  
purpose. 25420

The order of the commission recommending the amount of the 25421  
moneys needed shall be certified to the controlling board. The 25422  
controlling board shall then determine the amount to be advanced 25423  
to the county and shall certify its action to the director of 25424  
budget and management for payment. 25425

All such amounts received by any such district shall be 25426  
repaid by the board of county commissioners to the state 25427  
immediately upon the receipt by the board of funds from the sale 25428  
of bonds or from other sources that may be used for that purpose, 25429

or in such number of equal annual installments, not exceeding 25430  
five, and commencing at such time, as shall be specified in the 25431  
order of the commission. 25432

If an unfavorable referendum or court decision has denied the 25433  
work of improvement, the controlling board, upon receipt of 25434  
sufficient and satisfactory evidence that the board and district 25435  
have proceeded in good faith and the recommendation of the 25436  
commission, shall relieve the board or district of its repayment 25437  
obligation. 25438

**Sec. ~~1515.16~~ 940.17.** The director of ~~natural resources~~ 25439  
agriculture, upon recommendation by the Ohio soil and water 25440  
conservation commission, may enter into agreements with boards of 25441  
county commissioners under which the state shares the cost of 25442  
construction of works of improvement constructed by the county for 25443  
a soil and water conservation district. The state share shall be 25444  
paid from moneys appropriated for such purposes. The state share 25445  
authorized under this section shall not exceed fifty per cent of 25446  
the nonfederal cost of the project. 25447

**Sec. ~~1515.17~~ 940.18.** The supervisors of any two or more 25448  
adjoining soil and water conservation districts may, with approval 25449  
of the Ohio soil and water conservation commission, form a joint 25450  
board of supervisors for the purpose of construction, maintenance, 25451  
and operation of a work of improvement located or to be located in 25452  
such districts. Each district shall have the same number of 25453  
supervisors on the joint board, except that where the members on 25454  
the joint board would otherwise be an even number, an additional 25455  
supervisor shall be designated from the district in which it 25456  
appears that the highest amount of taxes or assessment for 25457  
benefits for the improvement is to be made. 25458

A joint board may exercise the powers given the supervisors 25459

of a soil and water conservation district under ~~Chapter 1515.~~ of 25460  
~~the Revised Code~~ this chapter in connection with the work of 25461  
improvement for which it was formed. 25462

**Sec. ~~1515.18~~ 940.19.** An owner of land that is located in a 25463  
soil and water conservation district may file a petition with the 25464  
supervisors of the district requesting the construction of a 25465  
conservation ~~works~~ work of improvement. Upon the receipt of such a 25466  
petition, the supervisors shall make a preliminary determination 25467  
to accept or reject the petition. 25468

A petition may be rejected if the supervisors determine that 25469  
the information that it contains about the proposed improvement is 25470  
insufficient to enable the supervisors to proceed with the 25471  
petition under this chapter or if the petition appears to be 25472  
frivolous. The supervisors also may reject a petition on the 25473  
grounds that the district lacks sufficient staff or other 25474  
resources to proceed with the improvement in accordance with this 25475  
chapter. If the supervisors reject a petition, they shall notify 25476  
the petitioner of the reasons for the rejection. A petition that 25477  
was rejected due to insufficient information may be supplemented 25478  
with additional information and filed again. 25479

If the supervisors accept a petition for a proposed 25480  
improvement, they shall establish a date and time for a view of 25481  
the proposed improvement, which date shall be not fewer than 25482  
twenty-five nor more than ninety days after the date on which the 25483  
petition was filed. The supervisors shall designate a convenient 25484  
place near the proposed improvement at which the view shall start. 25485

Upon receipt of a petition, the supervisors also shall 25486  
establish a date and time on and at which and designate a location 25487  
at which they will hold a hearing on the proposed improvement. The 25488  
hearing shall occur not later than ninety days after the date 25489  
established for the view. 25490



**Sec. ~~1515.181~~ 940.20.** As soon as the supervisors of a soil 25491  
and water conservation district have established the dates, times, 25492  
and locations of the view and the hearing concerning a proposed 25493  
improvement, they shall send, at least twenty days prior to the 25494  
date established for the view, a written notice of the view and 25495  
the hearing to the landowners within the area to be benefited by 25496  
the proposed improvement and to the board of county commissioners 25497  
and the county engineer. The supervisors shall notify all 25498  
landowners that are adjacent to the proposed improvement by 25499  
certified mail and shall notify all others by certified mail or 25500  
first class mailings. Any such written notice shall have the words 25501  
"Legal Notice" printed in plain view on the face of the envelope. 25502  
In addition, the supervisors shall invite to the view and the 25503  
hearing the staff of the soil and water conservation district and 25504  
the staff of the natural resources conservation service in the 25505  
United States department of agriculture that is involved with the 25506  
district together with any other people that the supervisors 25507  
consider to be necessary to the proceedings. 25508

**Sec. ~~1515.182~~ 940.21.** On the date established for the view of 25509  
a proposed improvement, the supervisors of a soil and water 25510  
conservation district shall meet at the designated location near 25511  
the proposed improvement at the established time. At that time, 25512  
they shall hear proof of the need for the proposed improvement 25513  
offered by any landowner that is affected by it. 25514

The supervisors shall view the area in which the proposed 25515  
improvement is to be constructed. If the proposed improvement is a 25516  
ditch, the view shall include the line of the proposed ditch and 25517  
each branch, lateral, or spur of the ditch that is mentioned in 25518  
the petition. If the area to be viewed is extensive, the 25519  
supervisors may conduct the view on more than one day and may 25520  
adjourn from day to day, or a longer period, until the view is 25521

completed. 25522

**Sec. ~~1515.183~~ 940.22.** Upon acceptance of a petition 25523  
requesting the construction of an improvement, the supervisors of 25524  
a soil and water conservation district shall begin to prepare, as 25525  
a guide to the board of county commissioners and the petitioners, 25526  
a preliminary report regarding the proposed improvement. The 25527  
supervisors shall present the completed preliminary report at the 25528  
hearing that is held on the proposed improvement. 25529

The preliminary report shall include a preliminary estimate 25530  
of cost, comments on the feasibility of the project, and a 25531  
statement of the supervisors' opinion as to whether the benefits 25532  
from the project are likely to exceed the estimated cost. The 25533  
preliminary report shall identify all factors that are apparent to 25534  
the supervisors, both favorable and unfavorable to the proposed 25535  
improvement, so that the petitioners may be informed concerning 25536  
what is involved with the construction of the improvement. 25537

In addition to reporting on the improvement as petitioned, 25538  
the supervisors may submit alternate proposals to accomplish the 25539  
intent of the petition. The preliminary report and all alternate 25540  
proposals shall be reviewed and receive concurrence from an 25541  
engineer who is employed by the ~~division of soil and water~~ 25542  
~~resources~~ department of agriculture or by the natural resources 25543  
conservation service in the United States department of 25544  
agriculture and who is responsible for providing technical 25545  
assistance to the district or from any other registered 25546  
professional engineer whom the supervisors choose. 25547

**Sec. ~~1515.184~~ 940.23.** On the date and at the time established 25548  
for the hearing on a petition for a proposed improvement, the 25549  
supervisors of a soil and water conservation district shall 25550  
conduct the hearing. Prior to the hearing, landowners affected by 25551

the proposed improvement may file objections to it with the 25552  
supervisors, and at the hearing the supervisors shall hear any 25553  
objections so filed. In addition, the supervisors shall present 25554  
their preliminary report on the proposed improvement and shall 25555  
hear any evidence offered by any landowner for or against 25556  
construction of the proposed improvement. If necessary, the 25557  
hearing may occur on more than one day and may be adjourned from 25558  
day to day or for a longer time that may be reasonable so that all 25559  
interested landowners may have an opportunity to be heard in favor 25560  
of or in opposition to the proposed improvement. 25561

25562

**Sec. ~~1515.185~~ 940.24.** If modifications or alternatives to a 25563  
proposed improvement are proposed or discussed at the hearing on 25564  
the improvement, the supervisors of the soil and water 25565  
conservation district may adjourn the hearing for a period of time 25566  
that is necessary to conduct a subsequent view of the proposed 25567  
improvement in light of the proposed changes. If it appears that a 25568  
subsequent view is necessary, the supervisors shall establish a 25569  
date, time, and location for it and shall notify, in the same 25570  
manner, the same persons that were required to be notified of the 25571  
first view. 25572

**Sec. ~~1515.19~~ 940.25.** At the conclusion of the hearing on a 25573  
proposed improvement, the supervisors of a soil and water 25574  
conservation district may approve the petition for the improvement 25575  
if they are reasonably certain that the cost of the proposed 25576  
improvement will be less than the benefits from it and if they 25577  
find that the improvement is necessary, that it will be conducive 25578  
to the public welfare, that it will improve water management and 25579  
development in the county in which the district is located to the 25580  
advantage of lands located in it, and that it will aid lands in 25581

the area by promoting the economical, industrial, environmental, 25582  
or social development of the area. 25583

Upon approval of the petition, the supervisors shall 25584  
establish a date by which the supervisors must complete, in 25585  
accordance with sections ~~1515.191~~ 940.26 to ~~1515.193~~ 940.28 of the 25586  
Revised Code, plans and specifications for the improvement 25587  
together with estimates of damages from and costs for it. The date 25588  
established shall allow as much time as is necessary for the 25589  
preparation of the plans, specifications, and estimates. The 25590  
supervisors may extend the completion date if necessary. Upon 25591  
completion of the plans, specifications, and estimates, the 25592  
supervisors shall do both of the following: 25593

(A) Determine the area that would be benefited by the 25594  
proposed improvement and certify the determination together with 25595  
the supervisors' approval of the improvement to the board of 25596  
county commissioners of each county containing land included in 25597  
the benefited area; 25598

(B) Submit the plans, specifications, and estimates together 25599  
with the preliminary report to each such board. 25600

**Sec. ~~1515.191~~ 940.26.** Upon approval by the supervisors of a 25601  
soil and water conservation district of a petition for a proposed 25602  
improvement, the supervisors or their designee shall conduct all 25603  
necessary surveys for the proposed improvement. In addition, the 25604  
supervisors or their designee shall prepare plans for constructing 25605  
the improvement and shall prepare maps showing the location of the 25606  
land that is proposed to be assessed in accordance with section 25607  
~~1515.24~~ 940.33 of the Revised Code for the improvement. 25608

The supervisors or their designee shall prepare 25609  
specifications for construction of the improvement and shall 25610  
specify dimensions of any temporary easement that is necessary for 25611

construction purposes. In addition, the supervisors or their 25612  
designee shall make estimates of the cost of material and any 25613  
excavation costs. The construction of the improvement may be 25614  
divided into construction areas if that would be expedient. 25615

In the case of an improvement that is a ditch or similar 25616  
structure for the disposal of water, the specifications for its 25617  
construction that the supervisors or their designee must prepare 25618  
shall provide for spreading and leveling of spoil banks and shall 25619  
provide for erosion and sediment control through the establishment 25620  
of a sod or seeded strip not fewer than four feet nor more than 25621  
fifteen feet wide, measured at right angles to the top of the 25622  
ditch bank on both sides of the ditch, except where suitable 25623  
vegetative cover exists. The strip or other such controls shall be 25624  
considered to be part of the permanent improvement. Sod or seeded 25625  
strips that are established and maintained in excess of four feet 25626  
shall be compensated for by their removal from the taxable 25627  
valuation of the property of which they are a part. 25628

The supervisors or their designee shall make note of all 25629  
fences, floodgates, culverts, bridges, and other structures that 25630  
will be removed or adjusted in constructing the improvement. The 25631  
supervisors or their designee also shall make note of any gates 25632  
that need to be installed in existing fences in order to provide 25633  
access to the improvement for maintenance purposes. The gates 25634  
shall be locked when requested by the owner of the fence and shall 25635  
be considered to be a part of the original improvement and subject 25636  
to maintenance along with the improvement. 25637

The supervisors shall submit the plans, specifications, and 25638  
other information prepared in accordance with this section to the 25639  
board of county commissioners of each county in which the proposed 25640  
improvement is to be located. 25641

**Sec. ~~1515.192~~ 940.27.** The supervisors of a soil and water 25642

conservation district or their designee shall estimate the value 25643  
of land or other property that must be taken and the damages to be 25644  
sustained by any owner as a result of the construction and 25645  
subsequent maintenance of a proposed improvement. The supervisors 25646  
or their designee shall prepare a schedule of damages consisting 25647  
of the name and address of each owner that is alleged to be 25648  
damaged, the amount of the estimated damages, and an explanation 25649  
of the injury upon which the estimate is based. The supervisors' 25650  
or their designee's schedule of damages also shall contain the 25651  
value of the land or other property that is necessary to be taken 25652  
and a complete description of that land or other property. The 25653  
supervisors shall include the total of the estimated damages and 25654  
valuations as part of the estimate of the total cost of 25655  
constructing the improvement and shall submit the schedule of 25656  
damages to the board of county commissioners of each county in 25657  
which the improvement is to be located. 25658

**Sec. ~~1515.193~~ 940.28.** The supervisors of a soil and water 25659  
conservation district or their designee shall make an estimate of 25660  
the cost of the construction of a proposed improvement, which 25661  
shall include actual construction costs, any other expenses 25662  
incurred in investigations and notifications related to the 25663  
project, the value of land or other property that must be taken 25664  
and the damages to be sustained by any owner as a result of the 25665  
construction and subsequent maintenance of the proposed 25666  
improvement, the cost of installing any gates in fences or any 25667  
other structures that are necessary to provide access to the 25668  
improvement for maintenance purposes, and any other incidental 25669  
costs. Upon completion of the estimate of cost, the supervisors 25670  
shall submit it to the board of county commissioners of each 25671  
county in which the improvement is to be located. 25672

**Sec. ~~1515.21~~ 940.29.** Upon receipt of a certification under 25673  
section ~~1515.19~~ 940.25 of the Revised Code, the board of county 25674  
commissioners shall, within sixty days, approve or disapprove 25675  
construction of the improvement. If a board disapproves 25676  
construction of the improvement, the supervisors may revise the 25677  
plan for the improvement and again proceed under section ~~1515.19~~ 25678  
940.25 of the Revised Code. If the board of county commissioners 25679  
of each county containing any of the territory included in the 25680  
project area approves construction of the improvement, the board, 25681  
or if there is more than one such county, the joint board formed 25682  
under section ~~1515.22~~ 940.31 of the Revised Code, has in addition 25683  
to its other powers, the powers of a soil and water conservation 25684  
district granted by division (C) of section ~~1515.08~~ 940.06 of the 25685  
Revised Code. 25686

When considering whether to approve or disapprove 25687  
construction of an improvement, the board shall consider all of 25688  
the following factors: 25689

(A) The cost of location and construction; 25690

(B) The compensation for land or other property that must be 25691  
taken; 25692

(C) The benefits to the public welfare; 25693

(D) The benefits to land, public corporations, and the state 25694  
needing the improvement; 25695

(E) In the case of an improvement involving the drainage of 25696  
water, the effect on land below the improvement that may be caused 25697  
by constructing the improvement and the sufficiency or 25698  
insufficiency of the outlet that receives flow from the 25699  
improvement; 25700

(F) Any other proper matter that will assist the board in 25701  
approving or disapproving construction of the improvement. 25702

When, in the opinion of the board of county commissioners, it 25703  
is necessary for the board to acquire real property or a 25704  
right-of-way or other easement for a conservation works of 25705  
improvement under this chapter, the board may appropriate the real 25706  
property or right-of-way or other easement in accordance with 25707  
sections 163.01 to 163.62 of the Revised Code. 25708

If the board approves construction of the improvement, the 25709  
county engineer shall file with the county recorder a property 25710  
plat showing the general location of the improvement and a 25711  
statement describing the dimensions of any permanent easement that 25712  
is necessary for maintenance of the improvement. In the case of an 25713  
improvement that is an open ditch, provisions that govern the 25714  
permanent easement for maintenance of the ditch that are 25715  
established in section 6137.12 of the Revised Code shall apply. 25716

A board shall follow sections 307.86 to 307.91 of the Revised 25717  
Code, except that the board may designate the board of supervisors 25718  
as the contracting agency and it shall follow division (H) of 25719  
section ~~1515.08~~ 940.06 of the Revised Code, or except that if the 25720  
improvement is being undertaken through the joint efforts and 25721  
cooperation of the board of county commissioners or board of 25722  
supervisors and another state or federal agency, and if the state 25723  
or federal regulations or procedures are in conflict with those 25724  
sections with respect to the procedures for the preparing of 25725  
contracts, the issuing of bids, the making of awards, and 25726  
generally the administering of the contracts, the board of county 25727  
commissioners or board of supervisors may adopt the state or 25728  
federal regulations or procedures in those areas where conflict 25729  
exists and proceed with the improvement in accordance with the 25730  
requirements of the state or federal regulations or procedures. 25731

**Sec. ~~1515.211~~ 940.30.** (A) A board of county commissioners 25732  
that approves construction of a proposed improvement or the 25733



board's designee shall prepare a schedule of estimated assessments 25734  
on property within the area that is to be benefited by the 25735  
improvement. In preparing the schedule, the board or its designee 25736  
shall use information concerning the proposed improvement that 25737  
must be submitted to the board by the supervisors of a soil and 25738  
water conservation district. The information includes plans for 25739  
the proposed improvement, including surveys, maps, and 25740  
specifications, together with schedules of damages, cost 25741  
estimates, and any related reports that the supervisors or their 25742  
designee prepared. 25743

The schedule of estimated assessments that must be prepared 25744  
shall include the name and address of each owner of land believed 25745  
to be benefited by the proposed improvement together with a 25746  
description of the land. The names and descriptions shall be 25747  
obtained from the tax duplicates of the county. The board or its 25748  
designee shall enter in the schedule the amount of each estimated 25749  
assessment, which shall be determined using considerations 25750  
established in section ~~1515.24~~ 940.33 of the Revised Code. In no 25751  
case shall an assessment be less than twenty-five dollars for each 25752  
parcel of land, except in the case of a multi-parcel lot, in which 25753  
case the board may charge a minimum of twenty-five dollars with 25754  
respect to all of the parcels comprising the multi-parcel lot. In 25755  
addition, the board may charge an assessment of less than 25756  
twenty-five dollars if the board determines that a lower amount is 25757  
appropriate, provided that the lower amount includes the cost of 25758  
preparing and mailing the notice required under division (D)(1) of 25759  
section ~~1515.24~~ 940.33 of the Revised Code. The total of the 25760  
estimated assessments, including the total estimated assessments 25761  
allocated to public corporations and the state, shall equal the 25762  
estimated cost of the proposed improvement. The board shall use 25763  
the schedule of estimated assessments for purposes of levying 25764  
final assessments under section ~~1515.24~~ 940.33 of the Revised 25765

Code. 25766

(B) As used in this section, "multi-parcel lot" means a site 25767  
on which a dwelling is located and that comprises two or more 25768  
contiguous parcels of land. 25769

**Sec. ~~1515.22~~ 940.31.** The boards of county commissioners of 25770  
all the counties containing any of the territory included in the 25771  
project area, if all such counties have approved construction of 25772  
an improvement under section ~~1515.21~~ 940.29 of the Revised Code, 25773  
are a joint board of county commissioners for the improvement. 25774

A joint board of county commissioners may do all the things 25775  
that a board of county commissioners may do in connection with the 25776  
improvement and shall proceed as if it were a board of county 25777  
commissioners representing a county that included all the 25778  
territory within the project area. 25779

The joint board may agree to apportion any cost of the 25780  
improvement, or expenses incurred in connection therewith, not 25781  
paid by assessments or taxes levied for the improvement, or funds 25782  
other than county funds, among the participating counties. 25783

The joint board shall elect one of its members president and 25784  
designate a clerk of one of the boards of county commissioners of 25785  
the participating counties as clerk of the joint board. A majority 25786  
of the county commissioners constituting the joint board 25787  
constitutes a quorum. All decisions of the joint board shall be 25788  
made by a majority vote of the county commissioners constituting 25789  
the joint board. 25790

For the purpose of bringing a referendum petition against a 25791  
soil and water conservation project under section 305.31 of the 25792  
Revised Code, a resolution adopted by a joint board of county 25793  
commissioners shall be considered to be a resolution adopted by 25794  
the board of county commissioners of each county in the project 25795

area. The electors of any county in the project area may file a 25796  
petition for referendum under that section against a resolution 25797  
adopted by the joint board of county commissioners as if it had 25798  
been adopted by the board of county commissioners for that county. 25799  
The referendum shall be conducted only in the county in which the 25800  
referendum petition was filed. The electors of any county in the 25801  
project area in which no referendum petition was filed shall not 25802  
be eligible to vote in the referendum, and the outcome of a 25803  
referendum shall have effect only in the county in which the 25804  
referendum was held. Any county in the project area in which a 25805  
referendum is not held remains subject to the provisions of the 25806  
resolution adopted by the joint board of county commissioners for 25807  
the soil and water conservation district. 25808

**Sec. ~~1515.23~~ 940.32.** The county auditor and county treasurer 25809  
of one of the counties represented by a joint board of county 25810  
commissioners under section ~~1515.22~~ 940.31 of the Revised Code, to 25811  
be designated by the joint board, shall ex officio become the 25812  
fiscal agents of all the participating counties. Such auditor 25813  
shall certify to the auditor of the other counties a schedule of 25814  
any taxes or assessments to be levied for the improvement, and the 25815  
auditor of such other county shall proceed forthwith to place such 25816  
tax or assessment upon the duplicates. Taxes or assessments so 25817  
certified for collection to an auditor of another county ~~is~~ are a 25818  
lien on the land within such county from the date such certificate 25819  
is received by the auditor of such other county. The treasurer of 25820  
each county shall proceed to collect the same pursuant to the 25821  
orders made in the proceedings of the joint board, and such taxes 25822  
or assessments when collected shall be paid to the treasurer for 25823  
the joint board. The auditor and treasurer shall receive and 25824  
account for such funds in the same manner as they would for taxes 25825  
or assessments collected within their county. The treasurer and 25826  
auditor with their ~~bondsmen~~ bondspersons are liable on their 25827

official bonds for any misappropriation of such funds. All 25828  
warrants for the payment of costs in connection with the 25829  
improvement shall be drawn by the auditor designated under this 25830  
section, on the treasurer of ~~said~~ the county, payable out of the 25831  
fund designated by the joint board to receive moneys for the 25832  
improvement. 25833

**Sec. ~~1515.24~~ 940.33.** (A) Following receipt of a certification 25834  
made by the supervisors of a soil and water conservation district 25835  
pursuant to section ~~1515.19~~ 940.25 of the Revised Code together 25836  
with receipt of all plans, specifications, and estimates submitted 25837  
under that section and upon completion of a schedule of estimated 25838  
assessments in accordance with section ~~1515.211~~ 940.30 of the 25839  
Revised Code, the board of county commissioners may adopt a 25840  
resolution levying upon the property within the project area an 25841  
assessment at a uniform or varied rate based upon the benefit to 25842  
the area certified by the supervisors, as necessary to pay the 25843  
cost of construction of the improvement not otherwise funded and 25844  
to repay advances made for purposes of the improvement from the 25845  
fund created by section ~~1515.15~~ 940.16 of the Revised Code. The 25846  
board of county commissioners shall direct the person or authority 25847  
preparing assessments to give primary consideration, in 25848  
determining a parcel's estimated assessments relating to the 25849  
disposal of water, to the potential increase in productivity that 25850  
the parcel may experience as a result of the improvement and also 25851  
to give consideration to the amount of water disposed of, the 25852  
location of the property relative to the project, the value of the 25853  
project to the watershed, and benefits. The part of the assessment 25854  
that is found to benefit state, county, or township roads or 25855  
highways or municipal streets shall be assessed against the state, 25856  
county, township, or municipal corporation, respectively, payable 25857  
from motor vehicle revenues. The part of the assessment that is 25858  
found to benefit property owned by any public corporation, any 25859

political subdivision of the state, or the state shall be assessed 25860  
against the public corporation, the political subdivision, or the 25861  
state and shall be paid out of the general funds or motor vehicle 25862  
revenues of the public corporation, the political subdivision of 25863  
the state, or the state, except as otherwise provided by law. 25864

25865

(B) The assessment shall be certified to the county auditor 25866  
and by the county auditor to the county treasurer. The collection 25867  
of the assessment shall conform in all matters to Chapter 323. of 25868  
the Revised Code. 25869

(C) Any land owned and managed by the department of natural 25870  
resources for wildlife, recreation, nature preserve, or forestry 25871  
purposes is exempt from assessments if the director of natural 25872  
resources determines that the land derives no benefit from the 25873  
improvement. In making such a determination, the director shall 25874  
consider the purposes for which the land is owned and managed and 25875  
any relevant articles of dedication or existing management plans 25876  
for the land. If the director determines that the land derives no 25877  
benefit from the improvement, the director shall notify the board 25878  
of county commissioners, within thirty days after receiving the 25879  
assessment notification required by this section, indicating that 25880  
the director has determined that the land is to be exempt and 25881  
explaining the specific reason for making this determination. The 25882  
board of county commissioners, within thirty days after receiving 25883  
the director's exemption notification, may appeal the 25884  
determination to the court of common pleas. If the court of common 25885  
pleas finds in favor of the board of county commissioners, the 25886  
department of natural resources shall pay all court costs and 25887  
legal fees. 25888

(D)(1) The board shall give notice by first class mail to 25889  
every public and private property owner whose property is subject 25890

to assessment, at the tax mailing or other known address of the owner. The notice shall contain a statement of the amount to be assessed against the property of the addressee, a description of the method used to determine the necessity for and the amount of the proposed assessment, a description of any easement on the property that is necessary for purposes of the improvement, and a statement that the addressee may file an objection in writing at the office of the board of county commissioners within thirty days after the mailing of notice. If the residence of any owner cannot be ascertained, or if any mailed notice is returned undelivered, the board shall publish the notice to all such owners in a newspaper of general circulation within the project area, once each week for three weeks or as provided in section 7.16 of the Revised Code. The notice shall include the information contained in the mailed notice, but shall state that the owner may file an objection in writing at the office of the board of county commissioners within thirty days after the last publication of the notice.

(2) Upon receipt of objections as provided in this section, the board shall proceed within thirty days to hold a final hearing on the objections by fixing a date and giving notice by first class mail to the objectors at the address provided in filing the objection. If any mailed notice is returned undelivered, the board shall give due notice to the objectors in a newspaper of general circulation in the project area or as provided in section 7.16 of the Revised Code, stating the time, place, and purpose of the hearing. Upon hearing the objectors, the board may adopt a resolution amending and approving the final schedule of assessments and shall enter it in the journal.

(3) Any owner whose objection is not allowed may appeal within thirty days to the court of common pleas of the county in which the property is located.

(4) The board of county commissioners shall make an order 25923  
approving the levying of the assessment and shall proceed under 25924  
section 6131.23 of the Revised Code after one of the following has 25925  
occurred, as applicable: 25926

(a) Final notice is provided by mail or publication. 25927

(b) The imposition of assessments is upheld in the final 25928  
disposition of an appeal that is filed pursuant to division (D)(3) 25929  
of this section. 25930

(c) The resolution levying the assessments is approved in a 25931  
referendum that is held pursuant to section 305.31 of the Revised 25932  
Code. 25933

(5) The county treasurer shall deposit the proceeds of the 25934  
assessment in the fund designated by the board and shall report to 25935  
the county auditor the amount of money from the assessment that is 25936  
collected by the treasurer. Moneys shall be expended from the fund 25937  
for purposes of the improvement. 25938

(E) Any moneys collected in excess of the amount needed for 25939  
construction of the improvement and the subsequent first year's 25940  
maintenance may be maintained in a fund to be used for maintenance 25941  
of the improvement. In any year subsequent to a year in which an 25942  
assessment for construction of an improvement levied under this 25943  
section has been collected, and upon determination by the board of 25944  
county commissioners that funds are not otherwise available for 25945  
maintenance or repair of the improvement, the board shall levy on 25946  
the property within the project area an assessment for maintenance 25947  
at a uniform percentage of all construction costs based upon the 25948  
assessment schedule used in determining the construction 25949  
assessment. The assessment is not subject to the provisions 25950  
concerning notice and petition contained in this section. An 25951  
assessment for maintenance shall not be levied in any year in 25952  
which the unencumbered balance of funds available for maintenance 25953

of the improvement exceeds twenty per cent of the cost of 25954  
construction of the improvement, except that the board may adjust 25955  
the level of assessment within the twenty per cent limitation, or 25956  
suspend temporarily the levying of an assessment, for maintenance 25957  
purposes as maintenance funds are needed. 25958

For the purpose of levying an assessment for maintenance of 25959  
an improvement, a board may use the procedures established in 25960  
Chapter 6137. of the Revised Code regarding maintenance of 25961  
improvements as defined in section 6131.01 of the Revised Code in 25962  
lieu of using the procedures established under this section. 25963

(F) The board of county commissioners may issue bonds and 25964  
notes as authorized by section 131.23 or 133.17 of the Revised 25965  
Code. 25966

**Sec. ~~1515.28~~ 940.34.** A board of county commissioners may 25967  
declare by resolution that it is necessary to levy a tax upon the 25968  
property within the project area in order to pay the costs of the 25969  
improvement not otherwise funded. 25970

Such resolution shall specify the rate ~~which~~ that it is 25971  
necessary to levy, the purpose thereof, and the number of years 25972  
during which such increase shall be in effect, which levy may 25973  
include a levy upon the duplicate of the current year. 25974

A copy of the resolution shall be certified to the board of 25975  
elections for the county not less than ninety days before the 25976  
general election in any year and ~~said~~ the board shall submit the 25977  
proposal to the electors within the project area at the succeeding 25978  
November election in accordance with section 5705.25 of the 25979  
Revised Code. For purposes of that section, the subdivision is the 25980  
project area. 25981

If the per cent required for approval of a levy as set forth 25982  
in section 5705.26 of the Revised Code vote in favor thereof, the 25983



board of county commissioners may levy a tax within the project 25984  
area, outside the ten-mill limitation, during the period and for 25985  
the purpose stated in the resolution, or at any less rate or for 25986  
any less number of years. 25987

The board may issue bonds and notes in anticipation of the 25988  
collection of taxes levied under this section, and notes in 25989  
anticipation of the issuance of bonds. 25990

**Sec. ~~1515.29~~ 940.35.** The board of county commissioners, or, 25991  
if a joint board of county commissioners has been created under 25992  
section ~~1515.22~~ 940.31 of the Revised Code, the joint board, shall 25993  
maintain the works of improvement constructed by the board for a 25994  
soil and water conservation district. For that purpose, the board 25995  
or joint board may use procedures and requirements established in 25996  
sections 6137.08 to 6137.14 of the Revised Code and may contract 25997  
with or authorize the supervisors or joint board of supervisors of 25998  
a soil and water conservation district to perform maintenance of 25999  
such works of improvement. 26000

**Sec. 941.14.** (A) The owner shall burn the body of an animal 26001  
that has died of, or been destroyed because of, a dangerously 26002  
infectious or contagious disease, bury it not less than four feet 26003  
under the surface of the ground, dissolve it by alkaline 26004  
hydrolysis, remove it in a watertight tank to a rendering 26005  
establishment, or otherwise dispose of it in accordance with 26006  
section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within 26007  
twenty-four hours after knowledge thereof or after notice in 26008  
writing from the department of agriculture. 26009

(B) The owner of premises that contain a dead animal shall 26010  
burn the body of the animal, bury it not less than four feet 26011  
beneath the surface of the ground, dissolve it by alkaline 26012  
hydrolysis, remove it in a watertight tank to a rendering 26013

establishment, or otherwise dispose of it in accordance with 26014  
section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within a 26015  
reasonable time after knowledge thereof or after notice in writing 26016  
from the department or from the township trustees of the township 26017  
in which the owner's premises are located. 26018

(C) Notwithstanding division (A) or (B) of this section, the 26019  
director of agriculture, in written notice sent to the owner of a 26020  
dead animal, may require the owner to employ a specific method of 26021  
disposition of the body, including burning, burying, rendering, 26022  
composting, or alkaline hydrolysis, when that method does not 26023  
conflict with any law or rule governing the disposal of infectious 26024  
wastes and, in the director's judgment, is necessary for purposes 26025  
of animal disease control. No person shall fail to employ the 26026  
method of disposition required under this division. 26027

(D) The director, in written notice sent to the owner of a 26028  
dead animal, may prohibit the owner from transporting the body of 26029  
the dead animal on any street or highway if that prohibition does 26030  
not conflict with any law or rule governing the transportation of 26031  
infectious wastes and, in the director's judgment, is necessary 26032  
for purposes of animal disease control. No person shall fail to 26033  
comply with a prohibition issued under this division. 26034

(E) As used in this section, "infectious wastes" has the same 26035  
meaning as in section 3734.01 of the Revised Code, and "street" or 26036  
"highway" has the same meaning as in section 4511.01 of the 26037  
Revised Code. 26038

**Sec. 953.22.** (A) No person shall engage in the business of 26039  
disposing of, picking up, rendering, or collecting raw rendering 26040  
material or transporting the material to a composting facility 26041  
without a license to do so from the department of agriculture. 26042

(B) This chapter does not apply to any of the following: 26043

(1) A farmer who slaughters the farmer's own animals, raised 26044  
by the farmer on the farmer's own farm, processes the farmer's own 26045  
meat therefrom, and disposes of the farmer's raw rendering 26046  
material only by delivery to a person licensed under section 26047  
953.23 of the Revised Code; 26048

(2) A person whose only connection with raw rendering 26049  
material is curing hides and skins; 26050

(3) A person whose only connection with raw rendering 26051  
material is operating a pet cemetery; 26052

(4) A person who is conducting composting, as defined in 26053  
section ~~1511.01~~ 939.01 of the Revised Code, in accordance with 26054  
section ~~1511.022~~ 939.04 of the Revised Code; 26055

(5) A person whose only connection with raw rendering 26056  
material is trapping wild animals in accordance with a nuisance 26057  
wild animal permit issued by the chief of the division of wildlife 26058  
in the department of natural resources under rules adopted 26059  
pursuant to section 1531.08 of the Revised Code; 26060

(6) A county dog warden or animal control officer who 26061  
transports raw rendering material only for disposal purposes. 26062

**Sec. 955.12.** Except as provided in section 955.121 of Revised 26063  
Code, a board of county commissioners shall appoint or employ a 26064  
county dog warden and deputies in such number, for such periods of 26065  
time, and at such compensation as the board considers necessary to 26066  
enforce sections 955.01 to 955.27, ~~955.29 to 955.38~~, and 955.50 to 26067  
955.53 of the Revised Code. 26068

The warden and deputies shall give bond in a sum not less 26069  
than five hundred dollars and not more than two thousand dollars, 26070  
as set by the board, conditioned for the faithful performance of 26071  
their duties. The bond or bonds may, in the discretion of the 26072  
board, be individual or blanket bonds. The bonds shall be filed 26073

with the county auditor of their respective counties. 26074

The warden and deputies shall make a record of all dogs 26075  
owned, kept, and harbored in their respective counties. They shall 26076  
patrol their respective counties and seize and impound on sight 26077  
all dogs found running at large and all dogs more than three 26078  
months of age found not wearing a valid registration tag, except 26079  
any dog that wears a valid registration tag and is: on the 26080  
premises of its owner, keeper, or harborer, under the reasonable 26081  
control of its owner or some other person, hunting with its owner 26082  
or its handler at a field trial, kept constantly confined in a dog 26083  
kennel registered under this chapter or one licensed under Chapter 26084  
956. of the Revised Code, or acquired by, and confined on the 26085  
premises of, an institution or organization of the type described 26086  
in section 955.16 of the Revised Code. A dog that wears a valid 26087  
registration tag may be seized on the premises of its owner, 26088  
keeper, or harborer and impounded only in the event of a natural 26089  
disaster. 26090

If a dog warden has reason to believe that a dog is being 26091  
treated inhumanely on the premises of its owner, keeper, or 26092  
harborer, the warden shall apply to the court of common pleas for 26093  
the county in which the premises are located for an order to enter 26094  
the premises, and if necessary, seize the dog. If the court finds 26095  
probable cause to believe that the dog is being treated 26096  
inhumanely, it shall issue such an order. 26097

The warden and deputies shall also ~~investigate all claims for~~ 26098  
~~damages to animals reported to them under section 955.29 of the~~ 26099  
~~Revised Code and assist claimants to fill out the claim form~~ 26100  
~~therefor. They shall~~ make weekly reports, in writing, to the board 26101  
in their respective counties of all dogs seized, impounded, 26102  
redeemed, and destroyed ~~and of all claims for damage to animals~~ 26103  
~~inflicted by dogs.~~ 26104

The wardens and deputies shall have the same police powers as 26105

are conferred upon sheriffs and police officers in the performance 26106  
of their duties as prescribed by sections 955.01 to 955.27, ~~955.29~~ 26107  
~~to 955.38,~~ and 955.50 to 955.53 of the Revised Code. They shall 26108  
also have power to summon the assistance of bystanders in 26109  
performing their duties and may serve writs and other legal 26110  
processes issued by any court in their respective counties with 26111  
reference to enforcing those sections. County auditors may 26112  
deputize the wardens or deputies to issue dog licenses as provided 26113  
in sections 955.01 and 955.14 of the Revised Code. 26114

Whenever any person files an affidavit in a court of 26115  
competent jurisdiction that there is a dog running at large that 26116  
is not kept constantly confined either in a dog kennel registered 26117  
under this chapter or one licensed under Chapter 956. of the 26118  
Revised Code or on the premises of an institution or organization 26119  
of the type described in section 955.16 of the Revised Code or 26120  
that a dog is kept or harbored in the warden's jurisdiction 26121  
without being registered as required by law, the court shall 26122  
immediately order the warden to seize and impound the dog. 26123  
Thereupon the warden shall immediately seize and impound the dog 26124  
complained of. The warden shall give immediate notice by certified 26125  
mail to the owner, keeper, or harborer of the dog seized and 26126  
impounded by the warden, if the owner, keeper, or harborer can be 26127  
determined from the current year's registration list maintained by 26128  
the warden and the county auditor of the county where the dog is 26129  
registered, that the dog has been impounded and that, unless the 26130  
dog is redeemed within fourteen days of the date of the notice, it 26131  
may thereafter be sold or destroyed according to law. If the 26132  
owner, keeper, or harborer cannot be determined from the current 26133  
year's registration list maintained by the warden and the county 26134  
auditor of the county where the dog is registered, the officer 26135  
shall post a notice in the pound or animal shelter both describing 26136  
the dog and place where seized and advising the unknown owner 26137  
that, unless the dog is redeemed within three days, it may 26138

thereafter be sold or destroyed according to law. 26139

~~As used in this section, "animal" has the same meaning as in 26140  
section 955.51 of the Revised Code. 26141~~

**Sec. 955.121.** (A)(1) In lieu of appointing a county dog 26142  
warden and deputies under section 955.12 of the Revised Code, a 26143  
board of county commissioners may appoint the county sheriff to 26144  
enforce sections 955.01 to 955.27, ~~955.29 to 955.38,~~ and 955.50 to 26145  
955.53 of the Revised Code. If a board chooses to appoint the 26146  
county sheriff as the county dog warden, the board shall enter 26147  
into a two-year written agreement with the sheriff for that 26148  
purpose at the first meeting in a calendar year following a 26149  
general election in which at least one of the members of the board 26150  
was elected. 26151

(2) The agreement may authorize both of the following: 26152

(a) The sheriff to appoint sheriff's deputies or persons 26153  
other than peace officers as deputy dog wardens; 26154

(b) The transfer of any benefits accrued by employees who are 26155  
transferred as a result of the county sheriff's being appointed as 26156  
the county dog warden. 26157

(B) Any dog warden and deputy dog wardens appointed under 26158  
this section shall comply with both of the following: 26159

(1) Any training requirements applicable to county dog 26160  
wardens and deputy dog wardens appointed or employed under section 26161  
955.12 of the Revised Code; 26162

(2) The requirements established in that section. 26163

(C) If a county sheriff or a sheriff's deputies are appointed 26164  
as a dog warden or deputy dog wardens under this section, 26165  
references in this chapter and in Chapters 953., 956., and 959. of 26166  
the Revised Code to "dog warden" and "deputy dog warden" shall be 26167  
deemed to be replaced, respectively, with references to "sheriff" 26168

and "deputy sheriff." 26169

**Sec. 955.14.** (A) Notwithstanding section 955.01 of the 26170  
Revised Code, a board of county commissioners by resolution may 26171  
increase dog and kennel registration fees in the county. The 26172  
amount of the fees shall not exceed an amount that the board, in 26173  
its discretion, estimates is needed to pay all expenses for the 26174  
administration of this chapter ~~and to pay claims allowed for~~ 26175  
~~animals injured or destroyed by dogs.~~ Such a resolution shall be 26176  
adopted not earlier than the first day of February and not later 26177  
than the thirty-first day of August of any year and shall specify 26178  
the registration period or periods to which the increased fees 26179  
apply. An increase in fees adopted under this division shall be in 26180  
the ratio of two dollars for each year of registration for a dog 26181  
registration fee, twenty dollars for a permanent dog registration 26182  
fee, and ten dollars for a kennel registration fee. 26183

(B) ~~Not later than the fifteenth day of October of each year,~~ 26184  
~~the board of county commissioners shall determine if there is~~ 26185  
~~sufficient money in the dog and kennel fund, after paying the~~ 26186  
~~expenses of administration incurred or estimated to be incurred~~ 26187  
~~for the remainder of the year, to pay the claims allowed for~~ 26188  
~~animals injured or destroyed by dogs. If the board determines~~ 26189  
~~there is not sufficient money in the dog and kennel fund to pay~~ 26190  
~~the claims allowed, the board shall provide by resolution that all~~ 26191  
~~claims remaining unpaid shall be paid from the general fund of the~~ 26192  
~~county. All money paid out of the general fund for those purposes~~ 26193  
~~may be replaced by the board from the dog and kennel fund at any~~ 26194  
~~time during the following year notwithstanding section 5705.14 of~~ 26195  
~~the Revised Code.~~ 26196

~~(C)~~ Notwithstanding section 955.20 of the Revised Code, if 26197  
dog and kennel registration fees in any county are increased above 26198  
two dollars for each year of registration and twenty dollars for a 26199

permanent registration for a dog registration fee and ten dollars 26200  
for a kennel registration fee under authority of division (A) of 26201  
this section, then on or before the first day of March following 26202  
each year in which the increased fees are in effect, the county 26203  
auditor shall draw on the dog and kennel fund a warrant payable to 26204  
the college of veterinary medicine of the Ohio state university in 26205  
an amount equal to ten cents for each one-year dog registration, 26206  
thirty cents for each three-year dog registration, one dollar for 26207  
each permanent dog registration, and ten cents for each kennel 26208  
registration fee received during the preceding year. The money 26209  
received by the college of veterinary medicine of the Ohio state 26210  
university under this division shall be applied for research and 26211  
study of the diseases of dogs, particularly those transmittable to 26212  
humans, and for research of other diseases of dogs that by their 26213  
nature will provide results applicable to the prevention and 26214  
treatment of both human and canine illness. 26215

~~(D)~~(C) The Ohio state university college of veterinary 26216  
medicine shall be responsible to report annually to the general 26217  
assembly the progress of the research and study authorized and 26218  
funded by division ~~(E)~~(B) of this section. The report shall 26219  
briefly describe the research projects undertaken and assess the 26220  
value of each. The report shall account for funds received 26221  
pursuant to division ~~(E)~~(B) of this section and for the funds 26222  
expended attributable to each research project and for other 26223  
necessary expenses in conjunction with the research authorized by 26224  
division ~~(E)~~(B) of this section. The report shall be filed with 26225  
the general assembly by the first day of May of each year. 26226

~~(E)~~(D) The county auditor may authorize agents to receive 26227  
applications for registration of dogs and kennels and to issue 26228  
certificates of registration and tags. If authorized agents are 26229  
employed in a county, each applicant for a dog or kennel 26230  
registration shall pay to the agent an administrative fee of 26231



seventy-five cents in addition to the registration fee. The 26232  
administrative fee shall be the compensation of the agent. The 26233  
county auditor shall establish rules for reporting and accounting 26234  
by the agents. No administrative or similar fee shall be charged 26235  
in any county except as authorized by this division or division 26236  
~~(F)~~(E) of this section. 26237

~~(F)~~(E) For any county that accepts the payment of dog and 26238  
kennel registration fees by financial transaction devices in 26239  
accordance with section 955.013 of the Revised Code, in addition 26240  
to those registration fees, the county auditor shall collect for 26241  
each registration paid by a financial transaction device one of 26242  
the following: 26243

(1) An administrative fee of seventy-five cents or another 26244  
amount necessary to cover actual costs designated by the county 26245  
auditor; 26246

(2) If the board of county commissioners adopts a surcharge 26247  
or convenience fee for making payments by a financial transaction 26248  
device under division (E) of section 301.28 of the Revised Code, 26249  
that surcharge or convenience fee; 26250

(3) If the county auditor contracts with a third party to 26251  
provide services to enable registration via the internet as 26252  
provided in section 955.013 of the Revised Code, a surcharge or 26253  
convenience fee as agreed to between that third party and the 26254  
county for those internet registration services. Any additional 26255  
expenses incurred by the county auditor that result from a 26256  
contract with a third party as provided in this section and 26257  
section 955.013 of the Revised Code and that are not covered by a 26258  
surcharge or convenience fee shall be paid out of the allowance 26259  
provided to the county auditor under section 955.20 of the Revised 26260  
Code. 26261

~~(G)~~(F) The county auditor shall post conspicuously the amount 26262

of the administrative fee, surcharge, or convenience fee that is 26263  
permissible under this section on the web page where the auditor 26264  
accepts payments for registrations made under division (B)(1) of 26265  
section 955.013 of the Revised Code. If any person chooses to pay 26266  
by financial transaction device, the administrative fee, 26267  
surcharge, or convenience fee shall be considered voluntary and is 26268  
not refundable. 26269

~~(H) As used in this section, "animal" has the same meaning as 26270  
in section 955.51 of the Revised Code. 26271~~

**Sec. 955.15.** The board of county commissioners shall provide 26272  
nets and other suitable devices for the taking of dogs in a humane 26273  
manner, provide a suitable place for impounding dogs, make proper 26274  
provision for feeding and caring for the same, and provide humane 26275  
devices and methods for destroying dogs. In any county in which 26276  
there is a society for the prevention of cruelty to children and 26277  
animals, having one or more agents and maintaining an animal 26278  
shelter suitable for a dog pound and devices for humanely 26279  
destroying dogs, the board need not furnish a dog pound, but the 26280  
county dog warden shall deliver all dogs seized by ~~him~~ the warden 26281  
and ~~his~~ the warden's deputies to such society at its animal 26282  
shelter, there to be dealt with in accordance with law. The board 26283  
shall provide for the payment of reasonable compensation to such 26284  
society for its services so performed out of the dog and kennel 26285  
fund. The board may designate and appoint any officers regularly 26286  
employed by any society organized under sections 1717.02 to 26287  
1717.05, ~~inclusive,~~ of the Revised Code, to act as county dog 26288  
warden or deputies for the purpose of carrying out sections 955.01 26289  
to 955.27, ~~inclusive,~~ and ~~955.29 to 955.38, inclusive,~~ of the 26290  
Revised Code, if such society whose agents are so employed owns or 26291  
controls a suitable place for keeping and destroying dogs. 26292

**Sec. 955.20.** The registration fees provided for in sections 26293

955.01 to 955.14 of the Revised Code constitute a special fund 26294  
known as "the dog and kennel fund." The fees shall be deposited by 26295  
the county auditor in the county treasury daily as collected. 26296  
Money in the fund shall be used for the purpose of defraying the 26297  
cost of furnishing all blanks, records, tags, nets, and other 26298  
equipment, for the purpose of paying the compensation of county 26299  
dog wardens, deputies, poundkeepers, and other employees necessary 26300  
to carry out and enforce sections 955.01 to 955.261 of the Revised 26301  
Code, ~~and for the payment of animal claims as provided in sections~~ 26302  
~~955.29 to 955.38 of the Revised Code,~~ and in accordance with 26303  
section 955.27 of the Revised Code. The board of county 26304  
commissioners, by resolution, shall appropriate sufficient funds 26305  
out of the dog and kennel fund, not more than fifteen per cent of 26306  
which shall be expended by the auditor for registration tags, 26307  
blanks, records, and clerk hire, for the purpose of defraying the 26308  
necessary expenses of registering, seizing, impounding, and 26309  
destroying dogs in accordance with sections 955.01 to 955.27 of 26310  
the Revised Code, and for the purpose of covering any additional 26311  
expenses incurred by the county auditor as authorized by division 26312  
(F)(E)(3) of section 955.14 of the Revised Code. 26313

If the funds so appropriated in any calendar year are found 26314  
by the board to be insufficient to defray the necessary cost and 26315  
expense of the county dog warden in enforcing sections 955.01 to 26316  
955.27 of the Revised Code, the board, by resolution so provided, 26317  
~~after setting aside a sum equal to the total amount of animal~~ 26318  
~~claims filed in that calendar year, or an amount equal to the~~ 26319  
~~total amount of animal claims paid or allowed the preceding year,~~ 26320  
~~whichever amount is larger,~~ may appropriate further funds for the 26321  
use and purpose of the county dog warden in administering those 26322  
sections. 26323

**Sec. 955.27.** After paying all necessary expenses of 26324  
administering the sections of the Revised Code relating to the 26325

registration, seizing, impounding, and destroying of dogs, 26326  
including the purchase, construction, and repair of vehicles and 26327  
facilities necessary for the proper administration of such 26328  
sections, ~~making compensation for injuries to livestock inflicted~~ 26329  
~~by dogs, and after paying all animal claims,~~ the board of county 26330  
commissioners, at the December session, if there remains more than 26331  
two thousand dollars in the dog and kennel fund for that year in a 26332  
county in which there is a society for the prevention of cruelty 26333  
to children and animals, incorporated and organized by law, and 26334  
having one or more agents appointed pursuant to law, or any other 26335  
society organized under Chapter 1717. of the Revised Code, that 26336  
owns or controls a suitable dog kennel or a place for the keeping 26337  
and destroying of dogs that has one or more agents appointed and 26338  
employed pursuant to law, may pay to the treasurer of the society, 26339  
upon warrant of the county auditor, all such excess as the board 26340  
deems necessary for the uses and purposes of the society. 26341

~~As used in this section, "animal" has the same meaning as in~~ 26342  
~~section 955.51 of the Revised Code.~~ 26343

**Sec. 991.03.** (A) The Ohio expositions commission shall: 26344

(1) Conduct at least one fair or exposition annually; 26345

(2) Maintain and manage property held by the state for the 26346  
purpose of conducting fairs, expositions, and exhibits; 26347

(3) As provided in section 109.122 of the Revised Code, 26348  
provide notice of or copies of any proposed entertainment or 26349  
sponsorship contracts to the attorney general. 26350

(B) The commission may: 26351

(1) Conduct such additional fairs, expositions, or 26352  
exhibitions as the commission determines are in the general public 26353  
interest; 26354

(2) Accept on behalf of the state conveyances of property for 26355

the purposes of conducting fairs, expositions, and exhibits, 26356  
subject to any terms and conditions agreed to by the commission 26357  
and approved by the controlling board; 26358

(3) Accept gifts, devises, and bequests of money, lands, and 26359  
other property and apply the money, lands, or other property 26360  
according to the terms of the gift, devise, or bequest. A 26361  
political subdivision as authorized by law may make gifts and 26362  
devises to the commission, and the commission shall apply such a 26363  
gift or devise according to the terms of the gift or devise. All 26364  
gifts and bequests of money accepted under this division shall be 26365  
deposited into the state treasury to the credit of the Ohio 26366  
expositions support fund. 26367

(4) Enter into contracts that the commission considers 26368  
necessary or worthwhile in the conduct of its purposes, provided 26369  
that contracts made for a term exceeding two years, other than 26370  
those described in division (B)(4) of this section, shall be 26371  
subject to the approval of the controlling board and provided that 26372  
the attorney general, pursuant to the attorney general's authority 26373  
under section 109.122 of the Revised Code, has not disapproved the 26374  
proposed contract; 26375

(5) Enter into contracts for the mutual exchange of goods or 26376  
services; 26377

(6) Sell or convey all or a portion of the property, land, or 26378  
buildings under its management subject to the approval of the 26379  
legislature; 26380

(7) Grant leases on all or any part of the property, land, or 26381  
buildings under the management of the commission to private or 26382  
public organizations, which appear to be in the best interests of 26383  
the state, with the approval of the controlling board and director 26384  
of administrative services, subject to the following conditions: 26385

(a) The lessees shall make or construct improvements on such 26386

lands or buildings at no cost to the commission or to the state, 26387  
subject to prior approval by the director of administrative 26388  
services of detailed plans and specifications of such 26389  
improvements. 26390

(b) No person, firm, or corporation shall cause a lien to be 26391  
filed against any funds or property of the state or of the 26392  
commission as a result of a lessee's activities pursuant to 26393  
division (B)(7)(a) of this section. 26394

(c) Leases shall be entered into subject to the sale of such 26395  
property, lands, or buildings during the term of the lease. 26396

(d) No leases shall be made which interfere with a fair, 26397  
exposition, or exhibition on such lands. 26398

(8) Encumber appropriations for the entire amount of a 26399  
contract at the time the contract is made, even though the 26400  
contract will not be performed in the fiscal year for which the 26401  
appropriations were made. 26402

(9) Implement a credit card payment program permitting 26403  
payment by means of a credit card of any fees, charges, and 26404  
rentals associated with conducting fairs, expositions, and 26405  
exhibits. The commission may open an account outside the state 26406  
treasury in a financial institution for the purpose of depositing 26407  
credit card receipts. By the end of the business day following the 26408  
deposit of the receipts, the financial institution shall make 26409  
available to the commission funds in the amount of the receipts. 26410  
The commission shall then pay these funds into the state treasury 26411  
to the credit of the Ohio expositions fund. 26412

The commission shall adopt rules as necessary to carry out 26413  
the purposes of division (B)(9) of this section. The rules shall 26414  
include standards for determining eligible financial institutions 26415  
and the manner in which funds shall be made available and shall be 26416  
consistent with the standards contained in sections 135.03, 26417

135.18, ~~and~~ 135.181, and 135.182 of the Revised Code. 26418

The commission shall not adopt or enforce any rules which 26419  
will prohibit livestock exhibited at the Ohio state fair from 26420  
participating in county and independent fairs in the state. 26421

**Sec. 1306.20.** (A) Subject to section 1306.11 of the Revised 26422  
Code, each state agency shall determine if, and the extent to 26423  
which, it will send and receive electronic records and electronic 26424  
signatures to and from other persons and otherwise create, 26425  
generate, communicate, store, process, use, and rely upon 26426  
electronic records and electronic signatures. 26427

(B)(1) Subject to division (B)(2) of this section, a state 26428  
agency may waive a requirement in the Revised Code, other than a 26429  
requirement in sections 1306.01 to 1306.15 of the Revised Code, 26430  
that relates to any of the following: 26431

(a) The method of posting or displaying records; 26432

(b) The manner of sending, communicating, or transmitting 26433  
records; 26434

(c) The manner of formatting records. 26435

(2) A state agency may exercise its authority to waive a 26436  
requirement under division (B)(1) of this section only if the 26437  
following apply: 26438

(a) The requirement relates to a matter over which the state 26439  
agency has jurisdiction; 26440

(b) The waiver is consistent with criteria set forth in rules 26441  
adopted by the state agency. The criteria, to the extent 26442  
reasonable under the circumstances, shall contain standards to 26443  
facilitate the use of electronic commerce by persons under the 26444  
jurisdiction of the state agency consistent with rules adopted by 26445  
the department of administrative services pursuant to division (A) 26446  
of section 1306.21 of the Revised Code. 26447

(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:

(1) Any rules adopted by a state agency relating to electronic records shall be consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.

(2) Each state agency shall create, use, receive, and retain electronic records in accordance with section 149.40 of the Revised Code.

(D) If a state agency creates, uses, or receives electronic signatures, the state agency shall create, use, or receive the signatures in accordance with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.

(E)~~(1)~~ To the extent a state agency retains an electronic record, the state agency may retain a record in a format that is different from the format in which the record was originally created, used, sent, or received only if it can be demonstrated that the alternative format used accurately and completely reflects the record as it was originally created, used, sent, or received.

~~(2) If a state agency in retaining any set of electronic records pursuant to division (E)(1) of this section alters the format of the records, the state agency shall create a certificate of authenticity for each set of records that is altered.~~

~~(3) The department of administrative services, in consultation with the state archivist, shall adopt rules in accordance with section 111.15 of the Revised Code that establish the methods for creating certificates of authenticity pursuant to division (E)(2) of this section.~~

(F) Whenever any rule of law requires or authorizes the



filing of any information, notice, lien, or other document or 26479  
record with any state agency, a filing made by an electronic 26480  
record shall have the same force and effect as a filing made on 26481  
paper in all cases where the state agency has authorized or agreed 26482  
to such electronic filing and the filing is made in accordance 26483  
with applicable rules or agreement. 26484

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 26485  
Code shall be construed to require any state agency to use or 26486  
permit the use of electronic records and electronic signatures. 26487

~~(H)(1) Notwithstanding division (C)(1) or (D) of this 26488  
section, any state agency that, prior to September 14, 2000, used 26489  
or permitted the use of electronic records or electronic 26490  
signatures pursuant to laws enacted, rules adopted, or agency 26491  
policies adopted before September 14, 2000, may use or permit the 26492  
use of electronic records or electronic signatures pursuant to 26493  
those previously enacted laws, adopted rules, or adopted policies 26494  
for a period of two years after September 14, 2000. 26495~~

~~(2) Subject to division (H)(3) of this section, after the 26496  
two year period described in division (H)(1) of this section has 26497  
concluded, all state agencies that use or permit the use of 26498  
electronic records or electronic signatures before September 14, 26499  
2000, shall only use or permit the use of electronic records or 26500  
electronic signatures consistent with rules adopted by the 26501  
department of administrative services pursuant to division (A) of 26502  
section 1306.21 of the Revised Code. 26503~~

~~(3) After the two year period described in division (H)(1) of 26504  
this section has concluded, the department of administrative 26505  
services may permit a state agency to use electronic records or 26506  
electronic signatures that do not comply with division (H)(2) of 26507  
this section, if the state agency files a written request with the 26508  
department. 26509~~

~~(I)~~ For the purposes of this section, "state agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, but does not include the general assembly, any legislative agency, the supreme court, the other courts of record in this state, any judicial agency, or any state university identified in section 3345.011 of the Revised Code, or the northeast Ohio medical university.

~~(J)~~(I) A state university identified in section 3345.011 of the Revised Code, and the northeast Ohio medical university, that uses or permits the use of electronic records or electronic signatures on ~~the effective date of this amendment~~ September 16, 2014, shall, within six months after ~~the effective date of this amendment~~ September 16, 2014, adopt rules in accordance with section 111.15 of the Revised Code to provide for the use or permission to use electronic records or electronic signatures. A state university identified in section 3345.011 of the Revised Code, and the northeast Ohio medical university, if not using or permitting the use of electronic records or electronic signatures on ~~the effective date of this amendment~~ September 16, 2014, shall adopt rules in accordance with section 111.15 of the Revised Code when it elects to begin using or permitting the use of electronic records or electronic signatures.

**Sec. 1309.528.** All fees collected by the secretary of state for filings under Title XIII or XVII of the Revised Code shall be deposited into the state treasury to the credit of the corporate and uniform commercial code filing fund, which is hereby created. The fund shall also receive revenue from fees charged to customers for special database requests. All moneys credited to the fund shall be used for the purpose of paying for the operations of the office of the secretary of state and for the purpose of paying for expenses relating to the processing of filings under Title XIII or

XVII of the Revised Code.	26542
<b>Sec. 1332.25.</b> (A) An application made to the director of	26543
commerce for a video service authorization under section 1332.24	26544
of the Revised Code shall require and contain only the following:	26545
(1) Specification of the location of the applicant's	26546
principal place of business and the names of the applicant's	26547
principal executive officers;	26548
(2) Specification of the geographic and political boundaries	26549
of the applicant's proposed video service area;	26550
(3) A general description of the type or types of	26551
technologies the applicant will use to deliver the video	26552
programming, which may include wireline, wireless, or any other	26553
alternative technology, subject, as applicable, to section 1332.29	26554
of the Revised Code;	26555
(4) An attestation that the applicant has filed or will	26556
timely file with the federal communications commission all forms	26557
required by that agency in advance of offering video service in	26558
this state;	26559
(5) An attestation that the applicant will comply with	26560
applicable federal, state, and local laws;	26561
(6) An attestation that the applicant is legally,	26562
financially, and technically qualified to provide video service;	26563
(7) A description of the applicant's customer complaint	26564
handling process, including policies on addressing customer	26565
service issues, billing adjustments, and communication with	26566
government officials regarding customer complaints, and a local or	26567
toll-free telephone number at which a customer may contact the	26568
applicant.	26569
(B) For the purpose of division (A)(2) of this section:	26570

(1) The video service areas of video service providers may 26571  
overlap. 26572

(2) A specified video service area shall be coextensive with 26573  
municipal, township unincorporated area, or county boundaries, 26574  
except as authorized under division (B)(3) or (4) of this section, 26575  
but nothing in sections 1332.21 to 1332.34 of the Revised Code 26576  
shall require a video service provider to provide access to video 26577  
service within the entire video service area. 26578

(3) The specified video service area of a person using 26579  
telecommunications facilities to provide video service on 26580  
September 24, 2007, or of any other person later so using 26581  
telecommunications facilities shall be the geographic area in 26582  
which the person ~~offers~~ offered basic local exchange service on 26583  
September 24, 2007. 26584

(4) Subject to division (C)(2) of section 1332.27 of the 26585  
Revised Code, the specified video service area of an applicant 26586  
cable operator that offers service under a franchise in effect on 26587  
September 24, 2007, initially shall be, at minimum, the franchise 26588  
area established under that franchise. 26589

(C) A video service provider shall immediately file an 26590  
application to amend its video service authorization with the 26591  
director to reflect any change in the information required under 26592  
division (A)(1), (2), or (3) of this section. An amendment 26593  
pursuant to division (A)(2) of this section shall include any new 26594  
delivery technology information required by division (A)(3) of 26595  
this section. 26596

(D) Within thirty days after its filing or within thirty days 26597  
after the filing of supplemental information necessary to make it 26598  
complete, the director shall determine the completeness of an 26599  
application filed under division (A) or (C) of this section 26600  
relative to the respective requirements of divisions (A), (B), and 26601

(C) of this section and, as applicable, shall notify the applicant 26602  
of an incompleteness determination, state the bases for that 26603  
determination, and inform the applicant that it may resubmit a 26604  
corrected application. The director shall issue a video service 26605  
authorization, authorization renewal, or amended authorization 26606  
within fifteen days after the director's determination that the 26607  
filed application is complete. 26608

If the director does not notify the applicant regarding the 26609  
completeness of the application within the time period specified 26610  
in this division or does not issue the authorization requested by 26611  
a completed application within the applicable time period, the 26612  
application shall be deemed complete, and the authorization or 26613  
amended authorization deemed issued on the forty-fifth day after 26614  
the application's filing date. 26615

(E) An applicant shall pay a two thousand dollar 26616  
nonrefundable fee for each application filed under division (A) of 26617  
this section and a one hundred dollar nonrefundable fee for each 26618  
application to amend filed under division (C) of this section. 26619  
Fees collected under this division shall be deposited to the 26620  
credit of the video service authorization fund in the state 26621  
treasury, which is hereby created, to be used by the department of 26622  
commerce in carrying out its duties under sections 1332.21 to 26623  
1332.34 of the Revised Code. 26624

(F)(1) No video service provider shall identify or make 26625  
reference to an application fee under division (E) of this section 26626  
on any subscriber bill or in conjunction with charging any fee to 26627  
the subscriber. 26628

(2) A video service provider may identify or make reference 26629  
on a subscriber bill to an assessment under section 1332.24 of the 26630  
Revised Code only if the provider opts to pass the cost of the 26631  
assessment onto subscribers. 26632

(G) An applicant may identify any information in its application as trade secret information, and if, upon its written request to the director, the director reasonably affirms all or part of that information as trade secret information, the information so affirmed does not constitute a public record for the purpose of section 149.43 of the Revised Code.

**Sec. 1347.08.** (A) Every state or local agency that maintains a personal information system, upon the request and the proper identification of any person who is the subject of personal information in the system, shall:

(1) Inform the person of the existence of any personal information in the system of which the person is the subject;

(2) Except as provided in divisions (C) and (E)(2) of this section, permit the person, the person's legal guardian, or an attorney who presents a signed written authorization made by the person, to inspect all personal information in the system of which the person is the subject;

(3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system.

(B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice.

(C)(1) A state or local agency, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless a physician, psychiatrist, or psychologist determines for the agency that the disclosure of the information is likely to have an adverse effect on the person, in which case the information shall be released to a physician, psychiatrist, or

psychologist who is designated by the person or by the person's 26663  
legal guardian. 26664

(2) Upon the signed written request of either a licensed 26665  
attorney at law or a licensed physician designated by the inmate, 26666  
together with the signed written request of an inmate of a 26667  
correctional institution under the administration of the 26668  
department of rehabilitation and correction, the department shall 26669  
disclose medical information to the designated attorney or 26670  
physician as provided in division (C) of section 5120.21 of the 26671  
Revised Code. 26672

(D) If an individual who is authorized to inspect personal 26673  
information that is maintained in a personal information system 26674  
requests the state or local agency that maintains the system to 26675  
provide a copy of any personal information that the individual is 26676  
authorized to inspect, the agency shall provide a copy of the 26677  
personal information to the individual. Each state and local 26678  
agency may establish reasonable fees for the service of copying, 26679  
upon request, personal information that is maintained by the 26680  
agency. 26681

(E)(1) This section regulates access to personal information 26682  
that is maintained in a personal information system by persons who 26683  
are the subject of the information, but does not limit the 26684  
authority of any person, including a person who is the subject of 26685  
personal information maintained in a personal information system, 26686  
to inspect or have copied, pursuant to section 149.43 of the 26687  
Revised Code, a public record as defined in that section. 26688

(2) This section does not provide a person who is the subject 26689  
of personal information maintained in a personal information 26690  
system, the person's legal guardian, or an attorney authorized by 26691  
the person, with a right to inspect or have copied, or require an 26692  
agency that maintains a personal information system to permit the 26693  
inspection of or to copy, a confidential law enforcement 26694

investigatory record or trial preparation record, as defined in	26695
divisions (A)(2) and (4) of section 149.43 of the Revised Code.	26696
(F) This section does not apply to any of the following:	26697
(1) The contents of an adoption file maintained by the	26698
department of health under sections 3705.12 to 3705.124 of the	26699
Revised Code;	26700
(2) Information contained in the putative father registry	26701
established by section 3107.062 of the Revised Code, regardless of	26702
whether the information is held by the department of job and	26703
family services or, pursuant to section 3111.69 of the Revised	26704
Code, the office of child support in the department or a child	26705
support enforcement agency;	26706
(3) Papers, records, and books that pertain to an adoption	26707
and that are subject to inspection in accordance with section	26708
3107.17 of the Revised Code;	26709
(4) Records specified in division (A) of section 3107.52 of	26710
the Revised Code;	26711
(5) Records that identify an individual described in division	26712
(A)(1) of section 3721.031 of the Revised Code, or that would tend	26713
to identify such an individual;	26714
(6) Files and records that have been expunged under division	26715
(D)(1) or (2) of section 3721.23 of the Revised Code;	26716
(7) Records that identify an individual described in division	26717
(A)(1) of section 3721.25 of the Revised Code, or that would tend	26718
to identify such an individual;	26719
(8) Records that identify an individual described in division	26720
(A)(1) of section 5165.88 of the Revised Code, or that would tend	26721
to identify such an individual;	26722
(9) Test materials, examinations, or evaluation tools used in	26723
an examination for licensure as a nursing home administrator that	26724



the board of executives of long-term services and supports 26725  
administers under section 4751.04 of the Revised Code or contracts 26726  
under that section with a private or government entity to 26727  
administer; 26728

(10) Information contained in a database established and 26729  
maintained pursuant to section 5101.13 of the Revised Code; 26730

(11) Information contained in a database established and 26731  
maintained pursuant to section 5101.612 of the Revised Code. 26732

**Sec. 1349.04.** (A) As used in this section: 26733

(1) "Active duty" means active duty pursuant to an executive 26734  
order of the president of the United States, an act of the 26735  
congress of the United States, or section 5919.29 or 5923.21 of 26736  
the Revised Code. 26737

(2) "Immediate family" means a person's spouse residing in 26738  
the person's household; brothers and sisters of the whole or half 26739  
blood; children, including adopted children and stepchildren; 26740  
parents; and grandparents. 26741

(B) The attorney general shall appoint a member of the staff 26742  
of the consumer protection division of the attorney general's 26743  
office to expedite cases or issues raised by a person, or the 26744  
immediate family of the person, who is deployed on active duty, 26745  
which cases or issues raised relate to ~~sections 125.021, section~~ 26746  
317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, 26747  
3332.20, 3345.53, 3915.053, 4933.12, or 4933.121 of the Revised 26748  
Code or to any other relevant section of the Revised Code 26749  
regulating consumer protection. 26750

**Sec. 1501.01.** (A) Except where otherwise expressly provided, 26751  
the director of natural resources shall formulate and institute 26752  
all the policies and programs of the department of natural 26753  
resources. The chief of any division of the department shall not 26754

enter into any contract, agreement, or understanding unless it is 26755  
approved by the director. No appointee or employee of the 26756  
director, other than the assistant director, may bind the director 26757  
in a contract except when given general or special authority to do 26758  
so by the director. 26759

The director may enter into contracts or agreements with any 26760  
agency of the United States government, any other public agency, 26761  
or any private entity or organization for the performance of the 26762  
duties of the department. 26763

(B) The director shall correlate and coordinate the work and 26764  
activities of the divisions in the department to eliminate 26765  
unnecessary duplications of effort and overlapping of functions. 26766  
The chiefs of the various divisions of the department shall meet 26767  
with the director at least once each month at a time and place 26768  
designated by the director. 26769

The director may create advisory boards to any of those 26770  
divisions in conformity with section 121.13 of the Revised Code. 26771

(C) The director may accept and expend gifts, devises, and 26772  
bequests of money, lands, and other properties on behalf of the 26773  
department or any division thereof under the terms set forth in 26774  
section 9.20 of the Revised Code. Any political subdivision of 26775  
this state may make contributions to the department for the use of 26776  
the department or any division therein according to the terms of 26777  
the contribution. 26778

(D) The director may publish and sell or otherwise distribute 26779  
data, reports, and information. 26780

(E) The director may identify and develop the geographic 26781  
information system needs for the department, which may include, 26782  
but not be limited to, all of the following: 26783

(1) Assisting in the training and education of department 26784  
resource managers, administrators, and other staff in the 26785

application and use of geographic information system technology;	26786
(2) Providing technical support to the department in the	26787
design, preparation of data, and use of appropriate geographic	26788
information system applications in order to help solve resource	26789
related problems and to improve the effectiveness and efficiency	26790
of department delivered services;	26791
(3) Creating, maintaining, and documenting spatial digital	26792
data bases;	26793
(4) Providing information to and otherwise assisting	26794
government officials, planners, and resource managers in	26795
understanding land use planning and resource management;	26796
(5) Providing continuing assistance to local government	26797
officials and others in natural resource digital data base	26798
development and in applying and utilizing the geographic	26799
information system for land use planning, current agricultural use	26800
value assessment, development reviews, coastal management, and	26801
other resource management activities;	26802
(6) Coordinating and administering the remote sensing needs	26803
of the department, including the collection and analysis of aerial	26804
photography, satellite data, and other data pertaining to land,	26805
water, and other resources of the state;	26806
(7) Preparing and publishing maps and digital data relating	26807
to the state's land use and land cover over time on a local,	26808
regional, and statewide basis;	26809
(8) Locating and distributing hard copy maps, digital data,	26810
aerial photography, and other resource data and information to	26811
government agencies and the public;	26812
(9) Preparing special studies and executing any other related	26813
duties, functions, and responsibilities identified by the	26814
director;	26815

(10) Entering into contracts or agreements with any agency of 26816  
the United States government, any other public agency, or any 26817  
private agency or organization for the performance of the duties 26818  
specified in division (E) of this section or for accomplishing 26819  
cooperative projects within those duties; 26820

(11) Entering into agreements with local government agencies 26821  
for the purposes of land use inventories, Ohio capability analysis 26822  
data layers, and other duties related to resource management. 26823

(F) The director shall adopt rules in accordance with Chapter 26824  
119. of the Revised Code to permit the department to accept by 26825  
means of a credit card the payment of fees, charges, and rentals 26826  
at those facilities described in section 1501.07 of the Revised 26827  
Code that are operated by the department, for any data, reports, 26828  
or information sold by the department, and for any other goods or 26829  
services provided by the department. 26830

(G) Whenever authorized by the governor to do so, the 26831  
director may appropriate property for the uses and purposes 26832  
authorized to be performed by the department and on behalf of any 26833  
division within the department. This authority shall be exercised 26834  
in the manner provided in sections 163.01 to 163.22 of the Revised 26835  
Code for the appropriation of property by the director of 26836  
administrative services. This authority to appropriate property is 26837  
in addition to the authority provided by law for the appropriation 26838  
of property by divisions of the department. The director of 26839  
natural resources also may acquire by purchase, lease, or 26840  
otherwise such real and personal property rights or privileges in 26841  
the name of the state as are necessary for the purposes of the 26842  
department or any division therein. The director, ~~with the~~ 26843  
~~approval of the governor and the attorney general~~ in accordance 26844  
with section 5301.13 of the Revised Code, if applicable, may sell, 26845  
lease, or exchange portions of lands or property, real or 26846  
personal, of any division of the department or grant easements or 26847

licenses for the use thereof, or enter into agreements for the 26848  
sale of water from lands and waters under the administration or 26849  
care of the department or any of its divisions, when the sale, 26850  
lease, exchange, easement, agreement, or license for use is in an 26851  
amount that is less than fifty thousand dollars and is 26852  
advantageous to the state, ~~provided that such approval is not~~ 26853  
~~required for leases and contracts made under section 1501.07,~~ 26854  
~~1501.09, or 1520.03 or Chapter 1523. of the Revised Code. With the~~ 26855  
approval of the governor, the director, in accordance with section 26856  
5301.13 of the Revised Code, if applicable, may sell, lease, or 26857  
exchange portions of, grant easements or licenses for the use of, 26858  
or enter into agreements for the sale of such lands, property, or 26859  
waters in an amount of fifty thousand dollars or more when the 26860  
sale, lease, exchange, easement, agreement, or license is 26861  
advantageous to the state. Water may be sold from a reservoir only 26862  
to the extent that the reservoir was designed to yield a supply of 26863  
water for a purpose other than recreation or wildlife, and the 26864  
water sold is in excess of that needed to maintain the reservoir 26865  
for purposes of recreation or wildlife. 26866

Money received from such sales, leases, easements, exchanges, 26867  
agreements, or licenses for use, except revenues required to be 26868  
set aside or paid into depositories or trust funds for the payment 26869  
of bonds issued under sections 1501.12 to 1501.15 of the Revised 26870  
Code, and to maintain the required reserves therefor as provided 26871  
in the orders authorizing the issuance of such bonds or the trust 26872  
agreements securing such bonds, revenues required to be paid and 26873  
credited pursuant to the bond proceeding applicable to obligations 26874  
issued pursuant to section 154.22, and revenues generated under 26875  
section 1520.05 of the Revised Code, shall be deposited in the 26876  
state treasury to the credit of the fund of the division of the 26877  
department having prior jurisdiction over the lands or property. 26878  
If no such fund exists, the money shall be credited to the general 26879  
revenue fund. All such money received from lands or properties 26880

administered by the division of wildlife shall be credited to the 26881  
wildlife fund. 26882

(H) The director shall provide for the custody, safekeeping, 26883  
and deposit of all moneys, checks, and drafts received by the 26884  
department or its employees prior to paying them to the treasurer 26885  
of state under section 113.08 of the Revised Code. 26886

(I) The director shall cooperate with the nature conservancy, 26887  
other nonprofit organizations, and the United States fish and 26888  
wildlife service in order to secure protection of islands in the 26889  
Ohio river and the wildlife and wildlife habitat of those islands. 26890

(J) Any instrument by which real property is acquired 26891  
pursuant to this section shall identify the agency of the state 26892  
that has the use and benefit of the real property as specified in 26893  
section 5301.012 of the Revised Code. 26894

**Sec. 1501.011.** (A) Except as provided in divisions (B), (C), 26895  
and (D) of this section, the Ohio facilities construction 26896  
commission shall supervise the design and construction of, and 26897  
make contracts for the construction, reconstruction, improvement, 26898  
enlargement, alteration, repair, or decoration of, any projects or 26899  
improvements for the department of natural resources that may be 26900  
authorized by legislative appropriations or any other funds 26901  
available therefor, the estimated cost of which amounts to two 26902  
hundred thousand dollars or more or the amount determined pursuant 26903  
to section 153.53 of the Revised Code or more. 26904

~~(B) The department of natural resources shall administer the 26905  
construction of improvements under an agreement with the 26906  
supervisors of a soil and water conservation district pursuant to 26907  
division (I) of section 1515.08 of the Revised Code. 26908~~

~~(C)~~(1) The department of natural resources shall supervise 26909  
the design and construction of, and make contracts for the 26910

construction, reconstruction, improvement, enlargement, 26911  
alteration, repair, or decoration of, any of the following 26912  
activities, projects, or improvements: 26913

(a) Dam repairs administered by the division of engineering 26914  
under Chapter 1507. of the Revised Code; 26915

(b) Projects or improvements administered by the division of 26916  
watercraft and funded through the waterways safety fund 26917  
established in section 1547.75 of the Revised Code; 26918

(c) Projects or improvements administered by the division of 26919  
wildlife under Chapter 1531. or 1533. of the Revised Code; 26920

(d) Activities conducted by the department pursuant to 26921  
section 5511.05 of the Revised Code in order to maintain the 26922  
department's roadway inventory. 26923

(2) If a contract to be let under division ~~(C)~~(B)(1) of this 26924  
section involves an exigency that concerns the public health, 26925  
safety, or welfare or addresses an emergency situation in which 26926  
timeliness is crucial in preventing the cost of the contract from 26927  
increasing significantly, pursuant to the declaration of a public 26928  
exigency, the department may award the contract without 26929  
competitive bidding or selection as otherwise required by Chapter 26930  
153. of the Revised Code. 26931

A notice published by the department of natural resources 26932  
regarding an activity, project, or improvement shall be published 26933  
as contemplated in section 7.16 of the Revised Code. 26934

~~(D)~~(C) The executive director of the Ohio facilities 26935  
construction commission may authorize the department of natural 26936  
resources to administer any other project or improvement, the 26937  
estimated cost of which, including design fees, construction, 26938  
equipment, and contingency amounts, is not more than one million 26939  
five hundred thousand dollars. 26940

**Sec. 1501.022.** There is hereby created in the state treasury 26941  
the injection well review fund consisting of moneys transferred to 26942  
it under section 6111.046 of the Revised Code. Moneys in the fund 26943  
shall be used by the chiefs of the divisions of mineral resources 26944  
management, oil and gas resources management, geological survey, 26945  
and ~~soil and~~ water resources in the department of natural 26946  
resources exclusively for the purpose of executing their duties 26947  
under sections 6111.043 to 6111.047 of the Revised Code. 26948

**Sec. 1501.04.** There is hereby created in the department of 26949  
natural resources a recreation and resources commission composed 26950  
of the chairperson of the wildlife council created under section 26951  
1531.03 of the Revised Code, the chairperson of the parks and 26952  
recreation council created under section 1541.40 of the Revised 26953  
Code, the chairperson of the waterways safety council created 26954  
under section 1547.73 of the Revised Code, the chairperson of the 26955  
technical advisory council on oil and gas created under section 26956  
1509.38 of the Revised Code, the chairperson of the forestry 26957  
advisory council created under section 1503.40 of the Revised 26958  
Code, ~~the chairperson of the Ohio soil and water conservation~~ 26959  
~~commission created under section 1515.02 of the Revised Code,~~ 26960  
the chairperson of the Ohio natural areas council created under 26961  
section 1517.03 of the Revised Code, the chairperson of the Ohio 26962  
water advisory council created under section 1521.031 of the 26963  
Revised Code, the chairperson of the Ohio geology advisory council 26964  
created under section 1505.11 of the Revised Code, and five 26965  
members appointed by the governor with the advice and consent of 26966  
the senate, not more than three of whom shall belong to the same 26967  
political party. The director of natural resources shall be an ex 26968  
officio member of the commission, with a voice in its 26969  
deliberations, but without the power to vote. 26970

Terms of office of members of the commission appointed by the 26971



governor shall be for five years, commencing on the second day of 26972  
February and ending on the first day of February. Each member 26973  
shall hold office from the date of appointment until the end of 26974  
the term for which the member was appointed. 26975

In the event of the death, removal, resignation, or 26976  
incapacity of a member of the commission, the governor, with the 26977  
advice and consent of the senate, shall appoint a successor who 26978  
shall hold office for the remainder of the term for which the 26979  
member's predecessor was appointed. Any member shall continue in 26980  
office subsequent to the expiration date of the member's term 26981  
until the member's successor takes office, or until a period of 26982  
sixty days has elapsed, whichever occurs first. 26983

The governor may remove any appointed member of the 26984  
commission for misfeasance, nonfeasance, or malfeasance in office. 26985

The commission shall exercise no administrative function, but 26986  
may do any of the following: 26987

(A) Advise with and recommend to the director as to plans and 26988  
programs for the management, development, utilization, and 26989  
conservation of the natural resources of the state; 26990

(B) Advise with and recommend to the director as to methods 26991  
of coordinating the work of the divisions of the department; 26992

(C) Consider and make recommendations upon any matter that 26993  
the director may submit to it; 26994

(D) Submit to the governor biennially recommendations for 26995  
amendments to the conservation laws of the state. 26996

Each member of the commission, before entering upon the 26997  
discharge of the member's duties, shall take and subscribe to an 26998  
oath of office, which oath, in writing, shall be filed in the 26999  
office of the secretary of state. 27000

The members of the commission shall serve without 27001

compensation, but shall be entitled to receive their actual and 27002  
necessary expenses incurred in the performance of their official 27003  
duties. 27004

The commission, by a majority vote of all its members, shall 27005  
adopt and amend bylaws. 27006

To be eligible for appointment, a person shall be a citizen 27007  
of the United States and an elector of the state and shall possess 27008  
a knowledge of and have an interest in the natural resources of 27009  
this state. 27010

The commission shall hold at least four regular quarterly 27011  
meetings each year. Special meetings shall be held at such times 27012  
as the bylaws of the commission provide. Notices of all meetings 27013  
shall be given in such manner as the bylaws provide. The 27014  
commission shall choose annually from among its members a 27015  
chairperson to preside over its meetings and a secretary to keep a 27016  
record of its proceedings. A majority of the members of the 27017  
commission constitutes a quorum. No advice shall be given or 27018  
recommendation made without a majority of the members of the 27019  
commission concurring in it. 27020

Sec. 1503.50. As used in sections 1503.50 to 1503.55 of the 27021  
Revised Code: 27022

(A) "Conservation" means the wise use and management of 27023  
natural resources. 27024

(B) "Forestry pollution" means failure to use management or 27025  
conservation practices in silvicultural operations to abate wind 27026  
or water erosion of the soil or to abate the degradation of the 27027  
waters of the state by soil sediment, including attached 27028  
substances, from silvicultural operations. 27029

(C) "Pollution abatement practice" means any erosion control 27030  
practice or timber harvest best management practice or procedure 27031

and the operation and management associated with it as contained 27032  
in a timber harvest plan. 27033

(D) "Soil and water conservation district" has the same 27034  
meaning as in section 940.01 of the Revised Code. 27035

(E) "Timber harvest plan" means a written record, developed 27036  
or approved by the chief of the division of forestry or the 27037  
chief's designee that contains implementation schedules and 27038  
operational procedures for a level of land and water management 27039  
that will abate wind or water erosion of the soil or abate the 27040  
degradation of the waters of the state by soil sediment, including 27041  
attached substances, from silvicultural operations. 27042

(F) "Waters of the state" has the same meaning as in section 27043  
903.01 of the Revised Code. 27044

**Sec. 1503.51.** (A) The chief of the division of forestry shall 27045  
adopt rules in accordance with Chapter 119. of the Revised Code 27046  
that do or comply with all of the following: 27047

(1) Establish technically feasible and economically 27048  
reasonable standards to achieve a level of management and 27049  
conservation practices in silvicultural operations that will abate 27050  
wind or water erosion of the soil or abate the degradation of the 27051  
waters of the state by soil sediment, including attached 27052  
substances, from silvicultural operations and establish criteria 27053  
for determination of the acceptability of such management and 27054  
conservation practices; 27055

(2) Establish procedures for administration of the rules; 27056

(3) Specify the pollution abatement practices eligible for 27057  
state cost sharing and determine the conditions for eligibility, 27058  
the construction standards and specifications, the useful life, 27059  
the maintenance requirements, and the limits of cost sharing for 27060  
those practices. Eligible practices shall be limited to practices 27061

that address silvicultural operations, that require expenditures 27062  
that are likely to exceed the economic returns to the owner or 27063  
operator of a silvicultural operation, and that abate soil erosion 27064  
or degradation of the waters of the state by soil sediment, 27065  
including attached substances, from silvicultural operations. 27066

(B) The chief or the chief's designee shall do all of the 27067  
following: 27068

(1) Issue orders requiring compliance with a rule adopted 27069  
under this section. Before the chief or the chief's designee 27070  
issues an order, the chief or the chief's designee shall afford 27071  
the person an adjudication hearing under Chapter 119. of the 27072  
Revised Code. The chief or the chief's designee may require in an 27073  
order that a person who has caused forestry pollution by failure 27074  
to comply with the standards established in rules adopted under 27075  
this section operate under a timber harvest plan approved by the 27076  
chief or the chief's designee under this section. An order shall 27077  
be issued in writing and contain a finding by the chief or the 27078  
chief's designee of the facts on which the order is based and the 27079  
standard that is not being met. 27080

(2) Periodically monitor the use and effectiveness of 27081  
management and conservation practices conducted in accordance with 27082  
standards established in rules adopted under division (A)(1) of 27083  
this section; 27084

(3) Assist in expediting state responsibilities for watershed 27085  
development and other natural resource conservation works of 27086  
improvement; 27087

(4) When necessary for the purposes of sections 1503.50 to 27088  
1503.55 of the Revised Code, develop or approve timber harvest 27089  
plans. 27090

**Sec. 1503.52. (A) A person who owns or operates a** 27091

silviculture operation may develop and operate under a timber 27092  
harvest plan approved by the chief of the division of forestry or 27093  
the chief's designee under section 1503.51 of the Revised Code or 27094  
by the supervisors of the applicable soil and water conservation 27095  
district under section 940.06 of the Revised Code. 27096

(B) Any person who wishes to make a complaint regarding 27097  
nuisances involving forestry pollution may do so orally or by 27098  
submitting a written, signed, and dated complaint to the chief or 27099  
the chief's designee. After receiving an oral complaint, the chief 27100  
or the chief's designee may cause an investigation to be conducted 27101  
to determine whether forestry pollution has occurred or is 27102  
imminent. After receiving a written, signed, and dated complaint, 27103  
the chief or the chief's designee shall cause such an 27104  
investigation to be conducted. 27105

(C) In a private civil action for nuisances involving 27106  
forestry pollution, it is an affirmative defense if the person 27107  
owning, operating, or otherwise responsible for a silvicultural 27108  
operation is operating under and in substantial compliance with an 27109  
approved timber harvest plan developed under division (A) of this 27110  
section, with a timber harvest plan developed by the chief or the 27111  
chief's designee under section 1503.51 of the Revised Code or by 27112  
the supervisors of the applicable soil and water conservation 27113  
district under section 940.06 of the Revised Code, or with a 27114  
timber harvest plan required by an order issued by the chief or 27115  
the chief's designee under division (B)(1) of section 1503.51 of 27116  
the Revised Code. Nothing in this section is in derogation of the 27117  
authority granted to the chief or the chief's designee in 1503.51 27118  
of the Revised Code. 27119

**Sec. 1503.53.** (A) Except as provided in division (B) of this 27120  
section, the chief of the division of forestry, an employee of the 27121  
division of forestry, the supervisors of a soil and water 27122

conservation district, an employee of a district, and a contractor 27123  
of the division or a district shall not disclose either of the 27124  
following: 27125

(1) Information, including data from geographic information 27126  
systems and global positioning systems, provided by a person who 27127  
owns or operates a silvicultural operation that is operated under 27128  
a timber harvest plan; 27129

(2) Information gathered as a result of an inspection to 27130  
determine whether the person who owns or operates the operation is 27131  
in compliance with a timber harvest plan. 27132

(B) The chief or the supervisors of a district may release or 27133  
disclose information specified in division (A)(1) or (2) of this 27134  
section to a person or a federal, state, or local agency working 27135  
in cooperation with the chief or the supervisors in the 27136  
development of a timber harvest plan or an inspection to determine 27137  
compliance with such a plan if the chief or supervisors determine 27138  
that the person or federal, state, or local agency will not 27139  
subsequently disclose the information to another person. 27140

**Sec. 1503.54.** (A)(1) No person shall recklessly fail to 27141  
comply with an order of the chief of the division of forestry or 27142  
the chief's designee issued under section 1503.51 of the Revised 27143  
Code. 27144

(2) In addition to the remedies provided and irrespective of 27145  
whether an adequate remedy at law exists, the chief may apply to 27146  
the court of common pleas in the county where a violation of a 27147  
standard established in rules adopted under section 1503.51 of the 27148  
Revised Code causes forestry pollution for an order to compel the 27149  
violator to cease the violation and to remove the pollutant or to 27150  
comply with the rules adopted under that section, as appropriate. 27151

(3) In addition to the remedies provided and irrespective of 27152

whether an adequate remedy at law exists, whenever the chief 27153  
officially determines that an emergency exists because of forestry 27154  
pollution, the chief may issue an order, without notice or 27155  
hearing, stating the existence of the emergency and requiring that 27156  
action be taken that is necessary to address the emergency. The 27157  
order shall be effective immediately. 27158

A person to whom the order is issued shall comply with the 27159  
order immediately, but on application to the chief shall be 27160  
afforded an adjudication hearing in accordance with Chapter 119. 27161  
of the Revised Code as soon as possible, but not later than twenty 27162  
days after the chief's receipt of the application. Following the 27163  
hearing, the chief shall continue the order in effect, revoke it, 27164  
or modify it. The order may be appealed in accordance with section 27165  
119.12 of the Revised Code. An emergency order shall not remain in 27166  
effect for more than sixty days after its issuance. 27167

If a person to whom an order is issued does not comply with 27168  
the order within a reasonable period of time as determined by the 27169  
chief, the chief or the chief's designee may enter on private or 27170  
public lands to investigate and take action to mitigate, minimize, 27171  
remove, or abate the conditions that are the subject of the order. 27172

(B) The attorney general, upon the written request of the 27173  
chief, shall bring appropriate legal action in Franklin county 27174  
against any person who fails to comply with an order of the chief 27175  
or the chief's designee issued under section 1503.51 of the 27176  
Revised Code. 27177

Sec. 1503.55. (A) There is hereby created in the state 27178  
treasury the forestry pollution abatement fund, which shall be 27179  
administered by the chief of the division of forestry. 27180

(B) The fund may be used to pay costs incurred under all of 27181  
the following: 27182

<u>(1) Rules adopted under division (A)(3) of section 1503.51 of the Revised Code;</u>	27183
	27184
<u>(2) Division (B)(2) of section 1503.51 of the Revised Code;</u>	27185
<u>(3) Division (A)(3) of section 1503.54 of the Revised Code in investigating, mitigating, minimizing, removing, or abating any pollution of the waters of the state caused by forestry pollution that requires emergency action to protect public health.</u>	27186
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	27189
<u>(C) Any person responsible for causing or allowing forestry pollution or an unauthorized release, spill, or discharge is liable to the chief for any costs incurred by the chief in investigating, mitigating, minimizing, removing, or abating the forestry pollution or release, spill, or discharge regardless of whether those costs were paid from the forestry pollution abatement fund or any other fund of the division. Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs. Money recovered under this section shall be credited to the forestry pollution abatement fund.</u>	27190
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<b>Sec. 1503.99.</b> (A) Whoever violates section 1503.01 or 1503.12 of the Revised Code is guilty of a minor misdemeanor.	27201
	27202
(B) Whoever violates section 1503.18 or 1503.43 of the Revised Code is guilty of a misdemeanor of the third degree.	27203
	27204
<u>(C) Whoever violates division (A) of section 1503.54 of the Revised Code is guilty of a misdemeanor of the first degree. Each day of violation is a separate offense. In addition to the penalty provided in this division, the sentencing court may assess damages in an amount equal to the costs of reclaiming, restoring, or otherwise repairing any damage to public or private property caused by any violation of division (A) of section 1503.54 of the Revised Code. All fines and moneys assessed as damages under this</u>	27205
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section shall be credited to the forestry pollution abatement fund 27213  
created in section 1503.55 of the Revised Code. 27214

**Sec. 1505.10.** ~~The chief of the division of geological survey~~ 27215  
director of natural resources or the director's designee shall 27216  
prepare and publish for public distribution annual reports that 27217  
shall include all of the following: 27218

(A) A list of the operators of mines, quarries, pits, or 27219  
other mineral resource extraction operations in this state; 27220

(B) Information on the location of and commodity extracted at 27221  
each operation; 27222

(C) Information on the employment at each operation; 27223

(D) Information on the tonnage of coal or other minerals 27224  
extracted at each operation along with the method of extraction; 27225

(E) Information on the production, use, distribution, value, 27226  
and other facts relative to the mineral resources of the state 27227  
that may be of public interest. 27228

The director or the director's designee may require the 27229  
division of mineral resources management to perform the duties 27230  
required by this section. 27231

Each operator engaged in the extraction of minerals shall 27232  
submit an accurate and complete annual report, on or before the 27233  
last day of January each year, to the ~~chief of the division of~~ 27234  
~~geological survey~~ director or the director's designee on forms 27235  
provided by the ~~chief~~ director or the director's designee and 27236  
containing the information specified in divisions (A) to (E) of 27237  
this section for the immediately preceding calendar year. The 27238  
~~chief of the division of mineral resources management~~ director or 27239  
the director's designee may use all or portions of the information 27240  
collected pursuant to this section in preparing the annual report 27241  
required by section 1561.04 of the Revised Code. 27242

No person shall fail to comply with this section. 27243

**Sec. 1506.01.** As used in this chapter: 27244

(A) "Coastal area" means the waters of Lake Erie, the islands 27245  
in the lake, and the lands under and adjacent to the lake, 27246  
including transitional areas, wetlands, and beaches. The coastal 27247  
area extends in Lake Erie to the international boundary line 27248  
between the United States and Canada and landward only to the 27249  
extent necessary to include shorelands, the uses of which have a 27250  
direct and significant impact on coastal waters as determined by 27251  
the director of natural resources. 27252

(B) "Coastal management program" means the comprehensive 27253  
action of the state and its political subdivisions cooperatively 27254  
to preserve, protect, develop, restore, or enhance the resources 27255  
of the coastal area and to ensure wise use of the land and water 27256  
resources of the coastal area, giving attention to natural, 27257  
cultural, historic, and aesthetic values; agricultural, 27258  
recreational, energy, and economic needs; and the national 27259  
interest. "Coastal management program" includes the establishment 27260  
of objectives, policies, standards, and criteria concerning, 27261  
without limitation, protection of air, water, wildlife, rare and 27262  
endangered species, wetlands and natural areas, and other natural 27263  
resources in the coastal area; management of coastal development 27264  
and redevelopment; preservation and restoration of historic, 27265  
cultural, and aesthetic coastal features; and public access to the 27266  
coastal area for recreation purposes. 27267

(C) "Coastal management program document" means a 27268  
comprehensive statement consisting of, without limitation, text, 27269  
maps, and illustrations that is adopted by the director in 27270  
accordance with this chapter, describes the objectives, policies, 27271  
standards, and criteria of the coastal management program for 27272  
guiding public and private uses of lands and waters in the coastal 27273

area, lists the governmental agencies, including, without 27274  
limitation, state agencies, involved in implementing the coastal 27275  
management program, describes their applicable policies and 27276  
programs, and cites the statutes and rules under which they may 27277  
adopt and implement those policies and programs. 27278

(D) "Person" means any agency of this state, any political 27279  
subdivision of this state or of the United States, and any legal 27280  
entity defined as a person under section 1.59 of the Revised Code. 27281

(E) "Director" means the director of natural resources or the 27282  
director's designee. 27283

(F) "Permanent structure" means any residential, commercial, 27284  
industrial, institutional, or agricultural building, any mobile 27285  
home as defined in division (O) of section 4501.01 of the Revised 27286  
Code, any manufactured home as defined in division (C)(4) of 27287  
section 3781.06 of the Revised Code, and any septic system that 27288  
receives sewage from a single-family, two-family, or three-family 27289  
dwelling, but does not include any recreational vehicle as defined 27290  
in section 4501.01 of the Revised Code. 27291

(G) "State agency" or "agency of the state" has the same 27292  
meaning as "agency" as defined in section 111.15 of the Revised 27293  
Code. 27294

(H) "Coastal flood hazard area" means any territory within 27295  
the coastal area that has been identified as a flood hazard area 27296  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 27297  
42 U.S.C.A. 4002, as amended. 27298

(I) "Coastal erosion area" means any territory included in 27299  
Lake Erie coastal erosion areas identified by the director under 27300  
section 1506.06 of the Revised Code. 27301

(J) "Conservancy district" means a conservancy district that 27302  
is established under Chapter 6101. of the Revised Code. 27303

(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code.

(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of the shore along or near Lake Erie, including, without limitation, revetments, seawalls, bulkheads, certain breakwaters, and similar structures.

(M) "Shore structure" includes, but is not limited to, beaches; groins; revetments; bulkheads; seawalls; breakwaters; certain dikes designated by the chief of the division of ~~soil and~~ water resources; piers; docks; jetties; wharves; marinas; boat ramps; any associated fill or debris used as part of the construction of shore structures that may affect shore erosion, wave action, or inundation; and fill or debris that is placed along or near the shore, including bluffs, banks, or beach ridges, for the purpose of stabilizing slopes.

**Sec. 1509.01.** As used in this chapter:

(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.

(D) "Condensate" means liquid hydrocarbons separated at or

near the well pad or along the gas production or gathering system 27334  
prior to gas processing. 27335

(E) "Pool" means an underground reservoir containing a common 27336  
accumulation of oil or gas, or both, but does not include a gas 27337  
storage reservoir. Each zone of a geological structure that is 27338  
completely separated from any other zone in the same structure may 27339  
contain a separate pool. 27340

(F) "Field" means the general area underlaid by one or more 27341  
pools. 27342

(G) "Drilling unit" means the minimum acreage on which one 27343  
well may be drilled, but does not apply to a well for injecting 27344  
gas into or removing gas from a gas storage reservoir. 27345

(H) "Waste" includes all of the following: 27346

(1) Physical waste, as that term generally is understood in 27347  
the oil and gas industry; 27348

(2) Inefficient, excessive, or improper use, or the 27349  
unnecessary dissipation, of reservoir energy; 27350

(3) Inefficient storing of oil or gas; 27351

(4) Locating, drilling, equipping, operating, or producing an 27352  
oil or gas well in a manner that reduces or tends to reduce the 27353  
quantity of oil or gas ultimately recoverable under prudent and 27354  
proper operations from the pool into which it is drilled or that 27355  
causes or tends to cause unnecessary or excessive surface loss or 27356  
destruction of oil or gas; 27357

(5) Other underground or surface waste in the production or 27358  
storage of oil, gas, or condensate, however caused. 27359

(I) "Correlative rights" means the reasonable opportunity to 27360  
every person entitled thereto to recover and receive the oil and 27361  
gas in and under the person's tract or tracts, or the equivalent 27362  
thereof, without having to drill unnecessary wells or incur other 27363

unnecessary expense. 27364

(J) "Tract" means a single, ~~individually taxed~~ individual 27365  
parcel of land ~~appearing on the tax list~~ or a portion of a single, 27366  
individual parcel of land. 27367

(K) "Owner," unless referring to a mine, means the person who 27368  
has the right to drill on a tract or drilling unit, to drill into 27369  
and produce from a pool, and to appropriate the oil or gas 27370  
produced therefrom either for the person or for others, except 27371  
that a person ceases to be an owner with respect to a well when 27372  
the well has been plugged in accordance with applicable rules 27373  
adopted and orders issued under this chapter. "Owner" does not 27374  
include a person who obtains a lease of the mineral rights for oil 27375  
and gas on a parcel of land if the person does not attempt to 27376  
produce or produce oil or gas from a well or obtain a permit under 27377  
this chapter for a well or if the entire interest of a well is 27378  
transferred to the person in accordance with division (B) of 27379  
section 1509.31 of the Revised Code. 27380

(L) "Royalty interest" means the fee holder's share in the 27381  
production from a well. 27382

(M) "Discovery well" means the first well capable of 27383  
producing oil or gas in commercial quantities from a pool. 27384

(N) "Prepared clay" means a clay that is plastic and is 27385  
thoroughly saturated with fresh water to a weight and consistency 27386  
great enough to settle through saltwater in the well in which it 27387  
is to be used, except as otherwise approved by the chief of the 27388  
division of oil and gas resources management. 27389

(O) "Rock sediment" means the combined cutting and residue 27390  
from drilling sedimentary rocks and formation. 27391

(P) "Excavations and workings," "mine," and "pillar" have the 27392  
same meanings as in section 1561.01 of the Revised Code. 27393

(Q) "Coal bearing township" means a township designated as 27394  
such by the chief of the division of mineral resources management 27395  
under section 1561.06 of the Revised Code. 27396

(R) "Gas storage reservoir" means a continuous area of a 27397  
subterranean porous sand or rock stratum or strata into which gas 27398  
is or may be injected for the purpose of storing it therein and 27399  
removing it therefrom and includes a gas storage reservoir as 27400  
defined in section 1571.01 of the Revised Code. 27401

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 27402  
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 27403  
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 27404  
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 27405  
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 27406  
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 27407  
regulations adopted under those acts. 27408

(T) "Person" includes any political subdivision, department, 27409  
agency, or instrumentality of this state; the United States and 27410  
any department, agency, or instrumentality thereof; ~~and~~ any legal 27411  
entity defined as a person under section 1.59 of the Revised Code; 27412  
any limited liability company; any joint venture; and any other 27413  
form of business entity. 27414

(U) "Brine" means all saline geological formation water 27415  
resulting from, obtained from, or produced in connection with 27416  
exploration, drilling, well stimulation, production of oil or gas, 27417  
or plugging of a well. 27418

(V) "Waters of the state" means all streams, lakes, ponds, 27419  
marshes, watercourses, waterways, springs, irrigation systems, 27420  
drainage systems, and other bodies of water, surface or 27421  
underground, natural or artificial, that are situated wholly or 27422  
partially within this state or within its jurisdiction, except 27423  
those private waters that do not combine or effect a junction with 27424

natural surface or underground waters.	27425
(W) "Exempt Mississippian well" means a well that meets all	27426
of the following criteria:	27427
(1) Was drilled and completed before January 1, 1980;	27428
(2) Is located in an unglaciated part of the state;	27429
(3) Was completed in a reservoir no deeper than the	27430
Mississippian Big Injun sandstone in areas underlain by	27431
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea	27432
sandstone in areas directly underlain by Permian stratigraphy;	27433
(4) Is used primarily to provide oil or gas for domestic use.	27434
(X) "Exempt domestic well" means a well that meets all of the	27435
following criteria:	27436
(1) Is owned by the owner of the surface estate of the tract	27437
on which the well is located;	27438
(2) Is used primarily to provide gas for the owner's domestic	27439
use;	27440
(3) Is located more than two hundred feet horizontal distance	27441
from any inhabited private dwelling house other than an inhabited	27442
private dwelling house located on the tract on which the well is	27443
located;	27444
(4) Is located more than two hundred feet horizontal distance	27445
from any public building that may be used as a place of resort,	27446
assembly, education, entertainment, lodging, trade, manufacture,	27447
repair, storage, traffic, or occupancy by the public.	27448
(Y) "Urbanized area" means an area where a well or production	27449
facilities of a well are located within a municipal corporation or	27450
within a township that has an unincorporated population of more	27451
than five thousand in the most recent federal decennial census	27452
prior to the issuance of the permit for the well or production	27453
facilities.	27454



(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.

(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:

(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;

(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;

(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;

(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or

another operation at a wellpad or that will be disposed of in	27486
accordance with applicable laws and rules adopted under them.	27487
(BB) "Annular overpressurization" means the accumulation of	27488
fluids within an annulus with sufficient pressure to allow	27489
migration of annular fluids into underground sources of drinking	27490
water.	27491
(CC) "Idle and orphaned well" means a well for which a bond	27492
has been forfeited or an abandoned well for which no money is	27493
available to plug the well in accordance with this chapter and	27494
rules adopted under it.	27495
(DD) "Temporarily inactive well" means a well that has been	27496
granted temporary inactive status under section 1509.062 of the	27497
Revised Code.	27498
(EE) "Material and substantial violation" means any of the	27499
following:	27500
(1) Failure to obtain a permit to drill, reopen, convert,	27501
plugback, or plug a well under this chapter;	27502
(2) Failure to obtain, maintain, update, or submit proof of	27503
insurance coverage that is required under this chapter;	27504
(3) Failure to obtain, maintain, update, or submit proof of a	27505
surety bond that is required under this chapter;	27506
(4) Failure to plug an abandoned well or idle and orphaned	27507
well unless the well has been granted temporary inactive status	27508
under section 1509.062 of the Revised Code or the chief of the	27509
division of oil and gas resources management has approved another	27510
option concerning the abandoned well or idle and orphaned well;	27511
(5) Failure to restore a disturbed land surface as required	27512
by section 1509.072 of the Revised Code;	27513
(6) Failure to reimburse the oil and gas well fund pursuant	27514
to a final order issued under section 1509.071 of the Revised	27515

Code;	27516
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	27517 27518
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	27519 27520
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	27521 27522
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	27523 27524 27525 27526
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	27527 27528
<b>Sec. 1509.06.</b> (A) An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, including associated production operations, shall be filed with the chief of the division of oil and gas resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:	27529 27530 27531 27532 27533 27534 27535 27536
(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;	27537 27538
(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.	27539 27540 27541
(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;	27542 27543 27544

(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county; 27545  
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(5) Designation of the well by name and number; 27548

(6)(a) The geological formation to be tested or used and the proposed total depth of the well; 27549  
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(b) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected. 27551  
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(7) The type of drilling equipment to be used; 27554

(8)(a) An identification, to the best of the owner's knowledge, of each proposed source of ground water and surface water that will be used in the production operations of the well. The identification of each proposed source of water shall indicate if the water will be withdrawn from the Lake Erie watershed or the Ohio river watershed. In addition, the owner shall provide, to the best of the owner's knowledge, the proposed estimated rate and volume of the water withdrawal for the production operations. If recycled water will be used in the production operations, the owner shall provide the estimated volume of recycled water to be used. The owner shall submit to the chief an update of any of the information that is required by division (A)(8)(a) of this section if any of that information changes before the chief issues a permit for the application. 27555  
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(b) Except as provided in division (A)(8)(c) of this section, for an application for a permit to drill a new well within an urbanized area, the results of sampling of water wells within three hundred feet of the proposed well prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner 27569  
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access to sample the water well. The sampling shall be conducted 27576  
in accordance with the guidelines established in "Best Management 27577  
Practices For Pre-drilling Water Sampling" in effect at the time 27578  
that the application is submitted. The division shall furnish 27579  
those guidelines upon request and shall make them available on the 27580  
division's web site. If the chief determines that conditions at 27581  
the proposed well site warrant a revision, the chief may revise 27582  
the distance established in this division for purposes of 27583  
pre-drilling water sampling. 27584

(c) For an application for a permit to drill a new horizontal 27585  
well, the results of sampling of water wells within one thousand 27586  
five hundred feet of the proposed horizontal wellhead prior to 27587  
commencement of drilling. In addition, the owner shall include a 27588  
list that identifies the location of each water well where the 27589  
owner of the property on which the water well is located denied 27590  
the owner access to sample the water well. The sampling shall be 27591  
conducted in accordance with the guidelines established in "Best 27592  
Management Practices For Pre-drilling Water Sampling" in effect at 27593  
the time that the application is submitted. The division shall 27594  
furnish those guidelines upon request and shall make them 27595  
available on the division's web site. If the chief determines that 27596  
conditions at the proposed well site warrant a revision, the chief 27597  
may revise the distance established in this division for purposes 27598  
of pre-drilling water sampling. 27599

(9) For an application for a permit to drill a new well 27600  
within an urbanized area, a sworn statement that the applicant has 27601  
provided notice by regular mail of the application to the owner of 27602  
each parcel of real property that is located within five hundred 27603  
feet of the surface location of the well and to the executive 27604  
authority of the municipal corporation or the board of township 27605  
trustees of the township, as applicable, in which the well is to 27606  
be located. In addition, the notice shall contain a statement that 27607

informs an owner of real property who is required to receive the 27608  
notice under division (A)(9) of this section that within five days 27609  
of receipt of the notice, the owner is required to provide notice 27610  
under section 1509.60 of the Revised Code to each residence in an 27611  
occupied dwelling that is located on the owner's parcel of real 27612  
property. The notice shall contain a statement that an application 27613  
has been filed with the division of oil and gas resources 27614  
management, identify the name of the applicant and the proposed 27615  
well location, include the name and address of the division, and 27616  
contain a statement that comments regarding the application may be 27617  
sent to the division. The notice may be provided by hand delivery 27618  
or regular mail. The identity of the owners of parcels of real 27619  
property shall be determined using the tax records of the 27620  
municipal corporation or county in which a parcel of real property 27621  
is located as of the date of the notice. 27622

(10) A plan for restoration of the land surface disturbed by 27623  
drilling operations. The plan shall provide for compliance with 27624  
the restoration requirements of division (A) of section 1509.072 27625  
of the Revised Code and any rules adopted by the chief pertaining 27626  
to that restoration. 27627

(11)(a) A description by name or number of the county, 27628  
township, and municipal corporation roads, streets, and highways 27629  
that the applicant anticipates will be used for access to and 27630  
egress from the well site; 27631

(b) For an application for a permit for a horizontal well, a 27632  
copy of an agreement concerning maintenance and safe use of the 27633  
roads, streets, and highways described in division (A)(11)(a) of 27634  
this section entered into on reasonable terms with the public 27635  
official that has the legal authority to enter into such 27636  
maintenance and use agreements for each county, township, and 27637  
municipal corporation, as applicable, in which any such road, 27638  
street, or highway is located or an affidavit on a form prescribed 27639

by the chief attesting that the owner attempted in good faith to 27640  
enter into an agreement under division (A)(11)(b) of this section 27641  
with the applicable public official of each such county, township, 27642  
or municipal corporation, but that no agreement was executed. 27643

(12) Such other relevant information as the chief prescribes 27644  
by rule. 27645

Each application shall be accompanied by a map, on a scale 27646  
not smaller than four hundred feet to the inch, prepared by an 27647  
Ohio registered surveyor, showing the location of the well and 27648  
containing such other data as may be prescribed by the chief. If 27649  
the well is or is to be located within the excavations and 27650  
workings of a mine, the map also shall include the location of the 27651  
mine, the name of the mine, and the name of the person operating 27652  
the mine. 27653

(B) The chief shall cause a copy of the weekly circular 27654  
prepared by the division to be provided to the county engineer of 27655  
each county that contains active or proposed drilling activity. 27656  
The weekly circular shall contain, in the manner prescribed by the 27657  
chief, the names of all applicants for permits, the location of 27658  
each well or proposed well, the information required by division 27659  
(A)(11) of this section, and any additional information the chief 27660  
prescribes. In addition, the chief promptly shall transfer an 27661  
electronic copy or facsimile, or if those methods are not 27662  
available to a municipal corporation or township, a copy via 27663  
regular mail, of a drilling permit application to the clerk of the 27664  
legislative authority of the municipal corporation or to the clerk 27665  
of the township in which the well or proposed well is or is to be 27666  
located if the legislative authority of the municipal corporation 27667  
or the board of township trustees has asked to receive copies of 27668  
such applications and the appropriate clerk has provided the chief 27669  
an accurate, current electronic mailing address or facsimile 27670  
number, as applicable. 27671

(C)(1) Except as provided in division (C)(2) of this section, 27672  
the chief shall not issue a permit for at least ten days after the 27673  
date of filing of the application for the permit unless, upon 27674  
reasonable cause shown, the chief waives that period or a request 27675  
for expedited review is filed under this section. However, the 27676  
chief shall issue a permit within twenty-one days of the filing of 27677  
the application unless the chief denies the application by order. 27678

(2) If the location of a well or proposed well will be or is 27679  
within an urbanized area, the chief shall not issue a permit for 27680  
at least eighteen days after the date of filing of the application 27681  
for the permit unless, upon reasonable cause shown, the chief 27682  
waives that period or the chief at the chief's discretion grants a 27683  
request for an expedited review. However, the chief shall issue a 27684  
permit for a well or proposed well within an urbanized area within 27685  
thirty days of the filing of the application unless the chief 27686  
denies the application by order. 27687

(D) An applicant may file a request with the chief for 27688  
expedited review of a permit application if the well is not or is 27689  
not to be located in a gas storage reservoir or reservoir 27690  
protective area, as "reservoir protective area" is defined in 27691  
section 1571.01 of the Revised Code. If the well is or is to be 27692  
located in a coal bearing township, the application shall be 27693  
accompanied by the affidavit of the landowner prescribed in 27694  
section 1509.08 of the Revised Code. 27695

In addition to a complete application for a permit that meets 27696  
the requirements of this section and the permit fee prescribed by 27697  
this section, a request for expedited review shall be accompanied 27698  
by a separate nonrefundable filing fee of two hundred fifty 27699  
dollars. Upon the filing of a request for expedited review, the 27700  
chief shall cause the county engineer of the county in which the 27701  
well is or is to be located to be notified of the filing of the 27702  
permit application and the request for expedited review by 27703



telephone or other means that in the judgment of the chief will 27704  
provide timely notice of the application and request. The chief 27705  
shall issue a permit within seven days of the filing of the 27706  
request unless the chief denies the application by order. 27707  
Notwithstanding the provisions of this section governing expedited 27708  
review of permit applications, the chief may refuse to accept 27709  
requests for expedited review if, in the chief's judgment, the 27710  
acceptance of the requests would prevent the issuance, within 27711  
twenty-one days of their filing, of permits for which applications 27712  
are pending. 27713

(E) A well shall be drilled and operated in accordance with 27714  
the plans, sworn statements, and other information submitted in 27715  
the approved application. 27716

(F) The chief shall issue an order denying a permit if the 27717  
chief finds that there is a substantial risk that the operation 27718  
will result in violations of this chapter or rules adopted under 27719  
it that will present an imminent danger to public health or safety 27720  
or damage to the environment, provided that where the chief finds 27721  
that terms or conditions to the permit can reasonably be expected 27722  
to prevent such violations, the chief shall issue the permit 27723  
subject to those terms or conditions, including, if applicable, 27724  
terms and conditions regarding subjects identified in rules 27725  
adopted under section 1509.03 of the Revised Code. The issuance of 27726  
a permit shall not be considered an order of the chief. 27727

The chief shall post notice of each permit that has been 27728  
approved under this section on the division's web site not later 27729  
than two business days after the application for a permit has been 27730  
approved. 27731

(G) Each application for a permit required by section 1509.05 27732  
of the Revised Code, except an application ~~to plug back an~~ 27733  
~~existing well that is required by that section and an application~~ 27734  
for a well drilled or reopened for purposes of section 1509.22 of 27735

the Revised Code, also shall be accompanied by a nonrefundable fee	27736
as follows:	27737
(1) Five hundred dollars for a permit to conduct activities	27738
in a township with a population of fewer than ten thousand;	27739
(2) Seven hundred fifty dollars for a permit to conduct	27740
activities in a township with a population of ten thousand or	27741
more, but fewer than fifteen thousand;	27742
(3) One thousand dollars for a permit to conduct activities	27743
in either of the following:	27744
(a) A township with a population of fifteen thousand or more;	27745
(b) A municipal corporation regardless of population.	27746
(4) If the application is for a permit that requires	27747
mandatory pooling, an additional five thousand dollars.	27748
For purposes of calculating fee amounts, populations shall be	27749
determined using the most recent federal decennial census.	27750
Each application for the revision or reissuance of a permit	27751
shall be accompanied by a nonrefundable fee of two hundred fifty	27752
dollars.	27753
(H)(1) Prior to the commencement of well pad construction and	27754
prior to the issuance of a permit to drill a proposed horizontal	27755
well or a proposed well that is to be located in an urbanized	27756
area, the division shall conduct a site review to identify and	27757
evaluate any site-specific terms and conditions that may be	27758
attached to the permit. At the site review, a representative of	27759
the division shall consider fencing, screening, and landscaping	27760
requirements, if any, for similar structures in the community in	27761
which the well is proposed to be located. The terms and conditions	27762
that are attached to the permit shall include the establishment of	27763
fencing, screening, and landscaping requirements for the surface	27764
facilities of the proposed well, including a tank battery of the	27765

well. 27766

(2) Prior to the issuance of a permit to drill a proposed 27767  
well, the division shall conduct a review to identify and evaluate 27768  
any site-specific terms and conditions that may be attached to the 27769  
permit if the proposed well will be located in a one-hundred-year 27770  
floodplain or within the five-year time of travel associated with 27771  
a public drinking water supply. 27772

(I) A permit shall be issued by the chief in accordance with 27773  
this chapter. A permit issued under this section for a well that 27774  
is or is to be located in an urbanized area shall be valid for 27775  
twelve months, and all other permits issued under this section 27776  
shall be valid for twenty-four months. 27777

(J) An applicant or a permittee, as applicable, shall submit 27778  
to the chief an update of the information that is required under 27779  
division (A)(8)(a) of this section if any of that information 27780  
changes prior to commencement of production operations. 27781

(K) A permittee or a permittee's authorized representative 27782  
shall notify an inspector from the division at least twenty-four 27783  
hours, or another time period agreed to by the chief's authorized 27784  
representative, prior to the commencement of well pad construction 27785  
and of drilling, reopening, converting, well stimulation, or 27786  
plugback operations. 27787

**Sec. 1509.11.** (A)(1) The owner of any well, except a 27788  
horizontal well, that is producing or capable of producing oil or 27789  
gas shall file with the chief of the division of oil and gas 27790  
resources management, on or before the thirty-first day of March, 27791  
a statement of production of oil, gas, and brine for the last 27792  
preceding calendar year in such form as the chief may prescribe. 27793  
An owner that has more than one hundred such wells in this state 27794  
shall submit electronically the statement of production in a 27795  
format that is approved by the chief. ~~The chief shall include on~~ 27796

~~the form, at the minimum, a request for the submittal of the 27797  
information that a person who is regulated under this chapter is 27798  
required to submit under the "Emergency Planning and Community 27799  
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 27800  
regulations adopted under it, and that the division of oil and gas 27801  
resources management does not obtain through other reporting 27802  
mechanisms. 27803~~

(2) The owner of any horizontal well that is producing or 27804  
capable of producing oil or gas shall file with the chief, on the 27805  
forty-fifth day following the close of each calendar quarter, a 27806  
statement of production of oil, gas, and brine for the preceding 27807  
calendar quarter in a form that the chief prescribes. An owner 27808  
that has more than one hundred horizontal wells in this state 27809  
shall submit electronically the statement of production in a 27810  
format that is approved by the chief. ~~The chief shall include on 27811  
the form, at a minimum, a request for the submittal of the 27812  
information that a person who is regulated under this chapter is 27813  
required to submit under the "Emergency Planning and Community 27814  
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and 27815  
regulations adopted under it, and that the division does not 27816  
obtain through other reporting mechanisms. 27817~~

(B) The chief shall not disclose information received from 27818  
the department of taxation under division (C)(12) of section 27819  
5703.21 of the Revised Code until the related statement of 27820  
production required by division (A) of this section is filed with 27821  
the chief. 27822

**Sec. 1509.23.** ~~(A)~~ Rules of the chief of the division of oil 27823  
and gas resources management may specify practices to be followed 27824  
in the drilling and treatment of wells, production of oil and gas, 27825  
and plugging of wells for protection of public health or safety or 27826  
to prevent damage to natural resources, including specification of 27827

the following: 27828

~~(1)~~(A) Appropriate devices; 27829

~~(2)~~(B) Minimum distances that wells and other excavations, 27830  
structures, and equipment shall be located from water wells, 27831  
streets, roads, highways, rivers, lakes, streams, ponds, other 27832  
bodies of water, railroad tracks, public or private recreational 27833  
areas, zoning districts, and buildings or other structures. Rules 27834  
adopted under this division ~~(A)(2) of this section~~ shall not 27835  
conflict with section 1509.021 of the Revised Code. 27836

~~(3)~~(C) Other methods of operation; 27837

~~(4)~~(D) Procedures, methods, and equipment and other 27838  
requirements for equipment to prevent and contain discharges of 27839  
oil and brine from oil production facilities and oil drilling and 27840  
workover facilities consistent with and equivalent in scope, 27841  
content, and coverage to section 311(j)(1)(c) of the "Federal 27842  
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 27843  
U.S.C.A. 1251, as amended, and regulations adopted under it. In 27844  
addition, the rules may specify procedures, methods, and equipment 27845  
and other requirements for equipment to prevent and contain 27846  
surface and subsurface discharges of fluids, condensates, and 27847  
gases. 27848

~~(5)~~(E) Notifications; 27849

~~(6)~~(F) Requirements governing the location and construction 27850  
of fresh water impoundments that are part of a production 27851  
operation. 27852

~~(B) The chief, in consultation with the emergency response 27853  
commission created in section 3750.02 of the Revised Code, shall 27854  
adopt rules in accordance with Chapter 119. of the Revised Code 27855  
that specify the information that shall be included in an 27856  
electronic database that the chief shall create and host. The 27857  
information shall be that which the chief considers to be 27858~~

~~appropriate for the purpose of responding to emergency situations 27859  
that pose a threat to public health or safety or the environment. 27860  
At the minimum, the information shall include that which a person 27861  
who is regulated under this chapter is required to submit under 27862  
the "Emergency Planning and Community Right To Know Act of 1986," 27863  
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 27864  
it. 27865~~

~~In addition, the rules shall specify whether and to what 27866  
extent the database and the information that it contains will be 27867  
made accessible to the public. The rules shall ensure that the 27868  
database will be made available via the internet or a system of 27869  
computer disks to the emergency response commission and to every 27870  
local emergency planning committee and fire department in this 27871  
state. 27872~~

Sec. 1509.231. (A) A person that is regulated under this 27873  
chapter and rules adopted under it and that is required to submit 27874  
information under the "Emergency Planning and Community 27875  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 27876  
regulations adopted under it shall submit the information to the 27877  
chief of the division of oil and gas resources management on or 27878  
before the first day of March of each calendar year. The person 27879  
shall submit the information in accordance with rules adopted 27880  
under division (B) of this section. 27881

(B) The chief, in consultation with the emergency response 27882  
commission created in section 3750.02 of the Revised Code, shall 27883  
adopt rules in accordance with Chapter 119. of the Revised Code 27884  
that specify the information that shall be included in an 27885  
electronic database that the chief shall create and host. The 27886  
information shall be information that the chief considers to be 27887  
appropriate for the purpose of responding to emergency situations 27888  
that pose a threat to public health or safety or the environment. 27889

The rules shall require that the information be consistent with 27890  
the information that a person that is regulated under this chapter 27891  
is required to submit under the "Emergency Planning and Community 27892  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 27893  
regulations adopted under it. 27894

In addition, the rules shall do all of the following: 27895

(1) Specify whether and to what extent the database and the 27896  
information that it contains will be made accessible to the 27897  
public; 27898

(2) Ensure that the information submitted for the database 27899  
will be made immediately available to the emergency response 27900  
commission, the local emergency planning committee of the 27901  
emergency planning district in which a facility is located, and 27902  
the fire department having jurisdiction over a facility; 27903

(3) Ensure that the information submitted for the database 27904  
includes the information required to be reported under section 27905  
3750.08 of the Revised Code and rules adopted under section 27906  
3750.02 of the Revised Code. 27907

(C) As used in this section, "emergency planning district," 27908  
"facility," and "fire department" have the same meanings as in 27909  
section 3750.01 of the Revised Code. 27910

**Sec. 1509.232.** (A) An owner, a person to whom an order is 27911  
issued under this chapter or rules adopted under it, a person to 27912  
whom a registration certificate is issued under section 1509.222 27913  
of the Revised Code, or a person engaged in an activity pursuant 27914  
to section 1509.226 of the Revised Code shall notify the division 27915  
of oil and gas resources management by means of a toll free 27916  
telephone number designated by the chief of the division of oil 27917  
and gas resources management or by electronic means designated by 27918  
the chief within thirty minutes after becoming aware of the 27919

occurrence of any of the following unless notification within that 27920  
time is impracticable under the circumstances: 27921

(1) An uncontrolled or unplanned release of gas associated 27922  
with a production operation or other activity regulated under this 27923  
chapter or rules adopted under it in an amount determined, in good 27924  
faith, to equal or exceed one hundred MCF as defined in section 27925  
5727.80 of the Revised Code; 27926

(2) A release of oil outside a containment area associated 27927  
with a production operation or other activity regulated under this 27928  
chapter or rules adopted under it if the release is in an amount 27929  
determined, in good faith, to exceed two hundred ten United States 27930  
gallons or as specified by rule adopted by the chief in accordance 27931  
with Chapter 119. of the Revised Code; 27932

(3) A release of brine, drill cuttings, or other drilling 27933  
wastes regulated under this chapter or rules adopted under it 27934  
outside the boundary of a site or facility regulated under this 27935  
chapter or rules adopted under it; 27936

(4) A release of hydrogen sulfide associated with a 27937  
production operation or other activity regulated under this 27938  
chapter or rules adopted under it in an amount determined, in good 27939  
faith, to exceed twenty parts per million; 27940

(5) A discharge or spill of a liquid, solid, or semisolid 27941  
substance or material associated with a production operation or 27942  
other activity regulated under this chapter or rules adopted under 27943  
it in an amount determined, in good faith, to exceed a reportable 27944  
quantity as defined in rules adopted under section 3750.02 of the 27945  
Revised Code, excluding a discharge or spill consisting solely of 27946  
fresh water or storm water; 27947

(6) A fire or explosion associated with a production 27948  
operation or other activity regulated under this chapter or rules 27949



adopted under it, excluding flaring or controlled burns authorized 27950  
under this chapter or rules adopted under it or by the terms and 27951  
conditions of a permit issued under this chapter; 27952

(7) The response by a fire department as defined in section 27953  
742.01 of the Revised Code or a person providing emergency medical 27954  
services as defined in section 4765.01 of the Revised Code to the 27955  
location of, and for the purpose of responding to, an occurrence 27956  
specified in division (A)(1), (2), (3), (4), (5), or (6) of this 27957  
section. 27958

(B) If a contractor performs services on behalf of a person 27959  
specified in division (A) of this section, the contractor shall 27960  
notify that person within thirty minutes after the contractor 27961  
becomes aware of any occurrence specified in that division unless 27962  
notification within that time is impracticable under the 27963  
circumstances. 27964

(C) The chief may adopt rules in accordance with Chapter 119. 27965  
of the Revised Code that are necessary for the administration of 27966  
this section. 27967

(D) No person shall fail to comply with this section. 27968

(E)(1) Section 1509.33 of the Revised Code applies to this 27969  
section. 27970

(2) Section 1509.99 of the Revised Code does not apply to 27971  
this section. 27972

**Sec. 1509.27.** ~~If a tract of land is or~~ tracts are of 27973  
insufficient size or shape to meet the requirements for drilling a 27974  
proposed well thereon as provided in section 1509.24 or 1509.25 of 27975  
the Revised Code, whichever is applicable, and the owner ~~of the~~ 27976  
~~tract who also is the owner of the mineral interest~~ has been 27977  
unable to form a drilling unit under agreement as provided in 27978  
section 1509.26 of the Revised Code, on a just and equitable 27979

basis, ~~such an~~ the owner may make application to the division of 27980  
oil and gas resources management for a mandatory pooling order. 27981

The application shall include information as shall be 27982  
reasonably required by the chief of the division of oil and gas 27983  
resources management and shall be accompanied by an application 27984  
for a permit as required by section 1509.05 of the Revised Code. 27985  
The chief shall notify all mineral rights owners of ~~land tracts~~ 27986  
within the area proposed to be pooled by an order and included 27987  
within the drilling unit of the filing of the application and of 27988  
their right to a hearing. After the hearing or after the 27989  
expiration of thirty days from the date notice of application was 27990  
mailed to such owners, the chief, if satisfied that the 27991  
application is proper in form and that mandatory pooling is 27992  
necessary to protect correlative rights and to provide effective 27993  
development, use, and conservation of oil and gas, shall issue a 27994  
drilling permit and a mandatory pooling order complying with the 27995  
requirements for drilling a well as provided in section 1509.24 or 27996  
1509.25 of the Revised Code, whichever is applicable. The 27997  
mandatory pooling order shall: 27998

(A) Designate the boundaries of the drilling unit within 27999  
which the well shall be drilled; 28000

(B) Designate the proposed production site; 28001

(C) Describe each separately owned tract or part thereof 28002  
pooled by the order; 28003

(D) Allocate on a surface acreage basis a pro rata portion of 28004  
the production to ~~the owner of~~ each tract pooled by the order. The 28005  
pro rata portion shall be in the same proportion that the 28006  
percentage of the ~~owner's~~ tract's acreage is to the state minimum 28007  
acreage requirements established in rules adopted under this 28008  
chapter for a drilling unit unless the applicant demonstrates to 28009  
the chief using geological evidence that the geologic structure 28010

containing the oil or gas is larger than the minimum acreage 28011  
requirement in which case the pro rata portion shall be in the 28012  
same proportion that the percentage of the ~~owner's~~ tract's acreage 28013  
is to the geologic structure. 28014

(E) Specify the basis upon which each mineral rights owner of 28015  
a tract pooled by the order shall share all reasonable costs and 28016  
expenses of drilling and producing if the mineral rights owner 28017  
elects to participate in the drilling and operation of the well; 28018

(F) Designate the person to whom the permit shall be issued. 28019

A person shall not submit more than five applications for 28020  
mandatory pooling orders per year under this section unless 28021  
otherwise approved by the chief. 28022

No surface operations or disturbances to the surface of the 28023  
land shall occur on a tract pooled by an order without the written 28024  
consent of or a written agreement with the surface rights owner of 28025  
the tract that approves the operations or disturbances. 28026

If ~~an~~ a mineral rights owner of a tract pooled by the order 28027  
does not elect to participate in the risk and cost of the drilling 28028  
and operation of a well, the mineral rights owner shall be 28029  
designated as a nonparticipating owner in the drilling and 28030  
operation of the well on a limited or carried basis and is subject 28031  
to terms and conditions determined by the chief to be just and 28032  
reasonable. In addition, if ~~an~~ a mineral rights owner is 28033  
designated as a nonparticipating owner, the mineral rights owner 28034  
is not liable for actions or conditions associated with the 28035  
drilling or operation of the well. If the applicant bears the 28036  
costs of drilling, equipping, and operating a well for the benefit 28037  
of a nonparticipating owner, as provided for in the pooling order, 28038  
then the applicant shall be entitled to the share of production 28039  
from the drilling unit accruing to the interest of that 28040  
nonparticipating owner, exclusive of the nonparticipating owner's 28041

proportionate share of the royalty interest until there has been 28042  
received the share of costs charged to that nonparticipating owner 28043  
plus such additional percentage of the share of costs as the chief 28044  
shall determine. The total amount receivable hereunder shall in no 28045  
event exceed two hundred per cent of the share of costs charged to 28046  
that nonparticipating owner. After receipt of that share of costs 28047  
by such an applicant, a nonparticipating owner shall receive a 28048  
proportionate share of the working interest in the well in 28049  
addition to a proportionate share of the royalty interest, if any. 28050

If there is a dispute as to costs of drilling, equipping, or 28051  
operating a well, the chief shall determine those costs. 28052

**Sec. 1509.33.** (A) Whoever violates sections 1509.01 to 28053  
1509.31 of the Revised Code, or any rules adopted or orders or 28054  
terms or conditions of a permit or registration certificate issued 28055  
pursuant to these sections for which no specific penalty is 28056  
provided in this section, shall pay a civil penalty of not more 28057  
than ~~four~~ ten thousand dollars for each offense. 28058

(B) Whoever violates section 1509.221 of the Revised Code or 28059  
any rules adopted or orders or terms or conditions of a permit 28060  
issued thereunder shall pay a civil penalty of not more than ~~two~~ 28061  
ten thousand ~~five hundred~~ dollars for each violation. 28062

(C) Whoever violates division (D) of section 1509.22 or 28063  
division (A)(1) of section 1509.222 of the Revised Code shall pay 28064  
a civil penalty of not less than two thousand five hundred dollars 28065  
nor more than twenty thousand dollars for each violation. 28066

(D) Whoever violates division (A) of section 1509.22 of the 28067  
Revised Code shall pay a civil penalty of not less than two 28068  
thousand five hundred dollars nor more than ten thousand dollars 28069  
for each violation. 28070

(E) Whoever violates division (A) of section 1509.223 of the 28071

Revised Code shall pay a civil penalty of not more than ten 28072  
thousand dollars for each violation. 28073

(F) Whoever violates section 1509.072 of the Revised Code or 28074  
any rules adopted or orders issued to administer, implement, or 28075  
enforce that section shall pay a civil penalty of not more than 28076  
five thousand dollars for each violation. 28077

(G) In addition to any other penalties provided in this 28078  
chapter, whoever violates section 1509.05, section 1509.21, 28079  
division (B) of section 1509.22, or division (A)(1) of section 28080  
1509.222 of the Revised Code or a term or condition of a permit or 28081  
an order issued by the chief of the division of oil and gas 28082  
resources management under this chapter or knowingly violates 28083  
division (A) of section 1509.223 of the Revised Code is liable for 28084  
any damage or injury caused by the violation and for the actual 28085  
cost of rectifying the violation and conditions caused by the 28086  
violation. If two or more persons knowingly violate one or more of 28087  
those divisions in connection with the same event, activity, or 28088  
transaction, they are jointly and severally liable under this 28089  
division. 28090

(H) The attorney general, upon the request of the chief of 28091  
the division of oil and gas resources management, shall commence 28092  
an action under this section against any person who violates 28093  
sections 1509.01 to 1509.31 of the Revised Code, or any rules 28094  
adopted or orders or terms or conditions of a permit or 28095  
registration certificate issued pursuant to these sections. Any 28096  
action under this section is a civil action, governed by the Rules 28097  
of Civil Procedure and other rules of practice and procedure 28098  
applicable to civil actions. The remedy provided in this division 28099  
is cumulative and concurrent with any other remedy provided in 28100  
this chapter, and the existence or exercise of one remedy does not 28101  
prevent the exercise of any other, except that no person shall be 28102  
subject to both a civil penalty under division (A), (B), (C), or 28103

(D) of this section and a ~~criminal penalty under~~ fine established 28104  
in section 1509.99 of the Revised Code for the same offense. 28105

(I) For purposes of this section, each day of violation 28106  
constitutes a separate offense. 28107

**Sec. 1513.07.** (A)(1) No operator shall conduct a coal mining 28108  
operation without a permit for the operation issued by the chief 28109  
of the division of mineral resources management. 28110

(2) All permits issued pursuant to this chapter shall be 28111  
issued for a term not to exceed five years, except that, if the 28112  
applicant demonstrates that a specified longer term is reasonably 28113  
needed to allow the applicant to obtain necessary financing for 28114  
equipment and the opening of the operation and if the application 28115  
is full and complete for the specified longer term, the chief may 28116  
grant a permit for the longer term. A successor in interest to a 28117  
permittee who applies for a new permit within thirty days after 28118  
succeeding to the interest and who is able to obtain the 28119  
performance security of the original permittee may continue coal 28120  
mining and reclamation operations according to the approved mining 28121  
and reclamation plan of the original permittee until the 28122  
successor's application is granted or denied. 28123

(3) A permit shall terminate if the permittee has not 28124  
commenced the coal mining operations covered by the permit within 28125  
three years after the issuance of the permit, except that the 28126  
chief may grant reasonable extensions of the time upon a showing 28127  
that the extensions are necessary by reason of litigation 28128  
precluding the commencement or threatening substantial economic 28129  
loss to the permittee or by reason of conditions beyond the 28130  
control and without the fault or negligence of the permittee, and 28131  
except that with respect to coal to be mined for use in a 28132  
synthetic fuel facility or specified major electric generating 28133  
facility, the permittee shall be deemed to have commenced coal 28134

mining operations at the time construction of the synthetic fuel 28135  
or generating facility is initiated. 28136

(4)(a) Any permit issued pursuant to this chapter shall carry 28137  
with it the right of successive renewal upon expiration with 28138  
respect to areas within the boundaries of the permit. The holders 28139  
of the permit may apply for renewal and the renewal shall be 28140  
issued unless the chief determines by written findings, subsequent 28141  
to fulfillment of the public notice requirements of this section 28142  
and section 1513.071 of the Revised Code through demonstrations by 28143  
opponents of renewal or otherwise, that one or more of the 28144  
following circumstances exists: 28145

(i) The terms and conditions of the existing permit are not 28146  
being satisfactorily met. 28147

(ii) The present coal mining and reclamation operation is not 28148  
in compliance with the environmental protection standards of this 28149  
chapter. 28150

(iii) The renewal requested substantially jeopardizes the 28151  
operator's continuing responsibilities on existing permit areas. 28152

(iv) The applicant has not provided evidence that the 28153  
performance security in effect for the operation will continue in 28154  
effect for any renewal requested in the application. 28155

(v) Any additional, revised, or updated information required 28156  
by the chief has not been provided. Prior to the approval of any 28157  
renewal of a permit, the chief shall provide notice to the 28158  
appropriate public authorities as prescribed by rule of the chief. 28159

(b) If an application for renewal of a valid permit includes 28160  
a proposal to extend the mining operation beyond the boundaries 28161  
authorized in the existing permit, the portion of the application 28162  
for renewal of a valid permit that addresses any new land areas 28163  
shall be subject to the full standards applicable to new 28164  
applications under this chapter. 28165

(c) A permit renewal shall be for a term not to exceed the 28166  
period of the original permit established by this chapter. 28167  
Application for permit renewal shall be made at least one hundred 28168  
twenty days prior to the expiration of the valid permit. 28169

(5) A permit issued pursuant to this chapter does not 28170  
eliminate the requirements for obtaining a permit to install or 28171  
modify a disposal system or any part thereof or to discharge 28172  
sewage, industrial waste, or other wastes into the waters of the 28173  
state in accordance with Chapter 6111. of the Revised Code. 28174

(B)(1) The permit application shall be submitted in a manner 28175  
satisfactory to the chief and shall contain, among other things, 28176  
all of the following: 28177

(a) The names and addresses of all of the following: 28178

(i) The permit applicant; 28179

(ii) Every legal owner of record of the property, surface and 28180  
mineral, to be mined; 28181

(iii) The holders of record of any leasehold interest in the 28182  
property; 28183

(iv) Any purchaser of record of the property under a real 28184  
estate contract; 28185

(v) The operator if different from the applicant; 28186

(vi) If any of these are business entities other than a 28187  
single proprietor, the names and addresses of the principals, 28188  
officers, and statutory agent for service of process. 28189

(b) The names and addresses of the owners of record of all 28190  
surface and subsurface areas adjacent to any part of the permit 28191  
area; 28192

(c) A statement of any current or previous coal mining 28193  
permits in the United States held by the applicant, the permit 28194  
identification, and any pending applications; 28195



(d) If the applicant is a partnership, corporation, 28196  
association, or other business entity, the following where 28197  
applicable: the names and addresses of every officer, partner, 28198  
director, or person performing a function similar to a director, 28199  
of the applicant, the name and address of any person owning, of 28200  
record, ten per cent or more of any class of voting stock of the 28201  
applicant, a list of all names under which the applicant, partner, 28202  
or principal shareholder previously operated a coal mining 28203  
operation within the United States within the five-year period 28204  
preceding the date of submission of the application, and a list of 28205  
the person or persons primarily responsible for ensuring that the 28206  
applicant complies with the requirements of this chapter and rules 28207  
adopted pursuant thereto while mining and reclaiming under the 28208  
permit; 28209

(e) A statement of whether the applicant, any subsidiary, 28210  
affiliate, or persons controlled by or under common control with 28211  
the applicant, any partner if the applicant is a partnership, any 28212  
officer, principal shareholder, or director if the applicant is a 28213  
corporation, or any other person who has a right to control or in 28214  
fact controls the management of the applicant or the selection of 28215  
officers, directors, or managers of the applicant: 28216

(i) Has ever held a federal or state coal mining permit that 28217  
in the five-year period prior to the date of submission of the 28218  
application has been suspended or revoked or has had a coal mining 28219  
bond, performance security, or similar security deposited in lieu 28220  
of bond forfeited and, if so, a brief explanation of the facts 28221  
involved; 28222

(ii) Has been an officer, partner, director, principal 28223  
shareholder, or person having the right to control or has in fact 28224  
controlled the management of or the selection of officers, 28225  
directors, or managers of a business entity that has had a coal 28226  
mining or surface mining permit that in the five-year period prior 28227

to the date of submission of the application has been suspended or 28228  
revoked or has had a coal mining or surface mining bond, 28229  
performance security, or similar security deposited in lieu of 28230  
bond forfeited and, if so, a brief explanation of the facts 28231  
involved. 28232

(f) A copy of the applicant's advertisement to be published 28233  
in a newspaper of general circulation in the locality of the 28234  
proposed site at least once a week for four successive weeks, 28235  
which shall include the ownership of the proposed mine, a 28236  
description of the exact location and boundaries of the proposed 28237  
site sufficient to make the proposed operation readily 28238  
identifiable by local residents, and the location where the 28239  
application is available for public inspection; 28240

(g) A description of the type and method of coal mining 28241  
operation that exists or is proposed, the engineering techniques 28242  
proposed or used, and the equipment used or proposed to be used; 28243

(h) The anticipated or actual starting and termination dates 28244  
of each phase of the mining operation and number of acres of land 28245  
to be affected; 28246

(i) An accurate map or plan, to an appropriate scale, clearly 28247  
showing the land to be affected ~~and~~, the land upon which the 28248  
applicant has the legal right to enter and commence coal mining 28249  
operations, and the land for which the applicant will acquire the 28250  
legal right to enter and commence coal mining operations during 28251  
the term of the permit, copies of those documents upon which is 28252  
based the applicant's legal right to enter and commence coal 28253  
mining operations or a notarized statement describing the 28254  
applicant's legal right to enter and commence coal mining 28255  
operations, and a statement whether that right is the subject of 28256  
pending litigation. This chapter does not authorize the chief to 28257  
adjudicate property title disputes. 28258

(j) The name of the watershed and location of the surface stream or tributary into which drainage from the operation will be discharged; 28259  
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(k) A determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, providing information on the quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the chief of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability, but this determination shall not be required until hydrologic information of the general area prior to mining is made available from an appropriate federal or state agency; however, the permit shall not be approved until the information is available and is incorporated into the application; 28262  
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(l) When requested by the chief, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges; 28276  
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(m) Accurate maps prepared by or under the direction of and certified by a qualified registered professional engineer, registered surveyor, or licensed landscape architect to an appropriate scale clearly showing all types of information set forth on topographical maps of the United States geological survey of a scale of not more than four hundred feet to the inch, including all artificial features and significant known archeological sites. The map, among other things specified by the chief, shall show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all 28281  
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surface areas abutting the permit area, and the location of all 28291  
buildings within one thousand feet of the permit area. 28292

(n)(i) Cross-section maps or plans of the land to be affected 28293  
including the actual area to be mined, prepared by or under the 28294  
direction of and certified by a qualified registered professional 28295  
engineer or certified professional geologist with assistance from 28296  
experts in related fields such as hydrology, hydrogeology, 28297  
geology, and landscape architecture, showing pertinent elevations 28298  
and locations of test borings or core samplings and depicting the 28299  
following information: the nature and depth of the various strata 28300  
of overburden; the nature and thickness of any coal or rider seam 28301  
above the coal seam to be mined; the nature of the stratum 28302  
immediately beneath the coal seam to be mined; all mineral crop 28303  
lines and the strike and dip of the coal to be mined within the 28304  
area to be affected; existing or previous coal mining limits; the 28305  
location and extent of known workings of any underground mines, 28306  
including mine openings to the surface; the location of spoil, 28307  
waste, or refuse areas and topsoil preservation areas; the 28308  
location of all impoundments for waste or erosion control; any 28309  
settling or water treatment facility; constructed or natural 28310  
drainways and the location of any discharges to any surface body 28311  
of water on the land to be affected or adjacent thereto; profiles 28312  
at appropriate cross sections of the anticipated final surface 28313  
configuration that will be achieved pursuant to the operator's 28314  
proposed reclamation plan; the location of subsurface water, if 28315  
encountered; the location and quality of aquifers; and the 28316  
estimated elevation of the water table. Registered surveyors shall 28317  
be allowed to perform all plans, maps, and certifications under 28318  
this chapter as they are authorized under Chapter 4733. of the 28319  
Revised Code. 28320

(ii) A statement of the quality and locations of subsurface 28321  
water. The chief shall provide by rule the number of locations to 28322

be sampled, frequency of collection, and parameters to be analyzed 28323  
to obtain the statement required. 28324

(o) A statement of the results of test borings or core 28325  
samplings from the permit area, including logs of the drill holes, 28326  
the thickness of the coal seam found, an analysis of the chemical 28327  
properties of the coal, the sulfur content of any coal seam, 28328  
chemical analysis of potentially acid or toxic forming sections of 28329  
the overburden, and chemical analysis of the stratum lying 28330  
immediately underneath the coal to be mined, except that this 28331  
division may be waived by the chief with respect to the specific 28332  
application by a written determination that its requirements are 28333  
unnecessary. If the test borings or core samplings from the permit 28334  
area indicate the existence of potentially acid forming or toxic 28335  
forming quantities of sulfur in the coal or overburden to be 28336  
disturbed by mining, the application also shall include a 28337  
statement of the acid generating potential and the acid 28338  
neutralizing potential of the rock strata to be disturbed as 28339  
calculated in accordance with the calculation method established 28340  
under section 1513.075 of the Revised Code or with another 28341  
calculation method. 28342

(p) For those lands in the permit application that a 28343  
reconnaissance inspection suggests may be prime farmlands, a soil 28344  
survey shall be made or obtained according to standards 28345  
established by the secretary of the United States department of 28346  
agriculture in order to confirm the exact location of the prime 28347  
farmlands, if any; 28348

(q) A certificate issued by an insurance company authorized 28349  
to do business in this state certifying that the applicant has a 28350  
public liability insurance policy in force for the coal mining and 28351  
reclamation operations for which the permit is sought or evidence 28352  
that the applicant has satisfied other state self-insurance 28353  
requirements. The policy shall provide for personal injury and 28354

property damage protection in an amount adequate to compensate any persons damaged as a result of coal mining and reclamation operations, including the use of explosives, and entitled to compensation under the applicable provisions of state law. The policy shall be maintained in effect during the term of the permit or any renewal, including the length of all reclamation operations. The insurance company shall give prompt notice to the permittee and the chief if the public liability insurance policy lapses for any reason including the nonpayment of insurance premiums. Upon the lapse of the policy, the chief may suspend the permit and all other outstanding permits until proper insurance coverage is obtained.

(r) The business telephone number of the applicant;

(s) If the applicant seeks an authorization under division (E)(7) of this section to conduct coal mining and reclamation operations on areas to be covered by the permit that were affected by coal mining operations before August 3, 1977, that have resulted in continuing water pollution from or on the previously mined areas, such additional information pertaining to those previously mined areas as may be required by the chief, including, without limitation, maps, plans, cross sections, data necessary to determine existing water quality from or on those areas with respect to pH, iron, and manganese, and a pollution abatement plan that may improve water quality from or on those areas with respect to pH, iron, and manganese.

(2) Information pertaining to coal seams, test borings, core samplings, or soil samples as required by this section shall be made available by the chief to any person with an interest that is or may be adversely affected, except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental content that is potentially toxic in the environment,

shall be kept confidential and not made a matter of public record. 28387

(3)(a) If the chief finds that the probable total annual 28388  
production at all locations of any operator will not exceed three 28389  
hundred thousand tons, the following activities, upon the written 28390  
request of the operator in connection with a permit application, 28391  
shall be performed by a qualified public or private laboratory or 28392  
another public or private qualified entity designated by the 28393  
chief, and the cost of the activities shall be assumed by the 28394  
chief, provided that sufficient moneys for such assistance are 28395  
available: 28396

(i) The determination of probable hydrologic consequences 28397  
required under division (B)(1)(k) of this section; 28398

(ii) The development of cross-section maps and plans required 28399  
under division (B)(1)(n)(i) of this section; 28400

(iii) The geologic drilling and statement of results of test 28401  
borings and core samplings required under division (B)(1)(o) of 28402  
this section; 28403

(iv) The collection of archaeological information required 28404  
under division (B)(1)(m) of this section and any other 28405  
archaeological and historical information required by the chief, 28406  
and the preparation of plans necessitated thereby; 28407

(v) Pre-blast surveys required under division (E) of section 28408  
1513.161 of the Revised Code; 28409

(vi) The collection of site-specific resource information and 28410  
production of protection and enhancement plans for fish and 28411  
wildlife habitats and other environmental values required by the 28412  
chief under this chapter. 28413

(b) A coal operator that has received assistance under 28414  
division (B)(3)(a) of this section shall reimburse the chief for 28415  
the cost of the services rendered if the chief finds that the 28416

operator's actual and attributed annual production of coal for all 28417  
locations exceeds three hundred thousand tons during the twelve 28418  
months immediately following the date on which the operator was 28419  
issued a coal mining and reclamation permit. 28420

(4) Each applicant for a permit shall submit to the chief as 28421  
part of the permit application a reclamation plan that meets the 28422  
requirements of this chapter. 28423

(5) Each applicant for a coal mining and reclamation permit 28424  
shall file a copy of the application for a permit, excluding that 28425  
information pertaining to the coal seam itself, for public 28426  
inspection with the county recorder or an appropriate public 28427  
office approved by the chief in the county where the mining is 28428  
proposed to occur. 28429

(6) Each applicant for a coal mining and reclamation permit 28430  
shall submit to the chief as part of the permit application a 28431  
blasting plan that describes the procedures and standards by which 28432  
the operator will comply with section 1513.161 of the Revised 28433  
Code. 28434

(C) Each reclamation plan submitted as part of a permit 28435  
application shall include, in the detail necessary to demonstrate 28436  
that reclamation required by this chapter can be accomplished and 28437  
in the detail necessary for the chief to determine the estimated 28438  
cost of reclamation if the reclamation has to be performed by the 28439  
division of mineral resources management in the event of 28440  
forfeiture of the performance security by the applicant, a 28441  
statement of: 28442

(1) The identification of the lands subject to coal mining 28443  
operations over the estimated life of those operations and the 28444  
size, sequence, and timing of the subareas for which it is 28445  
anticipated that individual permits for mining will be sought; 28446

(2) The condition of the land to be covered by the permit 28447



prior to any mining, including all of the following: 28448

(a) The uses existing at the time of the application and, if 28449  
the land has a history of previous mining, the uses that preceded 28450  
any mining; 28451

(b) The capability of the land prior to any mining to support 28452  
a variety of uses, giving consideration to soil and foundation 28453  
characteristics, topography, and vegetative cover and, if 28454  
applicable, a soil survey prepared pursuant to division (B)(1)(p) 28455  
of this section; 28456

(c) The productivity of the land prior to mining, including 28457  
appropriate classification as prime farmlands as well as the 28458  
average yield of food, fiber, forage, or wood products obtained 28459  
from the land under high levels of management. 28460

(3) The use that is proposed to be made of the land following 28461  
reclamation, including information regarding the utility and 28462  
capacity of the reclaimed land to support a variety of alternative 28463  
uses, the relationship of the proposed use to existing land use 28464  
policies and plans, and the comments of any owner of the land and 28465  
state and local governments or agencies thereof that would have to 28466  
initiate, implement, approve, or authorize the proposed use of the 28467  
land following reclamation; 28468

(4) A detailed description of how the proposed postmining 28469  
land use is to be achieved and the necessary support activities 28470  
that may be needed to achieve the proposed land use; 28471

(5) The engineering techniques proposed to be used in mining 28472  
and reclamation and a description of the major equipment; a plan 28473  
for the control of surface water drainage and of water 28474  
accumulation; a plan, where appropriate, for backfilling, soil 28475  
stabilization, and compacting, grading, and appropriate 28476  
revegetation; a plan for soil reconstruction, replacement, and 28477  
stabilization, pursuant to the performance standards in section 28478

1513.16 of the Revised Code, for those food, forage, and forest	28479
lands identified in that section; and a statement as to how the	28480
permittee plans to comply with each of the requirements set out in	28481
section 1513.16 of the Revised Code;	28482
(6) A description of the means by which the utilization and	28483
conservation of the solid fuel resource being recovered will be	28484
maximized so that re-affecting the land in the future can be	28485
minimized;	28486
(7) A detailed estimated timetable for the accomplishment of	28487
each major step in the reclamation plan;	28488
(8) A description of the degree to which the coal mining and	28489
reclamation operations are consistent with surface owner plans and	28490
applicable state and local land use plans and programs;	28491
(9) The steps to be taken to comply with applicable air and	28492
water quality laws and regulations and any applicable health and	28493
safety standards;	28494
(10) A description of the degree to which the reclamation	28495
plan is consistent with local physical, environmental, and	28496
climatological conditions;	28497
(11) A description of all lands, interests in lands, or	28498
options on such interests held by the applicant or pending bids on	28499
interests in lands by the applicant, which lands are contiguous to	28500
the area to be covered by the permit;	28501
(12) The results of test borings that the applicant has made	28502
at the area to be covered by the permit, or other equivalent	28503
information and data in a form satisfactory to the chief,	28504
including the location of subsurface water, and an analysis of the	28505
chemical properties, including acid forming properties of the	28506
mineral and overburden; except that information that pertains only	28507
to the analysis of the chemical and physical properties of the	28508
coal, excluding information regarding mineral or elemental	28509

contents that are potentially toxic in the environment, shall be 28510  
kept confidential and not made a matter of public record; 28511

(13) A detailed description of the measures to be taken 28512  
during the mining and reclamation process to ensure the protection 28513  
of all of the following: 28514

(a) The quality of surface and ground water systems, both on- 28515  
and off-site, from adverse effects of the mining and reclamation 28516  
process; 28517

(b) The rights of present users to such water; 28518

(c) The quantity of surface and ground water systems, both 28519  
on- and off-site, from adverse effects of the mining and 28520  
reclamation process or, where such protection of quantity cannot 28521  
be assured, provision of alternative sources of water. 28522

(14) Any other requirements the chief prescribes by rule. 28523

(D)(1) Any information required by division (C) of this 28524  
section that is not on public file pursuant to this chapter shall 28525  
be held in confidence by the chief. 28526

(2) With regard to requests for an exemption from the 28527  
requirements of this chapter for coal extraction incidental to the 28528  
extraction of other minerals, as described in division (H)(1)(a) 28529  
of section 1513.01 of the Revised Code, confidential information 28530  
includes and is limited to information concerning trade secrets or 28531  
privileged commercial or financial information relating to the 28532  
competitive rights of the persons intending to conduct the 28533  
extraction of minerals. 28534

(E)(1) Upon the basis of a complete mining application and 28535  
reclamation plan or a revision or renewal thereof, as required by 28536  
this chapter, and information obtained as a result of public 28537  
notification and public hearing, if any, as provided by section 28538  
1513.071 of the Revised Code, the chief shall grant, require 28539

modification of, or deny the application for a permit and notify 28540  
the applicant in writing in accordance with division (I)(3) of 28541  
this section. An application is deemed to be complete as submitted 28542  
to the chief unless the chief, within fourteen days of the 28543  
submission, identifies deficiencies in the application in writing 28544  
and subsequently submits a copy of a written list of deficiencies 28545  
to the applicant. An application shall not be considered 28546  
incomplete or denied by reason of right of entry documentation, 28547  
provided that the applicant documents the applicant's legal right 28548  
to enter and mine at least sixty-seven per cent of the total area 28549  
for which coal mining operations are proposed. 28550

A decision of the chief denying a permit shall state in 28551  
writing the specific reasons for the denial. 28552

The applicant for a permit or revision of a permit has the 28553  
burden of establishing that the application is in compliance with 28554  
all the requirements of this chapter. Within ten days after the 28555  
granting of a permit, the chief shall notify the boards of 28556  
township trustees and county commissioners, the mayor, and the 28557  
legislative authority in the township, county, and municipal 28558  
corporation in which the area of land to be affected is located 28559  
that a permit has been issued and shall describe the location of 28560  
the land. However, failure of the chief to notify the local 28561  
officials shall not affect the status of the permit. 28562

(2) No permit application or application for revision of an 28563  
existing permit shall be approved unless the application 28564  
affirmatively demonstrates and the chief finds in writing on the 28565  
basis of the information set forth in the application or from 28566  
information otherwise available, which shall be documented in the 28567  
approval and made available to the applicant, all of the 28568  
following: 28569

(a) The application is accurate and complete and all the 28570  
requirements of this chapter have been complied with. 28571

(b) The applicant has demonstrated that the reclamation  
required by this chapter can be accomplished under the reclamation  
plan contained in the application.

(c)(i) Assessment of the probable cumulative impact of all  
anticipated mining in the general and adjacent area on the  
hydrologic balance specified in division (B)(1)(k) of this section  
has been made by the chief, and the proposed operation has been  
designed to prevent material damage to hydrologic balance outside  
the permit area.

(ii) There shall be an ongoing process conducted by the chief  
in cooperation with other state and federal agencies to review all  
assessments of probable cumulative impact of coal mining in light  
of post-mining data and any other hydrologic information as it  
becomes available to determine if the assessments were realistic.  
The chief shall take appropriate action as indicated in the review  
process.

(d) The area proposed to be mined is not included within an  
area designated unsuitable for coal mining pursuant to section  
1513.073 of the Revised Code or is not within an area under study  
for such designation in an administrative proceeding commenced  
pursuant to division (A)(3)(c) or (B) of section 1513.073 of the  
Revised Code unless in an area as to which an administrative  
proceeding has commenced pursuant to division (A)(3)(c) or (B) of  
section 1513.073 of the Revised Code, the operator making the  
permit application demonstrates that, prior to January 1, 1977,  
the operator made substantial legal and financial commitments in  
relation to the operation for which a permit is sought.

(e) In cases where the private mineral estate has been  
severed from the private surface estate and surface disturbance  
will result from the applicant's proposed use of a strip mining  
method, the applicant has submitted to the chief one of the  
following:

(i) The written consent of the surface owner to the surface disturbance that will result from the extraction of coal by the applicant's proposed strip mining method;

(ii) A conveyance that expressly grants or reserves the right to extract the coal by strip mining methods that cause surface disturbance;

(iii) If the conveyance does not expressly grant the right to extract coal by strip mining methods that cause surface disturbance, the surface-subsurface legal relationship concerning surface disturbance shall be determined under the law of this state. This chapter does not authorize the chief to adjudicate property rights disputes.

(3)(a) The applicant shall file with the permit application a schedule listing all notices of violations of any law, rule, or regulation of the United States or of any department or agency thereof or of any state pertaining to air or water environmental protection incurred by the applicant in connection with any coal mining operation during the three-year period prior to the date of application. The schedule also shall indicate the final resolution of such a notice of violation. Upon receipt of an application, the chief shall provide a schedule listing all notices of violations of this chapter pertaining to air or water environmental protection incurred by the applicant during the three-year period prior to receipt of the application and the final resolution of all such notices of violation. The chief shall provide this schedule to the applicant for filing by the applicant with the application filed for public review, as required by division (B)(5) of this section. When the schedule or other information available to the chief indicates that any coal mining operation owned or controlled by the applicant is currently in violation of such laws, the permit shall not be issued until the applicant submits proof that the violation has been corrected or is in the

process of being corrected to the satisfaction of the regulatory 28636  
authority, department, or agency that has jurisdiction over the 28637  
violation and that any civil penalties owed to the state for a 28638  
violation and not the subject of an appeal have been paid. No 28639  
permit shall be issued to an applicant after a finding by the 28640  
chief that the applicant or the operator specified in the 28641  
application controls or has controlled mining operations with a 28642  
demonstrated pattern of willful violations of this chapter of a 28643  
nature and duration to result in irreparable damage to the 28644  
environment as to indicate an intent not to comply with or a 28645  
disregard of this chapter. 28646

(b) For the purposes of division (E)(3)(a) of this section, 28647  
any violation resulting from an unanticipated event or condition 28648  
at a surface coal mining operation on lands eligible for remining 28649  
under a permit held by the person submitting an application for a 28650  
coal mining permit under this section shall not prevent issuance 28651  
of that permit. As used in this division, "unanticipated event or 28652  
condition" means an event or condition encountered in a remining 28653  
operation that was not contemplated by the applicable surface coal 28654  
mining and reclamation permit. 28655

(4)(a) In addition to finding the application in compliance 28656  
with division (E)(2) of this section, if the area proposed to be 28657  
mined contains prime farmland as determined pursuant to division 28658  
(B)(1)(p) of this section, the chief, after consultation with the 28659  
secretary of the United States department of agriculture and 28660  
pursuant to regulations issued by the secretary of the interior 28661  
with the concurrence of the secretary of agriculture, may grant a 28662  
permit to mine on prime farmland if the chief finds in writing 28663  
that the operator has the technological capability to restore the 28664  
mined area, within a reasonable time, to equivalent or higher 28665  
levels of yield as nonmined prime farmland in the surrounding area 28666  
under equivalent levels of management and can meet the soil 28667

reconstruction standards in section 1513.16 of the Revised Code. 28668

(b) Division (E)(4)(a) of this section does not apply to a 28669  
permit issued prior to August 3, 1977, or revisions or renewals 28670  
thereof. 28671

(5) The chief shall issue an order denying a permit after 28672  
finding that the applicant has misrepresented or omitted any 28673  
material fact in the application for the permit. 28674

(6) The chief may issue an order denying a permit after 28675  
finding that the applicant, any partner, if the applicant is a 28676  
partnership, any officer, principal shareholder, or director, if 28677  
the applicant is a corporation, or any other person who has a 28678  
right to control or in fact controls the management of the 28679  
applicant or the selection of officers, directors, or managers of 28680  
the applicant has been a sole proprietor or partner, officer, 28681  
director, principal shareholder, or person having the right to 28682  
control or has in fact controlled the management of or the 28683  
selection of officers, directors, or managers of a business entity 28684  
that ever has had a coal mining license or permit issued by this 28685  
or any other state or the United States suspended or revoked, ever 28686  
has forfeited a coal or surface mining bond, performance security, 28687  
or similar security deposited in lieu of bond in this or any other 28688  
state or with the United States, or ever has substantially or 28689  
materially failed to comply with this chapter. 28690

(7) When issuing a permit under this section, the chief may 28691  
authorize an applicant to conduct coal mining and reclamation 28692  
operations on areas to be covered by the permit that were affected 28693  
by coal mining operations before August 3, 1977, that have 28694  
resulted in continuing water pollution from or on the previously 28695  
mined areas for the purpose of potentially reducing the pollution 28696  
loadings of pH, iron, and manganese from discharges from or on the 28697  
previously mined areas. Following the chief's authorization to 28698  
conduct such operations on those areas, the areas shall be 28699



designated as pollution abatement areas for the purposes of this 28700  
chapter. 28701

The chief shall not grant an authorization under division 28702  
(E)(7) of this section to conduct coal mining and reclamation 28703  
operations on any such previously mined areas unless the applicant 28704  
demonstrates to the chief's satisfaction that all of the following 28705  
conditions are met: 28706

(a) The applicant's pollution abatement plan for mining and 28707  
reclaiming the previously mined areas represents the best 28708  
available technology economically achievable. 28709

(b) Implementation of the plan will potentially reduce 28710  
pollutant loadings of pH, iron, and manganese resulting from 28711  
discharges of surface waters or ground water from or on the 28712  
previously mined areas within the permit area. 28713

(c) Implementation of the plan will not cause any additional 28714  
degradation of surface water quality off the permit area with 28715  
respect to pH, iron, and manganese. 28716

(d) Implementation of the plan will not cause any additional 28717  
degradation of ground water. 28718

(e) The plan meets the requirements governing mining and 28719  
reclamation of such previously mined pollution abatement areas 28720  
established by the chief in rules adopted under section 1513.02 of 28721  
the Revised Code. 28722

(f) Neither the applicant; any partner, if the applicant is a 28723  
partnership; any officer, principal shareholder, or director, if 28724  
the applicant is a corporation; any other person who has a right 28725  
to control or in fact controls the management of the applicant or 28726  
the selection of officers, directors, or managers of the 28727  
applicant; nor any contractor or subcontractor of the applicant, 28728  
has any of the following: 28729

(i) Responsibility or liability under this chapter or rules 28730  
adopted under it as an operator for treating the discharges of 28731  
water pollutants from or on the previously mined areas for which 28732  
the authorization is sought; 28733

(ii) Any responsibility or liability under this chapter or 28734  
rules adopted under it for reclaiming the previously mined areas 28735  
for which the authorization is sought; 28736

(iii) During the eighteen months prior to submitting the 28737  
permit application requesting an authorization under division 28738  
(E)(7) of this section, had a coal mining and reclamation permit 28739  
suspended or revoked under division (D)(3) of section 1513.02 of 28740  
the Revised Code for violating this chapter or Chapter 6111. of 28741  
the Revised Code or rules adopted under them with respect to water 28742  
quality, effluent limitations, or surface or ground water 28743  
monitoring; 28744

(iv) Ever forfeited a coal or surface mining bond, 28745  
performance security, or similar security deposited in lieu of a 28746  
bond in this or any other state or with the United States. 28747

(8) In the case of the issuance of a permit that involves a 28748  
conflict of results between various methods of calculating 28749  
potential acidity and neutralization potential for purposes of 28750  
assessing the potential for acid mine drainage to occur at a mine 28751  
site, the permit shall include provisions for monitoring and 28752  
record keeping to identify the creation of unanticipated acid 28753  
water at the mine site. If the monitoring detects the creation of 28754  
acid water at the site, the permit shall impose on the permittee 28755  
additional requirements regarding mining practices and site 28756  
reclamation to prevent the discharge of acid mine drainage from 28757  
the mine site. As used in division (E)(8) of this section, 28758  
"potential acidity" and "neutralization potential" have the same 28759  
meanings as in section 1513.075 of the Revised Code. 28760

(F)(1) During the term of the permit, the permittee may 28761  
submit an application for a revision of the permit, together with 28762  
a revised reclamation plan, to the chief. 28763

(2) An application for a revision of a permit shall not be 28764  
approved unless the chief finds that reclamation required by this 28765  
chapter can be accomplished under the revised reclamation plan. 28766  
The revision shall be approved or disapproved within ninety days 28767  
after receipt of a complete revision application. The chief shall 28768  
establish, by rule, criteria for determining the extent to which 28769  
all permit application information requirements and procedures, 28770  
including notice and hearings, shall apply to the revision 28771  
request, except that any revisions that propose significant 28772  
alterations in the reclamation plan, at a minimum, shall be 28773  
subject to notice and hearing requirements. 28774

(3) Any extensions to the area covered by the permit except 28775  
incidental boundary revisions shall be made by application for a 28776  
permit. 28777

(4) Documents or a notarized statement that form the basis of 28778  
the applicant's legal right to enter and commence coal mining 28779  
operations on land that is located within an area covered by the 28780  
permit and that was legally acquired subsequent to the issuance of 28781  
the permit for the area shall be submitted with an application for 28782  
a revision of the permit. 28783

(G) No transfer, assignment, or sale of the rights granted 28784  
under a permit issued pursuant to this chapter shall be made 28785  
without the written approval of the chief. 28786

(H) The chief, within a time limit prescribed in the chief's 28787  
rules, shall review outstanding permits and may require reasonable 28788  
revision or modification of a permit. A revision or modification 28789  
shall be based upon a written finding and subject to notice and 28790  
hearing requirements established by rule of the chief. 28791

(I)(1) If an informal conference has been held pursuant to 28792  
section 1513.071 of the Revised Code, the chief shall issue and 28793  
furnish the applicant for a permit, persons who participated in 28794  
the informal conference, and persons who filed written objections 28795  
pursuant to division (B) of section 1513.071 of the Revised Code, 28796  
with the written finding of the chief granting or denying the 28797  
permit in whole or in part and stating the reasons therefor within 28798  
sixty days of the conference, provided that the chief shall comply 28799  
with the time frames established in division (I)(3) of this 28800  
section. 28801

(2) If there has been no informal conference held pursuant to 28802  
section 1513.071 of the Revised Code, the chief shall submit to 28803  
the applicant for a permit the written finding of the chief 28804  
granting or denying the permit in whole or in part and stating the 28805  
reasons therefor within the time frames established in division 28806  
(I)(3) of this section. 28807

(3) The chief shall grant or deny a permit not later than two 28808  
hundred forty days after the submission of a complete application 28809  
for the permit. Any time during which the applicant is making 28810  
revisions to an application or providing additional information 28811  
requested by the chief regarding an application shall not be 28812  
included in the two hundred forty days. If the chief determines 28813  
that a permit cannot be granted or denied within the 28814  
two-hundred-forty-day time frame, the chief, not later than two 28815  
hundred ten days after the submission of a complete application 28816  
for the permit, shall provide the applicant with written notice of 28817  
the expected delay. 28818

(4) If the application is approved, the permit shall be 28819  
issued. However, the permit shall prohibit the commencement of 28820  
coal mining operations on any land that is located within an area 28821  
covered by the permit if the permittee has not provided to the 28822  
chief documents that form the basis of the permittee's legal right 28823

to enter and conduct coal mining operations on that land. If the 28824  
application is disapproved, specific reasons therefor shall be set 28825  
forth in the notification. Within thirty days after the applicant 28826  
is notified of the final decision of the chief on the permit 28827  
application, the applicant or any person with an interest that is 28828  
or may be adversely affected may appeal the decision to the 28829  
reclamation commission pursuant to section 1513.13 of the Revised 28830  
Code. 28831

(5) Any applicant or any person with an interest that is or 28832  
may be adversely affected who has participated in the 28833  
administrative proceedings as an objector and is aggrieved by the 28834  
decision of the reclamation commission, or if the commission fails 28835  
to act within the time limits specified in this chapter, may 28836  
appeal in accordance with section 1513.14 of the Revised Code. 28837

**Sec. 1513.16.** (A) Any permit issued under this chapter to 28838  
conduct coal mining operations shall require that the operations 28839  
meet all applicable performance standards of this chapter and such 28840  
other requirements as the chief of the division of mineral 28841  
resources management shall adopt by rule. General performance 28842  
standards shall apply to all coal mining and reclamation 28843  
operations and shall require the operator at a minimum to do all 28844  
of the following: 28845

(1) Conduct coal mining operations so as to maximize the 28846  
utilization and conservation of the solid fuel resource being 28847  
recovered so that re-affecting the land in the future through coal 28848  
mining can be minimized; 28849

(2) Restore the land affected to a condition capable of 28850  
supporting the uses that it was capable of supporting prior to any 28851  
mining, or higher or better uses of which there is reasonable 28852  
likelihood, so long as the uses do not present any actual or 28853  
probable hazard to public health or safety or pose any actual or 28854

probable threat of diminution or pollution of the waters of the state, and the permit applicants' declared proposed land uses following reclamation are not considered to be impractical or unreasonable, to be inconsistent with applicable land use policies and plans, to involve unreasonable delay in implementation, or to violate federal, state, or local law;

(3) Except as provided in division (B) of this section, with respect to all coal mining operations, backfill, compact where advisable to ensure stability or to prevent leaching of toxic materials, and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter, provided that if the operator demonstrates that due to volumetric expansion the amount of overburden and the spoil and waste materials removed in the course of the mining operation are more than sufficient to restore the approximate original contour, the operator shall backfill, grade, and compact the excess overburden and other spoil and waste materials to attain the lowest grade, but not more than the angle of repose, and to cover all acid-forming and other toxic materials in order to achieve an ecologically sound land use compatible with the surrounding region in accordance with the approved mining plan. The overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and shall be revegetated in accordance with this chapter.

(4) Stabilize and protect all surface areas, including spoil piles affected by the coal mining and reclamation operation, to control erosion and attendant air and water pollution effectively;

(5) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or, if not utilized immediately, segregate it in a separate pile from the spoil, and when the

topsoil is not replaced on a backfill area within a time short 28887  
enough to avoid deterioration of the topsoil, maintain a 28888  
successful cover by quick-growing plants or other means thereafter 28889  
so that the topsoil is preserved from wind and water erosion, 28890  
remains free of any contamination by acid or other toxic material, 28891  
and is in a usable condition for sustaining vegetation when 28892  
restored during reclamation. If the topsoil is of insufficient 28893  
quantity or of poor quality for sustaining vegetation or if other 28894  
strata can be shown to be more suitable for vegetation 28895  
requirements, the operator shall remove, segregate, and preserve 28896  
in a like manner such other strata as are best able to support 28897  
vegetation. 28898

(6) Restore the topsoil or the best available subsoil that is 28899  
best able to support vegetation; 28900

(7) For all prime farmlands as identified in division 28901  
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 28902  
reclaimed, perform soil removal, storage, replacement, and 28903  
reconstruction in accordance with specifications established by 28904  
the secretary of the United States department of agriculture under 28905  
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 28906  
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 28907  
required to do all of the following: 28908

(a) Segregate the A horizon of the natural soil, except where 28909  
it can be shown that other available soil materials will create a 28910  
final soil having a greater productive capacity, and, if not 28911  
utilized immediately, stockpile this material separately from the 28912  
spoil and provide needed protection from wind and water erosion or 28913  
contamination by acid or other toxic material; 28914

(b) Segregate the B horizon of the natural soil, or 28915  
underlying C horizons or other strata, or a combination of such 28916  
horizons or other strata that are shown to be both texturally and 28917  
chemically suitable for plant growth and that can be shown to be 28918

equally or more favorable for plant growth than the B horizon, in 28919  
sufficient quantities to create in the regraded final soil a root 28920  
zone of comparable depth and quality to that which existed in the 28921  
natural soil, and, if not utilized immediately, stockpile this 28922  
material separately from the spoil and provide needed protection 28923  
from wind and water erosion or contamination by acid or other 28924  
toxic material; 28925

(c) Replace and regrade the root zone material described in 28926  
division (A)(7)(b) of this section with proper compaction and 28927  
uniform depth over the regraded spoil material; 28928

(d) Redistribute and grade in a uniform manner the surface 28929  
soil horizon described in division (A)(7)(a) of this section. 28930

(8) Create, if authorized in the approved mining and 28931  
reclamation plan and permit, permanent impoundments of water on 28932  
mining sites as part of reclamation activities only when it is 28933  
adequately demonstrated by the operator that all of the following 28934  
conditions will be met: 28935

(a) The size of the impoundment is adequate for its intended 28936  
purposes. 28937

(b) The impoundment dam construction will be so designed as 28938  
to achieve necessary stability with an adequate margin of safety 28939  
compatible with that of structures constructed under the 28940  
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 28941  
(1954), 16 U.S.C. 1001, as amended. 28942

(c) The quality of impounded water will be suitable on a 28943  
permanent basis for its intended use and discharges from the 28944  
impoundment will not degrade the water quality below water quality 28945  
standards established pursuant to applicable federal and state law 28946  
in the receiving stream. 28947

(d) The level of water will be reasonably stable. 28948



(e) Final grading will provide adequate safety and access for proposed water users. 28949  
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(f) The water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses. 28951  
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(9) Conduct any augering operation associated with strip mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete and seal all auger holes with an impervious and noncombustible material in order to prevent drainage, except where the chief determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety. The chief may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts. 28955  
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(10) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after coal mining operations and during reclamation by doing all of the following: 28966  
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(a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to: 28971  
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(i) Preventing or removing water from contact with toxic producing deposits; 28973  
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(ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses in accordance with rules adopted by the chief in accordance with section 1513.02 of the Revised Code; 28975  
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(iii) Casing, sealing, or otherwise managing boreholes, 28979

shafts, and wells, and keeping acid or other toxic drainage from 28980  
entering ground and surface waters. 28981

(b)(i) Conducting coal mining operations so as to prevent, to 28982  
the extent possible using the best technology currently available, 28983  
additional contributions of suspended solids to streamflow or 28984  
runoff outside the permit area, but in no event shall 28985  
contributions be in excess of requirements set by applicable state 28986  
or federal laws; 28987

(ii) Constructing any siltation structures pursuant to 28988  
division (A)(10)(b)(i) of this section prior to commencement of 28989  
coal mining operations. The structures shall be certified by 28990  
persons approved by the chief to be constructed as designed and as 28991  
approved in the reclamation plan. 28992

(c) Cleaning out and removing temporary or large settling 28993  
ponds or other siltation structures from drainways after disturbed 28994  
areas are revegetated and stabilized, and depositing the silt and 28995  
debris at a site and in a manner approved by the chief; 28996

(d) Restoring recharge capacity of the mined area to 28997  
approximate premining conditions; 28998

(e) Avoiding channel deepening or enlargement in operations 28999  
requiring the discharge of water from mines; 29000

(f) Such other actions as the chief may prescribe. 29001

(11) With respect to surface disposal of mine wastes, 29002  
tailings, coal processing wastes, and other wastes in areas other 29003  
than the mine working areas or excavations, stabilize all waste 29004  
piles in designated areas through construction in compacted 29005  
layers, including the use of noncombustible and impervious 29006  
materials if necessary, and ensure that the final contour of the 29007  
waste pile will be compatible with natural surroundings and that 29008  
the site can and will be stabilized and revegetated according to 29009  
this chapter; 29010

(12) Refrain from coal mining within five hundred feet of active and abandoned underground mines in order to prevent breakthroughs and to protect the health or safety of miners. The chief shall permit an operator to mine near, through, or partially through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met:

(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief.

(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.

(13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;

(14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;

(15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for

specific areas within the reclamation plan from the requirement 29042  
that reclamation efforts proceed as contemporaneously as 29043  
practicable to permit underground mining operations prior to 29044  
reclamation if: 29045

(a) The chief finds in writing that: 29046

(i) The applicant has presented, as part of the permit 29047  
application, specific, feasible plans for the proposed underground 29048  
mining operations. 29049

(ii) The proposed underground mining operations are necessary 29050  
or desirable to ensure maximum practical recovery of the mineral 29051  
resource and will avoid multiple disturbance of the surface. 29052

(iii) The applicant has satisfactorily demonstrated that the 29053  
plan for the underground mining operations conforms to 29054  
requirements for underground mining in this state and that permits 29055  
necessary for the underground mining operations have been issued 29056  
by the appropriate authority. 29057

(iv) The areas proposed for the variance have been shown by 29058  
the applicant to be necessary for the implementing of the proposed 29059  
underground mining operations. 29060

(v) No substantial adverse environmental damage, either 29061  
on-site or off-site, will result from the delay in completion of 29062  
reclamation as required by this chapter. 29063

(vi) Provisions for the off-site storage of spoil will comply 29064  
with division (A)(21) of this section. 29065

(b) The chief has adopted specific rules to govern the 29066  
granting of such variances in accordance with this division and 29067  
has imposed such additional requirements as the chief considers 29068  
necessary. 29069

(c) Variances granted under this division shall be reviewed 29070  
by the chief not more than three years from the date of issuance 29071

of the permit. 29072

(d) Liability under the performance security filed by the 29073  
applicant with the chief pursuant to section 1513.08 of the 29074  
Revised Code shall be for the duration of the underground mining 29075  
operations and until the requirements of this section and section 29076  
1513.08 of the Revised Code have been fully complied with. 29077

(16) Ensure that the construction, maintenance, and 29078  
postmining conditions of access roads into and across the site of 29079  
operations will control or prevent erosion and siltation, 29080  
pollution of water, and damage to fish or wildlife or their 29081  
habitat, or to public or private property; 29082

(17) Refrain from the construction of roads or other access 29083  
ways up a stream bed or drainage channel or in such proximity to 29084  
the channel as to seriously alter the normal flow of water; 29085

(18) Establish, on the regraded areas and all other lands 29086  
affected, a diverse, effective, and permanent vegetative cover of 29087  
the same seasonal variety native to the area of land to be 29088  
affected and capable of self-regeneration and plant succession at 29089  
least equal in extent of cover to the natural vegetation of the 29090  
area, except that introduced species may be used in the 29091  
revegetation process where desirable and necessary to achieve the 29092  
approved postmining land use plan; 29093

(19)(a) Assume the responsibility for successful 29094  
revegetation, as required by division (A)(18) of this section, for 29095  
a period of five full years after the last year of augmented 29096  
seeding, fertilizing, irrigation, or other work in order to ensure 29097  
compliance with that division, except that when the chief approves 29098  
a long-term intensive agricultural postmining land use, the 29099  
applicable five-year period of responsibility for revegetation 29100  
shall commence at the date of initial planting for that long-term 29101  
intensive agricultural postmining land use, and except that when 29102

the chief issues a written finding approving a long-term intensive agricultural postmining land use as part of the mining and reclamation plan, the chief may grant an exception to division (A)(18) of this section;

(b) On lands eligible for remining, assume the responsibility for successful revegetation, as required by division (A)(18) of this section, for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to ensure compliance with that division.

(20) Protect off-site areas from slides or damage occurring during the coal mining and reclamation operations and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(21) Place all excess spoil material resulting from coal mining and reclamation operations in such a manner that all of the following apply:

(a) Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way as to ensure mass stability and to prevent mass movement.

(b) The areas of disposal are within the permit areas for which performance security has been provided. All organic matter shall be removed immediately prior to spoil placement except in the zoned concept method.

(c) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and mass movement.

(d) The disposal area does not contain springs, natural watercourses, or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented unless the zoned concept method is used.

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those slopes upon which, in the judgment of the chief, the spoil could be placed in compliance with all the requirements of this chapter and is placed, where possible, upon, or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement.

(f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed.

(g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses.

(h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards.

(i) All other provisions of this chapter are met.

(22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site;

(23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion;

(25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or

1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations: 29164  
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(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible. 29168  
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(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible. 29171  
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(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code. 29176  
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(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section. 29185  
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If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan. 29187  
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Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be 29191  
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approved prior to the construction of required mitigation 29195  
activities off the permit area. 29196

(B)(1) The chief may permit mining operations for the 29197  
purposes set forth in division (B)(3) of this section. 29198

(2) When an applicant meets the requirements of divisions 29199  
(B)(3) and (4) of this section, a permit without regard to the 29200  
requirement to restore to approximate original contour known as 29201  
mountain top removal set forth in divisions (A)(3) or (C)(2) and 29202  
(3) of this section may be granted for the mining of coal where 29203  
the mining operation will remove an entire coal seam or seams 29204  
running through the upper fraction of a mountain, ridge, or hill, 29205  
except as provided in division (B)(4)(a) of this section, by 29206  
removing all of the overburden and creating a level plateau or a 29207  
gently rolling contour with no highwalls remaining, and capable of 29208  
supporting postmining uses in accordance with this division. 29209

(3) In cases where an industrial, commercial, agricultural, 29210  
residential, or public facility use, including recreational 29211  
facilities, is proposed for the postmining use of the affected 29212  
land, the chief may grant a permit for a mining operation of the 29213  
nature described in division (B)(2) of this section when all of 29214  
the following apply: 29215

(a) After consultation with the appropriate land use planning 29216  
agencies, if any, the proposed postmining land use is considered 29217  
to constitute an equal or better economic or public use of the 29218  
affected land, as compared with premining use. 29219

(b) The applicant presents specific plans for the proposed 29220  
postmining land use and appropriate assurances that the use will 29221  
be all of the following: 29222

(i) Compatible with adjacent land uses; 29223

(ii) Obtainable according to data regarding expected need and 29224  
market; 29225

(iii) Assured of investment in necessary public facilities;	29226
(iv) Supported by commitments from public agencies where appropriate;	29227 29228
(v) Practicable with respect to private financial capability for completion of the proposed use;	29229 29230
(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;	29231 29232 29233
(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.	29234 29235 29236 29237
(c) The proposed use is consistent with adjacent land uses and existing state and local land use plans and programs.	29238 29239
(d) The chief provides the governing body of the unit of general-purpose local government in which the land is located, and any state or federal agency that the chief, in the chief's discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use.	29240 29241 29242 29243 29244 29245
(e) All other requirements of this chapter will be met.	29246
(4) In granting a permit pursuant to this division, the chief shall require that each of the following is met:	29247 29248
(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.	29249 29250 29251
(b) The reclaimed area is stable.	29252
(c) The resulting plateau or rolling contour drains inward from the out slopes except at specified points.	29253 29254

(d) No damage will be done to natural watercourses.	29255
(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section.	29256 29257 29258 29259 29260
(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met.	29261 29262
(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary.	29263 29264 29265 29266
(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.	29267 29268 29269 29270 29271 29272
(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section:	29273 29274 29275 29276 29277 29278 29279 29280
(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate	29281 29282 29283 29284 29285

original contour under division (A)(3) or (C)(2) of this section 29286  
shall be permanently stored pursuant to division (A)(21) of this 29287  
section. 29288

(2) The operator shall complete backfilling with spoil 29289  
material to cover completely the highwall and return the site to 29290  
the approximate original contour, which material will maintain 29291  
stability following mining and reclamation. 29292

(3) The operator shall not disturb land above the top of the 29293  
highwall unless the chief finds that the disturbance will 29294  
facilitate compliance with the environmental protection standards 29295  
of this section, except that any such disturbance involving land 29296  
above the highwall shall be limited to that amount of land 29297  
necessary to facilitate compliance. 29298

(D)(1) The chief may permit variances for the purposes set 29299  
forth in division (D)(3) of this section, provided that the 29300  
watershed control of the area is improved and that complete 29301  
backfilling with spoil material shall be required to cover 29302  
completely the highwall, which material will maintain stability 29303  
following mining and reclamation. 29304

(2) Where an applicant meets the requirements of divisions 29305  
(D)(3) and (4) of this section, a variance from the requirement to 29306  
restore to approximate original contour set forth in division 29307  
(C)(2) of this section may be granted for the mining of coal when 29308  
the owner of the surface knowingly requests in writing, as a part 29309  
of the permit application, that such a variance be granted so as 29310  
to render the land, after reclamation, suitable for an industrial, 29311  
commercial, residential, or public use, including recreational 29312  
facilities, in accordance with divisions (D)(3) and (4) of this 29313  
section. 29314

(3) A variance pursuant to division (D)(2) of this section 29315  
may be granted if: 29316

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this section, the chief shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, ensure stability of the spoil retained on the bench, and meet all other requirements of this chapter. All spoil placement off the mine bench shall comply with division (A)(21) of this section.

(5) The chief shall adopt specific rules to govern the granting of variances under division (D) of this section and may impose such additional requirements as the chief considers necessary.

(6) All variances granted under division (D) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(E) The chief shall establish standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment

of new and existing coal mine waste piles referred to in division 29348  
(A)(13) of this section and division (A)(5) of section 1513.35 of 29349  
the Revised Code. The standards and criteria shall conform to the 29350  
standards and criteria used by the chief of the United States army 29351  
corps of engineers to ensure that flood control structures are 29352  
safe and effectively perform their intended function. In addition 29353  
to engineering and other technical specifications, the standards 29354  
and criteria developed pursuant to this division shall include 29355  
provisions for review and approval of plans and specifications 29356  
prior to construction, enlargement, modification, removal, or 29357  
abandonment; performance of periodic inspections during 29358  
construction; issuance of certificates of approval upon completion 29359  
of construction; performance of periodic safety inspections; and 29360  
issuance of notices for required remedial or maintenance work. 29361

(F)(1) The permittee may file a request with the chief for 29362  
release of a part of a performance security under division (F)(3) 29363  
of this section. Within thirty days after any request for 29364  
performance security release under this section has been filed 29365  
with the chief, the operator shall submit a copy of an 29366  
advertisement placed at least once a week for four successive 29367  
weeks in a newspaper of general circulation in the locality of the 29368  
coal mining operation. The advertisement shall be considered part 29369  
of any performance security release application and shall contain 29370  
a notification of the precise location of the land affected, the 29371  
number of acres, the permit number and the date approved, the 29372  
amount of the performance security filed and the portion sought to 29373  
be released, the type and appropriate dates of reclamation work 29374  
performed, and a description of the results achieved as they 29375  
relate to the operator's approved reclamation plan and, if 29376  
applicable, the operator's pollution abatement plan. In addition, 29377  
as part of any performance security release application, the 29378  
applicant shall submit copies of the letters sent to adjoining 29379  
property owners, local governmental bodies, planning agencies, and 29380

sewage and water treatment authorities or water companies in the 29381  
locality in which the coal mining and reclamation activities took 29382  
place, notifying them of the applicant's intention to seek release 29383  
from the performance security. 29384

(2) Upon receipt of a copy of the advertisement and request 29385  
for release of a performance security under division (F)(3)(c) of 29386  
this section, the chief, within thirty days, shall conduct an 29387  
inspection and evaluation of the reclamation work involved. The 29388  
evaluation shall consider, among other things, the degree of 29389  
difficulty to complete any remaining reclamation, whether 29390  
pollution of surface and subsurface water is occurring, the 29391  
probability of continuation or future occurrence of the pollution, 29392  
and the estimated cost of abating the pollution. The chief shall 29393  
notify the permittee in writing of the decision to release or not 29394  
to release all or part of the performance security within sixty 29395  
days after the filing of the request if no public hearing is held 29396  
pursuant to division (F)(6) of this section or, if there has been 29397  
a public hearing held pursuant to division (F)(6) of this section, 29398  
within thirty days thereafter. 29399

(3) The chief may release the performance security if the 29400  
reclamation covered by the performance security or portion thereof 29401  
has been accomplished as required by this chapter and rules 29402  
adopted under it according to the following schedule: 29403

(a) When the operator completes the backfilling, regrading, 29404  
and drainage control of an area for which performance security has 29405  
been provided in accordance with the approved reclamation plan, 29406  
and, if the area covered by the performance security is one for 29407  
which an authorization was made under division (E)(7) of section 29408  
1513.07 of the Revised Code, the operator has complied with the 29409  
approved pollution abatement plan and all additional requirements 29410  
established by the chief in rules adopted under section 1513.02 of 29411  
the Revised Code governing coal mining and reclamation operations 29412

on pollution abatement areas, the chief shall grant a release of 29413  
fifty per cent of the performance security for the applicable 29414  
permit area. 29415

(b) After resoiling and revegetation have been established on 29416  
the regraded mined lands in accordance with the approved 29417  
reclamation plan, the chief shall grant a release in an amount not 29418  
exceeding thirty-five per cent of the original performance 29419  
security for all or part of the affected area under the permit. 29420  
When determining the amount of performance security to be released 29421  
after successful revegetation has been established, the chief 29422  
shall retain that amount of performance security for the 29423  
revegetated area that would be sufficient for a third party to 29424  
cover the cost of reestablishing revegetation for the period 29425  
specified for operator responsibility in this section for 29426  
reestablishing revegetation. No part of the performance security 29427  
shall be released under this division so long as the lands to 29428  
which the release would be applicable are contributing suspended 29429  
solids to streamflow or runoff outside the permit area in excess 29430  
of the requirements of this section or until soil productivity for 29431  
prime farmlands has returned to equivalent levels of yield as 29432  
nonmined land of the same soil type in the surrounding area under 29433  
equivalent management practices as determined from the soil survey 29434  
performed pursuant to section 1513.07 of the Revised Code. If the 29435  
area covered by the performance security is one for which an 29436  
authorization was made under division (E)(7) of section 1513.07 of 29437  
the Revised Code, no part of the performance security shall be 29438  
released under this division until the operator has complied with 29439  
the approved pollution abatement plan and all additional 29440  
requirements established by the chief in rules adopted under 29441  
section 1513.02 of the Revised Code governing coal mining and 29442  
reclamation operations on pollution abatement areas. Where a silt 29443  
dam is to be retained as a permanent impoundment pursuant to 29444  
division (A)(10) of this section, the portion of performance 29445



security may be released under this division so long as provisions 29446  
for sound future maintenance by the operator or the landowner have 29447  
been made with the chief. 29448

(c) When the operator has completed successfully all coal 29449  
mining and reclamation activities, including, if applicable, all 29450  
additional requirements established in the pollution abatement 29451  
plan approved under division (E)(7) of section 1513.07 of the 29452  
Revised Code and all additional requirements established by the 29453  
chief in rules adopted under section 1513.02 of the Revised Code 29454  
governing coal mining and reclamation operations on pollution 29455  
abatement areas, the chief shall release all or any of the 29456  
remaining portion of the performance security for all or part of 29457  
the affected area under a permit, but not before the expiration of 29458  
the period specified for operator responsibility in this section, 29459  
except that the chief may adopt rules for a variance to the 29460  
operator period of responsibility considering vegetation success 29461  
and probability of continued growth and consent of the landowner, 29462  
provided that no performance security shall be fully released 29463  
until all reclamation requirements of this chapter are fully met. 29464

(4) If the chief disapproves the application for release of 29465  
the performance security or portion thereof, the chief shall 29466  
notify the permittee, in writing, stating the reasons for 29467  
disapproval and recommending corrective actions necessary to 29468  
secure the release, and allowing the opportunity for a public 29469  
adjudicatory hearing. 29470

(5) When any application for total or partial performance 29471  
security release is filed with the chief under this section, the 29472  
chief shall notify the municipal corporation in which the coal 29473  
mining operation is located by certified mail at least thirty days 29474  
prior to the release of all or a portion of the performance 29475  
security. 29476

(6) A person with a valid legal interest that might be 29477

adversely affected by release of a performance security under this 29478  
section or the responsible officer or head of any federal, state, 29479  
or local government agency that has jurisdiction by law or special 29480  
expertise with respect to any environmental, social, or economic 29481  
impact involved in the operation or is authorized to develop and 29482  
enforce environmental standards with respect to such operations 29483  
may file written objections to the proposed release from the 29484  
performance security with the chief within thirty days after the 29485  
last publication of the notice required by division (F)(1) of this 29486  
section. If written objections are filed and an informal 29487  
conference is requested, the chief shall inform all interested 29488  
parties of the time and place of the conference. The date, time, 29489  
and location of the informal conference shall be advertised by the 29490  
chief in a newspaper of general circulation in the locality of the 29491  
coal mining operation proposed for performance security release 29492  
for at least once a week for two consecutive weeks. The informal 29493  
conference shall be held in the locality of the coal mining 29494  
operation proposed for performance security release or in Franklin 29495  
county, at the option of the objector, within thirty days after 29496  
the request for the conference. An electronic or stenographic 29497  
record shall be made of the conference proceeding unless waived by 29498  
all parties. The record shall be maintained and shall be 29499  
accessible to the parties until final release of the performance 29500  
security at issue. In the event all parties requesting the 29501  
informal conference stipulate agreement prior to the requested 29502  
informal conference and withdraw their request, the informal 29503  
conference need not be held. 29504

(7) If an informal conference has been held pursuant to 29505  
division (F)(6) of this section, the chief shall issue and furnish 29506  
the applicant and persons who participated in the conference with 29507  
the written decision regarding the release within sixty days after 29508  
the conference. Within thirty days after notification of the final 29509  
decision of the chief regarding the performance security release, 29510

the applicant or any person with an interest that is or may be 29511  
adversely affected by the decision may appeal the decision to the 29512  
reclamation commission pursuant to section 1513.13 of the Revised 29513  
Code. 29514

(8)(a) If the chief determines that a permittee is 29515  
responsible for mine drainage that requires water treatment after 29516  
reclamation is completed under the terms of the permit or that a 29517  
permittee must provide an alternative water supply after 29518  
reclamation is completed under the terms of the permit, the 29519  
permittee shall provide alternative financial security in an 29520  
amount determined by the chief prior to the release of the 29521  
remaining portion of performance security under division (F)(3)(c) 29522  
of this section. The alternative financial security shall be in an 29523  
amount that is equal to or greater than the present value of the 29524  
estimated cost over time to develop and implement mine drainage 29525  
plans and provide water treatment or in an amount that is 29526  
necessary to provide and maintain an alternative water supply, as 29527  
applicable. The alternative financial security shall include a 29528  
contract, trust, or other agreement or mechanism that is 29529  
enforceable under law to provide long-term water treatment or a 29530  
long-term alternative water supply, or both. The contract, trust, 29531  
or other agreement or mechanism included with the alternative 29532  
financial security may provide for the funding of the alternative 29533  
financial security incrementally over a period of time, not to 29534  
exceed five years, with reliance on guarantees or other collateral 29535  
provided by the permittee and approved by the chief for the 29536  
balance of the alternative financial security required until the 29537  
alternative financial security has been fully funded by the 29538  
permittee. 29539

(b) The chief shall adopt rules in accordance with Chapter 29540  
119. of the Revised Code that are necessary for the administration 29541  
of division (F)(8)(a) of this section. 29542

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the permittee may fund the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee. The permittee semiannually shall pay to the division of mineral resources management a fee that is equal to seven and one-half per cent of the average balance of the alternative financial security that is being provided by reliance on the reclamation forfeiture fund over the previous six months. All money received from the fee shall be credited to the reclamation forfeiture fund.

(9) Final release of the performance security in accordance with division (F)(3)(c) of this section terminates the jurisdiction of the chief under this chapter over the reclaimed site of a surface coal mining and reclamation operation or applicable portion of an operation. However, the chief shall reassert jurisdiction over such a site if the release was based on fraud, collusion, or misrepresentation of a material fact and the chief, in writing, demonstrates evidence of the fraud, collusion, or misrepresentation. Any person with an interest that is or may be adversely affected by the chief's determination may appeal the determination to the reclamation commission in accordance with section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for forfeiture of performance security, the method of determining the forfeited amount, and the procedures to be followed in the event of forfeiture. Cash received as the result of such forfeiture is

the property of the state. 29575

**Sec. 1514.06.** (A) There is hereby created in the state 29576  
treasury the surface mining fund consisting of all money that 29577  
becomes the property of the state pursuant to sections 1514.05 and 29578  
1514.051 of the Revised Code, money credited to the fund under 29579  
divisions (C)(1) and (2) of section 1514.071, and other money 29580  
specified in section 1514.11 of the Revised Code. All investment 29581  
earnings of the fund shall be credited to the fund. Expenditures 29582  
from the fund shall be made by the chief of the division of 29583  
mineral resources management for the purpose of reclaiming areas 29584  
of land affected by surface or in-stream mining under a permit 29585  
issued under this chapter that the operator has failed to reclaim 29586  
and. Provided that the chief maintains a balance in the fund that 29587  
is sufficient to achieve that purpose and, in doing so, considers 29588  
the timeliness of reclamation activity, the chief may use the fund 29589  
for other purposes specified in section 1514.11 of the Revised 29590  
Code. 29591

(B) Expenditures of moneys from the fund, except as otherwise 29592  
provided by this section, shall be made pursuant to contracts 29593  
entered into by the chief with persons who agree to furnish all of 29594  
the materials, equipment, work, and labor, as specified and 29595  
provided in the contracts, for the prices stipulated therein. With 29596  
the approval of the director of natural resources, the chief may 29597  
reclaim the land in the same manner as the chief required of the 29598  
operator who failed to reclaim the land. Each contract awarded by 29599  
the chief shall be awarded to the lowest responsive and 29600  
responsible bidder, in accordance with section 9.312 of the 29601  
Revised Code, after sealed bids are received, opened, and 29602  
published at the time and place fixed by the chief. The chief 29603  
shall publish notice of the time and place at which bids will be 29604  
received, opened, and published, at least once at least ten days 29605  
before the date of the opening of the bids, in a newspaper of 29606

general circulation in the county in which the area of land to be 29607  
reclaimed under the contract is located. If, after so advertising 29608  
for bids, no bids are received by the chief at the time and place 29609  
fixed for receiving them, the chief may advertise again for bids, 29610  
or, if the chief considers the public interest will be best 29611  
served, the chief may enter into a contract for the reclamation of 29612  
the area of land without further advertisement for bids. The chief 29613  
may reject any or all bids received and again publish notice of 29614  
the time and place at which bids for contracts will be received, 29615  
opened, and published. 29616

(C) With the approval of the director, the chief, without 29617  
advertising for bids, may enter into a contract with the 29618  
landowner, a surface or in-stream mine operator or coal mine 29619  
operator mining under a current, valid permit issued under this 29620  
chapter or Chapter 1513. of the Revised Code, or a contractor 29621  
hired by a surety to complete reclamation, to carry out 29622  
reclamation on land affected by surface or in-stream mining 29623  
operations that an operator has failed to reclaim. 29624

(D) With the approval of the director, the chief may carry 29625  
out all or part of the reclamation work on land affected by 29626  
surface or in-stream mining operations that the operator has 29627  
failed to reclaim using the employees and equipment of any 29628  
division of the department of natural resources. 29629

(E) The chief shall require every contractor performing 29630  
reclamation work under this section to pay workers at the greater 29631  
of their regular rate of pay, as established by contract, 29632  
agreement, or prior custom or practice, or the average wage rate 29633  
paid in this state for the same or similar work, as determined by 29634  
the chief under section 1513.02 of the Revised Code. 29635

(F) Each contract entered into by the chief under this 29636  
section shall provide only for the reclamation of land affected by 29637  
the surface or in-stream mining operation or operations of one 29638

operator and not reclaimed by the operator as required by this 29639  
chapter. If there is money in the fund derived from the 29640  
performance bond deposited with the chief by one operator to 29641  
ensure the reclamation of two or more areas of land affected by 29642  
the surface or in-stream mining operation or operations of one 29643  
operator and not reclaimed by the operator as required by this 29644  
chapter, the chief may award a single contract for the reclamation 29645  
of all such areas of land. 29646

(G) The cost of the reclamation work done under this section 29647  
on each area of land affected by surface or in-stream mining 29648  
operations that an operator has failed to reclaim shall be paid 29649  
out of the money in the fund derived from the performance bond 29650  
that was deposited with the chief to ensure the reclamation of 29651  
that area of land. If the amount of money is not sufficient to pay 29652  
the cost of doing all of the reclamation work on the area of land 29653  
that the operator should have done, but failed to do, the chief 29654  
may expend from the reclamation forfeiture fund created in section 29655  
1513.18 of the Revised Code or the surface mining fund created in 29656  
this section the amount of money needed to complete reclamation to 29657  
the standards required by this chapter. The operator is liable for 29658  
that expense in addition to any other liabilities imposed by law. 29659  
At the request of the chief, the attorney general shall bring an 29660  
action against the operator for the amount of the expenditures 29661  
from either fund. Moneys so recovered shall be deposited in the 29662  
state treasury to the credit of the fund from which the 29663  
expenditures were made. 29664

(H) If any part of the money in the surface mining fund 29665  
remains in the fund after the chief has caused the area of land to 29666  
be reclaimed and has paid all the reclamation costs and expenses, 29667  
or if any money remains because the area of land has been 29668  
repermitted under this chapter or reclaimed by a person other than 29669  
the chief, the chief may expend the remaining money to complete 29670

other reclamation work performed under this section. The chief 29671  
shall prepare an annual report that summarizes the money credited 29672  
to the fund and expenditures made from the fund and post the 29673  
report on the division of mineral resources management's web site. 29674

**Sec. 1514.08.** (A) The chief of the division of mineral 29675  
resources management may adopt, amend, and rescind rules in 29676  
accordance with Chapter 119. of the Revised Code in order to 29677  
prescribe procedures for submitting applications for permits, 29678  
amendments to permits, and amendments to plans of mining and 29679  
reclamation; filing annual reports and final reports; requesting 29680  
inspection and approval of reclamation; paying permit and filing 29681  
fees; and filing and obtaining the release of performance bonds 29682  
deposited with the state. For the purpose of preventing damage to 29683  
adjoining property or achieving one or more of the performance 29684  
standards established in division (A)(10) of section 1514.02 of 29685  
the Revised Code, the chief may establish classes of mining 29686  
industries, based upon industrial categories, combinations of 29687  
minerals produced, and geological conditions in which surface or 29688  
in-stream mining operations occur, and may prescribe different 29689  
rules consistent with the performance standards for each class. 29690  
For the purpose of apportioning the workload of the division of 29691  
mineral resources management among the quarters of the year, the 29692  
rules may require that applications for permits and annual reports 29693  
be filed in different quarters of the year, depending upon the 29694  
county in which the operation is located. 29695

(B) The chief shall adopt rules under this section that do 29696  
all of the following: 29697

(1) With respect to in-stream mining, and in consultation 29698  
with the chief of the division of ~~soil and~~ water resources, 29699  
determine periods of low flow, which are the only time periods 29700  
during which in-stream mining is allowed, and develop and 29701



implement any criteria, in addition to the criteria established in 29702  
section 1514.02 of the Revised Code, that the chief determines are 29703  
necessary for the permitting of in-stream mining; 29704

(2) Establish criteria and procedures for approving or 29705  
disapproving the transfer of a surface or in-stream mining permit 29706  
under division (F) of section 1514.02 of the Revised Code; 29707

(3) Define when any of the following may be considered to be 29708  
"significant" for purposes of section 1514.022 of the Revised 29709  
Code: 29710

(a) An amendment to a permit issued under section 1514.02 of 29711  
the Revised Code for a surface or in-stream mining operation; 29712

(b) An amendment to the plan of mining and reclamation that 29713  
must be filed with an application for either permit under section 29714  
1514.02 of the Revised Code; 29715

(c) Changes to that plan of mining and reclamation that are 29716  
proposed in a permit renewal application filed under section 29717  
1514.021 of the Revised Code. 29718

In defining "significant," the chief shall focus on changes 29719  
that increase the likelihood that the mining operation may have a 29720  
negative impact on the public. 29721

(4) Establish a framework and procedures under which the 29722  
amount of any bond required to be filed under this chapter to 29723  
ensure the satisfactory performance of the reclamation measures 29724  
required under this chapter may be reduced by subtracting a credit 29725  
based on the operator's past compliance with this chapter and 29726  
rules adopted and orders issued under it. The rules also shall 29727  
apply to cash, an irrevocable letter of credit, or a certificate 29728  
of deposit that is on deposit in lieu of a bond. In establishing 29729  
the amount of credit that an operator or applicant may receive 29730  
based on past compliance, the chief may consider past compliance 29731  
with respect to any permit for a surface or in-stream mining 29732

operation that has been issued in this state to the operator or 29733  
applicant. 29734

(5) Establish criteria and procedures for granting a variance 29735  
from compliance with the prohibitions established in divisions 29736  
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 29737  
criteria shall ensure that an operator may obtain a variance only 29738  
if compliance with the applicable prohibition is not necessary to 29739  
prevent damage to the watercourse or surrounding areas. 29740

**Sec. 1514.13.** (A) The chief of the division of mineral 29741  
resources management shall use the compilation of data for ground 29742  
water modeling submitted under section 1514.02 of the Revised Code 29743  
to establish a projected cone of depression for any surface mining 29744  
operation that may result in dewatering. The chief shall consult 29745  
with the chief of the division of ~~soil and~~ water resources when 29746  
projecting a cone of depression. An applicant for a surface mining 29747  
permit for such an operation may submit ground water modeling that 29748  
shows a projected cone of depression for that operation to the 29749  
chief, provided that the modeling complies with rules adopted by 29750  
the chief regarding ground water modeling. However, the chief 29751  
shall establish the projected cone of depression for the purposes 29752  
of this section. 29753

The chief shall adopt, and may amend and rescind, rules in 29754  
accordance with Chapter 119. of the Revised Code establishing 29755  
requirements and standards governing both of the following: 29756

(1) Ground water modeling for establishing a projected cone 29757  
of depression. A ground water model shall be generally accepted in 29758  
the scientific community. 29759

(2) Replacement of water supplies. 29760

(B)(1) If an owner of real property who obtains all or part 29761  
of the owner's water supply for domestic, agricultural, 29762

industrial, or other legitimate use from ground water has a 29763  
diminution, contamination, or interruption of that water supply 29764  
and the owner's real property is located within the projected cone 29765  
of depression of a surface mining operation established under this 29766  
section, the owner may submit a written complaint to the operator 29767  
of that operation or to the chief informing the operator or the 29768  
chief that there is a diminution, contamination, or interruption 29769  
of the owner's water supply. The complaint shall include the 29770  
owner's name, address, and telephone number. 29771

If the chief receives a written complaint, the chief 29772  
immediately shall send a copy of the complaint to the operator, 29773  
and the operator immediately shall respond by sending the chief a 29774  
statement that explains how the operator resolved or will resolve 29775  
the complaint. If the operator receives a written complaint, the 29776  
operator immediately shall send to the chief a copy of the 29777  
complaint and include a statement that explains how the operator 29778  
resolved or will resolve the complaint. Not later than seventy-two 29779  
hours after receipt of the complaint, the operator shall provide 29780  
the owner a supply of water that is comparable, in quantity and 29781  
quality, to the owner's water supply prior to the diminution, 29782  
contamination, or interruption of the owner's water supply. The 29783  
operator shall maintain that water supply until the operator 29784  
provides a permanent replacement water supply to the owner under 29785  
division (B)(3) of this section or until the division of mineral 29786  
resources management completes the evaluation under division 29787  
(B)(2) of this section, whichever is applicable. 29788

(2) A rebuttable presumption exists that the operation caused 29789  
the diminution, contamination, or interruption of the owner's 29790  
water supply. However, not later than fourteen days after receipt 29791  
of the complaint, the operator may submit to the division 29792  
information showing that the operation is not the proximate cause 29793  
of the diminution, contamination, or interruption of the owner's 29794

water supply. The division shall evaluate the information 29795  
submitted by the operator to determine if the presumption is 29796  
rebutted. If the operator fails to rebut the presumption, the 29797  
division immediately shall notify the operator that the operator 29798  
failed to rebut the presumption. Not later than fourteen days 29799  
after receipt of that notice, the operator shall provide the owner 29800  
a permanent replacement water supply that is comparable, in 29801  
quantity and quality, to the owner's water supply prior to the 29802  
diminution, contamination, or interruption of the owner's water 29803  
supply. If the operator rebuts the presumption, the division 29804  
immediately shall notify the operator that the operator rebutted 29805  
the presumption, and, upon receipt of that notice, the operator 29806  
may cease providing a supply of water to the owner under division 29807  
(B)(1) of this section. 29808

(3) If, within fourteen days after receipt of the complaint, 29809  
the operator does not submit to the division information showing 29810  
that the operation is not the proximate cause of the diminution, 29811  
contamination, or interruption of the owner's water supply, the 29812  
operator shall provide the owner, not later than twenty-eight days 29813  
after receipt of the complaint, a permanent replacement water 29814  
supply that is comparable, in quantity and quality, to the owner's 29815  
water supply prior to the diminution, contamination, or 29816  
interruption of the owner's water supply. 29817

(4) The division may investigate a complaint under division 29818  
(B) of this section. 29819

(C) If an owner of real property who obtains all or part of 29820  
the owner's water supply for domestic, agricultural, industrial, 29821  
or other legitimate use from ground water has a diminution, 29822  
contamination, or interruption of that water supply and the 29823  
owner's real property is not located within the projected cone of 29824  
depression of a surface mining operation established under this 29825  
section, the owner may submit a written complaint to the operator 29826

of that operation or to the chief informing the operator or the 29827  
chief that there is a diminution, contamination, or interruption 29828  
of the owner's water supply. The complaint shall include the 29829  
owner's name, address, and telephone number. 29830

If the operator receives a written complaint, the operator 29831  
immediately shall send the chief a copy of the complaint. If the 29832  
chief receives a written complaint, the chief immediately shall 29833  
send the operator a copy of the complaint. The chief shall 29834  
investigate any complaint submitted under this division and, upon 29835  
completion of the investigation, immediately shall send the 29836  
results of the investigation to the operator and to the owner that 29837  
filed the complaint. 29838

An owner that submits a written complaint under this division 29839  
may resolve the diminution, contamination, or interruption of the 29840  
owner's water supply with the operator of that operation or may 29841  
commence a civil action for that purpose. 29842

(D) An operator may request the chief to amend the plan of 29843  
mining and reclamation filed with the application under section 29844  
1514.02 of the Revised Code when a ground water user may affect 29845  
the projected cone of depression established for the operation 29846  
under division (A) of this section. The operator shall submit 29847  
additional data that reflect the ground water user's impact on the 29848  
ground water. The chief shall perform ground water modeling using 29849  
the additional data and may establish a revised projected cone of 29850  
depression for that operation. 29851

(E) This section shall not be construed as creating, 29852  
modifying, or affecting any right, liability, or remedy of surface 29853  
riparian owners. 29854

**Sec. 1514.40.** In accordance with Chapter 119. of the Revised 29855  
Code, the chief of the division of mineral resources management, 29856  
in consultation with a statewide association that represents the 29857

surface mining industry, shall adopt rules that do all of the 29858  
following: 29859

(A) For the purpose of establishing safety standards 29860  
governing surface mining operations, incorporate by reference 30 29861  
C.F.R. parts 46, 47, 50, 56, 58, and 62, as amended; 29862

(B) Establish criteria, standards, and procedures governing 29863  
safety performance evaluations conducted under section 1514.45 of 29864  
the Revised Code, including requirements for the notification of 29865  
operators and the identification of authorized representatives of 29866  
miners at surface mining operations for purposes of inspections 29867  
conducted under sections 1514.41 to 1514.47 of the Revised Code; 29868

(C) Establish requirements governing the reporting and 29869  
investigation of accidents at surface mining operations. In 29870  
adopting the rules, the chief shall establish requirements that 29871  
minimize duplication with any reporting and investigations of 29872  
accidents that are conducted by the mine safety and health 29873  
administration in the United States department of labor. 29874

(D) Establish the time, place, and frequency of mine safety 29875  
training conducted under section 1514.06 of the Revised Code and a 29876  
fee, if any, for the purpose of that section. The amount of the 29877  
fee shall not exceed the costs of conducting the training that is 29878  
required under that section. 29879

(E) Establish the minimum qualifications necessary to take 29880  
the examination that is required for certification of certified 29881  
mine forepersons under division (B) of section 1514.47 of the 29882  
Revised Code and requirements, fees, and procedures governing the 29883  
taking of the examination; 29884

(F) Establish requirements and fees governing the ~~renewal~~ 29885  
reissuance of certificates under division (C) of that section; 29886

(G) Establish requirements and procedures for the approval of 29887  
training plans submitted under division ~~(E)~~ (D) of that section 29888

for the use of qualified persons to conduct examinations of 29889  
surface mining operations in lieu of certified mine forepersons 29890  
and minimum qualifications of those persons. The rules shall 29891  
include requirements governing training frequency and curriculum 29892  
that must be provided for qualified persons under such plans and 29893  
shall establish related reporting and record keeping requirements. 29894

As used in sections 1514.41 to 1514.47 of the Revised Code, 29895  
"rule" means a rule adopted under this section unless the context 29896  
indicates otherwise. 29897

**Sec. 1514.42.** The chief of the division of mineral resources 29898  
management ~~shall~~ may conduct a one safety audit at a surface 29899  
mining operation annually if the operator of the operation has 29900  
requested the division of mineral resources management to conduct 29901  
mine safety training for that year. The safety audit shall be 29902  
scheduled at a time to which the chief and the operator mutually 29903  
agree and shall not continue more than one day. The chief shall 29904  
conduct additional safety audits at any surface mining operation 29905  
if requested by the operator of the operation. If the chief 29906  
conducts a safety audit, the operator shall ensure that the chief 29907  
has a copy of the training plan that is required by 30 C.F.R. part 29908  
46, as amended, at the time of the audit. 29909

After completion of an audit, the chief shall prepare a 29910  
report that describes the general conditions of the surface mining 29911  
operation, lists any hazardous conditions at the operation, lists 29912  
any violations of the safety standards established in rules, and 29913  
describes the nature and extent of any hazardous condition or 29914  
violation found and the corresponding remedy for each hazardous 29915  
condition or violation. The chief shall provide two copies of the 29916  
report to the operator of the operation. The operator shall post 29917  
one copy of the report at the operation for review by the 29918  
employees of the operation. 29919

Sec. 1514.47. (A)(1) The operator of a surface mining 29920  
operation shall employ a certified mine foreperson ~~or a person who~~ 29921  
~~is qualified in accordance with this section and rules to conduct~~ 29922  
~~examinations of surface mining operations for purposes of 30~~ 29923  
~~C.F.R. part 56, as amended to be in charge of the conditions and~~ 29924  
~~practices at the mine and to be responsible for conducting~~ 29925  
~~examinations of the surface mining operation under 30 C.F.R. part~~ 29926  
~~56, as amended.~~ 29927

(2) Examinations of surface mining operations for the 29928  
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 29929  
one of the following: 29930

(i) A certified mine foreperson; 29931

(ii) A person who is qualified to conduct such examinations 29932  
as provided in division (D) of this section; 29933

(iii) A person designated by the certified mine foreperson as 29934  
a competent person. 29935

(3) For purposes of this section, a competent person is a 29936  
person who has been trained in accordance with 30 C.F.R. part 46 29937  
and been determined by a certified mine foreperson to have 29938  
demonstrated the ability, training, knowledge, or experience 29939  
necessary to perform the duty to which the person is assigned. A 29940  
person is not a competent person if the chief of the division of 29941  
mineral resources management demonstrates, with good cause, that 29942  
the person does not have the ability, training, knowledge, or 29943  
experience necessary to perform that duty. 29944

(4) The operator of a surface mining operation shall maintain 29945  
records demonstrating that a competent person designated by a 29946  
certified mine foreperson has the ability, training, knowledge, or 29947  
experience to perform the duty to which the person is assigned as 29948  
well as records of the competent person's training in accordance 29949



with 30 C.F.R. part 46. The operator shall make the records 29950  
available to the chief upon request. 29951

(B) ~~The chief of the division of mineral resources management~~ 29952  
shall conduct examinations for the position of certified mine 29953  
foreperson in accordance with rules. In order to be eligible for 29954  
examination as a certified mine foreperson, an applicant shall 29955  
file with the chief an affidavit establishing the applicant's 29956  
qualifications to take the examination. The chief shall grade 29957  
examinations and issue certificates. 29958

(C)(1) A certificate issued under this section shall not 29959  
~~expire five years after the date of issuance. A certificate may be~~ 29960  
~~renewed, provided that the applicant verifies that all required~~ 29961  
~~training pursuant to 30 C.F.R. part 46, as amended, has been~~ 29962  
~~completed and any other requirements for renewal have been~~ 29963  
~~satisfied.~~ 29964

~~(D) If~~ unless the certificate holder has not been employed in 29965  
a surface mining operation for five consecutive years. If the 29966  
certificate holder has not been employed in a surface mining 29967  
operation for five consecutive years, the certificate holder may 29968  
retake the mine foreperson examination or may petition the chief 29969  
to accept past employment history in lieu of fulfilling the 29970  
employment requirement established in this division. The chief 29971  
shall grant or deny the petition by issuance of an order. If the 29972  
chief grants the petition, the chief shall reissue the 29973  
certificate. 29974

(2) If a certificate issued under this section is suspended, 29975  
the certificate shall not be renewed until the suspension period 29976  
expires and the person whose certificate is suspended successfully 29977  
completes all actions required by the chief. If an applicant's 29978  
license, certificate, or similar authority that is issued by 29979  
another state to perform specified mining duties is suspended or 29980  
revoked by that state, the applicant shall be ineligible for 29981

examination for or renewal of a certificate in this state during 29982  
that period of suspension or revocation. A certificate that has 29983  
been revoked shall not be renewed. 29984

(3) If a person who has been certified by the chief under 29985  
this section purposely violates this chapter, the chief may 29986  
suspend or revoke the certificate after an investigation and 29987  
hearing conducted in accordance with Chapter 119. of the Revised 29988  
Code are completed. 29989

~~(E)~~(4) If a person holds a certificate issued under this 29990  
section that has not expired prior to the effective date of this 29991  
amendment, the chief, upon request, shall reissue to that person a 29992  
certificate that does not expire as provided in division (C)(1) of 29993  
this section. 29994

(5) If a person holds a certificate issued under this section 29995  
that expired on or after April 7, 2012, and has not been issued a 29996  
new certificate prior to the effective date of this amendment, the 29997  
chief, upon request, shall issue to that person a certificate that 29998  
does not expire as provided in division (C)(1) of this section, 29999  
provided that the person is in compliance with all other 30000  
applicable requirements established in this chapter and rules 30001  
adopted under it. 30002

(D) In lieu of employing a certified mine foreperson, the 30003  
operator of a surface mining operation may submit to the chief a 30004  
detailed training plan under which persons who qualify under the 30005  
plan may conduct and document examinations at the surface mining 30006  
operation for purposes of 30 C.F.R. part 56, as amended. The chief 30007  
shall review the plan and determine if the plan complies with the 30008  
requirements established in rules. The chief shall approve or deny 30009  
the plan and notify in writing the operator who submitted the plan 30010  
of the chief's decision. 30011

**Sec. 1521.03.** The chief of the division of ~~soil and~~ water 30012

resources shall do all of the following: 30013

(A) Assist in an advisory capacity any properly constituted 30014  
watershed district, conservancy district, or soil and water 30015  
conservation district or any county, municipal corporation, or 30016  
other government agency of the state in the planning of works for 30017  
ground water recharge, flood mitigation, floodplain management, 30018  
flood control, flow capacity and stability of streams, rivers, and 30019  
watercourses, or the establishment of water conservation 30020  
practices, within the limits of the appropriations for those 30021  
purposes; 30022

(B) Have authority to conduct basic inventories of the water 30023  
and related natural resources in each drainage basin in the state; 30024  
to develop a plan on a watershed basis that will recognize the 30025  
variety of uses to which water may be put and the need for its 30026  
management for those uses; with the approval of the director of 30027  
natural resources and the controlling board, to transfer 30028  
appropriated or other funds, authorized for those inventories and 30029  
plan, to any division of the department of natural resources or 30030  
other state agencies for the purpose of developing pertinent data 30031  
relating to the plan of water management; and to accept and expend 30032  
moneys contributed by any person for implementing the development 30033  
of the plan; 30034

(C) Have authority to make detailed investigations of all 30035  
factors relating to floods, floodplain management, and flood 30036  
control in the state with particular attention to those factors 30037  
bearing upon the hydraulic and hydrologic characteristics of 30038  
rivers, streams, and watercourses, recognizing the variety of uses 30039  
to which water and watercourses may be put; 30040

(D) Cooperate with the United States or any agency thereof 30041  
and with any political subdivision of the state in planning and 30042  
constructing flood control works; 30043

(E) Hold meetings or public hearings, whichever is considered 30044  
appropriate by the chief, to assist in the resolution of conflicts 30045  
between ground water users. Such meetings or hearings shall be 30046  
called upon written request from boards of health of city or 30047  
general health districts created by or under the authority of 30048  
Chapter 3709. of the Revised Code or authorities having the duties 30049  
of a board of health as authorized by section 3709.05 of the 30050  
Revised Code, boards of county commissioners, boards of township 30051  
trustees, legislative authorities of municipal corporations, or 30052  
boards of directors of conservancy districts and may be called by 30053  
the chief upon the request of any other person or at the chief's 30054  
discretion. The chief shall collect and present at such meetings 30055  
or hearings the available technical information relevant to the 30056  
conflicts and to the ground water resource. The chief shall 30057  
prepare a report, and may make recommendations, based upon the 30058  
available technical data and the record of the meetings or 30059  
hearings, about the use of the ground water resource. In making 30060  
the report and any recommendations, the chief also may consider 30061  
the factors listed in division (B) of section 1521.17 of the 30062  
Revised Code. The technical information presented, the report 30063  
prepared, and any recommendations made under this division shall 30064  
be presumed to be prima-facie authentic and admissible as evidence 30065  
in any court pursuant to Evidence Rule 902. 30066

(F) Perform stream or ground water gauging and may contract 30067  
with the United States government or any other agency for the 30068  
gauging of any streams or ground water within the state; 30069

(G) Primarily with regard to water quantity, have authority 30070  
to collect, study, map, and interpret all available information, 30071  
statistics, and data pertaining to the availability, supply, use, 30072  
conservation, and replenishment of the ground and surface waters 30073  
in the state in coordination with other agencies of this state; 30074

(H) Primarily with regard to water quantity and availability, 30075

be authorized to cooperate with and negotiate for the state with 30076  
any agency of the United States government, of this state, or of 30077  
any other state pertaining to the water resources of the state; 30078

(I) Provide engineering support for the coastal management 30079  
program established under Chapter 1506. of the Revised Code. 30080

**Sec. 1521.031.** There is hereby created in the department of 30081  
natural resources the Ohio water advisory council. The council 30082  
shall consist of seven members appointed by the governor with the 30083  
advice and consent of the senate. No more than four of the members 30084  
shall be of the same political party. Members shall be persons who 30085  
have a demonstrated interest in water management and whose 30086  
expertise reflects the various responsibilities of the division of 30087  
~~soil and~~ water resources under this chapter and Chapter 1523. of 30088  
the Revised Code, including, but not limited to, dam safety, 30089  
surface water, groundwater, and flood plain management. The chief 30090  
of the division of ~~soil and~~ water resources may participate in the 30091  
deliberations of the council, but shall not vote. 30092

Terms of office of members shall be for two years commencing 30093  
on the second day of February and ending on the first day of 30094  
February. Each member shall hold office from the date of 30095  
appointment until the end of the term for which appointed. The 30096  
governor may remove any member at any time for inefficiency, 30097  
neglect of duty, or malfeasance in office. In the event of the 30098  
death, removal, resignation, or incapacity of any member, the 30099  
governor, with the advice and consent of the senate, shall appoint 30100  
a successor to hold office for the remainder of the term for which 30101  
the member's predecessor was appointed. Any member shall continue 30102  
in office following the expiration date of the member's term until 30103  
the member's successor takes office or until sixty days have 30104  
elapsed, whichever occurs first. Membership on the council does 30105  
not constitute holding a public office or position of employment 30106

under the Revised Code and is not grounds for removal of public 30107  
officers or employees from their offices or positions of 30108  
employment. 30109

The council annually shall select from its members a 30110  
chairperson and a vice-chairperson. The council shall hold at 30111  
least one meeting each calendar quarter and shall keep a record of 30112  
its proceedings, which shall be open to the public for inspection. 30113  
Special meetings may be called by the chairperson and shall be 30114  
called upon the written request of two or more members. A majority 30115  
of the members constitutes a quorum. The division shall furnish 30116  
clerical, technical, legal, and other services required by the 30117  
council in the performance of its duties. 30118

Members shall receive no compensation, but shall be 30119  
reimbursed from the appropriations for the division for the actual 30120  
and necessary expenses incurred by them in the performance of 30121  
their official duties. 30122

The council shall: 30123

(A) Advise the chief of the division of ~~soil and~~ water 30124  
resources in carrying out the duties of the division under this 30125  
chapter and Chapter 1523. of the Revised Code; 30126

(B) Recommend such policy and legislation with respect to 30127  
water management and conservation as will promote the economic, 30128  
industrial, and social development of the state while minimizing 30129  
threats to the state's natural environment; 30130

(C) Review and make recommendations on the development of 30131  
plans and programs for long-term, comprehensive water management 30132  
throughout the state; and 30133

(D) Recommend ways to enhance cooperation among governmental 30134  
agencies having an interest in water to encourage wise use and 30135  
protection of the state's ground and surface waters. To this end, 30136  
the council shall request nonvoting representation from 30137

appropriate governmental agencies. 30138

**Sec. 1521.04.** The chief of the division of ~~soil and~~ water 30139  
resources, with the approval of the director of natural resources, 30140  
may make loans and grants from the water management fund created 30141  
in section 1501.32 of the Revised Code to governmental agencies 30142  
for water management, water supply improvements, and planning and 30143  
may administer grants from the federal government and from other 30144  
public or private sources for carrying out those functions and for 30145  
the performance of any acts that may be required by the United 30146  
States or by any agency or department thereof as a condition for 30147  
the participation by any governmental agency in any federal 30148  
financial or technical assistance program. Direct and indirect 30149  
costs of administration may be paid from the fund. 30150

The chief may use the water management fund for the purposes 30151  
of administering the water diversion and consumptive use permit 30152  
programs established in sections 1501.30 to 1501.35 of the Revised 30153  
Code and the withdrawal and consumptive use permit program 30154  
established under sections 1522.10 to 1522.21 of the Revised Code; 30155  
to perform watershed and water resources studies for the purposes 30156  
of water management planning; and to acquire, construct, 30157  
reconstruct, improve, equip, maintain, operate, and dispose of 30158  
water management improvements. The chief may fix, alter, charge, 30159  
and collect rates, fees, rentals, and other charges to be paid 30160  
into the fund by governmental agencies and persons who are 30161  
supplied with water by facilities constructed or operated by the 30162  
department of natural resources in order to amortize and defray 30163  
the cost of the construction, maintenance, and operation of those 30164  
facilities. 30165

**Sec. 1521.05.** (A) As used in this section: 30166

(1) "Construct" or "construction" includes drilling, boring, 30167

digging, deepening, altering, and logging. 30168

(2) "Altering" means changing the configuration of a well, 30169  
including, without limitation, deepening a well, extending or 30170  
replacing any portion of the inside or outside casing or wall of a 30171  
well that extends below ground level, plugging a portion of a well 30172  
back to a certain depth, and reaming out a well to enlarge its 30173  
original diameter. 30174

(3) "Logging" means describing the lithology, grain size, 30175  
color, and texture of the formations encountered during the 30176  
drilling, boring, digging, deepening, or altering of a well. 30177

(4) "Grouting" means neat cement; bentonite products in 30178  
slurry, granular, or pelletized form, excluding drilling mud or 30179  
fluids; or any combination of neat cement and bentonite products 30180  
that is placed within a well to seal the annular space or to seal 30181  
an abandoned well and that is impervious to and capable of 30182  
preventing the movement of water. 30183

(5) "Abandoned well" means a well whose use has been 30184  
permanently discontinued and that poses potential health and 30185  
safety hazards or that has the potential to transmit surface 30186  
contaminants into the aquifer in which the well has been 30187  
constructed. 30188

(6) "Sealing" means the complete filling of an abandoned well 30189  
with grouting or other approved materials in order to permanently 30190  
prevent the vertical movement of water in the well and thus 30191  
prevent the contamination of ground water or the intermixing of 30192  
water between aquifers. 30193

(B) Any person that constructs a well shall keep a careful 30194  
and accurate log of the construction of the well. The log shall 30195  
show all of the following: 30196

(1) The character, including, without limitation, the 30197  
lithology, color, texture, and grain size, the name, if known, and 30198



the depth of all formations passed through or encountered;	30199
(2) The depths at which water is encountered;	30200
(3) The static water level of the completed well;	30201
(4) A copy of the record of all pumping tests and analyses related to those tests, if any;	30202 30203
(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;	30204 30205 30206 30207
(6) The type of pumping equipment installed, if any;	30208
(7) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	30209 30210 30211
(8) The signature of the individual who constructed the well and filed the well log;	30212 30213
(9) Any other information required by the chief of the division of <del>soil and</del> water resources.	30214 30215
The log shall be filed with the division of <del>soil and</del> water resources within thirty days after the completion of construction of the well on forms prescribed and prepared by the division. The log shall be kept on file by the division.	30216 30217 30218 30219
(C) Any person that seals a well shall keep a careful and accurate report of the sealing of the well. The sealing report shall show all of the following:	30220 30221 30222
(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	30223 30224 30225
(2) The depth of the well, the size and length of its casing, and the static water level of the well;	30226 30227

(3) The sealing procedures, including the volume and type of sealing material or materials and the method and depth of placement of each material;

(4) The date on which the sealing was performed;

(5) The signature of the individual who sealed the well and filed the sealing report;

(6) Any other information required by the chief.

The sealing report shall be filed with the division within thirty days after the completion of the sealing of the well on forms prescribed and prepared by the division.

(D) In accordance with Chapter 119. of the Revised Code, the chief may adopt, amend, and rescind rules requiring other persons that are involved in the construction or subsequent development of a well to submit well logs under division (B) of this section containing any or all of the information specified in divisions (B)(1) to (9) of this section and specifying additional information to be included in sealing reports required under division (C) of this section. The chief shall adopt rules establishing procedures and requirements governing the payment and collection of water well log filing fees, including the amount of any filing fee to be imposed as an alternative to the twenty-dollar filing fee established in division (G) of this section and including procedures for the quarterly transfer of filing fees by boards of health and the director of environmental protection under that division.

(E)(1) No person shall fail to keep and file a well log or a sealing report as required by this section.

(2) No person shall make a false statement in any well log or sealing report required to be kept and filed under this section. Violation of division (E)(2) of this section is falsification under section 2921.13 of the Revised Code.

(F) For the purposes of prosecution of a violation of 30259  
division (E)(1) of this section, a prima-facie case is established 30260  
when the division obtains either of the following: 30261

(1) A certified copy of a permit for a private water system 30262  
issued in accordance with rules adopted under section 3701.344 of 30263  
the Revised Code, or a certified copy of the invoice or a canceled 30264  
check from the owner of a well indicating the construction or 30265  
sealing services performed; 30266

(2) A certified copy of any permit issued under Chapter 3734. 30267  
or 6111. of the Revised Code or plan approval granted under 30268  
Chapter 6109. of the Revised Code for any activity that includes 30269  
the construction or sealing of a well as applicable. 30270

(G) In accordance with rules adopted under this section, a 30271  
person or entity that constructs a well for the purpose of 30272  
extracting potable water as part of a private water system that is 30273  
subject to rules adopted under section 3701.344 of the Revised 30274  
Code or a public water system that is required to be licensed 30275  
under Chapter 6109. of the Revised Code shall pay a well log 30276  
filing fee of twenty dollars per well log or, if the chief has 30277  
adopted rules establishing an alternative fee amount, the fee 30278  
amount established under rules. The fee shall be collected by a 30279  
board of health under section 3701.344 of the Revised Code or the 30280  
environmental protection agency under section 6109.22 of the 30281  
Revised Code, as applicable. 30282

Each calendar quarter, a board of health or the environmental 30283  
protection agency, as applicable, shall forward all well log 30284  
filing fees collected during the previous calendar quarter to the 30285  
division of ~~soil and~~ water resources. The fees shall be forwarded 30286  
in accordance with procedures established in rules adopted under 30287  
this section. 30288

Proceeds of well log filing fees shall be used by the 30289

division of ~~soil and~~ water resources for the purposes of 30290  
acquiring, maintaining, and dispensing digital and paper records 30291  
of well logs that are filed with the division. 30292

**Sec. 1521.06.** (A) No dam may be constructed for the purpose 30293  
of storing, conserving, or retarding water, or for any other 30294  
purpose, nor shall any levee be constructed for the purpose of 30295  
diverting or retaining flood water, unless the person or 30296  
governmental agency desiring the construction has a construction 30297  
permit for the dam or levee issued by the chief of the division of 30298  
~~soil and~~ water resources. 30299

A construction permit is not required under this section for: 30300

(1) A dam that is or will be less than ten feet in height and 30301  
that has or will have a storage capacity of not more than fifty 30302  
acre-feet at the elevation of the top of the dam, as determined by 30303  
the chief. For the purposes of this section, the height of a dam 30304  
shall be measured from the natural stream bed or lowest ground 30305  
elevation at the downstream or outside limit of the dam to the 30306  
elevation of the top of the dam. 30307

(2) A dam, regardless of height, that has or will have a 30308  
storage capacity of not more than fifteen acre-feet at the 30309  
elevation of the top of the dam, as determined by the chief; 30310

(3) A dam, regardless of storage capacity, that is or will be 30311  
six feet or less in height, as determined by the chief; 30312

(4) A dam or levee that belongs to a class exempted by the 30313  
chief; 30314

(5) The repair, maintenance, improvement, alteration, or 30315  
removal of a dam or levee that is subject to section 1521.062 of 30316  
the Revised Code, unless the construction constitutes an 30317  
enlargement or reconstruction of the structure as determined by 30318  
the chief; 30319

(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code. 30320  
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(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with the filing fee specified by this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer. The filing fee shall be based on the detailed cost estimate for the proposed construction as filed with and approved by the chief, and shall be determined by the following schedule unless otherwise provided by rules adopted under this section: 30322  
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(1) For the first one hundred thousand dollars of estimated cost, a fee of four per cent; 30335  
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(2) For the next four hundred thousand dollars of estimated cost, a fee of three per cent; 30337  
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(3) For the next five hundred thousand dollars of estimated cost, a fee of two per cent; 30339  
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(4) For all costs in excess of one million dollars, a fee of one-half of one per cent. 30341  
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In no case shall the filing fee be less than one thousand dollars or more than one hundred thousand dollars. If the actual cost exceeds the estimated cost by more than fifteen per cent, an additional filing fee shall be required equal to the fee determined by the preceding schedule less the original filing fee. All fees collected pursuant to this section, and all fines collected pursuant to section 1521.99 of the Revised Code, shall be deposited in the state treasury to the credit of the dam safety 30343  
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fund, which is hereby created. Expenditures from the fund shall be 30351  
made by the chief for the purpose of administering this section 30352  
and sections 1521.061 and 1521.062 of the Revised Code. 30353

(C) The chief shall, within thirty days from the date of the 30354  
receipt of the application, fee, and bond or other security, issue 30355  
or deny a construction permit for the construction or may issue a 30356  
construction permit conditioned upon the making of such changes in 30357  
the plans and specifications for the construction as the chief 30358  
considers advisable if the chief determines that the construction 30359  
of the proposed dam or levee, in accordance with the plans and 30360  
specifications filed, would endanger life, health, or property. 30361

(D) The chief may deny a construction permit after finding 30362  
that a dam or levee built in accordance with the plans and 30363  
specifications would endanger life, health, or property, because 30364  
of improper or inadequate design, or for such other reasons as the 30365  
chief may determine. 30366

In the event the chief denies a permit for the construction 30367  
of the dam or levee, or issues a permit conditioned upon a making 30368  
of changes in the plans or specifications for the construction, 30369  
the chief shall state the reasons therefor and so notify, in 30370  
writing, the person or governmental agency making the application 30371  
for a permit. If the permit is denied, the chief shall return the 30372  
bond or other security to the person or governmental agency making 30373  
application for the permit. 30374

The decision of the chief conditioning or denying a 30375  
construction permit is subject to appeal as provided in Chapter 30376  
119. of the Revised Code. A dam or levee built substantially at 30377  
variance from the plans and specifications upon which a 30378  
construction permit was issued is in violation of this section. 30379  
The chief may at any time inspect any dam or levee, or site upon 30380  
which any dam or levee is to be constructed, in order to determine 30381  
whether it complies with this section. 30382

(E) A registered professional engineer shall inspect the 30383  
construction for which the permit was issued during all phases of 30384  
construction and shall furnish to the chief such regular reports 30385  
of the engineer's inspections as the chief may require. When the 30386  
chief finds that construction has been fully completed in 30387  
accordance with the terms of the permit and the plans and 30388  
specifications approved by the chief, the chief shall approve the 30389  
construction. When one year has elapsed after approval of the 30390  
completed construction, and the chief finds that within this 30391  
period no fact has become apparent to indicate that the 30392  
construction was not performed in accordance with the terms of the 30393  
permit and the plans and specifications approved by the chief, or 30394  
that the construction as performed would endanger life, health, or 30395  
property, the chief shall release the bond or other security. No 30396  
bond or other security shall be released until one year after 30397  
final approval by the chief, unless the dam or levee has been 30398  
modified so that it will not retain water and has been approved as 30399  
nonhazardous after determination by the chief that the dam or 30400  
levee as modified will not endanger life, health, or property. 30401

(F) When inspections required by this section are not being 30402  
performed, the chief shall notify the person or governmental 30403  
agency to which the permit has been issued that inspections are 30404  
not being performed by the registered professional engineer and 30405  
that the chief will inspect the remainder of the construction. 30406  
Thereafter, the chief shall inspect the construction and the cost 30407  
of inspection shall be charged against the owner. Failure of the 30408  
registered professional engineer to submit required inspection 30409  
reports shall be deemed notice that the engineer's inspections are 30410  
not being performed. 30411

(G) The chief may order construction to cease on any dam or 30412  
levee that is being built in violation of this section, and may 30413  
prohibit the retention of water behind any dam or levee that has 30414

been built in violation of this section. The attorney general, 30415  
upon written request of the chief, may bring an action for an 30416  
injunction against any person who violates this section or to 30417  
enforce an order or prohibition of the chief made pursuant to this 30418  
section. 30419

(H) The chief may adopt rules in accordance with Chapter 119. 30420  
of the Revised Code, for the design and construction of dams and 30421  
levees for which a construction permit is required by this section 30422  
or for which periodic inspection is required by section 1521.062 30423  
of the Revised Code, for establishing a filing fee schedule in 30424  
lieu of the schedule established under division (B) of this 30425  
section, for deposit and forfeiture of bonds and other securities 30426  
required by section 1521.061 of the Revised Code, for the periodic 30427  
inspection, operation, repair, improvement, alteration, or removal 30428  
of all dams and levees, as specified in section 1521.062 of the 30429  
Revised Code, and for establishing classes of dams or levees that 30430  
are exempt from the requirements of this section and section 30431  
1521.062 of the Revised Code as being of a size, purpose, or 30432  
situation that does not present a substantial hazard to life, 30433  
health, or property. The chief may, by rule, limit the period 30434  
during which a construction permit issued under this section is 30435  
valid. The rules may allow for the extension of the period during 30436  
which a permit is valid upon written request, provided that the 30437  
written request includes a revised construction cost estimate, and 30438  
may require the payment of an additional filing fee for the 30439  
requested extension. If a construction permit expires without an 30440  
extension before construction is completed, the person or agency 30441  
shall apply for a new permit, and shall not continue construction 30442  
until the new permit is issued. 30443

**Sec. 1521.061.** Except as otherwise provided in this section, 30444  
a construction permit shall not be issued under section 1521.06 of 30445  
the Revised Code unless the person or governmental agency applying 30446



for the permit executes and files a surety bond conditioned on 30447  
completion of the dam or levee in accordance with the terms of the 30448  
permit and the plans and specifications approved by the chief of 30449  
the division of ~~soil and~~ water resources, in an amount equal to 30450  
fifty per cent of the estimated cost of the project. 30451

If a permittee requests an extension of the time period 30452  
during which a construction permit is valid in accordance with 30453  
rules adopted under section 1521.06 of the Revised Code, the chief 30454  
shall determine whether the revised construction cost estimate 30455  
provided with the request exceeds the original construction cost 30456  
estimate that was filed with the chief by more than twenty-five 30457  
per cent. If the revised construction cost estimate exceeds the 30458  
original construction cost estimate by more than twenty-five per 30459  
cent, the chief may require an additional surety bond to be filed 30460  
so that the total amount of the surety bonds equals at least fifty 30461  
per cent of the revised construction cost estimate. 30462

The chief shall not approve any bond until it is personally 30463  
signed and acknowledged by both principal and surety, or as to 30464  
either by the attorney in fact thereof, with a certified copy of 30465  
the power of attorney attached. The chief shall not approve the 30466  
bond unless there is attached a certificate of the superintendent 30467  
of insurance that the company is authorized to transact a fidelity 30468  
and surety business in this state. 30469

All bonds shall be given in a form prescribed by the chief 30470  
and shall run to the state as obligee. 30471

The applicant may deposit, in lieu of a bond, cash in an 30472  
amount equal to the amount of the bond or United States government 30473  
securities or negotiable certificates of deposit issued by any 30474  
bank organized or transacting business in this state having a par 30475  
value equal to or greater than the amount of the bond. Such cash 30476  
or securities shall be deposited upon the same terms as bonds. If 30477  
one or more certificates of deposit are deposited in lieu of a 30478

bond, the chief shall require the bank that issued any such 30479  
certificate to pledge securities of the aggregate market value 30480  
equal to the amount of the certificate that is in excess of the 30481  
amount insured by the federal deposit insurance corporation. The 30482  
securities to be pledged shall be those designated as eligible 30483  
under section 135.18 of the Revised Code. The securities shall be 30484  
security for the repayment of the certificate of deposit. 30485

Immediately upon a deposit of cash, securities, or 30486  
certificates of deposit, the chief shall deliver them to the 30487  
treasurer of state, who shall hold them in trust for the purposes 30488  
for which they have been deposited. The treasurer of state is 30489  
responsible for the safekeeping of such deposits. An applicant 30490  
making a deposit of cash, securities, or certificates of deposit 30491  
may withdraw and receive from the treasurer of state, on the 30492  
written order of the chief, all or any portion of the cash, 30493  
securities, or certificates of deposit, upon depositing with the 30494  
treasurer of state cash, other United States government 30495  
securities, or negotiable certificates of deposit issued by any 30496  
bank organized or transacting business in this state equal in par 30497  
value to the par value of the cash, securities, or certificates of 30498  
deposit withdrawn. An applicant may demand and receive from the 30499  
treasurer of state all interest or other income from any such 30500  
securities or certificates as it becomes due. If securities so 30501  
deposited with and in the possession of the treasurer of state 30502  
mature or are called for payment by the issuer thereof, the 30503  
treasurer of state, at the request of the applicant who deposited 30504  
them, shall convert the proceeds of the redemption or payment of 30505  
the securities into such other United States government 30506  
securities, negotiable certificates of deposit issued by any bank 30507  
organized or transacting business in this state, or cash as the 30508  
applicant designates. 30509

When the chief finds that a person or governmental agency has 30510

failed to comply with the conditions of the person's or agency's 30511  
bond, the chief shall make a finding of that fact and declare the 30512  
bond, cash, securities, or certificates of deposit forfeited in 30513  
the amount set by rule of the chief. The chief shall thereupon 30514  
certify the total forfeiture to the attorney general, who shall 30515  
proceed to collect that amount. 30516

In lieu of total forfeiture, the surety, at its option, may 30517  
cause the dam or levee to be completed as required by section 30518  
1521.06 of the Revised Code and rules of the chief, or otherwise 30519  
rendered nonhazardous, or pay to the treasurer of state the cost 30520  
thereof. 30521

All moneys collected on account of forfeitures of bonds, 30522  
cash, securities, and certificates of deposit under this section 30523  
shall be credited to the dam safety fund created in section 30524  
1521.06 of the Revised Code. The chief shall make expenditures 30525  
from the fund to complete dams and levees for which bonds have 30526  
been forfeited or to otherwise render them nonhazardous. 30527

Expenditures from the fund for those purposes shall be made 30528  
pursuant to contracts entered into by the chief with persons who 30529  
agree to furnish all of the materials, equipment, work, and labor 30530  
as specified and provided in the contract. 30531

A surety bond shall not be required for a permit for a dam or 30532  
levee that is to be designed and constructed by an agency of the 30533  
United States government, if the agency files with the chief 30534  
written assurance of the agency's financial responsibility for the 30535  
structure during the one-year period following the chief's 30536  
approval of the completed construction provided for under division 30537  
(E) of section 1521.06 of the Revised Code. 30538

**Sec. 1521.062.** (A) All dams and levees constructed in this 30539  
state and not exempted by this section or by the chief of the 30540  
division of ~~soil and~~ water resources under section 1521.06 of the 30541

Revised Code shall be inspected periodically by the chief, except 30542  
for classes of dams that, in accordance with rules adopted under 30543  
this section, are required to be inspected by registered 30544  
professional engineers who have been approved for that purpose by 30545  
the chief. The inspection shall ensure that continued operation 30546  
and use of the dam or levee does not constitute a hazard to life, 30547  
health, or property. Periodic inspections shall not be required of 30548  
the following structures: 30549

(1) A dam that is less than ten feet in height and has a 30550  
storage capacity of not more than fifty acre-feet at the elevation 30551  
of the top of the dam, as determined by the chief. For the 30552  
purposes of this section, the height of a dam shall be measured 30553  
from the natural stream bed or lowest ground elevation at the 30554  
downstream or outside limit of the dam to the elevation of the top 30555  
of the dam. 30556

(2) A dam, regardless of height, that has a storage capacity 30557  
of not more than fifteen acre-feet at the elevation of the top of 30558  
the dam, as determined by the chief; 30559

(3) A dam, regardless of storage capacity, that is six feet 30560  
or less in height, as determined by the chief; 30561

(4) A dam or levee belonging to a class exempted by the 30562  
chief; 30563

(5) A dam or levee that has been exempted in accordance with 30564  
rules adopted under section 1521.064 of the Revised Code. 30565

(B) In accordance with rules adopted under this section, the 30566  
owner of a dam that is in a class of dams that is designated in 30567  
the rules for inspection by registered professional engineers 30568  
shall obtain the services of a registered professional engineer 30569  
who has been approved by the chief to conduct the periodic 30570  
inspection of dams pursuant to schedules and other standards and 30571  
procedures established in the rules. The registered professional 30572

engineer shall prepare a report of the inspection in accordance 30573  
with the rules and provide the inspection report to the dam owner 30574  
who shall submit it to the chief. A dam that is designated under 30575  
the rules for inspection by a registered professional engineer, 30576  
but that is not inspected within a five-year period may be 30577  
inspected by the chief at the owner's expense. 30578

(C) Intervals between periodic inspections shall be 30579  
determined by the chief, but shall not exceed five years. 30580

(D) In the case of a dam or levee that the chief inspects, 30581  
the chief shall furnish a report of the inspection to the owner of 30582  
the dam or levee. With regard to a dam or levee that has been 30583  
inspected, either by the chief or by a registered professional 30584  
engineer, and that is the subject of an inspection report prepared 30585  
or received by the chief, the chief shall inform the owner of any 30586  
required repairs, maintenance, investigations, and other remedial 30587  
and operational measures. The chief shall order the owner to 30588  
perform such repairs, maintenance, investigations, or other 30589  
remedial or operational measures as the chief considers necessary 30590  
to safeguard life, health, or property. The order shall permit the 30591  
owner a reasonable time in which to perform the needed repairs, 30592  
maintenance, investigations, or other remedial measures, and the 30593  
cost thereof shall be borne by the owner. All orders of the chief 30594  
are subject to appeal as provided in Chapter 119. of the Revised 30595  
Code. The attorney general, upon written request of the chief, may 30596  
bring an action for an injunction against any person who violates 30597  
this section or to enforce an order of the chief made pursuant to 30598  
this section. 30599

(E) The owner of a dam or levee shall monitor, maintain, and 30600  
operate the structure and its appurtenances safely in accordance 30601  
with state rules, terms and conditions of permits, orders, and 30602  
other requirements issued pursuant to this section or section 30603  
1521.06 of the Revised Code. The owner shall fully and promptly 30604

notify the division of ~~soil~~ and water resources and other 30605  
responsible authorities of any condition that threatens the safety 30606  
of the structure and shall take all necessary actions to safeguard 30607  
life, health, and property. 30608

(F) Before commencing the repair, improvement, alteration, or 30609  
removal of a dam or levee, the owner shall file an application 30610  
including plans, specifications, and other required information 30611  
with the division and shall secure written approval of the 30612  
application by the chief. Emergency actions by the owner required 30613  
to safeguard life, health, or property are exempt from this 30614  
requirement. The chief may, by rule, define maintenance, repairs, 30615  
or other remedial measures of a routine nature that are exempt 30616  
from this requirement. 30617

(G) The chief may remove or correct, at the expense of the 30618  
owner, any unsafe structures found to be constructed or maintained 30619  
in violation of this section or section 1521.06 of the Revised 30620  
Code. In the case of an owner other than a governmental agency, 30621  
the cost of removal or correction of any unsafe structure, 30622  
together with a description of the property on which the unsafe 30623  
structure is located, shall be certified by the chief to the 30624  
county auditor and placed by the county auditor upon the tax 30625  
duplicate. This cost is a lien upon the lands from the date of 30626  
entry and shall be collected as other taxes and returned to the 30627  
division. In the case of an owner that is a governmental agency, 30628  
the cost of removal or correction of any unsafe structure shall be 30629  
recoverable from the owner by appropriate action in a court of 30630  
competent jurisdiction. 30631

(H) If the condition of any dam or levee is found, in the 30632  
judgment of the chief, to be so dangerous to the safety of life, 30633  
health, or property as not to permit time for the issuance and 30634  
enforcement of an order relative to repair, maintenance, or 30635  
operation, the chief shall employ any of the following remedial 30636

means necessary to protect life, health, and property: 30637

(1) Lower the water level of the lake or reservoir by 30638  
releasing water; 30639

(2) Completely drain the lake or reservoir; 30640

(3) Take such other measures or actions as the chief 30641  
considers necessary to safeguard life, health, and property. 30642

The chief shall continue in full charge and control of the 30643  
dam or levee until the structure is rendered safe. The cost of the 30644  
remedy shall be recoverable from the owner of the structure by 30645  
appropriate action in a court of competent jurisdiction. 30646

(I) The chief may accept and expend gifts, bequests, and 30647  
grants from the United States government or from any other public 30648  
or private source and may contract with the United States 30649  
government or any other agency or entity for the purpose of 30650  
carrying out the dam safety functions set forth in this section 30651  
and section 1521.06 of the Revised Code. 30652

(J) In accordance with Chapter 119. of the Revised Code, the 30653  
chief may adopt, and may amend or rescind, rules that do all of 30654  
the following: 30655

(1) Designate classes of dams for which dam owners must 30656  
obtain the services of a registered professional engineer to 30657  
periodically inspect the dams and to prepare reports of the 30658  
inspections for submittal to the chief; 30659

(2) Establish standards in accordance with which the chief 30660  
must approve or disapprove registered professional engineers to 30661  
inspect dams together with procedures governing the approval 30662  
process; 30663

(3) Establish schedules, standards, and procedures governing 30664  
periodic inspections and standards and procedures governing the 30665  
preparation and submittal of inspection reports; 30666

(4) Establish provisions regarding the enforcement of this section and rules adopted under it. 30667  
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(K) The owner of a dam or levee shall notify the chief in writing of a change in ownership of the dam or levee prior to the exchange of the property. 30669  
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**Sec. 1521.063.** (A) Except for the federal government, the owner of a dam, that is classified as a class I, class II, or class III dam under rules adopted under section 1521.06 of the Revised Code and subject to section 1521.062 of the Revised Code shall pay an annual fee, based upon the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. The fee shall be paid to the division of ~~soil and~~ water resources on or before the thirtieth day of June of each year. The annual fee shall be as follows until otherwise provided by rules adopted under this section: 30672  
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(1) For any dam classified as a class I dam under rules adopted by the chief of the division of ~~soil and~~ water resources under section 1521.06 of the Revised Code, three hundred dollars plus ten dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam; 30682  
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(2) For any dam classified as a class II dam under those rules, ninety dollars plus six dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam; 30688  
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(3) For any dam classified as a class III dam under those rules, ninety dollars plus four dollars per foot of height of the dam, five cents per foot of length of the dam, and five cents per-acre foot of volume of water impounded by the dam. 30692  
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For purposes of this section, the height of a dam is the 30696



vertical height, to the nearest foot, as determined by the 30697  
division under section 1521.062 of the Revised Code. 30698

All fees collected under this section shall be deposited in 30699  
the dam safety fund created in section 1521.06 of the Revised 30700  
Code. Any owner who fails to pay any annual fee required by this 30701  
section within sixty days after the due date shall be assessed a 30702  
penalty of ten per cent of the annual fee plus interest at the 30703  
rate of one-half per cent per month from the due date until the 30704  
date of payment. 30705

There is hereby created the compliant dam discount program to 30706  
be administered by the chief. Under the program, the chief may 30707  
reduce the amount of the annual fee that an owner of a dam is 30708  
required to pay under division (A)(1), (2), or (3) of this section 30709  
if the owner is in compliance with section 1521.062 of the Revised 30710  
Code and has developed an emergency action plan pursuant to 30711  
standards established in rules adopted under this section. The 30712  
chief shall not discount an annual fee by more than twenty-five 30713  
per cent of the total annual fee that is due. In addition, the 30714  
chief shall not discount the annual fee that is due from the owner 30715  
of a dam who has been assessed a penalty under this section. 30716

(B) The chief shall, in accordance with Chapter 119. of the 30717  
Revised Code and subject to the prior approval of the director of 30718  
natural resources, adopt, and may amend or rescind, rules for the 30719  
collection of fees and the administration, implementation, and 30720  
enforcement of this section and for the establishment of an annual 30721  
fee schedule in lieu of the schedule established in division (A) 30722  
of this section. 30723

(C)(1) No person, political subdivision, or state 30724  
governmental agency shall violate or fail to comply with this 30725  
section or any rule or order adopted or issued under it. 30726

(2) The attorney general, upon written request of the chief, 30727

may commence an action against any such violator. Any action under 30728  
division (C)(2) of this section is a civil action. 30729

(D) As used in this section, "political subdivision" includes 30730  
townships, municipal corporations, counties, school districts, 30731  
municipal universities, park districts, sanitary districts, and 30732  
conservancy districts and subdivisions thereof. 30733

**Sec. 1521.064.** The chief of the division of ~~soil and~~ water 30734  
resources, in accordance with Chapter 119. of the Revised Code, 30735  
shall adopt, and may amend and rescind, rules establishing a 30736  
program under which dams and levees may be exempted from 30737  
inspections under section 1521.062 of the Revised Code if the 30738  
continued operation and use of, and any rupturing of or other 30739  
structural damage to, the dams and levees will not constitute a 30740  
hazard to life, health, or property. The rules shall establish, 30741  
without limitation, all of the following: 30742

(A) A procedure by which the owner of such a dam or levee may 30743  
apply for an exemption under this section; 30744

(B) The standards that a dam or levee shall meet in order to 30745  
be exempted under this section; 30746

(C) A procedure by which the chief shall periodically review 30747  
the status of a dam or levee that has been exempted under this 30748  
section to determine if the exemption should be rescinded; 30749

(D) A requirement that the owner of any dam or levee exempted 30750  
under this section shall agree, in writing, to accept liability 30751  
for any injury, death, or loss to persons or property caused by 30752  
the rupturing of or other structural damage to the dam or levee. 30753

**Sec. 1521.07.** The chief of the division of ~~soil and~~ water 30754  
resources or any employee in the service of the division may enter 30755  
upon lands to make surveys and inspections in accordance with this 30756  
chapter, when necessary in the discharge of the duties enumerated 30757

in this chapter. 30758

**Sec. 1521.10.** In order to be entitled to the compensation 30759  
provided for in section 1521.09 of the Revised Code, the landowner 30760  
shall have prepared and submit to the division of ~~soil and~~ water 30761  
resources complete plans for the dam provided for in such section. 30762  
The plans shall have the approval of the chief of the division of 30763  
~~soil and~~ water resources and the dam shall be constructed in 30764  
accordance with such plans before compensation can be claimed. 30765

**Sec. 1521.11.** Upon the completion of the dam referred to in 30766  
section 1521.09 of the Revised Code to the satisfaction of the 30767  
division of ~~soil and~~ water resources, it shall certify the 30768  
completion and the capacity thereof to the county auditor who 30769  
shall thereupon make such reduction in the assessed valuation of 30770  
the contiguous landowner as the contiguous landowner is entitled 30771  
to receive under sections 1521.09 to 1521.12 of the Revised Code. 30772

**Sec. 1521.12.** In the event that any dam is constructed before 30773  
plans are submitted to and approved by the division of ~~soil and~~ 30774  
water resources as required by section 1521.10 of the Revised 30775  
Code, the landowner may submit plans of the dam the landowner has 30776  
built, showing the area of the drainage basin above the dam, a 30777  
cross section of the dam site, a cross section, plan, and 30778  
elevation of the dam, a map of the spillway, a topographic map of 30779  
the reservoir basin, and such other data and information as the 30780  
division requires. If the plans receive the approval of the 30781  
division, and upon examination the dam is found to be 30782  
satisfactorily completed in accordance with such plans, the 30783  
division shall certify the completion and capacity thereof to the 30784  
county auditor. If the plans fail to meet the requirements of the 30785  
division, the owner may submit revised plans, and when such 30786  
revised plans have been approved and the dam rebuilt to conform to 30787

such plans, the completion of the dam and its capacity shall then 30788  
be certified to the auditor who shall thereupon make such 30789  
reduction in the assessed valuation of the contiguous land as such 30790  
owner is entitled to receive under sections 1521.09 to 1521.12 of 30791  
the Revised Code. 30792

**Sec. 1521.13.** (A) Development in one-hundred-year floodplain 30793  
areas shall be protected to at least the one-hundred-year flood 30794  
level, and flood water conveyance shall be maintained, at a 30795  
minimum, in accordance with standards established under the 30796  
national flood insurance program. This division does not preclude 30797  
a state agency or political subdivision from establishing flood 30798  
protection standards that are more restrictive than this division. 30799

(B) Prior to the expenditure of money for or the construction 30800  
of buildings, structures, roads, bridges, or other facilities in 30801  
locations that may be subject to flooding or flood damage, all 30802  
state agencies and political subdivisions shall notify and consult 30803  
with the division of ~~soil and~~ water resources and shall furnish 30804  
information that the division reasonably requires in order to 30805  
avoid the uneconomic, hazardous, or unnecessary use of floodplains 30806  
in connection with such facilities. 30807

(C) The chief of the division of ~~soil and~~ water resources 30808  
shall do all of the following: 30809

(1) Coordinate the floodplain management activities of state 30810  
agencies and political subdivisions with the floodplain management 30811  
activities of the United States, including the national flood 30812  
insurance program; 30813

(2) Collect, prepare, and maintain technical data and 30814  
information on floods and floodplain management and make the data 30815  
and information available to the public, state agencies, political 30816  
subdivisions, and agencies of the United States; 30817

(3) Cooperate and enter into agreements with persons for the	30818
preparation of studies and reports on floods and floodplain	30819
management;	30820
(4) Assist any county, municipal corporation, or state agency	30821
in developing comprehensive floodplain management programs;	30822
(5) Provide technical assistance to any county, municipal	30823
corporation, or state agency through engineering assistance, data	30824
collection, preparation of model laws, training, and other	30825
activities relating to floodplain management;	30826
(6) For the purpose of reducing damages and the threat to	30827
life, health, and property in the event of a flood, cooperate with	30828
state agencies, political subdivisions, and the United States in	30829
the development of flood warning systems, evacuation plans, and	30830
flood emergency preparedness plans;	30831
(7) Upon request, assist the emergency management agency	30832
established by section 5502.22 of the Revised Code in the	30833
preparation of flood hazard mitigation reports required as a	30834
condition for receiving federal disaster aid under the "Disaster	30835
Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended,	30836
and regulations adopted under it;	30837
(8) Adopt, and may amend or rescind, rules in accordance with	30838
Chapter 119. of the Revised Code for the administration,	30839
implementation, and enforcement of this section and sections	30840
1521.14 and 1521.18 of the Revised Code;	30841
(9) Establish, by rule, technical standards for the	30842
delineation and mapping of floodplains and for the conduct of	30843
engineering studies to determine the vertical and horizontal	30844
limits of floodplains and for the assessment of development	30845
impacts on flood heights and flood conveyance. The standards	30846
established in rules adopted under this division shall be	30847
consistent with and no more stringent than the analogous standards	30848

established under the national flood insurance program. 30849

(10) On behalf of the director of natural resources, 30850  
administer section 1506.04 of the Revised Code. 30851

In addition to the duties imposed in divisions (C)(1) to (10) 30852  
of this section, and with respect to existing publicly owned 30853  
facilities that have suffered flood damage or that may be subject 30854  
to flood damage, the chief may conspicuously mark past and 30855  
probable flood heights in order to assist in creating public 30856  
awareness of and knowledge about flood hazards. 30857

(D)(1) Development that is funded, financed, undertaken, or 30858  
preempted by state agencies shall comply with division (A) of this 30859  
section and with rules adopted under division (C)(9) of this 30860  
section. 30861

(2) State agencies shall apply floodproofing measures in 30862  
order to reduce potential additional flood damage of existing 30863  
publicly owned facilities that have suffered flood damage. 30864

(3) Before awarding funding or financing or granting a 30865  
license, permit, or other authorization for a development that is 30866  
or is to be located within a one-hundred-year floodplain, a state 30867  
agency shall require the applicant to demonstrate to the 30868  
satisfaction of the agency that the development will comply with 30869  
division (A) of this section, rules adopted under division (C)(9) 30870  
of this section, and any applicable local floodplain management 30871  
resolution or ordinance. 30872

(4) Prior to the disbursement of any state disaster 30873  
assistance money in connection with any incident of flooding to or 30874  
within a county or municipal corporation that is not listed by the 30875  
chief as being in compliance under division (D)(1) of section 30876  
1521.18 of the Revised Code, a state agency that has authority to 30877  
disburse such money shall require the county or municipal 30878  
corporation to establish or reestablish compliance as provided in 30879

that division. 30880

(E)(1) Subject to section 1521.18 of the Revised Code, a 30881  
county or a municipal corporation may do all of the following: 30882

(a) Adopt floodplain maps that reflect the best available 30883  
data and that indicate the areas to be regulated under a 30884  
floodplain management resolution or ordinance, as applicable; 30885

(b) Develop and adopt a floodplain management resolution or 30886  
ordinance, as applicable; 30887

(c) Adopt floodplain management standards that exceed the 30888  
standards that are established under the national flood insurance 30889  
program. 30890

(2) A county or municipal corporation shall examine and 30891  
apply, where economically feasible, floodproofing measures in 30892  
order to reduce potential additional flood damage of existing 30893  
publicly owned facilities that have suffered flood damage. 30894

(3) A county that adopts a floodplain management resolution 30895  
shall do so in accordance with the procedures established in 30896  
section 307.37 of the Revised Code. The county may enforce the 30897  
resolution by issuing stop work orders, seeking injunctive relief, 30898  
or pursuing other civil actions that the county considers 30899  
necessary to ensure compliance with the resolution. In addition, 30900  
failure to comply with the floodplain management resolution 30901  
constitutes a violation of division (D) of section 307.37 of the 30902  
Revised Code. 30903

(4) No action challenging the validity of a floodplain 30904  
management resolution adopted by a county or a floodplain 30905  
management ordinance adopted by a municipal corporation, or an 30906  
amendment to such a resolution or ordinance, because of a 30907  
procedural error in the adoption of the resolution, ordinance, or 30908  
amendment shall be brought more than two years after the adoption 30909  
of the resolution, ordinance, or amendment. 30910

**Sec. 1521.14.** Upon the written request of the director of 30911  
natural resources, the attorney general shall bring an action for 30912  
appropriate relief in a court of competent jurisdiction against 30913  
any development that is not in compliance with the standards of 30914  
the national flood insurance program and that is one of the 30915  
following: 30916

(A) Located in a county or municipal corporation that is not 30917  
listed by the chief of the division of ~~soil and~~ water resources as 30918  
being in compliance under division (D)(1) of section 1521.18 of 30919  
the Revised Code; 30920

(B) Funded, financed, undertaken, or preempted by a state 30921  
agency. 30922

**Sec. 1521.15.** (A) The chief of the division of ~~soil and~~ water 30923  
resources shall develop and maintain, in cooperation with local, 30924  
state, federal, and private agencies and entities, a water 30925  
resources inventory for the collection, interpretation, storage, 30926  
retrieval, exchange, and dissemination of information concerning 30927  
the water resources of this state, including, but not limited to, 30928  
information on the location, type, quantity, and use of those 30929  
resources and the location, type, and quantity of consumptive use 30930  
and diversion of the water resources. The water resources 30931  
inventory also shall include, without limitation, information to 30932  
assist in determining the reasonableness of water use and sharing 30933  
under common law, promoting reasonable use and development of 30934  
water resources, and resolving water use conflicts. 30935

All agencies of the state shall cooperate with the chief in 30936  
the development and maintenance of the inventory. 30937

(B) The chief shall cooperate with the other great lakes 30938  
states and provinces to develop a common base of data regarding 30939  
the management of the water resources of the Lake Erie drainage 30940



basin and to establish systematic arrangements for the exchange of 30941  
those data. 30942

**Sec. 1521.16.** (A) Any person who owns a facility that has the 30943  
capacity to withdraw waters of the state in an amount greater than 30944  
one hundred thousand gallons per day from all sources and whose 30945  
construction is completed before January 1, 1990, shall register 30946  
the facility by January 1, 1991, with the chief of the division of 30947  
~~soil and~~ water resources, and any person who owns a facility that 30948  
has the capacity to withdraw waters of the state in such an amount 30949  
and whose construction is completed on or after January 1, 1990, 30950  
shall register the facility with the chief within three months 30951  
after the facility is completed. The person shall register the 30952  
facility using a form prescribed by the chief that shall include, 30953  
without limitation, the name and address of the registrant and 30954  
date of registration; the locations and sources of the facility's 30955  
water supply; the facility's withdrawal capacity per day and the 30956  
amount withdrawn from each source; the uses made of the water, 30957  
places of use, and places of discharge; and such other information 30958  
as the chief may require by rule. 30959

The registration date of any facility whose construction was 30960  
completed prior to January 1, 1990, and that is registered under 30961  
this division prior to January 1, 1991, shall be January 1, 1990. 30962  
The registration date of any facility whose construction was 30963  
completed prior to January 1, 1990, and that is required to 30964  
register under this division prior to January 1, 1991, but that is 30965  
not registered prior to that date, and the registration date of 30966  
any facility whose construction was completed after January 1, 30967  
1990, and that is required to register under this division shall 30968  
be the date on which the registration is received by the chief. 30969

(B) In accordance with division (D) of this section, the 30970  
chief shall adopt rules establishing standards and criteria for 30971

determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under this division shall not be required. At any time following the adoption of those rules, the chief may by order designate an area of ground water as a ground water stress area and shall establish in any such order a threshold withdrawal capacity for the area below which registration under this division shall not be required.

Following the designation of a ground water stress area, the chief immediately shall give notice by publication in a newspaper of general circulation in the designated area that shall include a map delineating the designated ground water stress area and a statement of the threshold withdrawal capacity established for the area below which registration under this division shall not be required. The notice shall not appear in the legal notices section of the newspaper. Any person who owns a facility in the designated ground water stress area that is not registered under division (A) of this section and that has the capacity to withdraw waters of the state in an amount greater than the threshold withdrawal capacity for the area from all sources shall register the facility with the chief not later than thirty days after publication of the notice. A person registering a facility under this division shall do so using a form prescribed by the chief. The form shall include the information specified in division (A) of this section.

(C) Any person who owns a facility registered under division (A) or (B) of this section shall file a report annually with the chief listing the amount of water withdrawn per day by the facility, the return flow per day, and any other information the chief may require by rule. Any person who, under Chapter 6109. of the Revised Code, provides such information to the Ohio environmental protection agency is exempt from reporting under

this division. The director of environmental protection shall 31004  
provide the chief any such reported information upon request. 31005

(D) The chief shall adopt, and may amend or rescind, rules in 31006  
accordance with Chapter 119. of the Revised Code to carry out this 31007  
section. 31008

(E)(1) No person knowingly shall fail to register a facility 31009  
or file a report as required under this section. 31010

(2) No person shall file a false report under this section. 31011  
Violation of division (E)(2) of this section is falsification 31012  
under section 2921.13 of the Revised Code. 31013

(F) At the request of the director of natural resources, the 31014  
attorney general may commence a civil action to compel compliance 31015  
with this section, in a court of common pleas, against any person 31016  
who has violated or is violating division (E)(1) of this section. 31017  
The court of common pleas in which a civil action is commenced 31018  
under this division has jurisdiction to and shall compel 31019  
compliance with this section upon a showing that the person 31020  
against whom the action is brought has violated or is violating 31021  
that division. 31022

Any action under this division is a civil action, governed by 31023  
the rules of civil procedure and other rules of practice and 31024  
procedure applicable to civil actions. 31025

**Sec. 1521.18.** (A) For the purposes of this section, a 31026  
one-hundred-year floodplain is limited to an area identified as a 31027  
one-hundred-year floodplain in accordance with the "National Flood 31028  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 31029  
amended. 31030

(B) Each municipal corporation or county that has within its 31031  
boundaries a one-hundred-year floodplain and that adopts a 31032  
floodplain management ordinance or resolution or any amendments to 31033

such an ordinance or resolution on or after April 11, 1991, after 31034  
adopting the ordinance, resolution, or amendments and before 31035  
submitting the ordinance, resolution, or amendments to the federal 31036  
emergency management agency for final approval for compliance with 31037  
applicable standards adopted under the "National Flood Insurance 31038  
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 31039  
submit the ordinance, resolution, or amendments to the chief of 31040  
the division of ~~soil~~ and water resources for the chief's review 31041  
for compliance with those standards. Within forty-five days after 31042  
receiving any such ordinance, resolution, or amendments, the chief 31043  
shall complete the review and notify the municipal corporation or 31044  
county as to whether the ordinance, resolution, or amendments 31045  
comply with those standards. If the chief finds that the 31046  
ordinance, resolution, or amendments comply with those standards, 31047  
the chief shall forward it or them to the federal emergency 31048  
management agency for final approval. 31049

(C)(1) If the chief determines that a county or municipal 31050  
corporation that has adopted a floodplain management resolution or 31051  
ordinance fails to administer or enforce the resolution or 31052  
ordinance, the chief shall send a written notice by certified mail 31053  
to the board of county commissioners of the county or the chief 31054  
executive officer of the municipal corporation stating the nature 31055  
of the noncompliance. 31056

(2) In order to maintain its compliance status in accordance 31057  
with division (D) of this section, a county or municipal 31058  
corporation that has received a notice of noncompliance under 31059  
division (C)(1) of this section may submit information to the 31060  
chief not later than thirty days after receiving the notice that 31061  
demonstrates compliance or indicates the actions that the county 31062  
or municipal corporation is taking to administer or enforce the 31063  
resolution or ordinance. The chief shall review the information 31064  
and shall issue a final determination by certified mail to the 31065

county or municipal corporation of the compliance or noncompliance 31066  
status of the county or municipal corporation. If the chief issues 31067  
a final determination of noncompliance, the chief shall send a 31068  
copy of that determination to the federal emergency management 31069  
agency concurrently with mailing the notice to the municipal 31070  
corporation or county. 31071

(D)(1) A county or municipal corporation is considered to be 31072  
in compliance for the purposes of this section if either of the 31073  
following applies: 31074

(a) The county or municipal corporation has adopted a 31075  
floodplain management resolution or ordinance that the chief has 31076  
determined complies with applicable standards adopted under the 31077  
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 31078  
4001, as amended, and is adequately administering and enforcing it 31079  
as determined under division (C) of this section. 31080

(b) The county or municipal corporation is participating in 31081  
the national flood insurance program and has not received a notice 31082  
of noncompliance under division (B) or (C) of this section. 31083

(2) The chief shall maintain a list of all counties and 31084  
municipal corporations that have one-hundred-year floodplains 31085  
within their boundaries. The list shall indicate whether each such 31086  
county or municipal corporation is in compliance or noncompliance 31087  
as provided in division (D)(1) of this section and whether each 31088  
such county or municipal corporation is participating in the 31089  
national flood insurance program. The chief shall provide a copy 31090  
of the list to the general assembly and all state agencies 31091  
annually and shall notify the general assembly and the agencies of 31092  
any changes at least quarterly. 31093

(E) Any county or municipal corporation that is adversely 31094  
affected by any determination of the chief under this section may 31095  
appeal it in accordance with Chapter 119. of the Revised Code not 31096

later than thirty days after the final determination. 31097

**Sec. 1521.19.** (A) There is hereby created the Ohio water 31098  
resources council consisting of the directors of agriculture, 31099  
development services, environmental protection, health, natural 31100  
resources, transportation, and the Ohio public works commission, 31101  
the chairperson of the public utilities commission of Ohio, the 31102  
executive director of the Ohio water development authority, and an 31103  
executive assistant in the office of the governor appointed by the 31104  
governor. The governor shall appoint one of the members of the 31105  
council to serve as its chairperson. The council may adopt bylaws 31106  
that are necessary for the implementation of this section. The 31107  
council shall provide a forum for policy development, 31108  
collaboration and coordination among state agencies, and strategic 31109  
direction with respect to state water resource programs. The 31110  
council shall be assisted in its functions by a state agency 31111  
coordinating group and an advisory group as provided in this 31112  
section. 31113

(B) The state agency coordinating group shall consist of the 31114  
executive director of the Ohio Lake Erie commission and a member 31115  
or members from each state agency, commission, and authority 31116  
represented on the council, to be appointed by the applicable 31117  
director, chairperson, or executive director. However, the 31118  
environmental protection agency shall be represented on the group 31119  
by the chiefs of the divisions within that agency having 31120  
responsibility for surface water programs and drinking and ground 31121  
water programs, and the department of natural resources shall be 31122  
represented on the group by the chief of the division of ~~soil and~~ 31123  
water resources. The chairperson of the council shall appoint a 31124  
leader of the state agency coordinating group. The group shall 31125  
provide assistance to and perform duties on behalf of the council 31126  
as directed by the council. 31127

(C) The advisory group shall consist of not more than 31128  
twenty-four members, each representing an organization or entity 31129  
with an interest in water resource issues. The council shall 31130  
appoint the members of the advisory group. Of the initial 31131  
appointments, not more than ten members shall be appointed for 31132  
one-year terms, and not more than ten members shall be appointed 31133  
for two-year terms. Of the four initial appointments made after 31134  
April 6, 2007, two of the members shall be appointed for one-year 31135  
terms, and two of the members shall be appointed for two-year 31136  
terms. Thereafter, all advisory group members shall serve two-year 31137  
terms. Members may be reappointed. Each member shall hold office 31138  
from the date of the member's appointment until the end of the 31139  
member's term. A member shall continue in office subsequent to the 31140  
expiration date of the member's term until the member's successor 31141  
takes office or until a period of sixty days has elapsed, 31142  
whichever occurs first. The council may remove a member for 31143  
misfeasance, nonfeasance, or malfeasance in office. The council 31144  
shall appoint members to fill any vacancies on the group. A member 31145  
appointed to fill a vacancy shall hold office for the remainder of 31146  
the term for which that member was appointed. 31147

The chairperson of the council shall appoint a chairperson of 31148  
the advisory group. The advisory group shall advise the council on 31149  
water resources issues addressed by the council. 31150

(D) There is hereby created in the state treasury the Ohio 31151  
water resources council fund. The department of natural resources 31152  
shall serve as the fiscal agent for the fund. The departments of 31153  
agriculture, ~~development, environmental protection,~~ health, 31154  
natural resources, and transportation, the environmental 31155  
protection agency, and the development services agency shall 31156  
transfer moneys to the fund in equal amounts via intrastate 31157  
transfer voucher. The public utilities commission of Ohio, Ohio 31158  
public works commission, and Ohio water development authority may 31159

transfer moneys to the fund. If a voluntary transfer of moneys is 31160  
made to the fund, the portion that is required to be transferred 31161  
by the departments of agriculture, ~~development, environmental~~ 31162  
~~protection~~, health, natural resources, and transportation, the 31163  
environmental protection agency, and the development services 31164  
agency may be equally reduced. Moneys in the fund shall be used to 31165  
pay the operating expenses of the Ohio water resources council, 31166  
including those specified in division (E) of this section. 31167

(E) The Ohio water resources council may hire staff to 31168  
support its activities. The council may enter into contracts and 31169  
agreements with federal agencies, state agencies, political 31170  
subdivisions, and private entities to assist in accomplishing its 31171  
objectives. Advisory group members shall be reimbursed for 31172  
expenses necessarily incurred in the performance of their duties 31173  
pursuant to section 126.31 of the Revised Code and any applicable 31174  
rules pertaining to travel reimbursement adopted by the office of 31175  
budget and management. 31176

**Sec. 1522.03.** The chief of the division of ~~soil and~~ water 31177  
resources shall do all of the following: 31178

(A) Adopt rules in accordance with Chapter 119. of the 31179  
Revised Code for the implementation, administration, and 31180  
enforcement of the great lakes-st. Lawrence river basin water 31181  
resources compact; 31182

(B) Enforce the great lakes-st. Lawrence river basin water 31183  
resources compact and take appropriate actions to effectuate its 31184  
purposes and intent; 31185

(C) Adopt rules in accordance with Chapter 119. of the 31186  
Revised Code for the development, implementation, administration, 31187  
and enforcement of any permit program established under this 31188  
chapter. 31189



Rules adopted under this section shall be no more stringent 31190  
than the great lakes-st. Lawrence river basin water resources 31191  
compact. The chief shall convene a working group consisting of 31192  
parties with interests in Lake Erie, the Lake Erie watershed, and 31193  
the great lakes-st. Lawrence river basin water resources compact. 31194  
The working group shall consult with the chief regarding the 31195  
adoption of rules under this section. 31196

**Sec. 1522.05.** Pursuant to Section 9.2 of the great lakes-st. 31197  
Lawrence river basin water resources compact, the governor may 31198  
take such actions as are necessary for the initial organization 31199  
and operation of the great lakes-st. Lawrence river basin water 31200  
resources council created in Section 2.1 of the compact. Agencies 31201  
of the state are hereby authorized to cooperate with the council. 31202

The chief of the division of ~~soil and~~ water resources shall 31203  
adopt voluntary watershedwide goals, objectives, and standards for 31204  
water conservation and efficiency consistent with Section 4.2 of 31205  
the great lakes-st. Lawrence river basin water resources compact. 31206

**Sec. 1522.11.** (A) No person shall install or operate a 31207  
facility or equipment that results in a new or increased diversion 31208  
of any water out of the Lake Erie watershed to another watershed 31209  
without first obtaining a permit to do so issued by the chief of 31210  
the division of ~~soil and~~ water resources. An application for such 31211  
a permit shall be submitted to the chief on a form that the chief 31212  
prescribes. An application shall be accompanied by a nonrefundable 31213  
fee of one thousand dollars, which shall be credited to the water 31214  
management fund created in section 1501.32 of the Revised Code. 31215

(B) The chief shall approve a permit application submitted 31216  
under this section only if the chief determines that it meets the 31217  
criteria required to qualify as an exception to the prohibition 31218  
against diversions established in Section 4.9 of the compact. The 31219

chief shall issue or deny a permit through issuance of an order. 31220

**Sec. 1522.12.** (A) For purposes of the compact, not later than 31221  
one hundred eighty days after ~~the effective date of this section~~ 31222  
September 4, 2012, the chief of the division of ~~soil and~~ water 31223  
resources shall establish a program for the issuance of permits 31224  
for the withdrawal and consumptive use of water from the Lake Erie 31225  
watershed. Upon establishment of the program, the owner or 31226  
operator of a facility within the Lake Erie watershed that is not 31227  
otherwise exempt under section 1522.14 of the Revised Code shall 31228  
obtain a withdrawal and consumptive use permit from the chief if 31229  
the facility meets any of the following threshold criteria: 31230  
31231

(1) The facility has a new or increased capacity for 31232  
withdrawals or consumptive uses from Lake Erie or a recognized 31233  
navigation channel of at least two and one-half million gallons 31234  
per day. 31235

(2) Except as provided in division (A)(3) of this section, 31236  
the facility has a new or increased capacity for withdrawals or 31237  
consumptive uses from any river or stream or from ground water in 31238  
the Lake Erie watershed of at least one million gallons per day. 31239

(3)(a) Except as provided in division (A)(3)(b) of this 31240  
section, the facility has a new or increased capacity for 31241  
withdrawals or consumptive uses from any river or stream in the 31242  
Lake Erie watershed that is a high quality water of at least one 31243  
hundred thousand gallons per day. Division (A)(3) of this section 31244  
does not apply to withdrawals and consumptive uses from 31245  
outstanding state waters that are designated as such by the 31246  
environmental protection agency due to their exceptional 31247  
recreational values. 31248

(b) If a river or stream or segment thereof is designated as 31249  
a high quality water as of ~~the effective date of this section~~ 31250

September 4, 2012, the threshold established in division (A)(3)(a) 31251  
of this section applies to the river or stream or segment thereof 31252  
and the entire watershed upstream of that river, stream, or 31253  
segment. If a river or stream or segment thereof is designated as 31254  
a high quality water after ~~the effective date of this section~~ 31255  
September 4, 2012, the threshold established in division (A)(3)(a) 31256  
of this section applies to the river or stream or segment thereof 31257  
and the entire watershed upstream of that river, stream, or 31258  
segment, provided that the director of environmental protection 31259  
and the director of natural resources, or their designees, jointly 31260  
determine that the proposed withdrawal or consumptive use would 31261  
cause the high quality water to lose its designation as a high 31262  
quality water. If the directors determine that the proposed 31263  
withdrawal or consumptive use would not cause the high quality 31264  
water to lose that designation, the threshold established in 31265  
division (A)(2) of this section applies to the withdrawal or 31266  
consumptive use at a point beginning one thousand feet upstream of 31267  
the upstream end of the designated high quality water segment or 31268  
at a point beginning two times the length of the river, stream, or 31269  
segment that has been designated as a high quality water, 31270  
whichever is greater. 31271

Upon establishment of the withdrawal and consumptive use 31272  
permit program under this division, the owner or operator of a 31273  
facility that is not otherwise exempt under section 1522.14 of the 31274  
Revised Code and that is subject to a threshold specified in 31275  
division (A)(1) or (2) of this section, after submitting an 31276  
application for a permit under this section and a determination by 31277  
the chief that the application is complete, may commence 31278  
installation of the facility or equipment that will result in a 31279  
new or increased withdrawal or consumptive use of water in the 31280  
Lake Erie watershed prior to issuance of the withdrawal and 31281  
consumptive use permit. 31282

Upon establishment of the withdrawal and consumptive use permit program under this division, the owner or operator of a facility that is not otherwise exempt under section 1522.14 of the Revised Code and that is subject to a threshold specified in division (A)(3) of this section shall not install or operate the facility or equipment that will result in a new or increased withdrawal or consumptive use of water in the Lake Erie watershed without first obtaining a withdrawal and consumptive use permit.

(B) Permits issued under this section shall be issued only for the amount of withdrawal or consumptive use capacity of a facility that meets or exceeds threshold amounts established in division (A) of this section. A permit shall not be required for the portion of the withdrawal and consumptive use capacity of the facility below that threshold amount.

(C) An applicant for a permit shall submit an application to the chief on a form that the chief prescribes. The applicant shall include with the application all of the following:

(1) The name, address, and telephone number of the applicant and of a contact person for the applicant;

(2) The names, addresses, and other necessary contact information of any other owners and operators of the facility;

(3) A description of all of the following:

(a) The facility's current withdrawal capacity per day if the withdrawal is to occur at a facility already in operation;

(b) The total new or increased daily withdrawal capacity proposed for the facility;

(c) The locations and sources of water proposed to be withdrawn;

(d) The locations of proposed discharges or return flows;

(e) The locations and nature of proposed consumptive uses and

the applicable consumptive use coefficient for the facility;	31313
(f) The estimated average annual and monthly volumes and rates of withdrawal;	31314 31315
(g) The estimated average annual and monthly volumes and rates of consumptive use;	31316 31317
(h) The environmentally sound and economically feasible water conservation measures to be undertaken by the applicant;	31318 31319
(i) Other ways the applicant's need for water may be satisfied if the application is denied or modified;	31320 31321
(j) Any other information the chief may require to adequately consider the application.	31322 31323
(4) A nonrefundable application fee of one thousand dollars, the proceeds of which shall be credited to the water management fund created in section 1501.32 of the Revised Code.	31324 31325 31326
(D) Provided that a facility meets all applicable permit conditions, a permit for the facility is valid until the facility is the subject of facility abandonment. Once every five years, the owner or operator of a facility shall certify to the chief that the facility is in compliance with the permit that has been issued for the facility.	31327 31328 31329 31330 31331 31332
(E) No person that is required to do so shall fail to apply for and receive a withdrawal and consumptive use permit.	31333 31334
(F) A permit issued under this section shall include terms and conditions restricting the withdrawal and consumptive use by a facility to amounts not exceeding the capacity of the facility.	31335 31336 31337
(G) The chief shall issue or deny a permit not later than ninety days after receipt of a complete application. If applicable, the chief shall comply with the requirements regarding prior notice established in Section 4.6 of the compact. The chief shall issue or deny a permit through issuance of an order. The	31338 31339 31340 31341 31342

chief shall issue a permit if all applicable criteria for 31343  
receiving the permit are met as provided in sections 1522.10 to 31344  
1522.21 of the Revised Code. 31345

**Sec. 1522.13.** (A) The chief of the division of ~~soil and~~ water 31346  
resources shall issue a withdrawal and consumptive use permit for 31347  
a facility if the chief determines that the facility meets all of 31348  
the criteria established in Section 4.11 of the compact. 31349  
31350

(B) In applying the provision of the decision-making standard 31351  
established in Section 4.11.2 of the compact, the chief shall 31352  
require that a withdrawal or consumptive use will be implemented 31353  
so as to ensure that the withdrawal or consumptive use will result 31354  
in no significant individual or cumulative adverse impacts on the 31355  
quantity or quality of the waters and water dependent natural 31356  
resources of the great lakes basin considered as a whole or of the 31357  
Lake Erie source watershed considered as a whole. As part of the 31358  
evaluation of a permit application under Section 4.11.2 of the 31359  
compact, the chief shall do all of the following: 31360

(1) Rely on the best generally accepted scientific methods 31361  
appropriate for this state derived from professionally accepted 31362  
resources and practices; 31363

(2) Consider the long-term mean annual inflow and outflow of 31364  
the Lake Erie source watershed; 31365

(3) Consider the withdrawal and the portion of the withdrawal 31366  
that is not returned to the Lake Erie source watershed. 31367

(C) Impacts of a withdrawal or consumptive use on the 31368  
quantity or quality of waters and water dependent natural 31369  
resources of more localized areas that affect less than the great 31370  
lakes basin considered as a whole or the Lake Erie source 31371  
watershed considered as a whole shall be considered as a part of 31372

the evaluation of whether a proposed withdrawal or consumptive use 31373  
is reasonable as provided in Section 4.11.5 of the compact. 31374

(D) The chief shall not submit an application for a 31375  
withdrawal and consumptive use permit for regional review under 31376  
Section 4.5.2(c)(ii) of the compact to the regional body as 31377  
defined in Section 1.2 of the compact unless regional review is 31378  
agreed to by the applicant. 31379

(E) Nothing in sections 1522.10 to 1522.21 of the Revised 31380  
Code shall be construed to affect, limit, diminish, or impair any 31381  
rights validly established and existing under the laws of this 31382  
state as of December 8, 2008, including, but not limited to, 31383  
sections 1506.10 and 1521.17 of the Revised Code, or to limit a 31384  
person's right to the reasonable use of ground water, water in a 31385  
lake, or any other watercourse in contravention of Section 19b of 31386  
Article I, Ohio Constitution. 31387

**Sec. 1522.131.** (A) To encourage the development of innovative 31388  
water use practices and technologies that ensure sustainable water 31389  
use for industrial, commercial, residential, agricultural, or 31390  
public purposes, including recreational and cultural resources, as 31391  
a means to facilitate sustainable economic growth and job 31392  
creation, the chief of the division of ~~soil and~~ water resources, 31393  
with the approval of the director of natural resources, may issue 31394  
experimental use permits. An experimental use permit may be issued 31395  
in lieu of a withdrawal and consumptive use permit as determined 31396  
appropriate by the chief. 31397

(B) An experimental use permit may be issued if all of the 31398  
following apply: 31399

(1) The experimental use is reasonable based on a 31400  
consideration of the factors specified in Section 4.11.5 of the 31401  
compact. 31402

(2) The experimental use will use no more water than is 31403  
necessary to determine the effectiveness and economic feasibility 31404  
of the experimental use. 31405

(3) The experimental use does not reduce the protection 31406  
afforded the waters and water dependent natural resources of the 31407  
source watershed as defined in the compact below what is provided 31408  
in this chapter and rules adopted under it. 31409

(C) The chief may refuse to issue an experimental use permit 31410  
if the chief determines that the proposed use will result in 31411  
significant individual or cumulative adverse impacts on the 31412  
quantity or quality of the waters and water dependent natural 31413  
resources of the great lakes basin considered as a whole or the 31414  
Lake Erie source watershed considered as a whole. 31415

(D) The chief shall issue or deny a permit under this section 31416  
through issuance of an order. 31417

(E) The chief shall establish the terms and conditions of an 31418  
experimental use permit and may suspend such a permit, at any 31419  
time, if the chief finds that its terms or conditions are being 31420  
violated or that its terms and conditions are inadequate to avoid 31421  
significant individual or cumulative adverse impacts on the 31422  
quantity or quality of the waters and water dependent natural 31423  
resources of the great lakes basin considered as a whole or the 31424  
Lake Erie source watershed considered as a whole. 31425

(F) An experimental use permit issued under this section 31426  
shall expire not later than twenty-four months after the date of 31427  
issuance of the permit. 31428

**Sec. 1522.15.** (A)(1) Transfer of a withdrawal and consumptive 31429  
use permit upon the sale or transfer of a facility may occur so 31430  
long as the location of the facility, the source of water, and the 31431  
withdrawal and consumptive use capacities do not change. Transfer 31432



of the baseline withdrawal and consumptive use capacity of a 31433  
baseline facility upon the sale or transfer of the baseline 31434  
facility may occur so long as the location of the facility, the 31435  
source of water, and the withdrawal and consumptive use capacities 31436  
do not change. Transferred capacity of a baseline facility does 31437  
not require a withdrawal and consumptive use permit. 31438

Notice of a transfer shall be provided to the chief of the 31439  
division of ~~soil~~ and water resources in a manner prescribed by the 31440  
chief. 31441

(2) If the owner of a facility for which a withdrawal and 31442  
consumptive use permit has been issued sells or transfers a 31443  
portion of the facility, transfer of the applicable portion of the 31444  
withdrawal and consumptive use capacity authorized by the 31445  
withdrawal and consumptive use permit may occur so long as the 31446  
location of the facility, the source of water, and the total 31447  
withdrawal and consumptive use capacities do not change. The 31448  
permittee shall provide notice of such a transfer to the chief in 31449  
a manner prescribed by the chief. Upon receipt of the notice and 31450  
if a permit is required for the transferred portion based on the 31451  
threshold amounts established in divisions (A)(1) to (3) of 31452  
section 1522.12 of the Revised Code, the chief shall issue a new 31453  
permit for the transferred portion of the facility to the 31454  
transferee and a modified permit for the remaining portion of the 31455  
facility to the original permittee upon a showing that the 31456  
transferee will meet the conditions of the original permit and all 31457  
applicable requirements of this chapter and rules adopted under 31458  
it. Any new permit shall reflect the portion of the withdrawal and 31459  
consumptive use capacity that has been transferred. 31460

(3) If the owner of a baseline facility sells or transfers a 31461  
portion of the baseline facility, transfer of the applicable 31462  
portion of the withdrawal and consumptive use capacity listed in 31463  
the baseline report for that facility may occur so long as the 31464

location of the facility, the source of water, and the total 31465  
withdrawal and consumptive use capacities do not change. The owner 31466  
shall provide notice of such a transfer to the chief in a manner 31467  
prescribed by the chief. The chief shall not require the owner of 31468  
the baseline facility or the transferee to obtain a withdrawal and 31469  
consumptive use permit, but shall update the baseline report to 31470  
reflect the transfer. 31471

(4) The chief may deny a transfer under this section by 31472  
issuing an order denying the transfer and sending written notice 31473  
to the permittee and the transferee not later than thirty days 31474  
after notice of the intended transfer. The chief shall deny the 31475  
transfer if the chief determines that the transfer will result in 31476  
noncompliance with this chapter, rules adopted under it, or the 31477  
terms and conditions of a withdrawal and consumptive use permit. 31478

(5) The chief shall remove a facility from the baseline 31479  
report when the facility is subject to baseline facility 31480  
abandonment. However, a baseline facility shall not be removed 31481  
from the baseline report due to the transfer of the facility's 31482  
baseline capacity. 31483

(B) No person shall sell or transfer a withdrawal and 31484  
consumptive use permit for purposes of evading the requirements 31485  
established in sections 1522.10 to 1522.21 of the Revised Code. 31486

**Sec. 1522.16.** (A)(1) The owner or operator of a facility may 31487  
petition the chief of the division of ~~soil and~~ water resources for 31488  
either of the following: 31489

(a) Inclusion in the baseline report if the owner or operator 31490  
believes that the facility was erroneously excluded from the 31491  
report; 31492

(b) The amendment of the amount of a withdrawal and 31493  
consumptive use or other information included in the baseline 31494

report regarding the facility if the owner or operator believes 31495  
that the information is incorrect. 31496

(2) The chief shall issue an order either approving or 31497  
disapproving a petition submitted under this section. The chief 31498  
shall issue the order based on a thorough examination of the 31499  
circumstances concerning the petition. 31500

(3) The chief shall adopt rules in accordance with Chapter 31501  
119. of the Revised Code that establish procedures for the 31502  
submission of petitions under this division. 31503

(B) With regard to the nonuse of a baseline facility's or a 31504  
facility's withdrawal and consumptive use capacity, not later than 31505  
sixty days after the time period specified in division (B)(1) or 31506  
(2) or (I)(1) or (2) of section 1522.10 of the Revised Code, the 31507  
owner or operator of the facility may request an extension from 31508  
the chief to retain the facility's active status. The request 31509  
shall be made in a manner prescribed by the chief. The chief shall 31510  
determine the appropriate terms and conditions of the extension, 31511  
if approved, based on information submitted by the owner or 31512  
operator. The chief shall issue an order approving or disapproving 31513  
the request and shall do so in a manner prescribed by the chief. 31514

**Sec. 1522.17.** (A) The owner or operator of a facility who is 31515  
applying for a withdrawal and consumptive use permit shall submit 31516  
to the chief of the division of ~~soil and~~ water resources a 31517  
facility water conservation plan that incorporates environmentally 31518  
sound and economically feasible water conservation measures in 31519  
accordance with Section 4.11.3 of the compact. If the plan 31520  
reasonably incorporates environmentally sound and economically 31521  
feasible water conservation measures applicable to the facility, 31522  
it shall be deemed to be in compliance with Section 4.11.3 of the 31523  
compact. 31524

(B) The chief shall keep confidential any portions of a 31525

facility water conservation plan that constitute a trade secret as 31526  
defined in section 1333.61 of the Revised Code as follows: 31527

(1) During the period of time after confidentiality is 31528  
requested under division (C) of this section and until the chief 31529  
makes a determination to approve or disapprove the request; 31530

(2) On and after the date on which the chief approves a 31531  
request for confidentiality under division (C) of this section. 31532

Any portions of a facility water conservation plan that are 31533  
kept confidential as provided in this division are not subject to 31534  
section 149.43 of the Revised Code. 31535

(C)(1) The owner or operator of a facility may request that 31536  
any portions of a facility water conservation plan be kept 31537  
confidential. The request for confidentiality shall be submitted 31538  
at the same time that an owner or operator submits a facility 31539  
water conservation plan under division (A) of this section. The 31540  
owner or operator shall clearly indicate the information that the 31541  
owner or operator considers a trade secret and shall label it as 31542  
"trade secret." Failure to make such a request shall constitute a 31543  
waiver of the right to prevent public disclosure of the 31544  
information. A request for confidentiality shall be accompanied by 31545  
documents that support the request. The documents shall describe 31546  
the measures that the requestor has taken to safeguard the 31547  
confidentiality of the information and indicate whether or not 31548  
others are bound by a confidentiality agreement related to the 31549  
information. 31550

(2) The chief, by order, shall issue a decision regarding the 31551  
confidentiality request not later than forty-five days after the 31552  
receipt of the request. Until the decision is issued, the 31553  
information that is the subject of the request shall be 31554  
confidential and maintained by the chief in a separate file 31555  
labeled "confidential." The applicant shall be notified by mail of 31556

the decision. 31557

**Sec. 1522.18.** The chief of the division of ~~soil and~~ water 31558  
resources, on the chief's own initiative or upon written complaint 31559  
by any person, may investigate or make inquiries into any alleged 31560  
failure to comply with this chapter, any rule adopted under it, 31561  
any order issued under it, or the terms and conditions of a permit 31562  
issued under it. The chief or the chief's duly authorized 31563  
representative may enter at reasonable times on any private or 31564  
public property to inspect and investigate conditions relating to 31565  
any such alleged act of noncompliance and, if necessary, may apply 31566  
to the court of common pleas having jurisdiction for a warrant 31567  
permitting the entrance and inspection. 31568

**Sec. 1522.20.** (A)(1) The chief of the division of ~~soil and~~ 31569  
water resources may issue an order to a person that the chief 31570  
determines has violated, is violating, or is threatening to 31571  
violate any provisions of this chapter, rules adopted under it, or 31572  
permits or orders issued under it. The order shall be effective 31573  
upon issuance and shall identify the facility where the violation 31574  
has occurred, is occurring, or is threatened to occur, the 31575  
specific violation, and actions that the owner or operator of the 31576  
facility must take to comply with the order. The order shall 31577  
establish a reasonable date by which the owner or operator must 31578  
comply with the order. 31579

(2) An order issued under division (A)(1) of this section 31580  
shall be in writing and shall contain a finding of the facts on 31581  
which the order is based. Notice of the order shall be given by 31582  
certified mail to the applicable owner or operator of a facility. 31583  
Notice also shall be provided to a person who initiated a 31584  
complaint that resulted in the order and shall be posted on the 31585  
web site of the department of natural resources in a manner 31586  
prescribed by the chief. 31587

(B)(1) The chief, by order, may propose to suspend or revoke 31588  
a permit issued under this chapter if the chief determines that 31589  
any term or condition of the permit is being violated. The chief's 31590  
order shall identify the facility where the violation allegedly 31591  
occurred, describe the nature of the violation, and prescribe what 31592  
action the permittee may take to bring the facility into 31593  
compliance with the permit. The chief shall fix and specify in the 31594  
order a reasonable date or time by which the permittee must 31595  
comply. The order shall state that the chief may suspend or revoke 31596  
the permit if the permittee fails to comply with the order by that 31597  
date or time. If on that date or time the chief finds that the 31598  
permittee has not complied with the order, the chief may issue a 31599  
new order suspending or revoking the permit. 31600

(2) The chief or the chief's designee may enter on private or 31601  
public lands and take action to mitigate, minimize, remove, or 31602  
abate the conditions caused by a violation that is the subject of 31603  
an order issued under division (B)(1) of this section. 31604

(C) The attorney general, upon written request of the chief, 31605  
shall bring an action for an injunction or other appropriate legal 31606  
or equitable action against any person who has violated, is 31607  
violating, or is threatening to violate any provision of this 31608  
chapter, any rule or order adopted or issued under it, or any term 31609  
or condition of a permit issued under it. The attorney general 31610  
shall bring the action in the court of common pleas of Franklin 31611  
county or the county where the applicable facility is located. In 31612  
an action for injunction, any factual findings of the chief 31613  
presented at a hearing conducted under division (A) of section 31614  
1522.21 of the Revised Code is prima-facie evidence of the facts 31615  
regarding the order that is the subject of the hearing. 31616

(D) A person who violates any provision of this chapter, any 31617  
rule or order adopted or issued under it, or any term or condition 31618  
of a permit issued under it is liable to the chief for any costs 31619

incurred by the division of ~~soil and~~ water resources in 31620  
investigating, mitigating, minimizing, removing, or abating the 31621  
violation and conditions caused by it. Upon the request of the 31622  
chief, the attorney general shall bring a civil action against the 31623  
responsible person to recover those costs in the court of common 31624  
pleas of Franklin county. Moneys recovered under this division 31625  
shall be deposited in the state treasury to the credit of the 31626  
water management fund created in section 1501.32 of the Revised 31627  
Code. 31628

**Sec. 1522.21.** (A) As used in this section, "person who is or 31629  
will be aggrieved or adversely affected" means a person with a 31630  
direct economic or property interest that is or will be adversely 31631  
affected by an order or rule issued or adopted by the chief of the 31632  
division of ~~soil and~~ water resources under this chapter. 31633

(B)(1) Before issuance of a final order denying the issuance 31634  
of a permit under section 1522.11, 1522.12, or 1522.131 of the 31635  
Revised Code, denying a transfer under section 1522.15 of the 31636  
Revised Code, denying a petition to the chief under section 31637  
1522.16 of the Revised Code, or denying a request for 31638  
confidentiality under section 1522.17 of the Revised Code, or 31639  
before the issuance of a final order under section 1522.20 of the 31640  
Revised Code, the chief shall issue a proposed order indicating 31641  
the chief's intent to issue a final order. If the chief receives a 31642  
written objection from a person who is or will be aggrieved or 31643  
adversely affected by the issuance of the final order, the chief 31644  
shall conduct an adjudication hearing with respect to the proposed 31645  
order in accordance with Chapter 119. of the Revised Code. A 31646  
person who is or will be aggrieved or adversely affected by the 31647  
issuance of the final order and who submitted a written objection 31648  
under this division may be a party to the adjudication. 31649

(2) Any person who is issued a proposed order or a final 31650

order by the chief shall be a party in any administrative or legal proceeding in which the proposed order or final order is at issue. This division is in addition to any other rights that a person may have as a person aggrieved or adversely affected.

(C)(1) After the issuance of a final order, a person who is or will be aggrieved or adversely affected by the issuance of the order may appeal the order to the court of common pleas of Franklin county or the court of common pleas of the county in which the facility that is the subject of the order is located. Subject to the exceptions specified in section 2506.03 of the Revised Code, the court is confined to the record as certified to it by the chief if an adjudication hearing was conducted by the chief under division (B) of this section. However, the court also may grant a request for the admission of additional evidence when satisfied that the additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the chief. If no adjudication hearing was conducted under division (B) of this section, the court shall conduct a hearing de novo.

(2) The filing of an appeal under division (C)(1) of this section does not automatically suspend the order that is the subject of the appeal. Upon application by the appellant, the court may suspend or stay the order, pending an immediate hearing on the appeal.

(3) If the court finds that the order was lawful and reasonable, it shall issue a written order affirming the order. If the court finds that the order was unreasonable or unlawful, it shall issue a written order vacating or modifying the order. The judgment of the court is final unless reversed, vacated, or modified on appeal.

(4) Attorney's fees shall not be awarded to any party to an administrative or legal proceeding under this section.



Sec. 1523.01. In addition to all other powers granted to and 31683  
duties devolving upon the chief of the division of ~~soil and~~ water 31684  
resources, when in the chief's judgment it is for the public 31685  
welfare and the best interests of the citizens of the state that 31686  
the surplus, flood, and other waters of any of the watersheds, 31687  
rivers, streams, watercourses, or public waters should be 31688  
conserved, impounded, and stored in order to insure and promote 31689  
the public health, welfare, and safety and to encourage and 31690  
promote agriculture, commerce, manufacturing, and other public 31691  
purposes, such chief shall proceed in furtherance of the purposes 31692  
of sections 1523.01 to 1523.13 of the Revised Code, and for the 31693  
preservation of the use of such waters for navigation, in case 31694  
such waters are required for navigation, to construct such 31695  
reservoirs, dams, storage basins, dikes, canals, raceways, and 31696  
other improvements as are necessary for such purposes, or the 31697  
chief may make additions to, enlarge, and make alterations in and 31698  
upon such reservoirs, dams, storage basins, dikes, canals, 31699  
raceways, and other improvements already in existence and 31700  
constituting a part of the public works, as are necessary for such 31701  
purposes. Any rights or privileges granted by sections 1523.01 to 31702  
1523.13 of the Revised Code, shall not interfere with the control 31703  
and maintenance of the state reservoirs or public parks which have 31704  
been dedicated to the public for purposes of recreation and 31705  
pleasure. 31706

The chief, subject to the written approval of the director of 31707  
natural resources and the governor, may acquire by gift, purchase, 31708  
or by appropriation proceedings, in the name of and on behalf of 31709  
the state, such real and personal property, rights, privileges, 31710  
and appurtenances as are necessary in the chief's judgment for the 31711  
construction of such reservoirs, dams, storage basins, dikes, 31712  
canals, raceways, and other improvements, or for the alteration, 31713  
enlargement, or maintenance of existing reservoirs, dams, and 31714

other improvements, together with such rights of way, drives, and 31715  
roadways as are necessary for convenient access thereto. The 31716  
appropriation proceedings referred to in this section shall be 31717  
restricted to private property only. 31718

Before proceeding to purchase or appropriate any such 31719  
property or rights, the cost of which, together with the land or 31720  
real estate necessary upon which to locate and construct such 31721  
improvements, including damages to remaining property, is in 31722  
excess of one thousand dollars, the chief shall prepare plans, 31723  
specifications, and estimates of such cost, including all material 31724  
and labor therefor, together with the cost of such land or real 31725  
estate and damages, and shall thereupon submit such plans, 31726  
specifications, and estimates to the director, who in turn shall 31727  
submit them to the governor for approval. 31728

The governor shall thereupon publish written notice once a 31729  
week for two consecutive weeks in a newspaper published in and of 31730  
general circulation in the counties where any such improvements 31731  
are proposed to be constructed, setting forth the location and 31732  
character of the proposed improvements, that the plans, 31733  
specifications, and estimates therefor are on file in the 31734  
governor's office, and that objections thereto will be heard by 31735  
the governor on a day to be named in the notice, which day shall 31736  
be not less than ten nor more than twenty days after the first 31737  
publication thereof. Within thirty days after the date fixed for 31738  
the hearing, the governor shall return such plans, specifications, 31739  
and estimates to the director, with the governor's written 31740  
approval or rejection thereof indorsed thereon. The director shall 31741  
immediately return such plans, specifications, and estimates, 31742  
together with the governor's indorsement thereon, to the chief. 31743

Any instrument by which real property is acquired pursuant to 31744  
this section shall identify the agency of the state that has the 31745  
use and benefit of the real property as specified in section 31746

5301.012 of the Revised Code. 31747

**Sec. 1523.02.** If the governor approves the plans, 31748  
specifications, and estimates authorized by section 1523.01 of the 31749  
Revised Code, the chief of the division of ~~soil and~~ water 31750  
resources shall thereupon proceed, as provided in sections 1523.02 31751  
to 1523.13 of the Revised Code, to construct the improvements or 31752  
to make alterations in or to enlarge those already existing, in 31753  
such manner and form as is shown by such plans and specifications. 31754  
In order to provide the funds for such construction, alteration, 31755  
or enlargement, the chief shall issue and sell bonds of the state, 31756  
not in excess of the estimated cost of such improvements. The 31757  
bonds shall be issued in denominations of not less than one 31758  
hundred dollars payable as a whole or in series on or before fifty 31759  
years from the date thereof, with interest not to exceed the rate 31760  
provided in section 9.95 of the Revised Code, payable either 31761  
annually or semiannually. 31762

The bonds shall show on their face the purpose for which 31763  
issued and shall create no liability upon or be considered an 31764  
indebtedness of the state, but both the principal and interest 31765  
shall be paid solely out of the proceeds arising from the 31766  
improvements constructed, altered, or enlarged by the chief, or 31767  
from the proceeds of the sale or foreclosure of the lien securing 31768  
the bonds on such improvement or such part thereof as is 31769  
constructed from the money realized from the sale of the bonds. 31770

The form of the bonds shall be approved by the attorney 31771  
general, and they shall be signed by the governor and attested by 31772  
the director of natural resources and the chief. The bonds may be 31773  
issued as coupon bonds, payable to bearer only, or upon demand of 31774  
the owner or holder thereof as registered bonds. 31775

Such bonds shall be sold by the chief to the highest bidder 31776  
therefor, but for not less than the par value thereof, with 31777

accrued interest thereon, after thirty days' notice in at least 31778  
two newspapers of general circulation in the county where such 31779  
improvements are to be constructed, altered, or enlarged, setting 31780  
forth the nature, amount, rate of interest, and length of time the 31781  
bonds have to run, with the time and place of sale. 31782

The treasurer of state shall be the treasurer of the fund 31783  
realized from the sale of such bonds, and the auditor of state 31784  
shall be the auditor of such fund. The proceeds of such sale shall 31785  
be turned over to the treasurer of state and shall be deposited by 31786  
the treasurer of state in a solvent bank, located either in 31787  
Columbus or in the county in which such improvements are located. 31788  
Such proceeds shall be kept by such bank in a fund to be known as 31789  
the water conservation improvement fund. Such fund shall be used 31790  
to acquire the necessary real estate and to construct such new 31791  
improvements and for no other purpose, except that the treasurer 31792  
of state may pay the interest on the bonds during the period of 31793  
condemnation and the construction, alteration, or enlargement of 31794  
such improvements out of the proceeds arising from the sale of the 31795  
bonds for a term not exceeding three years from the date on which 31796  
the bonds are issued. The bank shall give bond to the state in 31797  
such amount as the treasurer of state considers advisable, and 31798  
with surety to the satisfaction of the treasurer of state, for the 31799  
benefit of the holders of the bonds, and for the benefit of any 31800  
contractors performing labor or furnishing material for such 31801  
improvements, as provided by law, conditioned that it will safely 31802  
keep the money and will make no payments or disbursements 31803  
therefrom except as provided in sections 1523.01 to 1523.13 of the 31804  
Revised Code. 31805

The treasurer of state shall hold such fund as trustee for 31806  
the holders of the bonds and for all persons performing labor or 31807  
furnishing material for the construction, alteration, or 31808  
enlargement of any improvement made under such sections. Such 31809

funds shall not be turned into the state treasury, but shall be 31810  
deposited and disbursed by the treasurer of state as provided in 31811  
such sections. The interest coupons attached to such bonds shall 31812  
bear the signature of the treasurer of state, executed by the 31813  
treasurer of state or printed or lithographed thereon. 31814

Both the interest and principal of such bonds shall be made 31815  
payable at the office of the treasurer of state in Columbus, and 31816  
shall be paid by the treasurer of state, without warrant or 31817  
authority of the director of budget and management, to the owner 31818  
or holder of such bonds upon presentation by the owner or holder 31819  
of matured interest coupons or bonds. 31820

**Sec. 1523.03.** Immediately after the sale of the bonds 31821  
authorized by section 1523.02 of the Revised Code and the payment 31822  
of the proceeds thereof to the treasurer of state as provided in 31823  
such section, the chief of the division of ~~soil and~~ water 31824  
resources shall make a written contract for the construction of 31825  
the improvements or for the making of additions to or alterations 31826  
in existing improvements with the lowest responsive and 31827  
responsible bidder, in accordance with section 9.312 of the 31828  
Revised Code, after advertisements once a week for four 31829  
consecutive weeks in one newspaper in each of the cities of 31830  
Columbus, Cleveland, and Cincinnati having a general circulation 31831  
therein, one trade paper having a circulation among contractors 31832  
engaged in the construction of public improvement work of like 31833  
character, and two newspapers having a general circulation within 31834  
the county in which the dam, reservoir, storage basin, or other 31835  
improvement is located or is to be located. 31836

All bids shall be filed with the chief, within the time fixed 31837  
for the filing of such bids in the advertisement. The bids shall 31838  
be opened and publicly read by the chief at twelve noon on the 31839  
last day for filing them. Each bid shall contain the full names of 31840

every person or company interested in it, shall separately state 31841  
the price of both the labor and material to be furnished under it, 31842  
and shall meet the requirements of section 153.54 of the Revised 31843  
Code. 31844

The chief may reject any bids. If the chief rejects all bids, 31845  
the chief shall within sixty days thereafter readvertise for bids 31846  
for the construction of such improvements, as provided in this 31847  
section, and may continue to readvertise for bids every sixty days 31848  
until bids are received which are made to the chief's satisfaction 31849  
and in conformity to sections 1523.01 to 1523.13 of the Revised 31850  
Code. 31851

The chief may award separate contracts to bidders for each 31852  
part of the labor to be done or material to be furnished for the 31853  
construction of such improvements, provided that the amount of the 31854  
contract, if awarded as a whole, or the aggregate of the several 31855  
contracts, if awarded separately, shall not, together with the 31856  
cost of the land necessary for such improvements and the estimated 31857  
damages to remaining property, be in excess of the estimated cost 31858  
of the construction thereof, including such land and damages. Such 31859  
contracts shall provide that all payments thereunder shall be made 31860  
only from the proceeds of the sale of the bonds issued for the 31861  
construction of such improvements. No contractor shall receive 31862  
payment for any work or labor performed or material furnished for 31863  
such improvements unless the contract therefor was, at the time of 31864  
its execution, approved by the governor by the governor's written 31865  
indorsement on such contract. 31866

**Sec. 1523.04.** When estimates or statements for either 31867  
material theretofore furnished or labor theretofore performed 31868  
under a contract entered into as provided in section 1523.03 of 31869  
the Revised Code are presented to the chief of the division of 31870  
~~soil and~~ water resources by the contractor, certified as to the 31871

correctness thereof under oath by the contractor or the 31872  
contractor's authorized agent and approved in writing by the 31873  
chief, the chief shall pay the amount of such estimates or 31874  
statements from the water conservation improvement fund. 31875

**Sec. 1523.05.** The chief of the division of ~~soil and~~ water 31876  
resources shall by contract in writing sell or lease for 31877  
agricultural, commercial, manufacturing, or other lawful purposes, 31878  
for any term not exceeding fifty years, the water, or any part 31879  
thereof, conserved and stored by the improvements then existing, 31880  
or that will be conserved and stored by any improvements 31881  
thereafter to be constructed by the chief. The chief may lease the 31882  
land surrounding the water for a term not exceeding fifty years, 31883  
as shown by the plans and specifications prepared by the chief and 31884  
approved by the governor as provided in section 1523.01 of the 31885  
Revised Code. Such agreements shall be for a certain price or 31886  
rental for the water or lands furnished to or used by the 31887  
grantees, lessees, or their assigns, to be paid quarterly, 31888  
semiannually, or annually as the chief deems advisable. 31889

The chief may, for a term not exceeding fifty years, sell or 31890  
lease power generated by any head of water raised or maintained by 31891  
any such improvement, or the chief may sell or lease the right to 31892  
use such head of water for generating power or other hydraulic 31893  
purposes. 31894

All such contracts of sale or lease, whether for water or 31895  
power, shall contain such reservations or restrictions as the 31896  
chief deems necessary and proper in furtherance of the purposes of 31897  
sections 1523.01 to 1523.13 of the Revised Code, and the 31898  
preservation of the use of such waters for navigation in case they 31899  
are required therefor. 31900

Such contracts or leases shall be approved by the attorney 31901  
general as to their general form and legality and, before becoming 31902

binding obligations on the state, they shall be approved by the 31903  
governor by the governor's written indorsement thereon. 31904

**Sec. 1523.06.** (A) The chief of the division of ~~soil and~~ water 31905  
resources before selling bonds as provided in section 1523.02 of 31906  
the Revised Code or before receiving bids for the construction of 31907  
improvements as authorized by section 1523.03 of the Revised Code 31908  
may enter into tentative agreements for the sale or lease of water 31909  
or power to: 31910

(1) Ascertain whether the public interest and welfare 31911  
reasonably require the proposed improvements in the proposed 31912  
locality; 31913

(2) Determine whether the revenues which the state may derive 31914  
from the lease of lands and the lease and sale of the waters which 31915  
are estimated will be conserved, impounded, and stored, or from 31916  
the sale or lease of the power generated by such improvements, 31917  
will be sufficient: 31918

(a) To pay the interest on bonds issued under section 1523.02 31919  
of the Revised Code; 31920

(b) To create a sinking fund to retire the bonds at their 31921  
maturity; 31922

(c) To maintain and keep the improvements in repair. 31923

(B) The performance and carrying out of such tentative 31924  
agreements shall be conditioned upon the ability of such chief to: 31925

(1) Sell the proposed bonds at not less than par and accrued 31926  
interest; 31927

(2) Secure bids for the furnishing of all the labor and 31928  
material necessary in the construction of such improvements, 31929  
including all real estate required and damages incurred, at such a 31930  
price that the rentals or compensation to be paid will provide 31931  
during the terms of such contracts or leases a sum sufficient to 31932



pay the interest, retire the bonds, and maintain and keep the 31933  
improvements in repair. 31934

**Sec. 1523.07.** The treasurer of state shall be treasurer and 31935  
the auditor of state shall be auditor of all moneys derived from 31936  
the use of the improvements authorized by sections 1523.01 to 31937  
1523.13 of the Revised Code. The treasurer of state shall hold the 31938  
moneys as trustee for the maintenance of any improvements 31939  
constructed under such sections, and for the holders of any bonds 31940  
issued in accordance with section 1523.02 of the Revised Code. The 31941  
moneys shall not be turned into the state treasury, but shall be 31942  
deposited and disbursed by the treasurer of state in the manner 31943  
provided in this section. All such moneys shall be collected by 31944  
the treasurer of state on statements to be furnished by the chief 31945  
of the division of ~~soil and~~ water resources and when so collected 31946  
shall be deposited in solvent banks in the state upon the same 31947  
terms as state funds are now loaned. The funds shall be kept by 31948  
such banks in a fund known as the "water conservation fund" and 31949  
shall be used, first, to maintain and keep in repair the dams, 31950  
reservoirs, storage basins, and other improvements, and, second, 31951  
to pay the interest upon and principal of the bonds issued and 31952  
sold pursuant to section 1523.02 of the Revised Code, as such 31953  
interest falls due or the bonds mature. 31954

The banks in which the treasurer of state deposits any of the 31955  
moneys belonging either to the water conservation improvement fund 31956  
provided for in section 1523.02 of the Revised Code or the water 31957  
conservation fund provided for in this section shall be state 31958  
depository banks as provided for in sections 135.01 to 135.21 of 31959  
the Revised Code. An amount not to exceed fifty thousand dollars 31960  
of the money on deposit at any one time in the water conservation 31961  
improvement fund, and an amount not to exceed ten thousand dollars 31962  
in the water conservation fund shall be held by any of the banks 31963  
as an active deposit, and the banks shall pay the treasurer of 31964

state on such deposits, both active and inactive, the same rate of 31965  
interest then being paid by them upon the funds of the state then 31966  
deposited with them by the treasurer of state. All such payments 31967  
of interest shall be credited to the respective funds upon which 31968  
such interest is paid. 31969

**Sec. 1523.08.** When the cost of any repairs to the 31970  
improvements authorized by section 1523.01 of the Revised Code 31971  
does not exceed one thousand dollars, the chief of the division of 31972  
~~soil and~~ water resources either may make such repairs or may let a 31973  
contract therefor without advertising for bids. If the cost of any 31974  
such repairs is in excess of one thousand dollars, the chief shall 31975  
advertise for bids for the making of such repairs and let a 31976  
contract therefor as provided in section 1523.03 of the Revised 31977  
Code. 31978

When itemized statements are presented to the chief showing 31979  
the amount of labor performed and material furnished in the making 31980  
of such repairs, verified by the person making them and approved 31981  
in writing by the chief, the chief shall pay the amount of such 31982  
statement from the water conservation fund. 31983

**Sec. 1523.09.** If a reservoir, dam, storage basin, or other 31984  
improvement constructed or enlarged by the chief of the division 31985  
of ~~soil and~~ water resources as provided in sections 1523.01 to 31986  
1523.13 of the Revised Code constitutes a part of the canal system 31987  
of the state or is located upon any river, stream, or body of 31988  
water formerly used as a feeder for the canal system, no water 31989  
shall be sold or leased from the improvement except in accordance 31990  
with section 1520.03 of the Revised Code. 31991

**Sec. 1523.10.** The funds derived from the sale, use, or lease 31992  
of the water impounded and conserved or the power generated by the 31993  
improvements constructed pursuant to sections 1523.01 to 1523.13 31994

of the Revised Code, or from the lease of the lands and 31995  
improvements adjacent thereto are hereby expressly pledged for the 31996  
purpose of maintaining and keeping the improvements in repair and 31997  
for the payment of the interest on and principal of the bonds 31998  
issued under section 1523.02 of the Revised Code, as the same fall 31999  
due and mature. The owners of such bonds are hereby given a lien 32000  
for the payment of the principal and interest of such bonds upon 32001  
any dam, reservoir, storage basin, or other improvements, or any 32002  
part thereof, with the appurtenances belonging thereto, 32003  
constructed by the chief of the division of ~~soil and~~ water 32004  
resources with the funds derived from the sale of such bonds. 32005

If default is made in the payment of the interest on any of 32006  
the bonds for three or more successive years, or if bonds, 32007  
aggregating in par value not less than ten per cent of the total 32008  
amount of such bonds then outstanding are not paid at maturity, 32009  
then all of the bonds, both principal and interest, shall become 32010  
due and payable, and the owners of any of the bonds, aggregating 32011  
in par value not less than ten per cent of the total amount of 32012  
such bonds then outstanding, may institute proceedings to 32013  
foreclose such lien against the state in the court of common pleas 32014  
of the county in which is located any of the improvements, 32015  
constructed, altered, or enlarged out of the proceeds of the sale 32016  
of such bonds. 32017

The court shall have jurisdiction of such action with full 32018  
power to foreclose such lien and to make an order to the sheriff 32019  
of the county, acting as a master commissioner, directing the 32020  
sheriff to make a sale of such improvements or part thereof at not 32021  
less than two-thirds of the appraised value thereof, and upon such 32022  
terms and in manner and form as provided for in the order, and to 32023  
pay the proceeds of such sale to the clerk of the court of common 32024  
pleas. Upon motion of the purchaser of such improvements at such 32025  
sale, the court, if such sale is found to be regular in all 32026

respects and according to law, shall confirm the sale and order 32027  
the sheriff to execute a deed to such purchaser and the 32028  
purchaser's assigns, conveying to the purchaser and the 32029  
purchaser's assigns all the right, title, and interest of the 32030  
holders of the bonds in and to the improvements, and all the 32031  
right, title, and interest of the state, for a period of not more 32032  
than fifty years from the date of such conveyance, in the same, 32033  
with full right and franchise, for the period of not to exceed 32034  
fifty years, to operate the improvements and dispose of the water 32035  
conserved or the power generated thereby, with the further right, 32036  
for the period of fifty years, to flow, transport, and convey the 32037  
water from the improvements, or to conduct and transmit power 32038  
generated thereby through, over, and upon any of the lands of the 32039  
state or channels or beds of any of its reservoirs, lakes, canals, 32040  
races, aqueducts, or watercourses. In the exercise of such rights, 32041  
such purchaser or the purchaser's assigns shall at all times 32042  
during the term of the grant maintain the improvements so conveyed 32043  
to them in a good state of repair and shall not interfere with the 32044  
navigation of the canals of the state or with the control and 32045  
maintenance thereof or with the sale of water by the state from 32046  
its dams, reservoirs, and improvements other than those so 32047  
constructed. The state does not incur any liability by reason of 32048  
such sale and the rights granted thereunder to continue to 32049  
maintain such canals, races, channels, or watercourses, or to 32050  
continue the use thereof. Such conveyance or grant by the sheriff 32051  
as such master commissioner shall contain a clause giving the 32052  
chief such control of waste gates and wickets as to regulate the 32053  
flow of water in the state reservoirs or canals, in such manner as 32054  
to maintain the proper level therein and to prevent the flowing 32055  
into such reservoirs and canals of such quantities of water as 32056  
might impair any of the property of the state or its lessees, 32057  
except as otherwise provided in section 1520.03 of the Revised 32058  
Code. 32059

Upon the foreclosure of the lien and the sale of the 32060  
improvements, all contracts or leases for the sale, use, or lease 32061  
of water, the lands and improvements adjacent thereto, or power 32062  
rights then outstanding shall become void, and the rights of the 32063  
state and the several lessees thereunder, shall cease. 32064

Upon the making of an order by the court for the sale of such 32065  
improvements, and before they are offered for sale by the sheriff, 32066  
the court shall appoint three disinterested appraisers, one of 32067  
whom shall be a water-works or hydraulic engineer with at least 32068  
five years' experience in the practice of the engineer's 32069  
profession, and two of whom shall be freeholders residing in the 32070  
county in which any of such improvements are located. The 32071  
appraisers shall appraise the improvements and shall, within the 32072  
time fixed by the court, file such appraisal in writing with the 32073  
clerk. If the lien given by this section as security for the 32074  
payment of the bonds covers a part only of the improvements, the 32075  
appraisers shall appraise the improvements as an entirety, and 32076  
shall also appraise separately the part constructed from the 32077  
proceeds of the sale of the bonds, the lien of which is being 32078  
foreclosed in such proceeding. 32079

In making such appraisal and fixing the value of the 32080  
improvements or of such part thereof, the appraisers shall have 32081  
access to all papers and documents on file in the office of the 32082  
chief relating to such improvements, including the plans and 32083  
specifications therefor, and the bids made and contracts entered 32084  
into for the construction thereof, and all leases and contracts 32085  
for the sale of water impounded therein and power generated 32086  
thereby. The order of the court shall direct the sale only of such 32087  
part of the improvements as have been constructed from the 32088  
proceeds of the sale of the bonds. The purchaser at such sale, in 32089  
the operation of such improvements during the term of the 32090  
franchise granted to the purchaser by this section, shall draw 32091

from the dam or reservoir impounding such water only such portion 32092  
thereof as the appraised value of that part of such improvements, 32093  
constructed from the proceeds of the sale of such bonds and sold 32094  
to the purchaser under the order of the court, bears to the entire 32095  
appraised value of such improvements. 32096

If at any time during the term of the franchise granted to 32097  
the purchaser of such improvements at such foreclosure sale any 32098  
controversy arises between the purchaser or the purchaser's 32099  
assigns and the chief as to the operation of such improvements, or 32100  
as to the amount of water which the purchaser is drawing or is 32101  
entitled to draw therefrom, either the purchaser or the chief may 32102  
file a petition in the court, setting forth the facts connected 32103  
with such controversy. 32104

Notice in writing of the filing of such petition shall be 32105  
given to the opposite party to the controversy within thirty days 32106  
from the date of the filing thereof, either by service of such 32107  
notice personally upon such opposite party by the sheriff of such 32108  
county or by service by mail by the clerk. Such notice shall be 32109  
mailed to the name and address which the purchaser filed with the 32110  
clerk at the time of the delivery to the purchaser by the sheriff 32111  
of the deed. Within thirty days from the serving or mailing of 32112  
such notice, the opposite party to the controversy shall file an 32113  
answer in the court, and thereupon the court shall hear and 32114  
determine the controversy and make such order in regard to it as 32115  
is just and proper, which order shall be binding upon all the 32116  
parties to the controversy. 32117

At the termination of the period of not to exceed fifty 32118  
years, all of the rights and privileges conveyed to the purchaser 32119  
by the deed and grant of such sheriff as master commissioner shall 32120  
cease and the improvements, with all the appurtenances belonging 32121  
thereto, shall revert to and become the property of the state, 32122  
free and clear of any claims whatever against them. 32123

The clerk shall distribute and pay the money received by the 32124  
clerk from the sheriff as such master commissioner from the sale 32125  
of such improvements to the holders of the bonds pro rata, and 32126  
upon such payment to any of the bondholders, they shall surrender 32127  
to the ~~the~~ clerk their bonds, with all unpaid interest coupons 32128  
thereon. The clerk shall thereupon cancel the same and deliver 32129  
them, so canceled, to the treasurer of the water conservation 32130  
improvement fund. 32131

**Sec. 1523.11.** All appropriations of property made by the 32132  
chief of the division of ~~soil and~~ water resources in carrying out 32133  
sections 1523.01 to 1523.13 of the Revised Code, shall be made in 32134  
accordance with sections 163.01 to 163.22 of the Revised Code, 32135  
provided that possession of any property so appropriated shall not 32136  
be taken by the state or the chief before the compensation and 32137  
damages awarded therefor in the appropriation proceedings have 32138  
been paid into court. 32139

**Sec. 1523.12.** Sections 1523.01 to 1523.13 of the Revised Code 32140  
do not authorize any reduction in the quantity or any impairment 32141  
in the quality of the water in any watershed, stream, or basin, 32142  
developed or undeveloped, from which any political subdivision is, 32143  
at the time the chief of the division of ~~soil and~~ water resources 32144  
proposes and is proceeding to construct in such watershed, stream, 32145  
or basin any of the improvements authorized by such sections, 32146  
taking water for the use of itself or its inhabitants, or has 32147  
plans under way, or has made or begun appropriation of any 32148  
property or rights in such watershed, stream, or basin for the 32149  
purpose of acquiring a water supply for itself or its inhabitants 32150  
for either domestic, industrial, or other uses. Such sections do 32151  
not authorize the chief to sell or lease the right to use water at 32152  
any time for any purpose or to such an extent as to prejudice, 32153  
abrogate, or supersede any of the water rights granted by the 32154

state to the city of Akron as provided in volume 102, Ohio Laws, 32155  
page 175, sections 1 to 3. 32156

**Sec. 1523.13.** If by reason of severe drought or other causes 32157  
the water supply of any political subdivision is, in the judgment 32158  
of the chief of the division of ~~soil and~~ water resources, at any 32159  
time so reduced or impaired as to endanger the property of such 32160  
political subdivision, or the health, safety, or property of the 32161  
inhabitants thereof, then the chief, under such regulations as the 32162  
chief prescribes, may grant to such political subdivision the 32163  
right, during the continuance of such emergency, to draw or take 32164  
such quantity of water as is necessary to protect the property of 32165  
such political subdivision and the health, safety, or property of 32166  
its inhabitants from any improvement constructed under sections 32167  
1523.01 to 1523.13 of the Revised Code, before any of the lessees 32168  
or grantees of the state using the water for industrial purposes 32169  
take water therefrom. Such political subdivision shall pay such 32170  
price per thousand gallons for the water so taken by it as is 32171  
fixed by the chief and the governor. The price so fixed shall not 32172  
exceed the maximum price then being paid for water to the state by 32173  
any of its lessees or grantees. Such grant by the chief to such 32174  
political subdivision shall not modify the terms or impair the 32175  
validity of any leases then existing between the state and other 32176  
persons, firms, or corporations, except as expressly provided in 32177  
this section. 32178

**Sec. 1523.14.** The director of transportation in constructing 32179  
highways, bridges, and culverts as provided by law; the board of 32180  
county commissioners in constructing highways, bridges, and 32181  
culverts as provided by law; the board of township trustees of any 32182  
township in constructing highways, bridges, and culverts as 32183  
provided by law; and any municipal corporation constructing or 32184  
improving viaducts, bridges, and culverts under section 717.01 of 32185



the Revised Code, either severally or jointly, upon request of the 32186  
chief of the division of ~~soil and~~ water resources and with the 32187  
approval of the director of transportation, may construct and 32188  
maintain slack-water dams in connection with the highway, highway 32189  
bridge, or culvert so as to create reservoirs, ponds, water parks, 32190  
basins, lakes, or other incidental works to conserve the water 32191  
supply of the state. 32192

**Sec. 1523.15.** The chief of the division of ~~soil and~~ water 32193  
resources may request the public authority having charge of the 32194  
construction of state, county, or township highways, highway 32195  
bridges, and culverts, or municipal streets, for the construction 32196  
of slack-water dams in connection with the construction of any 32197  
such highway, street, highway bridge, or culvert whenever, in the 32198  
chief's opinion, the construction of such dam is desirable and 32199  
feasible for the economical creation and construction of 32200  
reservoirs, ponds, water parks, basins, lakes, or other incidental 32201  
works for the conservation of the water supply of the state. 32202

The public authority having charge of such construction may 32203  
approve such request when, in its opinion, the construction of 32204  
such dams will not unnecessarily delay or hinder the construction 32205  
of the highway, street, highway bridge, or culvert, or will not 32206  
interfere with its value or use for highway purposes. 32207

If such request is approved, the chief, in cooperation with 32208  
the department of transportation and the public authority 32209  
participating in the project, shall make a survey and prepare 32210  
plans, specifications, and estimates for the construction of such 32211  
dams and the reservoir, pond, water park, basin, lake, or other 32212  
incidental works in connection therewith. 32213

Upon approval of the plans and specifications and 32214  
determination to proceed with the project, the chief shall enter 32215  
into an agreement with the public authority on the distribution of 32216

the cost and expense of the construction of such dams and 32217  
incidental works in connection therewith. The portion of the cost 32218  
to be paid by the division of ~~soil and~~ water resources shall be 32219  
paid from any funds appropriated for or paid into the division and 32220  
available for such purpose. 32221

Such dams shall be constructed under and subject to any laws 32222  
governing the construction of state, county, or township highways, 32223  
bridges, or culverts. Any public authority undertaking 32224  
construction under sections 1523.14 to 1523.20 of the Revised Code 32225  
shall proceed in the same manner as provided for the construction 32226  
of highway or street improvements. 32227

**Sec. 1523.16.** Any department or division of the state 32228  
government, or any county, township, municipal corporation, park 32229  
board, or district, or any organization, club, corporation, or 32230  
private person may petition the chief of the division of ~~soil and~~ 32231  
water resources for the construction of dams and reservoir 32232  
projects in connection with the construction of any highway, 32233  
highway bridge, or culvert. 32234

Upon receipt of such a petition and its approval by the 32235  
chief, the chief shall proceed as authorized by section 1523.15 of 32236  
the Revised Code. If the public authority having charge of the 32237  
construction of such highway, street, highway bridge, or culvert 32238  
approves the request, then the chief shall enter into an agreement 32239  
with the public authority, organization, or person petitioning for 32240  
the construction of such dam or reservoir on the apportionment of 32241  
the cost and expense of construction. The cost and expense of such 32242  
dam project shall include the cost of clearing and grubbing and 32243  
the cost of property and damages incidental thereto. Such 32244  
agreement shall also contain provisions for the proper maintenance 32245  
and repair of such projects after completion, and also apportion 32246  
the revenue derived therefrom between the division of ~~soil and~~ 32247

water resources and the petitioner. 32248

**Sec. 1523.17.** In all cases in which a public authority, 32249  
private organization, or person petitions for the construction of 32250  
a dam and reservoir project as authorized by sections 1523.14 to 32251  
1523.20 of the Revised Code, the chief of the division of ~~soil and~~ 32252  
water resources, as a condition precedent to the construction of 32253  
such project, shall require the petitioning authority, 32254  
organization, or person to pay the petitioning authority's, 32255  
organization's, or person's share of the cost and expense of such 32256  
project. 32257

Any deficiency shall be made up by the parties bearing the 32258  
cost before any further work is done. If the deficiency is not 32259  
made up within sixty days after it is known, the amount paid in, 32260  
less the expense incurred by the chief and the cooperating public 32261  
authorities, shall be refunded to the donor. After completion of 32262  
the work, any amount remaining to the credit of the project shall 32263  
likewise be refunded. 32264

**Sec. 1523.18.** In the construction of dams, reservoirs, and 32265  
other incidental works under sections 1523.14 to 1523.20 of the 32266  
Revised Code, the chief of the division of ~~soil and~~ water 32267  
resources shall proceed as provided by law, and shall enter into 32268  
contracts therefor as provided in sections 153.01 to 153.29 of the 32269  
Revised Code. The director of transportation, the chief of the 32270  
division of wildlife with the approval of the director of natural 32271  
resources, and any county, township, municipal corporation, and 32272  
public park board or district may proceed with the letting of 32273  
contracts for the construction of such dams or reservoir projects, 32274  
approved by the chief of the division of ~~soil and~~ water resources, 32275  
under any laws regulating the letting of contracts applicable to 32276  
their respective departments, divisions, districts, or political 32277  
subdivisions, and the authority of sections 1523.14 to 1523.20 of 32278

the Revised Code. 32279

**Sec. 1523.19.** The chief of the division of ~~soil and~~ water 32280  
resources shall have the supervision, care, and control of all 32281  
dams, reservoirs, ponds, water parks, basins, lakes, or other 32282  
incidental works constructed under sections 1523.14 to 1523.20 of 32283  
the Revised Code, and shall maintain and keep them in repair. The 32284  
cost of such maintenance and repair shall be paid from any funds 32285  
appropriated to the division of ~~soil and~~ water resources for that 32286  
purpose or paid into the state treasury as agreed upon with the 32287  
public or contracting authorities co-operating in the construction 32288  
of such projects. 32289

Such projects may also be maintained by any department or 32290  
division of state government or other public authorities leasing 32291  
or operating the projects, through agreements made with the chief. 32292  
All rentals derived from the lessees of such projects shall be 32293  
used by the chief in the maintenance or repair of all such 32294  
projects constructed under such sections. The costs and expenses 32295  
of the reconstruction of any such projects shall be distributed, 32296  
unless otherwise agreed, on the same basis and pro-rata share of 32297  
the costs and expenses as was paid by the contracting authorities 32298  
contributing to the cost of the original project. 32299

**Sec. 1523.20.** When the chief of the division of ~~soil and~~ 32300  
water resources and the owners of the lands, waters, or riparian 32301  
rights are unable to agree upon the terms, purchase price, and 32302  
sale thereof, the chief may acquire the lands by appropriation 32303  
proceedings in the manner provided by sections 163.01 to 163.22 of 32304  
the Revised Code. 32305

The title or lease to any such lands, waters, or riparian 32306  
rights shall be taken by the chief, subject to the approval of the 32307  
governor and the attorney general, in the name of the state. The 32308

lease rentals or purchase price of any such lands, waters, or 32309  
riparian rights, as well as all costs and expenses of constructing 32310  
any such reservoirs, ponds, water parks, basins, lakes, or other 32311  
incidental works on those lands, may be paid for from any funds 32312  
appropriated for the use of or paid into the division of ~~soil and~~ 32313  
water resources and available for that purpose. The chief may 32314  
accept contributions to those funds from individuals, 32315  
associations, clubs, organizations, and corporations. 32316

**Sec. 1531.35.** The wildlife boater angler fund is hereby 32317  
created in the state treasury. The fund shall consist of money 32318  
credited to the fund pursuant to section 5735.051 of the Revised 32319  
Code and other money contributed to the division of wildlife for 32320  
the purposes of the fund. The fund shall be used for boating 32321  
access construction, improvements, ~~and~~ maintenance and repair of 32322  
dams and impoundments, and acquisitions, including lands and 32323  
facilities for boating access, and to pay for equipment and 32324  
personnel costs involved with those activities, on ~~lakes~~ waters on 32325  
which the operation of gasoline-powered watercraft is permissible. 32326  
However, not more than ~~two~~ five hundred thousand dollars of the 32327  
annual expenditures from the fund may be used to pay for the 32328  
equipment and personnel costs. 32329

**Sec. 1547.69.** (A) As used in this section: 32330

(1) "Firearm," "concealed handgun license," "handgun," and 32331  
"valid concealed handgun license" have the same meanings as in 32332  
section 2923.11 of the Revised Code. 32333

(2) "Unloaded" has the same meanings as in divisions (K)(5) 32334  
and (6) of section 2923.16 of the Revised Code, except that all 32335  
references in the definition in division (K)(5) of that section to 32336  
"vehicle" shall be construed for purposes of this section to be 32337  
references to "vessel." 32338

(B) No person shall knowingly discharge a firearm while in or on a vessel. 32339  
32340

(C) No person shall knowingly transport or have a loaded firearm in a vessel in a manner that the firearm is accessible to the operator or any passenger. 32341  
32342  
32343

(D) No person shall knowingly transport or have a firearm in a vessel unless it is unloaded and is carried in one of the following ways: 32344  
32345  
32346

(1) In a closed package, box, or case; 32347

(2) In plain sight with the action opened or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or that cannot easily be stripped, in plain sight. 32348  
32349  
32350

(E)(1) The affirmative defenses authorized in divisions (D)(1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (C) or (D) of this section that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (C) or (D) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the actor, prior to arriving at the vessel on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or division (B) or (C) of section 2923.16 of the Revised Code while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic. 32351  
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(2) No person who is charged with a violation of division (C) 32369

or (D) of this section shall be required to obtain a license or 32370  
temporary emergency license to carry a concealed handgun under 32371  
section 2923.125 or 2923.1213 of the Revised Code as a condition 32372  
for the dismissal of the charge. 32373

(F) Divisions (B), (C), and (D) of this section do not apply 32374  
to the possession or discharge of a United States coast guard 32375  
approved signaling device required to be carried aboard a vessel 32376  
under section 1547.251 of the Revised Code when the signaling 32377  
device is possessed or used for the purpose of giving a visual 32378  
distress signal. No person shall knowingly transport or possess 32379  
any signaling device of that nature in or on a vessel in a loaded 32380  
condition at any time other than immediately prior to the 32381  
discharge of the signaling device for the purpose of giving a 32382  
visual distress signal. 32383

(G) No person shall operate or permit to be operated any 32384  
vessel on the waters in this state in violation of this section. 32385

(H)(1) This section does not apply to any of the following: 32386

(a) An officer, agent, or employee of this or any other state 32387  
or of the United States, or to a law enforcement officer, when 32388  
authorized to carry or have loaded or accessible firearms in a 32389  
vessel and acting within the scope of the officer's, agent's, or 32390  
employee's duties; 32391

(b) Any person who is employed in this state, who is 32392  
authorized to carry or have loaded or accessible firearms in a 32393  
vessel, and who is subject to and in compliance with the 32394  
requirements of section 109.801 of the Revised Code, unless the 32395  
appointing authority of the person has expressly specified that 32396  
the exemption provided in division (H)(1)(b) of this section does 32397  
not apply to the person; 32398

(c) Any person legally engaged in hunting. 32399

(2) Divisions (C) and (D) of this section do not apply to a 32400

person who transports or possesses a handgun in a vessel and who, 32401  
at the time of that transportation or possession, either is 32402  
carrying a valid concealed handgun license or is eighteen years of 32403  
age or older, is an active member of the armed forces of the 32404  
United States, and is carrying a valid military identification 32405  
card and a certificate issued by the person's applicable service 32406  
branch indicating that the person has successfully completed small 32407  
arms qualification, unless the person knowingly is in a place on 32408  
the vessel described in division (B) of section 2923.126 of the 32409  
Revised Code. 32410

(I) If a law enforcement officer stops a vessel for a 32411  
violation of this section or any other law enforcement purpose, if 32412  
any person on the vessel surrenders a firearm to the officer, 32413  
either voluntarily or pursuant to a request or demand of the 32414  
officer, and if the officer does not charge the person with a 32415  
violation of this section or arrest the person for any offense, 32416  
the person is not otherwise prohibited by law from possessing the 32417  
firearm, and the firearm is not contraband, the officer shall 32418  
return the firearm to the person at the termination of the stop. 32419

(J) Division (L) of section 2923.16 of the Revised Code 32420  
applies with respect to division (A)(2) of this section, except 32421  
that all references in division (L) of section 2923.16 of the 32422  
Revised Code to "vehicle," to "this chapter," or to "division 32423  
(K)(5)(a) or (b) of this section" shall be construed for purposes 32424  
of this section to be, respectively, references to "vessel," to 32425  
"section 1547.69 of the Revised Code," and to divisions (K)(5)(a) 32426  
and (b) of section 2923.16 of the Revised Code as incorporated 32427  
under the definition of firearm adopted under division (A)(2) of 32428  
this section. 32429

**Sec. 1548.11.** (A) In the event of the transfer of ownership 32430  
of a watercraft or outboard motor by operation of law, as upon 32431



inheritance, devise, bequest, order in bankruptcy, insolvency, 32432  
replevin, or execution of sale, or whenever the engine of a 32433  
watercraft is replaced by another engine, a watercraft or outboard 32434  
motor is sold to satisfy storage or repair charges, or 32435  
repossession is had upon default in performance of the terms of a 32436  
security agreement as provided in Chapter 1309. of the Revised 32437  
Code, a clerk of a court of common pleas, upon the surrender of 32438  
the prior certificate of title or the manufacturer's or importer's 32439  
certificate, or, when that is not possible, upon presentation of 32440  
satisfactory proof to the clerk of ownership and rights of 32441  
possession to the watercraft or outboard motor, and upon payment 32442  
of the fee prescribed in section 1548.10 of the Revised Code and 32443  
presentation of an application for certificate of title, may issue 32444  
to the applicant a certificate of title to the watercraft or 32445  
outboard motor. Only an affidavit by the person or agent of the 32446  
person to whom possession of the watercraft or outboard motor has 32447  
passed, setting forth the facts entitling the person to possession 32448  
and ownership, together with a copy of the journal entry, court 32449  
order, or instrument upon which the claim of possession and 32450  
ownership is founded, is satisfactory proof of ownership and right 32451  
of possession. If the applicant cannot produce such proof of 32452  
ownership, the applicant may apply directly to the chief of the 32453  
division of watercraft and submit such evidence as the applicant 32454  
has, and the chief, if the chief finds the evidence sufficient, 32455  
may authorize the clerk to issue a certificate of title. If the 32456  
chief finds the evidence insufficient, the applicant may petition 32457  
the court of common pleas for a court order ordering the clerk to 32458  
issue a certificate of title. The court shall grant or deny the 32459  
petition based on the sufficiency of the evidence presented to the 32460  
court. If, from the records in the office of the clerk, there 32461  
appears to be any lien on the watercraft or outboard motor, the 32462  
certificate of title shall contain a statement of the lien unless 32463  
the application is accompanied by proper evidence of its 32464

extinction. 32465

(B) Upon the death of one of the persons who have established 32466  
joint ownership with right of survivorship under section 2131.12 32467  
of the Revised Code in a watercraft or outboard motor and the 32468  
presentation to the clerk of the title and the certificate of 32469  
death of the deceased person, the clerk shall enter into the 32470  
records the transfer of the watercraft or outboard motor to the 32471  
surviving person, and the title to the watercraft or outboard 32472  
motor immediately passes to the surviving person. The transfer 32473  
does not affect any liens on the watercraft or outboard motor. 32474

(C) The clerk shall transfer a decedent's interest in one 32475  
watercraft, one watercraft trailer, one outboard motor, or one of 32476  
each to the decedent's surviving spouse as provided in section 32477  
2106.19 of the Revised Code. 32478

(D) Upon the death of an owner of a watercraft or outboard 32479  
motor designated in beneficiary form under section 2131.13 of the 32480  
Revised Code, upon application of the transfer-on-death 32481  
beneficiary or beneficiaries designated pursuant to that section, 32482  
and upon presentation to the clerk of the certificate of title and 32483  
the certificate of death of the deceased owner, the clerk shall 32484  
transfer the watercraft or outboard motor and issue a certificate 32485  
of title to the transfer-on-death beneficiary or beneficiaries. 32486  
The transfer does not affect any liens upon any watercraft or 32487  
outboard motor so transferred. 32488

**Sec. 1561.04.** The ~~chief of the division of mineral resources~~ 32489  
~~management~~ director of natural resources or the director's 32490  
designee shall annually make a report to the governor, which shall 32491  
include: 32492

(A) A summary of the activities and of the reports of the 32493  
deputy mine inspectors; 32494

(B) A statement of the condition and the operation of the mines of the state;

(C) A statement of the number of accidents in and about the mines, the manner in which they occurred, and any other data and facts bearing upon the prevention of accidents and the preservation of life, health, and property, and any suggestions relative to the better preservation of the life, health, and property of those engaged in the mining industry.

The records of the bureau of workers' compensation shall be available to the ~~chief~~ director or the director's designee for information concerning such a report. The ~~chief~~ director or the director's designee shall send by mail to each coal operator in the state, to a duly designated representative of the miners at each mine, and to such other persons as the ~~chief~~ director or the director's designee deems proper, a copy of such report. The ~~chief~~ director or the director's designee may have as many copies of such report printed as are needed to make the distribution thereof as provided in this section.

The ~~chief~~ director or the director's designee shall also prepare and publish for public distribution quarterly reports, including therein information relative to the items enumerated in this section that is pertinent or available at such times.

**Sec. 1707.01.** As used in this chapter:

(A) Whenever the context requires it, "division" or "division of securities" may be read as "director of commerce" or as "commissioner of securities."

(B) "Security" means any certificate or instrument, or any oral, written, or electronic agreement, understanding, or opportunity, that represents title to or interest in, or is secured by any lien or charge upon, the capital, assets, profits,

property, or credit of any person or of any public or governmental 32525  
body, subdivision, or agency. It includes shares of stock, 32526  
certificates for shares of stock, an uncertificated security, 32527  
membership interests in limited liability companies, voting-trust 32528  
certificates, warrants and options to purchase securities, 32529  
subscription rights, interim receipts, interim certificates, 32530  
promissory notes, all forms of commercial paper, evidences of 32531  
indebtedness, bonds, debentures, land trust certificates, fee 32532  
certificates, leasehold certificates, syndicate certificates, 32533  
endowment certificates, interests in or under profit-sharing or 32534  
participation agreements, interests in or under oil, gas, or 32535  
mining leases, preorganization or reorganization subscriptions, 32536  
preorganization certificates, reorganization certificates, 32537  
interests in any trust or pretended trust, any investment 32538  
contract, any life settlement interest, any instrument evidencing 32539  
a promise or an agreement to pay money, warehouse receipts for 32540  
intoxicating liquor, and the currency of any government other than 32541  
those of the United States and Canada, but sections 1707.01 to 32542  
1707.45 of the Revised Code do not apply to the sale of real 32543  
estate. 32544

(C)(1) "Sale" has the full meaning of "sale" as applied by or 32545  
accepted in courts of law or equity, and includes every 32546  
disposition, or attempt to dispose, of a security or of an 32547  
interest in a security. "Sale" also includes a contract to sell, 32548  
an exchange, an attempt to sell, an option of sale, a solicitation 32549  
of a sale, a solicitation of an offer to buy, a subscription, or 32550  
an offer to sell, directly or indirectly, by agent, circular, 32551  
pamphlet, advertisement, or otherwise. 32552

(2) "Sell" means any act by which a sale is made. 32553

(3) The use of advertisements, circulars, or pamphlets in 32554  
connection with the sale of securities in this state exclusively 32555  
to the purchasers specified in division (D) of section 1707.03 of 32556

the Revised Code is not a sale when the advertisements, circulars, and pamphlets describing and offering those securities bear a readily legible legend in substance as follows: "This offer is made on behalf of dealers licensed under sections 1707.01 to 1707.45 of the Revised Code, and is confined in this state exclusively to institutional investors and licensed dealers."

(4) The offering of securities by any person in conjunction with a licensed dealer by use of advertisement, circular, or pamphlet is not a sale if that person does not otherwise attempt to sell securities in this state.

(5) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase and has been "sold."

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person acting in a representative capacity, includes sale on behalf of such party by an agent, including a licensed dealer or salesperson.

(D) "Person," except as otherwise provided in this chapter, means a natural person, firm, partnership, limited partnership, partnership association, syndicate, joint-stock company, unincorporated association, trust or trustee except where the trust was created or the trustee designated by law or judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E)(1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the

business of the purchase or sale of securities for the account of 32588  
others in the reasonable expectation of receiving a commission, 32589  
fee, or other remuneration as a result of engaging in the purchase 32590  
and sale of securities. "Dealer" does not mean any of the 32591  
following: 32592

(a) Any issuer, including any officer, director, employee, or 32593  
trustee of, or member or manager of, or partner in, or any general 32594  
partner of, any issuer, that sells, offers for sale, or does any 32595  
act in furtherance of the sale of a security that represents an 32596  
economic interest in that issuer, provided no commission, fee, or 32597  
other similar remuneration is paid to or received by the issuer 32598  
for the sale; 32599

(b) Any licensed attorney, public accountant, or firm of such 32600  
attorneys or accountants, whose activities are incidental to the 32601  
practice of the attorney's, accountant's, or firm's profession; 32602

(c) Any person that, for the account of others, engages in 32603  
the purchase or sale of securities that are issued and outstanding 32604  
before such purchase and sale, if a majority or more of the equity 32605  
interest of an issuer is sold in that transaction, and if, in the 32606  
case of a corporation, the securities sold in that transaction 32607  
represent a majority or more of the voting power of the 32608  
corporation in the election of directors; 32609

(d) Any person that brings an issuer together with a 32610  
potential investor and whose compensation is not directly or 32611  
indirectly based on the sale of any securities by the issuer to 32612  
the investor; 32613

(e) Any bank; 32614

(f) Any person that the division of securities by rule 32615  
exempts from the definition of "dealer" under division (E)(1) of 32616  
this section. 32617

(2) "Licensed dealer" means a dealer licensed under this 32618

chapter. 32619

(F)(1) "Salesman" or "salesperson" means every natural 32620  
person, other than a dealer, who is employed, authorized, or 32621  
appointed by a dealer to sell securities within this state. 32622

(2) The general partners of a partnership, and the executive 32623  
officers of a corporation or unincorporated association, licensed 32624  
as a dealer are not salespersons within the meaning of this 32625  
definition, nor are clerical or other employees of an issuer or 32626  
dealer that are employed for work to which the sale of securities 32627  
is secondary and incidental; but the division of securities may 32628  
require a license from any such partner, executive officer, or 32629  
employee if it determines that protection of the public 32630  
necessitates the licensing. 32631

(3) "Licensed salesperson" means a salesperson licensed under 32632  
this chapter. 32633

(G) "Issuer" means every person who has issued, proposes to 32634  
issue, or issues any security. 32635

(H) "Director" means each director or trustee of a 32636  
corporation, each trustee of a trust, each general partner of a 32637  
partnership, except a partnership association, each manager of a 32638  
partnership association, and any person vested with managerial or 32639  
directory power over an issuer not having a board of directors or 32640  
trustees. 32641

(I) "Incorporator" means any incorporator of a corporation 32642  
and any organizer of, or any person participating, other than in a 32643  
representative or professional capacity, in the organization of an 32644  
unincorporated issuer. 32645

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 32646  
practices," or "fraudulent transactions" means anything recognized 32647  
on or after July 22, 1929, as such in courts of law or equity; any 32648  
device, scheme, or artifice to defraud or to obtain money or 32649

property by means of any false pretense, representation, or 32650  
promise; any fictitious or pretended purchase or sale of 32651  
securities; and any act, practice, transaction, or course of 32652  
business relating to the purchase or sale of securities that is 32653  
fraudulent or that has operated or would operate as a fraud upon 32654  
the seller or purchaser. 32655

(K) Except as otherwise specifically provided, whenever any 32656  
classification or computation is based upon "par value," as 32657  
applied to securities without par value, the average of the 32658  
aggregate consideration received or to be received by the issuer 32659  
for each class of those securities shall be used as the basis for 32660  
that classification or computation. 32661

(L)(1) "Intangible property" means patents, copyrights, 32662  
secret processes, formulas, services, good will, promotion and 32663  
organization fees and expenses, trademarks, trade brands, trade 32664  
names, licenses, franchises, any other assets treated as 32665  
intangible according to generally accepted accounting principles, 32666  
and securities, accounts receivable, or contract rights having no 32667  
readily determinable value. 32668

(2) "Tangible property" means all property other than 32669  
intangible property and includes securities, accounts receivable, 32670  
and contract rights, when the securities, accounts receivable, or 32671  
contract rights have a readily determinable value. 32672

(M) "Public utilities" means those utilities defined in 32673  
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 32674  
Code; in the case of a foreign corporation, it means those 32675  
utilities defined as public utilities by the laws of its domicile; 32676  
and in the case of any other foreign issuer, it means those 32677  
utilities defined as public utilities by the laws of the situs of 32678  
its principal place of business. The term always includes 32679  
railroads whether or not they are so defined as public utilities. 32680



(N) "State" means any state of the United States, any 32681  
territory or possession of the United States, the District of 32682  
Columbia, and any province of Canada. 32683

(O) "Bank" means any bank, trust company, savings and loan 32684  
association, savings bank, or credit union that is incorporated or 32685  
organized under the laws of the United States, any state of the 32686  
United States, Canada, or any province of Canada and that is 32687  
subject to regulation or supervision by that country, state, or 32688  
province. 32689

(P) "Include," when used in a definition, does not exclude 32690  
other things or persons otherwise within the meaning of the term 32691  
defined. 32692

(Q)(1) "Registration by description" means that the 32693  
requirements of section 1707.08 of the Revised Code have been 32694  
complied with. 32695

(2) "Registration by qualification" means that the 32696  
requirements of sections 1707.09 and 1707.11 of the Revised Code 32697  
have been complied with. 32698

(3) "Registration by coordination" means that there has been 32699  
compliance with section 1707.091 of the Revised Code. Reference in 32700  
this chapter to registration by qualification also includes 32701  
registration by coordination unless the context otherwise 32702  
indicates. 32703

(R) "Intoxicating liquor" includes all liquids and compounds 32704  
that contain more than three and two-tenths per cent of alcohol by 32705  
weight and are fit for use for beverage purposes. 32706

(S) "Institutional investor" means ~~any corporation, bank,~~ 32707  
~~insurance company, pension fund or pension fund trust, employees'~~ 32708  
~~profit sharing fund or employees' profit sharing trust, any~~ 32709  
~~association engaged, as a substantial part of its business or~~ 32710  
~~operations, in purchasing or holding securities, or any trust in~~ 32711

<del>respect of which a bank is trustee or cotrustee. "Institutional</del>	32712
<del>investor" does not include any business entity formed for the</del>	32713
<del>primary purpose of evading sections 1707.01 to 1707.45 of the</del>	32714
<del>Revised Code <u>any of the following, whether acting for itself or</u></del>	32715
<del><u>for others in a fiduciary capacity:</u></del>	32716
<u>(1) A bank or international banking institution;</u>	32717
<u>(2) An insurance company;</u>	32718
<u>(3) A separate account of an insurance company;</u>	32719
<u>(4) An investment company as defined in the "Investment</u>	32720
<u>Company Act of 1940," 15 U.S.C. 80a-3;</u>	32721
<u>(5) A broker-dealer registered under the "Securities Exchange</u>	32722
<u>Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the</u>	32723
<u>division of securities as a dealer;</u>	32724
<u>(6) An employee pension, profit-sharing, or benefit plan if</u>	32725
<u>the plan has total assets in excess of ten million dollars or its</u>	32726
<u>investment decisions are made by a named fiduciary, as defined in</u>	32727
<u>the "Employee Retirement Income Security Act of 1974," 29 U.S.C.</u>	32728
<u>1001, that is one of the following:</u>	32729
<u>(a) A broker-dealer registered under the "Securities Exchange</u>	32730
<u>Act of 1934," 15 U.S.C. 78o, as amended;</u>	32731
<u>(b) An investment adviser registered or exempt from</u>	32732
<u>registration under the "Investment Advisers Act of 1940," 15</u>	32733
<u>U.S.C. 80b-3;</u>	32734
<u>(c) An investment adviser registered under this chapter, a</u>	32735
<u>bank, or an insurance company.</u>	32736
<u>(7) A plan established and maintained by a state, a political</u>	32737
<u>subdivision of a state, or an agency or instrumentality of a state</u>	32738
<u>or a political subdivision of a state for the benefit of its</u>	32739
<u>employees, if the plan has total assets in excess of ten million</u>	32740
<u>dollars or its investment decisions are made by a duly designated</u>	32741

public official or by a named fiduciary, as defined in the 32742  
"Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, 32743  
that is one of the following: 32744

(a) A broker-dealer registered under the "Securities Exchange 32745  
Act of 1934," 15 U.S.C. 78o, as amended; 32746

(b) An investment adviser registered or exempt from 32747  
registration under the "Investment Advisers Act of 1940," 15 32748  
U.S.C. 80b-3; 32749

(c) An investment adviser registered under this chapter, a 32750  
bank, or an insurance company. 32751

(8) A trust, if it has total assets in excess of ten million 32752  
dollars, its trustee is a bank, and its participants are 32753  
exclusively plans of the types identified in division (S)(6) or 32754  
(7) of this section, regardless of the size of their assets, 32755  
except a trust that includes as participants self-directed 32756  
individual retirement accounts or similar self-directed plans; 32757

(9) An organization described in section 501(c)(3) of the 32758  
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 32759  
corporation, Massachusetts trust or similar business trust, 32760  
limited liability company, or partnership, not formed for the 32761  
specific purpose of acquiring the securities offered, with total 32762  
assets in excess of ten million dollars; 32763

(10) A small business investment company licensed by the 32764  
small business administration under section 301(c) of the "Small 32765  
Business Investment Act of 1958," 15 U.S.C. 681(c), with total 32766  
assets in excess of ten million dollars; 32767

(11) A private business development company as defined in 32768  
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 32769  
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 32770  
dollars; 32771

<u>(12) A federal covered investment adviser acting for its own</u>	32772
<u>account;</u>	32773
<u>(13) A "qualified institutional buyer" as defined in 17</u>	32774
<u>C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);</u>	32775
<u>(14) A "major U.S. institutional investor" as defined in 17</u>	32776
<u>C.F.R. 240.15a-6(b)(4)(i);</u>	32777
<u>(15) Any other person, other than an individual, of</u>	32778
<u>institutional character with total assets in excess of ten million</u>	32779
<u>dollars not organized for the specific purpose of evading this</u>	32780
<u>chapter;</u>	32781
<u>(16) Any other person specified by rule adopted or order</u>	32782
<u>issued under this chapter.</u>	32783
(T) A reference to a statute of the United States or to a	32784
rule, regulation, or form promulgated by the securities and	32785
exchange commission or by another federal agency means the	32786
statute, rule, regulation, or form as it exists at the time of the	32787
act, omission, event, or transaction to which it is applied under	32788
this chapter.	32789
(U) "Securities and exchange commission" means the securities	32790
and exchange commission established by the Securities Exchange Act	32791
of 1934.	32792
(V)(1) "Control bid" means the purchase of or offer to	32793
purchase any equity security of a subject company from a resident	32794
of this state if either of the following applies:	32795
(a) After the purchase of that security, the offeror would be	32796
directly or indirectly the beneficial owner of more than ten per	32797
cent of any class of the issued and outstanding equity securities	32798
of the issuer.	32799
(b) The offeror is the subject company, there is a pending	32800
control bid by a person other than the issuer, and the number of	32801

the issued and outstanding shares of the subject company would be 32802  
reduced by more than ten per cent. 32803

(2) For purposes of division (V)(1) of this section, "control 32804  
bid" does not include any of the following: 32805

(a) A bid made by a dealer for the dealer's own account in 32806  
the ordinary course of business of buying and selling securities; 32807

(b) An offer to acquire any equity security solely in 32808  
exchange for any other security, or the acquisition of any equity 32809  
security pursuant to an offer, for the sole account of the 32810  
offeror, in good faith and not for the purpose of avoiding the 32811  
provisions of this chapter, and not involving any public offering 32812  
of the other security within the meaning of Section 4 of Title I 32813  
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 32814  
as amended; 32815

(c) Any other offer to acquire any equity security, or the 32816  
acquisition of any equity security pursuant to an offer, for the 32817  
sole account of the offeror, from not more than fifty persons, in 32818  
good faith and not for the purpose of avoiding the provisions of 32819  
this chapter. 32820

(W) "Offeror" means a person who makes, or in any way 32821  
participates or aids in making, a control bid and includes persons 32822  
acting jointly or in concert, or who intend to exercise jointly or 32823  
in concert any voting rights attached to the securities for which 32824  
the control bid is made and also includes any subject company 32825  
making a control bid for its own securities. 32826

(X)(1) "Investment adviser" means any person who, for 32827  
compensation, engages in the business of advising others, either 32828  
directly or through publications or writings, as to the value of 32829  
securities or as to the advisability of investing in, purchasing, 32830  
or selling securities, or who, for compensation and as a part of 32831  
regular business, issues or promulgates analyses or reports 32832

concerning securities. 32833

(2) "Investment adviser" does not mean any of the following: 32834

(a) Any attorney, accountant, engineer, or teacher, whose 32835  
performance of investment advisory services described in division 32836  
(X)(1) of this section is solely incidental to the practice of the 32837  
attorney's, accountant's, engineer's, or teacher's profession; 32838

(b) A publisher of any bona fide newspaper, news magazine, or 32839  
business or financial publication of general and regular 32840  
circulation; 32841

(c) A person who acts solely as an investment adviser 32842  
representative; 32843

(d) A bank holding company, as defined in the "Bank Holding 32844  
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 32845  
investment company; 32846

(e) A bank, or any receiver, conservator, or other 32847  
liquidating agent of a bank; 32848

(f) Any licensed dealer or licensed salesperson whose 32849  
performance of investment advisory services described in division 32850  
(X)(1) of this section is solely incidental to the conduct of the 32851  
dealer's or salesperson's business as a licensed dealer or 32852  
licensed salesperson and who receives no special compensation for 32853  
the services; 32854

(g) Any person, the advice, analyses, or reports of which do 32855  
not relate to securities other than securities that are direct 32856  
obligations of, or obligations guaranteed as to principal or 32857  
interest by, the United States, or securities issued or guaranteed 32858  
by corporations in which the United States has a direct or 32859  
indirect interest, and that have been designated by the secretary 32860  
of the treasury as exempt securities as defined in the "Securities 32861  
Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c; 32862

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both of the following:

(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars.

(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state.

(2) The division of securities may adopt rules to establish more specific application of the provisions set forth in division (Y)(1) of this section. Notwithstanding the provisions set forth

in division (Y)(1) of this section and any rules adopted under 32894  
this division, the division, by rule or in an adjudicatory 32895  
proceeding, may make a determination that an issuer does not 32896  
constitute a "subject company" under division (Y)(1) of this 32897  
section if appropriate review of control bids involving the issuer 32898  
is to be made by any regulatory authority of another jurisdiction. 32899

(Z) "Beneficial owner" includes any person who directly or 32900  
indirectly through any contract, arrangement, understanding, or 32901  
relationship has or shares, or otherwise has or shares, the power 32902  
to vote or direct the voting of a security or the power to dispose 32903  
of, or direct the disposition of, the security. "Beneficial 32904  
ownership" includes the right, exercisable within sixty days, to 32905  
acquire any security through the exercise of any option, warrant, 32906  
or right, the conversion of any convertible security, or 32907  
otherwise. Any security subject to any such option, warrant, 32908  
right, or conversion privilege held by any person shall be deemed 32909  
to be outstanding for the purpose of computing the percentage of 32910  
outstanding securities of the class owned by that person, but 32911  
shall not be deemed to be outstanding for the purpose of computing 32912  
the percentage of the class owned by any other person. A person 32913  
shall be deemed the beneficial owner of any security beneficially 32914  
owned by any relative or spouse or relative of the spouse residing 32915  
in the home of that person, any trust or estate in which that 32916  
person owns ten per cent or more of the total beneficial interest 32917  
or serves as trustee or executor, any corporation or entity in 32918  
which that person owns ten per cent or more of the equity, and any 32919  
affiliate or associate of that person. 32920

(AA) "Offeree" means the beneficial or record owner of any 32921  
security that an offeror acquires or offers to acquire in 32922  
connection with a control bid. 32923

(BB) "Equity security" means any share or similar security, 32924  
or any security convertible into any such security, or carrying 32925



any warrant or right to subscribe to or purchase any such 32926  
security, or any such warrant or right, or any other security 32927  
that, for the protection of security holders, is treated as an 32928  
equity security pursuant to rules of the division of securities. 32929

(CC)(1) "Investment adviser representative" means a 32930  
supervised person of an investment adviser, provided that the 32931  
supervised person has more than five clients who are natural 32932  
persons other than excepted persons defined in division (EE) of 32933  
this section, and that more than ten per cent of the supervised 32934  
person's clients are natural persons other than excepted persons 32935  
defined in division (EE) of this section. "Investment adviser 32936  
representative" does not mean any of the following: 32937

(a) A supervised person that does not on a regular basis 32938  
solicit, meet with, or otherwise communicate with clients of the 32939  
investment adviser; 32940

(b) A supervised person that provides only investment 32941  
advisory services described in division (X)(1) of this section by 32942  
means of written materials or oral statements that do not purport 32943  
to meet the objectives or needs of specific individuals or 32944  
accounts; 32945

(c) Any other person that the division designates by rule, if 32946  
the division finds that the designation is necessary or 32947  
appropriate in the public interest or for the protection of 32948  
investors or clients and is consistent with the provisions fairly 32949  
intended by the policy and provisions of this chapter. 32950

(2) For the purpose of the calculation of clients in division 32951  
(CC)(1) of this section, a natural person and the following 32952  
persons are deemed a single client: Any minor child of the natural 32953  
person; any relative, spouse, or relative of the spouse of the 32954  
natural person who has the same principal residence as the natural 32955  
person; all accounts of which the natural person or the persons 32956

referred to in division (CC)(2) of this section are the only 32957  
primary beneficiaries; and all trusts of which the natural person 32958  
or persons referred to in division (CC)(2) of this section are the 32959  
only primary beneficiaries. Persons who are not residents of the 32960  
United States need not be included in the calculation of clients 32961  
under division (CC)(1) of this section. 32962

(3) If subsequent to March 18, 1999, amendments are enacted 32963  
or adopted defining "investment adviser representative" for 32964  
purposes of the Investment Advisers Act of 1940 or additional 32965  
rules or regulations are promulgated by the securities and 32966  
exchange commission regarding the definition of "investment 32967  
adviser representative" for purposes of the Investment Advisers 32968  
Act of 1940, the division of securities shall, by rule, adopt the 32969  
substance of the amendments, rules, or regulations, unless the 32970  
division finds that the amendments, rules, or regulations are not 32971  
necessary for the protection of investors or in the public 32972  
interest. 32973

(DD) "Supervised person" means a natural person who is any of 32974  
the following: 32975

(1) A partner, officer, or director of an investment adviser, 32976  
or other person occupying a similar status or performing similar 32977  
functions with respect to an investment adviser; 32978

(2) An employee of an investment adviser; 32979

(3) A person who provides investment advisory services 32980  
described in division (X)(1) of this section on behalf of the 32981  
investment adviser and is subject to the supervision and control 32982  
of the investment adviser. 32983

(EE) "Excepted person" means a natural person to whom any of 32984  
the following applies: 32985

(1) Immediately after entering into the investment advisory 32986  
contract with the investment adviser, the person has at least 32987

seven hundred fifty thousand dollars under the management of the 32988  
investment adviser. 32989

(2) The investment adviser reasonably believes either of the 32990  
following at the time the investment advisory contract is entered 32991  
into with the person: 32992

(a) The person has a net worth, together with assets held 32993  
jointly with a spouse, of more than one million five hundred 32994  
thousand dollars. 32995

(b) The person is a qualified purchaser as defined in 32996  
division (FF) of this section. 32997

(3) Immediately prior to entering into an investment advisory 32998  
contract with the investment adviser, the person is either of the 32999  
following: 33000

(a) An executive officer, director, trustee, general partner, 33001  
or person serving in a similar capacity, of the investment 33002  
adviser; 33003

(b) An employee of the investment adviser, other than an 33004  
employee performing solely clerical, secretarial, or 33005  
administrative functions or duties for the investment adviser, 33006  
which employee, in connection with the employee's regular 33007  
functions or duties, participates in the investment activities of 33008  
the investment adviser, provided that, for at least twelve months, 33009  
the employee has been performing such nonclerical, nonsecretarial, 33010  
or nonadministrative functions or duties for or on behalf of the 33011  
investment adviser or performing substantially similar functions 33012  
or duties for or on behalf of another company. 33013

If subsequent to March 18, 1999, amendments are enacted or 33014  
adopted defining "excepted person" for purposes of the Investment 33015  
Advisers Act of 1940 or additional rules or regulations are 33016  
promulgated by the securities and exchange commission regarding 33017  
the definition of "excepted person" for purposes of the Investment 33018

Advisers Act of 1940, the division of securities shall, by rule, 33019  
adopt the substance of the amendments, rules, or regulations, 33020  
unless the division finds that the amendments, rules, or 33021  
regulations are not necessary for the protection of investors or 33022  
in the public interest. 33023

(FF)(1) "Qualified purchaser" means either of the following: 33024

(a) A natural person who owns not less than five million 33025  
dollars in investments as defined by rule by the division of 33026  
securities; 33027

(b) A natural person, acting for the person's own account or 33028  
accounts of other qualified purchasers, who in the aggregate owns 33029  
and invests on a discretionary basis, not less than twenty-five 33030  
million dollars in investments as defined by rule by the division 33031  
of securities. 33032

(2) If subsequent to March 18, 1999, amendments are enacted 33033  
or adopted defining "qualified purchaser" for purposes of the 33034  
Investment Advisers Act of 1940 or additional rules or regulations 33035  
are promulgated by the securities and exchange commission 33036  
regarding the definition of "qualified purchaser" for purposes of 33037  
the Investment Advisers Act of 1940, the division of securities 33038  
shall, by rule, adopt the amendments, rules, or regulations, 33039  
unless the division finds that the amendments, rules, or 33040  
regulations are not necessary for the protection of investors or 33041  
in the public interest. 33042

(GG)(1) "Purchase" has the full meaning of "purchase" as 33043  
applied by or accepted in courts of law or equity and includes 33044  
every acquisition of, or attempt to acquire, a security or an 33045  
interest in a security. "Purchase" also includes a contract to 33046  
purchase, an exchange, an attempt to purchase, an option to 33047  
purchase, a solicitation of a purchase, a solicitation of an offer 33048  
to sell, a subscription, or an offer to purchase, directly or 33049

indirectly, by agent, circular, pamphlet, advertisement, or 33050  
otherwise. 33051

(2) "Purchase" means any act by which a purchase is made. 33052

(3) Any security given with, or as a bonus on account of, any 33053  
purchase of securities is conclusively presumed to constitute a 33054  
part of the subject of that purchase. 33055

(HH) "Life settlement interest" means the entire interest or 33056  
any fractional interest in an insurance policy or certificate of 33057  
insurance, or in an insurance benefit under such a policy or 33058  
certificate, that is the subject of a life settlement contract. 33059

For purposes of this division, "life settlement contract" 33060  
means an agreement for the purchase, sale, assignment, transfer, 33061  
devise, or bequest of any portion of the death benefit or 33062  
ownership of any life insurance policy or contract, in return for 33063  
consideration or any other thing of value that is less than the 33064  
expected death benefit of the life insurance policy or contract. 33065  
"Life settlement contract" includes a viatical settlement contract 33066  
as defined in section 3916.01 of the Revised Code, but does not 33067  
include any of the following: 33068

(1) A loan by an insurer under the terms of a life insurance 33069  
policy, including, but not limited to, a loan secured by the cash 33070  
value of the policy; 33071

(2) An agreement with a bank that takes an assignment of a 33072  
life insurance policy as collateral for a loan; 33073

(3) The provision of accelerated benefits as defined in 33074  
section 3915.21 of the Revised Code; 33075

(4) Any agreement between an insurer and a reinsurer; 33076

(5) An agreement by an individual to purchase an existing 33077  
life insurance policy or contract from the original owner of the 33078  
policy or contract, if the individual does not enter into more 33079

than one life settlement contract per calendar year; 33080

(6) The initial purchase of an insurance policy or 33081  
certificate of insurance from its owner by a viatical settlement 33082  
provider, as defined in section 3916.01 of the Revised Code, that 33083  
is licensed under Chapter 3916. of the Revised Code. 33084

(II) "State retirement system" means the public employees 33085  
retirement system, Ohio police and fire pension fund, state 33086  
teachers retirement system, school employees retirement system, 33087  
and state highway patrol retirement system. 33088

(JJ) "State retirement system investment officer" means an 33089  
individual employed by a state retirement system as a chief 33090  
investment officer, assistant investment officer, or the person in 33091  
charge of a class of assets or in a position that is substantially 33092  
equivalent to chief investment officer, assistant investment 33093  
officer, or person in charge of a class of assets. 33094

(KK) "Bureau of workers' compensation chief investment 33095  
officer" means an individual employed by the administrator of 33096  
workers' compensation as a chief investment officer or in a 33097  
position that is substantially equivalent to a chief investment 33098  
officer. 33099

**Sec. 1707.14.** (A)~~(1)~~ No person shall act as a dealer, unless 33100  
the person is licensed as a dealer by the division of securities, 33101  
except ~~in~~ when at least one of the following cases applies: 33102

~~(a)~~(1) When the person is transacting business through or 33103  
with a licensed dealer; 33104

~~(b)~~(2) When the securities are the subject matter of one or 33105  
more transactions enumerated in divisions (B) to (L), (O) to (R), 33106  
and (U) to (Y) of section 1707.03, or in section 1707.06 of the 33107  
Revised Code, except when a commission, discount, or other 33108  
remuneration is paid or given in consideration with transactions 33109

enumerated in divisions (O), (Q), (W), (X), and (Y) of section 33110  
1707.03, or in section 1707.06 of the Revised Code; 33111

~~(e)(3)~~ When the person is an issuer selling securities issued 33112  
by it or by its subsidiary, if such securities are specified under 33113  
division (G) or (I) of section 1707.02, or under section 1707.04 33114  
of the Revised Code; 33115

~~(d)(4)~~ When the person is participating in transactions 33116  
exempt, under section 1707.34 of the Revised Code, from this 33117  
chapter; 33118

(5) When the person has no place of business in this state, 33119  
is registered with the securities and exchange commission, and the 33120  
only transactions effected in this state are with institutional 33121  
investors. 33122

~~(2) Notwithstanding the exceptions to licensure set forth in 33123  
divisions (A)(1)(a) to (d) of this section, no person other than 33124  
an issuer selling its own securities shall engage in the business 33125  
of selling securities to an institutional investor unless the 33126  
person is licensed as a dealer or the division, by rule, finds 33127  
that such licensure is not necessary for the protection of 33128  
investors or in the public interest.~~ 33129

(B) Each dealer that in any twelve-month or shorter period, 33130  
alone or with any other dealer with which it is affiliated, has 33131  
total revenues of one hundred fifty thousand dollars or more 33132  
derived from the business of buying, selling, or otherwise dealing 33133  
in securities, and that at any time during such period has one 33134  
hundred or more retail securities customers, shall be registered 33135  
as a broker or dealer with the securities and exchange commission 33136  
under the Securities Exchange Act of 1934, except the following 33137  
entities: 33138

(1) A bank; 33139

(2) A dealer that enters into and is in compliance with an 33140

undertaking accepted by the division, in which the dealer agrees 33141  
that it will not engage in any transaction involving the buying, 33142  
selling, or otherwise dealing in securities with any natural 33143  
person in this state, except for transactions involving either of 33144  
the following: 33145

(a) Securities of corporations or associations that have 33146  
qualified for treatment as nonprofit organizations pursuant to 33147  
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 33148  
Stat. 2085, 26 U.S.C.A. 501, as amended; 33149

(b) Securities or transactions that are described in 33150  
divisions (A)(1)~~(a)~~ to ~~(d)~~(4) of this section. 33151

(C) Every dealer that must be registered as a broker or 33152  
dealer with the securities and exchange commission pursuant to 33153  
division (B) of this section shall become so registered no later 33154  
than ninety days after the date on which the dealer meets the 33155  
requirements for such registration. 33156

(D) The division by rule may exempt any dealer from complying 33157  
with the licensing or registration requirements of this section, 33158  
if the division finds that such licensing or registration is not 33159  
necessary for the protection of investors or in the public 33160  
interest. 33161

(E) As used in division (B) of this section, "retail 33162  
securities customer" means a person that purchases from or through 33163  
or sells securities to or through a dealer, and that is not an 33164  
officer, a director, a principal, a general partner, or an 33165  
employee of, the dealer. Each of the following is deemed to be a 33166  
single retail securities customer: 33167

(1) A husband and wife; 33168

(2) A minor child and the minor child's parent or legal 33169  
guardian; 33170



(3) A corporation, a partnership, an association or other 33171  
unincorporated entity, a joint stock company, or a trust. 33172

**Sec. 1711.15.** In any county in which there is a duly 33173  
organized county agricultural society, the board of county 33174  
commissioners or the county agricultural society itself may 33175  
purchase or lease, for a term of not less than twenty years, real 33176  
estate on which to hold fairs under the management and control of 33177  
the county agricultural society, and may erect suitable buildings 33178  
on the real estate and otherwise improve it. 33179

In counties in which there is a county agricultural society 33180  
that has purchased, or leased, for a term of not less than twenty 33181  
years, real estate as a site on which to hold fairs, ~~or in which~~ 33182  
if the title to the site is vested in fee in the county, the board 33183  
of county commissioners may erect or repair buildings or otherwise 33184  
improve the site and pay the rental of it, or contribute to or pay 33185  
any other form of indebtedness of the society, if the director of 33186  
agriculture has certified to the board that the county 33187  
agricultural society is complying with all laws and rules 33188  
governing the operation of county agricultural societies. The 33189  
board may appropriate from the county's general fund or permanent 33190  
improvement fund, and may appropriate revenue from a tax levied 33191  
under division (L) of section 5739.09 of the Revised Code, any 33192  
amount that it considers necessary for any of those purposes, 33193  
provided that an appropriation of revenue from that tax may be 33194  
expended only for the purposes provided in the resolution levying 33195  
that tax. 33196

**Sec. 1711.16.** When the control and management of a fairground 33197  
is in a county agricultural society, and the board of county 33198  
commissioners has appropriated an amount for the aid of the 33199  
society as provided in section 1711.15 of the Revised Code, the 33200  
society, with the consent of the board, may contract for the 33201

erection or repair of buildings or otherwise improve the 33202  
fairground, to the extent that the payment for the improvement is 33203  
provided by the board. 33204

When the appropriation is made by the board, the county 33205  
auditor shall place the proceeds in a special fund, designated the 33206  
"county agricultural society fund," indicating the purpose for 33207  
which it is available, provided that an appropriation of revenue 33208  
from a tax levied by the board under division (L) of section 33209  
5739.09 of the Revised Code may be expended only for the purposes 33210  
provided in the resolution levying that tax. On application of the 33211  
treasurer of the society, the auditor shall issue an order for the 33212  
amount of the appropriation to the treasurer of the society, if 33213  
the society has secured the certificate required under section 33214  
1711.05 of the Revised Code, on the treasurer's filing with the 33215  
auditor a bond in double the amount collected, with good and 33216  
sufficient sureties approved by the auditor, conditioned for the 33217  
satisfactory paying over and accounting of the funds for the 33218  
purposes for which they were provided. The funds shall remain in 33219  
the special fund in which they are placed by the auditor until 33220  
they are applied ~~or~~ for by the treasurer of the society and the 33221  
bond is given, or until they are expended by the board for the 33222  
purposes for which the fund was created. If the society ceases to 33223  
exist or releases the fund as not required for the purposes for 33224  
which the fund was created, the board may by resolution transfer 33225  
the fund to the general fund of the county. 33226

**Sec. 1713.02.** (A) Any institution described in division (A) 33227  
of section 1713.01 of the Revised Code may become incorporated 33228  
under sections 1702.01 to 1702.58 of the Revised Code. 33229

(B) Except as provided in division (E) of this section, no 33230  
nonprofit institution or corporation of the type described in 33231  
division (A) of section 1713.01 of the Revised Code that is 33232

established after October 13, 1967, may confer degrees, diplomas, 33233  
or other written evidences of proficiency or achievement, until it 33234  
has received a certificate of authorization issued by the ~~Ohio~~ 33235  
~~board of regents~~ chancellor of higher education, nor shall any 33236  
such institution or corporation identify itself as a "college" or 33237  
"university" unless it has received a certificate of authorization 33238  
from the ~~board~~ chancellor. 33239

(C) Except as provided in division (E) of this section, no 33240  
institution of the type described in division (A)(3) or (B) of 33241  
section 1713.01 of the Revised Code that intends to offer or 33242  
offers a course or courses within this state, but that did not 33243  
offer a course or courses within this state on or before October 33244  
13, 1967, may confer degrees, diplomas, or other written evidences 33245  
of proficiency or achievement or offer any course or courses 33246  
within this state until it has received a certificate of 33247  
authorization from the ~~Ohio board of regents~~ chancellor, nor shall 33248  
the institution identify itself as a "college" or "university" 33249  
unless it has received such a certificate from the ~~board~~ 33250  
chancellor. 33251

(D) Each certificate of authorization shall specify the 33252  
diplomas or degrees authorized to be given, courses authorized to 33253  
be offered, and the sites at which courses are to be conducted. A 33254  
copy of such certificate shall be filed with the secretary of 33255  
state if the institution is incorporated. Any institution or 33256  
corporation established or that offered a course or courses of 33257  
instruction in this state prior to October 13, 1967, may apply to 33258  
the ~~board~~ chancellor for a certificate of authorization, and the 33259  
~~board~~ chancellor shall issue a certificate if it finds that such 33260  
institution or corporation meets the requirements established 33261  
pursuant to sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 33262  
1713.09, and 1713.25 of the Revised Code. 33263

(E) An institution that clearly identifies itself in its name 33264

with the phrase "bible college" or "bible institute" and has not 33265  
received a certificate of authorization may confer diplomas and 33266  
other written evidences of proficiency or achievement other than 33267  
associate, baccalaureate, master's, and doctoral degrees or any 33268  
other type of degree and may identify itself as a "bible college" 33269  
if such institution: 33270

(1) Prominently discloses on any transcripts, diplomas, or 33271  
other written evidences of proficiency or achievement, and 33272  
includes with any promotional material or other literature 33273  
intended for the public, the statement: "this institution is not 33274  
certified by the ~~board of regents~~ department of higher education 33275  
or the state of Ohio." 33276

(2) Limits its course of instruction to religion, theology, 33277  
or preparation for a religious vocation, or is operated by a 33278  
church or religious organization and limits its instruction to 33279  
preparation for service to churches or other religious 33280  
organizations. 33281

(3) Confers only diplomas and other written evidences of 33282  
proficiency or achievement that bear titles clearly signifying the 33283  
religious nature of the instruction offered by the institution. 33284

(F) Except as otherwise provided in section 3333.046 of the 33285  
Revised Code, no school of the type described in division (E) of 33286  
section 3332.01 of the Revised Code that intends to offer or 33287  
offers a degree program within this state or solicits students 33288  
within this state may confer a baccalaureate, master's, or 33289  
doctoral degree or solicit students for such degree programs until 33290  
it has received both a certificate of authorization from the ~~board~~ 33291  
~~of regents~~ chancellor of higher education under this chapter and 33292  
program authorization from the state board of career colleges and 33293  
schools for such degree program under section 3332.05 of the 33294  
Revised Code. 33295

Sec. 1713.03. The ~~Ohio board of regents~~ chancellor of higher 33296  
education shall establish standards for certificates of 33297  
authorization to be issued to institutions as defined in section 33298  
1713.01 of the Revised Code, to private institutions exempt from 33299  
regulation under Chapter 3332. of the Revised Code as prescribed 33300  
in section 3333.046 of the Revised Code, and to schools holding 33301  
certificates of registration issued by the state board of career 33302  
colleges and schools pursuant to division (C) of section 3332.05 33303  
of the Revised Code. A certificate of authorization may permit an 33304  
institution or school to award one or more types of degrees. 33305

The standards for a certificate of authorization may include, 33306  
for various types of institutions, schools, or degrees, minimum 33307  
qualifications for faculty, library, laboratories, and other 33308  
facilities as adopted and published by the ~~Ohio board of regents~~ 33309  
chancellor. The standards shall be adopted by the ~~board~~ chancellor 33310  
pursuant to Chapter 119. of the Revised Code. 33311

An institution or school shall apply to the ~~board~~ chancellor 33312  
for a certificate of authorization on forms containing such 33313  
information as is prescribed by the ~~board~~ chancellor. Each 33314  
institution or school with a certificate of authorization shall 33315  
file an annual report with the ~~board~~ chancellor in such form and 33316  
containing such information as the ~~board~~ chancellor prescribes. 33317

The ~~board~~ chancellor shall adopt a rule under Chapter 119. of 33318  
the Revised Code establishing fees to pay the cost of reviewing an 33319  
application for a certificate of authorization, which the 33320  
institution or school shall pay when it applies for a certificate 33321  
of authorization, and establishing fees, which an institution or 33322  
school shall pay, for any further reviews the ~~board~~ chancellor 33323  
determines necessary upon examining an institution's or school's 33324  
annual report. 33325

**Sec. 1713.031.** The ~~Ohio board of regents~~ chancellor of higher education shall review an application for a certificate of authorization from a school described in division (E) of section 3332.01 of the Revised Code within twenty-two weeks.

**Sec. 1713.04.** A certificate of authorization provided for in section 1713.02 of the Revised Code is subject to revocation by the ~~Ohio board of regents~~ chancellor of higher education for cause pursuant to Chapter 119. of the Revised Code.

**Sec. 1713.05.** (A) As used in this section:

(1) "College or university" means a nonprofit educational institution qualifying under division (A)(2) of section 1713.01 and holding a certificate of authorization issued under section 1713.02 of the Revised Code.

(2) "Controlled entity" means a wholly owned subsidiary of a college or a university or a partnership in which a college or a university, or its wholly owned subsidiary, is the sole general partner.

(3) "Student" means a person attending a college or university who borrows money or obtains credit from such college or university, or from a controlled entity of such college or university, to finance the costs of attending such college or university, and includes the parents, guardians, and spouse of the student.

(B) Notwithstanding section 1343.01 of the Revised Code, a college or university, or a controlled entity of such college or university, may charge interest or finance charges on loans made or credit granted to a student for the student's costs of attending such college or university at any rate or rates agreed upon or consented to by the student in any open accounts

receivable, loan agreement, or promissory note, but not to exceed 33355  
the maximum interest rate applicable to the federal Stafford loan 33356  
program under 34 C.F.R. 682.202(a)(1). The ~~Ohio board of regents~~ 33357  
chancellor of higher education shall adopt rules specifying a 33358  
schedule for the certification of such maximum interest rate. 33359

(C) A college or university, or a controlled entity of such 33360  
college or university, may charge students for the late payment of 33361  
any costs of attending such college or university, including any 33362  
payment under an agreement or note pursuant to division (B) of 33363  
this section, at a rate not exceeding five per cent of any unpaid 33364  
amount due and not paid per month for two months and not exceeding 33365  
two per cent of such amount for subsequent months. A charge for a 33366  
full month may be made for payments more than ten days late. 33367

**Sec. 1713.06.** If any institution, school, or person confers 33368  
degrees, diplomas, or other written evidences of proficiency or 33369  
achievement or offers or intends to offer a course or courses in 33370  
this state applicable to requirements for a diploma or degree 33371  
without the certificate of authorization required by section 33372  
1713.02 of the Revised Code, the ~~Ohio board of regents~~ chancellor 33373  
of higher education may, through the office of the attorney 33374  
general, apply to the court of common pleas in the county in which 33375  
such institution, school, or person is operating to restrain such 33376  
institution, school, or person from the exercise of its franchise, 33377  
if the institution, school, or person is a corporation, from the 33378  
awarding of the degrees or diplomas the institution, school, or 33379  
person is not authorized to award, and from offering any course or 33380  
courses or enrolling any student in any course or courses it is 33381  
not authorized to conduct. 33382

The ~~board~~ chancellor may, through the office of the attorney 33383  
general, petition the court of common pleas in the county in which 33384  
the institution, school, or person is operating for an order 33385

enjoining the awarding of diplomas or degrees, the offering of 33386  
courses, and the enrolling of students. The court may grant such 33387  
injunctive relief upon a showing that the institution, school, or 33388  
person named in the petition is awarding degrees or diplomas, 33389  
offering courses applicable to requirements for such degrees or 33390  
diplomas, or enrolling students in such courses to be offered in 33391  
the state without receiving the appropriate certificate of 33392  
authorization issued by the ~~board of regents~~ chancellor. 33393

**Sec. 1713.09.** A college, university, or other institution of 33394  
learning, existing by virtue of an act of incorporation, or that 33395  
becomes incorporated for any of the purposes specified in sections 33396  
1713.01 to 1713.39, inclusive, of the Revised Code, if 33397  
three-fourths of the trustees or directors thereof deem it proper, 33398  
or if the institution is owned in shares, or by stock subscribed 33399  
or taken, by a vote of the holders of three-fourths of the stock 33400  
or shares, may change the location of such institution, convey its 33401  
real estate, and transfer the effects thereof, and invest them at 33402  
the place to which such institution is removed. Any institution 33403  
which has a certificate of authorization from the ~~Ohio board of~~ 33404  
~~regents~~ chancellor of higher education shall give written notice 33405  
to the ~~board~~ chancellor before such institution changes its 33406  
location. No such removal shall be ordered, and no vote taken 33407  
thereon, until after publication in the manner provided by law in 33408  
case of a sale and distribution of the property of such an 33409  
institution. Such publication shall fully set forth the place to 33410  
which it is proposed to remove the institution. In case of 33411  
removal, a copy of the proceedings of such meeting shall be filed 33412  
with the secretary of state. 33413

**Sec. 1713.25.** The board of trustees of an institution of 33414  
learning incorporated under the authority of this state for the 33415  
sole purpose of promoting education, religion and morality, or the 33416



fine arts, at a regular or special meeting of such board called 33417  
for that purpose, after thirty days' actual notice to each 33418  
trustee, may change the name and enlarge the purposes and objects 33419  
of such institution of learning, by amendment to its charter, 33420  
approved by a majority of the board. 33421

No institution as defined in section 1713.01 of the Revised 33422  
Code or school that holds a certificate of registration issued by 33423  
the state board of career colleges and schools pursuant to 33424  
division (C) of section 3332.05 of the Revised Code, that has been 33425  
issued a certificate of authorization by the ~~Ohio board of regents~~ 33426  
chancellor of higher education shall change the purposes of the 33427  
institution without giving written notice to the ~~Ohio board of~~ 33428  
~~regents, which~~ chancellor, who shall issue an amended certificate 33429  
of authorization to the institution or school upon receipt of such 33430  
notice. 33431

**Sec. 1724.04.** A county ~~having a population of more than sixty~~ 33432  
~~thousand as of the most recent decennial census~~ that elects under 33433  
section 5722.02 of the Revised Code to adopt and implement the 33434  
procedures set forth in sections 5722.02 to 5722.15 of the Revised 33435  
Code may organize a county land reutilization corporation under 33436  
this chapter and Chapter 1702. of the Revised Code for the purpose 33437  
of exercising the powers granted to a county under Chapter 5722. 33438  
of the Revised Code. The county treasurer of the county for the 33439  
benefit of which the corporation is being organized shall be the 33440  
incorporator of the county land reutilization corporation. The 33441  
form of the articles of incorporation of the corporation shall be 33442  
approved by resolution of the board of county commissioners of the 33443  
county. 33444

When the articles of incorporation of any community 33445  
improvement corporation, or any amendment, amended articles, 33446  
merger, or consolidation which provides for the creation of such a 33447

corporation, are deposited for filing and recording in the office 33448  
of the secretary of state, the secretary of state shall submit 33449  
them to the attorney general for examination. If such articles, 33450  
amendment, amended articles, merger, or consolidation, are found 33451  
by the attorney general to be in accordance with Chapter 1724. of 33452  
the Revised Code, and not inconsistent with the constitution and 33453  
laws of the United States and of this state, the attorney general 33454  
shall endorse thereon the attorney general's approval and deliver 33455  
them to the secretary of state, who shall file and record them 33456  
pursuant to section 1702.07 of the Revised Code. 33457

**Sec. 1739.02.** (A) ~~A trade association, industry association,~~ 33458  
~~or professional association~~ The following groups that has have 33459  
been organized and maintained in good faith for a continuous 33460  
period of ~~one year~~ five years or more for purposes other than 33461  
obtaining insurance may establish, maintain, or operate a group 33462  
self-insurance program under a multiple employer welfare 33463  
arrangement that is chartered and created in this state under 33464  
sections 1739.01 to 1739.22 of the Revised Code: 33465

(1) A chamber of commerce; 33466

(2) A trade association; 33467

(3) An industry association; 33468

(4) A professional association; 33469

(5) A voluntary employee beneficiary association that is 33470  
exempt from taxation by the internal revenue service under section 33471  
501(c)(9) of the Internal Revenue Code of 1986, as amended; 33472

(6) A business league that is exempt from taxation by the 33473  
internal revenue service under section 501(c)(6) of the Internal 33474  
Revenue Code of 1986, as amended; 33475

(7) Any other association that the superintendent of 33476  
insurance may define by rule. 33477

(B) Except as provided in section 9.833 and sections 1739.01 33478  
to 1739.22 of the Revised Code, no multiple employer welfare 33479  
arrangement or other entity by which two or more employers jointly 33480  
participate in a common employee welfare benefit plan shall 33481  
operate a group self-insurance program in this state after four 33482  
months after ~~the effective date of this section~~ April 9, 1993. 33483

(C) Sections 1739.01 to 1739.22 of the Revised Code do not 33484  
apply to any entity that establishes, maintains, or operates a 33485  
~~fully insured~~ fully insured program. 33486

(D) No person shall establish, operate, or maintain a 33487  
multiple employer welfare arrangement providing benefits through a 33488  
group self-insurance program in this state unless the multiple 33489  
employer welfare arrangement has a valid certificate of authority 33490  
from the superintendent of insurance. 33491

**Sec. 1739.03.** (A) No employer shall enter into an agreement 33492  
to participate in a group self-insurance program unless the 33493  
multiple employer welfare arrangement has been issued a 33494  
certificate of authority by the superintendent of insurance. 33495  
Employers or other organizers that propose to create an 33496  
arrangement or arrangements and provide benefits through a group 33497  
self-insurance program or group self-insurance programs shall 33498  
apply to the superintendent for a certificate of authority. 33499

If a ~~trade association, industry association, or professional~~ 33500  
~~association~~ group listed under division (A) of section 1739.02 of 33501  
the Revised Code establishes, maintains, or operates more than one 33502  
multiple employer welfare arrangement subject to sections 1739.01 33503  
to 1739.22 of the Revised Code, the ~~trade association, industry~~ 33504  
~~association, or professional association~~ group shall apply to the 33505  
superintendent for only one certificate of authority which shall 33506  
cover all such arrangements. 33507

(B) When applying for a certificate of authority, a proposed 33508

multiple employer welfare arrangement or arrangements shall file 33509  
with the superintendent a nonrefundable filing fee of one thousand 33510  
dollars and an application setting forth all of the following: 33511

(1) The name of each arrangement; 33512

(2) The address of each arrangement's principal place of 33513  
business; 33514

(3) The name and address of a resident of this state 33515  
designated and appointed as the registered agent of each proposed 33516  
arrangement for service of process in this state in accordance 33517  
with division ~~(B)~~(C) of section 1739.15 of the Revised Code. The 33518  
person so designated and appointed shall be an officer of the 33519  
arrangement. 33520

(4) The names and addresses of the officers, directors, and 33521  
trustees of each proposed arrangement and a statement of whether 33522  
any of such officers, directors, and trustees have been convicted 33523  
of any felony or misdemeanor within ten years prior to the date of 33524  
the application; 33525

(5) The powers of the officers, directors, and trustees; 33526

(6) The term of office of each officer, director, and 33527  
trustee; 33528

(7) A brief outline of the method by which the administrative 33529  
obligations of each arrangement will be met; 33530

(8) A business plan describing the arrangement's anticipated 33531  
method of operations for two years from its commencement of 33532  
activities. 33533

(9) A copy of the articles and bylaws of each arrangement; 33534

(10) A copy of the agreement; 33535

(11) The name and address of all third-party administrators; 33536

(12) A copy of each agreement between each arrangement and 33537

all third-party administrators;	33538
(13) A statement certified by an independent certified public accountant regarding the financial condition of each arrangement listing, on a form as may be prescribed by the superintendent, all of its assets and liabilities for the last month ending forty-five days prior to the application date;	33539 33540 33541 33542 33543
(14) A copy of each contract, certificate, endorsement, and application form each proposed arrangement intends to issue or use;	33544 33545 33546
(15) The names of any co-sponsors, promoters, trustees, or other facilitators involved with the establishment of each arrangement;	33547 33548 33549
(16) Other information, documents, or statements as the superintendent requires.	33550 33551
(C) All fees collected under division (B) of this section shall be paid into the state treasury to the credit of the department of insurance operating fund created under section 3901.021 of the Revised Code.	33552 33553 33554 33555
<b>Sec. 1739.05.</b> (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:	33556 33557 33558 33559
(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.	33560 33561
(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.	33562 33563
(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.	33564 33565 33566

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 3923.85, 3924.031, 3924.032, and 3924.27 of the Revised Code.

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the "Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 U.S.C.A. 1161, as amended.

(E) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code is subject to, and shall comply with, sections 3903.81 to 3903.93 of the Revised Code in the same manner as other life or health insurers, as defined in section 3903.81 of the Revised Code.

**Sec. 1739.07.** (A)(1) ~~Except as provided in division (B) of section 1739.15 of the Revised Code, unless~~ Unless otherwise stated in the agreement, a member may elect to terminate voluntarily its participation in a multiple employer welfare

arrangement operating a group self-insurance program by giving no 33598  
less than thirty days' written notice to the arrangement. Except 33599  
as provided in division (A)(2) of this section, the voluntary 33600  
termination shall be approved by the board of the arrangement upon 33601  
a finding that the member is in good standing, that both the 33602  
member and the arrangement have met all the requirements of 33603  
sections 1739.01 to 1739.22 of the Revised Code and any rules 33604  
adopted by the superintendent of insurance pursuant to such 33605  
sections, and that the member has complied with all the 33606  
requirements of the agreement as of the proposed effective date of 33607  
termination. 33608

(2) If a member voluntarily terminates its participation in a 33609  
multiple employer welfare arrangement at a time when the total 33610  
number of covered employees employed by the member represents less 33611  
than five per cent of the total number of covered employees 33612  
employed by all members of the arrangement, the member's voluntary 33613  
termination of its participation, unless otherwise stated in the 33614  
agreement, does not require approval by the board of the 33615  
arrangement. 33616

(B)(1) A multiple employer welfare arrangement operating a 33617  
group self-insurance program may involuntarily terminate a member 33618  
upon a finding by the board of the arrangement, after notice is 33619  
given in accordance with division (B)(2) of this section, that the 33620  
member has done any of the following: 33621

(a) Failed to comply with the requirements of sections 33622  
1739.01 to 1739.22 of the Revised Code; 33623

(b) Failed to comply with the articles and bylaws of the 33624  
arrangement or the applicable agreement; 33625

(c) Failed to pay its proportionate share of any premiums or 33626  
installments thereof due the arrangement; 33627

(d) Otherwise failed to discharge its obligations to the 33628

arrangement when due. 33629

(2) A multiple employer welfare arrangement operating a group 33630  
self-insurance program shall give the member written notice 33631  
stating the time when the termination is effective, which time 33632  
shall not be less than fifteen days from the date of the notice or 33633  
any longer period as may be specified by rule of the 33634  
superintendent or the agreement. Notice may be delivered in 33635  
person, or sent by ~~certified mail to the last address of record of~~ 33636  
~~the member~~ any manner permitted in the agreement. The notice may 33637  
or may not be accompanied by a tender of the unearned premium paid 33638  
by the member, calculated on a pro rata basis. If the tender is 33639  
not made simultaneously with the notice, it shall be made within 33640  
fifteen days after notice of termination unless an audit or rate 33641  
investigation is required, in which case the tender shall be made 33642  
as soon as practicable after completion of the audit or 33643  
investigation. 33644

(C) Any member that terminates its membership or is 33645  
involuntarily terminated from membership in a multiple employer 33646  
welfare arrangement pursuant to division (A) or (B) of this 33647  
section shall remain liable for all obligations of the arrangement 33648  
incurred during its membership in proportion to the ratio of the 33649  
total number of covered employees employed by the member at the 33650  
time of termination to the total number of covered employees 33651  
employed by all members of the arrangement at the time of 33652  
termination. 33653

**Sec. 1739.12.** (A) The excess loss funding program of a 33654  
multiple employer welfare arrangement operating a group 33655  
self-insurance program shall be filed with the superintendent of 33656  
insurance. 33657

(B) As a condition to the issuance and maintenance of a 33658  
certificate of authority, a multiple employer welfare arrangement 33659



operating a group self-insurance program shall purchase individual 33660  
stop-loss insurance from insurers authorized to transact business 33661  
in this state with a deductible retention of no more than five per 33662  
cent of the arrangement's annual aggregate premium up to one 33663  
million dollars and no more than two and one-half per cent of the 33664  
arrangement's annual aggregate premium above that amount. ~~If the~~ 33665  
~~superintendent determines that aggregate stop-loss insurance is~~ 33666  
~~available for arrangements, the~~ The arrangement also shall 33667  
purchase, as a condition to the issuance and maintenance of a 33668  
certificate of authority, aggregate stop-loss insurance from 33669  
insurers authorized to transact business in this state with a 33670  
deductible retention of no more than one hundredtwenty-five per 33671  
cent of its projected claims for the succeeding fiscal year. 33672

(C) Any excess or stop-loss insurance policy purchased by a 33673  
multiple employer welfare arrangement shall provide that the 33674  
superintendent must be notified by the arrangement of the 33675  
cancellation of the policy for any reason, including the failure 33676  
of the arrangement to pay any applicable premium. 33677

(D) No excess or stop-loss insurance policy purchased by a 33678  
multiple employer welfare arrangement shall do any of the 33679  
following on the basis of actual or expected claims for an 33680  
individual or an individual's given diagnosis: 33681

(1) Assign a different attachment point for that individual; 33682

(2) Assign a deductible to that individual that must be met 33683  
before excess or stop-loss insurance applies; 33684

(3) Deny excess or stop-loss insurance coverage to that 33685  
individual. 33686

**Sec. 1739.13.** (A) A multiple employer welfare arrangement 33687  
operating a group self-insurance program shall maintain a minimum 33688  
surplus of not less than ~~one~~ five hundred ~~fifty~~ thousand dollars 33689

or such higher amounts of surplus as the superintendent of 33690  
insurance may establish by rule for the protection of the members 33691  
and their employees. 33692

(B) Except as otherwise provided for in sections 1739.01 to 33693  
1739.21 of the Revised Code, the assets of a multiple employer 33694  
welfare arrangement operating a group self-insurance program shall 33695  
be invested only in securities or other investments permitted by 33696  
the laws of this state for the investment of assets of domestic 33697  
insurance companies other than life. 33698

(C) A multiple employer welfare arrangement operating a group 33699  
self-insurance program shall maintain assets in cash, receivables, 33700  
or securities authorized by the laws of this state for the 33701  
investment of assets of domestic insurance companies other than 33702  
life in an amount that is equivalent to or higher than the 33703  
unearned premiums and minimum surplus required under sections 33704  
1739.01 to 1739.22 of the Revised Code, the reserves for losses 33705  
outstanding and unpaid, and any other liabilities of the 33706  
arrangement. 33707

Sec. 1739.141. (A) Each multiple employer welfare arrangement 33708  
operating a group self-insurance program shall file annually with 33709  
the superintendent of insurance an actuarial certification 33710  
including a statement that the underwriting and rating methods of 33711  
the carrier do all of the following: 33712

(1) Comply with accepted actuarial practices; 33713

(2) Are uniformly applied to arrangement members, employees 33714  
of members, and the dependents of members or employees; 33715

(3) Comply with the provisions of section 1739.06 of the 33716  
Revised Code. 33717

(B) The certification shall be filed with the superintendent 33718  
not later than the thirty-first day of March. 33719

Sec. 1739.20. (A) No multiple employer welfare arrangement	33720
operating a group self-insurance program shall do any of the	33721
following:	33722
(1) Refuse, without just cause, to pay proper claims arising	33723
under coverage provided by the arrangement;	33724
(2) Compel, without just cause, employee claimants of members	33725
or other persons entitled to the proceeds of the coverage to	33726
accept less than the amount due them;	33727
(3) Compel, without just cause, employee claimants of members	33728
or other persons entitled to the proceeds of the coverage to bring	33729
an action against the arrangement to secure full payment or	33730
settlement thereof;	33731
<u>(4) Enroll a member into the group self-insurance program</u>	33732
<u>until the arrangement has provided to the member written</u>	33733
<u>notification stating that the member may be required to make</u>	33734
<u>additional payments in the event the program has insufficient</u>	33735
<u>funds to cover its liabilities. The arrangement shall maintain a</u>	33736
<u>copy of the notification in its program files to evidence</u>	33737
<u>compliance with this requirement.</u>	33738
(B) No officer, director, trustee, third-party administrator,	33739
member of any board or committee, or employee of a multiple	33740
employer welfare arrangement operating a group self-insurance	33741
program who is charged with the duty of investing or handling the	33742
arrangement's assets shall do any of the following:	33743
(1) Deposit or invest the assets except in the name of the	33744
arrangement;	33745
(2) Borrow the assets of the arrangement;	33746
(3) Have a pecuniary interest in any loan, pledge of deposit,	33747
security, investment, sale, purchase, exchange, reinsurance, or	33748
other similar transaction or property of the arrangement;	33749

(4) Take or receive for ~~his own~~ personal use any fee, 33750  
brokerage, commission, gift, or other consideration for, or use 33751  
any fee, brokerage, commission, gift, or other consideration for, 33752  
or on account of any transaction made by or on behalf of the 33753  
arrangement. Division (B)(4) of this section does not prevent 33754  
either of the following: 33755

(a) The reimbursement of a third-party administrator for 33756  
administrative services related to the adjustment and settlement 33757  
of claims pursuant to a contract with an arrangement; 33758

(b) The payment of reasonable compensation to a corporation 33759  
or firm, which is affiliated with ~~a trade association, industry~~ 33760  
~~association, or professional association~~ any of the groups listed 33761  
in division (A) of section 1739.02 of the Revised Code that 33762  
establishes, maintains, or operates the arrangement, for necessary 33763  
services performed or sales or purchases made to or for the 33764  
arrangement in the ordinary course of the arrangement's business. 33765

(C) No multiple employer welfare arrangement operating a 33766  
group self-insurance program shall guarantee any financial 33767  
obligation of any of its officers, directors, trustees, board or 33768  
committee members, or third-party administrators. 33769

(D) This section does not prohibit a trustee, officer, 33770  
director, member of a board or committee, or employee of a 33771  
multiple employer welfare arrangement operating a group 33772  
self-insurance program from being covered by the arrangement as a 33773  
member or an employee of a member. 33774

(E) The superintendent of insurance may allow, by rule, 33775  
exceptions to division (B) of this section to allow the payment of 33776  
reasonable compensation to a trustee or third-party administrator 33777  
who is not an officer or employee of the multiple employer welfare 33778  
arrangement operating a group self-insurance program or to a 33779  
corporation or firm with which a trustee or third-party 33780

administrator is affiliated, for necessary services performed or 33781  
sales or purchases made to or for the arrangement in the ordinary 33782  
course of the arrangement's business and in the usual, private, 33783  
professional or business capacity of the trustee, third-party 33784  
administrator, corporation, or firm. 33785

**Sec. 1739.21.** (A) The superintendent of insurance, after 33786  
notice and opportunity for hearing in accordance with Chapter 119. 33787  
of the Revised Code, may impose a fine upon a multiple employer 33788  
welfare arrangement operating a group self-insurance program, a 33789  
third-party administrator, or other entity ~~if he finds~~ after 33790  
finding either of the following: 33791

(1) The arrangement, third-party administrator, or other 33792  
entity, through the acts of its officers, directors, board or 33793  
committee members, employees, agents, or representatives, has 33794  
engaged in an act in violation of any applicable provision of 33795  
division (B) of section 1739.02, division (F) of section 1739.09, 33796  
or division (A), (B), or (C) of section 1739.20 of the Revised 33797  
Code or of any rule or order adopted or issued by the 33798  
superintendent to enforce or carry out the purposes of such 33799  
sections; 33800

(2) Division (C)(2), (3), or (4), ~~or (6)~~ of section 1739.04 33801  
of the Revised Code, or any rule or order adopted or issued by the 33802  
superintendent to enforce or carry out the purposes of such 33803  
section, applies to the arrangement, third-party administrator, or 33804  
other entity. 33805

(B) The fine imposed for any violation described in division 33806  
(A) of this section shall not exceed one thousand dollars for each 33807  
violation, except that a fine of not more than five thousand 33808  
dollars may be imposed for each act of willful misconduct 33809  
constituting a violation described in division (A) of this 33810  
section. 33811

(C) In addition to any penalty provided under this section, 33812  
the superintendent, in lieu of an order of suspension or 33813  
revocation under section 1739.04 of the Revised Code, may place 33814  
any multiple employer welfare arrangement on probation for a 33815  
period not to exceed one year for each violation described in 33816  
division (A) of this section, and may subject the arrangement to a 33817  
fine of up to one thousand dollars for each such violation. If the 33818  
arrangement or its third-party administrator knew or reasonably 33819  
should have known that the arrangement was engaged in a violation 33820  
described in division (A) of this section, the fine provided in 33821  
this division may be increased to an amount up to five thousand 33822  
dollars for each such violation. 33823

(D)(1) If the superintendent places an arrangement on 33824  
probation under division (C) of this section, the superintendent 33825  
may appoint a supervisor to supervise the arrangement and may 33826  
prohibit the arrangement from doing any of the following, during 33827  
the period of probation, without the prior approval of the 33828  
~~superintendent~~ superintendent or the supervisor: 33829

(a) Dispose of, convey, or encumber any of its assets or its 33830  
business in force; 33831

(b) Withdraw from any of its bank accounts; 33832

(c) Lend any of its funds; 33833

(d) Invest any of its funds; 33834

(e) Transfer any of its property; 33835

(f) Incur any debt, obligation, or liability; 33836

(g) Merge or consolidate with another company; 33837

(h) Enter into any new reinsurance contract or treaty. 33838

(2) All expenses incurred as a result of probation shall be 33839  
borne by the arrangement. 33840

(E) All fines collected under this section shall be paid into 33841

the state treasury to the credit of the department of insurance 33842  
operating fund created under section 3901.021 of the Revised Code. 33843

**Sec. 1776.82.** (A) The name of a limited liability partnership 33844  
shall contain "registered limited liability partnership," 33845  
"registered partnership having limited liability," "limited 33846  
liability partnership," "R.L.L.P.," "P.L.L.," "L.L.P.," "RLLP," 33847  
"PLL," or "LLP." 33848

(B) The name of a domestic registered limited liability 33849  
partnership or foreign limited liability partnership shall be 33850  
distinguishable upon the records in the office of the secretary of 33851  
state from all of the following: 33852

(1) The name of any other limited liability partnership 33853  
registered in the office of the secretary of state pursuant to 33854  
this chapter or Chapter 1775. of the Revised Code, whether 33855  
domestic or foreign; 33856

(2) The name of any domestic corporation that is formed under 33857  
Chapter 1701. or 1702. of the Revised Code or any foreign 33858  
corporation that is registered pursuant to Chapter 1703. of the 33859  
Revised Code; 33860

(3) The name of any limited liability company registered in 33861  
the office of the secretary of state pursuant to Chapter 1705. of 33862  
the Revised Code, whether domestic or foreign; 33863

(4) The name of any limited partnership registered in the 33864  
office of the secretary of state pursuant to Chapter 1782. of the 33865  
Revised Code, whether domestic or foreign; 33866

(5) Any trade name the exclusive right to which is at the 33867  
time in question registered in the office of the secretary of 33868  
state pursuant to Chapter 1329. of the Revised Code. 33869

**Sec. 2106.19.** (A) Upon the death of a married resident who 33870

owned at least one watercraft, one watercraft trailer, one 33871  
outboard motor, or one of each at the time of death, the interest 33872  
of the deceased spouse in one watercraft, one watercraft trailer, 33873  
one outboard motor, or one of each that is not otherwise 33874  
specifically disposed of by testamentary disposition and that is 33875  
selected by the surviving spouse immediately shall pass to the 33876  
surviving spouse upon receipt by the clerk of the court of common 33877  
pleas, or in the case of an untitled but registered watercraft 33878  
trailer, upon receipt by the bureau of motor vehicles, of both of 33879  
the following: 33880

(1) The title executed by the surviving spouse, if titled; 33881

(2) An affidavit sworn by the surviving spouse stating the 33882  
date of the decedent's death, a description of the watercraft, 33883  
watercraft trailer, or outboard motor, ~~or both, its or their the~~ 33884  
approximate value, and that the watercraft, watercraft trailer, or 33885  
outboard motor, ~~or both are~~ is not disposed of by testamentary 33886  
disposition. 33887

The watercraft, watercraft trailer, or outboard motor, ~~or~~ 33888  
~~both~~ shall not be considered an estate asset and shall not be 33889  
included and stated in the estate inventory. 33890

Transfer of a decedent's interest under this division does 33891  
not affect the existence of any lien against a watercraft, 33892  
watercraft trailer, or outboard motor so transferred. 33893

(B) Except for a watercraft, watercraft trailer, or outboard 33894  
motor, ~~or both~~ transferred as provided in division (A) of this 33895  
section, the executor or administrator may transfer title to a 33896  
watercraft, watercraft trailer, or outboard motor in the manner 33897  
provided for transfer of an automobile under divisions (B) and (C) 33898  
of section 2106.18 of the Revised Code. 33899

(C) A watercraft trailer under this section only refers to 33900  
one trailer used to transport the watercraft transferred under 33901



this section. 33902

**Sec. 2109.301.** (A) An administrator or executor shall render 33903  
an account at any time other than a time otherwise mentioned in 33904  
this section upon an order of the probate court issued for good 33905  
cause shown either at its own instance or upon the motion of any 33906  
person interested in the estate. Except as otherwise provided in 33907  
division (B)(2) of this section, an administrator or executor 33908  
shall render a final account within thirty days after completing 33909  
the administration of the estate or within any other period of 33910  
time that the court may order. 33911

Every account shall include an itemized statement of all 33912  
receipts of the administrator or executor during the accounting 33913  
period and of all disbursements and distributions made by the 33914  
executor or administrator during the accounting period. In 33915  
addition, the account shall include an itemized statement of all 33916  
funds, assets, and investments of the estate known to or in the 33917  
possession of the administrator or executor at the end of the 33918  
accounting period and shall show any changes in investments since 33919  
the last previous account. 33920

Every account shall be upon the signature of the 33921  
administrator or executor. When two or more administrators or 33922  
executors render an account, the court may allow the account upon 33923  
the signature of one of them. The court may examine the 33924  
administrator or executor under oath concerning the account. 33925

When an administrator or executor is authorized by law or by 33926  
the instrument governing distribution to distribute the assets of 33927  
the estate, in whole or in part, the administrator or executor may 33928  
do so and include a report of the distribution in the 33929  
administrator's or executor's succeeding account. 33930

In estates of decedents in which none of the legatees, 33931  
devisees, or heirs is under a legal disability, each partial 33932

accounting of an executor or administrator may be waived by the 33933  
written consent of all the legatees, devisees, or heirs filed in 33934  
lieu of a partial accounting otherwise required. 33935

(B)(1) Every administrator and executor, within six months 33936  
after appointment, shall render a final and distributive account 33937  
of the administrator's or executor's administration of the estate 33938  
unless one or more of the following circumstances apply: 33939

(a) An Ohio estate tax return must be filed for the estate. 33940

(b) A proceeding contesting the validity of the decedent's 33941  
will pursuant to section 2107.71 of the Revised Code has been 33942  
commenced. 33943

(c) The surviving spouse has filed an election to take 33944  
against the will. 33945

(d) The administrator or executor is a party in a civil 33946  
action. 33947

(e) The estate is insolvent. 33948

(f) For other reasons set forth by the administrator or 33949  
executor, subject to court approval, it would be detrimental to 33950  
the estate and its beneficiaries or heirs to file a final and 33951  
distributive account. 33952

(2) In estates of decedents in which the sole legatee, 33953  
devisee, or heir is also the administrator or executor of the 33954  
estate, no partial accountings are required. The administrator or 33955  
executor of an estate of that type shall file a final account or 33956  
final and distributive account or, in lieu of filing a final 33957  
account, the administrator or executor may file with the court 33958  
within thirty days after completing the administration of the 33959  
estate a certificate of termination of an estate that states all 33960  
of the following: 33961

(a) All debts and claims presented to the estate have been 33962

paid in full or settled finally. 33963

(b) An estate tax return, if required under the provisions of 33964  
the Internal Revenue Code or Chapter 5731. of the Revised Code, 33965  
has been filed, and any estate tax has been paid. 33966

(c) All attorney's fees have been waived by or paid to 33967  
counsel of record of the estate, and all executor or administrator 33968  
fees have been waived or paid. 33969

(d) The amount of attorney's fees and the amount of 33970  
administrator or executor fees that have been paid. 33971

(e) All assets remaining after completion of the activities 33972  
described in divisions (B)(2)(a) to (d) of this section have been 33973  
distributed to the sole legatee, devisee, or heir. 33974

(3) In an estate of the type described in division (B)(2) of 33975  
this section, a sole legatee, devisee, or heir of a decedent may 33976  
be liable to creditors for debts of and claims against the estate 33977  
that are presented after the filing of the certificate of 33978  
termination described in that division and within the time allowed 33979  
by section 2117.06 of the Revised Code for presentation of the 33980  
creditors' claims. 33981

(4) Not later than thirteen months after appointment, every 33982  
administrator and executor shall render an account of the 33983  
administrator's or executor's administration, unless a partial 33984  
account is waived under division (A) of this section or a 33985  
certificate of termination is filed under division (B)(2) of this 33986  
section. ~~Except as provided in divisions (B)(1) and (2) of this~~ 33987  
~~section, after~~ After the initial account is rendered or a waiver 33988  
of a partial account is filed, every administrator and executor 33989  
shall ~~render further accounts,~~ at least once each year, render 33990  
further accounts or file waivers of partial accounts until the 33991  
estate is closed, unless a certificate of termination is filed 33992  
under division (B)(2) of this section. 33993

Sec. 2113.35. (A) Executors and administrators shall be 33994  
allowed fees upon the amount of all the personal property, 33995  
including the income from the personal property, that is received 33996  
and accounted for by them and upon the proceeds of real property 33997  
that is sold, as follows: 33998

(1) For the first one hundred thousand dollars, at the rate 33999  
of four per cent; 34000

(2) All above one hundred thousand dollars and not exceeding 34001  
four hundred thousand dollars, at the rate of three per cent; 34002

(3) All above four hundred thousand dollars, at the rate of 34003  
two per cent. 34004

(B) Executors and administrators shall be allowed a fee of 34005  
one per cent on the value of real property that is not sold. 34006  
Executors and administrators also shall be allowed a fee of one 34007  
per cent on the value of all property that is not subject to 34008  
administration and that ~~is~~ would have been includable for purposes 34009  
of computing the Ohio estate tax, except joint and survivorship 34010  
property, had the decedent died on December 31, 2012, so that 34011  
section 5731.02 of the Revised Code applied to the estate. 34012

(C) The basis of valuation for the allowance of the fees on 34013  
real property sold shall be the gross proceeds of sale, and for 34014  
all other property the fair market value of the other property as 34015  
of the date of death of the decedent. The fees allowed to 34016  
executors and administrators in this section shall be received in 34017  
full compensation for all their ordinary services. 34018

(D) If the probate court finds, after a hearing, that an 34019  
executor or administrator, in any respect, has not faithfully 34020  
discharged the duties as executor or administrator, the court may 34021  
deny the executor or administrator any compensation whatsoever or 34022  
may allow the executor or administrator the reduced compensation 34023

that the court thinks proper. 34024

**Sec. 2151.3514.** (A) As used in this section: 34025

(1) "Community addiction services provider" has the same 34026  
meaning as in section 5119.01 of the Revised Code; 34027

(2) "Chemical dependency" means either of the following: 34028

(a) The chronic and habitual use of alcoholic beverages to 34029  
the extent that the user no longer can control the use of alcohol 34030  
or endangers the user's health, safety, or welfare or that of 34031  
others; 34032

(b) The use of a drug of abuse to the extent that the user 34033  
becomes physically or psychologically dependent on the drug or 34034  
endangers the user's health, safety, or welfare or that of others. 34035

(3) "Drug of abuse" has the same meaning as in section 34036  
3719.011 of the Revised Code. 34037

(B) If the juvenile court issues an order of temporary 34038  
custody or protective supervision under division (A) of section 34039  
2151.353 of the Revised Code with respect to a child adjudicated 34040  
to be an abused, neglected, or dependent child and the alcohol or 34041  
other drug addiction of a parent or other caregiver of the child 34042  
was the basis for the adjudication of abuse, neglect, or 34043  
dependency, the court shall issue an order requiring the parent or 34044  
other caregiver to submit to an assessment and, if needed, 34045  
treatment from a community addiction services provider ~~certified~~ 34046  
~~by the department of mental health and addiction services.~~ The 34047  
court may order the parent or other caregiver to submit to alcohol 34048  
or other drug testing during, after, or both during and after, the 34049  
treatment. The court shall send any order issued pursuant to this 34050  
division to the public children services agency that serves the 34051  
county in which the court is located for use as described in 34052  
section 340.15 of the Revised Code. 34053

(C) Any order requiring alcohol or other drug testing that is 34054  
issued pursuant to division (B) of this section shall require one 34055  
alcohol or other drug test to be conducted each month during a 34056  
period of twelve consecutive months beginning the month 34057  
immediately following the month in which the order for alcohol or 34058  
other drug testing is issued. Arrangements for administering the 34059  
alcohol or other drug tests, as well as funding the costs of the 34060  
tests, shall be locally determined in accordance with sections 34061  
340.03 and 340.15 of the Revised Code. If a parent or other 34062  
caregiver required to submit to alcohol or other drug tests under 34063  
this section is not a recipient of medicaid, the agency that 34064  
refers the parent or caregiver for the tests may require the 34065  
parent or caregiver to reimburse the agency for the cost of 34066  
conducting the tests. 34067

(D) The ~~certified~~ community addiction services provider that 34068  
conducts any alcohol or other drug tests ordered in accordance 34069  
with divisions (B) and (C) of this section shall send the results 34070  
of the tests, along with the provider's recommendations as to the 34071  
benefits of continued treatment, to the court and to the public 34072  
children services agency providing services to the involved 34073  
family, according to federal regulations set forth in 42 C.F.R. 34074  
Part 2, and division (B) of section 340.15 of the Revised Code. 34075  
The court shall consider the results and the recommendations sent 34076  
to it under this division in any adjudication or review by the 34077  
court, according to section 2151.353, 2151.414, or 2151.419 of the 34078  
Revised Code. 34079

**Sec. 2151.421.** (A)(1)(a) No person described in division 34080  
(A)(1)(b) of this section who is acting in an official or 34081  
professional capacity and knows, or has reasonable cause to 34082  
suspect based on facts that would cause a reasonable person in a 34083  
similar position to suspect, that a child under eighteen years of 34084  
age or a mentally retarded, developmentally disabled, or 34085

physically impaired child under twenty-one years of age has 34086  
suffered or faces a threat of suffering any physical or mental 34087  
wound, injury, disability, or condition of a nature that 34088  
reasonably indicates abuse or neglect of the child shall fail to 34089  
immediately report that knowledge or reasonable cause to suspect 34090  
to the entity or persons specified in this division. Except as 34091  
provided in section 5120.173 of the Revised Code, the person 34092  
making the report shall make it to the public children services 34093  
agency or a municipal or county peace officer in the county in 34094  
which the child resides or in which the abuse or neglect is 34095  
occurring or has occurred. In the circumstances described in 34096  
section 5120.173 of the Revised Code, the person making the report 34097  
shall make it to the entity specified in that section. 34098

(b) Division (A)(1)(a) of this section applies to any person 34099  
who is an attorney; physician, including a hospital intern or 34100  
resident; dentist; podiatrist; practitioner of a limited branch of 34101  
medicine as specified in section 4731.15 of the Revised Code; 34102  
registered nurse; licensed practical nurse; visiting nurse; other 34103  
health care professional; licensed psychologist; licensed school 34104  
psychologist; certified Ohio behavior analyst; independent 34105  
marriage and family therapist or marriage and family therapist; 34106  
speech pathologist or audiologist; coroner; administrator or 34107  
employee of a child day-care center; administrator or employee of 34108  
a residential camp or child day camp; administrator or employee of 34109  
a certified child care agency or other public or private children 34110  
services agency; school teacher; school employee; school 34111  
authority; person engaged in social work or the practice of 34112  
professional counseling; agent of a county humane society; person, 34113  
other than a cleric, rendering spiritual treatment through prayer 34114  
in accordance with the tenets of a well-recognized religion; 34115  
employee of a county department of job and family services who is 34116  
a professional and who works with children and families; 34117  
superintendent or regional administrator employed by the 34118

department of youth services; superintendent, board member, or 34119  
employee of a county board of developmental disabilities; 34120  
investigative agent contracted with by a county board of 34121  
developmental disabilities; employee of the department of 34122  
developmental disabilities; employee of a facility or home that 34123  
provides respite care in accordance with section 5123.171 of the 34124  
Revised Code; employee of a home health agency; employee of an 34125  
entity that provides homemaker services; a person performing the 34126  
duties of an assessor pursuant to Chapter 3107. or 5103. of the 34127  
Revised Code; third party employed by a public children services 34128  
agency to assist in providing child or family related services; 34129  
court appointed special advocate; or guardian adlitem. 34130

(2) Except as provided in division (A)(3) of this section, an 34131  
attorney or a physician is not required to make a report pursuant 34132  
to division (A)(1) of this section concerning any communication 34133  
the attorney or physician receives from a client or patient in an 34134  
attorney-client or physician-patient relationship, if, in 34135  
accordance with division (A) or (B) of section 2317.02 of the 34136  
Revised Code, the attorney or physician could not testify with 34137  
respect to that communication in a civil or criminal proceeding. 34138

(3) The client or patient in an attorney-client or 34139  
physician-patient relationship described in division (A)(2) of 34140  
this section is deemed to have waived any testimonial privilege 34141  
under division (A) or (B) of section 2317.02 of the Revised Code 34142  
with respect to any communication the attorney or physician 34143  
receives from the client or patient in that attorney-client or 34144  
physician-patient relationship, and the attorney or physician 34145  
shall make a report pursuant to division (A)(1) of this section 34146  
with respect to that communication, if all of the following apply: 34147

(a) The client or patient, at the time of the communication, 34148  
is either a child under eighteen years of age or a mentally 34149  
retarded, developmentally disabled, or physically impaired person 34150



under twenty-one years of age. 34151

(b) The attorney or physician knows, or has reasonable cause 34152  
to suspect based on facts that would cause a reasonable person in 34153  
similar position to suspect, as a result of the communication or 34154  
any observations made during that communication, that the client 34155  
or patient has suffered or faces a threat of suffering any 34156  
physical or mental wound, injury, disability, or condition of a 34157  
nature that reasonably indicates abuse or neglect of the client or 34158  
patient. 34159

(c) The abuse or neglect does not arise out of the client's 34160  
or patient's attempt to have an abortion without the notification 34161  
of her parents, guardian, or custodian in accordance with section 34162  
2151.85 of the Revised Code. 34163

(4)(a) No cleric and no person, other than a volunteer, 34164  
designated by any church, religious society, or faith acting as a 34165  
leader, official, or delegate on behalf of the church, religious 34166  
society, or faith who is acting in an official or professional 34167  
capacity, who knows, or has reasonable cause to believe based on 34168  
facts that would cause a reasonable person in a similar position 34169  
to believe, that a child under eighteen years of age or a mentally 34170  
retarded, developmentally disabled, or physically impaired child 34171  
under twenty-one years of age has suffered or faces a threat of 34172  
suffering any physical or mental wound, injury, disability, or 34173  
condition of a nature that reasonably indicates abuse or neglect 34174  
of the child, and who knows, or has reasonable cause to believe 34175  
based on facts that would cause a reasonable person in a similar 34176  
position to believe, that another cleric or another person, other 34177  
than a volunteer, designated by a church, religious society, or 34178  
faith acting as a leader, official, or delegate on behalf of the 34179  
church, religious society, or faith caused, or poses the threat of 34180  
causing, the wound, injury, disability, or condition that 34181  
reasonably indicates abuse or neglect shall fail to immediately 34182

report that knowledge or reasonable cause to believe to the entity 34183  
or persons specified in this division. Except as provided in 34184  
section 5120.173 of the Revised Code, the person making the report 34185  
shall make it to the public children services agency or a 34186  
municipal or county peace officer in the county in which the child 34187  
resides or in which the abuse or neglect is occurring or has 34188  
occurred. In the circumstances described in section 5120.173 of 34189  
the Revised Code, the person making the report shall make it to 34190  
the entity specified in that section. 34191

(b) Except as provided in division (A)(4)(c) of this section, 34192  
a cleric is not required to make a report pursuant to division 34193  
(A)(4)(a) of this section concerning any communication the cleric 34194  
receives from a penitent in a cleric-penitent relationship, if, in 34195  
accordance with division (C) of section 2317.02 of the Revised 34196  
Code, the cleric could not testify with respect to that 34197  
communication in a civil or criminal proceeding. 34198

(c) The penitent in a cleric-penitent relationship described 34199  
in division (A)(4)(b) of this section is deemed to have waived any 34200  
testimonial privilege under division (C) of section 2317.02 of the 34201  
Revised Code with respect to any communication the cleric receives 34202  
from the penitent in that cleric-penitent relationship, and the 34203  
cleric shall make a report pursuant to division (A)(4)(a) of this 34204  
section with respect to that communication, if all of the 34205  
following apply: 34206

(i) The penitent, at the time of the communication, is either 34207  
a child under eighteen years of age or a mentally retarded, 34208  
developmentally disabled, or physically impaired person under 34209  
twenty-one years of age. 34210

(ii) The cleric knows, or has reasonable cause to believe 34211  
based on facts that would cause a reasonable person in a similar 34212  
position to believe, as a result of the communication or any 34213  
observations made during that communication, the penitent has 34214

suffered or faces a threat of suffering any physical or mental 34215  
wound, injury, disability, or condition of a nature that 34216  
reasonably indicates abuse or neglect of the penitent. 34217

(iii) The abuse or neglect does not arise out of the 34218  
penitent's attempt to have an abortion performed upon a child 34219  
under eighteen years of age or upon a mentally retarded, 34220  
developmentally disabled, or physically impaired person under 34221  
twenty-one years of age without the notification of her parents, 34222  
guardian, or custodian in accordance with section 2151.85 of the 34223  
Revised Code. 34224

(d) Divisions (A)(4)(a) and (c) of this section do not apply 34225  
in a cleric-penitent relationship when the disclosure of any 34226  
communication the cleric receives from the penitent is in 34227  
violation of the sacred trust. 34228

(e) As used in divisions (A)(1) and (4) of this section, 34229  
"cleric" and "sacred trust" have the same meanings as in section 34230  
2317.02 of the Revised Code. 34231

(B) Anyone who knows, or has reasonable cause to suspect 34232  
based on facts that would cause a reasonable person in similar 34233  
circumstances to suspect, that a child under eighteen years of age 34234  
or a mentally retarded, developmentally disabled, or physically 34235  
impaired person under twenty-one years of age has suffered or 34236  
faces a threat of suffering any physical or mental wound, injury, 34237  
disability, or other condition of a nature that reasonably 34238  
indicates abuse or neglect of the child may report or cause 34239  
reports to be made of that knowledge or reasonable cause to 34240  
suspect to the entity or persons specified in this division. 34241  
Except as provided in section 5120.173 of the Revised Code, a 34242  
person making a report or causing a report to be made under this 34243  
division shall make it or cause it to be made to the public 34244  
children services agency or to a municipal or county peace 34245  
officer. In the circumstances described in section 5120.173 of the 34246

Revised Code, a person making a report or causing a report to be 34247  
made under this division shall make it or cause it to be made to 34248  
the entity specified in that section. 34249

(C) Any report made pursuant to division (A) or (B) of this 34250  
section shall be made forthwith either by telephone or in person 34251  
and shall be followed by a written report, if requested by the 34252  
receiving agency or officer. The written report shall contain: 34253

(1) The names and addresses of the child and the child's 34254  
parents or the person or persons having custody of the child, if 34255  
known; 34256

(2) The child's age and the nature and extent of the child's 34257  
injuries, abuse, or neglect that is known or reasonably suspected 34258  
or believed, as applicable, to have occurred or of the threat of 34259  
injury, abuse, or neglect that is known or reasonably suspected or 34260  
believed, as applicable, to exist, including any evidence of 34261  
previous injuries, abuse, or neglect; 34262

(3) Any other information that might be helpful in 34263  
establishing the cause of the injury, abuse, or neglect that is 34264  
known or reasonably suspected or believed, as applicable, to have 34265  
occurred or of the threat of injury, abuse, or neglect that is 34266  
known or reasonably suspected or believed, as applicable, to 34267  
exist. 34268

Any person, who is required by division (A) of this section 34269  
to report child abuse or child neglect that is known or reasonably 34270  
suspected or believed to have occurred, may take or cause to be 34271  
taken color photographs of areas of trauma visible on a child and, 34272  
if medically indicated, cause to be performed radiological 34273  
examinations of the child. 34274

(D) As used in this division, "children's advocacy center" 34275  
and "sexual abuse of a child" have the same meanings as in section 34276  
2151.425 of the Revised Code. 34277

(1) When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code;

(b) If the county served by the agency is also served by a children's advocacy center and the report alleges sexual abuse of a child or another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, comply regarding the report with the protocol and procedures for referrals and investigations, with the coordinating activities, and with the authority or responsibility for performing or providing functions, activities, and services stipulated in the interagency agreement entered into under section 2151.428 of the Revised Code relative to that center.

(E) No township, municipal, or county peace officer shall remove a child about whom a report is made pursuant to this section from the child's parents, stepparents, or guardian or any other persons having custody of the child without consultation with the public children services agency, unless, in the judgment of the officer, and, if the report was made by physician, the physician, immediate removal is considered essential to protect the child from further abuse or neglect. The agency that must be consulted shall be the agency conducting the investigation of the report as determined pursuant to section 2151.422 of the Revised

Code. 34310

(F)(1) Except as provided in section 2151.422 of the Revised 34311  
Code or in an interagency agreement entered into under section 34312  
2151.428 of the Revised Code that applies to the particular 34313  
report, the public children services agency shall investigate, 34314  
within twenty-four hours, each report of child abuse or child 34315  
neglect that is known or reasonably suspected or believed to have 34316  
occurred and of a threat of child abuse or child neglect that is 34317  
known or reasonably suspected or believed to exist that is 34318  
referred to it under this section to determine the circumstances 34319  
surrounding the injuries, abuse, or neglect or the threat of 34320  
injury, abuse, or neglect, the cause of the injuries, abuse, 34321  
neglect, or threat, and the person or persons responsible. The 34322  
investigation shall be made in cooperation with the law 34323  
enforcement agency and in accordance with the memorandum of 34324  
understanding prepared under division (J) of this section. A 34325  
representative of the public children services agency shall, at 34326  
the time of initial contact with the person subject to the 34327  
investigation, inform the person of the specific complaints or 34328  
allegations made against the person. The information shall be 34329  
given in a manner that is consistent with division (H)(1) of this 34330  
section and protects the rights of the person making the report 34331  
under this section. 34332

A failure to make the investigation in accordance with the 34333  
memorandum is not grounds for, and shall not result in, the 34334  
dismissal of any charges or complaint arising from the report or 34335  
the suppression of any evidence obtained as a result of the report 34336  
and does not give, and shall not be construed as giving, any 34337  
rights or any grounds for appeal or post-conviction relief to any 34338  
person. The public children services agency shall report each case 34339  
to the uniform statewide automated child welfare information 34340  
system that the department of job and family services shall 34341

maintain in accordance with section 5101.13 of the Revised Code. 34342  
The public children services agency shall submit a report of its 34343  
investigation, in writing, to the law enforcement agency. 34344

(2) The public children services agency shall make any 34345  
recommendations to the county prosecuting attorney or city 34346  
director of law that it considers necessary to protect any 34347  
children that are brought to its attention. 34348

(G)(1)(a) Except as provided in division (H)(3) of this 34349  
section, anyone or any hospital, institution, school, health 34350  
department, or agency participating in the making of reports under 34351  
division (A) of this section, anyone or any hospital, institution, 34352  
school, health department, or agency participating in good faith 34353  
in the making of reports under division (B) of this section, and 34354  
anyone participating in good faith in a judicial proceeding 34355  
resulting from the reports, shall be immune from any civil or 34356  
criminal liability for injury, death, or loss to person or 34357  
property that otherwise might be incurred or imposed as a result 34358  
of the making of the reports or the participation in the judicial 34359  
proceeding. 34360

(b) Notwithstanding section 4731.22 of the Revised Code, the 34361  
physician-patient privilege shall not be a ground for excluding 34362  
evidence regarding a child's injuries, abuse, or neglect, or the 34363  
cause of the injuries, abuse, or neglect in any judicial 34364  
proceeding resulting from a report submitted pursuant to this 34365  
section. 34366

(2) In any civil or criminal action or proceeding in which it 34367  
is alleged and proved that participation in the making of a report 34368  
under this section was not in good faith or participation in a 34369  
judicial proceeding resulting from a report made under this 34370  
section was not in good faith, the court shall award the 34371  
prevailing party reasonable attorney's fees and costs and, if a 34372  
civil action or proceeding is voluntarily dismissed, may award 34373

reasonable attorney's fees and costs to the party against whom the 34374  
civil action or proceeding is brought. 34375

(H)(1) Except as provided in divisions (H)(4) and (N) of this 34376  
section, a report made under this section is confidential. The 34377  
information provided in a report made pursuant to this section and 34378  
the name of the person who made the report shall not be released 34379  
for use, and shall not be used, as evidence in any civil action or 34380  
proceeding brought against the person who made the report. Nothing 34381  
in this division shall preclude the use of reports of other 34382  
incidents of known or suspected abuse or neglect in a civil action 34383  
or proceeding brought pursuant to division (M) of this section 34384  
against a person who is alleged to have violated division (A)(1) 34385  
of this section, provided that any information in a report that 34386  
would identify the child who is the subject of the report or the 34387  
maker of the report, if the maker of the report is not the 34388  
defendant or an agent or employee of the defendant, has been 34389  
redacted. In a criminal proceeding, the report is admissible in 34390  
evidence in accordance with the Rules of Evidence and is subject 34391  
to discovery in accordance with the Rules of Criminal Procedure. 34392

(2) No person shall permit or encourage the unauthorized 34393  
dissemination of the contents of any report made under this 34394  
section. 34395

(3) A person who knowingly makes or causes another person to 34396  
make a false report under division (B) of this section that 34397  
alleges that any person has committed an act or omission that 34398  
resulted in a child being an abused child or a neglected child is 34399  
guilty of a violation of section 2921.14 of the Revised Code. 34400

(4) If a report is made pursuant to division (A) or (B) of 34401  
this section and the child who is the subject of the report dies 34402  
for any reason at any time after the report is made, but before 34403  
the child attains eighteen years of age, the public children 34404  
services agency or municipal or county peace officer to which the 34405



report was made or referred, on the request of the child fatality 34406  
review board or the director of health pursuant to guidelines 34407  
established under section 3701.70 of the Revised Code, shall 34408  
submit a summary sheet of information providing a summary of the 34409  
report to the review board of the county in which the deceased 34410  
child resided at the time of death or to the director. On the 34411  
request of the review board or director, the agency or peace 34412  
officer may, at its discretion, make the report available to the 34413  
review board or director. If the county served by the public 34414  
children services agency is also served by a children's advocacy 34415  
center and the report of alleged sexual abuse of a child or 34416  
another type of abuse of a child is specified in the memorandum of 34417  
understanding that creates the center as being within the center's 34418  
jurisdiction, the agency or center shall perform the duties and 34419  
functions specified in this division in accordance with the 34420  
interagency agreement entered into under section 2151.428 of the 34421  
Revised Code relative to that advocacy center. 34422

(5) A public children services agency shall advise a person 34423  
alleged to have inflicted abuse or neglect on a child who is the 34424  
subject of a report made pursuant to this section, including a 34425  
report alleging sexual abuse of a child or another type of abuse 34426  
of a child referred to a children's advocacy center pursuant to an 34427  
interagency agreement entered into under section 2151.428 of the 34428  
Revised Code, in writing of the disposition of the investigation. 34429  
The agency shall not provide to the person any information that 34430  
identifies the person who made the report, statements of 34431  
witnesses, or police or other investigative reports. 34432

(I) Any report that is required by this section, other than a 34433  
report that is made to the state highway patrol as described in 34434  
section 5120.173 of the Revised Code, shall result in protective 34435  
services and emergency supportive services being made available by 34436  
the public children services agency on behalf of the children 34437

about whom the report is made, in an effort to prevent further 34438  
neglect or abuse, to enhance their welfare, and, whenever 34439  
possible, to preserve the family unit intact. The agency required 34440  
to provide the services shall be the agency conducting the 34441  
investigation of the report pursuant to section 2151.422 of the 34442  
Revised Code. 34443

(J)(1) Each public children services agency shall prepare a 34444  
memorandum of understanding that is signed by all of the 34445  
following: 34446

(a) If there is only one juvenile judge in the county, the 34447  
juvenile judge of the county or the juvenile judge's 34448  
representative; 34449

(b) If there is more than one juvenile judge in the county, a 34450  
juvenile judge or the juvenile judges' representative selected by 34451  
the juvenile judges or, if they are unable to do so for any 34452  
reason, the juvenile judge who is senior in point of service or 34453  
the senior juvenile judge's representative; 34454

(c) The county peace officer; 34455

(d) All chief municipal peace officers within the county; 34456

(e) Other law enforcement officers handling child abuse and 34457  
neglect cases in the county; 34458

(f) The prosecuting attorney of the county; 34459

(g) If the public children services agency is not the county 34460  
department of job and family services, the county department of 34461  
job and family services; 34462

(h) The county humane society; 34463

(i) If the public children services agency participated in 34464  
the execution of a memorandum of understanding under section 34465  
2151.426 of the Revised Code establishing a children's advocacy 34466  
center, each participating member of the children's advocacy 34467

center established by the memorandum. 34468

(2) A memorandum of understanding shall set forth the normal 34469  
operating procedure to be employed by all concerned officials in 34470  
the execution of their respective responsibilities under this 34471  
section and division (C) of section 2919.21, division (B)(1) of 34472  
section 2919.22, division (B) of section 2919.23, and section 34473  
2919.24 of the Revised Code and shall have as two of its primary 34474  
goals the elimination of all unnecessary interviews of children 34475  
who are the subject of reports made pursuant to division (A) or 34476  
(B) of this section and, when feasible, providing for only one 34477  
interview of a child who is the subject of any report made 34478  
pursuant to division (A) or (B) of this section. A failure to 34479  
follow the procedure set forth in the memorandum by the concerned 34480  
officials is not grounds for, and shall not result in, the 34481  
dismissal of any charges or complaint arising from any reported 34482  
case of abuse or neglect or the suppression of any evidence 34483  
obtained as a result of any reported child abuse or child neglect 34484  
and does not give, and shall not be construed as giving, any 34485  
rights or any grounds for appeal or post-conviction relief to any 34486  
person. 34487

(3) A memorandum of understanding shall include all of the 34488  
following: 34489

(a) The roles and responsibilities for handling emergency and 34490  
nonemergency cases of abuse and neglect; 34491

(b) Standards and procedures to be used in handling and 34492  
coordinating investigations of reported cases of child abuse and 34493  
reported cases of child neglect, methods to be used in 34494  
interviewing the child who is the subject of the report and who 34495  
allegedly was abused or neglected, and standards and procedures 34496  
addressing the categories of persons who may interview the child 34497  
who is the subject of the report and who allegedly was abused or 34498  
neglected. 34499

(4) If a public children services agency participated in the 34500  
execution of a memorandum of understanding under section 2151.426 34501  
of the Revised Code establishing a children's advocacy center, the 34502  
agency shall incorporate the contents of that memorandum in the 34503  
memorandum prepared pursuant to this section. 34504

(5) The clerk of the court of common pleas in the county may 34505  
sign the memorandum of understanding prepared under division 34506  
(J)(1) of this section. If the clerk signs the memorandum of 34507  
understanding, the clerk shall execute all relevant 34508  
responsibilities as required of officials specified in the 34509  
memorandum. 34510

(K)(1) Except as provided in division (K)(4) of this section, 34511  
a person who is required to make a report pursuant to division (A) 34512  
of this section may make a reasonable number of requests of the 34513  
public children services agency that receives or is referred the 34514  
report, or of the children's advocacy center that is referred the 34515  
report if the report is referred to a children's advocacy center 34516  
pursuant to an interagency agreement entered into under section 34517  
2151.428 of the Revised Code, to be provided with the following 34518  
information: 34519

(a) Whether the agency or center has initiated an 34520  
investigation of the report; 34521

(b) Whether the agency or center is continuing to investigate 34522  
the report; 34523

(c) Whether the agency or center is otherwise involved with 34524  
the child who is the subject of the report; 34525

(d) The general status of the health and safety of the child 34526  
who is the subject of the report; 34527

(e) Whether the report has resulted in the filing of a 34528  
complaint in juvenile court or of criminal charges in another 34529  
court. 34530

(2) A person may request the information specified in 34531  
division (K)(1) of this section only if, at the time the report is 34532  
made, the person's name, address, and telephone number are 34533  
provided to the person who receives the report. 34534

When a municipal or county peace officer or employee of a 34535  
public children services agency receives a report pursuant to 34536  
division (A) or (B) of this section the recipient of the report 34537  
shall inform the person of the right to request the information 34538  
described in division (K)(1) of this section. The recipient of the 34539  
report shall include in the initial child abuse or child neglect 34540  
report that the person making the report was so informed and, if 34541  
provided at the time of the making of the report, shall include 34542  
the person's name, address, and telephone number in the report. 34543

Each request is subject to verification of the identity of 34544  
the person making the report. If that person's identity is 34545  
verified, the agency shall provide the person with the information 34546  
described in division (K)(1) of this section a reasonable number 34547  
of times, except that the agency shall not disclose any 34548  
confidential information regarding the child who is the subject of 34549  
the report other than the information described in those 34550  
divisions. 34551

(3) A request made pursuant to division (K)(1) of this 34552  
section is not a substitute for any report required to be made 34553  
pursuant to division (A) of this section. 34554

(4) If an agency other than the agency that received or was 34555  
referred the report is conducting the investigation of the report 34556  
pursuant to section 2151.422 of the Revised Code, the agency 34557  
conducting the investigation shall comply with the requirements of 34558  
division (K) of this section. 34559

(L) The director of job and family services shall adopt rules 34560  
in accordance with Chapter 119. of the Revised Code to implement 34561

this section. The department of job and family services may enter 34562  
into a plan of cooperation with any other governmental entity to 34563  
aid in ensuring that children are protected from abuse and 34564  
neglect. The department shall make recommendations to the attorney 34565  
general that the department determines are necessary to protect 34566  
children from child abuse and child neglect. 34567

(M) Whoever violates division (A) of this section is liable 34568  
for compensatory and exemplary damages to the child who would have 34569  
been the subject of the report that was not made. A person who 34570  
brings a civil action or proceeding pursuant to this division 34571  
against a person who is alleged to have violated division (A)(1) 34572  
of this section may use in the action or proceeding reports of 34573  
other incidents of known or suspected abuse or neglect, provided 34574  
that any information in a report that would identify the child who 34575  
is the subject of the report or the maker of the report, if the 34576  
maker is not the defendant or an agent or employee of the 34577  
defendant, has been redacted. 34578

(N)(1) As used in this division: 34579

(a) "Out-of-home care" includes a nonchartered nonpublic 34580  
school if the alleged child abuse or child neglect, or alleged 34581  
threat of child abuse or child neglect, described in a report 34582  
received by a public children services agency allegedly occurred 34583  
in or involved the nonchartered nonpublic school and the alleged 34584  
perpetrator named in the report holds a certificate, permit, or 34585  
license issued by the state board of education under section 34586  
3301.071 or Chapter 3319. of the Revised Code. 34587

(b) "Administrator, director, or other chief administrative 34588  
officer" means the superintendent of the school district if the 34589  
out-of-home care entity subject to a report made pursuant to this 34590  
section is a school operated by the district. 34591

(2) No later than the end of the day following the day on 34592

which a public children services agency receives a report of 34593  
alleged child abuse or child neglect, or a report of an alleged 34594  
threat of child abuse or child neglect, that allegedly occurred in 34595  
or involved an out-of-home care entity, the agency shall provide 34596  
written notice of the allegations contained in and the person 34597  
named as the alleged perpetrator in the report to the 34598  
administrator, director, or other chief administrative officer of 34599  
the out-of-home care entity that is the subject of the report 34600  
unless the administrator, director, or other chief administrative 34601  
officer is named as an alleged perpetrator in the report. If the 34602  
administrator, director, or other chief administrative officer of 34603  
an out-of-home care entity is named as an alleged perpetrator in a 34604  
report of alleged child abuse or child neglect, or a report of an 34605  
alleged threat of child abuse or child neglect, that allegedly 34606  
occurred in or involved the out-of-home care entity, the agency 34607  
shall provide the written notice to the owner or governing board 34608  
of the out-of-home care entity that is the subject of the report. 34609  
The agency shall not provide witness statements or police or other 34610  
investigative reports. 34611

(3) No later than three days after the day on which a public 34612  
children services agency that conducted the investigation as 34613  
determined pursuant to section 2151.422 of the Revised Code makes 34614  
a disposition of an investigation involving a report of alleged 34615  
child abuse or child neglect, or a report of an alleged threat of 34616  
child abuse or child neglect, that allegedly occurred in or 34617  
involved an out-of-home care entity, the agency shall send written 34618  
notice of the disposition of the investigation to the 34619  
administrator, director, or other chief administrative officer and 34620  
the owner or governing board of the out-of-home care entity. The 34621  
agency shall not provide witness statements or police or other 34622  
investigative reports. 34623

(0) As used in this section, "investigation" means the public 34624

children services agency's response to an accepted report of child 34625  
abuse or neglect through either an alternative response or a 34626  
traditional response. 34627

**Sec. 2301.03.** (A) In Franklin county, the judges of the court 34628  
of common pleas whose terms begin on January 1, 1953, January 2, 34629  
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 34630  
successors, shall have the same qualifications, exercise the same 34631  
powers and jurisdiction, and receive the same compensation as 34632  
other judges of the court of common pleas of Franklin county and 34633  
shall be elected and designated as judges of the court of common 34634  
pleas, division of domestic relations. They shall have all the 34635  
powers relating to juvenile courts, and all cases under Chapters 34636  
2151. and 2152. of the Revised Code, all parentage proceedings 34637  
under Chapter 3111. of the Revised Code over which the juvenile 34638  
court has jurisdiction, and all divorce, dissolution of marriage, 34639  
legal separation, and annulment cases shall be assigned to them. 34640  
In addition to the judge's regular duties, the judge who is senior 34641  
in point of service shall serve on the children services board and 34642  
the county advisory board and shall be the administrator of the 34643  
domestic relations division and its subdivisions and departments. 34644  
34645

(B) In Hamilton county: 34646

(1) The judge of the court of common pleas, whose term begins 34647  
on January 1, 1957, and successors, and the judge of the court of 34648  
common pleas, whose term begins on February 14, 1967, and 34649  
successors, shall be the juvenile judges as provided in Chapters 34650  
2151. and 2152. of the Revised Code, with the powers and 34651  
jurisdiction conferred by those chapters. 34652

(2) The judges of the court of common pleas whose terms begin 34653  
on January 5, 1957, January 16, 1981, and July 1, 1991, and 34654  
successors, shall be elected and designated as judges of the court 34655



of common pleas, division of domestic relations, and shall have 34656  
assigned to them all divorce, dissolution of marriage, legal 34657  
separation, and annulment cases coming before the court. On or 34658  
after the first day of July and before the first day of August of 34659  
1991 and each year thereafter, a majority of the judges of the 34660  
division of domestic relations shall elect one of the judges of 34661  
the division as administrative judge of that division. If a 34662  
majority of the judges of the division of domestic relations are 34663  
unable for any reason to elect an administrative judge for the 34664  
division before the first day of August, a majority of the judges 34665  
of the Hamilton county court of common pleas, as soon as possible 34666  
after that date, shall elect one of the judges of the division of 34667  
domestic relations as administrative judge of that division. The 34668  
term of the administrative judge shall begin on the earlier of the 34669  
first day of August of the year in which the administrative judge 34670  
is elected or the date on which the administrative judge is 34671  
elected by a majority of the judges of the Hamilton county court 34672  
of common pleas and shall terminate on the date on which the 34673  
administrative judge's successor is elected in the following year. 34674

In addition to the judge's regular duties, the administrative 34675  
judge of the division of domestic relations shall be the 34676  
administrator of the domestic relations division and its 34677  
subdivisions and departments and shall have charge of the 34678  
employment, assignment, and supervision of the personnel of the 34679  
division engaged in handling, servicing, or investigating divorce, 34680  
dissolution of marriage, legal separation, and annulment cases, 34681  
including any referees considered necessary by the judges in the 34682  
discharge of their various duties. 34683

The administrative judge of the division of domestic 34684  
relations also shall designate the title, compensation, expense 34685  
allowances, hours, leaves of absence, and vacations of the 34686  
personnel of the division, and shall fix the duties of its 34687

personnel. The duties of the personnel, in addition to those 34688  
provided for in other sections of the Revised Code, shall include 34689  
the handling, servicing, and investigation of divorce, dissolution 34690  
of marriage, legal separation, and annulment cases and counseling 34691  
and conciliation services that may be made available to persons 34692  
requesting them, whether or not the persons are parties to an 34693  
action pending in the division. 34694

The board of county commissioners shall appropriate the sum 34695  
of money each year as will meet all the administrative expenses of 34696  
the division of domestic relations, including reasonable expenses 34697  
of the domestic relations judges and the division counselors and 34698  
other employees designated to conduct the handling, servicing, and 34699  
investigation of divorce, dissolution of marriage, legal 34700  
separation, and annulment cases, conciliation and counseling, and 34701  
all matters relating to those cases and counseling, and the 34702  
expenses involved in the attendance of division personnel at 34703  
domestic relations and welfare conferences designated by the 34704  
division, and the further sum each year as will provide for the 34705  
adequate operation of the division of domestic relations. 34706

The compensation and expenses of all employees and the salary 34707  
and expenses of the judges shall be paid by the county treasurer 34708  
from the money appropriated for the operation of the division, 34709  
upon the warrant of the county auditor, certified to by the 34710  
administrative judge of the division of domestic relations. 34711

The summonses, warrants, citations, subpoenas, and other 34712  
writs of the division may issue to a bailiff, constable, or staff 34713  
investigator of the division or to the sheriff of any county or 34714  
any marshal, constable, or police officer, and the provisions of 34715  
law relating to the subpoenaing of witnesses in other cases shall 34716  
apply insofar as they are applicable. When a summons, warrant, 34717  
citation, subpoena, or other writ is issued to an officer, other 34718  
than a bailiff, constable, or staff investigator of the division, 34719

the expense of serving it shall be assessed as a part of the costs 34720  
in the case involved. 34721

(3) The judge of the court of common pleas of Hamilton county 34722  
whose term begins on January 3, 1997, and the successors to that 34723  
judge shall each be elected and designated as the drug court judge 34724  
of the court of common pleas of Hamilton county. The drug court 34725  
judge may accept or reject any case referred to the drug court 34726  
judge under division (B)(3) of this section. After the drug court 34727  
judge accepts a referred case, the drug court judge has full 34728  
authority over the case, including the authority to conduct 34729  
arraignment, accept pleas, enter findings and dispositions, 34730  
conduct trials, order treatment, and if treatment is not 34731  
successfully completed pronounce and enter sentence. 34732

A judge of the general division of the court of common pleas 34733  
of Hamilton county and a judge of the Hamilton county municipal 34734  
court may refer to the drug court judge any case, and any 34735  
companion cases, the judge determines meet the criteria described 34736  
under divisions (B)(3)(a) and (b) of this section. If the drug 34737  
court judge accepts referral of a referred case, the case, and any 34738  
companion cases, shall be transferred to the drug court judge. A 34739  
judge may refer a case meeting the criteria described in divisions 34740  
(B)(3)(a) and (b) of this section that involves a violation of a 34741  
condition of a community control sanction to the drug court judge, 34742  
and, if the drug court judge accepts the referral, the referring 34743  
judge and the drug court judge have concurrent jurisdiction over 34744  
the case. 34745

A judge of the general division of the court of common pleas 34746  
of Hamilton county and a judge of the Hamilton county municipal 34747  
court may refer a case to the drug court judge under division 34748  
(B)(3) of this section if the judge determines that both of the 34749  
following apply: 34750

(a) One of the following applies: 34751

(i) The case involves a drug abuse offense, as defined in section 2925.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor.

(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.

(ii) The defendant has no history of violent behavior.

(iii) The defendant has no history of mental illness.

(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.

(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.

(vi) The defendant has no acute health condition.

(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.

(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in

accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.

(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.

(C)(1) In Lorain county:

(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas. From February 9, 2009, through September 28, 2009, the judge of the court of common pleas whose term begins on February 9, 2009, shall have all the powers relating to juvenile courts, and cases under Chapters 2151. and

2152. of the Revised Code, parentage proceedings over which the 34814  
juvenile court has jurisdiction, and divorce, dissolution of 34815  
marriage, legal separation, and annulment cases shall be assigned 34816  
to that judge, except cases that for some special reason are 34817  
assigned to some other judge of the court of common pleas. 34818

(b) From January 1, 2006, through September 28, 2009, the 34819  
judges of the court of common pleas, division of domestic 34820  
relations, in addition to the powers and jurisdiction set forth in 34821  
division (C)(1)(a) of this section, shall have jurisdiction over 34822  
matters that are within the jurisdiction of the probate court 34823  
under Chapter 2101. and other provisions of the Revised Code. 34824

(c) The judge of the court of common pleas, division of 34825  
domestic relations, whose term begins on February 9, 2009, is the 34826  
successor to the probate judge who was elected in 2002 for a term 34827  
that began on February 9, 2003. After September 28, 2009, the 34828  
judge of the court of common pleas, division of domestic 34829  
relations, whose term begins on February 9, 2009, shall be the 34830  
probate judge. 34831

(2)(a) From February 9, 2009, through September 28, 2009, 34832  
with respect to Lorain county, all references in law to the 34833  
probate court shall be construed as references to the court of 34834  
common pleas, division of domestic relations, and all references 34835  
to the probate judge shall be construed as references to the 34836  
judges of the court of common pleas, division of domestic 34837  
relations. 34838

(b) From February 9, 2009, through September 28, 2009, with 34839  
respect to Lorain county, all references in law to the clerk of 34840  
the probate court shall be construed as references to the judge 34841  
who is serving pursuant to Rule 4 of the Rules of Superintendence 34842  
for the Courts of Ohio as the administrative judge of the court of 34843  
common pleas, division of domestic relations. 34844

(D) In Lucas county: 34845

(1) The judges of the court of common pleas whose terms begin 34846  
on January 1, 1955, and January 3, 1965, and successors, shall 34847  
have the same qualifications, exercise the same powers and 34848  
jurisdiction, and receive the same compensation as other judges of 34849  
the court of common pleas of Lucas county and shall be elected and 34850  
designated as judges of the court of common pleas, division of 34851  
domestic relations. All divorce, dissolution of marriage, legal 34852  
separation, and annulment cases shall be assigned to them. 34853

The judge of the division of domestic relations, senior in 34854  
point of service, shall be considered as the presiding judge of 34855  
the court of common pleas, division of domestic relations, and 34856  
shall be charged exclusively with the assignment and division of 34857  
the work of the division and the employment and supervision of all 34858  
other personnel of the domestic relations division. 34859

(2) The judges of the court of common pleas whose terms begin 34860  
on January 5, 1977, and January 2, 1991, and successors shall have 34861  
the same qualifications, exercise the same powers and 34862  
jurisdiction, and receive the same compensation as other judges of 34863  
the court of common pleas of Lucas county, shall be elected and 34864  
designated as judges of the court of common pleas, juvenile 34865  
division, and shall be the juvenile judges as provided in Chapters 34866  
2151. and 2152. of the Revised Code with the powers and 34867  
jurisdictions conferred by those chapters. In addition to the 34868  
judge's regular duties, the judge of the court of common pleas, 34869  
juvenile division, senior in point of service, shall be the 34870  
administrator of the juvenile division and its subdivisions and 34871  
departments and shall have charge of the employment, assignment, 34872  
and supervision of the personnel of the division engaged in 34873  
handling, servicing, or investigating juvenile cases, including 34874  
any referees considered necessary by the judges of the division in 34875  
the discharge of their various duties. 34876

The judge of the court of common pleas, juvenile division, 34877  
senior in point of service, also shall designate the title, 34878  
compensation, expense allowance, hours, leaves of absence, and 34879  
vacation of the personnel of the division and shall fix the duties 34880  
of the personnel of the division. The duties of the personnel, in 34881  
addition to other statutory duties include the handling, 34882  
servicing, and investigation of juvenile cases and counseling and 34883  
conciliation services that may be made available to persons 34884  
requesting them, whether or not the persons are parties to an 34885  
action pending in the division. 34886

(3) If one of the judges of the court of common pleas, 34887  
division of domestic relations, or one of the judges of the 34888  
juvenile division is sick, absent, or unable to perform that 34889  
judge's judicial duties or the volume of cases pending in that 34890  
judge's division necessitates it, the duties shall be performed by 34891  
the judges of the other of those divisions. 34892

(E) In Mahoning county: 34893

(1) The judge of the court of common pleas whose term began 34894  
on January 1, 1955, and successors, shall have the same 34895  
qualifications, exercise the same powers and jurisdiction, and 34896  
receive the same compensation as other judges of the court of 34897  
common pleas of Mahoning county, shall be elected and designated 34898  
as judge of the court of common pleas, division of domestic 34899  
relations, and shall be assigned all the divorce, dissolution of 34900  
marriage, legal separation, and annulment cases coming before the 34901  
court. In addition to the judge's regular duties, the judge of the 34902  
court of common pleas, division of domestic relations, shall be 34903  
the administrator of the domestic relations division and its 34904  
subdivisions and departments and shall have charge of the 34905  
employment, assignment, and supervision of the personnel of the 34906  
division engaged in handling, servicing, or investigating divorce, 34907  
dissolution of marriage, legal separation, and annulment cases, 34908



including any referees considered necessary in the discharge of 34909  
the various duties of the judge's office. 34910

The judge also shall designate the title, compensation, 34911  
expense allowances, hours, leaves of absence, and vacations of the 34912  
personnel of the division and shall fix the duties of the 34913  
personnel of the division. The duties of the personnel, in 34914  
addition to other statutory duties, include the handling, 34915  
servicing, and investigation of divorce, dissolution of marriage, 34916  
legal separation, and annulment cases and counseling and 34917  
conciliation services that may be made available to persons 34918  
requesting them, whether or not the persons are parties to an 34919  
action pending in the division. 34920

(2) The judge of the court of common pleas whose term began 34921  
on January 2, 1969, and successors, shall have the same 34922  
qualifications, exercise the same powers and jurisdiction, and 34923  
receive the same compensation as other judges of the court of 34924  
common pleas of Mahoning county, shall be elected and designated 34925  
as judge of the court of common pleas, juvenile division, and 34926  
shall be the juvenile judge as provided in Chapters 2151. and 34927  
2152. of the Revised Code, with the powers and jurisdictions 34928  
conferred by those chapters. In addition to the judge's regular 34929  
duties, the judge of the court of common pleas, juvenile division, 34930  
shall be the administrator of the juvenile division and its 34931  
subdivisions and departments and shall have charge of the 34932  
employment, assignment, and supervision of the personnel of the 34933  
division engaged in handling, servicing, or investigating juvenile 34934  
cases, including any referees considered necessary by the judge in 34935  
the discharge of the judge's various duties. 34936

The judge also shall designate the title, compensation, 34937  
expense allowances, hours, leaves of absence, and vacation of the 34938  
personnel of the division and shall fix the duties of the 34939  
personnel of the division. The duties of the personnel, in 34940

addition to other statutory duties, include the handling, 34941  
servicing, and investigation of juvenile cases and counseling and 34942  
conciliation services that may be made available to persons 34943  
requesting them, whether or not the persons are parties to an 34944  
action pending in the division. 34945

(3) If a judge of the court of common pleas, division of 34946  
domestic relations or juvenile division, is sick, absent, or 34947  
unable to perform that judge's judicial duties, or the volume of 34948  
cases pending in that judge's division necessitates it, that 34949  
judge's duties shall be performed by another judge of the court of 34950  
common pleas. 34951

(F) In Montgomery county: 34952

(1) The judges of the court of common pleas whose terms begin 34953  
on January 2, 1953, and January 4, 1977, and successors, shall 34954  
have the same qualifications, exercise the same powers and 34955  
jurisdiction, and receive the same compensation as other judges of 34956  
the court of common pleas of Montgomery county and shall be 34957  
elected and designated as judges of the court of common pleas, 34958  
division of domestic relations. These judges shall have assigned 34959  
to them all divorce, dissolution of marriage, legal separation, 34960  
and annulment cases. 34961

The judge of the division of domestic relations, senior in 34962  
point of service, shall be charged exclusively with the assignment 34963  
and division of the work of the division and shall have charge of 34964  
the employment and supervision of the personnel of the division 34965  
engaged in handling, servicing, or investigating divorce, 34966  
dissolution of marriage, legal separation, and annulment cases, 34967  
including any necessary referees, except those employees who may 34968  
be appointed by the judge, junior in point of service, under this 34969  
section and sections 2301.12 and 2301.18 of the Revised Code. The 34970  
judge of the division of domestic relations, senior in point of 34971  
service, also shall designate the title, compensation, expense 34972

allowances, hours, leaves of absence, and vacation of the 34973  
personnel of the division and shall fix their duties. 34974

(2) The judges of the court of common pleas whose terms begin 34975  
on January 1, 1953, and January 1, 1993, and successors, shall 34976  
have the same qualifications, exercise the same powers and 34977  
jurisdiction, and receive the same compensation as other judges of 34978  
the court of common pleas of Montgomery county, shall be elected 34979  
and designated as judges of the court of common pleas, juvenile 34980  
division, and shall be, and have the powers and jurisdiction of, 34981  
the juvenile judge as provided in Chapters 2151. and 2152. of the 34982  
Revised Code. 34983

In addition to the judge's regular duties, the judge of the 34984  
court of common pleas, juvenile division, senior in point of 34985  
service, shall be the administrator of the juvenile division and 34986  
its subdivisions and departments and shall have charge of the 34987  
employment, assignment, and supervision of the personnel of the 34988  
juvenile division, including any necessary referees, who are 34989  
engaged in handling, servicing, or investigating juvenile cases. 34990  
The judge, senior in point of service, also shall designate the 34991  
title, compensation, expense allowances, hours, leaves of absence, 34992  
and vacation of the personnel of the division and shall fix their 34993  
duties. The duties of the personnel, in addition to other 34994  
statutory duties, shall include the handling, servicing, and 34995  
investigation of juvenile cases and of any counseling and 34996  
conciliation services that are available upon request to persons, 34997  
whether or not they are parties to an action pending in the 34998  
division. 34999

If one of the judges of the court of common pleas, division 35000  
of domestic relations, or one of the judges of the court of common 35001  
pleas, juvenile division, is sick, absent, or unable to perform 35002  
that judge's duties or the volume of cases pending in that judge's 35003  
division necessitates it, the duties of that judge may be 35004

performed by the judge or judges of the other of those divisions. 35005

(G) In Richland county: 35006

(1) The judge of the court of common pleas whose term begins 35007  
on January 1, 1957, and successors, shall have the same 35008  
qualifications, exercise the same powers and jurisdiction, and 35009  
receive the same compensation as the other judges of the court of 35010  
common pleas of Richland county and shall be elected and 35011  
designated as judge of the court of common pleas, division of 35012  
domestic relations. That judge shall be assigned and hear all 35013  
divorce, dissolution of marriage, legal separation, and annulment 35014  
cases, all domestic violence cases arising under section 3113.31 35015  
of the Revised Code, and all post-decree proceedings arising from 35016  
any case pertaining to any of those matters. The division of 35017  
domestic relations has concurrent jurisdiction with the juvenile 35018  
division of the court of common pleas of Richland county to 35019  
determine the care, custody, or control of any child not a ward of 35020  
another court of this state, and to hear and determine a request 35021  
for an order for the support of any child if the request is not 35022  
ancillary to an action for divorce, dissolution of marriage, 35023  
annulment, or legal separation, a criminal or civil action 35024  
involving an allegation of domestic violence, or an action for 35025  
support brought under Chapter 3115. of the Revised Code. Except in 35026  
cases that are subject to the exclusive original jurisdiction of 35027  
the juvenile court, the judge of the division of domestic 35028  
relations shall be assigned and hear all cases pertaining to 35029  
paternity or parentage, the care, custody, or control of children, 35030  
parenting time or visitation, child support, or the allocation of 35031  
parental rights and responsibilities for the care of children, all 35032  
proceedings arising under Chapter 3111. of the Revised Code, all 35033  
proceedings arising under the uniform interstate family support 35034  
act contained in Chapter 3115. of the Revised Code, and all 35035  
post-decree proceedings arising from any case pertaining to any of 35036

those matters. 35037

In addition to the judge's regular duties, the judge of the 35038  
court of common pleas, division of domestic relations, shall be 35039  
the administrator of the domestic relations division and its 35040  
subdivisions and departments. The judge shall have charge of the 35041  
employment, assignment, and supervision of the personnel of the 35042  
domestic relations division, including any magistrates the judge 35043  
considers necessary for the discharge of the judge's duties. The 35044  
judge shall also designate the title, compensation, expense 35045  
allowances, hours, leaves of absence, vacation, and other 35046  
employment-related matters of the personnel of the division and 35047  
shall fix their duties. 35048

(2) The judge of the court of common pleas whose term begins 35049  
on January 3, 2005, and successors, shall have the same 35050  
qualifications, exercise the same powers and jurisdiction, and 35051  
receive the same compensation as other judges of the court of 35052  
common pleas of Richland county, shall be elected and designated 35053  
as judge of the court of common pleas, juvenile division, and 35054  
shall be, and have the powers and jurisdiction of, the juvenile 35055  
judge as provided in Chapters 2151. and 2152. of the Revised Code. 35056  
Except in cases that are subject to the exclusive original 35057  
jurisdiction of the juvenile court, the judge of the juvenile 35058  
division shall not have jurisdiction or the power to hear, and 35059  
shall not be assigned, any case pertaining to paternity or 35060  
parentage, the care, custody, or control of children, parenting 35061  
time or visitation, child support, or the allocation of parental 35062  
rights and responsibilities for the care of children or any 35063  
post-decree proceeding arising from any case pertaining to any of 35064  
those matters. The judge of the juvenile division shall not have 35065  
jurisdiction or the power to hear, and shall not be assigned, any 35066  
proceeding under the uniform interstate family support act 35067  
contained in Chapter 3115. of the Revised Code. 35068

In addition to the judge's regular duties, the judge of the juvenile division shall be the administrator of the juvenile division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any magistrates whom the judge considers necessary for the discharge of the judge's various duties.

The judge of the juvenile division also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling, conciliation, and mediation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(H)(1) In Stark county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1959, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Stark county and shall be elected and designated as judges of the court of common pleas, family court division ~~of domestic relations~~. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases, except cases that are assigned to some other judge of the court of common pleas for some special reason, shall be assigned to the judges.

(2) The judge of the family court division ~~of domestic~~

~~relations~~, second most senior in point of service, shall have 35101  
charge of the employment and supervision of the personnel of the 35102  
division engaged in handling, servicing, or investigating divorce, 35103  
dissolution of marriage, legal separation, and annulment cases, 35104  
and necessary referees required for the judge's respective court. 35105

(3) The judge of the family court division ~~of domestic~~ 35106  
~~relations~~, senior in point of service, shall be charged 35107  
exclusively with the administration of sections 2151.13, 2151.16, 35108  
2151.17, and 2152.71 of the Revised Code and with the assignment 35109  
and division of the work of the division and the employment and 35110  
supervision of all other personnel of the division, including, but 35111  
not limited to, that judge's necessary referees, but excepting 35112  
those employees who may be appointed by the judge second most 35113  
senior in point of service. The senior judge further shall serve 35114  
in every other position in which the statutes permit or require a 35115  
juvenile judge to serve. 35116

(4) On and after the effective date of this amendment, all 35117  
references in law to "the division of domestic relations," "the 35118  
domestic relations division," "the domestic relations court," "the 35119  
judge of the division of domestic relations," or "the judge of the 35120  
domestic relations division" shall be construed, with respect to 35121  
Stark county, as being references to "the family court division" 35122  
or "the judge of the family court division." 35123

(I) In Summit county: 35124

(1) The judges of the court of common pleas whose terms begin 35125  
on January 4, 1967, and January 6, 1993, and successors, shall 35126  
have the same qualifications, exercise the same powers and 35127  
jurisdiction, and receive the same compensation as other judges of 35128  
the court of common pleas of Summit county and shall be elected 35129  
and designated as judges of the court of common pleas, division of 35130  
domestic relations. The judges of the division of domestic 35131  
relations shall have assigned to them and hear all divorce, 35132

dissolution of marriage, legal separation, and annulment cases 35133  
that come before the court. Except in cases that are subject to 35134  
the exclusive original jurisdiction of the juvenile court, the 35135  
judges of the division of domestic relations shall have assigned 35136  
to them and hear all cases pertaining to paternity, custody, 35137  
visitation, child support, or the allocation of parental rights 35138  
and responsibilities for the care of children and all post-decree 35139  
proceedings arising from any case pertaining to any of those 35140  
matters. The judges of the division of domestic relations shall 35141  
have assigned to them and hear all proceedings under the uniform 35142  
interstate family support act contained in Chapter 3115. of the 35143  
Revised Code. 35144

The judge of the division of domestic relations, senior in 35145  
point of service, shall be the administrator of the domestic 35146  
relations division and its subdivisions and departments and shall 35147  
have charge of the employment, assignment, and supervision of the 35148  
personnel of the division, including any necessary referees, who 35149  
are engaged in handling, servicing, or investigating divorce, 35150  
dissolution of marriage, legal separation, and annulment cases. 35151  
That judge also shall designate the title, compensation, expense 35152  
allowances, hours, leaves of absence, and vacations of the 35153  
personnel of the division and shall fix their duties. The duties 35154  
of the personnel, in addition to other statutory duties, shall 35155  
include the handling, servicing, and investigation of divorce, 35156  
dissolution of marriage, legal separation, and annulment cases and 35157  
of any counseling and conciliation services that are available 35158  
upon request to all persons, whether or not they are parties to an 35159  
action pending in the division. 35160

(2) The judge of the court of common pleas whose term begins 35161  
on January 1, 1955, and successors, shall have the same 35162  
qualifications, exercise the same powers and jurisdiction, and 35163  
receive the same compensation as other judges of the court of 35164



common pleas of Summit county, shall be elected and designated as 35165  
judge of the court of common pleas, juvenile division, and shall 35166  
be, and have the powers and jurisdiction of, the juvenile judge as 35167  
provided in Chapters 2151. and 2152. of the Revised Code. Except 35168  
in cases that are subject to the exclusive original jurisdiction 35169  
of the juvenile court, the judge of the juvenile division shall 35170  
not have jurisdiction or the power to hear, and shall not be 35171  
assigned, any case pertaining to paternity, custody, visitation, 35172  
child support, or the allocation of parental rights and 35173  
responsibilities for the care of children or any post-decree 35174  
proceeding arising from any case pertaining to any of those 35175  
matters. The judge of the juvenile division shall not have 35176  
jurisdiction or the power to hear, and shall not be assigned, any 35177  
proceeding under the uniform interstate family support act 35178  
contained in Chapter 3115. of the Revised Code. 35179

The juvenile judge shall be the administrator of the juvenile 35180  
division and its subdivisions and departments and shall have 35181  
charge of the employment, assignment, and supervision of the 35182  
personnel of the juvenile division, including any necessary 35183  
referees, who are engaged in handling, servicing, or investigating 35184  
juvenile cases. The judge also shall designate the title, 35185  
compensation, expense allowances, hours, leaves of absence, and 35186  
vacation of the personnel of the division and shall fix their 35187  
duties. The duties of the personnel, in addition to other 35188  
statutory duties, shall include the handling, servicing, and 35189  
investigation of juvenile cases and of any counseling and 35190  
conciliation services that are available upon request to persons, 35191  
whether or not they are parties to an action pending in the 35192  
division. 35193

(J) In Trumbull county, the judges of the court of common 35194  
pleas whose terms begin on January 1, 1953, and January 2, 1977, 35195  
and successors, shall have the same qualifications, exercise the 35196

same powers and jurisdiction, and receive the same compensation as 35197  
other judges of the court of common pleas of Trumbull county and 35198  
shall be elected and designated as judges of the court of common 35199  
pleas, division of domestic relations. They shall have all the 35200  
powers relating to juvenile courts, and all cases under Chapters 35201  
2151. and 2152. of the Revised Code, all parentage proceedings 35202  
over which the juvenile court has jurisdiction, and all divorce, 35203  
dissolution of marriage, legal separation, and annulment cases 35204  
shall be assigned to them, except cases that for some special 35205  
reason are assigned to some other judge of the court of common 35206  
pleas. 35207

(K) In Butler county: 35208

(1) The judges of the court of common pleas whose terms begin 35209  
on January 1, 1957, and January 4, 1993, and successors, shall 35210  
have the same qualifications, exercise the same powers and 35211  
jurisdiction, and receive the same compensation as other judges of 35212  
the court of common pleas of Butler county and shall be elected 35213  
and designated as judges of the court of common pleas, division of 35214  
domestic relations. The judges of the division of domestic 35215  
relations shall have assigned to them all divorce, dissolution of 35216  
marriage, legal separation, and annulment cases coming before the 35217  
court, except in cases that for some special reason are assigned 35218  
to some other judge of the court of common pleas. The judges of 35219  
the division of domestic relations also have concurrent 35220  
jurisdiction with judges of the juvenile division of the court of 35221  
common pleas of Butler county with respect to and may hear cases 35222  
to determine the custody, support, or custody and support of a 35223  
child who is born of issue of a marriage and who is not the ward 35224  
of another court of this state, cases commenced by a party of the 35225  
marriage to obtain an order requiring support of any child when 35226  
the request for that order is not ancillary to an action for 35227  
divorce, dissolution of marriage, annulment, or legal separation, 35228

a criminal or civil action involving an allegation of domestic 35229  
violence, an action for support under Chapter 3115. of the Revised 35230  
Code, or an action that is within the exclusive original 35231  
jurisdiction of the juvenile division of the court of common pleas 35232  
of Butler county and that involves an allegation that the child is 35233  
an abused, neglected, or dependent child, and post-decree 35234  
proceedings and matters arising from those types of cases. The 35235  
judge senior in point of service shall be charged with the 35236  
assignment and division of the work of the division and with the 35237  
employment and supervision of all other personnel of the domestic 35238  
relations division. 35239

The judge senior in point of service also shall designate the 35240  
title, compensation, expense allowances, hours, leaves of absence, 35241  
and vacations of the personnel of the division and shall fix their 35242  
duties. The duties of the personnel, in addition to other 35243  
statutory duties, shall include the handling, servicing, and 35244  
investigation of divorce, dissolution of marriage, legal 35245  
separation, and annulment cases and providing any counseling and 35246  
conciliation services that the division makes available to 35247  
persons, whether or not the persons are parties to an action 35248  
pending in the division, who request the services. 35249

(2) The judges of the court of common pleas whose terms begin 35250  
on January 3, 1987, and January 2, 2003, and successors, shall 35251  
have the same qualifications, exercise the same powers and 35252  
jurisdiction, and receive the same compensation as other judges of 35253  
the court of common pleas of Butler county, shall be elected and 35254  
designated as judges of the court of common pleas, juvenile 35255  
division, and shall be the juvenile judges as provided in Chapters 35256  
2151. and 2152. of the Revised Code, with the powers and 35257  
jurisdictions conferred by those chapters. Except in cases that 35258  
are subject to the exclusive original jurisdiction of the juvenile 35259  
court, the judges of the juvenile division shall not have 35260

jurisdiction or the power to hear and shall not be assigned, but 35261  
shall have the limited ability and authority to certify, any case 35262  
commenced by a party of a marriage to determine the custody, 35263  
support, or custody and support of a child who is born of issue of 35264  
the marriage and who is not the ward of another court of this 35265  
state when the request for the order in the case is not ancillary 35266  
to an action for divorce, dissolution of marriage, annulment, or 35267  
legal separation. The judge of the court of common pleas, juvenile 35268  
division, who is senior in point of service, shall be the 35269  
administrator of the juvenile division and its subdivisions and 35270  
departments. The judge, senior in point of service, shall have 35271  
charge of the employment, assignment, and supervision of the 35272  
personnel of the juvenile division who are engaged in handling, 35273  
servicing, or investigating juvenile cases, including any referees 35274  
whom the judge considers necessary for the discharge of the 35275  
judge's various duties. 35276

The judge, senior in point of service, also shall designate 35277  
the title, compensation, expense allowances, hours, leaves of 35278  
absence, and vacation of the personnel of the division and shall 35279  
fix their duties. The duties of the personnel, in addition to 35280  
other statutory duties, include the handling, servicing, and 35281  
investigation of juvenile cases and providing any counseling and 35282  
conciliation services that the division makes available to 35283  
persons, whether or not the persons are parties to an action 35284  
pending in the division, who request the services. 35285

(3) If a judge of the court of common pleas, division of 35286  
domestic relations or juvenile division, is sick, absent, or 35287  
unable to perform that judge's judicial duties or the volume of 35288  
cases pending in the judge's division necessitates it, the duties 35289  
of that judge shall be performed by the other judges of the 35290  
domestic relations and juvenile divisions. 35291

(L)(1) In Cuyahoga county, the judges of the court of common 35292

pleas whose terms begin on January 8, 1961, January 9, 1961, 35293  
January 18, 1975, January 19, 1975, and January 13, 1987, and 35294  
successors, shall have the same qualifications, exercise the same 35295  
powers and jurisdiction, and receive the same compensation as 35296  
other judges of the court of common pleas of Cuyahoga county and 35297  
shall be elected and designated as judges of the court of common 35298  
pleas, division of domestic relations. They shall have all the 35299  
powers relating to all divorce, dissolution of marriage, legal 35300  
separation, and annulment cases, except in cases that are assigned 35301  
to some other judge of the court of common pleas for some special 35302  
reason. 35303

(2) The administrative judge is administrator of the domestic 35304  
relations division and its subdivisions and departments and has 35305  
the following powers concerning division personnel: 35306

(a) Full charge of the employment, assignment, and 35307  
supervision; 35308

(b) Sole determination of compensation, duties, expenses, 35309  
allowances, hours, leaves, and vacations. 35310

(3) "Division personnel" include persons employed or referees 35311  
engaged in hearing, servicing, investigating, counseling, or 35312  
conciliating divorce, dissolution of marriage, legal separation 35313  
and annulment matters. 35314

(M) In Lake county: 35315

(1) The judge of the court of common pleas whose term begins 35316  
on January 2, 1961, and successors, shall have the same 35317  
qualifications, exercise the same powers and jurisdiction, and 35318  
receive the same compensation as the other judges of the court of 35319  
common pleas of Lake county and shall be elected and designated as 35320  
judge of the court of common pleas, division of domestic 35321  
relations. The judge shall be assigned all the divorce, 35322  
dissolution of marriage, legal separation, and annulment cases 35323

coming before the court, except in cases that for some special 35324  
reason are assigned to some other judge of the court of common 35325  
pleas. The judge shall be charged with the assignment and division 35326  
of the work of the division and with the employment and 35327  
supervision of all other personnel of the domestic relations 35328  
division. 35329

The judge also shall designate the title, compensation, 35330  
expense allowances, hours, leaves of absence, and vacations of the 35331  
personnel of the division and shall fix their duties. The duties 35332  
of the personnel, in addition to other statutory duties, shall 35333  
include the handling, servicing, and investigation of divorce, 35334  
dissolution of marriage, legal separation, and annulment cases and 35335  
providing any counseling and conciliation services that the 35336  
division makes available to persons, whether or not the persons 35337  
are parties to an action pending in the division, who request the 35338  
services. 35339

(2) The judge of the court of common pleas whose term begins 35340  
on January 4, 1979, and successors, shall have the same 35341  
qualifications, exercise the same powers and jurisdiction, and 35342  
receive the same compensation as other judges of the court of 35343  
common pleas of Lake county, shall be elected and designated as 35344  
judge of the court of common pleas, juvenile division, and shall 35345  
be the juvenile judge as provided in Chapters 2151. and 2152. of 35346  
the Revised Code, with the powers and jurisdictions conferred by 35347  
those chapters. The judge of the court of common pleas, juvenile 35348  
division, shall be the administrator of the juvenile division and 35349  
its subdivisions and departments. The judge shall have charge of 35350  
the employment, assignment, and supervision of the personnel of 35351  
the juvenile division who are engaged in handling, servicing, or 35352  
investigating juvenile cases, including any referees whom the 35353  
judge considers necessary for the discharge of the judge's various 35354  
duties. 35355

The judge also shall designate the title, compensation, 35356  
expense allowances, hours, leaves of absence, and vacation of the 35357  
personnel of the division and shall fix their duties. The duties 35358  
of the personnel, in addition to other statutory duties, include 35359  
the handling, servicing, and investigation of juvenile cases and 35360  
providing any counseling and conciliation services that the 35361  
division makes available to persons, whether or not the persons 35362  
are parties to an action pending in the division, who request the 35363  
services. 35364

(3) If a judge of the court of common pleas, division of 35365  
domestic relations or juvenile division, is sick, absent, or 35366  
unable to perform that judge's judicial duties or the volume of 35367  
cases pending in the judge's division necessitates it, the duties 35368  
of that judge shall be performed by the other judges of the 35369  
domestic relations and juvenile divisions. 35370

(N) In Erie county: 35371

(1) The judge of the court of common pleas whose term begins 35372  
on January 2, 1971, and the successors to that judge whose terms 35373  
begin before January 2, 2007, shall have the same qualifications, 35374  
exercise the same powers and jurisdiction, and receive the same 35375  
compensation as the other judge of the court of common pleas of 35376  
Erie county and shall be elected and designated as judge of the 35377  
court of common pleas, division of domestic relations. The judge 35378  
shall have all the powers relating to juvenile courts, and shall 35379  
be assigned all cases under Chapters 2151. and 2152. of the 35380  
Revised Code, parentage proceedings over which the juvenile court 35381  
has jurisdiction, and divorce, dissolution of marriage, legal 35382  
separation, and annulment cases, except cases that for some 35383  
special reason are assigned to some other judge. 35384

On or after January 2, 2007, the judge of the court of common 35385  
pleas who is elected in 2006 shall be the successor to the judge 35386  
of the domestic relations division whose term expires on January 35387

1, 2007, shall be designated as judge of the court of common 35388  
pleas, juvenile division, and shall be the juvenile judge as 35389  
provided in Chapters 2151. and 2152. of the Revised Code with the 35390  
powers and jurisdictions conferred by those chapters. 35391

(2) The judge of the court of common pleas, general division, 35392  
whose term begins on January 1, 2005, and successors, the judge of 35393  
the court of common pleas, general division whose term begins on 35394  
January 2, 2005, and successors, and the judge of the court of 35395  
common pleas, general division, whose term begins February 9, 35396  
2009, and successors, shall have assigned to them, in addition to 35397  
all matters that are within the jurisdiction of the general 35398  
division of the court of common pleas, all divorce, dissolution of 35399  
marriage, legal separation, and annulment cases coming before the 35400  
court, and all matters that are within the jurisdiction of the 35401  
probate court under Chapter 2101., and other provisions, of the 35402  
Revised Code. 35403

(0) In Greene county: 35404

(1) The judge of the court of common pleas whose term begins 35405  
on January 1, 1961, and successors, shall have the same 35406  
qualifications, exercise the same powers and jurisdiction, and 35407  
receive the same compensation as the other judges of the court of 35408  
common pleas of Greene county and shall be elected and designated 35409  
as the judge of the court of common pleas, division of domestic 35410  
relations. The judge shall be assigned all divorce, dissolution of 35411  
marriage, legal separation, annulment, uniform reciprocal support 35412  
enforcement, and domestic violence cases and all other cases 35413  
related to domestic relations, except cases that for some special 35414  
reason are assigned to some other judge of the court of common 35415  
pleas. 35416

The judge shall be charged with the assignment and division 35417  
of the work of the division and with the employment and 35418  
supervision of all other personnel of the division. The judge also 35419



shall designate the title, compensation, hours, leaves of absence, 35420  
and vacations of the personnel of the division and shall fix their 35421  
duties. The duties of the personnel of the division, in addition 35422  
to other statutory duties, shall include the handling, servicing, 35423  
and investigation of divorce, dissolution of marriage, legal 35424  
separation, and annulment cases and the provision of counseling 35425  
and conciliation services that the division considers necessary 35426  
and makes available to persons who request the services, whether 35427  
or not the persons are parties in an action pending in the 35428  
division. The compensation for the personnel shall be paid from 35429  
the overall court budget and shall be included in the 35430  
appropriations for the existing judges of the general division of 35431  
the court of common pleas. 35432

(2) The judge of the court of common pleas whose term begins 35433  
on January 1, 1995, and successors, shall have the same 35434  
qualifications, exercise the same powers and jurisdiction, and 35435  
receive the same compensation as the other judges of the court of 35436  
common pleas of Greene county, shall be elected and designated as 35437  
judge of the court of common pleas, juvenile division, and, on or 35438  
after January 1, 1995, shall be the juvenile judge as provided in 35439  
Chapters 2151. and 2152. of the Revised Code with the powers and 35440  
jurisdiction conferred by those chapters. The judge of the court 35441  
of common pleas, juvenile division, shall be the administrator of 35442  
the juvenile division and its subdivisions and departments. The 35443  
judge shall have charge of the employment, assignment, and 35444  
supervision of the personnel of the juvenile division who are 35445  
engaged in handling, servicing, or investigating juvenile cases, 35446  
including any referees whom the judge considers necessary for the 35447  
discharge of the judge's various duties. 35448

The judge also shall designate the title, compensation, 35449  
expense allowances, hours, leaves of absence, and vacation of the 35450  
personnel of the division and shall fix their duties. The duties 35451

of the personnel, in addition to other statutory duties, include 35452  
the handling, servicing, and investigation of juvenile cases and 35453  
providing any counseling and conciliation services that the court 35454  
makes available to persons, whether or not the persons are parties 35455  
to an action pending in the court, who request the services. 35456

(3) If one of the judges of the court of common pleas, 35457  
general division, is sick, absent, or unable to perform that 35458  
judge's judicial duties or the volume of cases pending in the 35459  
general division necessitates it, the duties of that judge of the 35460  
general division shall be performed by the judge of the division 35461  
of domestic relations and the judge of the juvenile division. 35462

(P) In Portage county, the judge of the court of common 35463  
pleas, whose term begins January 2, 1987, and successors, shall 35464  
have the same qualifications, exercise the same powers and 35465  
jurisdiction, and receive the same compensation as the other 35466  
judges of the court of common pleas of Portage county and shall be 35467  
elected and designated as judge of the court of common pleas, 35468  
division of domestic relations. The judge shall be assigned all 35469  
divorce, dissolution of marriage, legal separation, and annulment 35470  
cases coming before the court, except in cases that for some 35471  
special reason are assigned to some other judge of the court of 35472  
common pleas. The judge shall be charged with the assignment and 35473  
division of the work of the division and with the employment and 35474  
supervision of all other personnel of the domestic relations 35475  
division. 35476

The judge also shall designate the title, compensation, 35477  
expense allowances, hours, leaves of absence, and vacations of the 35478  
personnel of the division and shall fix their duties. The duties 35479  
of the personnel, in addition to other statutory duties, shall 35480  
include the handling, servicing, and investigation of divorce, 35481  
dissolution of marriage, legal separation, and annulment cases and 35482  
providing any counseling and conciliation services that the 35483

division makes available to persons, whether or not the persons 35484  
are parties to an action pending in the division, who request the 35485  
services. 35486

(Q) In Clermont county, the judge of the court of common 35487  
pleas, whose term begins January 2, 1987, and successors, shall 35488  
have the same qualifications, exercise the same powers and 35489  
jurisdiction, and receive the same compensation as the other 35490  
judges of the court of common pleas of Clermont county and shall 35491  
be elected and designated as judge of the court of common pleas, 35492  
division of domestic relations. The judge shall be assigned all 35493  
divorce, dissolution of marriage, legal separation, and annulment 35494  
cases coming before the court, except in cases that for some 35495  
special reason are assigned to some other judge of the court of 35496  
common pleas. The judge shall be charged with the assignment and 35497  
division of the work of the division and with the employment and 35498  
supervision of all other personnel of the domestic relations 35499  
division. 35500

The judge also shall designate the title, compensation, 35501  
expense allowances, hours, leaves of absence, and vacations of the 35502  
personnel of the division and shall fix their duties. The duties 35503  
of the personnel, in addition to other statutory duties, shall 35504  
include the handling, servicing, and investigation of divorce, 35505  
dissolution of marriage, legal separation, and annulment cases and 35506  
providing any counseling and conciliation services that the 35507  
division makes available to persons, whether or not the persons 35508  
are parties to an action pending in the division, who request the 35509  
services. 35510

(R) In Warren county, the judge of the court of common pleas, 35511  
whose term begins January 1, 1987, and successors, shall have the 35512  
same qualifications, exercise the same powers and jurisdiction, 35513  
and receive the same compensation as the other judges of the court 35514  
of common pleas of Warren county and shall be elected and 35515

designated as judge of the court of common pleas, division of 35516  
domestic relations. The judge shall be assigned all divorce, 35517  
dissolution of marriage, legal separation, and annulment cases 35518  
coming before the court, except in cases that for some special 35519  
reason are assigned to some other judge of the court of common 35520  
pleas. The judge shall be charged with the assignment and division 35521  
of the work of the division and with the employment and 35522  
supervision of all other personnel of the domestic relations 35523  
division. 35524

The judge also shall designate the title, compensation, 35525  
expense allowances, hours, leaves of absence, and vacations of the 35526  
personnel of the division and shall fix their duties. The duties 35527  
of the personnel, in addition to other statutory duties, shall 35528  
include the handling, servicing, and investigation of divorce, 35529  
dissolution of marriage, legal separation, and annulment cases and 35530  
providing any counseling and conciliation services that the 35531  
division makes available to persons, whether or not the persons 35532  
are parties to an action pending in the division, who request the 35533  
services. 35534

(S) In Licking county, the judges of the court of common 35535  
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 35536  
and successors, shall have the same qualifications, exercise the 35537  
same powers and jurisdiction, and receive the same compensation as 35538  
the other judges of the court of common pleas of Licking county 35539  
and shall be elected and designated as judges of the court of 35540  
common pleas, division of domestic relations. The judges shall be 35541  
assigned all divorce, dissolution of marriage, legal separation, 35542  
and annulment cases, all cases arising under Chapter 3111. of the 35543  
Revised Code, all proceedings involving child support, the 35544  
allocation of parental rights and responsibilities for the care of 35545  
children and the designation for the children of a place of 35546  
residence and legal custodian, parenting time, and visitation, and 35547

all post-decree proceedings and matters arising from those cases 35548  
and proceedings, except in cases that for some special reason are 35549  
assigned to another judge of the court of common pleas. The 35550  
administrative judge of the division of domestic relations shall 35551  
be charged with the assignment and division of the work of the 35552  
division and with the employment and supervision of the personnel 35553  
of the division. 35554

The administrative judge of the division of domestic 35555  
relations shall designate the title, compensation, expense 35556  
allowances, hours, leaves of absence, and vacations of the 35557  
personnel of the division and shall fix the duties of the 35558  
personnel of the division. The duties of the personnel of the 35559  
division, in addition to other statutory duties, shall include the 35560  
handling, servicing, and investigation of divorce, dissolution of 35561  
marriage, legal separation, and annulment cases, cases arising 35562  
under Chapter 3111. of the Revised Code, and proceedings involving 35563  
child support, the allocation of parental rights and 35564  
responsibilities for the care of children and the designation for 35565  
the children of a place of residence and legal custodian, 35566  
parenting time, and visitation and providing any counseling and 35567  
conciliation services that the division makes available to 35568  
persons, whether or not the persons are parties to an action 35569  
pending in the division, who request the services. 35570

(T) In Allen county, the judge of the court of common pleas, 35571  
whose term begins January 1, 1993, and successors, shall have the 35572  
same qualifications, exercise the same powers and jurisdiction, 35573  
and receive the same compensation as the other judges of the court 35574  
of common pleas of Allen county and shall be elected and 35575  
designated as judge of the court of common pleas, division of 35576  
domestic relations. The judge shall be assigned all divorce, 35577  
dissolution of marriage, legal separation, and annulment cases, 35578  
all cases arising under Chapter 3111. of the Revised Code, all 35579

proceedings involving child support, the allocation of parental 35580  
rights and responsibilities for the care of children and the 35581  
designation for the children of a place of residence and legal 35582  
custodian, parenting time, and visitation, and all post-decree 35583  
proceedings and matters arising from those cases and proceedings, 35584  
except in cases that for some special reason are assigned to 35585  
another judge of the court of common pleas. The judge shall be 35586  
charged with the assignment and division of the work of the 35587  
division and with the employment and supervision of the personnel 35588  
of the division. 35589

The judge shall designate the title, compensation, expense 35590  
allowances, hours, leaves of absence, and vacations of the 35591  
personnel of the division and shall fix the duties of the 35592  
personnel of the division. The duties of the personnel of the 35593  
division, in addition to other statutory duties, shall include the 35594  
handling, servicing, and investigation of divorce, dissolution of 35595  
marriage, legal separation, and annulment cases, cases arising 35596  
under Chapter 3111. of the Revised Code, and proceedings involving 35597  
child support, the allocation of parental rights and 35598  
responsibilities for the care of children and the designation for 35599  
the children of a place of residence and legal custodian, 35600  
parenting time, and visitation, and providing any counseling and 35601  
conciliation services that the division makes available to 35602  
persons, whether or not the persons are parties to an action 35603  
pending in the division, who request the services. 35604

(U) In Medina county, the judge of the court of common pleas 35605  
whose term begins January 1, 1995, and successors, shall have the 35606  
same qualifications, exercise the same powers and jurisdiction, 35607  
and receive the same compensation as other judges of the court of 35608  
common pleas of Medina county and shall be elected and designated 35609  
as judge of the court of common pleas, division of domestic 35610  
relations. The judge shall be assigned all divorce, dissolution of 35611

marriage, legal separation, and annulment cases, all cases arising 35612  
under Chapter 3111. of the Revised Code, all proceedings involving 35613  
child support, the allocation of parental rights and 35614  
responsibilities for the care of children and the designation for 35615  
the children of a place of residence and legal custodian, 35616  
parenting time, and visitation, and all post-decree proceedings 35617  
and matters arising from those cases and proceedings, except in 35618  
cases that for some special reason are assigned to another judge 35619  
of the court of common pleas. The judge shall be charged with the 35620  
assignment and division of the work of the division and with the 35621  
employment and supervision of the personnel of the division. 35622

The judge shall designate the title, compensation, expense 35623  
allowances, hours, leaves of absence, and vacations of the 35624  
personnel of the division and shall fix the duties of the 35625  
personnel of the division. The duties of the personnel, in 35626  
addition to other statutory duties, include the handling, 35627  
servicing, and investigation of divorce, dissolution of marriage, 35628  
legal separation, and annulment cases, cases arising under Chapter 35629  
3111. of the Revised Code, and proceedings involving child 35630  
support, the allocation of parental rights and responsibilities 35631  
for the care of children and the designation for the children of a 35632  
place of residence and legal custodian, parenting time, and 35633  
visitation, and providing counseling and conciliation services 35634  
that the division makes available to persons, whether or not the 35635  
persons are parties to an action pending in the division, who 35636  
request the services. 35637

(V) In Fairfield county, the judge of the court of common 35638  
pleas whose term begins January 2, 1995, and successors, shall 35639  
have the same qualifications, exercise the same powers and 35640  
jurisdiction, and receive the same compensation as the other 35641  
judges of the court of common pleas of Fairfield county and shall 35642  
be elected and designated as judge of the court of common pleas, 35643

division of domestic relations. The judge shall be assigned all 35644  
divorce, dissolution of marriage, legal separation, and annulment 35645  
cases, all cases arising under Chapter 3111. of the Revised Code, 35646  
all proceedings involving child support, the allocation of 35647  
parental rights and responsibilities for the care of children and 35648  
the designation for the children of a place of residence and legal 35649  
custodian, parenting time, and visitation, and all post-decree 35650  
proceedings and matters arising from those cases and proceedings, 35651  
except in cases that for some special reason are assigned to 35652  
another judge of the court of common pleas. The judge also has 35653  
concurrent jurisdiction with the probate-juvenile division of the 35654  
court of common pleas of Fairfield county with respect to and may 35655  
hear cases to determine the custody of a child, as defined in 35656  
section 2151.011 of the Revised Code, who is not the ward of 35657  
another court of this state, cases that are commenced by a parent, 35658  
guardian, or custodian of a child, as defined in section 2151.011 35659  
of the Revised Code, to obtain an order requiring a parent of the 35660  
child to pay child support for that child when the request for 35661  
that order is not ancillary to an action for divorce, dissolution 35662  
of marriage, annulment, or legal separation, a criminal or civil 35663  
action involving an allegation of domestic violence, an action for 35664  
support under Chapter 3115. of the Revised Code, or an action that 35665  
is within the exclusive original jurisdiction of the 35666  
probate-juvenile division of the court of common pleas of 35667  
Fairfield county and that involves an allegation that the child is 35668  
an abused, neglected, or dependent child, and post-decree 35669  
proceedings and matters arising from those types of cases. 35670

The judge of the domestic relations division shall be charged 35671  
with the assignment and division of the work of the division and 35672  
with the employment and supervision of the personnel of the 35673  
division. 35674

The judge shall designate the title, compensation, expense 35675



allowances, hours, leaves of absence, and vacations of the 35676  
personnel of the division and shall fix the duties of the 35677  
personnel of the division. The duties of the personnel of the 35678  
division, in addition to other statutory duties, shall include the 35679  
handling, servicing, and investigation of divorce, dissolution of 35680  
marriage, legal separation, and annulment cases, cases arising 35681  
under Chapter 3111. of the Revised Code, and proceedings involving 35682  
child support, the allocation of parental rights and 35683  
responsibilities for the care of children and the designation for 35684  
the children of a place of residence and legal custodian, 35685  
parenting time, and visitation, and providing any counseling and 35686  
conciliation services that the division makes available to 35687  
persons, regardless of whether the persons are parties to an 35688  
action pending in the division, who request the services. When the 35689  
judge hears a case to determine the custody of a child, as defined 35690  
in section 2151.011 of the Revised Code, who is not the ward of 35691  
another court of this state or a case that is commenced by a 35692  
parent, guardian, or custodian of a child, as defined in section 35693  
2151.011 of the Revised Code, to obtain an order requiring a 35694  
parent of the child to pay child support for that child when the 35695  
request for that order is not ancillary to an action for divorce, 35696  
dissolution of marriage, annulment, or legal separation, a 35697  
criminal or civil action involving an allegation of domestic 35698  
violence, an action for support under Chapter 3115. of the Revised 35699  
Code, or an action that is within the exclusive original 35700  
jurisdiction of the probate-juvenile division of the court of 35701  
common pleas of Fairfield county and that involves an allegation 35702  
that the child is an abused, neglected, or dependent child, the 35703  
duties of the personnel of the domestic relations division also 35704  
include the handling, servicing, and investigation of those types 35705  
of cases. 35706

(W)(1) In Clark county, the judge of the court of common 35707  
pleas whose term begins on January 2, 1995, and successors, shall 35708

have the same qualifications, exercise the same powers and 35709  
jurisdiction, and receive the same compensation as other judges of 35710  
the court of common pleas of Clark county and shall be elected and 35711  
designated as judge of the court of common pleas, domestic 35712  
relations division. The judge shall have all the powers relating 35713  
to juvenile courts, and all cases under Chapters 2151. and 2152. 35714  
of the Revised Code and all parentage proceedings under Chapter 35715  
3111. of the Revised Code over which the juvenile court has 35716  
jurisdiction shall be assigned to the judge of the division of 35717  
domestic relations. All divorce, dissolution of marriage, legal 35718  
separation, annulment, uniform reciprocal support enforcement, and 35719  
other cases related to domestic relations shall be assigned to the 35720  
domestic relations division, and the presiding judge of the court 35721  
of common pleas shall assign the cases to the judge of the 35722  
domestic relations division and the judges of the general 35723  
division. 35724

(2) In addition to the judge's regular duties, the judge of 35725  
the division of domestic relations shall serve on the children 35726  
services board and the county advisory board. 35727

(3) If the judge of the court of common pleas of Clark 35728  
county, division of domestic relations, is sick, absent, or unable 35729  
to perform that judge's judicial duties or if the presiding judge 35730  
of the court of common pleas of Clark county determines that the 35731  
volume of cases pending in the division of domestic relations 35732  
necessitates it, the duties of the judge of the division of 35733  
domestic relations shall be performed by the judges of the general 35734  
division or probate division of the court of common pleas of Clark 35735  
county, as assigned for that purpose by the presiding judge of 35736  
that court, and the judges so assigned shall act in conjunction 35737  
with the judge of the division of domestic relations of that 35738  
court. 35739

(X) In Scioto county, the judge of the court of common pleas 35740

whose term begins January 2, 1995, and successors, shall have the 35741  
same qualifications, exercise the same powers and jurisdiction, 35742  
and receive the same compensation as other judges of the court of 35743  
common pleas of Scioto county and shall be elected and designated 35744  
as judge of the court of common pleas, division of domestic 35745  
relations. The judge shall be assigned all divorce, dissolution of 35746  
marriage, legal separation, and annulment cases, all cases arising 35747  
under Chapter 3111. of the Revised Code, all proceedings involving 35748  
child support, the allocation of parental rights and 35749  
responsibilities for the care of children and the designation for 35750  
the children of a place of residence and legal custodian, 35751  
parenting time, visitation, and all post-decree proceedings and 35752  
matters arising from those cases and proceedings, except in cases 35753  
that for some special reason are assigned to another judge of the 35754  
court of common pleas. The judge shall be charged with the 35755  
assignment and division of the work of the division and with the 35756  
employment and supervision of the personnel of the division. 35757

The judge shall designate the title, compensation, expense 35758  
allowances, hours, leaves of absence, and vacations of the 35759  
personnel of the division and shall fix the duties of the 35760  
personnel of the division. The duties of the personnel, in 35761  
addition to other statutory duties, include the handling, 35762  
servicing, and investigation of divorce, dissolution of marriage, 35763  
legal separation, and annulment cases, cases arising under Chapter 35764  
3111. of the Revised Code, and proceedings involving child 35765  
support, the allocation of parental rights and responsibilities 35766  
for the care of children and the designation for the children of a 35767  
place of residence and legal custodian, parenting time, and 35768  
visitation, and providing counseling and conciliation services 35769  
that the division makes available to persons, whether or not the 35770  
persons are parties to an action pending in the division, who 35771  
request the services. 35772

(Y) In Auglaize county, the judge of the probate and juvenile 35773  
divisions of the Auglaize county court of common pleas also shall 35774  
be the administrative judge of the domestic relations division of 35775  
the court and shall be assigned all divorce, dissolution of 35776  
marriage, legal separation, and annulment cases coming before the 35777  
court. The judge shall have all powers as administrator of the 35778  
domestic relations division and shall have charge of the personnel 35779  
engaged in handling, servicing, or investigating divorce, 35780  
dissolution of marriage, legal separation, and annulment cases, 35781  
including any referees considered necessary for the discharge of 35782  
the judge's various duties. 35783

(Z)(1) In Marion county, the judge of the court of common 35784  
pleas whose term begins on February 9, 1999, and the successors to 35785  
that judge, shall have the same qualifications, exercise the same 35786  
powers and jurisdiction, and receive the same compensation as the 35787  
other judges of the court of common pleas of Marion county and 35788  
shall be elected and designated as judge of the court of common 35789  
pleas, domestic relations-juvenile-probate division. Except as 35790  
otherwise specified in this division, that judge, and the 35791  
successors to that judge, shall have all the powers relating to 35792  
juvenile courts, and all cases under Chapters 2151. and 2152. of 35793  
the Revised Code, all cases arising under Chapter 3111. of the 35794  
Revised Code, all divorce, dissolution of marriage, legal 35795  
separation, and annulment cases, all proceedings involving child 35796  
support, the allocation of parental rights and responsibilities 35797  
for the care of children and the designation for the children of a 35798  
place of residence and legal custodian, parenting time, and 35799  
visitation, and all post-decree proceedings and matters arising 35800  
from those cases and proceedings shall be assigned to that judge 35801  
and the successors to that judge. Except as provided in division 35802  
(Z)(2) of this section and notwithstanding any other provision of 35803  
any section of the Revised Code, on and after February 9, 2003, 35804  
the judge of the court of common pleas of Marion county whose term 35805

begins on February 9, 1999, and the successors to that judge, 35806  
shall have all the powers relating to the probate division of the 35807  
court of common pleas of Marion county in addition to the powers 35808  
previously specified in this division, and shall exercise 35809  
concurrent jurisdiction with the judge of the probate division of 35810  
that court over all matters that are within the jurisdiction of 35811  
the probate division of that court under Chapter 2101., and other 35812  
provisions, of the Revised Code in addition to the jurisdiction of 35813  
the domestic relations-juvenile-probate division of that court 35814  
otherwise specified in division (Z)(1) of this section. 35815

(2) The judge of the domestic relations-juvenile-probate 35816  
division of the court of common pleas of Marion county or the 35817  
judge of the probate division of the court of common pleas of 35818  
Marion county, whichever of those judges is senior in total length 35819  
of service on the court of common pleas of Marion county, 35820  
regardless of the division or divisions of service, shall serve as 35821  
the clerk of the probate division of the court of common pleas of 35822  
Marion county. 35823

(3) On and after February 9, 2003, all references in law to 35824  
"the probate court," "the probate judge," "the juvenile court," or 35825  
"the judge of the juvenile court" shall be construed, with respect 35826  
to Marion county, as being references to both "the probate 35827  
division" and "the domestic relations-juvenile-probate division" 35828  
and as being references to both "the judge of the probate 35829  
division" and "the judge of the domestic relations- 35830  
juvenile-probate division." On and after February 9, 2003, all 35831  
references in law to "the clerk of the probate court" shall be 35832  
construed, with respect to Marion county, as being references to 35833  
the judge who is serving pursuant to division (Z)(2) of this 35834  
section as the clerk of the probate division of the court of 35835  
common pleas of Marion county. 35836

(AA) In Muskingum county, the judge of the court of common 35837

pleas whose term begins on January 2, 2003, and successors, shall 35838  
have the same qualifications, exercise the same powers and 35839  
jurisdiction, and receive the same compensation as the other 35840  
judges of the court of common pleas of Muskingum county and shall 35841  
be elected and designated as the judge of the court of common 35842  
pleas, division of domestic relations. The judge shall be assigned 35843  
all divorce, dissolution of marriage, legal separation, and 35844  
annulment cases, all cases arising under Chapter 3111. of the 35845  
Revised Code, all proceedings involving child support, the 35846  
allocation of parental rights and responsibilities for the care of 35847  
children and the designation for the children of a place of 35848  
residence and legal custodian, parenting time, and visitation, and 35849  
all post-decree proceedings and matters arising from those cases 35850  
and proceedings, except in cases that for some special reason are 35851  
assigned to another judge of the court of common pleas. The judge 35852  
shall be charged with the assignment and division of the work of 35853  
the division and with the employment and supervision of the 35854  
personnel of the division. 35855

The judge shall designate the title, compensation, expense 35856  
allowances, hours, leaves of absence, and vacations of the 35857  
personnel of the division and shall fix the duties of the 35858  
personnel of the division. The duties of the personnel of the 35859  
division, in addition to other statutory duties, shall include the 35860  
handling, servicing, and investigation of divorce, dissolution of 35861  
marriage, legal separation, and annulment cases, cases arising 35862  
under Chapter 3111. of the Revised Code, and proceedings involving 35863  
child support, the allocation of parental rights and 35864  
responsibilities for the care of children and the designation for 35865  
the children of a place of residence and legal custodian, 35866  
parenting time, and visitation and providing any counseling and 35867  
conciliation services that the division makes available to 35868  
persons, whether or not the persons are parties to an action 35869  
pending in the division, who request the services. 35870

(BB) In Henry county, the judge of the court of common pleas 35871  
whose term begins on January 1, 2005, and successors, shall have 35872  
the same qualifications, exercise the same powers and 35873  
jurisdiction, and receive the same compensation as the other judge 35874  
of the court of common pleas of Henry county and shall be elected 35875  
and designated as the judge of the court of common pleas, division 35876  
of domestic relations. The judge shall have all of the powers 35877  
relating to juvenile courts, and all cases under Chapter 2151. or 35878  
2152. of the Revised Code, all parentage proceedings arising under 35879  
Chapter 3111. of the Revised Code over which the juvenile court 35880  
has jurisdiction, all divorce, dissolution of marriage, legal 35881  
separation, and annulment cases, all proceedings involving child 35882  
support, the allocation of parental rights and responsibilities 35883  
for the care of children and the designation for the children of a 35884  
place of residence and legal custodian, parenting time, and 35885  
visitation, and all post-decree proceedings and matters arising 35886  
from those cases and proceedings shall be assigned to that judge, 35887  
except in cases that for some special reason are assigned to the 35888  
other judge of the court of common pleas. 35889

(CC)(1) In Logan county, the judge of the court of common 35890  
pleas whose term begins January 2, 2005, and the successors to 35891  
that judge, shall have the same qualifications, exercise the same 35892  
powers and jurisdiction, and receive the same compensation as the 35893  
other judges of the court of common pleas of Logan county and 35894  
shall be elected and designated as judge of the court of common 35895  
pleas, domestic relations-juvenile-probate division. Except as 35896  
otherwise specified in this division, that judge, and the 35897  
successors to that judge, shall have all the powers relating to 35898  
juvenile courts, and all cases under Chapters 2151. and 2152. of 35899  
the Revised Code, all cases arising under Chapter 3111. of the 35900  
Revised Code, all divorce, dissolution of marriage, legal 35901  
separation, and annulment cases, all proceedings involving child 35902  
support, the allocation of parental rights and responsibilities 35903

for the care of children and designation for the children of a 35904  
place of residence and legal custodian, parenting time, and 35905  
visitation, and all post-decree proceedings and matters arising 35906  
from those cases and proceedings shall be assigned to that judge 35907  
and the successors to that judge. Notwithstanding any other 35908  
provision of any section of the Revised Code, on and after January 35909  
2, 2005, the judge of the court of common pleas of Logan county 35910  
whose term begins on January 2, 2005, and the successors to that 35911  
judge, shall have all the powers relating to the probate division 35912  
of the court of common pleas of Logan county in addition to the 35913  
powers previously specified in this division and shall exercise 35914  
concurrent jurisdiction with the judge of the probate division of 35915  
that court over all matters that are within the jurisdiction of 35916  
the probate division of that court under Chapter 2101., and other 35917  
provisions, of the Revised Code in addition to the jurisdiction of 35918  
the domestic relations-juvenile-probate division of that court 35919  
otherwise specified in division (CC)(1) of this section. 35920

(2) The judge of the domestic relations-juvenile-probate 35921  
division of the court of common pleas of Logan county or the 35922  
probate judge of the court of common pleas of Logan county who is 35923  
elected as the administrative judge of the probate division of the 35924  
court of common pleas of Logan county pursuant to Rule 4 of the 35925  
Rules of Superintendence shall be the clerk of the probate 35926  
division and juvenile division of the court of common pleas of 35927  
Logan county. The clerk of the court of common pleas who is 35928  
elected pursuant to section 2303.01 of the Revised Code shall keep 35929  
all of the journals, records, books, papers, and files pertaining 35930  
to the domestic relations cases. 35931

(3) On and after January 2, 2005, all references in law to 35932  
"the probate court," "the probate judge," "the juvenile court," or 35933  
"the judge of the juvenile court" shall be construed, with respect 35934  
to Logan county, as being references to both "the probate 35935



division" and the "domestic relations-juvenile-probate division" 35936  
and as being references to both "the judge of the probate 35937  
division" and the "judge of the domestic 35938  
relations-juvenile-probate division." On and after January 2, 35939  
2005, all references in law to "the clerk of the probate court" 35940  
shall be construed, with respect to Logan county, as being 35941  
references to the judge who is serving pursuant to division 35942  
(CC)(2) of this section as the clerk of the probate division of 35943  
the court of common pleas of Logan county. 35944

(DD)(1) In Champaign county, the judge of the court of common 35945  
pleas whose term begins February 9, 2003, and the judge of the 35946  
court of common pleas whose term begins February 10, 2009, and the 35947  
successors to those judges, shall have the same qualifications, 35948  
exercise the same powers and jurisdiction, and receive the same 35949  
compensation as the other judges of the court of common pleas of 35950  
Champaign county and shall be elected and designated as judges of 35951  
the court of common pleas, domestic relations-juvenile-probate 35952  
division. Except as otherwise specified in this division, those 35953  
judges, and the successors to those judges, shall have all the 35954  
powers relating to juvenile courts, and all cases under Chapters 35955  
2151. and 2152. of the Revised Code, all cases arising under 35956  
Chapter 3111. of the Revised Code, all divorce, dissolution of 35957  
marriage, legal separation, and annulment cases, all proceedings 35958  
involving child support, the allocation of parental rights and 35959  
responsibilities for the care of children and the designation for 35960  
the children of a place of residence and legal custodian, 35961  
parenting time, and visitation, and all post-decree proceedings 35962  
and matters arising from those cases and proceedings shall be 35963  
assigned to those judges and the successors to those judges. 35964  
Notwithstanding any other provision of any section of the Revised 35965  
Code, on and after February 9, 2009, the judges designated by this 35966  
division as judges of the court of common pleas of Champaign 35967  
county, domestic relations-juvenile-probate division, and the 35968

successors to those judges, shall have all the powers relating to 35969  
probate courts in addition to the powers previously specified in 35970  
this division and shall exercise jurisdiction over all matters 35971  
that are within the jurisdiction of probate courts under Chapter 35972  
2101., and other provisions, of the Revised Code in addition to 35973  
the jurisdiction of the domestic relations-juvenile-probate 35974  
division otherwise specified in division (DD)(1) of this section. 35975

(2) On and after February 9, 2009, all references in law to 35976  
"the probate court," "the probate judge," "the juvenile court," or 35977  
"the judge of the juvenile court" shall be construed with respect 35978  
to Champaign county as being references to the "domestic 35979  
relations-juvenile-probate division" and as being references to 35980  
the "judge of the domestic relations-juvenile-probate division." 35981  
On and after February 9, 2009, all references in law to "the clerk 35982  
of the probate court" shall be construed with respect to Champaign 35983  
county as being references to the judge who is serving pursuant to 35984  
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 35985  
the administrative judge of the court of common pleas, domestic 35986  
relations-juvenile-probate division. 35987

(EE) If a judge of the court of common pleas, division of 35988  
domestic relations, or juvenile judge, of any of the counties 35989  
mentioned in this section is sick, absent, or unable to perform 35990  
that judge's judicial duties or the volume of cases pending in the 35991  
judge's division necessitates it, the duties of that judge shall 35992  
be performed by another judge of the court of common pleas of that 35993  
county, assigned for that purpose by the presiding judge of the 35994  
court of common pleas of that county to act in place of or in 35995  
conjunction with that judge, as the case may require. 35996

**Sec. 2305.231.** (A) As used in this section: 35997

(1) "Dentist" means a person who is licensed under Chapter 35998  
4715. of the Revised Code to practice dentistry. 35999

(2) "Physician" means a person who holds a certificate issued 36000  
by the state medical board to practice medicine and surgery, 36001  
osteopathic medicine and surgery, or podiatric medicine and 36002  
surgery. 36003

(3) "Registered nurse" means a nurse who is licensed as a 36004  
registered nurse under Chapter 4723. of the Revised Code. 36005

(4) "Therapeutic recreation" means adoptive recreation 36006  
services to persons with illnesses or disabling conditions in 36007  
order to do any of the following: 36008

(a) Restore, remediate, or rehabilitate; 36009

(b) Improve functioning and independence; 36010

(c) Reduce or eliminate the effects of illness or disability. 36011

(B) No physician who volunteers the physician's services as a 36012  
team physician or team podiatrist to a school's athletics program, 36013  
no dentist who volunteers the dentist's services as a team dentist 36014  
to a school's athletics program, and no registered nurse who 36015  
volunteers the registered nurse's services as a team nurse to a 36016  
school's athletics program is liable in damages in a civil action 36017  
for administering emergency medical care, emergency dental care, 36018  
other emergency professional care, or first aid treatment to a 36019  
participant in an athletic event involving the school, at the 36020  
scene of the event or while the participant is being transported 36021  
to a hospital, physician's or dentist's office, or other medical 36022  
or dental facility, or for acts performed in administering the 36023  
care or treatment, unless the acts of the physician, dentist, or 36024  
registered nurse constitute willful or wanton misconduct. 36025

(C)(1) No physician who volunteers the physician's services 36026  
as a camp physician at a camp that specializes in therapeutic 36027  
recreation, and no registered nurse who volunteers the registered 36028  
nurse's services at such a camp, is liable in damages in a civil 36029  
action for either of the following: 36030

(a) Administering medical care, or emergency professional care, or first aid treatment to a participant in the camp or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility; 36031  
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(b) Acts performed in administering that care or treatment. 36035

(2) Division (C)(1) of this section does not apply if the acts of the physician or registered nurse constitute willful or wanton misconduct. 36036  
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(D) This section does not apply if the administration of emergency medical care, emergency dental care, other emergency professional care, or first aid treatment is rendered for remuneration, or with the expectation of remuneration, from the recipient of the care or treatment or from someone on the recipient's behalf. 36039  
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**Sec. 2323.44. (A) As used in this section:** 36045

(1) "Health care provider-sponsored organization" means an entity that is sponsored by hospitals, physician groups, other licensed health care providers, or any combination of hospitals, physician groups, or other licensed health care providers that are affiliated through common ownership or control and share financial risk for the purpose of delivering health care services. 36046  
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(2) "Injured party" means any person who claims any injury, death, or loss to person in a tort action or an estate that makes a survivorship claim due to injury, death, or loss to person, but not including a derivative claim, a claim made by a beneficiary in a wrongful death action pursuant to section 2125.02 of the Revised Code, or a claim for punitive damages arising from a person's claim of injury, death, or loss to person. 36052  
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(3) "Injured party's interest" means the injured party's past and future income loss, past and future medical expense, past and 36059  
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future life care expense, and past and future noneconomic damages. 36061

(4) "Recovery" means the amount obtained from a third party in a tort action or the amount obtained for a claim in connection with uninsured or underinsured motorist coverage. 36062  
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(5) "Third party" means any individual, automobile insurance company, or public or private entity against which a person or estate has a tort action. 36065  
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(6) "Subrogee" means any of the following: 36068

(a) An insurance company doing business in this state; 36069

(b) A self-funded plan providing health, sickness, or disability benefits; 36070  
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(c) A health care provider-sponsored organization; 36072

(d) Any person or entity that claims a right of subrogation by contract or common law. 36073  
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(7) "Subrogee's interest" means medical expenses paid by a subrogee on behalf of an injured party that are directly and proximately related to the injury, death, or loss to person that is the basis of the tort action. 36075  
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(8) "Tort action" means a civil action for injury, death, or loss to person. "Tort action" includes any claim for damages for injury, death, or loss to person, whether or not a lawsuit is pending, or a claim in connection with uninsured or underinsured motorist coverage, but does not include a civil action for breach of contract or another agreement between persons. 36079  
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(B) Notwithstanding any contract or statutory provision to the contrary, the rights of a subrogee or any other person or entity that asserts a contractual, statutory, or common law subrogation claim against a third party or an injured party in a tort action shall be subject to all of the following: 36085  
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(1) If less than the full value of the tort action is 36090

recovered for any reason, including, but not limited to, 36091  
comparative negligence, diminishment due to a party's liability 36092  
under sections 2307.22 to 2307.28 of the Revised Code, or by 36093  
reason of the collectability of the full value of the claim for 36094  
injury, death, or loss to person resulting from limited liability 36095  
insurance or any other cause, the subrogee's or other person's or 36096  
entity's claim shall be diminished in the same proportion as the 36097  
injured party's interest is diminished. 36098

(2) Regardless of the recovery in the tort action, any 36099  
reasonable attorney's fees contracted by the injured party and the 36100  
expenses of procuring a recovery in the tort action, including, 36101  
but not limited to, deposition costs, court costs, expert and 36102  
other witness fees, and costs for trial preparation and 36103  
presentation, shall be shared by the injured party and the 36104  
subrogee or other person or entity on a pro rata basis. 36105

(3) A tort action and any settlement of a tort action shall 36106  
be controlled solely by the injured party. If a dispute regarding 36107  
the distribution of the recovery in the tort action arises, either 36108  
party may file an action under Chapter 2721. of the Revised Code 36109  
to resolve the issue of the distribution of the recovery. 36110

**Sec. 2919.21.** (A) No person shall abandon, or fail to provide 36111  
adequate support to: 36112

(1) The person's spouse, as required by law; 36113

(2) The person's child who is under age eighteen, or mentally 36114  
or physically handicapped child who is under age twenty-one; 36115

(3) The person's aged or infirm parent or adoptive parent, 36116  
who from lack of ability and means is unable to provide adequately 36117  
for the parent's own support. 36118

(B) No person shall abandon, or fail to provide support as 36119  
established by a court order to, another person whom, by court 36120

order or decree, the person is legally obligated to support. 36121

(C) No person shall aid, abet, induce, cause, encourage, or 36122  
contribute to a child or a ward of the juvenile court becoming a 36123  
dependent child, as defined in section 2151.04 of the Revised 36124  
Code, or a neglected child, as defined in section 2151.03 of the 36125  
Revised Code. 36126

(D) It is an affirmative defense to a charge of failure to 36127  
provide adequate support under division (A) of this section or a 36128  
charge of failure to provide support established by a court order 36129  
under division (B) of this section that the accused was unable to 36130  
provide adequate support or the established support but did 36131  
provide the support that was within the accused's ability and 36132  
means. 36133

(E) It is an affirmative defense to a charge under division 36134  
(A)(3) of this section that the parent abandoned the accused or 36135  
failed to support the accused as required by law, while the 36136  
accused was under age eighteen, or was mentally or physically 36137  
handicapped and under age twenty-one. 36138

(F) It is not a defense to a charge under division (B) of 36139  
this section that the person whom a court has ordered the accused 36140  
to support is being adequately supported by someone other than the 36141  
accused. 36142

(G)(1) Except as otherwise provided in this division, whoever 36143  
violates division (A) or (B) of this section is guilty of 36144  
nonsupport of dependents, a misdemeanor of the first degree. If 36145  
the offender previously has been convicted of or pleaded guilty to 36146  
a violation of division (A)(2) or (B) of this section or if the 36147  
offender has failed to provide support under division (A)(2) or 36148  
(B) of this section for a total accumulated period of twenty-six 36149  
weeks out of one hundred four consecutive weeks, whether or not 36150  
the twenty-six weeks were consecutive, then a violation of 36151

division (A)(2) or (B) of this section is a felony of the fifth 36152  
degree. If the offender previously has been convicted of or 36153  
pleaded guilty to a felony violation of this section, a violation 36154  
of division (A)(2) or (B) of this section is a felony of the 36155  
fourth degree. 36156

If the violation of division (A) or (B) of this section is a 36157  
felony, all of the following apply to the sentencing of the 36158  
offender: 36159

(a) Except as otherwise provided in division (G)(1)(b) of 36160  
this section, the court in imposing sentence on the offender shall 36161  
first consider placing the offender on one or more community 36162  
control sanctions under section 2929.16, 2929.17, or 2929.18 of 36163  
the Revised Code, with an emphasis under the sanctions on 36164  
intervention for nonsupport, obtaining or maintaining employment, 36165  
or another related condition. 36166

(b) The preference for placement on community control 36167  
sanctions described in division (G)(1)(a) of this section does not 36168  
apply to any offender to whom one or more of the following 36169  
applies: 36170

(i) The court determines that the imposition of a prison term 36171  
on the offender is consistent with the purposes and principles of 36172  
sentencing set forth in section 2929.11 of the Revised Code. 36173

(ii) The offender previously was convicted of or pleaded 36174  
guilty to a violation of this section that was a felony, and the 36175  
offender was sentenced to a prison term for that violation. 36176

(iii) The offender previously was convicted of or pleaded 36177  
guilty to a violation of this section that was a felony, the 36178  
offender was sentenced to one or more community control sanctions 36179  
of a type described in division (G)(1)(a) of this section for that 36180  
violation, and the offender failed to comply with the conditions 36181  
of any of those community control sanctions. 36182



(2) If the offender is guilty of nonsupport of dependents by 36183  
reason of failing to provide support to the offender's child as 36184  
required by a child support order issued on or after April 15, 36185  
1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 36186  
3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, or former 36187  
section 3115.31 of the Revised Code, the court, in addition to any 36188  
other sentence imposed, shall assess all court costs arising out 36189  
of the charge against the person and require the person to pay any 36190  
reasonable attorney's fees of any adverse party other than the 36191  
state, as determined by the court, that arose in relation to the 36192  
charge. 36193

(3) Whoever violates division (C) of this section is guilty 36194  
of contributing to the nonsupport of dependents, a misdemeanor of 36195  
the first degree. Each day of violation of division (C) of this 36196  
section is a separate offense. 36197

**Sec. 2923.12.** (A) No person shall knowingly carry or have, 36198  
concealed on the person's person or concealed ready at hand, any 36199  
of the following: 36200

(1) A deadly weapon other than a handgun; 36201

(2) A handgun other than a dangerous ordnance; 36202

(3) A dangerous ordnance. 36203

(B) No person who has been issued a concealed handgun license 36204  
shall do any of the following: 36205

(1) If the person is stopped for a law enforcement purpose 36206  
and is carrying a concealed handgun, fail to promptly inform any 36207  
law enforcement officer who approaches the person after the person 36208  
has been stopped that the person has been issued a concealed 36209  
handgun license and that the person then is carrying a concealed 36210  
handgun; 36211

(2) If the person is stopped for a law enforcement purpose 36212

and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(C)(1) This section does not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is

authorized to carry concealed weapons or dangerous ordnance or is 36244  
authorized to carry handguns, and who is subject to and in 36245  
compliance with the requirements of section 109.801 of the Revised 36246  
Code, unless the appointing authority of the person has expressly 36247  
specified that the exemption provided in division (C)(1)(b) of 36248  
this section does not apply to the person; 36249

(c) A person's transportation or storage of a firearm, other 36250  
than a firearm described in divisions (G) to (M) of section 36251  
2923.11 of the Revised Code, in a motor vehicle for any lawful 36252  
purpose if the firearm is not on the actor's person; 36253

(d) A person's storage or possession of a firearm, other than 36254  
a firearm described in divisions (G) to (M) of section 2923.11 of 36255  
the Revised Code, in the actor's own home for any lawful purpose. 36256

(2) Division (A)(2) of this section does not apply to any 36257  
person who, at the time of the alleged carrying or possession of a 36258  
handgun, either is carrying a valid concealed handgun license or 36259  
is a person who is eighteen years of age or older, is an active 36260  
member of the armed forces of the United States, and is carrying a 36261  
valid military identification card and a certificate issued by the 36262  
person's applicable service branch indicating that the person has 36263  
successfully completed small arms qualification, unless the person 36264  
knowingly is in a place described in division (B) of section 36265  
2923.126 of the Revised Code. 36266

(D) It is an affirmative defense to a charge under division 36267  
(A)(1) of this section of carrying or having control of a weapon 36268  
other than a handgun and other than a dangerous ordnance that the 36269  
actor was not otherwise prohibited by law from having the weapon 36270  
and that any of the following applies: 36271

(1) The weapon was carried or kept ready at hand by the actor 36272  
for defensive purposes while the actor was engaged in or was going 36273  
to or from the actor's lawful business or occupation, which 36274

business or occupation was of a character or was necessarily 36275  
carried on in a manner or at a time or place as to render the 36276  
actor particularly susceptible to criminal attack, such as would 36277  
justify a prudent person in going armed. 36278

(2) The weapon was carried or kept ready at hand by the actor 36279  
for defensive purposes while the actor was engaged in a lawful 36280  
activity and had reasonable cause to fear a criminal attack upon 36281  
the actor, a member of the actor's family, or the actor's home, 36282  
such as would justify a prudent person in going armed. 36283

(3) The weapon was carried or kept ready at hand by the actor 36284  
for any lawful purpose and while in the actor's own home. 36285

(E) No person who is charged with a violation of this section 36286  
shall be required to obtain a concealed handgun license as a 36287  
condition for the dismissal of the charge. 36288

(F)(1) Whoever violates this section is guilty of carrying 36289  
concealed weapons. Except as otherwise provided in this division 36290  
or division (F)(2) of this section, carrying concealed weapons in 36291  
violation of division (A) of this section is a misdemeanor of the 36292  
first degree. Except as otherwise provided in this division or 36293  
division (F)(2) of this section, if the offender previously has 36294  
been convicted of a violation of this section or of any offense of 36295  
violence, if the weapon involved is a firearm that is either 36296  
loaded or for which the offender has ammunition ready at hand, or 36297  
if the weapon involved is dangerous ordnance, carrying concealed 36298  
weapons in violation of division (A) of this section is a felony 36299  
of the fourth degree. Except as otherwise provided in division 36300  
(F)(2) of this section, if the offense is committed aboard an 36301  
aircraft, or with purpose to carry a concealed weapon aboard an 36302  
aircraft, regardless of the weapon involved, carrying concealed 36303  
weapons in violation of division (A) of this section is a felony 36304  
of the third degree. 36305

(2) If a person being arrested for a violation of division 36306  
(A)(2) of this section promptly produces a valid concealed handgun 36307  
license or promptly produces a valid military identification card 36308  
and a certificate issued by the person's applicable service branch 36309  
indicating that the person has successfully completed small arms 36310  
qualification and the person is eighteen years of age or older and 36311  
an active member of the armed forces of the United States, and if 36312  
at the time of the violation the person was not knowingly in a 36313  
place described in division (B) of section 2923.126 of the Revised 36314  
Code, the officer shall not arrest the person for a violation of 36315  
that division. If the person is not able to promptly produce any 36316  
concealed handgun license or a combination of a valid military 36317  
identification card and a certificate issued by the person's 36318  
applicable service branch indicating that the person has 36319  
successfully completed small arms qualification and if the person 36320  
is not in a place described in that section, the officer may 36321  
arrest the person for a violation of that division, and the 36322  
offender shall be punished as follows: 36323

(a) The offender shall be guilty of a minor misdemeanor if 36324  
both of the following apply: 36325

(i) Within ten days after the arrest, the offender presents a 36326  
concealed handgun license or a combination of a military 36327  
identification card and a certificate issued by the person's 36328  
applicable service branch indicating that the person has 36329  
successfully completed small arms qualification, which license or 36330  
card and certificate was valid at the time of the arrest to the 36331  
law enforcement agency that employs the arresting officer. 36332

(ii) At the time of the arrest, the offender was not 36333  
knowingly in a place described in division (B) of section 2923.126 36334  
of the Revised Code. 36335

(b) The offender shall be guilty of a misdemeanor and shall 36336  
be fined five hundred dollars if all of the following apply: 36337

(i) The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest. 36338  
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(ii) Within forty-five days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in section 2945.71 of the Revised Code. 36341  
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(iii) At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code. 36347  
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(iv) The offender did not present a valid military identification card and a certificate issued by the person's applicable service branch indicating that the person has successfully completed small arms qualification within ten days after the arrest. 36350  
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(c) If neither division (F)(2)(a) nor (b) of this section applies, the offender shall be punished under division (F)(1) of this section. 36355  
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(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (B)(1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of division (B)(1) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division 36358  
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(B)(1) of this section is a minor misdemeanor, and the offender's  
concealed handgun license shall not be suspended pursuant to  
division (A)(2) of section 2923.128 of the Revised Code.

(4) Carrying concealed weapons in violation of division  
(B)(2) or (4) of this section is a misdemeanor of the first degree  
or, if the offender previously has been convicted of or pleaded  
guilty to a violation of division (B)(2) or (4) of this section, a  
felony of the fifth degree. In addition to any other penalty or  
sanction imposed for a misdemeanor violation of division (B)(2) or  
(4) of this section, the offender's concealed handgun license  
shall be suspended pursuant to division (A)(2) of section 2923.128  
of the Revised Code.

(5) Carrying concealed weapons in violation of division  
(B)(3) of this section is a felony of the fifth degree.

(G) If a law enforcement officer stops a person to question  
the person regarding a possible violation of this section, for a  
traffic stop, or for any other law enforcement purpose, if the  
person surrenders a firearm to the officer, either voluntarily or  
pursuant to a request or demand of the officer, and if the officer  
does not charge the person with a violation of this section or  
arrest the person for any offense, the person is not otherwise  
prohibited by law from possessing the firearm, and the firearm is  
not contraband, the officer shall return the firearm to the person  
at the termination of the stop. If a court orders a law  
enforcement officer to return a firearm to a person pursuant to  
the requirement set forth in this division, division (B) of  
section 2923.163 of the Revised Code applies.

**Sec. 2923.121.** (A) No person shall possess a firearm in any  
room in which any person is consuming beer or intoxicating liquor  
in a premises for which a D permit has been issued under Chapter  
4303. of the Revised Code or in an open air arena for which a

permit of that nature has been issued. 36400

(B)(1) This section does not apply to any of the following: 36401

(a) An officer, agent, or employee of this or any other state 36402  
or the United States, or to a law enforcement officer, who is 36403  
authorized to carry firearms and is acting within the scope of the 36404  
officer's, agent's, or employee's duties; 36405

(b) Any person who is employed in this state, who is 36406  
authorized to carry firearms, and who is subject to and in 36407  
compliance with the requirements of section 109.801 of the Revised 36408  
Code, unless the appointing authority of the person has expressly 36409  
specified that the exemption provided in division (B)(1)(b) of 36410  
this section does not apply to the person; 36411

(c) Any room used for the accommodation of guests of a hotel, 36412  
as defined in section 4301.01 of the Revised Code; 36413

(d) The principal holder of a D permit issued for a premises 36414  
or an open air arena under Chapter 4303. of the Revised Code while 36415  
in the premises or open air arena for which the permit was issued 36416  
if the principal holder of the D permit also possesses a valid 36417  
concealed handgun license and as long as the principal holder is 36418  
not consuming beer or intoxicating liquor or under the influence 36419  
of alcohol or a drug of abuse, or any agent or employee of that 36420  
holder who also is a peace officer, as defined in section 36421  
2151.3515 of the Revised Code, who is off duty, and who otherwise 36422  
is authorized to carry firearms while in the course of the 36423  
officer's official duties and while in the premises or open air 36424  
arena for which the permit was issued and as long as the agent or 36425  
employee of that holder is not consuming beer or intoxicating 36426  
liquor or under the influence of alcohol or a drug of abuse. 36427

(e) Any person who is carrying a valid concealed handgun 36428  
license or any person who is eighteen years of age or older, is an 36429



active member of the armed forces of the United States, and is 36430  
carrying a valid military identification card and a certificate 36431  
issued by the person's applicable service branch indicating that 36432  
the person has successfully completed small arms qualification, as 36433  
long as the person is not consuming beer or intoxicating liquor or 36434  
under the influence of alcohol or a drug of abuse. 36435

(2) This section does not prohibit any person who is a member 36436  
of a veteran's organization, as defined in section 2915.01 of the 36437  
Revised Code, from possessing a rifle in any room in any premises 36438  
owned, leased, or otherwise under the control of the veteran's 36439  
organization, if the rifle is not loaded with live ammunition and 36440  
if the person otherwise is not prohibited by law from having the 36441  
rifle. 36442

(3) This section does not apply to any person possessing or 36443  
displaying firearms in any room used to exhibit unloaded firearms 36444  
for sale or trade in a soldiers' memorial established pursuant to 36445  
Chapter 345. of the Revised Code, in a convention center, or in 36446  
any other public meeting place, if the person is an exhibitor, 36447  
trader, purchaser, or seller of firearms and is not otherwise 36448  
prohibited by law from possessing, trading, purchasing, or selling 36449  
the firearms. 36450

(C) It is an affirmative defense to a charge under this 36451  
section of illegal possession of a firearm in a liquor permit 36452  
premises that involves the possession of a firearm other than a 36453  
handgun, that the actor was not otherwise prohibited by law from 36454  
having the firearm, and that any of the following apply: 36455

(1) The firearm was carried or kept ready at hand by the 36456  
actor for defensive purposes, while the actor was engaged in or 36457  
was going to or from the actor's lawful business or occupation, 36458  
which business or occupation was of such character or was 36459  
necessarily carried on in such manner or at such a time or place 36460  
as to render the actor particularly susceptible to criminal 36461

attack, such as would justify a prudent person in going armed. 36462

(2) The firearm was carried or kept ready at hand by the 36463  
actor for defensive purposes, while the actor was engaged in a 36464  
lawful activity, and had reasonable cause to fear a criminal 36465  
attack upon the actor or a member of the actor's family, or upon 36466  
the actor's home, such as would justify a prudent person in going 36467  
armed. 36468

(D) No person who is charged with a violation of this section 36469  
shall be required to obtain a concealed handgun license as a 36470  
condition for the dismissal of the charge. 36471

(E) Whoever violates this section is guilty of illegal 36472  
possession of a firearm in a liquor permit premises. Except as 36473  
otherwise provided in this division, illegal possession of a 36474  
firearm in a liquor permit premises is a felony of the fifth 36475  
degree. If the offender commits the violation of this section by 36476  
knowingly carrying or having the firearm concealed on the 36477  
offender's person or concealed ready at hand, illegal possession 36478  
of a firearm in a liquor permit premises is a felony of the third 36479  
degree. 36480

(F) As used in this section, "beer" and "intoxicating liquor" 36481  
have the same meanings as in section 4301.01 of the Revised Code. 36482

**Sec. 2923.122.** (A) No person shall knowingly convey, or 36483  
attempt to convey, a deadly weapon or dangerous ordnance into a 36484  
school safety zone. 36485

(B) No person shall knowingly possess a deadly weapon or 36486  
dangerous ordnance in a school safety zone. 36487

(C) No person shall knowingly possess an object in a school 36488  
safety zone if both of the following apply: 36489

(1) The object is indistinguishable from a firearm, whether 36490  
or not the object is capable of being fired. 36491

(2) The person indicates that the person possesses the object 36492  
and that it is a firearm, or the person knowingly displays or 36493  
brandishes the object and indicates that it is a firearm. 36494

(D)(1) This section does not apply to any of the following: 36495

(a) An officer, agent, or employee of this or any other state 36496  
or the United States, or a law enforcement officer, who is 36497  
authorized to carry deadly weapons or dangerous ordnance and is 36498  
acting within the scope of the officer's, agent's, or employee's 36499  
duties, a security officer employed by a board of education or 36500  
governing body of a school during the time that the security 36501  
officer is on duty pursuant to that contract of employment, or any 36502  
other person who has written authorization from the board of 36503  
education or governing body of a school to convey deadly weapons 36504  
or dangerous ordnance into a school safety zone or to possess a 36505  
deadly weapon or dangerous ordnance in a school safety zone and 36506  
who conveys or possesses the deadly weapon or dangerous ordnance 36507  
in accordance with that authorization; 36508

(b) Any person who is employed in this state, who is 36509  
authorized to carry deadly weapons or dangerous ordnance, and who 36510  
is subject to and in compliance with the requirements of section 36511  
109.801 of the Revised Code, unless the appointing authority of 36512  
the person has expressly specified that the exemption provided in 36513  
division (D)(1)(b) of this section does not apply to the person. 36514

(2) Division (C) of this section does not apply to premises 36515  
upon which home schooling is conducted. Division (C) of this 36516  
section also does not apply to a school administrator, teacher, or 36517  
employee who possesses an object that is indistinguishable from a 36518  
firearm for legitimate school purposes during the course of 36519  
employment, a student who uses an object that is indistinguishable 36520  
from a firearm under the direction of a school administrator, 36521  
teacher, or employee, or any other person who with the express 36522  
prior approval of a school administrator possesses an object that 36523

is indistinguishable from a firearm for a legitimate purpose, 36524  
including the use of the object in a ceremonial activity, a play, 36525  
reenactment, or other dramatic presentation, or a ROTC activity or 36526  
another similar use of the object. 36527

(3) This section does not apply to a person who conveys or 36528  
attempts to convey a handgun into, or possesses a handgun in, a 36529  
school safety zone if, at the time of that conveyance, attempted 36530  
conveyance, or possession of the handgun, all of the following 36531  
apply: 36532

(a) The person does not enter into a school building or onto 36533  
school premises and is not at a school activity. 36534

(b) The person is carrying a valid concealed handgun license 36535  
or the person is eighteen years of age or older, is an active 36536  
member of the armed forces of the United States, and is carrying a 36537  
valid military identification card and a certificate issued by the 36538  
person's applicable service branch indicating that the person has 36539  
successfully completed small arms qualification. 36540

(c) The person is in the school safety zone in accordance 36541  
with 18 U.S.C. 922(q)(2)(B). 36542

(d) The person is not knowingly in a place described in 36543  
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 36544  
Revised Code. 36545

(4) This section does not apply to a person who conveys or 36546  
attempts to convey a handgun into, or possesses a handgun in, a 36547  
school safety zone if at the time of that conveyance, attempted 36548  
conveyance, or possession of the handgun all of the following 36549  
apply: 36550

(a) The person is carrying a valid concealed handgun license 36551  
or the person is eighteen years of age or older, is an active 36552  
member of the armed forces of the United States, and is carrying a 36553  
valid military identification card and a certificate issued by the 36554

person's applicable service branch indicating that the person has 36555  
successfully completed small arms qualification. 36556

(b) The person is the driver or passenger in a motor vehicle 36557  
and is in the school safety zone while immediately in the process 36558  
of picking up or dropping off a child. 36559

(c) The person is not in violation of section 2923.16 of the 36560  
Revised Code. 36561

(E)(1) Whoever violates division (A) or (B) of this section 36562  
is guilty of illegal conveyance or possession of a deadly weapon 36563  
or dangerous ordnance in a school safety zone. Except as otherwise 36564  
provided in this division, illegal conveyance or possession of a 36565  
deadly weapon or dangerous ordnance in a school safety zone is a 36566  
felony of the fifth degree. If the offender previously has been 36567  
convicted of a violation of this section, illegal conveyance or 36568  
possession of a deadly weapon or dangerous ordnance in a school 36569  
safety zone is a felony of the fourth degree. 36570

(2) Whoever violates division (C) of this section is guilty 36571  
of illegal possession of an object indistinguishable from a 36572  
firearm in a school safety zone. Except as otherwise provided in 36573  
this division, illegal possession of an object indistinguishable 36574  
from a firearm in a school safety zone is a misdemeanor of the 36575  
first degree. If the offender previously has been convicted of a 36576  
violation of this section, illegal possession of an object 36577  
indistinguishable from a firearm in a school safety zone is a 36578  
felony of the fifth degree. 36579

(F)(1) In addition to any other penalty imposed upon a person 36580  
who is convicted of or pleads guilty to a violation of this 36581  
section and subject to division (F)(2) of this section, if the 36582  
offender has not attained nineteen years of age, regardless of 36583  
whether the offender is attending or is enrolled in a school 36584  
operated by a board of education or for which the state board of 36585

education prescribes minimum standards under section 3301.07 of 36586  
the Revised Code, the court shall impose upon the offender a class 36587  
four suspension of the offender's probationary driver's license, 36588  
restricted license, driver's license, commercial driver's license, 36589  
temporary instruction permit, or probationary commercial driver's 36590  
license that then is in effect from the range specified in 36591  
division (A)(4) of section 4510.02 of the Revised Code and shall 36592  
deny the offender the issuance of any permit or license of that 36593  
type during the period of the suspension. 36594

If the offender is not a resident of this state, the court 36595  
shall impose a class four suspension of the nonresident operating 36596  
privilege of the offender from the range specified in division 36597  
(A)(4) of section 4510.02 of the Revised Code. 36598

(2) If the offender shows good cause why the court should not 36599  
suspend one of the types of licenses, permits, or privileges 36600  
specified in division (F)(1) of this section or deny the issuance 36601  
of one of the temporary instruction permits specified in that 36602  
division, the court in its discretion may choose not to impose the 36603  
suspension, revocation, or denial required in that division, but 36604  
the court, in its discretion, instead may require the offender to 36605  
perform community service for a number of hours determined by the 36606  
court. 36607

(G) As used in this section, "object that is 36608  
indistinguishable from a firearm" means an object made, 36609  
constructed, or altered so that, to a reasonable person without 36610  
specialized training in firearms, the object appears to be a 36611  
firearm. 36612

**Sec. 2923.123.** (A) No person shall knowingly convey or 36613  
attempt to convey a deadly weapon or dangerous ordnance into a 36614  
courthouse or into another building or structure in which a 36615  
courtroom is located. 36616

(B) No person shall knowingly possess or have under the person's control a deadly weapon or dangerous ordnance in a courthouse or in another building or structure in which a courtroom is located.

(C) This section does not apply to any of the following:

(1) Except as provided in division (E) of this section, a judge of a court of record of this state or a magistrate;

(2) A peace officer, officer of a law enforcement agency, or person who is in either of the following categories:

(a) Except as provided in division (E) of this section, a peace officer, or an officer of a law enforcement agency of another state, a political subdivision of another state, or the United States, who is authorized to carry a deadly weapon or dangerous ordnance, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that individual's duties, and who is acting within the scope of that individual's duties at the time of that possession or control;

(b) Except as provided in division (E) of this section, a person who is employed in this state, who is authorized to carry a deadly weapon or dangerous ordnance, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that person's duties, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (C)(2)(b) of this section does not apply to the person.

(3) A person who conveys, attempts to convey, possesses, or has under the person's control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending criminal or civil action or proceeding;

(4) Except as provided in division (E) of this section, a 36648  
bailiff or deputy bailiff of a court of record of this state who 36649  
is authorized to carry a firearm pursuant to section 109.77 of the 36650  
Revised Code, who possesses or has under that individual's control 36651  
a firearm as a requirement of that individual's duties, and who is 36652  
acting within the scope of that individual's duties at the time of 36653  
that possession or control; 36654

(5) Except as provided in division (E) of this section, a 36655  
prosecutor, or a secret service officer appointed by a county 36656  
prosecuting attorney, who is authorized to carry a deadly weapon 36657  
or dangerous ordnance in the performance of the individual's 36658  
duties, who possesses or has under that individual's control a 36659  
deadly weapon or dangerous ordnance as a requirement of that 36660  
individual's duties, and who is acting within the scope of that 36661  
individual's duties at the time of that possession or control; 36662

(6) Except as provided in division (E) of this section, a 36663  
person who conveys or attempts to convey a handgun into a 36664  
courthouse or into another building or structure in which a 36665  
courtroom is located, who, at the time of the conveyance or 36666  
attempt, either is carrying a valid concealed handgun license or 36667  
is eighteen years of age or older, is an active member of the 36668  
armed forces of the United States, and is carrying a valid 36669  
military identification card and a certificate issued by the 36670  
person's applicable service branch indicating that the person has 36671  
successfully completed small arms qualification, and who transfers 36672  
possession of the handgun to the officer or officer's designee who 36673  
has charge of the courthouse or building. The officer shall secure 36674  
the handgun until the licensee is prepared to leave the premises. 36675  
The exemption described in this division applies only if the 36676  
officer who has charge of the courthouse or building provides 36677  
services of the nature described in this division. An officer who 36678  
has charge of the courthouse or building is not required to offer 36679



services of the nature described in this division. 36680

(D)(1) Whoever violates division (A) of this section is 36681  
guilty of illegal conveyance of a deadly weapon or dangerous 36682  
ordnance into a courthouse. Except as otherwise provided in this 36683  
division, illegal conveyance of a deadly weapon or dangerous 36684  
ordnance into a courthouse is a felony of the fifth degree. If the 36685  
offender previously has been convicted of a violation of division 36686  
(A) or (B) of this section, illegal conveyance of a deadly weapon 36687  
or dangerous ordnance into a courthouse is a felony of the fourth 36688  
degree. 36689

(2) Whoever violates division (B) of this section is guilty 36690  
of illegal possession or control of a deadly weapon or dangerous 36691  
ordnance in a courthouse. Except as otherwise provided in this 36692  
division, illegal possession or control of a deadly weapon or 36693  
dangerous ordnance in a courthouse is a felony of the fifth 36694  
degree. If the offender previously has been convicted of a 36695  
violation of division (A) or (B) of this section, illegal 36696  
possession or control of a deadly weapon or dangerous ordnance in 36697  
a courthouse is a felony of the fourth degree. 36698

(E) The exemptions described in divisions (C)(1), (2)(a), 36699  
(2)(b), (4), (5), and (6) of this section do not apply to any 36700  
judge, magistrate, peace officer, officer of a law enforcement 36701  
agency, bailiff, deputy bailiff, prosecutor, secret service 36702  
officer, or other person described in any of those divisions if a 36703  
rule of superintendence or another type of rule adopted by the 36704  
supreme court pursuant to Article IV, Ohio Constitution, or an 36705  
applicable local rule of court prohibits all persons from 36706  
conveying or attempting to convey a deadly weapon or dangerous 36707  
ordnance into a courthouse or into another building or structure 36708  
in which a courtroom is located or from possessing or having under 36709  
one's control a deadly weapon or dangerous ordnance in a 36710  
courthouse or in another building or structure in which a 36711

courtroom is located. 36712

(F) As used in this section: 36713

(1) "Magistrate" means an individual who is appointed by a 36714  
court of record of this state and who has the powers and may 36715  
perform the functions specified in Civil Rule 53, Criminal Rule 36716  
19, or Juvenile Rule 40. 36717

(2) "Peace officer" and "prosecutor" have the same meanings 36718  
as in section 2935.01 of the Revised Code. 36719

**Sec. 2923.126.** (A) A concealed handgun license that is issued 36720  
under section 2923.125 of the Revised Code shall expire five years 36721  
after the date of issuance. A licensee who has been issued a 36722  
license under that section shall be granted a grace period of 36723  
thirty days after the licensee's license expires during which the 36724  
licensee's license remains valid. Except as provided in divisions 36725  
(B) and (C) of this section, a licensee who has been issued a 36726  
concealed handgun license under section 2923.125 or 2923.1213 of 36727  
the Revised Code may carry a concealed handgun anywhere in this 36728  
state if the licensee also carries a valid license and valid 36729  
identification when the licensee is in actual possession of a 36730  
concealed handgun. The licensee shall give notice of any change in 36731  
the licensee's residence address to the sheriff who issued the 36732  
license within forty-five days after that change. 36733

If a licensee is the driver or an occupant of a motor vehicle 36734  
that is stopped as the result of a traffic stop or a stop for 36735  
another law enforcement purpose and if the licensee is 36736  
transporting or has a loaded handgun in the motor vehicle at that 36737  
time, the licensee shall promptly inform any law enforcement 36738  
officer who approaches the vehicle while stopped that the licensee 36739  
has been issued a concealed handgun license and that the licensee 36740  
currently possesses or has a loaded handgun; the licensee shall 36741  
not knowingly disregard or fail to comply with lawful orders of a 36742

law enforcement officer given while the motor vehicle is stopped, 36743  
knowingly fail to remain in the motor vehicle while stopped, or 36744  
knowingly fail to keep the licensee's hands in plain sight after 36745  
any law enforcement officer begins approaching the licensee while 36746  
stopped and before the officer leaves, unless directed otherwise 36747  
by a law enforcement officer; and the licensee shall not knowingly 36748  
have contact with the loaded handgun by touching it with the 36749  
licensee's hands or fingers, in any manner in violation of 36750  
division (E) of section 2923.16 of the Revised Code, after any law 36751  
enforcement officer begins approaching the licensee while stopped 36752  
and before the officer leaves. Additionally, if a licensee is the 36753  
driver or an occupant of a commercial motor vehicle that is 36754  
stopped by an employee of the motor carrier enforcement unit for 36755  
the purposes defined in section ~~5503.04~~ 5503.34 of the Revised 36756  
Code and if the licensee is transporting or has a loaded handgun 36757  
in the commercial motor vehicle at that time, the licensee shall 36758  
promptly inform the employee of the unit who approaches the 36759  
vehicle while stopped that the licensee has been issued a 36760  
concealed handgun license and that the licensee currently 36761  
possesses or has a loaded handgun. 36762

If a licensee is stopped for a law enforcement purpose and if 36763  
the licensee is carrying a concealed handgun at the time the 36764  
officer approaches, the licensee shall promptly inform any law 36765  
enforcement officer who approaches the licensee while stopped that 36766  
the licensee has been issued a concealed handgun license and that 36767  
the licensee currently is carrying a concealed handgun; the 36768  
licensee shall not knowingly disregard or fail to comply with 36769  
lawful orders of a law enforcement officer given while the 36770  
licensee is stopped or knowingly fail to keep the licensee's hands 36771  
in plain sight after any law enforcement officer begins 36772  
approaching the licensee while stopped and before the officer 36773  
leaves, unless directed otherwise by a law enforcement officer; 36774  
and the licensee shall not knowingly remove, attempt to remove, 36775

grasp, or hold the loaded handgun or knowingly have contact with 36776  
the loaded handgun by touching it with the licensee's hands or 36777  
fingers, in any manner in violation of division (B) of section 36778  
2923.12 of the Revised Code, after any law enforcement officer 36779  
begins approaching the licensee while stopped and before the 36780  
officer leaves. 36781

(B) A valid concealed handgun license does not authorize the 36782  
licensee to carry a concealed handgun in any manner prohibited 36783  
under division (B) of section 2923.12 of the Revised Code or in 36784  
any manner prohibited under section 2923.16 of the Revised Code. A 36785  
valid license does not authorize the licensee to carry a concealed 36786  
handgun into any of the following places: 36787

(1) A police station, sheriff's office, or state highway 36788  
patrol station, premises controlled by the bureau of criminal 36789  
identification and investigation, a state correctional 36790  
institution, jail, workhouse, or other detention facility, an 36791  
airport passenger terminal, or an institution that is maintained, 36792  
operated, managed, and governed pursuant to division (A) of 36793  
section 5119.14 of the Revised Code or division (A)(1) of section 36794  
5123.03 of the Revised Code; 36795

(2) A school safety zone if the licensee's carrying the 36796  
concealed handgun is in violation of section 2923.122 of the 36797  
Revised Code; 36798

(3) A courthouse or another building or structure in which a 36799  
courtroom is located, in violation of section 2923.123 of the 36800  
Revised Code; 36801

(4) Any premises or open air arena for which a D permit has 36802  
been issued under Chapter 4303. of the Revised Code if the 36803  
licensee's carrying the concealed handgun is in violation of 36804  
section 2923.121 of the Revised Code; 36805

(5) Any premises owned or leased by any public or private 36806

college, university, or other institution of higher education, 36807  
unless the handgun is in a locked motor vehicle or the licensee is 36808  
in the immediate process of placing the handgun in a locked motor 36809  
vehicle; 36810

(6) Any church, synagogue, mosque, or other place of worship, 36811  
unless the church, synagogue, mosque, or other place of worship 36812  
posts or permits otherwise; 36813

(7) A child day-care center, a type A family day-care home, 36814  
or a type B family day-care home, except that this division does 36815  
not prohibit a licensee who resides in a type A family day-care 36816  
home or a type B family day-care home from carrying a concealed 36817  
handgun at any time in any part of the home that is not dedicated 36818  
or used for day-care purposes, or from carrying a concealed 36819  
handgun in a part of the home that is dedicated or used for 36820  
day-care purposes at any time during which no children, other than 36821  
children of that licensee, are in the home; 36822

(8) An aircraft that is in, or intended for operation in, 36823  
foreign air transportation, interstate air transportation, 36824  
intrastate air transportation, or the transportation of mail by 36825  
aircraft; 36826

(9) Any building that is a government facility of this state 36827  
or a political subdivision of this state and that is not a 36828  
building that is used primarily as a shelter, restroom, parking 36829  
facility for motor vehicles, or rest facility and is not a 36830  
courthouse or other building or structure in which a courtroom is 36831  
located that is subject to division (B)(3) of this section; 36832

(10) A place in which federal law prohibits the carrying of 36833  
handguns. 36834

(C)(1) Nothing in this section shall negate or restrict a 36835  
rule, policy, or practice of a private employer that is not a 36836  
private college, university, or other institution of higher 36837

education concerning or prohibiting the presence of firearms on 36838  
the private employer's premises or property, including motor 36839  
vehicles owned by the private employer. Nothing in this section 36840  
shall require a private employer of that nature to adopt a rule, 36841  
policy, or practice concerning or prohibiting the presence of 36842  
firearms on the private employer's premises or property, including 36843  
motor vehicles owned by the private employer. 36844

(2)(a) A private employer shall be immune from liability in a 36845  
civil action for any injury, death, or loss to person or property 36846  
that allegedly was caused by or related to a licensee bringing a 36847  
handgun onto the premises or property of the private employer, 36848  
including motor vehicles owned by the private employer, unless the 36849  
private employer acted with malicious purpose. A private employer 36850  
is immune from liability in a civil action for any injury, death, 36851  
or loss to person or property that allegedly was caused by or 36852  
related to the private employer's decision to permit a licensee to 36853  
bring, or prohibit a licensee from bringing, a handgun onto the 36854  
premises or property of the private employer. As used in this 36855  
division, "private employer" includes a private college, 36856  
university, or other institution of higher education. 36857

(b) A political subdivision shall be immune from liability in 36858  
a civil action, to the extent and in the manner provided in 36859  
Chapter 2744. of the Revised Code, for any injury, death, or loss 36860  
to person or property that allegedly was caused by or related to a 36861  
licensee bringing a handgun onto any premises or property owned, 36862  
leased, or otherwise under the control of the political 36863  
subdivision. As used in this division, "political subdivision" has 36864  
the same meaning as in section 2744.01 of the Revised Code. 36865

(3)(a) Except as provided in division (C)(3)(b) of this 36866  
section, the owner or person in control of private land or 36867  
premises, and a private person or entity leasing land or premises 36868  
owned by the state, the United States, or a political subdivision 36869

of the state or the United States, may post a sign in a 36870  
conspicuous location on that land or on those premises prohibiting 36871  
persons from carrying firearms or concealed firearms on or onto 36872  
that land or those premises. Except as otherwise provided in this 36873  
division, a person who knowingly violates a posted prohibition of 36874  
that nature is guilty of criminal trespass in violation of 36875  
division (A)(4) of section 2911.21 of the Revised Code and is 36876  
guilty of a misdemeanor of the fourth degree. If a person 36877  
knowingly violates a posted prohibition of that nature and the 36878  
posted land or premises primarily was a parking lot or other 36879  
parking facility, the person is not guilty of criminal trespass 36880  
under section 2911.21 of the Revised Code or under any other 36881  
criminal law of this state or criminal law, ordinance, or 36882  
resolution of a political subdivision of this state, and instead 36883  
is subject only to a civil cause of action for trespass based on 36884  
the violation. 36885

(b) A landlord may not prohibit or restrict a tenant who is a 36886  
licensee and who on or after September 9, 2008, enters into a 36887  
rental agreement with the landlord for the use of residential 36888  
premises, and the tenant's guest while the tenant is present, from 36889  
lawfully carrying or possessing a handgun on those residential 36890  
premises. 36891

(c) As used in division (C)(3) of this section: 36892

(i) "Residential premises" has the same meaning as in section 36893  
5321.01 of the Revised Code, except "residential premises" does 36894  
not include a dwelling unit that is owned or operated by a college 36895  
or university. 36896

(ii) "Landlord," "tenant," and "rental agreement" have the 36897  
same meanings as in section 5321.01 of the Revised Code. 36898

(D) A person who holds a valid concealed handgun license 36899  
issued by another state that is recognized by the attorney general 36900

pursuant to a reciprocity agreement entered into pursuant to 36901  
section 109.69 of the Revised Code or a person who holds a valid 36902  
concealed handgun license under the circumstances described in 36903  
division (B) of section 109.69 of the Revised Code has the same 36904  
right to carry a concealed handgun in this state as a person who 36905  
was issued a concealed handgun license under section 2923.125 of 36906  
the Revised Code and is subject to the same restrictions that 36907  
apply to a person who carries a license issued under that section. 36908

(E)(1) A peace officer has the same right to carry a 36909  
concealed handgun in this state as a person who was issued a 36910  
concealed handgun license under section 2923.125 of the Revised 36911  
Code. For purposes of reciprocity with other states, a peace 36912  
officer shall be considered to be a licensee in this state. 36913

(2) An active member of the armed forces of the United States 36914  
who is eighteen years of age or older and who is carrying a valid 36915  
military identification card and a certificate issued by the 36916  
person's applicable service branch indicating that the person has 36917  
successfully completed small arms qualification has the same right 36918  
to carry a concealed handgun in this state as a person who was 36919  
issued a concealed handgun license under section 2923.125 of the 36920  
Revised Code and is subject to the same restrictions as specified 36921  
in this section. 36922

(F)(1) A qualified retired peace officer who possesses a 36923  
retired peace officer identification card issued pursuant to 36924  
division (F)(2) of this section and a valid firearms 36925  
requalification certification issued pursuant to division (F)(3) 36926  
of this section has the same right to carry a concealed handgun in 36927  
this state as a person who was issued a concealed handgun license 36928  
under section 2923.125 of the Revised Code and is subject to the 36929  
same restrictions that apply to a person who carries a license 36930  
issued under that section. For purposes of reciprocity with other 36931  
states, a qualified retired peace officer who possesses a retired 36932



peace officer identification card issued pursuant to division 36933  
(F)(2) of this section and a valid firearms requalification 36934  
certification issued pursuant to division (F)(3) of this section 36935  
shall be considered to be a licensee in this state. 36936

(2)(a) Each public agency of this state or of a political 36937  
subdivision of this state that is served by one or more peace 36938  
officers shall issue a retired peace officer identification card 36939  
to any person who retired from service as a peace officer with 36940  
that agency, if the issuance is in accordance with the agency's 36941  
policies and procedures and if the person, with respect to the 36942  
person's service with that agency, satisfies all of the following: 36943

(i) The person retired in good standing from service as a 36944  
peace officer with the public agency, and the retirement was not 36945  
for reasons of mental instability. 36946

(ii) Before retiring from service as a peace officer with 36947  
that agency, the person was authorized to engage in or supervise 36948  
the prevention, detection, investigation, or prosecution of, or 36949  
the incarceration of any person for, any violation of law and the 36950  
person had statutory powers of arrest. 36951

(iii) At the time of the person's retirement as a peace 36952  
officer with that agency, the person was trained and qualified to 36953  
carry firearms in the performance of the peace officer's duties. 36954

(iv) Before retiring from service as a peace officer with 36955  
that agency, the person was regularly employed as a peace officer 36956  
for an aggregate of fifteen years or more, or, in the alternative, 36957  
the person retired from service as a peace officer with that 36958  
agency, after completing any applicable probationary period of 36959  
that service, due to a service-connected disability, as determined 36960  
by the agency. 36961

(b) A retired peace officer identification card issued to a 36962  
person under division (F)(2)(a) of this section shall identify the 36963

person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to

attend a firearms requalification program that is approved for 36996  
purposes of firearms requalification required under section 36997  
109.801 of the Revised Code. The retired peace officer may be 36998  
required to pay the cost of the course. 36999

If a retired peace officer who satisfies the criteria set 37000  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 37001  
firearms requalification program that is approved for purposes of 37002  
firearms requalification required under section 109.801 of the 37003  
Revised Code, the retired peace officer's successful completion of 37004  
the firearms requalification program requalifies the retired peace 37005  
officer for purposes of division (F) of this section for five 37006  
years from the date on which the program was successfully 37007  
completed, and the requalification is valid during that five-year 37008  
period. If a retired peace officer who satisfies the criteria set 37009  
forth in divisions (F)(2)(a)(i) to (iv) of this section 37010  
satisfactorily completes such a firearms requalification program, 37011  
the retired peace officer shall be issued a firearms 37012  
requalification certification that identifies the retired peace 37013  
officer by name, identifies the entity that taught the program, 37014  
specifies that the retired peace officer successfully completed 37015  
the program, specifies the date on which the course was 37016  
successfully completed, and specifies that the requalification is 37017  
valid for five years from that date of successful completion. The 37018  
firearms requalification certification for a retired peace officer 37019  
may be included in the retired peace officer identification card 37020  
issued to the retired peace officer under division (F)(2) of this 37021  
section. 37022

A retired peace officer who attends a firearms 37023  
requalification program that is approved for purposes of firearms 37024  
requalification required under section 109.801 of the Revised Code 37025  
may be required to pay the cost of the program. 37026

(G) As used in this section: 37027

(1) "Qualified retired peace officer" means a person who satisfies all of the following:	37028 37029
(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.	37030 37031
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	37032 37033
(c) The person is not prohibited by federal law from receiving firearms.	37034 37035
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.	37036 37037 37038
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	37039 37040
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	37041 37042 37043 37044 37045 37046
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	37047 37048 37049
<b>Sec. 2923.129.</b> (A)(1) If a sheriff, the superintendent of the bureau of criminal identification and investigation, the employees of the bureau, the Ohio peace officer training commission, or the employees of the commission make a good faith effort in performing the duties imposed upon the sheriff, the superintendent, the bureau's employees, the commission, or the commission's employees by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the Revised Code, in addition to the personal immunity provided by	37050 37051 37052 37053 37054 37055 37056 37057

section 9.86 of the Revised Code or division (A)(6) of section 37058  
2744.03 of the Revised Code and the governmental immunity of 37059  
sections 2744.02 and 2744.03 of the Revised Code and in addition 37060  
to any other immunity possessed by the bureau, the commission, and 37061  
their employees, the sheriff, the sheriff's office, the county in 37062  
which the sheriff has jurisdiction, the bureau, the superintendent 37063  
of the bureau, the bureau's employees, the commission, and the 37064  
commission's employees are immune from liability in a civil action 37065  
for injury, death, or loss to person or property that allegedly 37066  
was caused by or related to any of the following: 37067

(a) The issuance, renewal, suspension, or revocation of a 37068  
concealed handgun license; 37069

(b) The failure to issue, renew, suspend, or revoke a 37070  
concealed handgun license; 37071

(c) Any action or misconduct with a handgun committed by a 37072  
licensee. 37073

(2) Any action of a sheriff relating to the issuance, 37074  
renewal, suspension, or revocation of a concealed handgun license 37075  
shall be considered to be a governmental function for purposes of 37076  
Chapter 2744. of the Revised Code. 37077

(3) An entity that or instructor who provides a competency 37078  
certification of a type described in division (B)(3) of section 37079  
2923.125 of the Revised Code is immune from civil liability that 37080  
might otherwise be incurred or imposed for any death or any injury 37081  
or loss to person or property that is caused by or related to a 37082  
person to whom the entity or instructor has issued the competency 37083  
certificate if all of the following apply: 37084

(a) The alleged liability of the entity or instructor relates 37085  
to the training provided in the course, class, or program covered 37086  
by the competency certificate. 37087

(b) The entity or instructor makes a good faith effort in 37088

determining whether the person has satisfactorily completed the 37089  
course, class, or program and makes a good faith effort in 37090  
assessing the person in the competency examination conducted 37091  
pursuant to division (G)(2) of section 2923.125 of the Revised 37092  
Code. 37093

(c) The entity or instructor did not issue the competency 37094  
certificate with malicious purpose, in bad faith, or in a wanton 37095  
or reckless manner. 37096

(4) An entity that or instructor who, prior to ~~the effective~~ 37097  
~~date of this amendment~~ March 27, 2013, provides a renewed 37098  
competency certification of a type described in division (G)(4) of 37099  
section 2923.125 of the Revised Code as it existed prior to ~~the~~ 37100  
~~effective date of this amendment~~ March 27, 2013, is immune from 37101  
civil liability that might otherwise be incurred or imposed for 37102  
any death or any injury or loss to person or property that is 37103  
caused by or related to a person to whom the entity or instructor 37104  
has issued the renewed competency certificate if all of the 37105  
following apply: 37106

(a) The entity or instructor makes a good faith effort in 37107  
assessing the person in the physical demonstrations or the 37108  
competency examination conducted pursuant to division (G)(4) of 37109  
section 2923.125 of the Revised Code as it existed prior to ~~the~~ 37110  
~~effective date of this amendment~~ March 27, 2013. 37111

(b) The entity or instructor did not issue the renewed 37112  
competency certificate with malicious purpose, in bad faith, or in 37113  
a wanton or reckless manner. 37114

(5) A law enforcement agency that employs a peace officer is 37115  
immune from liability in a civil action to recover damages for 37116  
injury, death, or loss to person or property allegedly caused by 37117  
any act of that peace officer if the act occurred while the peace 37118  
officer carried a concealed handgun and was off duty and if the 37119

act allegedly involved the peace officer's use of the concealed 37120  
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 37121  
Code apply to any civil action involving a peace officer's use of 37122  
a concealed handgun in the performance of the peace officer's 37123  
official duties while the peace officer is off duty. 37124

(B)(1) Notwithstanding section 149.43 of the Revised Code, 37125  
~~except as provided in division (B)(2) of this section,~~ the records 37126  
that a sheriff keeps relative to the issuance, renewal, 37127  
suspension, or revocation of a concealed handgun license, 37128  
including, but not limited to, completed applications for the 37129  
issuance or renewal of a license, completed affidavits submitted 37130  
regarding an application for a license on a temporary emergency 37131  
basis, reports of criminal records checks and incompetency records 37132  
checks under section 311.41 of the Revised Code, and applicants' 37133  
social security numbers and fingerprints that are obtained under 37134  
division (A) of section 311.41 of the Revised Code, are 37135  
confidential and are not public records. ~~Except as provided in~~ 37136  
~~division (B)(2) of this section, no~~ No person shall release or 37137  
otherwise disseminate records that are confidential under this 37138  
division unless required to do so pursuant to a court order. 37139

~~(2)(a) A journalist, on or after April 8, 2004, may submit to~~ 37140  
~~a sheriff a signed, written request to view the name, county of~~ 37141  
~~residence, and date of birth of each person to whom the sheriff~~ 37142  
~~has issued, renewed, or issued a replacement for a concealed~~ 37143  
~~handgun license, or a signed, written request to view the name,~~ 37144  
~~county of residence, and date of birth of each person for whom the~~ 37145  
~~sheriff has suspended or revoked a concealed handgun license. The~~ 37146  
~~request shall include the journalist's name and title, shall~~ 37147  
~~include the name and address of the journalist's employer, and~~ 37148  
~~shall state that disclosure of the information sought would be in~~ 37149  
~~the public interest. If a journalist submits a signed, written~~ 37150  
~~request to the sheriff to view the information described in this~~ 37151

~~division, the sheriff shall grant the journalist's request. The 37152  
journalist shall not copy the name, county of residence, or date 37153  
of birth of each person to or for whom the sheriff has issued, 37154  
suspended, or revoked a license described in this division. 37155~~

~~(b) As used in division (B)(2) of this section, "journalist" 37156  
means a person engaged in, connected with, or employed by any news 37157  
medium, including a newspaper, magazine, press association, news 37158  
agency, or wire service, a radio or television station, or a 37159  
similar medium, for the purpose of gathering, processing, 37160  
transmitting, compiling, editing, or disseminating information for 37161  
the general public. 37162~~

(C) Each sheriff shall report to the Ohio peace officer 37163  
training commission the number of concealed handgun licenses that 37164  
the sheriff issued, renewed, suspended, revoked, or denied under 37165  
section 2923.125 of the Revised Code during the previous quarter 37166  
of the calendar year, the number of applications for those 37167  
licenses for which processing was suspended in accordance with 37168  
division (D)(3) of section 2923.125 of the Revised Code during the 37169  
previous quarter of the calendar year, and the number of concealed 37170  
handgun licenses on a temporary emergency basis that the sheriff 37171  
issued, suspended, revoked, or denied under section 2923.1213 of 37172  
the Revised Code during the previous quarter of the calendar year. 37173  
The sheriff shall not include in the report the name or any other 37174  
identifying information of an applicant or licensee. The sheriff 37175  
shall report that information in a manner that permits the 37176  
commission to maintain the statistics described in division (C) of 37177  
section 109.731 of the Revised Code and to timely prepare the 37178  
statistical report described in that division. The information 37179  
that is received by the commission under this division is a public 37180  
record kept by the commission for the purposes of section 149.43 37181  
of the Revised Code. 37182

(D) Law enforcement agencies may use the information a 37183



sheriff makes available through the use of the law enforcement 37184  
automated data system pursuant to division (H) of section 2923.125 37185  
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 37186  
for law enforcement purposes only. The information is confidential 37187  
and is not a public record. A person who releases or otherwise 37188  
disseminates this information obtained through the law enforcement 37189  
automated data system in a manner not described in this division 37190  
is guilty of a violation of section 2913.04 of the Revised Code. 37191

(E) Whoever violates division (B) of this section is guilty 37192  
of illegal release of confidential concealed handgun license 37193  
records, a felony of the fifth degree. In addition to any 37194  
penalties imposed under Chapter 2929. of the Revised Code for a 37195  
violation of division (B) of this section or a violation of 37196  
section 2913.04 of the Revised Code described in division (D) of 37197  
this section, if the offender is a sheriff, an employee of a 37198  
sheriff, or any other public officer or employee, and if the 37199  
violation was willful and deliberate, the offender shall be 37200  
subject to a civil fine of one thousand dollars. Any person who is 37201  
harmed by a violation of division (B) or (C) of this section or a 37202  
violation of section 2913.04 of the Revised Code described in 37203  
division (D) of this section has a private cause of action against 37204  
the offender for any injury, death, or loss to person or property 37205  
that is a proximate result of the violation and may recover court 37206  
costs and attorney's fees related to the action. 37207

**Sec. 2923.16.** (A) No person shall knowingly discharge a 37208  
firearm while in or on a motor vehicle. 37209

(B) No person shall knowingly transport or have a loaded 37210  
firearm in a motor vehicle in such a manner that the firearm is 37211  
accessible to the operator or any passenger without leaving the 37212  
vehicle. 37213

(C) No person shall knowingly transport or have a firearm in 37214

a motor vehicle, unless the person may lawfully possess that 37215  
firearm under applicable law of this state or the United States, 37216  
the firearm is unloaded, and the firearm is carried in one of the 37217  
following ways: 37218

(1) In a closed package, box, or case; 37219

(2) In a compartment that can be reached only by leaving the 37220  
vehicle; 37221

(3) In plain sight and secured in a rack or holder made for 37222  
the purpose; 37223

(4) If the firearm is at least twenty-four inches in overall 37224  
length as measured from the muzzle to the part of the stock 37225  
furthest from the muzzle and if the barrel is at least eighteen 37226  
inches in length, either in plain sight with the action open or 37227  
the weapon stripped, or, if the firearm is of a type on which the 37228  
action will not stay open or which cannot easily be stripped, in 37229  
plain sight. 37230

(D) No person shall knowingly transport or have a loaded 37231  
handgun in a motor vehicle if, at the time of that transportation 37232  
or possession, any of the following applies: 37233

(1) The person is under the influence of alcohol, a drug of 37234  
abuse, or a combination of them. 37235

(2) The person's whole blood, blood serum or plasma, breath, 37236  
or urine contains a concentration of alcohol, a listed controlled 37237  
substance, or a listed metabolite of a controlled substance 37238  
prohibited for persons operating a vehicle, as specified in 37239  
division (A) of section 4511.19 of the Revised Code, regardless of 37240  
whether the person at the time of the transportation or possession 37241  
as described in this division is the operator of or a passenger in 37242  
the motor vehicle. 37243

(E) No person who has been issued a concealed handgun license 37244

or who is eighteen years of age or older, is an active member of 37245  
the armed forces of the United States, and is carrying a valid 37246  
military identification card and a certificate issued by the 37247  
person's applicable service branch indicating that the person has 37248  
successfully completed small arms qualification, who is the driver 37249  
or an occupant of a motor vehicle that is stopped as a result of a 37250  
traffic stop or a stop for another law enforcement purpose or is 37251  
the driver or an occupant of a commercial motor vehicle that is 37252  
stopped by an employee of the motor carrier enforcement unit for 37253  
the purposes defined in section 5503.34 of the Revised Code, and 37254  
who is transporting or has a loaded handgun in the motor vehicle 37255  
or commercial motor vehicle in any manner, shall do any of the 37256  
following: 37257

(1) Fail to promptly inform any law enforcement officer who 37258  
approaches the vehicle while stopped that the person has been 37259  
issued a concealed handgun license and that the person then 37260  
possesses or has a loaded handgun in the motor vehicle; 37261

(2) Fail to promptly inform the employee of the unit who 37262  
approaches the vehicle while stopped that the person has been 37263  
issued a concealed handgun license and that the person then 37264  
possesses or has a loaded handgun in the commercial motor vehicle; 37265

(3) Knowingly fail to remain in the motor vehicle while 37266  
stopped or knowingly fail to keep the person's hands in plain 37267  
sight at any time after any law enforcement officer begins 37268  
approaching the person while stopped and before the law 37269  
enforcement officer leaves, unless the failure is pursuant to and 37270  
in accordance with directions given by a law enforcement officer; 37271

(4) Knowingly have contact with the loaded handgun by 37272  
touching it with the person's hands or fingers in the motor 37273  
vehicle at any time after the law enforcement officer begins 37274  
approaching and before the law enforcement officer leaves, unless 37275  
the person has contact with the loaded handgun pursuant to and in 37276

accordance with directions given by the law enforcement officer; 37277

(5) Knowingly disregard or fail to comply with any lawful 37278  
order of any law enforcement officer given while the motor vehicle 37279  
is stopped, including, but not limited to, a specific order to the 37280  
person to keep the person's hands in plain sight. 37281

(F)(1) Divisions (A), (B), (C), and (E) of this section do 37282  
not apply to any of the following: 37283

(a) An officer, agent, or employee of this or any other state 37284  
or the United States, or a law enforcement officer, when 37285  
authorized to carry or have loaded or accessible firearms in motor 37286  
vehicles and acting within the scope of the officer's, agent's, or 37287  
employee's duties; 37288

(b) Any person who is employed in this state, who is 37289  
authorized to carry or have loaded or accessible firearms in motor 37290  
vehicles, and who is subject to and in compliance with the 37291  
requirements of section 109.801 of the Revised Code, unless the 37292  
appointing authority of the person has expressly specified that 37293  
the exemption provided in division (F)(1)(b) of this section does 37294  
not apply to the person. 37295

(2) Division (A) of this section does not apply to a person 37296  
if all of the following circumstances apply: 37297

(a) The person discharges a firearm from a motor vehicle at a 37298  
coyote or groundhog, the discharge is not during the deer gun 37299  
hunting season as set by the chief of the division of wildlife of 37300  
the department of natural resources, and the discharge at the 37301  
coyote or groundhog, but for the operation of this section, is 37302  
lawful. 37303

(b) The motor vehicle from which the person discharges the 37304  
firearm is on real property that is located in an unincorporated 37305  
area of a township and that either is zoned for agriculture or is 37306  
used for agriculture. 37307

(c) The person owns the real property described in division 37308  
(F)(2)(b) of this section, is the spouse or a child of another 37309  
person who owns that real property, is a tenant of another person 37310  
who owns that real property, or is the spouse or a child of a 37311  
tenant of another person who owns that real property. 37312

(d) The person does not discharge the firearm in any of the 37313  
following manners: 37314

(i) While under the influence of alcohol, a drug of abuse, or 37315  
alcohol and a drug of abuse; 37316

(ii) In the direction of a street, highway, or other public 37317  
or private property used by the public for vehicular traffic or 37318  
parking; 37319

(iii) At or into an occupied structure that is a permanent or 37320  
temporary habitation; 37321

(iv) In the commission of any violation of law, including, 37322  
but not limited to, a felony that includes, as an essential 37323  
element, purposely or knowingly causing or attempting to cause the 37324  
death of or physical harm to another and that was committed by 37325  
discharging a firearm from a motor vehicle. 37326

(3) Division (A) of this section does not apply to a person 37327  
if all of the following apply: 37328

(a) The person possesses a valid electric-powered all-purpose 37329  
vehicle permit issued under section 1533.103 of the Revised Code 37330  
by the chief of the division of wildlife. 37331

(b) The person discharges a firearm at a wild quadruped or 37332  
game bird as defined in section 1531.01 of the Revised Code during 37333  
the open hunting season for the applicable wild quadruped or game 37334  
bird. 37335

(c) The person discharges a firearm from a stationary 37336  
electric-powered all-purpose vehicle as defined in section 1531.01 37337

of the Revised Code or a motor vehicle that is parked on a road 37338  
that is owned or administered by the division of wildlife, 37339  
provided that the road is identified by an electric-powered 37340  
all-purpose vehicle sign. 37341

(d) The person does not discharge the firearm in any of the 37342  
following manners: 37343

(i) While under the influence of alcohol, a drug of abuse, or 37344  
alcohol and a drug of abuse; 37345

(ii) In the direction of a street, a highway, or other public 37346  
or private property that is used by the public for vehicular 37347  
traffic or parking; 37348

(iii) At or into an occupied structure that is a permanent or 37349  
temporary habitation; 37350

(iv) In the commission of any violation of law, including, 37351  
but not limited to, a felony that includes, as an essential 37352  
element, purposely or knowingly causing or attempting to cause the 37353  
death of or physical harm to another and that was committed by 37354  
discharging a firearm from a motor vehicle. 37355

(4) Divisions (B) and (C) of this section do not apply to a 37356  
person if all of the following circumstances apply: 37357

(a) At the time of the alleged violation of either of those 37358  
divisions, the person is the operator of or a passenger in a motor 37359  
vehicle. 37360

(b) The motor vehicle is on real property that is located in 37361  
an unincorporated area of a township and that either is zoned for 37362  
agriculture or is used for agriculture. 37363

(c) The person owns the real property described in division 37364  
(D)(4)(b) of this section, is the spouse or a child of another 37365  
person who owns that real property, is a tenant of another person 37366  
who owns that real property, or is the spouse or a child of a 37367

tenant of another person who owns that real property. 37368

(d) The person, prior to arriving at the real property 37369  
described in division (D)(4)(b) of this section, did not transport 37370  
or possess a firearm in the motor vehicle in a manner prohibited 37371  
by division (B) or (C) of this section while the motor vehicle was 37372  
being operated on a street, highway, or other public or private 37373  
property used by the public for vehicular traffic or parking. 37374

(5) Divisions (B) and (C) of this section do not apply to a 37375  
person who transports or possesses a handgun in a motor vehicle 37376  
if, at the time of that transportation or possession, both of the 37377  
following apply: 37378

(a) The person transporting or possessing the handgun is 37379  
either carrying a valid concealed handgun license or is eighteen 37380  
years of age or older, is an active member of the armed forces of 37381  
the United States, and is carrying a valid military identification 37382  
card and a certificate issued by the person's applicable service 37383  
branch indicating that the person has successfully completed small 37384  
arms qualification. 37385

(b) The person transporting or possessing the handgun is not 37386  
knowingly in a place described in division (B) of section 2923.126 37387  
of the Revised Code. 37388

(6) Divisions (B) and (C) of this section do not apply to a 37389  
person if all of the following apply: 37390

(a) The person possesses a valid electric-powered all-purpose 37391  
vehicle permit issued under section 1533.103 of the Revised Code 37392  
by the chief of the division of wildlife. 37393

(b) The person is on or in an electric-powered all-purpose 37394  
vehicle as defined in section 1531.01 of the Revised Code or a 37395  
motor vehicle during the open hunting season for a wild quadruped 37396  
or game bird. 37397

(c) The person is on or in an electric-powered all-purpose 37398  
vehicle as defined in section 1531.01 of the Revised Code or a 37399  
motor vehicle that is parked on a road that is owned or 37400  
administered by the division of wildlife, provided that the road 37401  
is identified by an electric-powered all-purpose vehicle sign. 37402

(7) Nothing in this section prohibits or restricts a person 37403  
from possessing, storing, or leaving a firearm in a locked motor 37404  
vehicle that is parked in the state underground parking garage at 37405  
the state capitol building or in the parking garage at the Riffe 37406  
center for government and the arts in Columbus, if the person's 37407  
transportation and possession of the firearm in the motor vehicle 37408  
while traveling to the premises or facility was not in violation 37409  
of division (A), (B), (C), (D), or (E) of this section or any 37410  
other provision of the Revised Code. 37411

(G)(1) The affirmative defenses authorized in divisions 37412  
(D)(1) and (2) of section 2923.12 of the Revised Code are 37413  
affirmative defenses to a charge under division (B) or (C) of this 37414  
section that involves a firearm other than a handgun. 37415

(2) It is an affirmative defense to a charge under division 37416  
(B) or (C) of this section of improperly handling firearms in a 37417  
motor vehicle that the actor transported or had the firearm in the 37418  
motor vehicle for any lawful purpose and while the motor vehicle 37419  
was on the actor's own property, provided that this affirmative 37420  
defense is not available unless the person, immediately prior to 37421  
arriving at the actor's own property, did not transport or possess 37422  
the firearm in a motor vehicle in a manner prohibited by division 37423  
(B) or (C) of this section while the motor vehicle was being 37424  
operated on a street, highway, or other public or private property 37425  
used by the public for vehicular traffic. 37426

(H)(1) No person who is charged with a violation of division 37427  
(B), (C), or (D) of this section shall be required to obtain a 37428  
concealed handgun license as a condition for the dismissal of the 37429



charge. 37430

(2)(a) If a person is convicted of, was convicted of, pleads 37431  
guilty to, or has pleaded guilty to a violation of division (E) of 37432  
this section as it existed prior to September 30, 2011, and if the 37433  
conduct that was the basis of the violation no longer would be a 37434  
violation of division (E) of this section on or after September 37435  
30, 2011, the person may file an application under section 2953.37 37436  
of the Revised Code requesting the expungement of the record of 37437  
conviction. 37438

If a person is convicted of, was convicted of, pleads guilty 37439  
to, or has pleaded guilty to a violation of division (B) or (C) of 37440  
this section as the division existed prior to September 30, 2011, 37441  
and if the conduct that was the basis of the violation no longer 37442  
would be a violation of division (B) or (C) of this section on or 37443  
after September 30, 2011, due to the application of division 37444  
(F)(5) of this section as it exists on and after September 30, 37445  
2011, the person may file an application under section 2953.37 of 37446  
the Revised Code requesting the expungement of the record of 37447  
conviction. 37448

(b) The attorney general shall develop a public media 37449  
advisory that summarizes the expungement procedure established 37450  
under section 2953.37 of the Revised Code and the offenders 37451  
identified in division (H)(2)(a) of this section who are 37452  
authorized to apply for the expungement. Within thirty days after 37453  
September 30, 2011, the attorney general shall provide a copy of 37454  
the advisory to each daily newspaper published in this state and 37455  
each television station that broadcasts in this state. The 37456  
attorney general may provide the advisory in a tangible form, an 37457  
electronic form, or in both tangible and electronic forms. 37458

(I) Whoever violates this section is guilty of improperly 37459  
handling firearms in a motor vehicle. Violation of division (A) of 37460  
this section is a felony of the fourth degree. Violation of 37461

division (C) of this section is a misdemeanor of the fourth 37462  
degree. A violation of division (D) of this section is a felony of 37463  
the fifth degree or, if the loaded handgun is concealed on the 37464  
person's person, a felony of the fourth degree. Except as 37465  
otherwise provided in this division, a violation of division 37466  
(E)(1) or (2) of this section is a misdemeanor of the first 37467  
degree, and, in addition to any other penalty or sanction imposed 37468  
for the violation, the offender's concealed handgun license shall 37469  
be suspended pursuant to division (A)(2) of section 2923.128 of 37470  
the Revised Code. If at the time of the stop of the offender for a 37471  
traffic stop, for another law enforcement purpose, or for a 37472  
purpose defined in section 5503.34 of the Revised Code that was 37473  
the basis of the violation any law enforcement officer involved 37474  
with the stop or the employee of the motor carrier enforcement 37475  
unit who made the stop had actual knowledge of the offender's 37476  
status as a licensee, a violation of division (E)(1) or (2) of 37477  
this section is a minor misdemeanor, and the offender's concealed 37478  
handgun license shall not be suspended pursuant to division (A)(2) 37479  
of section 2923.128 of the Revised Code. A violation of division 37480  
(E)(4) of this section is a felony of the fifth degree. A 37481  
violation of division (E)(3) or (5) of this section is a 37482  
misdemeanor of the first degree or, if the offender previously has 37483  
been convicted of or pleaded guilty to a violation of division 37484  
(E)(3) or (5) of this section, a felony of the fifth degree. In 37485  
addition to any other penalty or sanction imposed for a 37486  
misdemeanor violation of division (E)(3) or (5) of this section, 37487  
the offender's concealed handgun license shall be suspended 37488  
pursuant to division (A)(2) of section 2923.128 of the Revised 37489  
Code. A violation of division (B) of this section is a felony of 37490  
the fourth degree. 37491

(J) If a law enforcement officer stops a motor vehicle for a 37492  
traffic stop or any other purpose, if any person in the motor 37493  
vehicle surrenders a firearm to the officer, either voluntarily or 37494

pursuant to a request or demand of the officer, and if the officer 37495  
does not charge the person with a violation of this section or 37496  
arrest the person for any offense, the person is not otherwise 37497  
prohibited by law from possessing the firearm, and the firearm is 37498  
not contraband, the officer shall return the firearm to the person 37499  
at the termination of the stop. If a court orders a law 37500  
enforcement officer to return a firearm to a person pursuant to 37501  
the requirement set forth in this division, division (B) of 37502  
section 2923.163 of the Revised Code applies. 37503

(K) As used in this section: 37504

(1) "Motor vehicle," "street," and "highway" have the same 37505  
meanings as in section 4511.01 of the Revised Code. 37506

(2) "Occupied structure" has the same meaning as in section 37507  
2909.01 of the Revised Code. 37508

(3) "Agriculture" has the same meaning as in section 519.01 37509  
of the Revised Code. 37510

(4) "Tenant" has the same meaning as in section 1531.01 of 37511  
the Revised Code. 37512

(5)(a) "Unloaded" means, with respect to a firearm other than 37513  
a firearm described in division (K)(6) of this section, that no 37514  
ammunition is in the firearm in question, no magazine or speed 37515  
loader containing ammunition is inserted into the firearm in 37516  
question, and one of the following applies: 37517

(i) There is no ammunition in a magazine or speed loader that 37518  
is in the vehicle in question and that may be used with the 37519  
firearm in question. 37520

(ii) Any magazine or speed loader that contains ammunition 37521  
and that may be used with the firearm in question is stored in a 37522  
compartment within the vehicle in question that cannot be accessed 37523  
without leaving the vehicle or is stored in a container that 37524

provides complete and separate enclosure. 37525

(b) For the purposes of division (K)(5)(a)(ii) of this 37526  
section, a "container that provides complete and separate 37527  
enclosure" includes, but is not limited to, any of the following: 37528

(i) A package, box, or case with multiple compartments, as 37529  
long as the loaded magazine or speed loader and the firearm in 37530  
question either are in separate compartments within the package, 37531  
box, or case, or, if they are in the same compartment, the 37532  
magazine or speed loader is contained within a separate enclosure 37533  
in that compartment that does not contain the firearm and that 37534  
closes using a snap, button, buckle, zipper, hook and loop closing 37535  
mechanism, or other fastener that must be opened to access the 37536  
contents or the firearm is contained within a separate enclosure 37537  
of that nature in that compartment that does not contain the 37538  
magazine or speed loader; 37539

(ii) A pocket or other enclosure on the person of the person 37540  
in question that closes using a snap, button, buckle, zipper, hook 37541  
and loop closing mechanism, or other fastener that must be opened 37542  
to access the contents. 37543

(c) For the purposes of divisions (K)(5)(a) and (b) of this 37544  
section, ammunition held in stripper-clips or in en-bloc clips is 37545  
not considered ammunition that is loaded into a magazine or speed 37546  
loader. 37547

(6) "Unloaded" means, with respect to a firearm employing a 37548  
percussion cap, flintlock, or other obsolete ignition system, when 37549  
the weapon is uncapped or when the priming charge is removed from 37550  
the pan. 37551

(7) "Commercial motor vehicle" has the same meaning as in 37552  
division (A) of section 4506.25 of the Revised Code. 37553

(8) "Motor carrier enforcement unit" means the motor carrier 37554  
enforcement unit in the department of public safety, division of 37555

state highway patrol, that is created by section 5503.34 of the Revised Code. 37556  
37557

(L) Divisions (K)(5)(a) and (b) of this section do not affect 37558  
the authority of a person who is carrying a valid concealed 37559  
handgun license to have one or more magazines or speed loaders 37560  
containing ammunition anywhere in a vehicle, without being 37561  
transported as described in those divisions, as long as no 37562  
ammunition is in a firearm, other than a handgun, in the vehicle 37563  
other than as permitted under any other provision of this chapter. 37564  
A person who is carrying a valid concealed handgun license may 37565  
have one or more magazines or speed loaders containing ammunition 37566  
anywhere in a vehicle without further restriction, as long as no 37567  
ammunition is in a firearm, other than a handgun, in the vehicle 37568  
other than as permitted under any provision of this chapter. 37569

**Sec. 2923.21.** (A) No person shall do any of the following: 37570

(1) Sell any firearm to a person who is under eighteen years 37571  
of age; 37572

(2) Subject to division (B) of this section, sell any handgun 37573  
to a person who is under twenty-one years of age; 37574

(3) Furnish any firearm to a person who is under eighteen 37575  
years of age or, subject to division (B) of this section, furnish 37576  
any handgun to a person who is under twenty-one years of age, 37577  
except for lawful hunting, sporting, or educational purposes, 37578  
including, but not limited to, instruction in firearms or handgun 37579  
safety, care, handling, or marksmanship under the supervision or 37580  
control of a responsible adult; 37581

(4) Sell or furnish a firearm to a person who is eighteen 37582  
years of age or older if the seller or furnisher knows, or has 37583  
reason to know, that the person is purchasing or receiving the 37584  
firearm for the purpose of selling the firearm in violation of 37585

division (A)(1) of this section to a person who is under eighteen 37586  
years of age or for the purpose of furnishing the firearm in 37587  
violation of division (A)(3) of this section to a person who is 37588  
under eighteen years of age; 37589

(5) Sell or furnish a handgun to a person who is twenty-one 37590  
years of age or older if the seller or furnisher knows, or has 37591  
reason to know, that the person is purchasing or receiving the 37592  
handgun for the purpose of selling the handgun in violation of 37593  
division (A)(2) of this section to a person who is under 37594  
twenty-one years of age or for the purpose of furnishing the 37595  
handgun in violation of division (A)(3) of this section to a 37596  
person who is under twenty-one years of age; 37597

(6) Purchase or attempt to purchase any firearm with the 37598  
intent to sell the firearm in violation of division (A)(1) of this 37599  
section to a person who is under eighteen years of age or with the 37600  
intent to furnish the firearm in violation of division (A)(3) of 37601  
this section to a person who is under eighteen years of age; 37602

(7) Purchase or attempt to purchase any handgun with the 37603  
intent to sell the handgun in violation of division (A)(2) of this 37604  
section to a person who is under twenty-one years of age or with 37605  
the intent to furnish the handgun in violation of division (A)(3) 37606  
of this section to a person who is under twenty-one years of age. 37607

(B) Divisions (A)(1) and (2) of this section do not apply to 37608  
the sale or furnishing of a handgun to a person eighteen years of 37609  
age or older and under twenty-one years of age if the person 37610  
eighteen years of age or older and under twenty-one years of age 37611  
is either a law enforcement officer who is properly appointed or 37612  
employed as a law enforcement officer and has received firearms 37613  
training approved by the Ohio peace officer training council or 37614  
equivalent firearms training or is an active member of the armed 37615  
forces of the United States and the person has received small arms 37616  
training from the armed forces or the equivalent small arms 37617

training. 37618

(C) Whoever violates this section is guilty of improperly 37619  
furnishing firearms to a minor, a felony of the fifth degree. 37620

**Sec. 2925.03.** (A) No person shall knowingly do any of the 37621  
following: 37622

(1) Sell or offer to sell a controlled substance or a 37623  
controlled substance analog; 37624

(2) Prepare for shipment, ship, transport, deliver, prepare 37625  
for distribution, or distribute a controlled substance or a 37626  
controlled substance analog, when the offender knows or has 37627  
reasonable cause to believe that the controlled substance or a 37628  
controlled substance analog is intended for sale or resale by the 37629  
offender or another person. 37630

(B) This section does not apply to any of the following: 37631

(1) Manufacturers, licensed health professionals authorized 37632  
to prescribe drugs, pharmacists, owners of pharmacies, and other 37633  
persons whose conduct is in accordance with Chapters 3719., 4715., 37634  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 37635

(2) If the offense involves an anabolic steroid, any person 37636  
who is conducting or participating in a research project involving 37637  
the use of an anabolic steroid if the project has been approved by 37638  
the United States food and drug administration; 37639

(3) Any person who sells, offers for sale, prescribes, 37640  
dispenses, or administers for livestock or other nonhuman species 37641  
an anabolic steroid that is expressly intended for administration 37642  
through implants to livestock or other nonhuman species and 37643  
approved for that purpose under the "Federal Food, Drug, and 37644  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 37645  
and is sold, offered for sale, prescribed, dispensed, or 37646  
administered for that purpose in accordance with that act. 37647

(C) Whoever violates division (A) of this section is guilty 37648  
of one of the following: 37649

(1) If the drug involved in the violation is any compound, 37650  
mixture, preparation, or substance included in schedule I or 37651  
schedule II, with the exception of marihuana, cocaine, L.S.D., 37652  
heroin, hashish, and controlled substance analogs, whoever 37653  
violates division (A) of this section is guilty of aggravated 37654  
trafficking in drugs. The penalty for the offense shall be 37655  
determined as follows: 37656

(a) Except as otherwise provided in division (C)(1)(b), (c), 37657  
(d), (e), or (f) of this section, aggravated trafficking in drugs 37658  
is a felony of the fourth degree, and division (C) of section 37659  
2929.13 of the Revised Code applies in determining whether to 37660  
impose a prison term on the offender. 37661

(b) Except as otherwise provided in division (C)(1)(c), (d), 37662  
(e), or (f) of this section, if the offense was committed in the 37663  
vicinity of a school or in the vicinity of a juvenile, aggravated 37664  
trafficking in drugs is a felony of the third degree, and division 37665  
(C) of section 2929.13 of the Revised Code applies in determining 37666  
whether to impose a prison term on the offender. 37667

(c) Except as otherwise provided in this division, if the 37668  
amount of the drug involved equals or exceeds the bulk amount but 37669  
is less than five times the bulk amount, aggravated trafficking in 37670  
drugs is a felony of the third degree, and, except as otherwise 37671  
provided in this division, there is a presumption for a prison 37672  
term for the offense. If aggravated trafficking in drugs is a 37673  
felony of the third degree under this division and if the offender 37674  
within ten years of the offense two or more times previously has 37675  
been convicted of or pleaded guilty to a felony drug abuse 37676  
offense, the court shall impose as a mandatory prison term one of 37677  
the prison terms prescribed for a felony of the third degree. If 37678  
the amount of the drug involved is within that range and if the 37679



offense was committed in the vicinity of a school or in the 37680  
vicinity of a juvenile, aggravated trafficking in drugs is a 37681  
felony of the second degree, and the court shall impose as a 37682  
mandatory prison term one of the prison terms prescribed for a 37683  
felony of the second degree. 37684

(d) Except as otherwise provided in this division, if the 37685  
amount of the drug involved equals or exceeds five times the bulk 37686  
amount but is less than fifty times the bulk amount, aggravated 37687  
trafficking in drugs is a felony of the second degree, and the 37688  
court shall impose as a mandatory prison term one of the prison 37689  
terms prescribed for a felony of the second degree. If the amount 37690  
of the drug involved is within that range and if the offense was 37691  
committed in the vicinity of a school or in the vicinity of a 37692  
juvenile, aggravated trafficking in drugs is a felony of the first 37693  
degree, and the court shall impose as a mandatory prison term one 37694  
of the prison terms prescribed for a felony of the first degree. 37695

(e) If the amount of the drug involved equals or exceeds 37696  
fifty times the bulk amount but is less than one hundred times the 37697  
bulk amount and regardless of whether the offense was committed in 37698  
the vicinity of a school or in the vicinity of a juvenile, 37699  
aggravated trafficking in drugs is a felony of the first degree, 37700  
and the court shall impose as a mandatory prison term one of the 37701  
prison terms prescribed for a felony of the first degree. 37702

(f) If the amount of the drug involved equals or exceeds one 37703  
hundred times the bulk amount and regardless of whether the 37704  
offense was committed in the vicinity of a school or in the 37705  
vicinity of a juvenile, aggravated trafficking in drugs is a 37706  
felony of the first degree, the offender is a major drug offender, 37707  
and the court shall impose as a mandatory prison term the maximum 37708  
prison term prescribed for a felony of the first degree. 37709

(2) If the drug involved in the violation is any compound, 37710  
mixture, preparation, or substance included in schedule III, IV, 37711

or V, whoever violates division (A) of this section is guilty of 37712  
trafficking in drugs. The penalty for the offense shall be 37713  
determined as follows: 37714

(a) Except as otherwise provided in division (C)(2)(b), (c), 37715  
(d), or (e) of this section, trafficking in drugs is a felony of 37716  
the fifth degree, and division (B) of section 2929.13 of the 37717  
Revised Code applies in determining whether to impose a prison 37718  
term on the offender. 37719

(b) Except as otherwise provided in division (C)(2)(c), (d), 37720  
or (e) of this section, if the offense was committed in the 37721  
vicinity of a school or in the vicinity of a juvenile, trafficking 37722  
in drugs is a felony of the fourth degree, and division (C) of 37723  
section 2929.13 of the Revised Code applies in determining whether 37724  
to impose a prison term on the offender. 37725

(c) Except as otherwise provided in this division, if the 37726  
amount of the drug involved equals or exceeds the bulk amount but 37727  
is less than five times the bulk amount, trafficking in drugs is a 37728  
felony of the fourth degree, and division (B) of section 2929.13 37729  
of the Revised Code applies in determining whether to impose a 37730  
prison term for the offense. If the amount of the drug involved is 37731  
within that range and if the offense was committed in the vicinity 37732  
of a school or in the vicinity of a juvenile, trafficking in drugs 37733  
is a felony of the third degree, and there is a presumption for a 37734  
prison term for the offense. 37735

(d) Except as otherwise provided in this division, if the 37736  
amount of the drug involved equals or exceeds five times the bulk 37737  
amount but is less than fifty times the bulk amount, trafficking 37738  
in drugs is a felony of the third degree, and there is a 37739  
presumption for a prison term for the offense. If the amount of 37740  
the drug involved is within that range and if the offense was 37741  
committed in the vicinity of a school or in the vicinity of a 37742  
juvenile, trafficking in drugs is a felony of the second degree, 37743

and there is a presumption for a prison term for the offense. 37744

(e) Except as otherwise provided in this division, if the 37745  
amount of the drug involved equals or exceeds fifty times the bulk 37746  
amount, trafficking in drugs is a felony of the second degree, and 37747  
the court shall impose as a mandatory prison term one of the 37748  
prison terms prescribed for a felony of the second degree. If the 37749  
amount of the drug involved equals or exceeds fifty times the bulk 37750  
amount and if the offense was committed in the vicinity of a 37751  
school or in the vicinity of a juvenile, trafficking in drugs is a 37752  
felony of the first degree, and the court shall impose as a 37753  
mandatory prison term one of the prison terms prescribed for a 37754  
felony of the first degree. 37755

(3) If the drug involved in the violation is marihuana or a 37756  
compound, mixture, preparation, or substance containing marihuana 37757  
other than hashish, whoever violates division (A) of this section 37758  
is guilty of trafficking in marihuana. The penalty for the offense 37759  
shall be determined as follows: 37760

(a) Except as otherwise provided in division (C)(3)(b), (c), 37761  
(d), (e), (f), (g), or (h) of this section, trafficking in 37762  
marihuana is a felony of the fifth degree, and division (B) of 37763  
section 2929.13 of the Revised Code applies in determining whether 37764  
to impose a prison term on the offender. 37765

(b) Except as otherwise provided in division (C)(3)(c), (d), 37766  
(e), (f), (g), or (h) of this section, if the offense was 37767  
committed in the vicinity of a school or in the vicinity of a 37768  
juvenile, trafficking in marihuana is a felony of the fourth 37769  
degree, and division (B) of section 2929.13 of the Revised Code 37770  
applies in determining whether to impose a prison term on the 37771  
offender. 37772

(c) Except as otherwise provided in this division, if the 37773  
amount of the drug involved equals or exceeds two hundred grams 37774

but is less than one thousand grams, trafficking in marihuana is a 37775  
felony of the fourth degree, and division (B) of section 2929.13 37776  
of the Revised Code applies in determining whether to impose a 37777  
prison term on the offender. If the amount of the drug involved is 37778  
within that range and if the offense was committed in the vicinity 37779  
of a school or in the vicinity of a juvenile, trafficking in 37780  
marihuana is a felony of the third degree, and division (C) of 37781  
section 2929.13 of the Revised Code applies in determining whether 37782  
to impose a prison term on the offender. 37783

(d) Except as otherwise provided in this division, if the 37784  
amount of the drug involved equals or exceeds one thousand grams 37785  
but is less than five thousand grams, trafficking in marihuana is 37786  
a felony of the third degree, and division (C) of section 2929.13 37787  
of the Revised Code applies in determining whether to impose a 37788  
prison term on the offender. If the amount of the drug involved is 37789  
within that range and if the offense was committed in the vicinity 37790  
of a school or in the vicinity of a juvenile, trafficking in 37791  
marihuana is a felony of the second degree, and there is a 37792  
presumption that a prison term shall be imposed for the offense. 37793

(e) Except as otherwise provided in this division, if the 37794  
amount of the drug involved equals or exceeds five thousand grams 37795  
but is less than twenty thousand grams, trafficking in marihuana 37796  
is a felony of the third degree, and there is a presumption that a 37797  
prison term shall be imposed for the offense. If the amount of the 37798  
drug involved is within that range and if the offense was 37799  
committed in the vicinity of a school or in the vicinity of a 37800  
juvenile, trafficking in marihuana is a felony of the second 37801  
degree, and there is a presumption that a prison term shall be 37802  
imposed for the offense. 37803

(f) Except as otherwise provided in this division, if the 37804  
amount of the drug involved equals or exceeds twenty thousand 37805  
grams but is less than forty thousand grams, trafficking in 37806

marihuana is a felony of the second degree, and the court shall 37807  
impose a mandatory prison term of five, six, seven, or eight 37808  
years. If the amount of the drug involved is within that range and 37809  
if the offense was committed in the vicinity of a school or in the 37810  
vicinity of a juvenile, trafficking in marihuana is a felony of 37811  
the first degree, and the court shall impose as a mandatory prison 37812  
term the maximum prison term prescribed for a felony of the first 37813  
degree. 37814

(g) Except as otherwise provided in this division, if the 37815  
amount of the drug involved equals or exceeds forty thousand 37816  
grams, trafficking in marihuana is a felony of the second degree, 37817  
and the court shall impose as a mandatory prison term the maximum 37818  
prison term prescribed for a felony of the second degree. If the 37819  
amount of the drug involved equals or exceeds forty thousand grams 37820  
and if the offense was committed in the vicinity of a school or in 37821  
the vicinity of a juvenile, trafficking in marihuana is a felony 37822  
of the first degree, and the court shall impose as a mandatory 37823  
prison term the maximum prison term prescribed for a felony of the 37824  
first degree. 37825

(h) Except as otherwise provided in this division, if the 37826  
offense involves a gift of twenty grams or less of marihuana, 37827  
trafficking in marihuana is a minor misdemeanor upon a first 37828  
offense and a misdemeanor of the third degree upon a subsequent 37829  
offense. If the offense involves a gift of twenty grams or less of 37830  
marihuana and if the offense was committed in the vicinity of a 37831  
school or in the vicinity of a juvenile, trafficking in marihuana 37832  
is a misdemeanor of the third degree. 37833

(4) If the drug involved in the violation is cocaine or a 37834  
compound, mixture, preparation, or substance containing cocaine, 37835  
whoever violates division (A) of this section is guilty of 37836  
trafficking in cocaine. The penalty for the offense shall be 37837  
determined as follows: 37838

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(4)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender within ten years of the offense two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the

drug involved is within that range and if the offense was 37871  
committed in the vicinity of a school or in the vicinity of a 37872  
juvenile, trafficking in cocaine is a felony of the second degree, 37873  
and the court shall impose as a mandatory prison term one of the 37874  
prison terms prescribed for a felony of the second degree. 37875

(e) Except as otherwise provided in this division, if the 37876  
amount of the drug involved equals or exceeds twenty grams but is 37877  
less than twenty-seven grams of cocaine, trafficking in cocaine is 37878  
a felony of the second degree, and the court shall impose as a 37879  
mandatory prison term one of the prison terms prescribed for a 37880  
felony of the second degree. If the amount of the drug involved is 37881  
within that range and if the offense was committed in the vicinity 37882  
of a school or in the vicinity of a juvenile, trafficking in 37883  
cocaine is a felony of the first degree, and the court shall 37884  
impose as a mandatory prison term one of the prison terms 37885  
prescribed for a felony of the first degree. 37886

(f) If the amount of the drug involved equals or exceeds 37887  
twenty-seven grams but is less than one hundred grams of cocaine 37888  
and regardless of whether the offense was committed in the 37889  
vicinity of a school or in the vicinity of a juvenile, trafficking 37890  
in cocaine is a felony of the first degree, and the court shall 37891  
impose as a mandatory prison term one of the prison terms 37892  
prescribed for a felony of the first degree. 37893

(g) If the amount of the drug involved equals or exceeds one 37894  
hundred grams of cocaine and regardless of whether the offense was 37895  
committed in the vicinity of a school or in the vicinity of a 37896  
juvenile, trafficking in cocaine is a felony of the first degree, 37897  
the offender is a major drug offender, and the court shall impose 37898  
as a mandatory prison term the maximum prison term prescribed for 37899  
a felony of the first degree. 37900

(5) If the drug involved in the violation is L.S.D. or a 37901  
compound, mixture, preparation, or substance containing L.S.D., 37902

whoever violates division (A) of this section is guilty of 37903  
trafficking in L.S.D. The penalty for the offense shall be 37904  
determined as follows: 37905

(a) Except as otherwise provided in division (C)(5)(b), (c), 37906  
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 37907  
felony of the fifth degree, and division (B) of section 2929.13 of 37908  
the Revised Code applies in determining whether to impose a prison 37909  
term on the offender. 37910

(b) Except as otherwise provided in division (C)(5)(c), (d), 37911  
(e), (f), or (g) of this section, if the offense was committed in 37912  
the vicinity of a school or in the vicinity of a juvenile, 37913  
trafficking in L.S.D. is a felony of the fourth degree, and 37914  
division (C) of section 2929.13 of the Revised Code applies in 37915  
determining whether to impose a prison term on the offender. 37916

(c) Except as otherwise provided in this division, if the 37917  
amount of the drug involved equals or exceeds ten unit doses but 37918  
is less than fifty unit doses of L.S.D. in a solid form or equals 37919  
or exceeds one gram but is less than five grams of L.S.D. in a 37920  
liquid concentrate, liquid extract, or liquid distillate form, 37921  
trafficking in L.S.D. is a felony of the fourth degree, and 37922  
division (B) of section 2929.13 of the Revised Code applies in 37923  
determining whether to impose a prison term for the offense. If 37924  
the amount of the drug involved is within that range and if the 37925  
offense was committed in the vicinity of a school or in the 37926  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 37927  
third degree, and there is a presumption for a prison term for the 37928  
offense. 37929

(d) Except as otherwise provided in this division, if the 37930  
amount of the drug involved equals or exceeds fifty unit doses but 37931  
is less than two hundred fifty unit doses of L.S.D. in a solid 37932  
form or equals or exceeds five grams but is less than twenty-five 37933  
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 37934



distillate form, trafficking in L.S.D. is a felony of the third 37935  
degree, and, except as otherwise provided in this division, there 37936  
is a presumption for a prison term for the offense. If trafficking 37937  
in L.S.D. is a felony of the third degree under this division and 37938  
if the offender within ten years of the offense two or more times 37939  
previously has been convicted of or pleaded guilty to a felony 37940  
drug abuse offense, the court shall impose as a mandatory prison 37941  
term one of the prison terms prescribed for a felony of the third 37942  
degree. If the amount of the drug involved is within that range 37943  
and if the offense was committed in the vicinity of a school or in 37944  
the vicinity of a juvenile, trafficking in L.S.D. is a felony of 37945  
the second degree, and the court shall impose as a mandatory 37946  
prison term one of the prison terms prescribed for a felony of the 37947  
second degree. 37948

(e) Except as otherwise provided in this division, if the 37949  
amount of the drug involved equals or exceeds two hundred fifty 37950  
unit doses but is less than one thousand unit doses of L.S.D. in a 37951  
solid form or equals or exceeds twenty-five grams but is less than 37952  
one hundred grams of L.S.D. in a liquid concentrate, liquid 37953  
extract, or liquid distillate form, trafficking in L.S.D. is a 37954  
felony of the second degree, and the court shall impose as a 37955  
mandatory prison term one of the prison terms prescribed for a 37956  
felony of the second degree. If the amount of the drug involved is 37957  
within that range and if the offense was committed in the vicinity 37958  
of a school or in the vicinity of a juvenile, trafficking in 37959  
L.S.D. is a felony of the first degree, and the court shall impose 37960  
as a mandatory prison term one of the prison terms prescribed for 37961  
a felony of the first degree. 37962

(f) If the amount of the drug involved equals or exceeds one 37963  
thousand unit doses but is less than five thousand unit doses of 37964  
L.S.D. in a solid form or equals or exceeds one hundred grams but 37965  
is less than five hundred grams of L.S.D. in a liquid concentrate, 37966

liquid extract, or liquid distillate form and regardless of 37967  
whether the offense was committed in the vicinity of a school or 37968  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 37969  
of the first degree, and the court shall impose as a mandatory 37970  
prison term one of the prison terms prescribed for a felony of the 37971  
first degree. 37972

(g) If the amount of the drug involved equals or exceeds five 37973  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 37974  
five hundred grams of L.S.D. in a liquid concentrate, liquid 37975  
extract, or liquid distillate form and regardless of whether the 37976  
offense was committed in the vicinity of a school or in the 37977  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 37978  
first degree, the offender is a major drug offender, and the court 37979  
shall impose as a mandatory prison term the maximum prison term 37980  
prescribed for a felony of the first degree. 37981

(6) If the drug involved in the violation is heroin or a 37982  
compound, mixture, preparation, or substance containing heroin, 37983  
whoever violates division (A) of this section is guilty of 37984  
trafficking in heroin. The penalty for the offense shall be 37985  
determined as follows: 37986

(a) Except as otherwise provided in division (C)(6)(b), (c), 37987  
(d), (e), (f), or (g) of this section, trafficking in heroin is a 37988  
felony of the fifth degree, and division (B) of section 2929.13 of 37989  
the Revised Code applies in determining whether to impose a prison 37990  
term on the offender. 37991

(b) Except as otherwise provided in division (C)(6)(c), (d), 37992  
(e), (f), or (g) of this section, if the offense was committed in 37993  
the vicinity of a school or in the vicinity of a juvenile, 37994  
trafficking in heroin is a felony of the fourth degree, and 37995  
division (C) of section 2929.13 of the Revised Code applies in 37996  
determining whether to impose a prison term on the offender. 37997

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the

prison terms prescribed for a felony of the first degree. 38030

(f) If the amount of the drug involved equals or exceeds five 38031  
hundred unit doses but is less than two thousand five hundred unit 38032  
doses or equals or exceeds fifty grams but is less than two 38033  
hundred fifty grams and regardless of whether the offense was 38034  
committed in the vicinity of a school or in the vicinity of a 38035  
juvenile, trafficking in heroin is a felony of the first degree, 38036  
and the court shall impose as a mandatory prison term one of the 38037  
prison terms prescribed for a felony of the first degree. 38038

(g) If the amount of the drug involved equals or exceeds two 38039  
thousand five hundred unit doses or equals or exceeds two hundred 38040  
fifty grams and regardless of whether the offense was committed in 38041  
the vicinity of a school or in the vicinity of a juvenile, 38042  
trafficking in heroin is a felony of the first degree, the 38043  
offender is a major drug offender, and the court shall impose as a 38044  
mandatory prison term the maximum prison term prescribed for a 38045  
felony of the first degree. 38046

(7) If the drug involved in the violation is hashish or a 38047  
compound, mixture, preparation, or substance containing hashish, 38048  
whoever violates division (A) of this section is guilty of 38049  
trafficking in hashish. The penalty for the offense shall be 38050  
determined as follows: 38051

(a) Except as otherwise provided in division (C)(7)(b), (c), 38052  
(d), (e), (f), or (g) of this section, trafficking in hashish is a 38053  
felony of the fifth degree, and division (B) of section 2929.13 of 38054  
the Revised Code applies in determining whether to impose a prison 38055  
term on the offender. 38056

(b) Except as otherwise provided in division (C)(7)(c), (d), 38057  
(e), (f), or (g) of this section, if the offense was committed in 38058  
the vicinity of a school or in the vicinity of a juvenile, 38059  
trafficking in hashish is a felony of the fourth degree, and 38060

division (B) of section 2929.13 of the Revised Code applies in 38061  
determining whether to impose a prison term on the offender. 38062

(c) Except as otherwise provided in this division, if the 38063  
amount of the drug involved equals or exceeds ten grams but is 38064  
less than fifty grams of hashish in a solid form or equals or 38065  
exceeds two grams but is less than ten grams of hashish in a 38066  
liquid concentrate, liquid extract, or liquid distillate form, 38067  
trafficking in hashish is a felony of the fourth degree, and 38068  
division (B) of section 2929.13 of the Revised Code applies in 38069  
determining whether to impose a prison term on the offender. If 38070  
the amount of the drug involved is within that range and if the 38071  
offense was committed in the vicinity of a school or in the 38072  
vicinity of a juvenile, trafficking in hashish is a felony of the 38073  
third degree, and division (C) of section 2929.13 of the Revised 38074  
Code applies in determining whether to impose a prison term on the 38075  
offender. 38076

(d) Except as otherwise provided in this division, if the 38077  
amount of the drug involved equals or exceeds fifty grams but is 38078  
less than two hundred fifty grams of hashish in a solid form or 38079  
equals or exceeds ten grams but is less than fifty grams of 38080  
hashish in a liquid concentrate, liquid extract, or liquid 38081  
distillate form, trafficking in hashish is a felony of the third 38082  
degree, and division (C) of section 2929.13 of the Revised Code 38083  
applies in determining whether to impose a prison term on the 38084  
offender. If the amount of the drug involved is within that range 38085  
and if the offense was committed in the vicinity of a school or in 38086  
the vicinity of a juvenile, trafficking in hashish is a felony of 38087  
the second degree, and there is a presumption that a prison term 38088  
shall be imposed for the offense. 38089

(e) Except as otherwise provided in this division, if the 38090  
amount of the drug involved equals or exceeds two hundred fifty 38091  
grams but is less than one thousand grams of hashish in a solid 38092

form or equals or exceeds fifty grams but is less than two hundred 38093  
grams of hashish in a liquid concentrate, liquid extract, or 38094  
liquid distillate form, trafficking in hashish is a felony of the 38095  
third degree, and there is a presumption that a prison term shall 38096  
be imposed for the offense. If the amount of the drug involved is 38097  
within that range and if the offense was committed in the vicinity 38098  
of a school or in the vicinity of a juvenile, trafficking in 38099  
hashish is a felony of the second degree, and there is a 38100  
presumption that a prison term shall be imposed for the offense. 38101

(f) Except as otherwise provided in this division, if the 38102  
amount of the drug involved equals or exceeds one thousand grams 38103  
but is less than two thousand grams of hashish in a solid form or 38104  
equals or exceeds two hundred grams but is less than four hundred 38105  
grams of hashish in a liquid concentrate, liquid extract, or 38106  
liquid distillate form, trafficking in hashish is a felony of the 38107  
second degree, and the court shall impose a mandatory prison term 38108  
of five, six, seven, or eight years. If the amount of the drug 38109  
involved is within that range and if the offense was committed in 38110  
the vicinity of a school or in the vicinity of a juvenile, 38111  
trafficking in hashish is a felony of the first degree, and the 38112  
court shall impose as a mandatory prison term the maximum prison 38113  
term prescribed for a felony of the first degree. 38114

(g) Except as otherwise provided in this division, if the 38115  
amount of the drug involved equals or exceeds two thousand grams 38116  
of hashish in a solid form or equals or exceeds four hundred grams 38117  
of hashish in a liquid concentrate, liquid extract, or liquid 38118  
distillate form, trafficking in hashish is a felony of the second 38119  
degree, and the court shall impose as a mandatory prison term the 38120  
maximum prison term prescribed for a felony of the second degree. 38121  
If the amount of the drug involved equals or exceeds two thousand 38122  
grams of hashish in a solid form or equals or exceeds four hundred 38123  
grams of hashish in a liquid concentrate, liquid extract, or 38124

liquid distillate form and if the offense was committed in the 38125  
vicinity of a school or in the vicinity of a juvenile, trafficking 38126  
in hashish is a felony of the first degree, and the court shall 38127  
impose as a mandatory prison term the maximum prison term 38128  
prescribed for a felony of the first degree. 38129

(8) If the drug involved in the violation is a controlled 38130  
substance analog or compound, mixture, preparation, or substance 38131  
that contains a controlled substance analog, whoever violates 38132  
division (A) of this section is guilty of trafficking in a 38133  
controlled substance analog. The penalty for the offense shall be 38134  
determined as follows: 38135

(a) Except as otherwise provided in division (C)(8)(b), (c), 38136  
(d), (e), (f), or (g) of this section, trafficking in a controlled 38137  
substance analog is a felony of the fifth degree, and division (C) 38138  
of section 2929.13 of the Revised Code applies in determining 38139  
whether to impose a prison term on the offender. 38140

(b) Except as otherwise provided in division (C)(8)(c), (d), 38141  
(e), (f), or (g) of this section, if the offense was committed in 38142  
the vicinity of a school or in the vicinity of a juvenile, 38143  
trafficking in a controlled substance analog is a felony of the 38144  
fourth degree, and division (C) of section 2929.13 of the Revised 38145  
Code applies in determining whether to impose a prison term on the 38146  
offender. 38147

(c) Except as otherwise provided in this division, if the 38148  
amount of the drug involved equals or exceeds ten grams but is 38149  
less than twenty grams, trafficking in a controlled substance 38150  
analog is a felony of the fourth degree, and division (B) of 38151  
section 2929.13 of the Revised Code applies in determining whether 38152  
to impose a prison term for the offense. If the amount of the drug 38153  
involved is within that range and if the offense was committed in 38154  
the vicinity of a school or in the vicinity of a juvenile, 38155  
trafficking in a controlled substance analog is a felony of the 38156

third degree, and there is a presumption for a prison term for the offense. 38157  
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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense. 38159  
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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 38169  
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(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 38181  
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(g) If the amount of the drug involved equals or exceeds 38188



fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining

amount was a fine imposed under division (H)(1) of this section. 38221

(2) The court shall suspend the driver's or commercial 38222  
driver's license or permit of the offender in accordance with 38223  
division (G) of this section. 38224

(3) If the offender is a professionally licensed person, the 38225  
court immediately shall comply with section 2925.38 of the Revised 38226  
Code. 38227

(E) When a person is charged with the sale of or offer to 38228  
sell a bulk amount or a multiple of a bulk amount of a controlled 38229  
substance, the jury, or the court trying the accused, shall 38230  
determine the amount of the controlled substance involved at the 38231  
time of the offense and, if a guilty verdict is returned, shall 38232  
return the findings as part of the verdict. In any such case, it 38233  
is unnecessary to find and return the exact amount of the 38234  
controlled substance involved, and it is sufficient if the finding 38235  
and return is to the effect that the amount of the controlled 38236  
substance involved is the requisite amount, or that the amount of 38237  
the controlled substance involved is less than the requisite 38238  
amount. 38239

(F)(1) Notwithstanding any contrary provision of section 38240  
3719.21 of the Revised Code and except as provided in division (H) 38241  
of this section, the clerk of the court shall pay any mandatory 38242  
fine imposed pursuant to division (D)(1) of this section and any 38243  
fine other than a mandatory fine that is imposed for a violation 38244  
of this section pursuant to division (A) or (B)(5) of section 38245  
2929.18 of the Revised Code to the county, township, municipal 38246  
corporation, park district, as created pursuant to section 511.18 38247  
or 1545.04 of the Revised Code, or state law enforcement agencies 38248  
in this state that primarily were responsible for or involved in 38249  
making the arrest of, and in prosecuting, the offender. However, 38250  
the clerk shall not pay a mandatory fine so imposed to a law 38251  
enforcement agency unless the agency has adopted a written 38252

internal control policy under division (F)(2) of this section that 38253  
addresses the use of the fine moneys that it receives. Each agency 38254  
shall use the mandatory fines so paid to subsidize the agency's 38255  
law enforcement efforts that pertain to drug offenses, in 38256  
accordance with the written internal control policy adopted by the 38257  
recipient agency under division (F)(2) of this section. 38258

(2) Prior to receiving any fine moneys under division (F)(1) 38259  
of this section or division (B) of section 2925.42 of the Revised 38260  
Code, a law enforcement agency shall adopt a written internal 38261  
control policy that addresses the agency's use and disposition of 38262  
all fine moneys so received and that provides for the keeping of 38263  
detailed financial records of the receipts of those fine moneys, 38264  
the general types of expenditures made out of those fine moneys, 38265  
and the specific amount of each general type of expenditure. The 38266  
policy shall not provide for or permit the identification of any 38267  
specific expenditure that is made in an ongoing investigation. All 38268  
financial records of the receipts of those fine moneys, the 38269  
general types of expenditures made out of those fine moneys, and 38270  
the specific amount of each general type of expenditure by an 38271  
agency are public records open for inspection under section 149.43 38272  
of the Revised Code. Additionally, a written internal control 38273  
policy adopted under this division is such a public record, and 38274  
the agency that adopted it shall comply with it. 38275

(3) As used in division (F) of this section: 38276

(a) "Law enforcement agencies" includes, but is not limited 38277  
to, the state board of pharmacy and the office of a prosecutor. 38278

(b) "Prosecutor" has the same meaning as in section 2935.01 38279  
of the Revised Code. 38280

(G) When required under division (D)(2) of this section or 38281  
any other provision of this chapter, the court shall suspend for 38282  
not less than six months or more than five years the driver's or 38283

commercial driver's license or permit of any person who is 38284  
convicted of or pleads guilty to any violation of this section or 38285  
any other specified provision of this chapter. If an offender's 38286  
driver's or commercial driver's license or permit is suspended 38287  
pursuant to this division, the offender, at any time after the 38288  
expiration of two years from the day on which the offender's 38289  
sentence was imposed or from the day on which the offender finally 38290  
was released from a prison term under the sentence, whichever is 38291  
later, may file a motion with the sentencing court requesting 38292  
termination of the suspension; upon the filing of such a motion 38293  
and the court's finding of good cause for the termination, the 38294  
court may terminate the suspension. 38295

(H)(1) In addition to any prison term authorized or required 38296  
by division (C) of this section and sections 2929.13 and 2929.14 38297  
of the Revised Code, in addition to any other penalty or sanction 38298  
imposed for the offense under this section or sections 2929.11 to 38299  
2929.18 of the Revised Code, and in addition to the forfeiture of 38300  
property in connection with the offense as prescribed in Chapter 38301  
2981. of the Revised Code, the court that sentences an offender 38302  
who is convicted of or pleads guilty to a violation of division 38303  
(A) of this section may impose upon the offender an additional 38304  
fine specified for the offense in division (B)(4) of section 38305  
2929.18 of the Revised Code. A fine imposed under division (H)(1) 38306  
of this section is not subject to division (F) of this section and 38307  
shall be used solely for the support of one or more eligible 38308  
community addiction services ~~provider~~ providers in accordance with 38309  
divisions (H)(2) and (3) of this section. 38310

(2) The court that imposes a fine under division (H)(1) of 38311  
this section shall specify in the judgment that imposes the fine 38312  
one or more eligible community addiction services ~~provider~~ 38313  
providers for the support of which the fine money is to be used. 38314  
No community addiction services provider shall receive or use 38315

money paid or collected in satisfaction of a fine imposed under 38316  
division (H)(1) of this section unless the services provider is 38317  
specified in the judgment that imposes the fine. No community 38318  
addiction services provider shall be specified in the judgment 38319  
unless the services provider is an eligible community addiction 38320  
services provider and, except as otherwise provided in division 38321  
(H)(2) of this section, unless the services provider is located in 38322  
the county in which the court that imposes the fine is located or 38323  
in a county that is immediately contiguous to the county in which 38324  
that court is located. If no eligible community addiction services 38325  
provider is located in any of those counties, the judgment may 38326  
specify an eligible community addiction services provider that is 38327  
located anywhere within this state. 38328

(3) Notwithstanding any contrary provision of section 3719.21 38329  
of the Revised Code, the clerk of the court shall pay any fine 38330  
imposed under division (H)(1) of this section to the eligible 38331  
community addiction services provider specified pursuant to 38332  
division (H)(2) of this section in the judgment. The eligible 38333  
community addiction services provider that receives the fine 38334  
moneys shall use the moneys only for the alcohol and drug 38335  
addiction services identified in the application for certification 38336  
of services under section 5119.36 of the Revised Code or in the 38337  
application for a license under section 5119.391 of the Revised 38338  
Code filed with the department of mental health and addiction 38339  
services by the community addiction services provider specified in 38340  
the judgment. 38341

(4) Each community addiction services provider that receives 38342  
in a calendar year any fine moneys under division (H)(3) of this 38343  
section shall file an annual report covering that calendar year 38344  
with the court of common pleas and the board of county 38345  
commissioners of the county in which the services provider is 38346  
located, with the court of common pleas and the board of county 38347

commissioners of each county from which the services provider 38348  
received the moneys if that county is different from the county in 38349  
which the services provider is located, and with the attorney 38350  
general. The community addiction services provider shall file the 38351  
report no later than the first day of March in the calendar year 38352  
following the calendar year in which the services provider 38353  
received the fine moneys. The report shall include statistics on 38354  
the number of persons served by the community addiction services 38355  
provider, identify the types of alcohol and drug addiction 38356  
services provided to those persons, and include a specific 38357  
accounting of the purposes for which the fine moneys received were 38358  
used. No information contained in the report shall identify, or 38359  
enable a person to determine the identity of, any person served by 38360  
the community addiction services provider. Each report received by 38361  
a court of common pleas, a board of county commissioners, or the 38362  
attorney general is a public record open for inspection under 38363  
section 149.43 of the Revised Code. 38364

(5) As used in divisions (H)(1) to (5) of this section: 38365

(a) "Community addiction services provider" and "alcohol and 38366  
drug addiction services" have the same meanings as in section 38367  
5119.01 of the Revised Code. 38368

(b) "Eligible community addiction services provider" means a 38369  
community addiction services provider ~~that is certified under~~ 38370  
~~section 5119.36, as defined in section 5119.01~~ of the Revised 38371  
Code, or a community addiction services provider that maintains a 38372  
methadone treatment program licensed under section 5119.391 of the 38373  
Revised Code ~~by the department of mental health and addiction~~ 38374  
~~services.~~ 38375

(I) As used in this section, "drug" includes any substance 38376  
that is represented to be a drug. 38377

(J) It is an affirmative defense to a charge of trafficking 38378

in a controlled substance analog under division (C)(8) of this 38379  
section that the person charged with violating that offense sold 38380  
or offered to sell, or prepared for shipment, shipped, 38381  
transported, delivered, prepared for distribution, or distributed 38382  
an item described in division (HH)(2)(a), (b), or (c) of section 38383  
3719.01 of the Revised Code. 38384

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, 38385  
or use a controlled substance or a controlled substance analog. 38386

(B) This section does not apply to any of the following: 38387

(1) Manufacturers, licensed health professionals authorized 38388  
to prescribe drugs, pharmacists, owners of pharmacies, and other 38389  
persons whose conduct was in accordance with Chapters 3719., 38390  
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 38391

(2) If the offense involves an anabolic steroid, any person 38392  
who is conducting or participating in a research project involving 38393  
the use of an anabolic steroid if the project has been approved by 38394  
the United States food and drug administration; 38395

(3) Any person who sells, offers for sale, prescribes, 38396  
dispenses, or administers for livestock or other nonhuman species 38397  
an anabolic steroid that is expressly intended for administration 38398  
through implants to livestock or other nonhuman species and 38399  
approved for that purpose under the "Federal Food, Drug, and 38400  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 38401  
and is sold, offered for sale, prescribed, dispensed, or 38402  
administered for that purpose in accordance with that act; 38403

(4) Any person who obtained the controlled substance pursuant 38404  
to a lawful prescription issued by a licensed health professional 38405  
authorized to prescribe drugs. 38406

(C) Whoever violates division (A) of this section is guilty 38407  
of one of the following: 38408

(1) If the drug involved in the violation is a compound, 38409  
mixture, preparation, or substance included in schedule I or II, 38410  
with the exception of marihuana, cocaine, L.S.D., heroin, hashish, 38411  
and controlled substance analogs, whoever violates division (A) of 38412  
this section is guilty of aggravated possession of drugs. The 38413  
penalty for the offense shall be determined as follows: 38414

(a) Except as otherwise provided in division (C)(1)(b), (c), 38415  
(d), or (e) of this section, aggravated possession of drugs is a 38416  
felony of the fifth degree, and division (B) of section 2929.13 of 38417  
the Revised Code applies in determining whether to impose a prison 38418  
term on the offender. 38419

(b) If the amount of the drug involved equals or exceeds the 38420  
bulk amount but is less than five times the bulk amount, 38421  
aggravated possession of drugs is a felony of the third degree, 38422  
and there is a presumption for a prison term for the offense. 38423

(c) If the amount of the drug involved equals or exceeds five 38424  
times the bulk amount but is less than fifty times the bulk 38425  
amount, aggravated possession of drugs is a felony of the second 38426  
degree, and the court shall impose as a mandatory prison term one 38427  
of the prison terms prescribed for a felony of the second degree. 38428

(d) If the amount of the drug involved equals or exceeds 38429  
fifty times the bulk amount but is less than one hundred times the 38430  
bulk amount, aggravated possession of drugs is a felony of the 38431  
first degree, and the court shall impose as a mandatory prison 38432  
term one of the prison terms prescribed for a felony of the first 38433  
degree. 38434

(e) If the amount of the drug involved equals or exceeds one 38435  
hundred times the bulk amount, aggravated possession of drugs is a 38436  
felony of the first degree, the offender is a major drug offender, 38437  
and the court shall impose as a mandatory prison term the maximum 38438  
prison term prescribed for a felony of the first degree. 38439



(2) If the drug involved in the violation is a compound, 38440  
mixture, preparation, or substance included in schedule III, IV, 38441  
or V, whoever violates division (A) of this section is guilty of 38442  
possession of drugs. The penalty for the offense shall be 38443  
determined as follows: 38444

(a) Except as otherwise provided in division (C)(2)(b), (c), 38445  
or (d) of this section, possession of drugs is a misdemeanor of 38446  
the first degree or, if the offender within ten years of the 38447  
offense previously has been convicted of a drug abuse offense, a 38448  
felony of the fifth degree. 38449

(b) If the amount of the drug involved equals or exceeds the 38450  
bulk amount but is less than five times the bulk amount, 38451  
possession of drugs is a felony of the fourth degree, and division 38452  
(C) of section 2929.13 of the Revised Code applies in determining 38453  
whether to impose a prison term on the offender. 38454

(c) If the amount of the drug involved equals or exceeds five 38455  
times the bulk amount but is less than fifty times the bulk 38456  
amount, possession of drugs is a felony of the third degree, and 38457  
there is a presumption for a prison term for the offense. 38458

(d) If the amount of the drug involved equals or exceeds 38459  
fifty times the bulk amount, possession of drugs is a felony of 38460  
the second degree, and the court shall impose upon the offender as 38461  
a mandatory prison term one of the prison terms prescribed for a 38462  
felony of the second degree. 38463

(3) If the drug involved in the violation is marihuana or a 38464  
compound, mixture, preparation, or substance containing marihuana 38465  
other than hashish, whoever violates division (A) of this section 38466  
is guilty of possession of marihuana. The penalty for the offense 38467  
shall be determined as follows: 38468

(a) Except as otherwise provided in division (C)(3)(b), (c), 38469  
(d), (e), (f), or (g) of this section, possession of marihuana is 38470

a minor misdemeanor. 38471

(b) If the amount of the drug involved equals or exceeds one 38472  
hundred grams but is less than two hundred grams, possession of 38473  
marihuana is a misdemeanor of the fourth degree. 38474

(c) If the amount of the drug involved equals or exceeds two 38475  
hundred grams but is less than one thousand grams, possession of 38476  
marihuana is a felony of the fifth degree, and division (B) of 38477  
section 2929.13 of the Revised Code applies in determining whether 38478  
to impose a prison term on the offender. 38479

(d) If the amount of the drug involved equals or exceeds one 38480  
thousand grams but is less than five thousand grams, possession of 38481  
marihuana is a felony of the third degree, and division (C) of 38482  
section 2929.13 of the Revised Code applies in determining whether 38483  
to impose a prison term on the offender. 38484

(e) If the amount of the drug involved equals or exceeds five 38485  
thousand grams but is less than twenty thousand grams, possession 38486  
of marihuana is a felony of the third degree, and there is a 38487  
presumption that a prison term shall be imposed for the offense. 38488

(f) If the amount of the drug involved equals or exceeds 38489  
twenty thousand grams but is less than forty thousand grams, 38490  
possession of marihuana is a felony of the second degree, and the 38491  
court shall impose a mandatory prison term of five, six, seven, or 38492  
eight years. 38493

(g) If the amount of the drug involved equals or exceeds 38494  
forty thousand grams, possession of marihuana is a felony of the 38495  
second degree, and the court shall impose as a mandatory prison 38496  
term the maximum prison term prescribed for a felony of the second 38497  
degree. 38498

(4) If the drug involved in the violation is cocaine or a 38499  
compound, mixture, preparation, or substance containing cocaine, 38500  
whoever violates division (A) of this section is guilty of 38501

possession of cocaine. The penalty for the offense shall be 38502  
determined as follows: 38503

(a) Except as otherwise provided in division (C)(4)(b), (c), 38504  
(d), (e), or (f) of this section, possession of cocaine is a 38505  
felony of the fifth degree, and division (B) of section 2929.13 of 38506  
the Revised Code applies in determining whether to impose a prison 38507  
term on the offender. 38508

(b) If the amount of the drug involved equals or exceeds five 38509  
grams but is less than ten grams of cocaine, possession of cocaine 38510  
is a felony of the fourth degree, and division (B) of section 38511  
2929.13 of the Revised Code applies in determining whether to 38512  
impose a prison term on the offender. 38513

(c) If the amount of the drug involved equals or exceeds ten 38514  
grams but is less than twenty grams of cocaine, possession of 38515  
cocaine is a felony of the third degree, and, except as otherwise 38516  
provided in this division, there is a presumption for a prison 38517  
term for the offense. If possession of cocaine is a felony of the 38518  
third degree under this division and if the offender within ten 38519  
years of the offense two or more times previously has been 38520  
convicted of or pleaded guilty to a felony drug abuse offense, the 38521  
court shall impose as a mandatory prison term one of the prison 38522  
terms prescribed for a felony of the third degree. 38523

(d) If the amount of the drug involved equals or exceeds 38524  
twenty grams but is less than twenty-seven grams of cocaine, 38525  
possession of cocaine is a felony of the second degree, and the 38526  
court shall impose as a mandatory prison term one of the prison 38527  
terms prescribed for a felony of the second degree. 38528

(e) If the amount of the drug involved equals or exceeds 38529  
twenty-seven grams but is less than one hundred grams of cocaine, 38530  
possession of cocaine is a felony of the first degree, and the 38531  
court shall impose as a mandatory prison term one of the prison 38532

terms prescribed for a felony of the first degree. 38533

(f) If the amount of the drug involved equals or exceeds one 38534  
hundred grams of cocaine, possession of cocaine is a felony of the 38535  
first degree, the offender is a major drug offender, and the court 38536  
shall impose as a mandatory prison term the maximum prison term 38537  
prescribed for a felony of the first degree. 38538

(5) If the drug involved in the violation is L.S.D., whoever 38539  
violates division (A) of this section is guilty of possession of 38540  
L.S.D. The penalty for the offense shall be determined as follows: 38541

(a) Except as otherwise provided in division (C)(5)(b), (c), 38542  
(d), (e), or (f) of this section, possession of L.S.D. is a felony 38543  
of the fifth degree, and division (B) of section 2929.13 of the 38544  
Revised Code applies in determining whether to impose a prison 38545  
term on the offender. 38546

(b) If the amount of L.S.D. involved equals or exceeds ten 38547  
unit doses but is less than fifty unit doses of L.S.D. in a solid 38548  
form or equals or exceeds one gram but is less than five grams of 38549  
L.S.D. in a liquid concentrate, liquid extract, or liquid 38550  
distillate form, possession of L.S.D. is a felony of the fourth 38551  
degree, and division (C) of section 2929.13 of the Revised Code 38552  
applies in determining whether to impose a prison term on the 38553  
offender. 38554

(c) If the amount of L.S.D. involved equals or exceeds fifty 38555  
unit doses, but is less than two hundred fifty unit doses of 38556  
L.S.D. in a solid form or equals or exceeds five grams but is less 38557  
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 38558  
extract, or liquid distillate form, possession of L.S.D. is a 38559  
felony of the third degree, and there is a presumption for a 38560  
prison term for the offense. 38561

(d) If the amount of L.S.D. involved equals or exceeds two 38562  
hundred fifty unit doses but is less than one thousand unit doses 38563

of L.S.D. in a solid form or equals or exceeds twenty-five grams 38564  
but is less than one hundred grams of L.S.D. in a liquid 38565  
concentrate, liquid extract, or liquid distillate form, possession 38566  
of L.S.D. is a felony of the second degree, and the court shall 38567  
impose as a mandatory prison term one of the prison terms 38568  
prescribed for a felony of the second degree. 38569

(e) If the amount of L.S.D. involved equals or exceeds one 38570  
thousand unit doses but is less than five thousand unit doses of 38571  
L.S.D. in a solid form or equals or exceeds one hundred grams but 38572  
is less than five hundred grams of L.S.D. in a liquid concentrate, 38573  
liquid extract, or liquid distillate form, possession of L.S.D. is 38574  
a felony of the first degree, and the court shall impose as a 38575  
mandatory prison term one of the prison terms prescribed for a 38576  
felony of the first degree. 38577

(f) If the amount of L.S.D. involved equals or exceeds five 38578  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 38579  
five hundred grams of L.S.D. in a liquid concentrate, liquid 38580  
extract, or liquid distillate form, possession of L.S.D. is a 38581  
felony of the first degree, the offender is a major drug offender, 38582  
and the court shall impose as a mandatory prison term the maximum 38583  
prison term prescribed for a felony of the first degree. 38584

(6) If the drug involved in the violation is heroin or a 38585  
compound, mixture, preparation, or substance containing heroin, 38586  
whoever violates division (A) of this section is guilty of 38587  
possession of heroin. The penalty for the offense shall be 38588  
determined as follows: 38589

(a) Except as otherwise provided in division (C)(6)(b), (c), 38590  
(d), (e), or (f) of this section, possession of heroin is a felony 38591  
of the fifth degree, and division (B) of section 2929.13 of the 38592  
Revised Code applies in determining whether to impose a prison 38593  
term on the offender. 38594

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than two thousand five hundred unit doses or equals or exceeds fifty grams but is less than two hundred fifty grams, possession of heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds two thousand five hundred unit doses or equals or exceeds two hundred fifty grams, possession of heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish,

whoever violates division (A) of this section is guilty of 38626  
possession of hashish. The penalty for the offense shall be 38627  
determined as follows: 38628

(a) Except as otherwise provided in division (C)(7)(b), (c), 38629  
(d), (e), (f), or (g) of this section, possession of hashish is a 38630  
minor misdemeanor. 38631

(b) If the amount of the drug involved equals or exceeds five 38632  
grams but is less than ten grams of hashish in a solid form or 38633  
equals or exceeds one gram but is less than two grams of hashish 38634  
in a liquid concentrate, liquid extract, or liquid distillate 38635  
form, possession of hashish is a misdemeanor of the fourth degree. 38636

(c) If the amount of the drug involved equals or exceeds ten 38637  
grams but is less than fifty grams of hashish in a solid form or 38638  
equals or exceeds two grams but is less than ten grams of hashish 38639  
in a liquid concentrate, liquid extract, or liquid distillate 38640  
form, possession of hashish is a felony of the fifth degree, and 38641  
division (B) of section 2929.13 of the Revised Code applies in 38642  
determining whether to impose a prison term on the offender. 38643

(d) If the amount of the drug involved equals or exceeds 38644  
fifty grams but is less than two hundred fifty grams of hashish in 38645  
a solid form or equals or exceeds ten grams but is less than fifty 38646  
grams of hashish in a liquid concentrate, liquid extract, or 38647  
liquid distillate form, possession of hashish is a felony of the 38648  
third degree, and division (C) of section 2929.13 of the Revised 38649  
Code applies in determining whether to impose a prison term on the 38650  
offender. 38651

(e) If the amount of the drug involved equals or exceeds two 38652  
hundred fifty grams but is less than one thousand grams of hashish 38653  
in a solid form or equals or exceeds fifty grams but is less than 38654  
two hundred grams of hashish in a liquid concentrate, liquid 38655  
extract, or liquid distillate form, possession of hashish is a 38656

felony of the third degree, and there is a presumption that a 38657  
prison term shall be imposed for the offense. 38658

(f) If the amount of the drug involved equals or exceeds one 38659  
thousand grams but is less than two thousand grams of hashish in a 38660  
solid form or equals or exceeds two hundred grams but is less than 38661  
four hundred grams of hashish in a liquid concentrate, liquid 38662  
extract, or liquid distillate form, possession of hashish is a 38663  
felony of the second degree, and the court shall impose a 38664  
mandatory prison term of five, six, seven, or eight years. 38665

(g) If the amount of the drug involved equals or exceeds two 38666  
thousand grams of hashish in a solid form or equals or exceeds 38667  
four hundred grams of hashish in a liquid concentrate, liquid 38668  
extract, or liquid distillate form, possession of hashish is a 38669  
felony of the second degree, and the court shall impose as a 38670  
mandatory prison term the maximum prison term prescribed for a 38671  
felony of the second degree. 38672

(8) If the drug involved is a controlled substance analog or 38673  
compound, mixture, preparation, or substance that contains a 38674  
controlled substance analog, whoever violates division (A) of this 38675  
section is guilty of possession of a controlled substance analog. 38676  
The penalty for the offense shall be determined as follows: 38677

(a) Except as otherwise provided in division (C)(8)(b), (c), 38678  
(d), (e), or (f) of this section, possession of a controlled 38679  
substance analog is a felony of the fifth degree, and division (B) 38680  
of section 2929.13 of the Revised Code applies in determining 38681  
whether to impose a prison term on the offender. 38682

(b) If the amount of the drug involved equals or exceeds ten 38683  
grams but is less than twenty grams, possession of a controlled 38684  
substance analog is a felony of the fourth degree, and there is a 38685  
presumption for a prison term for the offense. 38686

(c) If the amount of the drug involved equals or exceeds 38687



twenty grams but is less than thirty grams, possession of a 38688  
controlled substance analog is a felony of the third degree, and 38689  
there is a presumption for a prison term for the offense. 38690

(d) If the amount of the drug involved equals or exceeds 38691  
thirty grams but is less than forty grams, possession of a 38692  
controlled substance analog is a felony of the second degree, and 38693  
the court shall impose as a mandatory prison term one of the 38694  
prison terms prescribed for a felony of the second degree. 38695

(e) If the amount of the drug involved equals or exceeds 38696  
forty grams but is less than fifty grams, possession of a 38697  
controlled substance analog is a felony of the first degree, and 38698  
the court shall impose as a mandatory prison term one of the 38699  
prison terms prescribed for a felony of the first degree. 38700

(f) If the amount of the drug involved equals or exceeds 38701  
fifty grams, possession of a controlled substance analog is a 38702  
felony of the first degree, the offender is a major drug offender, 38703  
and the court shall impose as a mandatory prison term the maximum 38704  
prison term prescribed for a felony of the first degree. 38705

(D) Arrest or conviction for a minor misdemeanor violation of 38706  
this section does not constitute a criminal record and need not be 38707  
reported by the person so arrested or convicted in response to any 38708  
inquiries about the person's criminal record, including any 38709  
inquiries contained in any application for employment, license, or 38710  
other right or privilege, or made in connection with the person's 38711  
appearance as a witness. 38712

(E) In addition to any prison term or jail term authorized or 38713  
required by division (C) of this section and sections 2929.13, 38714  
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 38715  
addition to any other sanction that is imposed for the offense 38716  
under this section, sections 2929.11 to 2929.18, or sections 38717  
2929.21 to 2929.28 of the Revised Code, the court that sentences 38718

an offender who is convicted of or pleads guilty to a violation of 38719  
division (A) of this section shall do all of the following that 38720  
are applicable regarding the offender: 38721

(1)(a) If the violation is a felony of the first, second, or 38722  
third degree, the court shall impose upon the offender the 38723  
mandatory fine specified for the offense under division (B)(1) of 38724  
section 2929.18 of the Revised Code unless, as specified in that 38725  
division, the court determines that the offender is indigent. 38726

(b) Notwithstanding any contrary provision of section 3719.21 38727  
of the Revised Code, the clerk of the court shall pay a mandatory 38728  
fine or other fine imposed for a violation of this section 38729  
pursuant to division (A) of section 2929.18 of the Revised Code in 38730  
accordance with and subject to the requirements of division (F) of 38731  
section 2925.03 of the Revised Code. The agency that receives the 38732  
fine shall use the fine as specified in division (F) of section 38733  
2925.03 of the Revised Code. 38734

(c) If a person is charged with a violation of this section 38735  
that is a felony of the first, second, or third degree, posts 38736  
bail, and forfeits the bail, the clerk shall pay the forfeited 38737  
bail pursuant to division (E)(1)(b) of this section as if it were 38738  
a mandatory fine imposed under division (E)(1)(a) of this section. 38739

(2) The court shall suspend for not less than six months or 38740  
more than five years the offender's driver's or commercial 38741  
driver's license or permit. 38742

(3) If the offender is a professionally licensed person, in 38743  
addition to any other sanction imposed for a violation of this 38744  
section, the court immediately shall comply with section 2925.38 38745  
of the Revised Code. 38746

(F) It is an affirmative defense, as provided in section 38747  
2901.05 of the Revised Code, to a charge of a fourth degree felony 38748  
violation under this section that the controlled substance that 38749

gave rise to the charge is in an amount, is in a form, is 38750  
prepared, compounded, or mixed with substances that are not 38751  
controlled substances in a manner, or is possessed under any other 38752  
circumstances, that indicate that the substance was possessed 38753  
solely for personal use. Notwithstanding any contrary provision of 38754  
this section, if, in accordance with section 2901.05 of the 38755  
Revised Code, an accused who is charged with a fourth degree 38756  
felony violation of division (C)(2), (4), (5), or (6) of this 38757  
section sustains the burden of going forward with evidence of and 38758  
establishes by a preponderance of the evidence the affirmative 38759  
defense described in this division, the accused may be prosecuted 38760  
for and may plead guilty to or be convicted of a misdemeanor 38761  
violation of division (C)(2) of this section or a fifth degree 38762  
felony violation of division (C)(4), (5), or (6) of this section 38763  
respectively. 38764

(G) When a person is charged with possessing a bulk amount or 38765  
multiple of a bulk amount, division (E) of section 2925.03 of the 38766  
Revised Code applies regarding the determination of the amount of 38767  
the controlled substance involved at the time of the offense. 38768

(H) It is an affirmative defense to a charge of possession of 38769  
a controlled substance analog under division (C)(8) of this 38770  
section that the person charged with violating that offense 38771  
obtained, possessed, or used an item described in division 38772  
(HH)(2)(a), (b), or (c) of section 3719.01 of the Revised Code. 38773

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 38774  
(G) of this section and unless a specific sanction is required to 38775  
be imposed or is precluded from being imposed pursuant to law, a 38776  
court that imposes a sentence upon an offender for a felony may 38777  
impose any sanction or combination of sanctions on the offender 38778  
that are provided in sections 2929.14 to 2929.18 of the Revised 38779  
Code. 38780

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which

sentence is imposed under division (G)(2) of this section, an 38813  
additional prison term as described in division (B)(4) of section 38814  
2929.14 of the Revised Code or a community control sanction as 38815  
described in division (G)(2) of this section. 38816

(B)(1)(a) Except as provided in division (B)(1)(b) of this 38817  
section, if an offender is convicted of or pleads guilty to a 38818  
felony of the fourth or fifth degree that is not an offense of 38819  
violence or that is a qualifying assault offense, the court shall 38820  
sentence the offender to a community control sanction of at least 38821  
one year's duration if all of the following apply: 38822

(i) The offender previously has not been convicted of or 38823  
pleaded guilty to a felony offense. 38824

(ii) The most serious charge against the offender at the time 38825  
of sentencing is a felony of the fourth or fifth degree. 38826

(iii) If the court made a request of the department of 38827  
rehabilitation and correction pursuant to division (B)(1)(c) of 38828  
this section, the department, within the forty-five-day period 38829  
specified in that division, provided the court with the names of, 38830  
contact information for, and program details of one or more 38831  
community control sanctions of at least one year's duration that 38832  
are available for persons sentenced by the court. 38833

(iv) The offender previously has not been convicted of or 38834  
pleaded guilty to a misdemeanor offense of violence that the 38835  
offender committed within two years prior to the offense for which 38836  
sentence is being imposed. 38837

(b) The court has discretion to impose a prison term upon an 38838  
offender who is convicted of or pleads guilty to a felony of the 38839  
fourth or fifth degree that is not an offense of violence or that 38840  
is a qualifying assault offense if any of the following apply: 38841

(i) The offender committed the offense while having a firearm 38842  
on or about the offender's person or under the offender's control. 38843

(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.

(iii) The offender violated a term of the conditions of bond as set by the court.

(iv) The court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, and the department, within the forty-five-day period specified in that division, did not provide the court with the name of, contact information for, and program details of any community control sanction of at least one year's duration that is available for persons sentenced by the court.

(v) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.

(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

(vii) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.

(viii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

(ix) The offender committed the offense for hire or as part

of an organized criminal activity. 38875

(x) The offender at the time of the offense was serving, or 38876  
the offender previously had served, a prison term. 38877

(xi) The offender committed the offense while under a 38878  
community control sanction, while on probation, or while released 38879  
from custody on a bond or personal recognizance. 38880

(c) If a court that is sentencing an offender who is 38881  
convicted of or pleads guilty to a felony of the fourth or fifth 38882  
degree that is not an offense of violence or that is a qualifying 38883  
assault offense believes that no community control sanctions are 38884  
available for its use that, if imposed on the offender, will 38885  
adequately fulfill the overriding principles and purposes of 38886  
sentencing, the court shall contact the department of 38887  
rehabilitation and correction and ask the department to provide 38888  
the court with the names of, contact information for, and program 38889  
details of one or more community control sanctions of at least one 38890  
year's duration that are available for persons sentenced by the 38891  
court. Not later than forty-five days after receipt of a request 38892  
from a court under this division, the department shall provide the 38893  
court with the names of, contact information for, and program 38894  
details of one or more community control sanctions of at least one 38895  
year's duration that are available for persons sentenced by the 38896  
court, if any. Upon making a request under this division that 38897  
relates to a particular offender, a court shall defer sentencing 38898  
of that offender until it receives from the department the names 38899  
of, contact information for, and program details of one or more 38900  
community control sanctions of at least one year's duration that 38901  
are available for persons sentenced by the court or for forty-five 38902  
days, whichever is the earlier. 38903

If the department provides the court with the names of, 38904  
contact information for, and program details of one or more 38905  
community control sanctions of at least one year's duration that 38906

are available for persons sentenced by the court within the 38907  
forty-five-day period specified in this division, the court shall 38908  
impose upon the offender a community control sanction under 38909  
division (B)(1)(a) of this section, except that the court may 38910  
impose a prison term under division (B)(1)(b) of this section if a 38911  
factor described in division (B)(1)(b)(i) or (ii) of this section 38912  
applies. If the department does not provide the court with the 38913  
names of, contact information for, and program details of one or 38914  
more community control sanctions of at least one year's duration 38915  
that are available for persons sentenced by the court within the 38916  
forty-five-day period specified in this division, the court may 38917  
impose upon the offender a prison term under division 38918  
(B)(1)(b)(iv) of this section. 38919

(d) A sentencing court may impose an additional penalty under 38920  
division (B) of section 2929.15 of the Revised Code upon an 38921  
offender sentenced to a community control sanction under division 38922  
(B)(1)(a) of this section if the offender violates the conditions 38923  
of the community control sanction, violates a law, or leaves the 38924  
state without the permission of the court or the offender's 38925  
probation officer. 38926

(2) If division (B)(1) of this section does not apply, except 38927  
as provided in division (E), (F), or (G) of this section, in 38928  
determining whether to impose a prison term as a sanction for a 38929  
felony of the fourth or fifth degree, the sentencing court shall 38930  
comply with the purposes and principles of sentencing under 38931  
section 2929.11 of the Revised Code and with section 2929.12 of 38932  
the Revised Code. 38933

(C) Except as provided in division (D), (E), (F), or (G) of 38934  
this section, in determining whether to impose a prison term as a 38935  
sanction for a felony of the third degree or a felony drug offense 38936  
that is a violation of a provision of Chapter 2925. of the Revised 38937  
Code and that is specified as being subject to this division for 38938



purposes of sentencing, the sentencing court shall comply with the 38939  
purposes and principles of sentencing under section 2929.11 of the 38940  
Revised Code and with section 2929.12 of the Revised Code. 38941

(D)(1) Except as provided in division (E) or (F) of this 38942  
section, for a felony of the first or second degree, for a felony 38943  
drug offense that is a violation of any provision of Chapter 38944  
2925., 3719., or 4729. of the Revised Code for which a presumption 38945  
in favor of a prison term is specified as being applicable, and 38946  
for a violation of division (A)(4) or (B) of section 2907.05 of 38947  
the Revised Code for which a presumption in favor of a prison term 38948  
is specified as being applicable, it is presumed that a prison 38949  
term is necessary in order to comply with the purposes and 38950  
principles of sentencing under section 2929.11 of the Revised 38951  
Code. Division (D)(2) of this section does not apply to a 38952  
presumption established under this division for a violation of 38953  
division (A)(4) of section 2907.05 of the Revised Code. 38954

(2) Notwithstanding the presumption established under 38955  
division (D)(1) of this section for the offenses listed in that 38956  
division other than a violation of division (A)(4) or (B) of 38957  
section 2907.05 of the Revised Code, the sentencing court may 38958  
impose a community control sanction or a combination of community 38959  
control sanctions instead of a prison term on an offender for a 38960  
felony of the first or second degree or for a felony drug offense 38961  
that is a violation of any provision of Chapter 2925., 3719., or 38962  
4729. of the Revised Code for which a presumption in favor of a 38963  
prison term is specified as being applicable if it makes both of 38964  
the following findings: 38965

(a) A community control sanction or a combination of 38966  
community control sanctions would adequately punish the offender 38967  
and protect the public from future crime, because the applicable 38968  
factors under section 2929.12 of the Revised Code indicating a 38969  
lesser likelihood of recidivism outweigh the applicable factors 38970

under that section indicating a greater likelihood of recidivism. 38971

(b) A community control sanction or a combination of 38972  
community control sanctions would not demean the seriousness of 38973  
the offense, because one or more factors under section 2929.12 of 38974  
the Revised Code that indicate that the offender's conduct was 38975  
less serious than conduct normally constituting the offense are 38976  
applicable, and they outweigh the applicable factors under that 38977  
section that indicate that the offender's conduct was more serious 38978  
than conduct normally constituting the offense. 38979

(E)(1) Except as provided in division (F) of this section, 38980  
for any drug offense that is a violation of any provision of 38981  
Chapter 2925. of the Revised Code and that is a felony of the 38982  
third, fourth, or fifth degree, the applicability of a presumption 38983  
under division (D) of this section in favor of a prison term or of 38984  
division (B) or (C) of this section in determining whether to 38985  
impose a prison term for the offense shall be determined as 38986  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 38987  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 38988  
Revised Code, whichever is applicable regarding the violation. 38989

(2) If an offender who was convicted of or pleaded guilty to 38990  
a felony violates the conditions of a community control sanction 38991  
imposed for the offense solely by reason of producing positive 38992  
results on a drug test, the court, as punishment for the violation 38993  
of the sanction, shall not order that the offender be imprisoned 38994  
unless the court determines on the record either of the following: 38995

(a) The offender had been ordered as a sanction for the 38996  
felony to participate in a drug treatment program, in a drug 38997  
education program, or in narcotics anonymous or a similar program, 38998  
and the offender continued to use illegal drugs after a reasonable 38999  
period of participation in the program. 39000

(b) The imprisonment of the offender for the violation is 39001

consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code. 39002  
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(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes treatment and recovery support services authorized by division (A)(11) of section 3793.02 340.03 of the Revised Code. If the court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after considering the assessment and recommendation of ~~treatment and recovery support services~~ community addiction services providers. 39004  
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(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses: 39019  
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(1) Aggravated murder when death is not imposed or murder; 39030

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the 39031  
39032  
39033

offender would have been guilty of a violation of division 39034  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 39035  
sentenced under section 2971.03 of the Revised Code; 39036

(3) Gross sexual imposition or sexual battery, if the victim 39037  
is less than thirteen years of age and if any of the following 39038  
applies: 39039

(a) Regarding gross sexual imposition, the offender 39040  
previously was convicted of or pleaded guilty to rape, the former 39041  
offense of felonious sexual penetration, gross sexual imposition, 39042  
or sexual battery, and the victim of the previous offense was less 39043  
than thirteen years of age; 39044

(b) Regarding gross sexual imposition, the offense was 39045  
committed on or after August 3, 2006, and evidence other than the 39046  
testimony of the victim was admitted in the case corroborating the 39047  
violation. 39048

(c) Regarding sexual battery, either of the following 39049  
applies: 39050

(i) The offense was committed prior to August 3, 2006, the 39051  
offender previously was convicted of or pleaded guilty to rape, 39052  
the former offense of felonious sexual penetration, or sexual 39053  
battery, and the victim of the previous offense was less than 39054  
thirteen years of age. 39055

(ii) The offense was committed on or after August 3, 2006. 39056

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 39057  
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 39058  
if the section requires the imposition of a prison term; 39059

(5) A first, second, or third degree felony drug offense for 39060  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 39061  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 39062  
4729.99 of the Revised Code, whichever is applicable regarding the 39063

violation, requires the imposition of a mandatory prison term; 39064

(6) Any offense that is a first or second degree felony and 39065  
that is not set forth in division (F)(1), (2), (3), or (4) of this 39066  
section, if the offender previously was convicted of or pleaded 39067  
guilty to aggravated murder, murder, any first or second degree 39068  
felony, or an offense under an existing or former law of this 39069  
state, another state, or the United States that is or was 39070  
substantially equivalent to one of those offenses; 39071

(7) Any offense that is a third degree felony and either is a 39072  
violation of section 2903.04 of the Revised Code or an attempt to 39073  
commit a felony of the second degree that is an offense of 39074  
violence and involved an attempt to cause serious physical harm to 39075  
a person or that resulted in serious physical harm to a person if 39076  
the offender previously was convicted of or pleaded guilty to any 39077  
of the following offenses: 39078

(a) Aggravated murder, murder, involuntary manslaughter, 39079  
rape, felonious sexual penetration as it existed under section 39080  
2907.12 of the Revised Code prior to September 3, 1996, a felony 39081  
of the first or second degree that resulted in the death of a 39082  
person or in physical harm to a person, or complicity in or an 39083  
attempt to commit any of those offenses; 39084

(b) An offense under an existing or former law of this state, 39085  
another state, or the United States that is or was substantially 39086  
equivalent to an offense listed in division (F)(7)(a) of this 39087  
section that resulted in the death of a person or in physical harm 39088  
to a person. 39089

(8) Any offense, other than a violation of section 2923.12 of 39090  
the Revised Code, that is a felony, if the offender had a firearm 39091  
on or about the offender's person or under the offender's control 39092  
while committing the felony, with respect to a portion of the 39093  
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 39094

of the Revised Code for having the firearm; 39095

(9) Any offense of violence that is a felony, if the offender 39096  
wore or carried body armor while committing the felony offense of 39097  
violence, with respect to the portion of the sentence imposed 39098  
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 39099  
Code for wearing or carrying the body armor; 39100

(10) Corrupt activity in violation of section 2923.32 of the 39101  
Revised Code when the most serious offense in the pattern of 39102  
corrupt activity that is the basis of the offense is a felony of 39103  
the first degree; 39104

(11) Any violent sex offense or designated homicide, assault, 39105  
or kidnapping offense if, in relation to that offense, the 39106  
offender is adjudicated a sexually violent predator; 39107

(12) A violation of division (A)(1) or (2) of section 2921.36 39108  
of the Revised Code, or a violation of division (C) of that 39109  
section involving an item listed in division (A)(1) or (2) of that 39110  
section, if the offender is an officer or employee of the 39111  
department of rehabilitation and correction; 39112

(13) A violation of division (A)(1) or (2) of section 2903.06 39113  
of the Revised Code if the victim of the offense is a peace 39114  
officer, as defined in section 2935.01 of the Revised Code, or an 39115  
investigator of the bureau of criminal identification and 39116  
investigation, as defined in section 2903.11 of the Revised Code, 39117  
with respect to the portion of the sentence imposed pursuant to 39118  
division (B)(5) of section 2929.14 of the Revised Code; 39119

(14) A violation of division (A)(1) or (2) of section 2903.06 39120  
of the Revised Code if the offender has been convicted of or 39121  
pleaded guilty to three or more violations of division (A) or (B) 39122  
of section 4511.19 of the Revised Code or an equivalent offense, 39123  
as defined in section 2941.1415 of the Revised Code, or three or 39124  
more violations of any combination of those divisions and 39125

offenses, with respect to the portion of the sentence imposed 39126  
pursuant to division (B)(6) of section 2929.14 of the Revised 39127  
Code; 39128

(15) Kidnapping, in the circumstances specified in section 39129  
2971.03 of the Revised Code and when no other provision of 39130  
division (F) of this section applies; 39131

(16) Kidnapping, abduction, compelling prostitution, 39132  
promoting prostitution, engaging in a pattern of corrupt activity, 39133  
illegal use of a minor in a nudity-oriented material or 39134  
performance in violation of division (A)(1) or (2) of section 39135  
2907.323 of the Revised Code, or endangering children in violation 39136  
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 39137  
the Revised Code, if the offender is convicted of or pleads guilty 39138  
to a specification as described in section 2941.1422 of the 39139  
Revised Code that was included in the indictment, count in the 39140  
indictment, or information charging the offense; 39141

(17) A felony violation of division (A) or (B) of section 39142  
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 39143  
that section, and division (D)(6) of that section, require the 39144  
imposition of a prison term; 39145

(18) A felony violation of section 2903.11, 2903.12, or 39146  
2903.13 of the Revised Code, if the victim of the offense was a 39147  
woman that the offender knew was pregnant at the time of the 39148  
violation, with respect to a portion of the sentence imposed 39149  
pursuant to division (B)(8) of section 2929.14 of the Revised 39150  
Code. 39151

(G) Notwithstanding divisions (A) to (E) of this section, if 39152  
an offender is being sentenced for a fourth degree felony OVI 39153  
offense or for a third degree felony OVI offense, the court shall 39154  
impose upon the offender a mandatory term of local incarceration 39155  
or a mandatory prison term in accordance with the following: 39156

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section.

(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of this section, the court shall impose upon the offender a mandatory prison term of one, two, three, four, or five years if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or



any other provision of the Revised Code. The offender shall serve 39190  
the one-, two-, three-, four-, or five-year mandatory prison term 39191  
consecutively to and prior to the prison term imposed for the 39192  
underlying offense and consecutively to any other mandatory prison 39193  
term imposed in relation to the offense. In no case shall an 39194  
offender who once has been sentenced to a mandatory term of local 39195  
incarceration pursuant to division (G)(1) of this section for a 39196  
fourth degree felony OVI offense be sentenced to another mandatory 39197  
term of local incarceration under that division for any violation 39198  
of division (A) of section 4511.19 of the Revised Code. In 39199  
addition to the mandatory prison term described in division (G)(2) 39200  
of this section, the court may sentence the offender to a 39201  
community control sanction under section 2929.16 or 2929.17 of the 39202  
Revised Code, but the offender shall serve the prison term prior 39203  
to serving the community control sanction. The department of 39204  
rehabilitation and correction may place an offender sentenced to a 39205  
mandatory prison term under this division in an intensive program 39206  
prison established pursuant to section 5120.033 of the Revised 39207  
Code if the department gave the sentencing judge prior notice of 39208  
its intent to place the offender in an intensive program prison 39209  
established under that section and if the judge did not notify the 39210  
department that the judge disapproved the placement. Upon the 39211  
establishment of the initial intensive program prison pursuant to 39212  
section 5120.033 of the Revised Code that is privately operated 39213  
and managed by a contractor pursuant to a contract entered into 39214  
under section 9.06 of the Revised Code, both of the following 39215  
apply: 39216

(a) The department of rehabilitation and correction shall 39217  
make a reasonable effort to ensure that a sufficient number of 39218  
offenders sentenced to a mandatory prison term under this division 39219  
are placed in the privately operated and managed prison so that 39220  
the privately operated and managed prison has full occupancy. 39221

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

(2) When considering sentencing factors under this section in

relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

~~(2)~~(3) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies.

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

**Sec. 2929.18.** (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to

section 2947.23 of the Revised Code, the court imposing a sentence 39284  
upon an offender for a felony may sentence the offender to any 39285  
financial sanction or combination of financial sanctions 39286  
authorized under this section or, in the circumstances specified 39287  
in section 2929.32 of the Revised Code, may impose upon the 39288  
offender a fine in accordance with that section. Financial 39289  
sanctions that may be imposed pursuant to this section include, 39290  
but are not limited to, the following: 39291

(1) Restitution by the offender to the victim of the 39292  
offender's crime or any survivor of the victim, in an amount based 39293  
on the victim's economic loss. If the court imposes restitution, 39294  
the court shall order that the restitution be made to the victim 39295  
in open court, to the adult probation department that serves the 39296  
county on behalf of the victim, to the clerk of courts, or to 39297  
another agency designated by the court. If the court imposes 39298  
restitution, at sentencing, the court shall determine the amount 39299  
of restitution to be made by the offender. If the court imposes 39300  
restitution, the court may base the amount of restitution it 39301  
orders on an amount recommended by the victim, the offender, a 39302  
presentence investigation report, estimates or receipts indicating 39303  
the cost of repairing or replacing property, and other 39304  
information, provided that the amount the court orders as 39305  
restitution shall not exceed the amount of the economic loss 39306  
suffered by the victim as a direct and proximate result of the 39307  
commission of the offense. If the court decides to impose 39308  
restitution, the court shall hold a hearing on restitution if the 39309  
offender, victim, or survivor disputes the amount. All restitution 39310  
payments shall be credited against any recovery of economic loss 39311  
in a civil action brought by the victim or any survivor of the 39312  
victim against the offender. 39313

If the court imposes restitution, the court may order that 39314  
the offender pay a surcharge of not more than five per cent of the 39315

amount of the restitution otherwise ordered to the entity 39316  
responsible for collecting and processing restitution payments. 39317

The victim or survivor may request that the prosecutor in the 39318  
case file a motion, or the offender may file a motion, for 39319  
modification of the payment terms of any restitution ordered. If 39320  
the court grants the motion, it may modify the payment terms as it 39321  
determines appropriate. 39322

(2) Except as provided in division (B)(1), (3), or (4) of 39323  
this section, a fine payable by the offender to the state, to a 39324  
political subdivision, or as described in division (B)(2) of this 39325  
section to one or more law enforcement agencies, with the amount 39326  
of the fine based on a standard percentage of the offender's daily 39327  
income over a period of time determined by the court and based 39328  
upon the seriousness of the offense. A fine ordered under this 39329  
division shall not exceed the maximum conventional fine amount 39330  
authorized for the level of the offense under division (A)(3) of 39331  
this section. 39332

(3) Except as provided in division (B)(1), (3), or (4) of 39333  
this section, a fine payable by the offender to the state, to a 39334  
political subdivision when appropriate for a felony, or as 39335  
described in division (B)(2) of this section to one or more law 39336  
enforcement agencies, in the following amount: 39337

(a) For a felony of the first degree, not more than twenty 39338  
thousand dollars; 39339

(b) For a felony of the second degree, not more than fifteen 39340  
thousand dollars; 39341

(c) For a felony of the third degree, not more than ten 39342  
thousand dollars; 39343

(d) For a felony of the fourth degree, not more than five 39344  
thousand dollars; 39345

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	39346 39347
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	39348 39349
(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	39350 39351 39352
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	39353 39354 39355
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	39356 39357 39358 39359 39360 39361
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	39362 39363 39364 39365 39366
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred	39367 39368 39369 39370 39371 39372 39373 39374 39375 39376

by reason of the prisoner's confinement, and if the court does not 39377  
impose a financial sanction under division (A)(5)(a)(ii) of this 39378  
section, confinement costs may be assessed pursuant to section 39379  
2929.37 of the Revised Code. In addition, the offender may be 39380  
required to pay the fees specified in section 2929.38 of the 39381  
Revised Code in accordance with that section. 39382

(c) Reimbursement by the offender for costs pursuant to 39383  
section 2929.71 of the Revised Code. 39384

(B)(1) For a first, second, or third degree felony violation 39385  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 39386  
Code, the sentencing court shall impose upon the offender a 39387  
mandatory fine of at least one-half of, but not more than, the 39388  
maximum statutory fine amount authorized for the level of the 39389  
offense pursuant to division (A)(3) of this section. If an 39390  
offender alleges in an affidavit filed with the court prior to 39391  
sentencing that the offender is indigent and unable to pay the 39392  
mandatory fine and if the court determines the offender is an 39393  
indigent person and is unable to pay the mandatory fine described 39394  
in this division, the court shall not impose the mandatory fine 39395  
upon the offender. 39396

(2) Any mandatory fine imposed upon an offender under 39397  
division (B)(1) of this section and any fine imposed upon an 39398  
offender under division (A)(2) or (3) of this section for any 39399  
fourth or fifth degree felony violation of any provision of 39400  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 39401  
to law enforcement agencies pursuant to division (F) of section 39402  
2925.03 of the Revised Code. 39403

(3) For a fourth degree felony OVI offense and for a third 39404  
degree felony OVI offense, the sentencing court shall impose upon 39405  
the offender a mandatory fine in the amount specified in division 39406  
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 39407  
is applicable. The mandatory fine so imposed shall be disbursed as 39408

provided in the division pursuant to which it is imposed. 39409

(4) Notwithstanding any fine otherwise authorized or required 39410  
to be imposed under division (A)(2) or (3) or (B)(1) of this 39411  
section or section 2929.31 of the Revised Code for a violation of 39412  
section 2925.03 of the Revised Code, in addition to any penalty or 39413  
sanction imposed for that offense under section 2925.03 or 39414  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 39415  
the forfeiture of property in connection with the offense as 39416  
prescribed in Chapter 2981. of the Revised Code, the court that 39417  
sentences an offender for a violation of section 2925.03 of the 39418  
Revised Code may impose upon the offender a fine in addition to 39419  
any fine imposed under division (A)(2) or (3) of this section and 39420  
in addition to any mandatory fine imposed under division (B)(1) of 39421  
this section. The fine imposed under division (B)(4) of this 39422  
section shall be used as provided in division (H) of section 39423  
2925.03 of the Revised Code. A fine imposed under division (B)(4) 39424  
of this section shall not exceed whichever of the following is 39425  
applicable: 39426

(a) The total value of any personal or real property in which 39427  
the offender has an interest and that was used in the course of, 39428  
intended for use in the course of, derived from, or realized 39429  
through conduct in violation of section 2925.03 of the Revised 39430  
Code, including any property that constitutes proceeds derived 39431  
from that offense; 39432

(b) If the offender has no interest in any property of the 39433  
type described in division (B)(4)(a) of this section or if it is 39434  
not possible to ascertain whether the offender has an interest in 39435  
any property of that type in which the offender may have an 39436  
interest, the amount of the mandatory fine for the offense imposed 39437  
under division (B)(1) of this section or, if no mandatory fine is 39438  
imposed under division (B)(1) of this section, the amount of the 39439  
fine authorized for the level of the offense imposed under 39440



division (A)(3) of this section. 39441

(5) Prior to imposing a fine under division (B)(4) of this 39442  
section, the court shall determine whether the offender has an 39443  
interest in any property of the type described in division 39444  
(B)(4)(a) of this section. Except as provided in division (B)(6) 39445  
or (7) of this section, a fine that is authorized and imposed 39446  
under division (B)(4) of this section does not limit or affect the 39447  
imposition of the penalties and sanctions for a violation of 39448  
section 2925.03 of the Revised Code prescribed under those 39449  
sections or sections 2929.11 to 2929.18 of the Revised Code and 39450  
does not limit or affect a forfeiture of property in connection 39451  
with the offense as prescribed in Chapter 2981. of the Revised 39452  
Code. 39453

(6) If the sum total of a mandatory fine amount imposed for a 39454  
first, second, or third degree felony violation of section 2925.03 39455  
of the Revised Code under division (B)(1) of this section plus the 39456  
amount of any fine imposed under division (B)(4) of this section 39457  
does not exceed the maximum statutory fine amount authorized for 39458  
the level of the offense under division (A)(3) of this section or 39459  
section 2929.31 of the Revised Code, the court may impose a fine 39460  
for the offense in addition to the mandatory fine and the fine 39461  
imposed under division (B)(4) of this section. The sum total of 39462  
the amounts of the mandatory fine, the fine imposed under division 39463  
(B)(4) of this section, and the additional fine imposed under 39464  
division (B)(6) of this section shall not exceed the maximum 39465  
statutory fine amount authorized for the level of the offense 39466  
under division (A)(3) of this section or section 2929.31 of the 39467  
Revised Code. The clerk of the court shall pay any fine that is 39468  
imposed under division (B)(6) of this section to the county, 39469  
township, municipal corporation, park district as created pursuant 39470  
to section 511.18 or 1545.04 of the Revised Code, or state law 39471  
enforcement agencies in this state that primarily were responsible 39472

for or involved in making the arrest of, and in prosecuting, the 39473  
offender pursuant to division (F) of section 2925.03 of the 39474  
Revised Code. 39475

(7) If the sum total of the amount of a mandatory fine 39476  
imposed for a first, second, or third degree felony violation of 39477  
section 2925.03 of the Revised Code plus the amount of any fine 39478  
imposed under division (B)(4) of this section exceeds the maximum 39479  
statutory fine amount authorized for the level of the offense 39480  
under division (A)(3) of this section or section 2929.31 of the 39481  
Revised Code, the court shall not impose a fine under division 39482  
(B)(6) of this section. 39483

(8)(a) If an offender who is convicted of or pleads guilty to 39484  
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 39485  
2923.32, division (A)(1) or (2) of section 2907.323, or division 39486  
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 39487  
Code also is convicted of or pleads guilty to a specification of 39488  
the type described in section 2941.1422 of the Revised Code that 39489  
charges that the offender knowingly committed the offense in 39490  
furtherance of human trafficking, the sentencing court shall 39491  
sentence the offender to a financial sanction of restitution by 39492  
the offender to the victim or any survivor of the victim, with the 39493  
restitution including the costs of housing, counseling, and 39494  
medical and legal assistance incurred by the victim as a direct 39495  
result of the offense and the greater of the following: 39496

(i) The gross income or value to the offender of the victim's 39497  
labor or services; 39498

(ii) The value of the victim's labor as guaranteed under the 39499  
minimum wage and overtime provisions of the "Federal Fair Labor 39500  
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 39501  
labor laws. 39502

(b) If a court imposing sentence upon an offender for a 39503

felony is required to impose upon the offender a financial 39504  
sanction of restitution under division (B)(8)(a) of this section, 39505  
in addition to that financial sanction of restitution, the court 39506  
may sentence the offender to any other financial sanction or 39507  
combination of financial sanctions authorized under this section, 39508  
including a restitution sanction under division (A)(1) of this 39509  
section. 39510

(9) In addition to any other fine that is or may be imposed 39511  
under this section, the court imposing sentence upon an offender 39512  
for a felony that is a sexually oriented offense or a child-victim 39513  
oriented offense, as those terms are defined in section 2950.01 of 39514  
the Revised Code, may impose a fine of not less than fifty nor 39515  
more than five hundred dollars. 39516

~~(C)(1) The offender shall pay reimbursements imposed upon the 39517  
offender pursuant to division (A)(5)(a) of this section to pay the 39518  
costs incurred by the department of rehabilitation and correction 39519  
in operating a prison or other facility used to confine offenders 39520  
pursuant to sanctions imposed under section 2929.14, 2929.142, or 39521  
2929.16 of the Revised Code to the treasurer of state. The 39522  
treasurer of state shall deposit the reimbursements in the 39523  
confinement cost reimbursement fund that is hereby created in the 39524  
state treasury. The department of rehabilitation and correction 39525  
shall use the amounts deposited in the fund to fund the operation 39526  
of facilities used to confine offenders pursuant to sections 39527  
2929.14, 2929.142, and 2929.16 of the Revised Code. 39528~~

~~(2) Except as provided in section 2951.021 of the Revised 39529  
Code, the offender shall pay reimbursements imposed upon the 39530  
offender pursuant to division (A)(5)(a) of this section to pay the 39531  
costs incurred by a county pursuant to any sanction imposed under 39532  
this section or section 2929.16 or 2929.17 of the Revised Code or 39533  
in operating a facility used to confine offenders pursuant to a 39534  
sanction imposed under section 2929.16 of the Revised Code to the 39535~~

county treasurer. The county treasurer shall deposit the 39536  
reimbursements in the sanction cost reimbursement fund that each 39537  
board of county commissioners shall create in its county treasury. 39538  
The county shall use the amounts deposited in the fund to pay the 39539  
costs incurred by the county pursuant to any sanction imposed 39540  
under this section or section 2929.16 or 2929.17 of the Revised 39541  
Code or in operating a facility used to confine offenders pursuant 39542  
to a sanction imposed under section 2929.16 of the Revised Code. 39543

~~(3)~~(2) Except as provided in section 2951.021 of the Revised 39544  
Code, the offender shall pay reimbursements imposed upon the 39545  
offender pursuant to division (A)(5)(a) of this section to pay the 39546  
costs incurred by a municipal corporation pursuant to any sanction 39547  
imposed under this section or section 2929.16 or 2929.17 of the 39548  
Revised Code or in operating a facility used to confine offenders 39549  
pursuant to a sanction imposed under section 2929.16 of the 39550  
Revised Code to the treasurer of the municipal corporation. The 39551  
treasurer shall deposit the reimbursements in a special fund that 39552  
shall be established in the treasury of each municipal 39553  
corporation. The municipal corporation shall use the amounts 39554  
deposited in the fund to pay the costs incurred by the municipal 39555  
corporation pursuant to any sanction imposed under this section or 39556  
section 2929.16 or 2929.17 of the Revised Code or in operating a 39557  
facility used to confine offenders pursuant to a sanction imposed 39558  
under section 2929.16 of the Revised Code. 39559

~~(4)~~(3) Except as provided in section 2951.021 of the Revised 39560  
Code, the offender shall pay reimbursements imposed pursuant to 39561  
division (A)(5)(a) of this section for the costs incurred by a 39562  
private provider pursuant to a sanction imposed under this section 39563  
or section 2929.16 or 2929.17 of the Revised Code to the provider. 39564

(D) Except as otherwise provided in this division, a 39565  
financial sanction imposed pursuant to division (A) or (B) of this 39566  
section is a judgment in favor of the state or a political 39567

subdivision in which the court that imposed the financial sanction 39568  
is located, and the offender subject to the financial sanction is 39569  
the judgment debtor. A financial sanction of reimbursement imposed 39570  
pursuant to division (A)(5)(a)(ii) of this section upon an 39571  
offender who is incarcerated in a state facility or a municipal 39572  
jail is a judgment in favor of the state or the municipal 39573  
corporation, and the offender subject to the financial sanction is 39574  
the judgment debtor. A financial sanction of reimbursement imposed 39575  
upon an offender pursuant to this section for costs incurred by a 39576  
private provider of sanctions is a judgment in favor of the 39577  
private provider, and the offender subject to the financial 39578  
sanction is the judgment debtor. A financial sanction of 39579  
restitution imposed pursuant to division (A)(1) or (B)(8) of this 39580  
section is an order in favor of the victim of the offender's 39581  
criminal act that can be collected through a certificate of 39582  
judgment as described in division (D)(1) of this section, through 39583  
execution as described in division (D)(2) of this section, or 39584  
through an order as described in division (D)(3) of this section, 39585  
and the offender shall be considered for purposes of the 39586  
collection as the judgment debtor. Imposition of a financial 39587  
sanction and execution on the judgment does not preclude any other 39588  
power of the court to impose or enforce sanctions on the offender. 39589  
Once the financial sanction is imposed as a judgment or order 39590  
under this division, the victim, private provider, state, or 39591  
political subdivision may do any of the following: 39592

(1) Obtain from the clerk of the court in which the judgment 39593  
was entered a certificate of judgment that shall be in the same 39594  
manner and form as a certificate of judgment issued in a civil 39595  
action; 39596

(2) Obtain execution of the judgment or order through any 39597  
available procedure, including: 39598

(a) An execution against the property of the judgment debtor 39599

under Chapter 2329. of the Revised Code;	39600
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	39601 39602
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	39603 39604
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	39605 39606 39607
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	39608 39609
(iii) A creditor's suit under section 2333.01 of the Revised Code.	39610 39611
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	39612 39613
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	39614 39615
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	39616 39617
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	39618 39619 39620 39621
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised	39622 39623 39624 39625 39626 39627 39628 39629

Code. Before entering into a contract for the collection of 39630  
amounts due from an offender pursuant to any financial sanction 39631  
imposed pursuant to this section or section 2929.32 of the Revised 39632  
Code, a court shall comply with sections 307.86 to 307.92 of the 39633  
Revised Code. 39634

(G) If a court that imposes a financial sanction under 39635  
division (A) or (B) of this section finds that an offender 39636  
satisfactorily has completed all other sanctions imposed upon the 39637  
offender and that all restitution that has been ordered has been 39638  
paid as ordered, the court may suspend any financial sanctions 39639  
imposed pursuant to this section or section 2929.32 of the Revised 39640  
Code that have not been paid. 39641

(H) No financial sanction imposed under this section or 39642  
section 2929.32 of the Revised Code shall preclude a victim from 39643  
bringing a civil action against the offender. 39644

**Sec. 2929.20.** (A) As used in this section: 39645

(1)(a) Except as provided in division (A)(1)(b) of this 39646  
section, "eligible offender" means any person who, on or after 39647  
April 7, 2009, is serving a stated prison term that includes one 39648  
or more nonmandatory prison terms. 39649

(b) "Eligible offender" does not include any person who, on 39650  
or after April 7, 2009, is serving a stated prison term for any of 39651  
the following criminal offenses that was a felony and was 39652  
committed while the person held a public office in this state: 39653

(i) A violation of section 2921.02, 2921.03, 2921.05, 39654  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 39655  
Code; 39656

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 39657  
2921.12 of the Revised Code, when the conduct constituting the 39658  
violation was related to the duties of the offender's public 39659

office or to the offender's actions as a public official holding 39660  
that public office; 39661

(iii) A violation of an existing or former municipal 39662  
ordinance or law of this or any other state or the United States 39663  
that is substantially equivalent to any violation listed in 39664  
division (A)(1)(b)(i) of this section; 39665

(iv) A violation of an existing or former municipal ordinance 39666  
or law of this or any other state or the United States that is 39667  
substantially equivalent to any violation listed in division 39668  
(A)(1)(b)(ii) of this section, when the conduct constituting the 39669  
violation was related to the duties of the offender's public 39670  
office or to the offender's actions as a public official holding 39671  
that public office; 39672

(v) A conspiracy to commit, attempt to commit, or complicity 39673  
in committing any offense listed in division (A)(1)(b)(i) or 39674  
described in division (A)(1)(b)(iii) of this section; 39675

(vi) A conspiracy to commit, attempt to commit, or complicity 39676  
in committing any offense listed in division (A)(1)(b)(ii) or 39677  
described in division (A)(1)(b)(iv) of this section, if the 39678  
conduct constituting the offense that was the subject of the 39679  
conspiracy, that would have constituted the offense attempted, or 39680  
constituting the offense in which the offender was complicit was 39681  
or would have been related to the duties of the offender's public 39682  
office or to the offender's actions as a public official holding 39683  
that public office. 39684

(2) "Nonmandatory prison term" means a prison term that is 39685  
not a mandatory prison term. 39686

(3) "Public office" means any elected federal, state, or 39687  
local government office in this state. 39688

(4) "Victim's representative" has the same meaning as in 39689  
section 2930.01 of the Revised Code. 39690



(5) "Imminent danger of death," "medically incapacitated," 39691  
and "terminal illness" have the same meanings as in section 39692  
2967.05 of the Revised Code. 39693

(B) On the motion of an eligible offender or upon its own 39694  
motion, the sentencing court may reduce the eligible offender's 39695  
aggregated nonmandatory prison term or terms through a judicial 39696  
release under this section. 39697

(C) An eligible offender may file a motion for judicial 39698  
release with the sentencing court within the following applicable 39699  
periods: 39700

(1) If the aggregated nonmandatory prison term or terms is 39701  
less than two years, the eligible offender may file the motion not 39702  
earlier than thirty days after the offender is delivered to a 39703  
state correctional institution or, if the prison term includes a 39704  
mandatory prison term or terms, not earlier than thirty days after 39705  
the expiration of all mandatory prison terms. 39706

(2) If the aggregated nonmandatory prison term or terms is at 39707  
least two years but less than five years, the eligible offender 39708  
may file the motion not earlier than one hundred eighty days after 39709  
the offender is delivered to a state correctional institution or, 39710  
if the prison term includes a mandatory prison term or terms, not 39711  
earlier than one hundred eighty days after the expiration of all 39712  
mandatory prison terms. 39713

(3) If the aggregated nonmandatory prison term or terms is 39714  
five years, the eligible offender may file the motion not earlier 39715  
than four years after the eligible offender is delivered to a 39716  
state correctional institution or, if the prison term includes a 39717  
mandatory prison term or terms, not earlier than four years after 39718  
the expiration of all mandatory prison terms. 39719

(4) If the aggregated nonmandatory prison term or terms is 39720  
more than five years but not more than ten years, the eligible 39721

offender may file the motion not earlier than five years after the 39722  
eligible offender is delivered to a state correctional institution 39723  
or, if the prison term includes a mandatory prison term or terms, 39724  
not earlier than five years after the expiration of all mandatory 39725  
prison terms. 39726

(5) If the aggregated nonmandatory prison term or terms is 39727  
more than ten years, the eligible offender may file the motion not 39728  
earlier than the later of the date on which the offender has 39729  
served one-half of the offender's stated prison term or the date 39730  
specified in division (C)(4) of this section. 39731

(D) Upon receipt of a timely motion for judicial release 39732  
filed by an eligible offender under division (C) of this section 39733  
or upon the sentencing court's own motion made within the 39734  
appropriate time specified in that division, the court may deny 39735  
the motion without a hearing or schedule a hearing on the motion. 39736  
The court shall not grant the motion without a hearing. If a court 39737  
denies a motion without a hearing, the court later may consider 39738  
judicial release for that eligible offender on a subsequent motion 39739  
filed by that eligible offender unless the court denies the motion 39740  
with prejudice. If a court denies a motion with prejudice, the 39741  
court may later consider judicial release on its own motion. If a 39742  
court denies a motion after a hearing, the court shall not 39743  
consider a subsequent motion for that eligible offender. The court 39744  
shall hold only one hearing for any eligible offender. 39745

A hearing under this section shall be conducted in open court 39746  
not less than thirty or more than sixty days after the motion is 39747  
filed, provided that the court may delay the hearing for one 39748  
hundred eighty additional days. If the court holds a hearing, the 39749  
court shall enter a ruling on the motion within ten days after the 39750  
hearing. If the court denies the motion without a hearing, the 39751  
court shall enter its ruling on the motion within sixty days after 39752  
the motion is filed. 39753

(E) If a court schedules a hearing under division (D) of this section, the court shall notify the eligible offender and the head of the state correctional institution in which the eligible offender is confined prior to the hearing. The head of the state correctional institution immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice, shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A)(1)(c)(i) of that section. If the court schedules a hearing for judicial release, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the eligible offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall do whichever of the following is applicable:

(1) Subject to division (E)(2) of this section, notify the victim of the offense or the victim's representative pursuant to division (B) of section 2930.16 of the Revised Code;

(2) If the offense was an offense of violence that is a felony of the first, second, or third degree, except as otherwise provided in this division, notify the victim or the victim's representative of the hearing regardless of whether the victim or victim's representative has requested the notification. The notice of the hearing shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. If notice is to be provided to a victim or victim's representative under this division, the prosecuting attorney may give the notice by any reasonable means, including regular mail, telephone, and

electronic mail, in accordance with division (D)(1) of section 39786  
2930.16 of the Revised Code. If the notice is based on an offense 39787  
committed prior to March 22, 2013, the notice also shall include 39788  
the opt-out information described in division (D)(1) of section 39789  
2930.16 of the Revised Code. The prosecuting attorney, in 39790  
accordance with division (D)(2) of section 2930.16 of the Revised 39791  
Code, shall keep a record of all attempts to provide the notice, 39792  
and of all notices provided, under this division. Division (E)(2) 39793  
of this section, and the notice-related provisions of division (K) 39794  
of this section, division (D)(1) of section 2930.16, division (H) 39795  
of section 2967.12, division (E)(1)(b) of section 2967.19, 39796  
division (A)(3)(b) of section 2967.26, division (D)(1) of section 39797  
2967.28, and division (A)(2) of section 5149.101 of the Revised 39798  
Code enacted in the act in which division (E)(2) of this section 39799  
was enacted, shall be known as "Roberta's Law." 39800

(F) Upon an offender's successful completion of 39801  
rehabilitative activities, the head of the state correctional 39802  
institution may notify the sentencing court of the successful 39803  
completion of the activities. 39804

(G) Prior to the date of the hearing on a motion for judicial 39805  
release under this section, the head of the state correctional 39806  
institution in which the eligible offender is confined shall send 39807  
to the court an institutional summary report on the eligible 39808  
offender's conduct in the institution and in any institution from 39809  
which the eligible offender may have been transferred. Upon the 39810  
request of the prosecuting attorney of the county in which the 39811  
eligible offender was indicted or of any law enforcement agency, 39812  
the head of the state correctional institution, at the same time 39813  
the person sends the institutional summary report to the court, 39814  
also shall send a copy of the report to the requesting prosecuting 39815  
attorney and law enforcement agencies. The institutional summary 39816  
report shall cover the eligible offender's participation in 39817

school, vocational training, work, treatment, and other 39818  
rehabilitative activities and any disciplinary action taken 39819  
against the eligible offender. The report shall be made part of 39820  
the record of the hearing. A presentence investigation report is 39821  
not required for judicial release. 39822

(H) If the court grants a hearing on a motion for judicial 39823  
release under this section, the eligible offender shall attend the 39824  
hearing if ordered to do so by the court. Upon receipt of a copy 39825  
of the journal entry containing the order, the head of the state 39826  
correctional institution in which the eligible offender is 39827  
incarcerated shall deliver the eligible offender to the sheriff of 39828  
the county in which the hearing is to be held. The sheriff shall 39829  
convey the eligible offender to and from the hearing. 39830

(I) At the hearing on a motion for judicial release under 39831  
this section, the court shall afford the eligible offender and the 39832  
eligible offender's attorney an opportunity to present written 39833  
and, if present, oral information relevant to the motion. The 39834  
court shall afford a similar opportunity to the prosecuting 39835  
attorney, the victim or the victim's representative, and any other 39836  
person the court determines is likely to present additional 39837  
relevant information. The court shall consider any statement of a 39838  
victim made pursuant to section 2930.14 or 2930.17 of the Revised 39839  
Code, any victim impact statement prepared pursuant to section 39840  
2947.051 of the Revised Code, and any report made under division 39841  
(G) of this section. The court may consider any written statement 39842  
of any person submitted to the court pursuant to division (L) of 39843  
this section. After ruling on the motion, the court shall notify 39844  
the victim of the ruling in accordance with sections 2930.03 and 39845  
2930.16 of the Revised Code. 39846

(J)(1) A court shall not grant a judicial release under this 39847  
section to an eligible offender who is imprisoned for a felony of 39848  
the first or second degree, or to an eligible offender who 39849

committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible offender under division (J)(1) of this section shall specify on the record both findings required in that division and also shall list all the factors described in that division that were presented at the hearing.

(K) If the court grants a motion for judicial release under this section, the court shall order the release of the eligible offender, shall place the eligible offender under an appropriate community control sanction, under appropriate conditions, and under the supervision of the department of probation serving the court and shall reserve the right to reimpose the sentence that it reduced if the offender violates the sanction. If the court reimposes the reduced sentence, it may do so either concurrently with, or consecutive to, any new sentence imposed upon the eligible offender as a result of the violation that is a new offense. ~~The~~ Except as provided in division (R)(2) of this

section, the period of community control shall be no longer than 39882  
five years. The court, in its discretion, may reduce the period of 39883  
community control by the amount of time the eligible offender 39884  
spent in jail or prison for the offense and in prison. If the 39885  
court made any findings pursuant to division (J)(1) of this 39886  
section, the court shall serve a copy of the findings upon counsel 39887  
for the parties within fifteen days after the date on which the 39888  
court grants the motion for judicial release. 39889

If the court grants a motion for judicial release, the court 39890  
shall notify the appropriate person at the department of 39891  
rehabilitation and correction, and the department shall post 39892  
notice of the release on the database it maintains pursuant to 39893  
section 5120.66 of the Revised Code. The court also shall notify 39894  
the prosecuting attorney of the county in which the eligible 39895  
offender was indicted that the motion has been granted. Unless the 39896  
victim or the victim's representative has requested pursuant to 39897  
division (B)(2) of section 2930.03 of the Revised Code that the 39898  
victim or victim's representative not be provided the notice, the 39899  
prosecuting attorney shall notify the victim or the victim's 39900  
representative of the judicial release in any manner, and in 39901  
accordance with the same procedures, pursuant to which the 39902  
prosecuting attorney is authorized to provide notice of the 39903  
hearing pursuant to division (E)(2) of this section. If the notice 39904  
is based on an offense committed prior to March 22, 2013, the 39905  
notice to the victim or victim's representative also shall include 39906  
the opt-out information described in division (D)(1) of section 39907  
2930.16 of the Revised Code. 39908

(L) In addition to and independent of the right of a victim 39909  
to make a statement pursuant to section 2930.14, 2930.17, or 39910  
2946.051 of the Revised Code and any right of a person to present 39911  
written information or make a statement pursuant to division (I) 39912  
of this section, any person may submit to the court, at any time 39913

prior to the hearing on the offender's motion for judicial 39914  
release, a written statement concerning the effects of the 39915  
offender's crime or crimes, the circumstances surrounding the 39916  
crime or crimes, the manner in which the crime or crimes were 39917  
perpetrated, and the person's opinion as to whether the offender 39918  
should be released. 39919

(M) The changes to this section that are made on September 30, 2011, apply to any judicial release decision made on or after September 30, 2011, for any eligible offender. 39920  
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(N) Notwithstanding the eligibility requirements specified in 39923  
division (A) of this section and the filing time frames specified 39924  
in division (C) of this section and notwithstanding the findings 39925  
required under division (J) of this section, the sentencing court, 39926  
upon the court's own motion and after considering whether the 39927  
release of the offender into society would create undue risk to 39928  
public safety, may grant a judicial release to an offender who is 39929  
not serving a life sentence at any time during the offender's 39930  
imposed sentence when the director of rehabilitation and 39931  
correction certifies to the sentencing court through the chief 39932  
medical officer for the department of rehabilitation and 39933  
correction that the offender is in imminent danger of death, is 39934  
medically incapacitated, or is suffering from a terminal illness. 39935

(O) The director of rehabilitation and correction shall not 39936  
certify any offender under division (N) of this section who is 39937  
serving a death sentence. 39938

(P) A motion made by the court under division (N) of this 39939  
section is subject to the notice, hearing, and other procedural 39940  
requirements specified in divisions (D), (E), (G), (H), (I), (K), 39941  
and (L) of this section, except for the following: 39942

(1) The court may waive the offender's appearance at any 39943  
hearing scheduled by the court if the offender's condition makes 39944



it impossible for the offender to participate meaningfully in the proceeding. 39945  
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(2) The court may grant the motion without a hearing, provided that the prosecuting attorney and victim or victim's representative to whom notice of the hearing was provided under division (E) of this section indicate that they do not wish to participate in the hearing or present information relevant to the motion. 39947  
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(O) The court may request health care records from the department of rehabilitation and correction to verify the certification made under division (N) of this section. 39953  
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(R)(1) If the court grants judicial release under division (N) of this section, the court shall do all of the following: 39956  
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(a) Order the release of the offender; 39958

(b) Place the offender under an appropriate community control sanction, under appropriate conditions; 39959  
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(c) Place the offender under the supervision of the department of probation serving the court or under the supervision of the adult parole authority. 39961  
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(2) The court, in its discretion, may revoke the judicial release if the offender violates the community control sanction described in division (R)(1) of this section. The period of that community control is not subject to the five-year limitation described in division (K) of this section and shall not expire earlier than the date on which all of the offender's mandatory prison terms expire. 39964  
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(S) If the health of an offender who is released under division (N) of this section improves so that the offender is no longer terminally ill, medically incapacitated, or in imminent danger of death, the court shall, upon the court's own motion, 39971  
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revoke the judicial release. The court shall not grant the motion 39975  
without a hearing unless the offender waives a hearing. If a 39976  
hearing is held, the court shall afford the offender and the 39977  
offender's attorney an opportunity to present written and, if the 39978  
offender or the offender's attorney is present, oral information 39979  
relevant to the motion. The court shall afford a similar 39980  
opportunity to the prosecuting attorney, the victim or the 39981  
victim's representative, and any other person the court determines 39982  
is likely to present additional relevant information. A court that 39983  
grants a motion under this division shall specify its findings on 39984  
the record. 39985

**Sec. 2935.33.** (A) If a person charged with a misdemeanor is 39986  
taken before a judge of a court of record and if it appears to the 39987  
judge that the person is an alcoholic or is suffering from acute 39988  
alcohol intoxication and that the person would benefit from 39989  
services provided by a community addiction services provider 39990  
~~certified under Chapter 5119. of the Revised Code~~, the judge may 39991  
place the person temporarily ~~in~~ with a community addiction 39992  
services provider ~~certified under that chapter~~ in the area in 39993  
which the court has jurisdiction for inpatient care and treatment 39994  
for an indefinite period not exceeding five days. The commitment 39995  
does not limit the right to release on bail. The judge may dismiss 39996  
a charge of a violation of division (B) of section 2917.11 of the 39997  
Revised Code or of a municipal ordinance substantially equivalent 39998  
to that division if the defendant complies with all the conditions 39999  
of treatment ordered by the court. 40000

The court may order that any fines or court costs collected 40001  
by the court from defendants who have received inpatient care from 40002  
a community addiction services provider be paid, for the benefit 40003  
of the program, to the board of alcohol, drug addiction, and 40004  
mental health services of the alcohol, drug addiction, and mental 40005  
health service district in which the community addiction services 40006

provider is located or to the director of mental health and 40007  
addiction services. 40008

(B) If a person is being sentenced for a violation of 40009  
division (B) of section 2917.11 or section 4511.19 of the Revised 40010  
Code, a misdemeanor violation of section 2919.25 of the Revised 40011  
Code, a misdemeanor violation of section 2919.27 of the Revised 40012  
Code involving a protection order issued or consent agreement 40013  
approved pursuant to section 2919.26 or 3113.31 of the Revised 40014  
Code, or a violation of a municipal ordinance substantially 40015  
equivalent to that division or any of those sections and if it 40016  
appears to the judge at the time of sentencing that the person is 40017  
an alcoholic or is suffering from acute alcohol intoxication and 40018  
that, in lieu of imprisonment, the person would benefit from 40019  
services provided by a community addiction services provider 40020  
~~certified under Chapter 5119. of the Revised Code~~, the court may 40021  
commit the person to close supervision in any facility in the area 40022  
in which the court has jurisdiction that is, or is operated by, 40023  
such a services provider. Such close supervision may include 40024  
outpatient services and part-time release, except that a person 40025  
convicted of a violation of division (A) of section 4511.19 of the 40026  
Revised Code shall be confined to the facility for at least three 40027  
days and except that a person convicted of a misdemeanor violation 40028  
of section 2919.25 of the Revised Code, a misdemeanor violation of 40029  
section 2919.27 of the Revised Code involving a protection order 40030  
issued or consent agreement approved pursuant to section 2919.26 40031  
or 3113.31 of the Revised Code, or a violation of a substantially 40032  
equivalent municipal ordinance shall be confined to the facility 40033  
in accordance with the order of commitment. A commitment of a 40034  
person to a facility for purposes of close supervision shall not 40035  
exceed the maximum term for which the person could be imprisoned. 40036

(C) A law enforcement officer who finds a person subject to 40037  
prosecution for violation of division (B) of section 2917.11 of 40038

the Revised Code or a municipal ordinance substantially equivalent 40039  
to that division and who has reasonable cause to believe that the 40040  
person is an alcoholic or is suffering from acute alcohol 40041  
intoxication and would benefit from immediate treatment 40042  
immediately may place the person ~~in~~ with a community addiction 40043  
services provider ~~certified under Chapter 5119. of the Revised~~ 40044  
~~Code~~ in the area in which the person is found, for emergency 40045  
treatment, in lieu of other arrest procedures, for a maximum 40046  
period of forty-eight hours. During that time, if the person 40047  
desires to leave such custody, the person shall be released 40048  
forthwith. 40049

(D) As used in this section: 40050

(1) "Alcoholic" ~~has~~ and "community addiction services 40051  
provider" have the same ~~meaning~~ meanings as in section 5119.01 of 40052  
the Revised Code; 40053

(2) "Acute alcohol intoxication" means a heavy consumption of 40054  
alcohol over a relatively short period of time, resulting in 40055  
dysfunction of the brain centers controlling behavior, speech, and 40056  
memory and causing characteristic withdrawal symptoms. 40057

**Sec. 2941.51.** (A) Counsel appointed to a case or selected by 40058  
an indigent person under division (E) of section 120.16 or 40059  
division (E) of section 120.26 of the Revised Code, or otherwise 40060  
appointed by the court, except for counsel appointed by the court 40061  
to provide legal representation for a person charged with a 40062  
violation of an ordinance of a municipal corporation, shall be 40063  
paid for their services by the county the compensation and 40064  
expenses that the trial court approves. Each request for payment 40065  
shall be accompanied by a financial disclosure form and an 40066  
affidavit of indigency that are completed by the indigent person 40067  
on forms prescribed by the state public defender. Compensation and 40068  
expenses shall not exceed the amounts fixed by the board of county 40069

commissioners pursuant to division (B) of this section. 40070

(B) The board of county commissioners shall establish a 40071  
schedule of fees by case or on an hourly basis to be paid by the 40072  
county for legal services provided by appointed counsel. Prior to 40073  
establishing such schedule, the board shall request the bar 40074  
association or associations of the county to submit a proposed 40075  
schedule for cases other than capital cases. The schedule 40076  
submitted shall be subject to the review, amendment, and approval 40077  
of the board of county commissioners, except with respect to 40078  
capital cases. With respect to capital cases, the schedule shall 40079  
provide for fees by case or on an hourly basis to be paid to 40080  
counsel in the amount or at the rate set by the supreme court 40081  
pursuant to division (D) of section 120.33 of the Revised Code, 40082  
and the board of county commissioners shall approve that amount or 40083  
rate. 40084

With respect to capital cases, counsel shall be paid 40085  
compensation and expenses in accordance with the amount or at the 40086  
rate set by the supreme court pursuant to division (D) of section 40087  
120.33 of the Revised Code. 40088

(C) In a case where counsel have been appointed to conduct an 40089  
appeal under Chapter 120. of the Revised Code, such compensation 40090  
shall be fixed by the court of appeals or the supreme court, as 40091  
provided in divisions (A) and (B) of this section. 40092

(D) The fees and expenses approved by the court under this 40093  
section shall not be taxed as part of the costs and shall be paid 40094  
by the county. However, if the person represented has, or 40095  
reasonably may be expected to have, the means to meet some part of 40096  
the cost of the services rendered to the person, the person shall 40097  
pay the county an amount that the person reasonably can be 40098  
expected to pay. Pursuant to section 120.04 of the Revised Code, 40099  
the county shall pay to the state public defender a percentage of 40100  
the payment received from the person in an amount proportionate to 40101

the percentage of the costs of the person's case that were paid to 40102  
the county by the state public defender pursuant to this section. 40103  
The money paid to the state public defender shall be credited to 40104  
the client payment fund created pursuant to division (B)(5) of 40105  
section 120.04 of the Revised Code. 40106

(E)(1) The county auditor shall draw a warrant on the county 40107  
treasurer for the payment of such counsel in the amount fixed by 40108  
the court, plus the expenses that the court fixes and certifies to 40109  
the auditor. The county auditor shall report periodically, but not 40110  
less than annually, to the board of county commissioners and to 40111  
the Ohio public defender commission the amounts paid out pursuant 40112  
to the approval of the court under this section, separately 40113  
stating costs and expenses that are reimbursable under section 40114  
120.35 of the Revised Code. The board, after review and approval 40115  
of the auditor's report, may then certify it to the state public 40116  
defender for reimbursement. The request for reimbursement shall be 40117  
accompanied by a financial disclosure form completed by each 40118  
indigent person for whom counsel was provided on a form prescribed 40119  
by the state public defender. The state public defender shall 40120  
review the report and, in accordance with the standards, 40121  
guidelines, and maximums established pursuant to divisions (B)(7) 40122  
and (8) of section 120.04 of the Revised Code, pay fifty per cent 40123  
of the total cost, other than costs and expenses that are 40124  
reimbursable under section 120.35 of the Revised Code, if any, of 40125  
paying appointed counsel in each county and pay fifty per cent of 40126  
costs and expenses that are reimbursable under section 120.35 of 40127  
the Revised Code, if any, to the board. 40128

(2) If the board of county commissioners establishes a 40129  
schedule of fees on an hourly basis under division (B) of this 40130  
section that exceeds fifty dollars per hour, the county shall 40131  
receive a supplemental amount that constitutes five per cent of 40132  
the total reimbursement the county received from the state public 40133

defender for appointed counsel. 40134

(F) If any county system for paying appointed counsel fails 40135  
to maintain the standards for the conduct of the system 40136  
established by the rules of the Ohio public defender commission 40137  
pursuant to divisions (B) and (C) of section 120.03 of the Revised 40138  
Code or the standards established by the state public defender 40139  
pursuant to division (B)(7) of section 120.04 of the Revised Code, 40140  
the commission shall notify the board of county commissioners of 40141  
the county that the county system for paying appointed counsel has 40142  
failed to comply with its rules. Unless the board corrects the 40143  
conduct of its appointed counsel system to comply with the rules 40144  
within ninety days after the date of the notice, the state public 40145  
defender may deny all or part of the county's reimbursement from 40146  
the state provided for in this section. 40147

**Sec. 2951.041.** (A)(1) ~~If an~~ The court in which a person is 40148  
charged with a criminal offense may accept the offender's request 40149  
for intervention in lieu of conviction in the following 40150  
circumstances: 40151

(a) The offender is charged with a violation of section 40152  
2925.03 or 2925.11 of the Revised Code that is a misdemeanor or a 40153  
felony of the fourth or fifth degree, the offender makes the 40154  
request at any time prior to trial, and the court determines that 40155  
the offender has substance abuse problems. 40156

(b) The offender is charged with a criminal offense other 40157  
than an offense described in division (A)(1)(a) of this section, 40158  
including but not limited to a violation of section 2913.02, 40159  
2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of the Revised 40160  
Code, the offender makes the request prior to the entry of a 40161  
guilty plea, and the court has reason to believe that drug or 40162  
alcohol usage by the offender was a factor leading to the criminal 40163  
offense with which the offender is charged or that, at the time of 40164

committing that offense, the offender had a mental illness, was a 40165  
person with intellectual disability, or was a victim of a 40166  
violation of section 2905.32 of the Revised Code and that the 40167  
mental illness, status as a person with intellectual disability, 40168  
or fact that the offender was a victim of a violation of section 40169  
2905.32 of the Revised Code was a factor leading to the offender's 40170  
criminal behavior, ~~the court may accept, prior to the entry of a~~ 40171  
~~guilty plea, the offender's request for intervention in lieu of~~ 40172  
~~conviction.~~ The 40173

(2) A request made under division (A)(1)(b) of this section 40174  
shall include a statement from the offender as to whether the 40175  
offender is alleging that drug or alcohol usage by the offender 40176  
was a factor leading to the criminal offense with which the 40177  
offender is charged or is alleging that, at the time of committing 40178  
that offense, the offender had a mental illness, was a person with 40179  
intellectual disability, or was a victim of a violation of section 40180  
2905.32 of the Revised Code and that the mental illness, status as 40181  
a person with intellectual disability, or fact that the offender 40182  
was a victim of a violation of section 2905.32 of the Revised Code 40183  
was a factor leading to the criminal offense with which the 40184  
offender is charged. ~~The~~ A request also made under division 40185  
(A)(1)(a) or (b) of this section shall include a waiver of the 40186  
defendant's right to a speedy trial, the preliminary hearing, the 40187  
time period within which the grand jury may consider an indictment 40188  
against the offender, and arraignment, unless the hearing, 40189  
indictment, or arraignment has already occurred. The court may 40190  
reject an offender's request made under division (A)(1)(a) or (b) 40191  
of this section without a hearing. If the court elects to consider 40192  
an offender's request made under division (A)(1)(a) or (b) of this 40193  
section, the court shall conduct a hearing to determine whether 40194  
the offender is eligible under this section for intervention in 40195  
lieu of conviction and shall stay all criminal proceedings pending 40196  
the outcome of the hearing. If the court schedules a hearing, the 40197



court shall order an assessment of ~~the~~ an offender who made a 40198  
request under division (A)(1)(b) of this section and may order an 40199  
assessment of an offender who made a request under division 40200  
(A)(1)(a) of this section for the purpose of determining the 40201  
offender's eligibility for intervention in lieu of conviction and 40202  
recommending an appropriate intervention plan. 40203

~~If the offender~~ The court may order that an offender who made 40204  
a request under division (A)(1)(a) of this section or an offender 40205  
who made a request under division (A)(1)(b) of this section and 40206  
who alleges that drug or alcohol usage by the offender was a 40207  
factor leading to the criminal offense with which the offender is 40208  
charged, ~~the court may order that the offender~~ be assessed by ~~an a~~ 40209  
community addiction services provider ~~certified pursuant to~~ 40210  
~~section 5119.36 of the Revised Code~~ or a properly credentialed 40211  
professional for the purpose of determining the offender's 40212  
eligibility for intervention in lieu of conviction and 40213  
recommending an appropriate intervention plan. The community 40214  
addiction services provider or the properly credentialed 40215  
professional shall provide a written assessment of the offender to 40216  
the court. 40217

~~(2)~~(3) The victim notification provisions of division (C) of 40218  
section ~~2930.08~~ 2930.06 of the Revised Code apply in relation to 40219  
any hearing held under division (A)(1) of this section regarding 40220  
an offender who made a request under division (A)(1)(b) of this 40221  
section. 40222

(B) An offender is eligible for intervention in lieu of 40223  
conviction if the court finds all of the following: 40224

(1) ~~The~~ Regarding an offender who makes a request under 40225  
division (A)(1)(a) or (b) of this section, the offender previously 40226  
has not been convicted of or pleaded guilty to a felony offense of 40227  
violence or previously has been convicted of or pleaded guilty to 40228  
any felony that is not an offense of violence and the prosecuting 40229

attorney recommends that the offender be found eligible for 40230  
participation in intervention in lieu of treatment under this 40231  
section, previously has not been through intervention in lieu of 40232  
conviction under this section or any similar regimen, and is 40233  
charged with a violation of section 2925.03 or 2925.11 of the 40234  
Revised Code or a felony for which the court, upon conviction, 40235  
would impose a community control sanction on the offender under 40236  
division (B)(2) of section 2929.13 of the Revised Code or with a 40237  
misdemeanor. 40238

(2) The Regarding an offender who makes a request under 40239  
division (A)(1)(b) of this section, the offense is not a felony of 40240  
the first, second, or third degree, is not an offense of violence, 40241  
is not a violation of division (A)(1) or (2) of section 2903.06 of 40242  
the Revised Code, is not a violation of division (A)(1) of section 40243  
2903.08 of the Revised Code, is not a violation of division (A) of 40244  
section 4511.19 of the Revised Code or a municipal ordinance that 40245  
is substantially similar to that division, and is not an offense 40246  
for which a sentencing court is required to impose a mandatory 40247  
prison term, a mandatory term of local incarceration, or a 40248  
mandatory term of imprisonment in a jail. 40249

(3) The Regarding an offender who makes a request under 40250  
division (A)(1)(b) of this section, the offender is not charged 40251  
with a violation of section 2925.02, 2925.04, or 2925.06 of the 40252  
Revised Code, is not charged with a violation of section 2925.03 40253  
of the Revised Code that is a felony of the first, second, or 40254  
~~third, or fourth~~ degree, and is not charged with a violation of 40255  
section 2925.11 of the Revised Code that is a felony of the first, 40256  
second, or third degree. 40257

(4) ~~If an offender~~ (a) Regarding an offender who makes a 40258  
request under division (A)(1)(b) of this section and who alleges 40259  
that drug or alcohol usage by the offender was a factor leading to 40260  
the criminal offense with which the offender is charged, the court 40261

has ordered that the offender be assessed by ~~an~~ a community 40262  
addiction services provider ~~certified pursuant to section 5119.36~~ 40263  
~~of the Revised Code~~ or a properly credentialed professional for 40264  
the purpose of determining the offender's eligibility for 40265  
intervention in lieu of conviction and recommending an appropriate 40266  
intervention plan, the offender has been assessed by ~~an~~ a 40267  
community addiction services provider of that nature or a properly 40268  
credentialed professional in accordance with the court's order, 40269  
and the community addiction services provider or properly 40270  
credentialed professional has filed the written assessment of the 40271  
offender with the court. 40272

(b) Regarding an offender who makes a request under division 40273  
(A)(1)(a) of this section, if the court has ordered that the 40274  
offender be assessed by a community addiction services provider or 40275  
a properly credentialed professional for the purpose described in 40276  
division (B)(4)(a) of this section, the offender has been assessed 40277  
and the written assessment has been filed with the court as 40278  
described in that division. 40279

~~(5) If an offender~~ Regarding an offender who makes a request 40280  
under division (A)(1)(b) of this section and who alleges that, at 40281  
the time of committing the criminal offense with which the 40282  
offender is charged, the offender had a mental illness, was a 40283  
person with intellectual disability, or was a victim of a 40284  
violation of section 2905.32 of the Revised Code and that the 40285  
mental illness, status as a person with intellectual disability, 40286  
or fact that the offender was a victim of a violation of section 40287  
2905.32 of the Revised Code was a factor leading to that offense, 40288  
the offender has been assessed by a psychiatrist, psychologist, 40289  
independent social worker, licensed professional clinical 40290  
counselor, or independent marriage and family therapist for the 40291  
purpose of determining the offender's eligibility for intervention 40292  
in lieu of conviction and recommending an appropriate intervention 40293

plan. 40294

(6) ~~The~~ (a) Regarding an offender who makes a request under 40295  
division (A)(1)(b) of this section, the offender's drug usage, 40296  
alcohol usage, mental illness, or intellectual disability, or the 40297  
fact that the offender was a victim of a violation of section 40298  
2905.32 of the Revised Code, whichever is applicable, was a factor 40299  
leading to the criminal offense with which the offender is 40300  
charged, intervention in lieu of conviction would not demean the 40301  
seriousness of the offense, and intervention would substantially 40302  
reduce the likelihood of any future criminal activity. 40303

(b) Regarding an offender who makes a request under division 40304  
(A)(1)(a) of this section, the offender has substance abuse 40305  
problems and intervention would substantially reduce the 40306  
likelihood of any future criminal activity. 40307

(7) ~~The~~ Regarding an offender who makes a request under 40308  
division (A)(1)(b) of this section, the alleged victim of the 40309  
offense was not sixty-five years of age or older, permanently and 40310  
totally disabled, under thirteen years of age, or a peace officer 40311  
engaged in the officer's official duties at the time of the 40312  
alleged offense. 40313

(8) ~~If the offender~~ Regarding an offender who makes a request 40314  
under division (A)(1)(b) of this section and who is charged with a 40315  
violation of section 2925.24 of the Revised Code, the alleged 40316  
violation did not result in physical harm to any person, and the 40317  
offender previously has not been treated for drug abuse. 40318

(9) ~~The~~ Regarding an offender who makes a request under 40319  
division (A)(1)(a) or (b) of this section, the offender is willing 40320  
to comply with all terms and conditions imposed by the court 40321  
pursuant to division (D) of this section. 40322

(10) ~~The~~ Regarding an offender who makes a request under 40323  
division (A)(1)(b) of this section, the offender is not charged 40324

with an offense that would result in the offender being 40325  
disqualified under Chapter 4506. of the Revised Code from 40326  
operating a commercial motor vehicle or would subject the offender 40327  
to any other sanction under that chapter. 40328

(C)(1) At the conclusion of a hearing held pursuant to 40329  
division (A) of this section, the court shall enter its 40330  
determination as to whether the offender is eligible for 40331  
intervention in lieu of conviction and as to whether to grant the 40332  
offender's request. ~~If~~ and shall proceed as follows: 40333

(a) If the court finds under division (B) of this section 40334  
that the offender is eligible for intervention in lieu of 40335  
conviction and grants the offender's request, one of the following 40336  
applies: 40337

(i) Regarding an offender who made the request under division 40338  
(A)(1)(b) of this section, the court shall accept the offender's 40339  
plea of guilty and waiver of the defendant's right to a speedy 40340  
trial, the preliminary hearing, the time period within which the 40341  
grand jury may consider an indictment against the offender, and 40342  
arraignment, unless the hearing, indictment, or arraignment has 40343  
already occurred. In addition, the court then may stay all 40344  
criminal proceedings and order the offender to comply with all 40345  
terms and conditions imposed by the court pursuant to division (D) 40346  
of this section. ~~If~~ 40347

(ii) Regarding an offender who made the request under 40348  
division (A)(1)(a) of this section, the court shall accept the 40349  
offender's waiver of the defendant's right to a speedy trial, the 40350  
preliminary hearing, the time within which the grand jury may 40351  
consider an indictment against the offender, and arraignment, 40352  
unless the hearing, indictment, or arraignment already has 40353  
occurred. In addition, the court then shall stay all criminal 40354  
proceedings and order the offender to comply with all terms and 40355  
conditions imposed by the court pursuant to division (D) of this 40356

section. 40357

(2) If the court finds under division (B) of this section 40358  
that the offender is not eligible or does not grant the ~~offender's~~ 40359  
request of an offender made under division (A)(1)(b) of this 40360  
section, the criminal proceedings against the offender shall 40361  
proceed as if the offender's request for intervention in lieu of 40362  
conviction had not been made. 40363

(D) If the court grants an offender's request for 40364  
intervention in lieu of conviction, the court shall place the 40365  
offender under the general control and supervision of the county 40366  
probation department, the adult parole authority, or another 40367  
appropriate local probation or court services agency, if one 40368  
exists, as if the offender was subject to a community control 40369  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 40370  
Revised Code. The court shall establish an intervention plan for 40371  
the offender. The terms and conditions of the intervention plan 40372  
shall require the offender, for at least one year from the date on 40373  
which the court grants the order of intervention in lieu of 40374  
conviction, to abstain from the use of illegal drugs and alcohol, 40375  
to participate in treatment and recovery support services, and to 40376  
submit to regular random testing for drug and alcohol use and may 40377  
include any other treatment terms and conditions, or terms and 40378  
conditions similar to community control sanctions, which may 40379  
include community service or restitution, that are ordered by the 40380  
court. If the offender's request was made under division (A)(1)(a) 40381  
of this section, the terms and conditions also shall require that 40382  
the offender, for at least three years from the date on which the 40383  
court grants the order of intervention in lieu of conviction, not 40384  
be convicted of or plead guilty to any criminal offense other than 40385  
a misdemeanor traffic offense. 40386

(E) If the court grants an offender's request for 40387  
intervention in lieu of conviction and the court finds that the 40388

offender has successfully completed the intervention plan for the 40389  
offender, including the requirement that the offender abstain from 40390  
using illegal drugs and alcohol for a period of at least one year 40391  
from the date on which the court granted the order of intervention 40392  
in lieu of conviction, the requirement that the offender 40393  
participate in treatment and recovery support services, the 40394  
requirement if applicable that the offender for a period of at 40395  
least three years from the date on which the court granted that 40396  
order not be convicted of or plead guilty to any criminal offense 40397  
other than a misdemeanor traffic offense, and all other terms and 40398  
conditions ordered by the court, the court shall dismiss the 40399  
proceedings against the offender. Successful completion of the 40400  
intervention plan and, the period of abstinence, and if applicable 40401  
the period of no criminal convictions or guilty pleas under this 40402  
section shall be without adjudication of guilt and is not a 40403  
criminal conviction for purposes of any disqualification or 40404  
disability imposed by law and upon conviction of a crime, and the 40405  
court may order the sealing of records related to the offense in 40406  
question in the manner provided in sections 2953.31 to 2953.36 of 40407  
the Revised Code. 40408

(F) If the court grants an offender's request for 40409  
intervention in lieu of conviction and the offender fails to 40410  
comply with any term or condition imposed as part of the 40411  
intervention plan for the offender, including the requirements 40412  
identified in division (E) of this section, the supervising 40413  
authority for the offender promptly shall advise the court of this 40414  
failure, and the court shall hold a hearing to determine whether 40415  
the offender failed to comply with any term or condition imposed 40416  
as part of the plan. If the court determines that the offender has 40417  
failed to comply with any of those terms and conditions, it and 40418  
the offender made the request for intervention in lieu of 40419  
conviction under division (A)(1)(b) of this section, the court 40420  
shall enter a finding of guilty and shall impose an appropriate 40421

sanction under Chapter 2929. of the Revised Code. If the court 40422  
determines that the offender has failed to comply with any of 40423  
those terms and conditions and the offender made the request for 40424  
intervention in lieu of conviction under division (A)(1)(a) of 40425  
this section, the court shall notify the prosecutor with authority 40426  
to prosecute the offender's alleged violation of section 2925.03 40427  
or 2925.11 of the Revised Code and the prosecutor shall proceed 40428  
with criminal proceedings against the offender as if the 40429  
offender's request for intervention in lieu of conviction had not 40430  
been made. If, in either case, the court sentences the offender to 40431  
a prison term, the court, after consulting with the department of 40432  
rehabilitation and correction regarding the availability of 40433  
services, may order continued court-supervised activity and 40434  
treatment of the offender during the prison term and, upon 40435  
consideration of reports received from the department concerning 40436  
the offender's progress in the program of activity and treatment, 40437  
may consider judicial release under section 2929.20 of the Revised 40438  
Code. 40439

(G) As used in this section: 40440

(1) "Community addiction services provider" has the same 40441  
meaning as in section 5119.01 of the Revised Code. 40442

(2) "Community control sanction" has the same meaning as in 40443  
section 2929.01 of the Revised Code. 40444

~~(2)~~(3) "Intervention in lieu of conviction" means any 40445  
court-supervised activity that complies with this section. 40446

~~(3)~~(4) "Peace officer" has the same meaning as in section 40447  
2935.01 of the Revised Code. 40448

~~(4)~~(5) "Mental illness" and "psychiatrist" have the same 40449  
meanings as in section 5122.01 of the Revised Code. 40450

~~(5)~~(6) "Person with intellectual disability" means a person 40451  
having significantly subaverage general intellectual functioning 40452



existing concurrently with deficiencies in adaptive behavior, 40453  
manifested during the developmental period. 40454

~~(6)~~(7) "Psychologist" has the same meaning as in section 40455  
4732.01 of the Revised Code. 40456

(8) "Misdemeanor traffic offense" means a violation of any 40457  
prohibition in Title XLV of the Revised Code, or of any municipal 40458  
ordinance that is substantially equivalent to any such violation, 40459  
that is a misdemeanor. 40460

(9) "Prosecutor" has the same meaning as in section 2935.01 40461  
of the Revised Code. 40462

(H) Whenever the term "mentally retarded person" is used in 40463  
any statute, rule, contract, grant, or other document, the 40464  
reference shall be deemed to include a "person with intellectual 40465  
disability," as defined in this section. 40466

**Sec. 2953.25.** (A) As used in this section: 40467

(1) "Collateral sanction" means a penalty, disability, or 40468  
disadvantage that is related to employment or occupational 40469  
licensing, however denominated, as a result of the individual's 40470  
conviction of or plea of guilty to an offense and that applies by 40471  
operation of law in this state whether or not the penalty, 40472  
disability, or disadvantage is included in the sentence or 40473  
judgment imposed. 40474

"Collateral sanction" does not include imprisonment, 40475  
probation, parole, supervised release, forfeiture, restitution, 40476  
fine, assessment, or costs of prosecution. 40477

(2) "Decision-maker" includes, but is not limited to, the 40478  
state acting through a department, agency, board, commission, or 40479  
instrumentality established by the law of this state for the 40480  
exercise of any function of government, a political subdivision, 40481  
an educational institution, or a government contractor or 40482

subcontractor made subject to this section by contract, law, or ordinance. 40483  
40484

(3) "Department-funded program" means a residential or nonresidential program that is not a term in a state correctional institution, that is funded in whole or part by the department of rehabilitation and correction, and that is imposed as a sanction for an offense, as part of a sanction that is imposed for an offense, or as a term or condition of any sanction that is imposed for an offense. 40485  
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(4) "Designee" means the person designated by the deputy director of the division of parole and community services to perform the duties designated in division (B) of this section. 40492  
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(5) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction. 40495  
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(6) "Offense" means any felony or misdemeanor under the laws of this state. 40498  
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(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code. 40500  
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(B)(1) After the provisions of this division become operative as described in division (J) of this section, an individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment. 40502  
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(2) After the provisions of this division become operative as described in division (J) of this section, an individual who is subject to one or more collateral sanctions as a result of being 40511  
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convicted of or pleading guilty to an offense and who is not in a category described in division (B)(1) of this section may file a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment.

(3) A petition under division (B)(1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section and shall contain all of the information described in division (F) of this section.

(4) An individual may file a petition under division (B)(1) or (2) of this section at any time after the expiration of whichever of the following is applicable:

(a) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense.

(b) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of six months from the

date of the final release of the individual from all sanctions 40546  
imposed for that offense including any period of supervision. 40547

(5)(a) A designee that receives a petition for a 40548  
certification of qualification for employment from an individual 40549  
under division (B)(1) or (2) of this section shall review the 40550  
petition to determine whether it is complete. If the petition is 40551  
complete, the designee shall forward the petition, and any other 40552  
information the designee possesses that relates to the petition, 40553  
to the court of common pleas of the county in which the individual 40554  
resides. 40555

(b) A court of common pleas that receives a petition for a 40556  
certificate of qualification for employment from an individual 40557  
under division (B)(2) of this section, or that is forwarded a 40558  
petition for such a certificate under division (B)(5)(a) of this 40559  
section, shall attempt to determine all other courts in this state 40560  
in which the individual was convicted of or pleaded guilty to an 40561  
offense other than the offense from which the individual is 40562  
seeking relief. The court that receives or is forwarded the 40563  
petition shall notify all other courts in this state that it 40564  
determines under this division were courts in which the individual 40565  
was convicted of or pleaded guilty to an offense other than the 40566  
offense from which the individual is seeking relief that the 40567  
individual has filed the petition and that the court may send 40568  
comments regarding the possible issuance of the certificate. 40569

A court of common pleas that receives a petition for a 40570  
certificate of qualification for employment under division (B)(2) 40571  
of this section shall notify the prosecuting attorney of the 40572  
county in which the individual resides that the individual has 40573  
filed the petition. 40574

A court of common pleas that receives a petition for a 40575  
certificate of qualification for employment under division (B)(2) 40576  
of this section, or that is forwarded a petition for qualification 40577

under division (B)(5)(a) of this section may direct the clerk of 40578  
court to process and record all notices required in or under this 40579  
section. 40580

(C)(1) Upon receiving a petition for a certificate of 40581  
qualification for employment filed by an individual under division 40582  
(B)(2) of this section or being forwarded a petition for such a 40583  
certificate under division (B)(5)(a) of this section, the court 40584  
shall review the individual's petition, the individual's criminal 40585  
history, all filings submitted by the prosecutor or by the victim 40586  
in accordance with rules adopted by the division of parole and 40587  
community services, the applicant's military service record, if 40588  
applicable, and whether the applicant has an emotional, mental, or 40589  
physical condition that is traceable to the applicant's military 40590  
service in the armed forces of the United States and that was a 40591  
contributing factor in the commission of the offense or offenses, 40592  
and all other relevant evidence. The court may order any report, 40593  
investigation, or disclosure by the individual that the court 40594  
believes is necessary for the court to reach a decision on whether 40595  
to approve the individual's petition for a certificate of 40596  
qualification for employment. 40597

(2) Upon receiving a petition for a certificate of 40598  
qualification for employment filed by an individual under division 40599  
(B)(2) of this section or being forwarded a petition for such a 40600  
certificate under division (B)(5)(a) of this section, except as 40601  
otherwise provided in this division, the court shall decide 40602  
whether to issue the certificate within sixty days after the court 40603  
receives or is forwarded the completed petition and all 40604  
information requested for the court to make that decision. Upon 40605  
request of the individual who filed the petition, the court may 40606  
extend the sixty-day period specified in this division. 40607

(3) Subject to division (C)(5) of this section, a court that 40608  
receives an individual's petition for a certificate of 40609

qualification for employment under division (B)(2) of this section 40610  
or that is forwarded a petition for such a certificate under 40611  
division (B)(5)(a) of this section may issue a certificate of 40612  
qualification for employment, at the court's discretion, if the 40613  
court finds that the individual has established all of the 40614  
following by a preponderance of the evidence: 40615

(a) Granting the petition will materially assist the 40616  
individual in obtaining employment or occupational licensing. 40617

(b) The individual has a substantial need for the relief 40618  
requested in order to live a law-abiding life. 40619

(c) Granting the petition would not pose an unreasonable risk 40620  
to the safety of the public or any individual. 40621

(4) The submission of an incomplete petition by an individual 40622  
shall not be grounds for the designee or court to deny the 40623  
petition. 40624

(5) A court that receives an individual's petition for a 40625  
certificate of qualification for employment under division (B)(2) 40626  
of this section or that is forwarded a petition for such a 40627  
certificate under division (B)(5)(a) of this section shall not 40628  
issue a certificate of qualification for employment that grants 40629  
the individual relief from any of the following collateral 40630  
sanctions: 40631

(a) Requirements imposed by Chapter 2950. of the Revised Code 40632  
and rules adopted under sections 2950.13 and 2950.132 of the 40633  
Revised Code; 40634

(b) A driver's license, commercial driver's license, or 40635  
probationary license suspension, cancellation, or revocation 40636  
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 40637  
Revised Code if the relief sought is available pursuant to section 40638  
4510.021 or division (B) of section 4510.13 of the Revised Code; 40639

(c) Restrictions on employment as a prosecutor or law enforcement officer; 40640  
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(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code; 40642  
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(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code; 40652  
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(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code; 40657  
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(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code. 40660  
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(6) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent 40664  
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petition for a certificate of qualification for employment. The 40671  
written notice must notify the individual of any conditions placed 40672  
on the individual's filing of a subsequent petition for a 40673  
certificate of qualification for employment. 40674

If a court of common pleas that receives an individual's 40675  
petition for a certificate of qualification for employment under 40676  
division (B)(2) of this section or that is forwarded a petition 40677  
for such a certificate under division (B)(5)(a) of this section 40678  
denies the petition, the individual may appeal the decision to the 40679  
court of appeals only if the individual alleges that the denial 40680  
was an abuse of discretion on the part of the court of common 40681  
pleas. 40682

(D) A certificate of qualification for employment issued to 40683  
an individual lifts the automatic bar of a collateral sanction, 40684  
and a decision-maker shall consider on a case-by-case basis 40685  
whether to grant or deny the issuance or restoration of an 40686  
occupational license or an employment opportunity, notwithstanding 40687  
the individual's possession of the certificate, without, however, 40688  
reconsidering or rejecting any finding made by a designee or court 40689  
under division (C)(3) of this section. 40690

(E) A certificate of qualification for employment does not 40691  
grant the individual to whom the certificate was issued relief 40692  
from the mandatory civil impacts identified in division (A)(1) of 40693  
section 2961.01 or division (B) of section 2961.02 of the Revised 40694  
Code. 40695

(F) A petition for a certificate of qualification for 40696  
employment filed by an individual under division (B)(1) or (2) of 40697  
this section shall include all of the following: 40698

(1) The individual's name, date of birth, and social security 40699  
number; 40700

(2) All aliases of the individual and all social security 40701



numbers associated with those aliases; 40702

(3) The individual's residence address, including the city, 40703  
county, and state of residence and zip code; 40704

(4) The length of time that the individual has been a 40705  
resident of this state, expressed in years and months of 40706  
residence; 40707

(5) The name or type of each collateral sanction from which 40708  
the individual is requesting a certificate of qualification for 40709  
employment; 40710

(6) A summary of the individual's criminal history with 40711  
respect to each offense that is a disqualification from employment 40712  
or licensing in an occupation or profession, including the years 40713  
of each conviction or plea of guilty for each of those offenses; 40714

(7) A summary of the individual's employment history, 40715  
specifying the name of, and dates of employment with, each 40716  
employer; 40717

(8) Verifiable references and endorsements; 40718

(9) The name of one or more immediate family members of the 40719  
individual, or other persons with whom the individual has a close 40720  
relationship, who support the individual's reentry plan; 40721

(10) A summary of the reason the individual believes the 40722  
certificate of qualification for employment should be granted; 40723

(11) Any other information required by rule by the department 40724  
of rehabilitation and correction. 40725

(G)(1) In a judicial or administrative proceeding alleging 40726  
negligence or other fault, a certificate of qualification for 40727  
employment issued to an individual under this section may be 40728  
introduced as evidence of a person's due care in hiring, 40729  
retaining, licensing, leasing to, admitting to a school or 40730  
program, or otherwise transacting business or engaging in activity 40731

with the individual to whom the certificate of qualification for 40732  
employment was issued if the person knew of the certificate at the 40733  
time of the alleged negligence or other fault. 40734

(2) In any proceeding on a claim against an employer for 40735  
negligent hiring, a certificate of qualification for employment 40736  
issued to an individual under this section shall provide immunity 40737  
for the employer as to the claim if the employer knew of the 40738  
certificate at the time of the alleged negligence. 40739

(3) If an employer hires an individual who has been issued a 40740  
certificate of qualification for employment under this section, if 40741  
the individual, after being hired, subsequently demonstrates 40742  
dangerousness or is convicted of or pleads guilty to a felony, and 40743  
if the employer retains the individual as an employee after the 40744  
demonstration of dangerousness or the conviction or guilty plea, 40745  
the employer may be held liable in a civil action that is based on 40746  
or relates to the retention of the individual as an employee only 40747  
if it is proved by a preponderance of the evidence that the person 40748  
having hiring and firing responsibility for the employer had 40749  
actual knowledge that the employee was dangerous or had been 40750  
convicted of or pleaded guilty to the felony and was willful in 40751  
retaining the individual as an employee after the demonstration of 40752  
dangerousness or the conviction or guilty plea of which the person 40753  
has actual knowledge. 40754

(H) A certificate of qualification for employment issued 40755  
under this section shall be presumptively revoked if the 40756  
individual to whom the certificate of qualification for employment 40757  
was issued is convicted of or pleads guilty to a felony offense 40758  
committed subsequent to the issuance of the certificate of 40759  
qualification for employment. 40760

(I) A designee's forwarding, or failure to forward, a 40761  
petition for a certificate of qualification for employment to a 40762  
court or a court's issuance, or failure to issue, a petition for a 40763

certificate of qualification for employment to an individual under 40764  
division (B) of this section does not give rise to a claim for 40765  
damages against the department of rehabilitation and correction or 40766  
court. 40767

(J) Not later than ninety days after September 28, 2012, the 40768  
division of parole and community services shall adopt rules in 40769  
accordance with Chapter 119. of the Revised Code for the 40770  
implementation and administration of this section and shall 40771  
prescribe the form for the petition to be used under division 40772  
(B)(1) or (2) of this section. The form for the petition shall 40773  
include places for all of the information specified in division 40774  
(F) of this section. Upon the adoption of the rules, the 40775  
provisions of divisions (A) to (I) of this section become 40776  
operative. 40777

(K) The department of rehabilitation and correction shall 40778  
conduct a study to determine the manner for transferring the 40779  
mechanism for the issuance of a certificate of qualification for 40780  
employment created by this section to an electronic database 40781  
established and maintained by the department. The database to 40782  
which the mechanism is to be transferred shall include granted 40783  
certificates and revoked certificates and shall be designed to 40784  
track the number of certificates granted and revoked, the 40785  
industries, occupations, and professions with respect to which the 40786  
certificates have been most applicable, the types of employers 40787  
that have accepted the certificates, and the recidivism rates of 40788  
individuals who have been issued the certificates. Not later than 40789  
the date that is one year after September 28, 2012, the department 40790  
of rehabilitation and correction shall submit to the general 40791  
assembly and the governor a report that contains the results of 40792  
the study and recommendations for transferring the mechanism for 40793  
the issuance of certificate of qualification for employment 40794  
created by this section to an electronic database established and 40795

maintained by the department. 40796

(L) The department of rehabilitation and correction, in 40797  
conjunction with the Ohio judicial conference, shall conduct a 40798  
study to determine whether the application process for 40799  
certificates of qualification for employment created by this 40800  
section is feasible based upon the caseload capacity of the 40801  
department and the courts of common pleas. Not later than the date 40802  
that is one year after September 28, 2012, the department shall 40803  
submit to the general assembly a report that contains the results 40804  
of the study and any recommendations for improvement of the 40805  
application process. 40806

**Sec. 2967.14.** (A) The department of rehabilitation and 40807  
correction or the adult parole authority may require or allow a 40808  
parolee, a releasee, or a prisoner otherwise released from a state 40809  
correctional institution to reside in a halfway house or other 40810  
suitable community residential center that has been licensed by 40811  
the division of parole and community services pursuant to division 40812  
(C) of this section during a part or for the entire period of the 40813  
offender's or parolee's conditional release or of the releasee's 40814  
term of post-release control. The court of common pleas that 40815  
placed an offender under a sanction consisting of a term in a 40816  
halfway house or in an alternative residential sanction may 40817  
require the offender to reside in a halfway house or other 40818  
suitable community residential center that is designated by the 40819  
court and that has been licensed by the division pursuant to 40820  
division (C) of this section during a part or for the entire 40821  
period of the offender's residential sanction. 40822

(B) The division of parole and community services may 40823  
negotiate and enter into agreements with any public or private 40824  
agency or a department or political subdivision of the state that 40825  
operates a halfway house, reentry center, or community residential 40826

center that has been licensed by the division pursuant to division 40827  
(C) of this section. An agreement under this division shall 40828  
provide for the purchase of beds, shall set limits of supervision 40829  
and levels of occupancy, and shall determine the scope of services 40830  
for all eligible offenders, including those subject to a 40831  
residential sanction, as defined in rules adopted by the director 40832  
of rehabilitation and correction in accordance with Chapter 119. 40833  
of the Revised Code, or those released from prison without 40834  
supervision. The payments for beds and services shall not exceed 40835  
the total operating costs of the halfway house, reentry center, or 40836  
community residential center during the term of an agreement. The 40837  
director of rehabilitation and correction shall adopt rules in 40838  
accordance with Chapter 119. of the Revised Code for determining 40839  
includable and excludable costs and income to be used in computing 40840  
the agency's average daily per capita costs with its facility at 40841  
full occupancy. 40842

The director of rehabilitation and correction shall adopt 40843  
rules providing for the use of no more than fifteen per cent of 40844  
the amount appropriated to the department each fiscal year for the 40845  
halfway house, reentry center, and community residential center 40846  
program to pay for contracts with licensed halfway houses for 40847  
nonresidential services for offenders under the supervision of the 40848  
adult parole authority, including but not limited to, offenders 40849  
supervised pursuant to an agreement entered into by the adult 40850  
parole authority and a court of common pleas under section 2301.32 40851  
of the Revised Code. The nonresidential services may include, but 40852  
are not limited to, treatment for substance abuse, mental health 40853  
counseling, counseling for sex offenders, electronic monitoring 40854  
services, aftercare, and other nonresidential services that the 40855  
director identifies by rule. 40856

(C) The division of parole and community services may license 40857  
a halfway house, reentry center, or community residential center 40858

as a suitable facility for the care and treatment of adult 40859  
offenders, including offenders sentenced under section 2929.16 or 40860  
2929.26 of the Revised Code, only if the halfway house, reentry 40861  
center, or community residential center complies with the 40862  
standards that the division adopts in accordance with Chapter 119. 40863  
of the Revised Code for the licensure of halfway houses, reentry 40864  
centers, and community residential centers. The division shall 40865  
annually inspect each licensed halfway house, licensed reentry 40866  
center, and licensed community residential center to determine if 40867  
it is in compliance with the licensure standards. 40868

(D) The division of parole and community services may expend 40869  
up to one-half per cent of the annual appropriation made for 40870  
halfway house programs, for goods or services that benefit those 40871  
programs. 40872

**Sec. 2967.193.** (A)(1) Except as provided in division (C) of 40873  
this section and subject to the maximum aggregate total specified 40874  
in division (A)(2) of this section, a person confined in a state 40875  
correctional institution or placed in the substance use disorder 40876  
treatment program may provisionally earn one day or five days of 40877  
credit, based on the category set forth in division (D)(1), (2), 40878  
(3), (4), or (5) of this section in which the person is included, 40879  
toward satisfaction of the person's stated prison term for each 40880  
completed month during which the person, if confined in a state 40881  
correctional institution, productively participates in an 40882  
education program, vocational training, employment in prison 40883  
industries, treatment for substance abuse, or any other 40884  
constructive program developed by the department with specific 40885  
standards for performance by prisoners or during which the person, 40886  
if placed in the substance use disorder treatment program, 40887  
productively participates in the program. Except as provided in 40888  
division (C) of this section and subject to the maximum aggregate 40889  
total specified in division (A)(2) of this section, a person so 40890

confined in a state correctional institution who successfully 40891  
completes two programs or activities of that type may, in 40892  
addition, provisionally earn up to five days of credit toward 40893  
satisfaction of the person's stated prison term for the successful 40894  
completion of the second program or activity. The person shall not 40895  
be awarded any provisional days of credit for the successful 40896  
completion of the first program or activity or for the successful 40897  
completion of any program or activity that is completed after the 40898  
second program or activity. At the end of each calendar month in 40899  
which a ~~prisoner~~ person productively participates in a program or 40900  
activity listed in this division or successfully completes a 40901  
program or activity listed in this division, the department of 40902  
rehabilitation and correction shall determine and record the total 40903  
number of days credit that the ~~prisoner~~ person provisionally 40904  
earned in that calendar month. If the ~~prisoner~~ person in a state 40905  
correctional institution violates prison rules or the person in 40906  
the substance use disorder treatment program violates program or 40907  
department rules, the department may deny the ~~prisoner~~ person a 40908  
credit that otherwise could have been provisionally awarded to the 40909  
~~prisoner~~ person or may withdraw one or more credits previously 40910  
provisionally earned by the ~~prisoner~~ person. Days of credit 40911  
provisionally earned by a ~~prisoner~~ person shall be finalized and 40912  
awarded by the department subject to administrative review by the 40913  
department of the ~~prisoner's~~ person's conduct. 40914

(2) The aggregate days of credit provisionally earned by a 40915  
person for program or activity participation and program and 40916  
activity completion under this section and the aggregate days of 40917  
credit finally credited to a person under this section shall not 40918  
exceed eight per cent of the total number of days in the person's 40919  
stated prison term. 40920

(B) The department of rehabilitation and correction shall 40921  
adopt rules that specify the programs or activities for which 40922

credit may be earned under this section, the criteria for 40923  
determining productive participation in, or completion of, the 40924  
programs or activities and the criteria for awarding credit, 40925  
including criteria for awarding additional credit for successful 40926  
program or activity completion, and the criteria for denying or 40927  
withdrawing previously provisionally earned credit as a result of 40928  
a violation of prison rules, or program or department rules, 40929  
whichever is applicable. 40930

(C) No person confined in a state correctional institution or 40931  
placed in a substance use disorder treatment program to whom any 40932  
of the following applies shall be awarded any days of credit under 40933  
division (A) of this section: 40934

(1) The person is serving a prison term that section 2929.13 40935  
or section 2929.14 of the Revised Code specifies cannot be reduced 40936  
pursuant to this section or this chapter or is serving a sentence 40937  
for which section 2967.13 or division (B) of section 2929.143 of 40938  
the Revised Code specifies that the person is not entitled to any 40939  
earned credit under this section. 40940

(2) The person is sentenced to death or is serving a prison 40941  
term or a term of life imprisonment for aggravated murder, murder, 40942  
or a conspiracy or attempt to commit, or complicity in committing, 40943  
aggravated murder or murder. 40944

(3) The person is serving a sentence of life imprisonment 40945  
without parole imposed pursuant to section 2929.03 or 2929.06 of 40946  
the Revised Code, a prison term or a term of life imprisonment 40947  
without parole imposed pursuant to section 2971.03 of the Revised 40948  
Code, or a sentence for a sexually oriented offense that was 40949  
committed on or after September 30, 2011. 40950

(D) This division does not apply to a determination of 40951  
whether a person confined in a state correctional institution or 40952  
placed in a substance use disorder treatment program may earn any 40953



days of credit under division (A) of this section for successful 40954  
completion of a second program or activity. The determination of 40955  
whether a person confined in a state correctional institution may 40956  
earn one day of credit or five days of credit under division (A) 40957  
of this section for each completed month during which the person 40958  
productively participates in a program or activity specified under 40959  
that division shall be made in accordance with the following: 40960

(1) The offender may earn one day of credit under division 40961  
(A) of this section, except as provided in division (C) of this 40962  
section, if the most serious offense for which the offender is 40963  
confined is any of the following that is a felony of the first or 40964  
second degree: 40965

(a) A violation of division (A) of section 2903.04 or of 40966  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 40967  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 40968  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 40969  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 40970  
of the Revised Code; 40971

(b) A conspiracy or attempt to commit, or complicity in 40972  
committing, any other offense for which the maximum penalty is 40973  
imprisonment for life or any offense listed in division (D)(1)(a) 40974  
of this section. 40975

(2) The offender may earn one day of credit under division 40976  
(A) of this section, except as provided in division (C) of this 40977  
section, if the offender is serving a stated prison term that 40978  
includes a prison term imposed for a sexually oriented offense 40979  
that the offender committed prior to September 30, 2011. 40980

(3) The offender may earn one day of credit under division 40981  
(A) of this section, except as provided in division (C) of this 40982  
section, if the offender is serving a stated prison term that 40983  
includes a prison term imposed for a felony other than carrying a 40984

concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance. 40985  
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(4) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the first or second degree and divisions (D)(1), (2), and (3) of this section do not apply to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011. 40988  
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(5) Except as provided in division (C) of this section, if the most serious offense for which the offender is confined is a felony of the third, fourth, or fifth degree or an unclassified felony and neither division (D)(2) nor (3) of this section applies to the offender, the offender may earn one day of credit under division (A) of this section if the offender committed that offense prior to September 30, 2011, and the offender may earn five days of credit under division (A) of this section if the offender committed that offense on or after September 30, 2011. 40997  
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(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program. 41006  
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(F) As used in this section, ~~"sexually:~~ 41014

(1) "Sexually oriented offense" has the same meaning as in 41015

section 2950.01 of the Revised Code. 41016

(2) "Substance use disorder treatment program" means the 41017  
substance use disorder treatment program established by the 41018  
department of rehabilitation and correction under section 5120.035 41019  
of the Revised Code. 41020

**Sec. 2969.14.** (A) If a separate account has been maintained 41021  
in the name of an offender in the crime victims recovery fund and 41022  
if there is no further requirement to pay into the fund money, or 41023  
the monetary value of property, pursuant to section 2929.32 of the 41024  
Revised Code, unless otherwise ordered by a court of record in 41025  
which a judgment has been rendered against the offender or the 41026  
representatives of the offender, the clerk of the court of claims 41027  
shall pay the money remaining in the separate account in 41028  
accordance with division (B) of this section, if all of the 41029  
following apply: 41030

(1) The applicable period of time that governs the making of 41031  
payments from the separate account, as set forth in division 41032  
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 41033

(2) None of the civil actions against the offender or the 41034  
representatives of the offender of which the clerk of the court of 41035  
claims has been notified pursuant to division (B)(1) of section 41036  
2969.12 of the Revised Code is pending. 41037

(3) All judgments for which payment was requested pursuant to 41038  
division (B)(3) of section 2969.12 of the Revised Code have been 41039  
paid. 41040

(B) If the clerk of the court of claims is required by 41041  
division (A) of this section to pay the money remaining in the 41042  
separate account established in the name of an offender in 41043  
accordance with this division, the clerk shall pay the money as 41044  
follows: 41045

~~(1) If the offender was confined for a felony in a prison or other facility operated by the department of rehabilitation and correction under a sanction imposed pursuant to section 2929.14 or 2929.16 of the Revised Code, the clerk shall pay the money to the treasurer of state, in accordance with division (C)(1) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)(2), (3), and (5) of this section.~~

~~(2) If the offender was confined for a felony in a facility operated by a county or a municipal corporation, after payment of any costs required to be paid under division (B)(1) of this section,~~ the clerk shall pay the money to the treasurer of the county or of the municipal corporation that operated the facility, in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If more than one county or municipal corporation operated a facility in which the offender was confined, the clerk shall equitably apportion the money among each of those counties and municipal corporations. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)~~(3)~~(2) and ~~(5)~~(4) of this section.

~~(3)~~(2) If the offender was sentenced for a felony to any community control sanction other than a sanction described in division (B)~~(2)~~(1) of this section, after payment of any costs required to be paid under division (B)(1) ~~or (2)~~ of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that incurred costs pursuant to the sanction, in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of section 2929.18 of the Revised Code, to cover the costs so

incurred. If more than one county or municipal corporation 41078  
incurred costs pursuant to the sanction, the clerk shall equitably 41079  
apportion the money among each of those counties and municipal 41080  
corporations. If any money remains in the separate account after 41081  
the payment of the costs of the sanction pursuant to this 41082  
division, the clerk shall pay the remaining money in accordance 41083  
with division (B)~~(5)~~(4) of this section. 41084

~~(4)~~(3) If the offender was imprisoned or incarcerated for a 41085  
misdemeanor, to the treasurer of the political subdivision that 41086  
operates the facility in which the offender was imprisoned or 41087  
incarcerated, to cover the costs of the imprisonment or 41088  
incarceration. If more than one political subdivision operated a 41089  
facility in which the offender was confined, the clerk shall 41090  
equitably apportion the money among each of those political 41091  
subdivisions. If any money remains in the separate account after 41092  
the payment of the costs of the imprisonment or incarceration 41093  
under this division, the clerk shall pay the remaining money in 41094  
accordance with division (B)~~(5)~~(4) of this section. 41095

~~(5)~~(4) If any money remains in the separate account after 41096  
payment of any costs required to be paid under division (B)(1), 41097  
(2), or (3), ~~or (4)~~ of this section, or if no provision of 41098  
division (B)(1), (2), or (3), ~~or (4)~~ of this section applies, the 41099  
clerk shall distribute the amount of the money remaining in the 41100  
separate account as otherwise provided by law for the distribution 41101  
of money paid in satisfaction of a fine, as if that amount was a 41102  
fine paid by the offender. 41103

**Sec. 2981.12.** (A) Unclaimed or forfeited property in the 41104  
custody of a law enforcement agency, other than property described 41105  
in division (A)(2) of section 2981.11 of the Revised Code, shall 41106  
be disposed of by order of any court of record that has 41107  
territorial jurisdiction over the political subdivision that 41108

employs the law enforcement agency, as follows: 41109

(1) Drugs shall be disposed of pursuant to section 3719.11 of 41110  
the Revised Code or placed in the custody of the secretary of the 41111  
treasury of the United States for disposal or use for medical or 41112  
scientific purposes under applicable federal law. 41113

(2) Firearms and dangerous ordnance suitable for police work 41114  
may be given to a law enforcement agency for that purpose. 41115  
Firearms suitable for sporting use or as museum pieces or 41116  
collectors' items may be sold at public auction pursuant to 41117  
division (B) of this section. The agency may sell other firearms 41118  
and dangerous ordnance to a federally licensed firearms dealer in 41119  
a manner that the court considers proper. The agency shall destroy 41120  
any firearms or dangerous ordnance not given to a law enforcement 41121  
agency or sold or shall send them to the bureau of criminal 41122  
identification and investigation for destruction by the bureau. 41123

(3) Obscene materials shall be destroyed. 41124

(4) Beer, intoxicating liquor, or alcohol seized from a 41125  
person who does not hold a permit issued under Chapters 4301. and 41126  
4303. of the Revised Code or otherwise forfeited to the state for 41127  
an offense under section 4301.45 or 4301.53 of the Revised Code 41128  
shall be sold by the division of liquor control if the division 41129  
determines that it is fit for sale or shall be placed in the 41130  
custody of the investigations unit in the department of public 41131  
safety and be used for training relating to law enforcement 41132  
activities. The department, with the assistance of the division of 41133  
liquor control, shall adopt rules in accordance with Chapter 119. 41134  
of the Revised Code to provide for the distribution to state or 41135  
local law enforcement agencies upon their request. If any tax 41136  
imposed under Title XLIII of the Revised Code has not been paid in 41137  
relation to the beer, intoxicating liquor, or alcohol, any moneys 41138  
acquired from the sale shall first be used to pay the tax. All 41139  
other money collected under this division shall be paid into the 41140

state treasury. Any beer, intoxicating liquor, or alcohol that the division determines to be unfit for sale shall be destroyed.

(5) Money received by an inmate of a correctional institution from an unauthorized source or in an unauthorized manner shall be returned to the sender, if known, or deposited in the inmates' industrial and entertainment fund of the institution if the sender is not known.

(6)(a) Any mobile instrumentality forfeited under this chapter may be given to the law enforcement agency that initially seized the mobile instrumentality for use in performing its duties, if the agency wants the mobile instrumentality. The agency shall take the mobile instrumentality subject to any security interest or lien on the mobile instrumentality.

(b) Vehicles and vehicle parts forfeited under sections 4549.61 to 4549.63 of the Revised Code may be given to a law enforcement agency for use in performing its duties. Those parts may be incorporated into any other official vehicle. Parts that do not bear vehicle identification numbers or derivatives of them may be sold or disposed of as provided by rules of the director of public safety. Parts from which a vehicle identification number or derivative of it has been removed, defaced, covered, altered, or destroyed and that are not suitable for police work or incorporation into an official vehicle shall be destroyed and sold as junk or scrap.

(7) Computers, computer networks, computer systems, and computer software suitable for police work may be given to a law enforcement agency for that purpose or disposed of under division (B) of this section.

(8) Money seized in connection with a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code shall be deposited in the victims of human trafficking fund created by

section 5101.87 of the Revised Code. 41172

(B) Unclaimed or forfeited property that is not described in 41173  
division (A) of this section or division (A)(2) of section 2981.11 41174  
of the Revised Code, with court approval, may be used by the law 41175  
enforcement agency in possession of it. If it is not used by the 41176  
agency, it may be sold without appraisal at a public auction to 41177  
the highest bidder for cash or disposed of in another manner that 41178  
the court considers proper. 41179

(C) Except as provided in divisions (A) and (F) of this 41180  
section and after compliance with division (D) of this section 41181  
when applicable, any moneys acquired from the sale of property 41182  
disposed of pursuant to this section shall be placed in the 41183  
general revenue fund of the state, or the general fund of the 41184  
county, the township, or the municipal corporation of which the 41185  
law enforcement agency involved is an agency. 41186

(D) If the property was in the possession of the law 41187  
enforcement agency in relation to a delinquent child proceeding in 41188  
a juvenile court, ten per cent of any moneys acquired from the 41189  
sale of property disposed of under this section shall be applied 41190  
to one or more community addiction ~~treatment~~ services providers 41191  
~~that are certified by the department of mental health and~~ 41192  
~~addiction services under section 5119.36, as defined in section~~ 41193  
5119.01 of the Revised Code. A juvenile court shall not specify a 41194  
services provider, except as provided in this division, unless the 41195  
services provider is in the same county as the court or in a 41196  
contiguous county. If no ~~certified~~ services provider is located in 41197  
any of those counties, the juvenile court may specify a ~~certified~~ 41198  
services provider anywhere in Ohio. The remaining ninety per cent 41199  
of the proceeds or cash shall be applied as provided in division 41200  
(C) of this section. 41201

Each services provider that receives in any calendar year 41202  
forfeited money under this division shall file an annual report 41203



for that year with the attorney general and with the court of 41204  
common pleas and board of county commissioners of the county in 41205  
which the services provider is located and of any other county 41206  
from which the services provider received forfeited money. The 41207  
services provider shall file the report on or before the first day 41208  
of March in the calendar year following the calendar year in which 41209  
the services provider received the money. The report shall include 41210  
statistics on the number of persons the services provider served, 41211  
identify the types of treatment services it provided to them, and 41212  
include a specific accounting of the purposes for which it used 41213  
the money so received. No information contained in the report 41214  
shall identify, or enable a person to determine the identity of, 41215  
any person served by the services provider. 41216

(E) Each ~~certified~~ community addiction services provider that 41217  
receives in any calendar year money under this section or under 41218  
section 2981.13 of the Revised Code as the result of a juvenile 41219  
forfeiture order shall file an annual report for that calendar 41220  
year with the attorney general and with the court of common pleas 41221  
and board of county commissioners of the county in which the 41222  
services provider is located and of any other county from which 41223  
the services provider received the money. The services provider 41224  
shall file the report on or before the first day of March in the 41225  
calendar year following the year in which the services provider 41226  
received the money. The report shall include statistics on the 41227  
number of persons served with the money, identify the types of 41228  
treatment services provided, and specifically account for how the 41229  
money was used. No information in the report shall identify or 41230  
enable a person to determine the identity of anyone served by the 41231  
services provider. 41232

As used in this division, "juvenile-related forfeiture order" 41233  
means any forfeiture order issued by a juvenile court under 41234  
section 2981.04 or 2981.05 of the Revised Code and any disposal of 41235

property ordered by a court under section 2981.11 of the Revised Code regarding property that was in the possession of a law enforcement agency in relation to a delinquent child proceeding in a juvenile court.

(F) Each board of county commissioners that recognizes a citizens' reward program under section 9.92 of the Revised Code shall notify each law enforcement agency of that county and of a township or municipal corporation wholly located in that county of the recognition by filing a copy of its resolution conferring that recognition with each of those agencies. When the board recognizes a citizens' reward program and the county includes a part, but not all, of the territory of a municipal corporation, the board shall so notify the law enforcement agency of that municipal corporation of the recognition of the citizens' reward program only if the county contains the highest percentage of the municipal corporation's population.

Upon being so notified, each law enforcement agency shall pay twenty-five per cent of any forfeited proceeds or cash derived from each sale of property disposed of pursuant to this section to the citizens' reward program for use exclusively to pay rewards. No part of the funds may be used to pay expenses associated with the program. If a citizens' reward program that operates in more than one county or in another state in addition to this state receives funds under this section, the funds shall be used to pay rewards only for tips and information to law enforcement agencies concerning offenses committed in the county from which the funds were received.

Receiving funds under this section or section 2981.11 of the Revised Code does not make the citizens' reward program a governmental unit or public office for purposes of section 149.43 of the Revised Code.

(G) Any property forfeited under this chapter shall not be

used to pay any fine imposed upon a person who is convicted of or 41268  
pleads guilty to an underlying criminal offense or a different 41269  
offense arising out of the same facts and circumstances. 41270

(H) Any moneys acquired from the sale of personal effects, 41271  
tools, or other property seized because the personal effects, 41272  
tools, or other property were used in the commission of a 41273  
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 41274  
Code or derived from the proceeds of the commission of a violation 41275  
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 41276  
disposed of pursuant to this section shall be placed in the 41277  
victims of human trafficking fund created by section 5101.87 of 41278  
the Revised Code. 41279

**Sec. 2981.13.** (A) Except as otherwise provided in this 41280  
section, property ordered forfeited as contraband, proceeds, or an 41281  
instrumentality pursuant to this chapter shall be disposed of, 41282  
used, or sold pursuant to section 2981.12 of the Revised Code. If 41283  
the property is to be sold under that section, the prosecutor 41284  
shall cause notice of the proposed sale to be given in accordance 41285  
with law. 41286

(B) If the contraband or instrumentality forfeited under this 41287  
chapter is sold, any moneys acquired from a sale and any proceeds 41288  
forfeited under this chapter shall be applied in the following 41289  
order: 41290

(1) First, to pay costs incurred in the seizure, storage, 41291  
maintenance, security, and sale of the property and in the 41292  
forfeiture proceeding; 41293

(2) Second, in a criminal forfeiture case, to satisfy any 41294  
restitution ordered to the victim of the offense or, in a civil 41295  
forfeiture case, to satisfy any recovery ordered for the person 41296  
harmed, unless paid from other assets; 41297

(3) Third, to pay the balance due on any security interest preserved under this chapter;	41298 41299
(4) Fourth, apply the remaining amounts as follows:	41300
(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more <del>certified alcohol and drug</del> <u>community addiction treatment programs services providers</u> as <del>provided</del> <u>specified</u> in division (D) of section 2981.12 of the Revised Code;	41301 41302 41303 41304
(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation: <del>the</del>	41305 41306 41307 41308 41309 41310
(i) <u>The</u> law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code; <del>the</del>	41311 41312 41313
(ii) <u>The</u> state highway patrol contraband, forfeiture, and other fund; <del>the</del>	41314 41315
(iii) <u>The</u> department of public safety investigative unit contraband, forfeiture, and other fund; <del>the</del>	41316 41317
(iv) <u>The</u> department of taxation enforcement fund; <del>the</del>	41318
(v) <u>The</u> board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code; <del>the</del>	41319 41320
(vi) <u>The</u> medicaid fraud investigation and prosecution fund; <del>the</del>	41321 41322
(vii) <u>The</u> casino control commission enforcement fund created by section 3772.36 of the Revised Code; <del>or the</del>	41323 41324
(viii) <u>The auditor of state investigation and forfeiture trust fund established under section 117.54 of the Revised Code;</u>	41325 41326

(ix) The treasurer of state for deposit into the peace officer training commission fund if any other state law enforcement agency substantially conducted the investigation. ~~It~~

In the case of property forfeited for medicaid fraud, any remaining amount shall be used by the attorney general to investigate and prosecute medicaid fraud offenses.

If the prosecutor declines to accept any of the remaining amounts, the amounts shall be applied to the fund of the agency that substantially conducted the investigation.

(c) If more than one law enforcement agency is substantially involved in the seizure of property forfeited under this chapter, the court ordering the forfeiture shall equitably divide the amounts, after calculating any distribution to the law enforcement trust fund of the prosecutor pursuant to division (B)(4) of this section, among the entities that the court determines were substantially involved in the seizure.

(C)(1) A law enforcement trust fund shall be established by the prosecutor of each county who intends to receive any remaining amounts pursuant to this section, by the sheriff of each county, by the legislative authority of each municipal corporation, by the board of township trustees of each township that has a township police department, township or joint police district police force, or office of the constable, and by the board of park commissioners of each park district created pursuant to section 511.18 or 1545.01 of the Revised Code that has a park district police force or law enforcement department, for the purposes of this section.

There is hereby created in the state treasury the state highway patrol contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the medicaid fraud investigation and prosecution fund, the department of taxation enforcement fund, and

the peace officer training commission fund, for the purposes of 41358  
this section. 41359

Amounts distributed to any municipal corporation, township, 41360  
or park district law enforcement trust fund shall be allocated 41361  
from the fund by the legislative authority only to the police 41362  
department of the municipal corporation, by the board of township 41363  
trustees only to the township police department, township police 41364  
district police force, or office of the constable, by the joint 41365  
police district board only to the joint police district, and by 41366  
the board of park commissioners only to the park district police 41367  
force or law enforcement department. 41368

(2)(a) No amounts shall be allocated to a fund ~~created~~ under 41369  
this section or used by an agency unless the agency has adopted a 41370  
written internal control policy that addresses the use of moneys 41371  
received from the appropriate fund. The appropriate fund shall be 41372  
expended only in accordance with that policy and, subject to the 41373  
requirements specified in this section, only for the following 41374  
purposes: 41375

(i) To pay the costs of protracted or complex investigations 41376  
or prosecutions; 41377

(ii) To provide reasonable technical training or expertise; 41378

(iii) To provide matching funds to obtain federal grants to 41379  
aid law enforcement, in the support of DARE programs or other 41380  
programs designed to educate adults or children with respect to 41381  
the dangers associated with the use of drugs of abuse; 41382

(iv) To pay the costs of emergency action taken under section 41383  
3745.13 of the Revised Code relative to the operation of an 41384  
illegal methamphetamine laboratory if the forfeited property or 41385  
money involved was that of a person responsible for the operation 41386  
of the laboratory; 41387

(v) For other law enforcement purposes that the 41388

superintendent of the state highway patrol, department of public 41389  
safety, auditor of state, prosecutor, county sheriff, legislative 41390  
authority, department of taxation, Ohio casino control commission, 41391  
board of township trustees, or board of park commissioners 41392  
determines to be appropriate. 41393

(b) The board of pharmacy drug law enforcement fund shall be 41394  
expended only in accordance with the written internal control 41395  
policy so adopted by the board and only in accordance with section 41396  
4729.65 of the Revised Code, except that it also may be expended 41397  
to pay the costs of emergency action taken under section 3745.13 41398  
of the Revised Code relative to the operation of an illegal 41399  
methamphetamine laboratory if the forfeited property or money 41400  
involved was that of a person responsible for the operation of the 41401  
laboratory. 41402

(c) ~~The state highway patrol contraband, forfeiture, and 41403  
other fund, the department of public safety investigative unit 41404  
contraband, forfeiture, and other fund, the department of taxation 41405  
enforcement fund, the board of pharmacy drug law enforcement fund, 41406  
the casino control commission enforcement fund, and a law 41407  
enforcement trust~~ A fund listed in division (B)(4)(b) of this 41408  
section, other than the Medicaid fraud investigation and 41409  
prosecution fund, shall not be used to meet the operating costs of 41410  
the ~~state highway patrol, of the investigative unit of the 41411  
department of public safety, of the state board of pharmacy, of 41412  
any political subdivision, of the Ohio casino control commission, 41413  
or of any office of a prosecutor or county sheriff agency, office, 41414  
or political subdivision~~ that are unrelated to law enforcement. 41415

(d) Forfeited moneys that are paid into the state treasury to 41416  
be deposited into the peace officer training commission fund shall 41417  
be used by the commission only to pay the costs of peace officer 41418  
training. 41419

(3) Any of the following offices or agencies that receive 41420

amounts under this section during any calendar year shall file a 41421  
report with the specified entity, not later than the thirty-first 41422  
day of January of the next calendar year, verifying that the 41423  
moneys were expended only for the purposes authorized by this 41424  
section or other relevant statute and specifying the amounts 41425  
expended for each authorized purpose: 41426

(a) Any sheriff or prosecutor shall file the report with the 41427  
county auditor. 41428

(b) Any municipal corporation police department shall file 41429  
the report with the legislative authority of the municipal 41430  
corporation. 41431

(c) Any township police department, township or joint police 41432  
district police force, or office of the constable shall file the 41433  
report with the board of township trustees of the township. 41434

(d) Any park district police force or law enforcement 41435  
department shall file the report with the board of park 41436  
commissioners of the park district. 41437

(e) The superintendent of the state highway patrol, the 41438  
auditor of state, and the tax commissioner shall file the report 41439  
with the attorney general. 41440

(f) The executive director of the state board of pharmacy 41441  
shall file the report with the attorney general, verifying that 41442  
cash and forfeited proceeds paid into the board of pharmacy drug 41443  
law enforcement fund were used only in accordance with section 41444  
4729.65 of the Revised Code. 41445

(g) The peace officer training commission shall file a report 41446  
with the attorney general, verifying that cash and forfeited 41447  
proceeds paid into the peace officer training commission fund 41448  
pursuant to this section during the prior calendar year were used 41449  
by the commission during the prior calendar year only to pay the 41450  
costs of peace officer training. 41451



(h) The executive director of the Ohio casino control commission shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code.

(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the sheriff, prosecutor, department, police force, or office of the constable after receiving and considering advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue.

The financial records kept under the internal control policy shall specify the amount deposited during each calendar year in the portion of that amount that was used pursuant to this division, and the programs in connection with which the portion of that amount was so used.

As used in this division, "community preventive education programs" include, but are not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with using drugs of abuse.

(E) Upon the sale, under this section or section 2981.12 of

the Revised Code, of any property that is required by law to be 41484  
titled or registered, the state shall issue an appropriate 41485  
certificate of title or registration to the purchaser. If the 41486  
state is vested with title and elects to retain property that is 41487  
required to be titled or registered under law, the state shall 41488  
issue an appropriate certificate of title or registration. 41489

(F) Any failure of a law enforcement officer or agency, 41490  
prosecutor, court, or the attorney general to comply with this 41491  
section in relation to any property seized does not affect the 41492  
validity of the seizure and shall not be considered to be the 41493  
basis for suppressing any evidence resulting from the seizure, 41494  
provided the seizure itself was lawful. 41495

**Sec. 3105.171.** (A) As used in this section: 41496

(1) "Distributive award" means any payment or payments, in 41497  
real or personal property, that are payable in a lump sum or over 41498  
time, in fixed amounts, that are made from separate property or 41499  
income, and that are not made from marital property and do not 41500  
constitute payments of spousal support, as defined in section 41501  
3105.18 of the Revised Code. 41502

(2) "During the marriage" means whichever of the following is 41503  
applicable: 41504

(a) Except as provided in division (A)(2)(b) of this section, 41505  
the period of time from the date of the marriage through the date 41506  
of the final hearing in an action for divorce or in an action for 41507  
legal separation; 41508

(b) If the court determines that the use of either or both of 41509  
the dates specified in division (A)(2)(a) of this section would be 41510  
inequitable, the court may select dates that it considers 41511  
equitable in determining marital property. If the court selects 41512  
dates that it considers equitable in determining marital property, 41513

"during the marriage" means the period of time between those dates 41514  
selected and specified by the court. 41515

(3)(a) "Marital property" means, subject to division 41516  
(A)(3)(b) of this section, all of the following: 41517

(i) All real and personal property that currently is owned by 41518  
either or both of the spouses, including, but not limited to, the 41519  
retirement benefits of the spouses, and that was acquired by 41520  
either or both of the spouses during the marriage; 41521

(ii) All interest that either or both of the spouses 41522  
currently has in any real or personal property, including, but not 41523  
limited to, the retirement benefits of the spouses, and that was 41524  
acquired by either or both of the spouses during the marriage; 41525

(iii) Except as otherwise provided in this section, all 41526  
income and appreciation on separate property, due to the labor, 41527  
monetary, or in-kind contribution of either or both of the spouses 41528  
that occurred during the marriage; 41529

(iv) A participant account, as defined in section 148.01 of 41530  
the Revised Code, of either of the spouses, to the extent of the 41531  
following: the moneys that have been deferred by a continuing 41532  
member or participating employee, as defined in that section, and 41533  
that have been transmitted to the Ohio public employees deferred 41534  
compensation board during the marriage and any income that is 41535  
derived from the investment of those moneys during the marriage; 41536  
the moneys that have been deferred by an officer or employee of a 41537  
municipal corporation and that have been transmitted to the 41538  
governing board, administrator, depository, or trustee of the 41539  
deferred compensation program of the municipal corporation during 41540  
the marriage and any income that is derived from the investment of 41541  
those moneys during the marriage; or the moneys that have been 41542  
deferred by an officer or employee of a government unit, as 41543  
defined in section 148.06 of the Revised Code, and that have been 41544

transmitted to the governing board, as defined in that section, 41545  
during the marriage and any income that is derived from the 41546  
investment of those moneys during the marriage. 41547

(b) "Marital property" does not include any separate 41548  
property. 41549

(4) "Passive income" means income acquired other than as a 41550  
result of the labor, monetary, or in-kind contribution of either 41551  
spouse. 41552

(5) "Personal property" includes both tangible and intangible 41553  
personal property. 41554

(6)(a) "Separate property" means all real and personal 41555  
property and any interest in real or personal property that is 41556  
found by the court to be any of the following: 41557

(i) An inheritance by one spouse by bequest, devise, or 41558  
descent during the course of the marriage; 41559

(ii) Any real or personal property or interest in real or 41560  
personal property that was acquired by one spouse prior to the 41561  
date of the marriage; 41562

(iii) Passive income and appreciation acquired from separate 41563  
property by one spouse during the marriage; 41564

(iv) Any real or personal property or interest in real or 41565  
personal property acquired by one spouse after a decree of legal 41566  
separation issued under section 3105.17 of the Revised Code; 41567

(v) Any real or personal property or interest in real or 41568  
personal property that is excluded by a valid antenuptial 41569  
agreement; 41570

(vi) Compensation to a spouse for the spouse's personal 41571  
injury, except for loss of marital earnings and compensation for 41572  
expenses paid from marital assets; 41573

(vii) Any gift of any real or personal property or of an 41574

interest in real or personal property that is made after the date 41575  
of the marriage and that is proven by clear and convincing 41576  
evidence to have been given to only one spouse. 41577

(b) The commingling of separate property with other property 41578  
of any type does not destroy the identity of the separate property 41579  
as separate property, except when the separate property is not 41580  
traceable. 41581

(B) In divorce proceedings, the court shall, and in legal 41582  
separation proceedings upon the request of either spouse, the 41583  
court may, determine what constitutes marital property and what 41584  
constitutes separate property. In either case, upon making such a 41585  
determination, the court shall divide the marital and separate 41586  
property equitably between the spouses, in accordance with this 41587  
section. For purposes of this section, the court has jurisdiction 41588  
over all property, excluding the social security benefits of a 41589  
spouse other than as set forth in division (F)(9) of this section, 41590  
in which one or both spouses have an interest. 41591

(C)(1) Except as provided in this division or division (E) of 41592  
this section, the division of marital property shall be equal. If 41593  
an equal division of marital property would be inequitable, the 41594  
court shall not divide the marital property equally but instead 41595  
shall divide it between the spouses in the manner the court 41596  
determines equitable. In making a division of marital property, 41597  
the court shall consider all relevant factors, including those set 41598  
forth in division (F) of this section. 41599

(2) Each spouse shall be considered to have contributed 41600  
equally to the production and acquisition of marital property. 41601

(3) The court shall provide for an equitable division of 41602  
marital property under this section prior to making any award of 41603  
spousal support to either spouse under section 3105.18 of the 41604  
Revised Code and without regard to any spousal support so awarded. 41605

(4) If the marital property includes a participant account, 41606  
as defined in section 148.01 of the Revised Code, the court shall 41607  
not order the division or disbursement of the moneys and income 41608  
described in division (A)(3)(a)(iv) of this section to occur in a 41609  
manner that is inconsistent with the law, rules, or plan governing 41610  
the deferred compensation program involved or prior to the time 41611  
that the spouse in whose name the participant account is 41612  
maintained commences receipt of the moneys and income credited to 41613  
the account in accordance with that law, rules, and plan. 41614

(D) Except as otherwise provided in division (E) of this 41615  
section or by another provision of this section, the court shall 41616  
disburse a spouse's separate property to that spouse. If a court 41617  
does not disburse a spouse's separate property to that spouse, the 41618  
court shall make written findings of fact that explain the factors 41619  
that it considered in making its determination that the spouse's 41620  
separate property should not be disbursed to that spouse. 41621

(E)(1) The court may make a distributive award to facilitate, 41622  
effectuate, or supplement a division of marital property. The 41623  
court may require any distributive award to be secured by a lien 41624  
on the payor's specific marital property or separate property. 41625

(2) The court may make a distributive award in lieu of a 41626  
division of marital property in order to achieve equity between 41627  
the spouses, if the court determines that a division of the 41628  
marital property in kind or in money would be impractical or 41629  
burdensome. 41630

(3) The court shall require each spouse to disclose in a full 41631  
and complete manner all marital property, separate property, and 41632  
other assets, debts, income, and expenses of the spouse. 41633

(4) If a spouse has engaged in financial misconduct, 41634  
including, but not limited to, the dissipation, destruction, 41635  
concealment, nondisclosure, or fraudulent disposition of assets, 41636

the court may compensate the offended spouse with a distributive award or with a greater award of marital property. 41637  
41638

(5) If a spouse has substantially and willfully failed to ~~12~~ disclose marital property, separate property, or other assets, ~~13~~ debts, income, or expenses as required under division (E)(3) of ~~14~~ this section, the court may compensate the offended spouse with ~~15~~ a distributive award or with a greater award of marital property ~~16~~ not to exceed three times the value of the marital property, ~~17~~ separate property, or other assets, debts, income, or expenses ~~18~~ that are not disclosed by the other spouse. 41639  
41640  
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(F) In making a division of marital property and in determining whether to make and the amount of any distributive award under this section, the court shall consider all of the following factors: 41647  
41648  
41649  
41650

(1) The duration of the marriage; 41651

(2) The assets and liabilities of the spouses; 41652

(3) The desirability of awarding the family home, or the right to reside in the family home for reasonable periods of time, to the spouse with custody of the children of the marriage; 41653  
41654  
41655

(4) The liquidity of the property to be distributed; 41656

(5) The economic desirability of retaining intact an asset or an interest in an asset; 41657  
41658

(6) The tax consequences of the property division upon the respective awards to be made to each spouse; 41659  
41660

(7) The costs of sale, if it is necessary that an asset be sold to effectuate an equitable distribution of property; 41661  
41662

(8) Any division or disbursement of property made in a separation agreement that was voluntarily entered into by the spouses; 41663  
41664  
41665

(9) Any retirement benefits of the spouses, excluding the 41666

social security benefits of a spouse except as may be relevant for 41667  
purposes of dividing a public pension; 41668

(10) Any other factor that the court expressly finds to be 41669  
relevant and equitable. 41670

(G) In any order for the division or disbursement of property 41671  
or a distributive award made pursuant to this section, the court 41672  
shall make written findings of fact that support the determination 41673  
that the marital property has been equitably divided and shall 41674  
specify the dates it used in determining the meaning of "during 41675  
the marriage." 41676

(H) Except as otherwise provided in this section, the holding 41677  
of title to property by one spouse individually or by both spouses 41678  
in a form of co-ownership does not determine whether the property 41679  
is marital property or separate property. 41680

(I) A division or disbursement of property or a distributive 41681  
award made under this section is not subject to future 41682  
modification by the court except upon the express written consent 41683  
or agreement to the modification by both spouses. 41684

(J) The court may issue any orders under this section that it 41685  
determines equitable, including, but not limited to, either of the 41686  
following types of orders: 41687

(1) An order granting a spouse the right to use the marital 41688  
dwelling or any other marital property or separate property for 41689  
any reasonable period of time; 41690

(2) An order requiring the sale or encumbrancing of any real 41691  
or personal property, with the proceeds from the sale and the 41692  
funds from any loan secured by the encumbrance to be applied as 41693  
determined by the court. 41694

**Sec. 3109.13.** As used in sections 3109.13 to ~~3109.18~~ 3109.179 41695  
of the Revised Code: 41696



(A) "Child abuse and child neglect prevention programs" means 41697  
programs that use primary and secondary prevention strategies that 41698  
are conducted at the local level and activities and projects of 41699  
statewide significance designed to strengthen families and prevent 41700  
child abuse and child neglect. 41701

(B) "Primary prevention strategies" are activities and 41702  
services provided to the public designed to prevent or reduce the 41703  
prevalence of child abuse and child neglect before signs of abuse 41704  
or neglect can be observed. 41705

(C) "Secondary prevention strategies" are activities and 41706  
services that are provided to a specific population identified as 41707  
having risk factors for child abuse and child neglect and are 41708  
designed to intervene at the earliest warning signs of child abuse 41709  
or child neglect, or whenever a child can be identified as being 41710  
at risk of abuse or neglect. 41711

**Sec. 3109.14.** (A) As used in this section, "birth record" and 41712  
"certification of birth" have the meanings given in section 41713  
3705.01 of the Revised Code. 41714

(B)(1) The director of health, a person authorized by the 41715  
director, a local commissioner of health, or a local registrar of 41716  
vital statistics shall charge and collect a fee for each certified 41717  
copy of a birth record, for each certification of birth, and for 41718  
each copy of a death record. The fee shall be three dollars. The 41719  
fee is in addition to the fee imposed by section 3705.24 or any 41720  
other section of the Revised Code. A local commissioner of health 41721  
or a local registrar of vital statistics may retain an amount of 41722  
each additional fee collected, not to exceed three per cent of the 41723  
amount of the additional fee, to be used for costs directly 41724  
related to the collection of the fee and the forwarding of the fee 41725  
to the department of health. 41726

The additional fees collected by the director of health or a 41727

person authorized by the director and the additional fees 41728  
collected but not retained by a local commissioner of health or a 41729  
local registrar of vital statistics shall be forwarded to the 41730  
department of health not later than thirty days following the end 41731  
of each quarter. Not later than two days after the fees are 41732  
forwarded to the department each quarter, the department shall pay 41733  
the collected fees to the treasurer of state in accordance with 41734  
rules adopted by the treasurer of state under section 113.08 of 41735  
the Revised Code. 41736

(2) Upon the filing for a divorce decree under section 41737  
3105.10 or a decree of dissolution under section 3105.65 of the 41738  
Revised Code, a court of common pleas shall charge and collect a 41739  
fee. The fee shall be eleven dollars. The fee is in addition to 41740  
any other court costs or fees. The county clerk of courts may 41741  
retain an amount of each additional fee collected, not to exceed 41742  
three per cent of the amount of the additional fee, to be used for 41743  
costs directly related to the collection of the fee and the 41744  
forwarding of the fee to the treasurer of state. The additional 41745  
fees collected, but not retained, under division (B)(2) of this 41746  
section shall be forwarded to the treasurer of state not later 41747  
than twenty days following the end of each month. 41748

(C) The treasurer of state shall deposit the fees paid or 41749  
forwarded under this section in the state treasury to the credit 41750  
of the children's trust fund, which is hereby created. A person or 41751  
government entity that fails to forward the fees in a timely 41752  
manner, as determined by the treasurer of state, shall send to the 41753  
treasurer of state, in addition to the fees, a penalty equal to 41754  
ten per cent of the fees. 41755

The treasurer of state shall invest the moneys in the fund, 41756  
and all earnings resulting from investment of the fund shall be 41757  
credited to the fund, except that actual administrative costs 41758  
incurred by the treasurer of state in administering the fund may 41759

be deducted from the earnings resulting from investments. The 41760  
amount that may be deducted shall not exceed three per cent of the 41761  
total amount of fees credited to the fund in each fiscal year, 41762  
except that the children's trust fund board may approve an amount 41763  
for actual administrative costs exceeding three per cent but not 41764  
exceeding four per cent of such amount. The balance of the 41765  
investment earnings shall be credited to the fund. Moneys credited 41766  
to the fund shall be used only for the purposes described in 41767  
sections 3109.13 to ~~3109.18~~ 3109.179 of the Revised Code. 41768

**Sec. 3109.16.** (A) The children's trust fund board, upon the 41769  
recommendation of the director of job and family services, shall 41770  
approve the employment of an executive director who will 41771  
administer the programs of the board. 41772

(B) The department of job and family services shall provide 41773  
budgetary, procurement, accounting, and other related management 41774  
functions for the board and may adopt rules in accordance with 41775  
Chapter 119. of the Revised Code for these purposes. An amount not 41776  
to exceed three per cent of the total amount of fees deposited in 41777  
the children's trust fund in each fiscal year may be used for 41778  
costs directly related to these administrative functions of the 41779  
department. Each fiscal year, the board shall approve a budget for 41780  
administrative expenditures for the next fiscal year. 41781

(C) The board may request that the department adopt rules the 41782  
board considers necessary for the purpose of carrying out the 41783  
board's responsibilities under this section, and the department 41784  
may adopt those rules. The department may, after consultation with 41785  
the board and the executive director, adopt any other rules to 41786  
assist the board in carrying out its responsibilities under this 41787  
section. In either case, the rules shall be adopted under Chapter 41788  
119. of the Revised Code. 41789

(D) The board shall meet at least quarterly at the call of 41790

the chairperson to conduct its official business. All business 41791  
transactions of the board shall be conducted in public meetings. 41792  
Eight members of the board constitute a quorum. ~~A majority of the~~ 41793  
~~board members is required to adopt the state plan for the~~ 41794  
~~allocation of funds from the children's trust fund.~~ A majority of 41795  
the quorum is required to make all ~~other~~ decisions of the board. 41796

(E) With respect to funding, all of the following apply: 41797

(1) The board may apply for and accept federal and other 41798  
funds for the purpose of funding child abuse and child neglect 41799  
prevention programs. 41800

(2) The board may solicit and accept gifts, money, and other 41801  
donations from any public or private source, including 41802  
individuals, philanthropic foundations or organizations, 41803  
corporations, or corporation endowments. 41804

(3) The board may develop private-public partnerships to 41805  
support the mission of the children's trust fund. 41806

(4) The acceptance and use of federal and other funds shall 41807  
not entail any commitment or pledge of state funds, nor obligate 41808  
the general assembly to continue the programs or activities for 41809  
which the federal and other funds are made available. 41810

(5) All funds received in the manner described in this 41811  
section shall be transmitted to the treasurer of state, who shall 41812  
credit them to the children's trust fund created in section 41813  
3109.14 of the Revised Code. 41814

**Sec. 3109.17.** (A) ~~For each fiscal biennium, the~~ The 41815  
children's trust fund board shall establish a ~~biennial state~~ 41816  
strategic plan for ~~comprehensive~~ child abuse and child neglect 41817  
prevention. The plan shall be transmitted to the governor, the 41818  
president and minority leader of the senate, and the speaker and 41819  
minority leader of the house of representatives and shall be made 41820

~~available to the general public. The board may define in the state 41821  
plan the term "effective public notice." If the board does not 41822  
define that term in the state plan, the board shall include in the 41823  
state plan the definition of "effective public notice" specified 41824  
in rules adopted by the department of job and family services. 41825~~

(B) In developing and carrying out the ~~state~~ strategic plan, 41826  
the children's trust fund board shall, in accordance with rules 41827  
adopted by the department pursuant to Chapter 119. of the Revised 41828  
Code, do all of the following: 41829

(1) Ensure that an opportunity exists for assistance through 41830  
child abuse and child neglect prevention programs to persons 41831  
throughout the state of various social and economic backgrounds; 41832

~~(2) Before the thirtieth day of October of each year, notify 41833  
each child abuse and child neglect prevention advisory board of 41834  
the amount estimated to be allocated to that advisory board for 41835  
the following fiscal year; 41836~~

~~(3) Develop criteria for county or district local allocation 41837  
plans, including criteria for determining the plans' 41838  
effectiveness; 41839~~

~~(4) Review, and approve or disapprove, county or district 41840  
local allocation plans, as described in section 3109.171 of the 41841  
Revised Code; 41842~~

~~(5) Allocate funds to each child abuse and child neglect 41843  
prevention advisory board for the purpose of funding child abuse 41844  
and child neglect prevention programs. In allocating funds to a 41845  
county family and children first council that has been designated 41846  
to serve as the child abuse and child neglect prevention advisory 41847  
board under division (A)(1) of section 3109.18 of the Revised 41848  
Code, the children's trust fund board may send those funds to the 41849  
county or district children's trust fund in the county treasury or 41850  
directly to the administrative agent of the county family and 41851~~

~~children first council designated pursuant to division (B)(5)(a) 41852  
of section 121.37 of the Revised Code. Funds shall be allocated 41853  
among advisory boards according to a formula based on the ratio of 41854  
the number of children under age eighteen in the county or 41855  
multicounty district to the number of children under age eighteen 41856  
in the state, as shown in the most recent federal decennial census 41857  
of population. Subject to the availability of funds and except as 41858  
provided in section 3109.171 of the Revised Code, each advisory 41859  
board shall receive a minimum of ten thousand dollars per fiscal 41860  
year. In the case of an advisory board that serves a multicounty 41861  
district, the advisory board shall receive, subject to available 41862  
funds and except as provided in section 3109.171 of the Revised 41863  
Code, a minimum of ten thousand dollars per fiscal year for each 41864  
county in the district. Funds shall be disbursed to the advisory 41865  
boards twice annually. At least fifty per cent of the funds 41866  
allocated to an advisory board for a fiscal year shall be 41867  
disbursed to the advisory board not later than the thirtieth day 41868  
of September. The remainder of the funds allocated to the advisory 41869  
board for that fiscal year shall be disbursed before the 41870  
thirty first day of March. 41871~~

~~The board shall specify the criteria child abuse and child 41872  
neglect prevention advisory boards are to use in reviewing 41873  
applications under division (G)(2) of section 3109.18 of the 41874  
Revised Code. 41875~~

~~(6) Allocate funds to entities other than child abuse and 41876  
child neglect prevention advisory boards for the purpose of 41877  
funding child abuse and child neglect prevention programs that 41878  
have statewide significance and that have been approved by the 41879  
children's trust fund board; 41880~~

~~(7)(3) Provide for the monitoring of expenditures from the 41881  
children's trust fund and of programs that receive money from the 41882  
children's trust fund; 41883~~

<del>(8)(4)</del> Establish reporting requirements for advisory boards	41884
<u>both of the following:</u>	41885
<u>(a) Regional child abuse and child neglect prevention</u>	41886
<u>councils, including deadlines for the submission of the progress</u>	41887
<u>and annual reports required under section 3107.172 of the Revised</u>	41888
<u>Code;</u>	41889
<u>(b) Children's advocacy centers, including deadlines for the</u>	41890
<u>submission of reports required under section 3107.178 of the</u>	41891
<u>Revised Code.</u>	41892
<del>(9)(5)</del> Collaborate with appropriate persons and government	41893
entities and facilitate the exchange of information among those	41894
persons and entities for the purpose of child abuse and child	41895
neglect prevention;	41896
<del>(10)(6)</del> Provide for the education of the public and	41897
professionals for the purpose of child abuse and child neglect	41898
prevention;	41899
<del>(11)</del> Create and provide to each advisory board a children's	41900
trust fund grant application form;	41901
<del>(12)</del> Specify the information to be included in a semiannual	41902
and an annual report completed by a children's advocacy center for	41903
which a child abuse and child neglect prevention advisory board	41904
uses funds allocated to the advisory board under section 3109.172	41905
of the Revised Code, and each other person or entity that is a	41906
recipient of a children's trust fund grant under division (L)(1)	41907
of section 3109.18 of the Revised Code.	41908
(C) The children's trust fund board shall prepare a report	41909
for each fiscal biennium that delineates the expenditure of money	41910
from the children's trust fund. On or before January 1, 2002, and	41911
on or before the first day of January of a year that follows the	41912
end of a fiscal biennium of this state, the board shall file a	41913
copy of the report with the governor, the president and minority	41914

leader of the senate, and the speaker and minority leader of the 41915  
house of representatives. 41916

(D) The children's trust fund board shall develop a list of 41917  
all state and federal sources of funding that might be available 41918  
for establishing, operating, or establishing and operating a 41919  
children's advocacy center under sections 2151.425 to 2151.428 of 41920  
the Revised Code. The board periodically shall update the list as 41921  
necessary. The board shall maintain, or provide for the 41922  
maintenance of, the list at an appropriate location. That location 41923  
may be the offices of the department of job and family services. 41924  
The board shall provide the list upon request to any children's 41925  
advocacy center or to any person or entity identified in section 41926  
2151.426 of the Revised Code as a person or entity that may 41927  
participate in the establishment of a children's advocacy center. 41928

Sec. 3109.171. For the purpose of administering child abuse 41929  
and child neglect prevention programming and services approved by 41930  
the children's trust fund board, there are hereby created the 41931  
following eight child abuse and child neglect prevention regions 41932  
in the state: 41933

One region consisting of the following counties: Defiance, 41934  
Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding, 41935  
Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot. 41936

One region consisting of the following counties: Ashtabula, 41937  
Cuyahoga, Geauga, and Lake. 41938

One region consisting of the following counties: Ashland, 41939  
Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark, 41940  
Summit, Trumbull, and Wayne. 41941

One region consisting of the following counties: Allen, 41942  
Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan, Mercer, 41943  
Miami, Montgomery, Preble, and Shelby. 41944



One region consisting of the following counties: Crawford, 41945  
Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, 41946  
Marion, Morrow, Pickaway, Richland, and Union. 41947

One region consisting of the following counties: Belmont, 41948  
Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe, 41949  
Muskingum, Noble, and Tuscarawas. 41950

One region consisting of the following counties: Adams, 41951  
Brown, Butler, Clermont, Clinton, Hamilton, Highland, and Warren. 41952

One region consisting of the following counties: Athens, 41953  
Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, 41954  
Ross, Scioto, Vinton, and Washington. 41955

Sec. 3109.172. (A) As used in this section, "county 41956  
prevention specialist" includes the following: 41957

(1) Representatives of agencies responsible for the 41958  
administration of children's services in the counties within a 41959  
child abuse and child neglect prevention region established in 41960  
section 3109.171 of the Revised Code; 41961

(2) Providers of alcohol or drug addiction services or 41962  
representatives of boards of alcohol, drug addiction, and mental 41963  
health services that serve counties within a region; 41964

(3) Providers of mental health services or representatives of 41965  
boards of alcohol, drug addiction, and mental health services that 41966  
serve counties within a region; 41967

(4) Representatives of county boards of developmental 41968  
disabilities that serve counties within a region; 41969

(5) Representatives of the educational community appointed by 41970  
the superintendent of the school district with the largest 41971  
enrollment in the counties within a region; 41972

(6) Juvenile justice officials serving counties within a 41973

<u>region;</u>	41974
<u>(7) Pediatricians, health department nurses, and other</u>	41975
<u>representatives of the medical community in the counties within a</u>	41976
<u>region;</u>	41977
<u>(8) Counselors and social workers serving counties within a</u>	41978
<u>region;</u>	41979
<u>(9) Head start agencies serving counties within a region;</u>	41980
<u>(10) Child care providers serving counties within a region;</u>	41981
<u>(11) Other persons with demonstrated knowledge in programs</u>	41982
<u>for children serving counties within a region.</u>	41983
<u>(B) Each child abuse and child neglect prevention region</u>	41984
<u>shall have a child abuse and child neglect regional prevention</u>	41985
<u>council as appointed under divisions (C), (D), and (E) of this</u>	41986
<u>section. Each council shall operate in accordance with rules</u>	41987
<u>adopted by the department of job and family services pursuant to</u>	41988
<u>Chapter 119. of the Revised Code.</u>	41989
<u>(C)(1) Each board of county commissioners within a region may</u>	41990
<u>appoint up to two county prevention specialists to the council</u>	41991
<u>representing the county, in accordance with rules adopted by the</u>	41992
<u>department of job and family services under Chapter 119. of the</u>	41993
<u>Revised Code.</u>	41994
<u>(2) The children's trust fund board may appoint additional</u>	41995
<u>county prevention specialists to each region's council at the</u>	41996
<u>board's discretion.</u>	41997
<u>(3) A representative of the council's regional prevention</u>	41998
<u>coordinator shall serve as a nonvoting member of the council.</u>	41999
<u>(D) Each council member appointed under division (C)(1) of</u>	42000
<u>this section shall be appointed for a two-year term. Each council</u>	42001
<u>member appointed under division (C)(2) or (3) of this section</u>	42002
<u>shall be appointed for a three-year term. A member may be</u>	42003

<u>reappointed, but for two consecutive terms only.</u>	42004
<u>(E) A member may be removed from the council by the member's</u>	42005
<u>appointing authority for misconduct, incompetence, or neglect of</u>	42006
<u>duty.</u>	42007
<u>(F) Council members shall not receive compensation for their</u>	42008
<u>service to the council.</u>	42009
<u>(G) The representative of the regional prevention coordinator</u>	42010
<u>shall serve as chairperson of the council.</u>	42011
<u>(H) Each council shall meet at least quarterly.</u>	42012
<u>(I) Council members shall do all of the following:</u>	42013
<u>(1) Attend meetings of the council on which they serve;</u>	42014
<u>(2) Assist the regional prevention coordinator in conducting</u>	42015
<u>a needs assessment to ascertain the child abuse and child neglect</u>	42016
<u>prevention programming and services that are needed in their</u>	42017
<u>region;</u>	42018
<u>(3) Collaborate on assembling the council's regional</u>	42019
<u>prevention plan based on children's trust fund board guidelines</u>	42020
<u>pursuant to section 3109.174 of the Revised Code;</u>	42021
<u>(4) Assist the council's regional prevention coordinator with</u>	42022
<u>all of the following:</u>	42023
<u>(a) Implementing the regional prevention plan, including</u>	42024
<u>monitoring fulfillment of child abuse and child neglect prevention</u>	42025
<u>deliverables and achievement of prevention outcomes;</u>	42026
<u>(b) Coordinating county data collection;</u>	42027
<u>(c) Ensuring timely and accurate reporting to the children's</u>	42028
<u>trust fund board.</u>	42029
<u>(5) Any additional duties specified in accordance with rules</u>	42030
<u>adopted by the department pursuant to Chapter 119. of the Revised</u>	42031
<u>Code.</u>	42032

(J) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board. 42033  
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**Sec. 3109.173.** (A) Each child abuse and child neglect regional prevention council shall be under the direction of a regional prevention coordinator. The children's trust fund board shall select each region's coordinator through a competitive selection process conducted by the board. 42040  
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(B) Regional prevention coordinators shall do all of the following: 42045  
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(1) Select a representative to serve as chairperson of the regional prevention council; 42047  
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(2) Conduct a needs assessment to ascertain the child abuse and neglect prevention programming and services that are needed in the region; 42049  
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(3) Work with county prevention specialists in the region to assemble the regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code; 42052  
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42055

(4) Implement the regional prevention plan, including the following: 42056  
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(a) Monitoring fulfillment of prevention deliverables and achievement of prevention outcomes; 42058  
42059

(b) Coordinating county data collection; 42060

(c) Ensuring timely and accurate reporting to the board. 42061

(5) Any additional duties specified by the department in 42062  
rules adopted pursuant to Chapter 119. of the Revised Code. 42063

Sec. 3109.174. Each child abuse and child neglect regional 42064  
prevention council shall submit to the children's trust fund board 42065  
a regional prevention plan for funding child abuse and child 42066  
neglect prevention programs and activities based on criteria set 42067  
forth by the children's trust fund. 42068

The plan shall be submitted on the form and in the manner 42069  
specified in rules adopted by the department of job and family 42070  
services pursuant to Chapter 119. of the Revised Code. 42071

Sec. 3109.175. On receipt of a regional prevention plan 42072  
submitted pursuant to section 3109.174 of the Revised Code, the 42073  
children's trust fund board may do either of the following: 42074

(A) Approve the plan; 42075

(B) Deny the plan; 42076

(C) Require the submitting council to make changes to the 42077  
plan and submit an amended plan to the board. 42078

Sec. 3109.176. (A) The children's trust fund board may deny 42079  
funding or allocate a reduced amount of funds on a pro-rated daily 42080  
basis to a child abuse and child neglect regional prevention 42081  
council for the fiscal year for which a regional prevention plan 42082  
was required to be developed under any of the following 42083  
circumstances: 42084

(1) If a council fails to submit to the board a regional 42085  
prevention plan pursuant to section 3109.174 of the Revised Code 42086  
by the date specified by the board; 42087

(2) If a council fails to submit to the board an amended plan 42088  
pursuant to division (C) of section 3109.175 of the Revised Code; 42089

(3) If the board fails to approve a plan or an amended plan submitted by a council. 42090  
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(B) The board may allocate a reduced amount of funds to a council on a pro-rated daily basis for the following fiscal year if the council fails to submit to the board a progress report or annual report as required by section 3109.172 of the Revised Code not later than the due dates specified by the board for those reports. 42092  
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**Sec. 3109.177.** (A) As used in this section and section 3107.178 of the Revised Code, "primary prevention strategies" has the same meaning as in section 3109.13 of the Revised Code. 42098  
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(B) Each children's advocacy center may annually request funds from the children's trust fund board to conduct primary prevention strategies. 42101  
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**Sec. 3109.178.** (A) Each child abuse and child neglect regional prevention council may request from the children's trust fund board up to five thousand dollars for each county within the council's region to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve each county in the region or a center to serve two or more contiguous counties within the region. 42104  
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(B) On receipt of a request made under this section, the board shall review and approve or disapprove the request. 42111  
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(C) If the board disapproves the request, the board shall send to the requesting council written notice of the disapproval that states the reasons for the disapproval. 42113  
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(D) No funds allocated to a council under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy. 42116  
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(E) A council that receives funds under this section in any 42119  
fiscal year shall not use the funds received in a different fiscal 42120  
year or for a different center in any fiscal year without the 42121  
approval of the board. 42122

(F) A children's advocacy center established using funds 42123  
awarded under this section shall comply with sections 2151.425 to 42124  
2151.428 of the Revised Code. 42125

(G) Each children's advocacy center that receives funds under 42126  
this section shall file with its respective council, by the date 42127  
specified by the board, an annual report that includes the 42128  
information required by the board. The council shall forward a 42129  
copy of the annual report to the board. 42130

**Sec. 3109.179.** (A) The department of job and family services 42131  
shall adopt rules in accordance with Chapter 119. of the Revised 42132  
Code regarding all of the following: 42133

(1) Operation requirements for child abuse and child neglect 42134  
regional prevention councils; 42135

(2) The manner in which boards of county commissioners are to 42136  
appoint council members; 42137

(3) The form and manner by which councils are to submit 42138  
regional prevention plans. 42139

(B) The department may adopt rules in accordance with Chapter 42140  
119. of the Revised Code regarding the following: 42141

(1) Duties of council members; 42142

(2) Duties of regional prevention coordinators; 42143

(3) Any other rules necessary to implement sections 3109.13 42144  
to 3109.178 of the Revised Code. 42145

(C) The department shall consult with the children's trust 42146  
fund board and the board's executive director regarding all rules 42147

adopted under this section. 42148

Sec. 3115.101. This chapter may be cited as the "Uniform 42149  
Interstate Family Support Act of 2008." This chapter uses the 42150  
numbering system of the national conference of commissioners on 42151  
uniform state laws. The digits to the right of the decimal point 42152  
are sequential and not supplemental to any preceding Revised Code 42153  
section. 42154

Sec. 3115.102. As used in this chapter: 42155

(A) "Child" means an individual, whether over or under the 42156  
age of majority, who is or is alleged to be owed a duty of support 42157  
by the individual's parent or who is or is alleged to be the 42158  
beneficiary of a support order directed to the parent. 42159

(B) "Child-support order" means a support order for a child, 42160  
including a child who has attained the age of majority under the 42161  
law of the issuing state or foreign country. 42162

(C) "Convention" means the convention on the international 42163  
recovery of child support and other forms of family maintenance, 42164  
concluded at The Hague on November 23, 2007. 42165

(D) "Duty of support" means an obligation imposed or 42166  
imposable by law to provide support for a child, spouse, or former 42167  
spouse, including an unsatisfied obligation to provide support. 42168

(E) "Foreign country" means a country, including a political 42169  
subdivision of the country, other than the United States, that 42170  
authorizes the issuance of support orders to which at least one of 42171  
the following applies: 42172

(1) It has been declared under the law of the United States 42173  
to be a foreign reciprocating country; 42174

(2) It has established a reciprocal arrangement for child 42175  
support with this state as provided in section 3115.308 of the 42176



<u>Revised Code;</u>	42177
<u>(3) It has enacted a law or established procedures for the</u>	42178
<u>issuance and enforcement of support orders that are substantially</u>	42179
<u>similar to the procedures under this chapter;</u>	42180
<u>(4) It is a country in which the convention is in force with</u>	42181
<u>respect to the United States.</u>	42182
<u>(F) "Foreign support order" means a support order of a</u>	42183
<u>foreign tribunal.</u>	42184
<u>(G) "Foreign tribunal" means a court, administrative agency,</u>	42185
<u>or quasi-judicial entity of a foreign country that is authorized</u>	42186
<u>to establish, enforce, or modify support orders or to determine</u>	42187
<u>parentage of a child. "Foreign tribunal" includes a competent</u>	42188
<u>authority under the convention.</u>	42189
<u>(H) "Home state" means the state or foreign country in which</u>	42190
<u>a child lived with a parent or a person acting as parent for at</u>	42191
<u>least six consecutive months immediately preceding the time of</u>	42192
<u>filing of a petition or comparable pleading for support and, if a</u>	42193
<u>child is less than six months old, the state or foreign country in</u>	42194
<u>which the child lived from birth with any of them. A period of</u>	42195
<u>temporary absence of any of them is counted as part of the</u>	42196
<u>six-month or other period.</u>	42197
<u>(I) "Income" includes earnings or other periodic entitlements</u>	42198
<u>to money from any source and any other property subject to</u>	42199
<u>withholding for support under the law of this state.</u>	42200
<u>(J) "Income-withholding order" means an order or other legal</u>	42201
<u>process directed to an obligor's employer or other payor, in</u>	42202
<u>accordance with Chapter 3121. of the Revised Code, to withhold</u>	42203
<u>support from the income of the obligor.</u>	42204
<u>(K) "Initiating tribunal" means the tribunal of a state or</u>	42205
<u>foreign country from which a petition or comparable pleading is</u>	42206

forwarded or in which a petition or comparable pleading is filed 42207  
for forwarding to another state or foreign country. 42208

(L) "Issuing foreign country" means the foreign country in 42209  
which a tribunal issues a support order or a judgment determining 42210  
parentage of a child. 42211

(M) "Issuing state" means the state in which a tribunal 42212  
issues a support order or a judgment determining parentage of a 42213  
child. 42214

(N) "Issuing tribunal" means the tribunal of a state or 42215  
foreign country that issues a support order or a judgment 42216  
determining parentage of a child. 42217

(O) "Law" includes decisional and statutory law and rules and 42218  
regulations having the force of law. 42219

(P) "Obligee" means any of the following: 42220

(1) An individual to whom a duty of support is or is alleged 42221  
to be owed or in whose favor a support order or a judgment 42222  
determining parentage of a child has been issued; 42223

(2) A foreign country, state, or political subdivision of a 42224  
state to which the rights under a duty of support or support order 42225  
have been assigned or that has independent claims based on 42226  
financial assistance provided to an individual obligee in place of 42227  
child support; 42228

(3) An individual seeking a judgment determining parentage of 42229  
the individual's child; 42230

(4) A person that is a creditor in a proceeding under 42231  
sections 3115.701 to 3115.713 of the Revised Code. 42232

(O) "Obligor" means an individual, or the estate of a 42233  
decedent, to whom or to which any of the following applies: 42234

(1) The individual or estate owes or is alleged to owe a duty 42235  
of support. 42236

<u>(2) The individual or decedent is alleged but has not been adjudicated to be a parent of a child.</u>	42237 42238
<u>(3) The individual or estate is liable under a support order.</u>	42239
<u>(4) The individual or estate is a debtor in a proceeding under sections 3115.701 to 3115.713 of the Revised Code.</u>	42240 42241
<u>(R) "Outside this state" means a location in another state or a country other than the United States, whether or not the country is a foreign country.</u>	42242 42243 42244
<u>(S) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.</u>	42245 42246 42247 42248 42249
<u>(T) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.</u>	42250 42251 42252
<u>(U) "Register" means to file in a tribunal of this state a support order or judgment determining parentage of a child issued in another state or a foreign country.</u>	42253 42254 42255
<u>(V) "Registering tribunal" means a tribunal in which a support order or judgment determining parentage of a child is registered.</u>	42256 42257 42258
<u>(W) "Responding state" means a state in which a petition or comparable pleading for support or to determine parentage of a child is filed or to which a petition or comparable pleading is forwarded for filing from another state or a foreign country.</u>	42259 42260 42261 42262
<u>(X) "Responding tribunal" means the authorized tribunal in a responding state or foreign country.</u>	42263 42264
<u>(Y) "Spousal-support order" means a support order for a spouse or former spouse of the obligor.</u>	42265 42266

(Z) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation or tribe. 42267  
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(AA) "Support enforcement agency" means a public official, governmental entity, or private agency authorized to do any of the following: 42271  
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(1) Seek enforcement of support orders or laws relating to the duty of support; 42274  
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(2) Seek establishment or modification of child support; 42276

(3) Request determination of parentage of a child; 42277

(4) Attempt to locate obligors or their assets; or 42278

(5) Request determination of the controlling child-support order. 42279  
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(BB) "Support order" means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. "Support order" may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief. 42281  
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(CC) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child. 42290  
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**Sec. 3115.103.** (A) For purposes of carrying out the duties and responsibilities under this chapter, the juvenile court or the division of the court of common pleas that has jurisdiction over disputes arising under this chapter is the tribunal of this state 42293  
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and for the purposes of initiating a petition an agency designated 42297  
under section 3125.10 of the Revised Code is also a tribunal of 42298  
this state. 42299

(B) The agencies designated under section 3125.10 of the 42300  
Revised Code are the support enforcement agencies of this state. 42301

**Sec. 3115.104.** (A) Remedies provided by this chapter are 42302  
cumulative and do not affect the availability of remedies under 42303  
other law or the recognition of a foreign support order on the 42304  
basis of comity. 42305

(B) This chapter does not do either of the following: 42306

(1) Provide the exclusive method of establishing or enforcing 42307  
a support order under the law of this state; 42308

(2) Grant a tribunal of this state jurisdiction to render 42309  
judgment or issue an order relating to child custody or visitation 42310  
in a proceeding under this chapter. 42311

**Sec. 3115.105.** (A) A tribunal of this state shall apply 42312  
sections 3115.102 to 3115.616 of the Revised Code and, as 42313  
applicable, sections 3115.701 to 3115.713 of the Revised Code, to 42314  
a support proceeding involving any of the following: 42315

(1) A foreign support order; 42316

(2) A foreign tribunal; 42317

(3) An obligee, obligor, or child residing in a foreign 42318  
country. 42319

(B) A tribunal of this state that is requested to recognize 42320  
and enforce a support order on the basis of comity may apply the 42321  
procedural and substantive provisions of sections 3115.102 to 42322  
3115.616 of the Revised Code. 42323

(C) Sections 3115.701 to 3115.713 of the Revised Code apply 42324

only to a support proceeding under the convention. In such a 42325  
proceeding, if a provision of sections 3115.701 to 3115.713 of the 42326  
Revised Code is inconsistent with sections 3115.102 to 3115.616 of 42327  
the Revised Code, sections 3115.701 to 3115.713 of the Revised 42328  
Code control. 42329

**Sec. 3115.201.** (A) In a proceeding to establish or enforce a 42330  
support order or to determine parentage of a child, a tribunal or 42331  
support enforcement agency of this state may exercise personal 42332  
jurisdiction over a nonresident individual if any of the following 42333  
apply: 42334

(1) The individual is personally served with summons within 42335  
this state. 42336

(2) The individual submits to the jurisdiction of this state 42337  
by consent in a record, by entering a general appearance, or by 42338  
filing a responsive document having the effect of waiving any 42339  
contest to personal jurisdiction. 42340

(3) The individual resided with the child in this state. 42341

(4) The individual resided in this state and provided 42342  
prenatal expenses or support for the child. 42343

(5) The child resides in this state as a result of the acts 42344  
or directives of the individual. 42345

(6) The individual engaged in sexual intercourse in this 42346  
state and the child may have been conceived by that act of 42347  
intercourse. 42348

(7) The individual asserted parentage of a child in the 42349  
putative father registry maintained in this state by the 42350  
department of job and family services. 42351

(8) There is any other basis consistent with the 42352  
Constitutions of this state and the United States for the exercise 42353  
of personal jurisdiction. 42354

(B) The bases of personal jurisdiction set forth in division 42355  
(A) of this section or in any other law of this state may not be 42356  
used to acquire personal jurisdiction for a tribunal of this state 42357  
to modify a child-support order of another state unless the 42358  
requirements of section 3115.611 of the Revised Code are met or, 42359  
in the case of a foreign support order, unless the requirements of 42360  
section 3115.615 of the Revised Code are met. 42361

Sec. 3115.202. Personal jurisdiction acquired by a tribunal 42362  
of this state in a proceeding under this chapter or other law of 42363  
this state relating to a support order continues as long as a 42364  
tribunal of this state has continuing, exclusive jurisdiction to 42365  
modify its order or continuing jurisdiction to enforce its order 42366  
as provided by sections 3115.205, 3115.206, and 3115.211 of the 42367  
Revised Code. 42368

Sec. 3115.203. Under this chapter, a tribunal of this state 42369  
may serve as an initiating tribunal to forward proceedings to a 42370  
tribunal of another state, and as a responding tribunal for 42371  
proceedings initiated in another state or a foreign country. 42372

Sec. 3115.204. (A) A tribunal of this state may exercise 42373  
jurisdiction to establish a support order if the petition or 42374  
comparable pleading is filed after a pleading is filed in another 42375  
state or a foreign country only if all of the following apply: 42376

(1) The petition or comparable pleading in this state is 42377  
filed before the expiration of the time allowed in the other state 42378  
or the foreign country for filing a responsive pleading 42379  
challenging the exercise of jurisdiction by the other state or the 42380  
foreign country. 42381

(2) The contesting party timely challenges the exercise of 42382  
jurisdiction in the other state or the foreign country. 42383

<u>(3) If relevant, this state is the home state of the child.</u>	42384
<u>(B) A tribunal of this state may not exercise jurisdiction to establish a support order if the petition or comparable pleading is filed before a petition or comparable pleading is filed in another state or a foreign country if all of the following apply:</u>	42385
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<u>(1) The petition or comparable pleading in the other state or foreign country is filed before the expiration of the time allowed in this state for filing a responsive pleading challenging the exercise of jurisdiction by this state.</u>	42389
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<u>(2) The contesting party timely challenges the exercise of jurisdiction in this state.</u>	42393
	42394
<u>(3) If relevant, the other state or foreign country is the home state of the child.</u>	42395
	42396
<b><u>Sec. 3115.205.</u></b> <u>(A) A tribunal of this state that has issued a child-support order consistent with the law of this state has and shall exercise continuing, exclusive jurisdiction to modify its child-support order if the order is the controlling order and either of the following applies:</u>	42397
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	42401
<u>(1) At the time of the filing of a request for modification, this state is the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued.</u>	42402
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<u>(2) Even if this state is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this state may continue to exercise jurisdiction to modify its order.</u>	42406
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<u>(B) A tribunal or support enforcement agency of this state that has issued a child-support order consistent with the law of this state may not exercise continuing, exclusive jurisdiction to</u>	42411
	42412
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modify the order if either of the following applies: 42414

(1) All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction. 42415  
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(2) Its order is not the controlling order. 42421

(C) If a tribunal of another state has issued a child-support order pursuant to the uniform interstate family support act or a law substantially similar to that act that modifies a child-support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state. 42422  
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(D) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state. 42428  
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(E) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal. 42432  
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**Sec. 3115.206.** (A) A tribunal of this state that has issued a child-support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce either of the following: 42435  
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(1) The order, if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to its uniform interstate family support act; 42439  
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(2) A money judgment for arrears of support and interest on 42443

the order accrued before a determination that an order of a 42444  
tribunal of another state is the controlling order. 42445

(B) A tribunal of this state having continuing jurisdiction 42446  
over a support order may act as a responding tribunal to enforce 42447  
the order. 42448

**Sec. 3115.207.** (A) If a proceeding is brought under this 42449  
chapter and only one tribunal has issued a child-support order, 42450  
the order of that tribunal controls and must be recognized. 42451

(B) If a proceeding is brought under this chapter and two or 42452  
more child-support orders have been issued by tribunals of this 42453  
state, another state, or a foreign country with regard to the same 42454  
obligor and same child, a court of this state having personal 42455  
jurisdiction over both the obligor and individual obligee shall 42456  
apply the following rules and by order shall determine which order 42457  
controls and must be recognized: 42458

(1) If only one of the tribunals would have continuing, 42459  
exclusive jurisdiction under this chapter, the order of that 42460  
tribunal controls. 42461

(2) If more than one of the tribunals would have continuing, 42462  
exclusive jurisdiction under this chapter, whichever of the 42463  
following is relevant applies: 42464

(a) An order issued by a tribunal in the current home state 42465  
of the child controls; 42466

(b) If an order has not been issued in the current home state 42467  
of the child, the order most recently issued controls. 42468

(3) If none of the tribunals would have continuing, exclusive 42469  
jurisdiction under this chapter, the court of this state shall 42470  
issue a child-support order, which order controls. 42471

(C) If two or more child-support orders have been issued for 42472  
the same obligor and same child, upon request of a party who is an 42473

individual or that is a support enforcement agency, a court of 42474  
this state having personal jurisdiction over both the obligor and 42475  
the obligee who is an individual shall determine which order 42476  
controls under division (B) of this section. The request may be 42477  
filed with a registration for enforcement or registration for 42478  
modification pursuant to sections 3115.601 to 3115.616 of the 42479  
Revised Code, or may be filed as a separate proceeding. 42480

(D) A request to determine which is the controlling order 42481  
must be accompanied by a copy of every child-support order in 42482  
effect and the applicable record of payments. The requesting party 42483  
shall give notice of the request to each party whose rights may be 42484  
affected by the determination. 42485

(E) The tribunal that issued the controlling order under 42486  
division (A), (B), or (C) of this section has continuing 42487  
jurisdiction to the extent provided in section 3115.205 or 42488  
3115.206 of the Revised Code. 42489

(F) A court of this state that determines by order which is 42490  
the controlling order under division (B)(1) or (2) of this 42491  
section, or that issues a new controlling order under division 42492  
(B)(3) of this section, shall state all of the following in that 42493  
order: 42494

(1) The basis upon which the court made its determination; 42495

(2) The amount of prospective support, if any; 42496

(3) The total amount of consolidated arrears and accrued 42497  
interest, if any, under all of the orders after all payments made 42498  
are credited as provided by section 3115.209 of the Revised Code. 42499

(G) Within thirty days after issuance of an order determining 42500  
which is the controlling order, the party obtaining the order 42501  
shall file a certified copy of it in each tribunal that issued or 42502  
registered an earlier order of child support. A party or support 42503  
enforcement agency obtaining the order that fails to file a 42504

certified copy is subject to appropriate sanctions by a tribunal 42505  
in which the issue of failure to file arises. The failure to file 42506  
does not affect the validity or enforceability of the controlling 42507  
order. 42508

(H) An order that has been determined to be the controlling 42509  
order, or a judgment for consolidated arrears of support and 42510  
interest, if any, made pursuant to this section must be recognized 42511  
in proceedings under this chapter. 42512

**Sec. 3115.208.** In responding to registrations or petitions 42513  
for enforcement of two or more child-support orders in effect at 42514  
the same time with regard to the same obligor and different 42515  
individual obligees, at least one of which was issued by a 42516  
tribunal of another state or a foreign country, a tribunal of this 42517  
state shall enforce those orders in the same manner as if the 42518  
orders had been issued by a tribunal of this state. 42519

**Sec. 3115.209.** A tribunal of this state shall credit amounts 42520  
collected for a particular period pursuant to any child-support 42521  
order against the amounts owed for the same period under any other 42522  
child-support order for support of the same child issued by a 42523  
tribunal of this state, another state, or a foreign country. 42524

**Sec. 3115.210.** A tribunal of this state exercising personal 42525  
jurisdiction over a nonresident in a proceeding under this 42526  
chapter, under other law of this state relating to a support 42527  
order, or recognizing a foreign support order may receive evidence 42528  
from outside this state pursuant to section 3115.316 of the 42529  
Revised Code, communicate with a tribunal outside this state 42530  
pursuant to section 3115.317 of the Revised Code, and obtain 42531  
discovery through a tribunal outside this state pursuant to 42532  
section 3115.318 of the Revised Code. In all other respects, 42533  
sections 3115.301 to 3115.616 of the Revised Code do not apply, 42534

and the tribunal shall apply the procedural and substantive law of 42535  
this state. 42536

Sec. 3115.211. (A) A tribunal of this state issuing a 42537  
spousal-support order consistent with the law of this state has 42538  
continuing, exclusive jurisdiction to modify the spousal-support 42539  
order throughout the existence of the support obligation. 42540

(B) A tribunal of this state may not modify a spousal-support 42541  
order issued by a tribunal of another state or a foreign country 42542  
having continuing, exclusive jurisdiction over that order under 42543  
the law of that state or foreign country. 42544

(C) A tribunal of this state that has continuing, exclusive 42545  
jurisdiction over a spousal-support order may serve as either of 42546  
the following: 42547

(1) An initiating tribunal to request a tribunal of another 42548  
state to enforce the spousal-support order issued in this state; 42549

(2) A responding tribunal to enforce or modify its own 42550  
spousal-support order. 42551

Sec. 3115.301. (A) Except as otherwise provided in this 42552  
chapter, sections 3115.301 to 3115.319 of the Revised Code apply 42553  
to all proceedings under this chapter. 42554

(B) An individual petitioner or a support enforcement agency 42555  
may initiate a proceeding authorized under this chapter by filing 42556  
a petition in an initiating tribunal for forwarding to a 42557  
responding tribunal or by filing a petition or a comparable 42558  
pleading directly in a tribunal of another state or a foreign 42559  
country that has or can obtain personal jurisdiction over the 42560  
respondent. 42561

Sec. 3115.302. A minor parent, or a guardian or other legal 42562

representative of a minor parent, may maintain a proceeding on 42563  
behalf of or for the benefit of the minor's child. 42564

Sec. 3115.303. Except as otherwise provided in this chapter, 42565  
a responding tribunal of this state shall do both of the 42566  
following: 42567

(A) Apply the procedural and substantive law generally 42568  
applicable to similar proceedings originating in this state and 42569  
may exercise all powers and provide all remedies available in 42570  
those proceedings; 42571

(B) Determine the duty of support and the amount payable in 42572  
accordance with the law and support guidelines of this state. 42573

Sec. 3115.304. (A) Upon the filing of a petition authorized 42574  
by this chapter, an initiating tribunal of this state shall 42575  
forward the petition and its accompanying documents to whichever 42576  
of the following is relevant: 42577

(1) The responding tribunal or appropriate support 42578  
enforcement agency in the responding state; 42579

(2) If the identity of the responding tribunal is unknown, 42580  
the state information agency of the responding state with a 42581  
request that they be forwarded to the appropriate tribunal and 42582  
that receipt be acknowledged. 42583

(B) If requested by the responding tribunal, a tribunal of 42584  
this state shall issue a certificate or other document and make 42585  
findings required by the law of the responding state. If the 42586  
responding tribunal is in a foreign country, upon request the 42587  
tribunal of this state shall specify the amount of support sought, 42588  
convert that amount into the equivalent amount in the foreign 42589  
currency under applicable official or market exchange rate as 42590  
publicly reported, and provide any other documents necessary to 42591

satisfy the requirements of the responding foreign tribunal. 42592

Sec. 3115.305. (A) When a responding support enforcement agency of this state receives a petition or comparable pleading from an initiating tribunal or directly pursuant to division (B) of section 3115.301 of the Revised Code, it shall cause the petition or pleading to be filed and notify the petitioner where and when it was filed. 42593  
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(B) A responding tribunal of this state, to the extent not prohibited by other law, may do one or more of the following: 42599  
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(1) Establish or enforce a support order, modify a child-support order, determine the controlling child-support order, or determine parentage of a child; 42601  
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(2) Order an obligor to comply with a support order, specifying the amount and the manner of compliance; 42604  
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(3) Order income withholding; 42606

(4) Determine the amount of any arrearages and specify a method of payment; 42607  
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(5) Enforce orders by civil or criminal contempt or both; 42609

(6) Set aside property for satisfaction of the support order; 42610

(7) Place liens and order execution on the obligor's property; 42611  
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(8) Order an obligor to keep the tribunal informed of the obligor's current residential address, electronic-mail address, telephone number, employer, address of employment, and telephone number at the place of employment; 42613  
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(9) Issue a capias for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the capias in any local and state computer systems for criminal warrants; 42617  
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<u>(10) Order the obligor to seek appropriate employment by specified methods;</u>	42621
	42622
<u>(11) Award reasonable attorney's fees and other fees and costs;</u>	42623
	42624
<u>(12) Grant any other available remedy.</u>	42625
<u>(C) A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.</u>	42626
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<u>(D) A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.</u>	42630
	42631
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<u>(E) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.</u>	42633
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<u>(F) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.</u>	42637
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<u>Sec. 3115.306. If a petition or comparable pleading is received by an inappropriate tribunal or support enforcement agency of this state, the tribunal or support enforcement agency shall forward the pleading and accompanying documents to an appropriate tribunal or support enforcement agency of this state or another state and notify the petitioner where and when the pleading was sent.</u>	42643
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Sec. 3115.307. (A) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter. 42650  
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(B) A support enforcement agency of this state that is providing services to the petitioner shall do all of the following: 42653  
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(1) Take all steps necessary to enable an appropriate tribunal of this state, another state, or a foreign country to obtain jurisdiction over the respondent; 42656  
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(2) Request an appropriate tribunal to set a date, time, and place for a hearing; 42659  
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(3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties; 42661  
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(4) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner; 42664  
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(5) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; 42668  
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(6) Notify the petitioner if jurisdiction over the respondent cannot be obtained. 42672  
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(C) A support enforcement agency of this state that requests registration of a child-support order in this state for enforcement or for modification shall make reasonable efforts to do whichever of the following is relevant: 42674  
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(1) Ensure that the order to be registered is the controlling order; 42678  
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(2) If two or more child-support orders exist and the identity of the controlling order has not been determined, ensure that a request for such a determination is made in a tribunal having jurisdiction to do so. 42680  
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(D) A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported. 42684  
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(E) A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child-support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 3115.319 of the Revised Code. 42690  
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(F) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency. 42696  
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**Sec. 3115.308.** (A) If the department of job and family services determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the department may order the agency to perform its duties under this chapter or may provide those services directly to the individual. 42700  
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(B) The department of job and family services may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination. 42705  
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**Sec. 3115.309.** An individual may employ private counsel to 42709

represent the individual in proceedings authorized by this 42710  
chapter. 42711

Sec. 3115.310. (A) The department of job and family services 42712  
is the state information agency under this chapter. 42713

(B) The state information agency shall do all of the 42714  
following: 42715

(1) Compile and maintain a current list, including addresses, 42716  
of the tribunals in this state that have jurisdiction under this 42717  
chapter and any support enforcement agencies in this state and 42718  
transmit a copy to the state information agency of every other 42719  
state; 42720

(2) Maintain a register of names and addresses of tribunals 42721  
and support enforcement agencies received from other states; 42722

(3) Forward to the appropriate support enforcement agency in 42723  
the county in this state in which the obligee who is an individual 42724  
or the obligor resides, or in which the obligor's property is 42725  
believed to be located, all documents concerning a proceeding 42726  
under this chapter received from another state or a foreign 42727  
country; 42728

(4) Obtain information concerning the location of the obligor 42729  
and the obligor's property within this state not exempt from 42730  
execution, by such means as postal verification and federal or 42731  
state locator services, examination of telephone directories, 42732  
requests for the obligor's address from employers, and examination 42733  
of governmental records, including, to the extent not prohibited 42734  
by other law, those relating to real property, vital statistics, 42735  
law enforcement, taxation, motor vehicles, driver's licenses, and 42736  
social security. 42737

Sec. 3115.311. (A) In a proceeding under this chapter, a 42738

petitioner seeking to establish a support order, to determine 42739  
parentage of a child, or to register and modify a support order of 42740  
a tribunal of another state or a foreign country must file a 42741  
petition. Unless otherwise ordered under section 3115.312 of the 42742  
Revised Code, the petition or accompanying documents must provide, 42743  
so far as known, the name, residential address, and social 42744  
security numbers of the obligor and the obligee or the parent and 42745  
alleged parent, and the name, sex, residential address, social 42746  
security number, and date of birth of each child for whose benefit 42747  
support is sought or whose parentage is to be determined. Unless 42748  
filed at the time of registration, the petition must be 42749  
accompanied by a copy of any support order known to have been 42750  
issued by another tribunal. The petition may include any other 42751  
information that may assist in locating or identifying the 42752  
respondent. 42753

(B) The petition must specify the relief sought. The petition 42754  
and accompanying documents must conform substantially to the 42755  
requirements imposed by the forms mandated by federal law for use 42756  
in cases filed by a support enforcement agency. 42757

**Sec. 3115.312.** If a party alleges in an affidavit or a 42758  
pleading under oath that the health, safety, or liberty of a party 42759  
or child would be jeopardized by disclosure of specific 42760  
identifying information, that information must be sealed and may 42761  
not be disclosed to the other party or the public. After a hearing 42762  
in which a tribunal takes into consideration the health, safety, 42763  
or liberty of the party or child, the tribunal may order 42764  
disclosure of information that the tribunal determines to be in 42765  
the interest of justice. 42766

**Sec. 3115.313.** (A) The petitioner may not be required to pay 42767  
a filing fee or other costs. 42768

(B) If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

(C) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under sections 3115.601 to 3115.616 of the Revised Code, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

**Sec. 3115.314.** (A) Participation by a petitioner in a proceeding under this chapter before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(B) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

(C) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while physically present in this state to participate in the proceeding.

**Sec. 3115.315.** A party whose parentage of a child has been

previously determined by or pursuant to law may not plead 42799  
nonparentage as a defense to a proceeding under this chapter. 42800

Sec. 3115.316. (A) The physical presence of a nonresident 42801  
party who is an individual in a tribunal of this state is not 42802  
required for the establishment, enforcement, or modification of a 42803  
support order or the rendition of a judgment determining parentage 42804  
of a child. 42805

(B) An affidavit, a document substantially complying with 42806  
federally mandated forms, or a document incorporated by reference 42807  
in any of them, which would not be excluded under the hearsay rule 42808  
if given in person, is admissible in evidence if given under 42809  
penalty of perjury by a party or witness residing outside this 42810  
state. 42811

(C) A copy of the record of child-support payments certified 42812  
as a true copy of the original by the custodian of the record may 42813  
be forwarded to a responding tribunal. The copy is evidence of 42814  
facts asserted in it, and is admissible to show whether payments 42815  
were made. 42816

(D) Copies of bills for testing for parentage of a child, and 42817  
for prenatal and postnatal health care of the mother and child, 42818  
furnished to the adverse party at least ten days before trial, are 42819  
admissible in evidence to prove the amount of the charges billed 42820  
and that the charges were reasonable, necessary, and customary. 42821

(E) Documentary evidence transmitted from outside this state 42822  
to a tribunal of this state by telephone, telecopier, or other 42823  
electronic means that do not provide an original record may not be 42824  
excluded from evidence on an objection based on the means of 42825  
transmission. 42826

(F) In a proceeding under this chapter, a tribunal of this 42827  
state shall permit a party or witness residing outside this state 42828

to be deposed or to testify under penalty of perjury by telephone, 42829  
audiovisual means, or other electronic means at a designated 42830  
tribunal or other location. A tribunal or support enforcement 42831  
agency of this state shall cooperate with other tribunals in 42832  
designating an appropriate location for the deposition or 42833  
testimony. 42834

(G) If a party called to testify at a civil hearing refuses 42835  
to answer on the ground that the testimony may be 42836  
self-incriminating, the trier of fact may draw an adverse 42837  
inference from the refusal. 42838

(H) A privilege against disclosure of communications between 42839  
spouses does not apply in a proceeding under this chapter. 42840

(I) The defense of immunity based on the relationship of 42841  
husband and wife or parent and child does not apply in a 42842  
proceeding under this chapter. 42843

(J) A voluntary acknowledgment of paternity, certified as a 42844  
true copy, is admissible to establish parentage of the child. 42845

**Sec. 3115.317.** A tribunal of this state may communicate with 42846  
a tribunal outside this state in a record or by telephone, 42847  
electronic mail, or other means to obtain information concerning 42848  
the laws, the legal effect of a judgment, decree, or order of that 42849  
tribunal and the status of a proceeding. A tribunal of this state 42850  
may furnish similar information by similar means to a tribunal 42851  
outside this state. 42852

**Sec. 3115.318.** A tribunal of this state may do both of the 42853  
following: 42854

(A) Request a tribunal outside this state to assist in 42855  
obtaining discovery; 42856

(B) Upon request, compel a person over which it has 42857

jurisdiction to respond to a discovery order issued by a tribunal 42858  
outside this state. 42859

**Sec. 3115.319.** (A) A support enforcement agency or tribunal 42860  
of this state shall disburse promptly any amounts received 42861  
pursuant to a support order, as directed by the order. The agency 42862  
or tribunal shall furnish to a requesting party or tribunal of 42863  
another state or a foreign country a certified statement by the 42864  
custodian of the record of the amounts and dates of all payments 42865  
received. 42866

(B) If neither the obligor, nor the obligee who is an 42867  
individual, nor the child resides in this state, upon request from 42868  
the support enforcement agency of this state or another state, the 42869  
support enforcement agency of this state or a tribunal of this 42870  
state shall do both of the following: 42871

(1) Direct that the support payment be made to the support 42872  
enforcement agency in the state in which the obligee is receiving 42873  
services; and 42874

(2) Issue and send to the obligor's employer or other payor a 42875  
conforming income-withholding order or an administrative notice of 42876  
change of payee, reflecting the redirected payments. 42877

(C) The support enforcement agency of this state receiving 42878  
redirected payments from another state pursuant to a law similar 42879  
to division (B) of this section shall furnish to a requesting 42880  
party or tribunal of the other state a certified statement by the 42881  
custodian of the record of the amount and dates of all payments 42882  
received. 42883

**Sec. 3115.401.** (A) If a support order entitled to recognition 42884  
under this chapter has not been issued, a responding tribunal of 42885  
this state with personal jurisdiction over the parties may issue a 42886  
support order if either of the following applies: 42887



<u>(1) The individual seeking the order resides outside this state.</u>	42888 42889
<u>(2) The support enforcement agency seeking the order is located outside this state.</u>	42890 42891
<u>(B) The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is any of the following:</u>	42892 42893 42894
<u>(1) A presumed father of the child;</u>	42895
<u>(2) Petitioning to have his paternity adjudicated;</u>	42896
<u>(3) Identified as the father of the child through genetic testing;</u>	42897 42898
<u>(4) An alleged father who has declined to submit to genetic testing;</u>	42899 42900
<u>(5) Shown by clear and convincing evidence to be the father of the child;</u>	42901 42902
<u>(6) An acknowledged father as provided by section 3111.20 to 3111.35 of the Revised Code;</u>	42903 42904
<u>(7) The mother of the child;</u>	42905
<u>(8) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.</u>	42906 42907 42908
<u>(C) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 3115.305 of the Revised Code.</u>	42909 42910 42911 42912
<u>Sec. 3115.402. A tribunal of this state authorized to determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this</u>	42913 42914 42915 42916

chapter. 42917

Sec. 3115.501. An income-withholding order issued in another 42918  
state may be sent by or on behalf of the obligee, or by the 42919  
support enforcement agency, to the person defined as the obligor's 42920  
employer or other payor under Chapter 3121. of the Revised Code 42921  
without first filing a petition or comparable pleading or 42922  
registering the order with a tribunal of this state. 42923

Sec. 3115.502. (A) Upon receipt of an income-withholding 42924  
order, the obligor's employer or other payor shall immediately 42925  
provide a copy of the order to the obligor. 42926

(B) The employer or other payor shall treat an 42927  
income-withholding order issued in another state that appears 42928  
regular on its face as if it had been issued by a tribunal of this 42929  
state. 42930

(C) Except as otherwise provided in division (D) of this 42931  
section and section 3115.503 of the Revised Code, the employer or 42932  
other payor shall withhold and distribute the funds as directed in 42933  
the withholding order by complying with terms of the order that 42934  
specify any of the following: 42935

(1) The duration and amount of periodic payments of current 42936  
child support, stated as a sum certain; 42937

(2) The person designated to receive payments and the address 42938  
to which the payments are to be forwarded; 42939

(3) Medical support, whether in the form of periodic cash 42940  
payment, stated as a sum certain, or ordering the obligor to 42941  
provide health insurance coverage for the child under a policy 42942  
available through the obligor's employment; 42943

(4) The amount of periodic payments of fees and costs for a 42944  
support enforcement agency, the issuing tribunal, and the 42945

obligee's attorney, stated as sums certain; 42946

(5) The amount of periodic payments of arrearages and 42947  
interest on arrearages, stated as sums certain. 42948

(D) An employer or other payor shall comply with the law of 42949  
the state of the obligor's principal place of employment for 42950  
withholding from income with respect to all of the following: 42951

(1) The employer's or other payor's fee for processing an 42952  
income-withholding order; 42953

(2) The maximum amount permitted to be withheld from the 42954  
obligor's income; 42955

(3) The times within which the employer or other payor must 42956  
implement the withholding order and forward the child-support 42957  
payment. 42958

Sec. 3115.503. If an obligor's employer or other payor 42959  
receives two or more income-withholding orders with respect to the 42960  
earnings of the same obligor, the employer or other payor 42961  
satisfies the terms of the orders if the employer or other payor 42962  
complies with the law of the state of the obligor's principal 42963  
place of employment to establish the priorities for withholding 42964  
and allocating income withheld for two or more child-support 42965  
obligees. 42966

Sec. 3115.504. An employer or other payor that complies with 42967  
an income-withholding order issued in another state in accordance 42968  
with sections 3115.501 to 3115.507 of the Revised Code is not 42969  
subject to civil liability to an individual or agency with regard 42970  
to the employer's or other payor's withholding of child support 42971  
from the obligor's income. 42972

Sec. 3115.505. An employer or other payor that willfully 42973  
fails to comply with an income-withholding order issued in another 42974

state and received for enforcement is subject to the same 42975  
penalties that may be imposed for noncompliance with an order 42976  
issued by a tribunal of this state. 42977

**Sec. 3115.506.** (A) An obligor may contest the validity or 42978  
enforcement of an income-withholding order issued in another state 42979  
and received directly by an employer or other payor in this state 42980  
by registering the order in a court of this state and filing a 42981  
contest to that order as provided in sections 3115.601 to 3115.616 42982  
of the Revised Code, or otherwise contesting the order in the same 42983  
manner as if the order had been issued by a tribunal of this 42984  
state. 42985

(B) The obligor shall give notice of the contest to all of 42986  
the following: 42987

(1) A support enforcement agency providing services to the 42988  
obligee; 42989

(2) Each employer or other payor that has directly received 42990  
an income-withholding order relating to the obligor; 42991

(3) The person designated to receive payments in the 42992  
income-withholding order or, if no person is designated, the 42993  
obligee. 42994

**Sec. 3115.507.** (A) A party or support enforcement agency 42995  
seeking to enforce a support order or an income-withholding order, 42996  
or both, issued in another state or a foreign support order may 42997  
send the documents required for registering the order to a support 42998  
enforcement agency of this state. 42999

(B) Upon receipt of the documents, the support enforcement 43000  
agency, without initially seeking to register the order, shall 43001  
consider and, if appropriate, use any administrative procedure 43002  
authorized by the law of this state to enforce a support order or 43003

income-withholding order, or both. If the obligor does not contest 43004  
administrative enforcement, the order need not be registered. If 43005  
the obligor contests the validity or administrative enforcement of 43006  
the order, the support enforcement agency shall register the order 43007  
pursuant to this chapter. 43008

Sec. 3115.601. A support order or income-withholding order 43009  
issued in another state or a foreign support order may be 43010  
registered in this state for enforcement. 43011

Sec. 3115.602. (A) Except as otherwise provided in section 43012  
3115.706 of the Revised Code, a support order or 43013  
income-withholding order of another state or a foreign support 43014  
order may be registered in this state by sending the following 43015  
records to the appropriate tribunal in this state: 43016

(1) A letter of transmittal to the tribunal requesting 43017  
registration and enforcement; 43018

(2) Two copies, including one certified copy, of the order to 43019  
be registered, including any modification of the order; 43020

(3) A sworn statement by the person requesting registration 43021  
or a certified statement by the custodian of the records showing 43022  
the amount of any arrearage; 43023

(4) The name of the obligor and, if known, all of the 43024  
following: 43025

(a) The obligor's address and social security number; 43026

(b) The name and address of the obligor's employer or other 43027  
payor and any other source of income of the obligor; 43028

(c) A description and the location of property of the obligor 43029  
in this state not exempt from execution. 43030

(5) Except as otherwise provided in section 3115.312 of the 43031  
Revised Code, the name and address of the obligee and, if 43032

applicable, the person to whom support payments are to be 43033  
remitted. 43034

(B) On receipt of a request for registration, the registering 43035  
tribunal shall cause the order to be filed as an order of a 43036  
tribunal of another state or a foreign support order, together 43037  
with one copy of the documents and information, regardless of 43038  
their form. 43039

(C) A petition or comparable pleading seeking a remedy that 43040  
must be affirmatively sought under other law of this state may be 43041  
filed at the same time as the request for registration or later. 43042  
The pleading must specify the grounds for the remedy sought. 43043

(D) If two or more orders are in effect, the person 43044  
requesting registration shall do all of the following: 43045

(1) Furnish to the tribunal a copy of every support order 43046  
asserted to be in effect in addition to the documents specified in 43047  
this section; 43048

(2) Specify the order alleged to be the controlling order, if 43049  
any; and 43050

(3) Specify the amount of consolidated arrears, if any. 43051

(E) A request for a determination of which is the controlling 43052  
order may be filed separately or with a request for registration 43053  
and enforcement or for registration and modification. The person 43054  
requesting registration shall give notice of the request to each 43055  
party whose rights may be affected by the determination. 43056

**Sec. 3115.603.** (A) A support order or income-withholding 43057  
order issued in another state or a foreign support order is 43058  
registered when the order is filed in the registering tribunal of 43059  
this state. 43060

(B) A registered support order issued in another state or a 43061  
foreign country is enforceable in the same manner and is subject 43062

to the same procedures as an order issued by a tribunal of this 43063  
state. 43064

(C) Except as otherwise provided in this chapter, a tribunal 43065  
of this state shall recognize and enforce, but may not modify, a 43066  
registered support order if the issuing tribunal had jurisdiction. 43067

**Sec. 3115.604.** (A) Except as otherwise provided in division 43068  
(D) of this section, the law of the issuing state or foreign 43069  
country governs all of the following: 43070

(1) The nature, extent, amount, and duration of current 43071  
payments under a registered support order; 43072

(2) The computation and payment of arrearages and accrual of 43073  
interest on the arrearages under the support order; 43074

(3) The existence and satisfaction of other obligations under 43075  
the support order. 43076

(B) In a proceeding for arrears under a registered support 43077  
order, the statute of limitation of this state, or of the issuing 43078  
state or foreign country, whichever is longer, applies. 43079

(C) A responding tribunal of this state shall apply the 43080  
procedures and remedies of this state to enforce current support 43081  
and collect arrears and interest due on a support order of another 43082  
state or a foreign country registered in this state. 43083

(D) After a tribunal of this state or another state 43084  
determines which is the controlling order and issues an order 43085  
consolidating arrears, if any, a tribunal of this state shall 43086  
prospectively apply the law of the state or foreign country 43087  
issuing the controlling order, including its law on interest on 43088  
arrears, on current and future support, and on consolidated 43089  
arrears. 43090

**Sec. 3115.605.** (A) When a support order or income-withholding 43091

order issued in another state or a foreign support order is 43092  
registered, the registering tribunal of this state shall notify 43093  
the nonregistering party. The notice must be accompanied by a copy 43094  
of the registered order and the documents and relevant information 43095  
accompanying the order. 43096

(B) A notice must inform the nonregistering party of all of 43097  
the following: 43098

(1) That a registered support order is enforceable as of the 43099  
date of registration in the same manner as an order issued by a 43100  
tribunal of this state; 43101

(2) That a hearing to contest the validity or enforcement of 43102  
the registered order must be requested within twenty days after 43103  
notice unless the registered order is under section 3115.707 of 43104  
the Revised Code; 43105

(3) That failure to contest the validity or enforcement of 43106  
the registered order in a timely manner will result in 43107  
confirmation of the order and enforcement of the order and the 43108  
alleged arrearages; 43109

(4) The amount of any alleged arrearages. 43110

(C) If the registering party asserts that two or more orders 43111  
are in effect, a notice must also do all of the following: 43112

(1) Identify the two or more orders and the order alleged by 43113  
the registering party to be the controlling order and the 43114  
consolidated arrears, if any; 43115

(2) Notify the nonregistering party of the right to a 43116  
determination of which is the controlling order; 43117

(3) State that the procedures provided in division (B) of 43118  
this section apply to the determination of which is the 43119  
controlling order; 43120



(4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order. 43121  
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(D) Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer or other payor pursuant to Chapter 3121. of the Revised Code. 43125  
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**Sec. 3115.606.** (A) A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within the time required by section 3115.605 of the Revised Code. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 3115.607 of the Revised Code. 43129  
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(B) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law. 43137  
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(C) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing. 43140  
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**Sec. 3115.607.** (A) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses: 43145  
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(1) The issuing tribunal lacked personal jurisdiction over the contesting party. 43149  
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<u>(2) The order was obtained by fraud.</u>	43151
<u>(3) The order has been vacated, suspended, or modified by a later order.</u>	43152 43153
<u>(4) The issuing tribunal has stayed the order pending appeal.</u>	43154
<u>(5) There is a defense under the law of this state to the remedy sought.</u>	43155 43156
<u>(6) Full or partial payment has been made.</u>	43157
<u>(7) The statute of limitation under section 3115.604 of the Revised Code precludes enforcement of some or all of the alleged arrearages.</u>	43158 43159 43160
<u>(8) The alleged controlling order is not the controlling order.</u>	43161 43162
<u>(B) If a party presents evidence establishing a full or partial defense under division (A) of this section, a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.</u>	43163 43164 43165 43166 43167 43168 43169
<u>(C) If the contesting party does not establish a defense under division (A) of this section to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.</u>	43170 43171 43172 43173
<u>Sec. 3115.608. Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.</u>	43174 43175 43176 43177
<u>Sec. 3115.609. A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued</u>	43178 43179

in another state shall register that order in this state in the 43180  
same manner provided in sections 3115.601 to 3115.608 of the 43181  
Revised Code if the order has not been registered. A petition for 43182  
modification may be filed at the same time as a request for 43183  
registration, or later. The pleading must specify the grounds for 43184  
modification. 43185

Sec. 3115.610. A tribunal of this state may enforce a 43186  
child-support order of another state registered for purposes of 43187  
modification, in the same manner as if the order had been issued 43188  
by a tribunal of this state, but the registered support order may 43189  
be modified only if the requirements of section 3115.611 or 43190  
3115.613 of the Revised Code have been met. 43191

Sec. 3115.611. (A) If section 3115.613 of the Revised Code 43192  
does not apply, upon petition a tribunal of this state may modify 43193  
a child-support order issued in another state which is registered 43194  
in this state if, after notice and hearing, the tribunal finds 43195  
either of the following: 43196

(1) That all of the following requirements are met: 43197

(a) Neither the child, nor the obligee who is an individual, 43198  
nor the obligor resides in the issuing state; 43199

(b) A petitioner who is a nonresident of this state seeks 43200  
modification; and 43201

(c) The respondent is subject to the personal jurisdiction of 43202  
the tribunal of this state. 43203

(2) That this state is the residence of the child, or a party 43204  
who is an individual is subject to the personal jurisdiction of 43205  
the tribunal of this state, and all of the parties who are 43206  
individuals have filed consents in a record in the issuing 43207  
tribunal for a tribunal of this state to modify the support order 43208

and assume continuing, exclusive jurisdiction. 43209

(B) Modification of a registered child-support order is 43210  
subject to the same requirements, procedures, and defenses that 43211  
apply to the modification of an order issued by a tribunal of this 43212  
state and the order may be enforced and satisfied in the same 43213  
manner. 43214

(C) A tribunal of this state may not modify any aspect of a 43215  
child-support order that may not be modified under the law of the 43216  
issuing state, including the duration of the obligation of 43217  
support. If two or more tribunals have issued child-support orders 43218  
for the same obligor and same child, the order that controls and 43219  
must be so recognized under section 3115.207 of the Revised Code 43220  
establishes the aspects of the support order which are 43221  
nonmodifiable. 43222

(D) In a proceeding to modify a child-support order, the law 43223  
of the state that is determined to have issued the initial 43224  
controlling order governs the duration of the obligation of 43225  
support. The obligor's fulfillment of the duty of support 43226  
established by that order precludes imposition of a further 43227  
obligation of support by a tribunal of this state. 43228

(E) On the issuance of an order by a tribunal of this state 43229  
modifying a child-support order issued in another state, the 43230  
tribunal of this state becomes the tribunal having continuing, 43231  
exclusive jurisdiction. 43232

(F) Notwithstanding divisions (A) to (E) of this section and 43233  
division (B) of section 3115.201 of the Revised Code, a tribunal 43234  
of this state retains jurisdiction to modify an order issued by a 43235  
tribunal of this state if both of the following apply: 43236

(1) One party resides in another state. 43237

(2) The other party resides outside the United States. 43238

Sec. 3115.612. If a child-support order issued by a tribunal 43239  
of this state is modified by a tribunal of another state which 43240  
assumed jurisdiction pursuant to its uniform interstate family 43241  
support act, a tribunal of this state: 43242

(A) May enforce its order that was modified only as to 43243  
arrears and interest accruing before the modification; 43244

(B) May provide appropriate relief for violations of its 43245  
order that occurred before the effective date of the modification; 43246

(C) Shall recognize the modifying order of the other state, 43247  
upon registration, for the purpose of enforcement. 43248

Sec. 3115.613. (A) If all of the parties who are individuals 43249  
reside in this state and the child does not reside in the issuing 43250  
state, a court of this state has jurisdiction to enforce and to 43251  
modify the issuing state's child-support order in a proceeding to 43252  
register that order. 43253

(B) A court of this state exercising jurisdiction under this 43254  
section shall apply the provisions of sections 3115.102 to 43255  
3115.211 and sections 3115.601 to 3115.616 of the Revised Code and 43256  
the procedural and substantive law of this state to the proceeding 43257  
for enforcement or modification. Sections 3115.301 to 3115.507 and 43258  
sections 3115.701 to 3115.802 of the Revised Code do not apply. 43259

Sec. 3115.614. Within thirty days after issuance of a 43260  
modified child-support order, the party obtaining the modification 43261  
shall file a certified copy of the order with the issuing tribunal 43262  
that had continuing, exclusive jurisdiction over the earlier 43263  
order, and in each tribunal in which the party knows the earlier 43264  
order has been registered. A party who obtains the order and fails 43265  
to file a certified copy is subject to appropriate sanctions by a 43266  
tribunal in which the issue of failure to file arises. The failure 43267

to file does not affect the validity or enforceability of the 43268  
modified order of the new tribunal having continuing, exclusive 43269  
jurisdiction. 43270

Sec. 3115.615. (A) Except as otherwise provided in section 43271  
3115.711 of the Revised Code, if a foreign country lacks or 43272  
refuses to exercise jurisdiction to modify its child-support order 43273  
pursuant to its laws, a court of this state may assume 43274  
jurisdiction to modify the child-support order and bind all 43275  
individuals subject to the personal jurisdiction of the court 43276  
whether the consent to modification of a child-support order 43277  
otherwise required of the individual pursuant to section 3115.611 43278  
of the Revised Code has been given or whether the individual 43279  
seeking modification is a resident of this state or of the foreign 43280  
country. 43281

(B) An order issued by a court of this state modifying a 43282  
foreign child-support order pursuant to this section is the 43283  
controlling order. 43284

Sec. 3115.616. A party or support enforcement agency seeking 43285  
to modify, or to modify and enforce, a foreign child-support order 43286  
not under the convention may register that order in this state 43287  
under sections 3115.601 to 3115.608 of the Revised Code if the 43288  
order has not been registered. A petition for modification may be 43289  
filed at the same time as a request for registration, or at 43290  
another time. The petition must specify the grounds for 43291  
modification. 43292

Sec. 3115.701. As used in sections 3115.701 to 3115.713 of 43293  
the Revised Code: 43294

(A) "Application" means a request under the convention by an 43295  
obligee or obligor, or on behalf of a child, made through a 43296

<u>central authority for assistance from another central authority.</u>	43297
<u>(B) "Central authority" means the entity designated by the</u>	43298
<u>United States or a foreign country described in division (E)(4) of</u>	43299
<u>section 3115.102 of the Revised Code to perform the functions</u>	43300
<u>specified in the convention.</u>	43301
<u>(C) "Convention support order" means a support order of a</u>	43302
<u>tribunal of a foreign country described in division (E)(4) of</u>	43303
<u>section 3115.102 of the Revised Code.</u>	43304
<u>(D) "Direct request" means a petition filed by an individual</u>	43305
<u>in a tribunal of this state in a proceeding involving an obligee,</u>	43306
<u>obligor, or child residing outside the United States.</u>	43307
<u>(E) "Foreign central authority" means the entity designated</u>	43308
<u>by a foreign country described in division (E)(4) of section</u>	43309
<u>3115.102 of the Revised Code to perform the functions specified in</u>	43310
<u>the convention.</u>	43311
<u>(F) "Foreign support agreement" means an agreement that meets</u>	43312
<u>the following criteria:</u>	43313
<u>(1) It is an agreement for support in a record to which all</u>	43314
<u>of the following apply:</u>	43315
<u>(a) It is enforceable as a support order in the country of</u>	43316
<u>origin.</u>	43317
<u>(b) One of the following applies:</u>	43318
<u>(i) It has been formally drawn up or registered as an</u>	43319
<u>authentic instrument by a foreign tribunal; or</u>	43320
<u>(ii) It has been authenticated by, or concluded, registered,</u>	43321
<u>or filed with a foreign tribunal.</u>	43322
<u>(c) It may be reviewed and modified by a foreign tribunal.</u>	43323
<u>(2) It includes a maintenance arrangement or authentic</u>	43324
<u>instrument under the convention.</u>	43325

(G) "United States central authority" means the secretary of the United States department of health and human services. 43326  
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Sec. 3115.702. Sections 3115.701 to 3115.713 of the Revised Code apply only to a support proceeding under the convention. In such a proceeding, if a provision of sections 3115.701 to 3115.713 of the Revised Code is inconsistent with sections 3115.102 to 3115.616 of the Revised Code, sections 3115.701 to 3115.713 control. 43328  
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Sec. 3115.703. The department of job and family services is recognized as the agency designated by the United States central authority to perform specific functions under the convention. 43334  
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Sec. 3115.704. (A) In a support proceeding under sections 3115.701 to 3115.713 of the Revised Code, the support enforcement agency shall do both of the following: 43337  
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(1) Transmit and receive applications; 43340

(2) Initiate or facilitate the institution of a proceeding regarding an application in a court of this state. 43341  
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(B) The following support proceedings are available to an obligee under the convention: 43343  
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(1) Recognition or recognition and enforcement of a foreign support order; 43345  
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(2) Enforcement of a support order issued or recognized in this state; 43347  
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(3) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child; 43349  
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(4) Establishment of a support order if recognition of a foreign support order is refused under division (B)(2), (4), or 43352  
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<u>(9) of section 3115.708 of the Revised Code;</u>	43354
<u>(5) Modification of a support order of a tribunal of this state;</u>	43355
	43356
<u>(6) Modification of a support order of a tribunal of another state or a foreign country.</u>	43357
	43358
<u>(C) The following support proceedings are available under the convention to an obligor against which there is an existing support order:</u>	43359
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	43361
<u>(1) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state;</u>	43362
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	43364
<u>(2) Modification of a support order of a tribunal of this state;</u>	43365
	43366
<u>(3) Modification of a support order of a tribunal of another state or a foreign country.</u>	43367
	43368
<u>(D) A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.</u>	43369
	43370
	43371
<u>Sec. 3115.705. (A) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.</u>	43372
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	43375
<u>(B) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 3115.706 to 3115.713 of the Revised Code apply.</u>	43376
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<u>(C) In a direct request for recognition and enforcement of a convention support order or foreign support agreement, both of the following apply:</u>	43380
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	43382

(1) A security, bond, or deposit is not required to guarantee the payment of costs and expenses. 43383  
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(2) An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances. 43385  
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(D) A petitioner filing a direct request is not entitled to assistance from the support enforcement agency. 43389  
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(E) Sections 3115.701 to 3115.713 of the Revised Code do not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement. 43391  
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**Sec. 3115.706.** (A) Except as otherwise provided in sections 3115.701 to 3115.713 of the Revised Code, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in sections 3115.601 to 3115.616 of the Revised Code. 43396  
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(B) Notwithstanding sections 3115.311 and division (A) of section 3115.602 of the Revised Code, a request for registration of a convention support order must be accompanied by all of the following: 43401  
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(1) A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague conference on private international law; 43405  
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(2) A record stating that the support order is enforceable in the issuing country; 43409  
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(3) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as 43411  
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appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; 43413  
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(4) A record showing the amount of arrears, if any, and the date the amount was calculated; 43417  
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(5) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and 43419  
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(6) If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country. 43422  
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(C) A request for registration of a convention support order may seek recognition and partial enforcement of the order. 43424  
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(D) A court of this state may vacate the registration of a convention support order without the filing of a contest under section 3115.707 of the Revised Code only if, acting on its own motion, the court finds that recognition and enforcement of the order would be manifestly incompatible with public policy. 43426  
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(E) The court shall promptly notify the parties of the registration or the order vacating the registration of a convention support order. 43431  
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**Sec. 3115.707.** (A) Except as otherwise provided in sections 3115.701 to 3115.713 of the Revised Code, sections 3115.605 to 3115.608 of the Revised Code apply to a contest of a registered convention support order. 43434  
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(B) A party contesting a registered convention support order shall file a contest not later than thirty days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than sixty days after notice of the registration. 43438  
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(C) If the nonregistering party fails to contest the registered convention support order by the time specified in division (B) of this section, the order is enforceable. 43443  
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(D) A contest of a registered convention support order may be based only on grounds set forth in section 3115.708 of the Revised Code. The contesting party bears the burden of proof. 43446  
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(E) In a contest of a registered convention support order, both of the following apply: 43449  
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(1) A court of this state is bound by the findings of fact on which the foreign tribunal based its jurisdiction. 43451  
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(2) A court of this state may not review the merits of the order. 43453  
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(F) A court of this state deciding a contest of a registered convention support order shall promptly notify the parties of its decision. 43455  
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(G) A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances. 43458  
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**Sec. 3115.708.** (A) Except as otherwise provided in division (B) of this section, a court of this state shall recognize and enforce a registered convention support order. 43461  
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(B) The following grounds are the only grounds on which a court of this state may refuse recognition and enforcement of a registered convention support order: 43464  
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(1) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard. 43467  
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(2) The issuing tribunal lacked personal jurisdiction 43471

<u>consistent with section 3115.201 of the Revised Code.</u>	43472
<u>(3) The order is not enforceable in the issuing country.</u>	43473
<u>(4) The order was obtained by fraud in connection with a matter of procedure.</u>	43474 43475
<u>(5) A record transmitted in accordance with section 3115.706 of the Revised Code lacks authenticity or integrity.</u>	43476 43477
<u>(6) A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed.</u>	43478 43479 43480
<u>(7) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this state.</u>	43481 43482 43483 43484
<u>(8) Payment, to the extent alleged arrears have been paid in whole or in part;</u>	43485 43486
<u>(9) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country either of the following applies:</u>	43487 43488 43489
<u>(a) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard.</u>	43490 43491 43492
<u>(b) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.</u>	43493 43494 43495 43496
<u>(10) The order was made in violation of section 3115.711 of the Revised Code.</u>	43497 43498
<u>(C) If a court of this state does not recognize a convention support order under division (B)(2), (4), or (9) of this section, both of the following apply:</u>	43499 43500 43501

(1) The court may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order. 43502  
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(2) The support enforcement agency shall take all appropriate measures to request a child-support order for the obligee if the application for recognition and enforcement was received under section 3115.704 of the Revised Code. 43505  
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Sec. 3115.709. If a court of this state does not recognize and enforce a convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order. 43509  
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Sec. 3115.710. (A) Except as otherwise provided in divisions (C) and (D) of this section, a court of this state shall recognize and enforce a foreign support agreement registered in this state. 43514  
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(B) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by both of the following: 43517  
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(1) A complete text of the foreign support agreement; 43520

(2) A record stating that the foreign support agreement is enforceable as an order of support in the issuing country. 43521  
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(C) A court of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the court finds that recognition and enforcement would be manifestly incompatible with public policy. 43523  
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(D) In a contest of a foreign support agreement, a court of this state may refuse recognition and enforcement of the agreement if it finds any of the following: 43527  
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(1) Recognition and enforcement of the agreement is 43530

<u>manifestly incompatible with public policy.</u>	43531
<u>(2) The agreement was obtained by fraud or falsification.</u>	43532
<u>(3) The agreement is incompatible with a support order</u>	43533
<u>involving the same parties and having the same purpose in this</u>	43534
<u>state, another state, or a foreign country if the support order is</u>	43535
<u>entitled to recognition and enforcement under this chapter in this</u>	43536
<u>state.</u>	43537
<u>(4) The record submitted under division (B) of this section</u>	43538
<u>lacks authenticity or integrity.</u>	43539
<u>(E) A proceeding for recognition and enforcement of a foreign</u>	43540
<u>support agreement must be suspended during the pendency of a</u>	43541
<u>challenge to or appeal of the agreement before a tribunal of</u>	43542
<u>another state or a foreign country.</u>	43543
<u>Sec. 3115.711. (A) A court of this state may not modify a</u>	43544
<u>convention child-support order if the obligee remains a resident</u>	43545
<u>of the foreign country where the support order was issued unless</u>	43546
<u>one of the following applies:</u>	43547
<u>(1) The obligee submits to the jurisdiction of a court of</u>	43548
<u>this state, either expressly or by defending on the merits of the</u>	43549
<u>case without objecting to the jurisdiction at the first available</u>	43550
<u>opportunity.</u>	43551
<u>(2) The foreign tribunal lacks or refuses to exercise</u>	43552
<u>jurisdiction to modify its support order or issue a new support</u>	43553
<u>order.</u>	43554
<u>(B) If a court of this state does not modify a convention</u>	43555
<u>child-support order because the order is not recognized in this</u>	43556
<u>state, division (C) of section 3115.708 of the Revised Code</u>	43557
<u>applies.</u>	43558
<u>Sec. 3115.712. Personal information gathered or transmitted</u>	43559

under sections 3115.701 to 3115.713 of the Revised Code may be 43560  
used only for the purposes for which it was gathered or 43561  
transmitted. 43562

Sec. 3115.713. A record filed with a court of this state 43563  
under sections 3115.701 to 3115.713 of the Revised Code must be in 43564  
the original language and, if not in English, must be accompanied 43565  
by an English translation. 43566

Sec. 3115.801. (A) For purposes of sections 3115.801 to 43567  
3115.802 of the Revised Code, "governor" includes an individual 43568  
performing the functions of governor or the executive authority of 43569  
a state covered by this chapter. 43570

(B) The governor of this state may do either of the 43571  
following: 43572

(1) Demand that the governor of another state surrender an 43573  
individual found in the other state who is charged criminally in 43574  
this state with having failed to provide for the support of an 43575  
obligee; 43576

(2) On the demand of the governor of another state, surrender 43577  
an individual found in this state who is charged criminally in the 43578  
other state with having failed to provide for the support of an 43579  
obligee. 43580

(C) A provision for extradition of individuals not 43581  
inconsistent with this chapter applies to the demand even if the 43582  
individual whose surrender is demanded was not in the demanding 43583  
state when the crime was allegedly committed and has not fled 43584  
therefrom. 43585

Sec. 3115.802. (A) Before making a demand that the governor 43586  
of another state surrender an individual charged criminally in 43587



this state with having failed to provide for the support of an 43588  
obligee, the governor of this state may require a prosecutor of 43589  
this state to demonstrate that at least sixty days previously the 43590  
obligee had initiated proceedings for support pursuant to this 43591  
chapter or that the proceeding would be of no avail. 43592

(B) If, under this chapter or a law substantially similar to 43593  
this chapter, the governor of another state makes a demand that 43594  
the governor of this state surrender an individual charged 43595  
criminally in that state with having failed to provide for the 43596  
support of a child or other individual to whom a duty of support 43597  
is owed, the governor may require a prosecutor to investigate the 43598  
demand and report whether a proceeding for support has been 43599  
initiated or would be effective. If it appears that a proceeding 43600  
would be effective but has not been initiated, the governor may 43601  
delay honoring the demand for a reasonable time to permit the 43602  
initiation of a proceeding. 43603

(C) If a proceeding for support has been initiated and the 43604  
individual whose rendition is demanded prevails, the governor may 43605  
decline to honor the demand. If the petitioner prevails and the 43606  
individual whose rendition is demanded is subject to a support 43607  
order, the governor may decline to honor the demand if the 43608  
individual is complying with the support order. 43609

**Sec. 3115.901.** In applying and construing this chapter, 43610  
consideration shall be given to the need to promote uniformity of 43611  
the law with respect to its subject matter among states that enact 43612  
it. 43613

**Sec. 3115.902.** This chapter applies to proceedings begun on 43614  
or after January 1, 2016, to establish a support order or 43615  
determine parentage of a child or to register, recognize, enforce, 43616  
or modify a prior support order, determination, or agreement, 43617

whenever issued or entered. 43618

Sec. 3115.903. If any provision of this chapter or its 43619  
application to any person or circumstance is held invalid, the 43620  
invalidity does not affect other provisions or applications of 43621  
this chapter that can be given effect without the invalid 43622  
provision or application, and to this end the provisions of this 43623  
chapter are severable. 43624

**Sec. 3119.27.** (A) A court that issues or modifies a court 43625  
support order, or an administrative agency that issues or modifies 43626  
an administrative child support order, shall impose on the obligor 43627  
under the support order a processing charge ~~that is the greater in~~ 43628  
the amount of two per cent of the support payment to be collected 43629  
under a support order ~~or one dollar per month~~. No court or agency 43630  
may call the charge a poundage fee. 43631

(B) In each child support case that is a Title IV-D case, the 43632  
department of job and family services shall annually claim 43633  
twenty-five dollars from the processing charge described in 43634  
division (A) of this section for federal reporting purposes if the 43635  
obligee has never received assistance under Title IV-A and the 43636  
department has collected at least five hundred dollars of child 43637  
support for the obligee. The director of job and family services 43638  
shall adopt rules under Chapter 119. of the Revised Code to 43639  
implement this division, and the department shall implement this 43640  
division not later than March 31, 2008. 43641

(C) As used in this section: 43642

(1) "Annual" means the period as defined in regulations 43643  
issued by the United States secretary of health and human services 43644  
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 43645

(2) "Title IV-A" has the same meaning as in section 5107.02 43646

of the Revised Code. 43647

(3) "Title IV-D case" has the same meaning as in section 43648  
3125.01 of the Revised Code. 43649

**Sec. 3121.03.** If a court or child support enforcement agency 43650  
that issued or modified a support order, or the agency 43651  
administering the support order, is required by the Revised Code 43652  
to issue one or more withholding or deduction notices described in 43653  
this section or other orders described in this section, the court 43654  
or agency shall issue one or more of the following types of 43655  
notices or orders, as appropriate, for payment of the support and 43656  
also, if required by the Revised Code or the court, to pay any 43657  
arrearages: 43658

(A)(1) If the court or the child support enforcement agency 43659  
determines that the obligor is receiving income from a payor, the 43660  
court or agency shall require the payor to do all of the 43661  
following: 43662

(a) Withhold from the obligor's income a specified amount for 43663  
support in satisfaction of the support order and begin the 43664  
withholding no later than fourteen business days following the 43665  
date the notice is mailed or transmitted to the payor under 43666  
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 43667  
division (A)(2) of this section or, if the payor is an employer, 43668  
no later than the first pay period that occurs after fourteen 43669  
business days following the date the notice is mailed or 43670  
transmitted; 43671

(b) Send the amount withheld to the office of child support 43672  
in the department of job and family services pursuant to section 43673  
3121.43 of the Revised Code immediately but not later than seven 43674  
business days after the date the obligor is paid; 43675

(c) Continue the withholding at intervals specified in the 43676

notice until further notice from the court or child support enforcement agency. 43677  
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To the extent possible, the amount specified to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount to be withheld and any fee withheld by the payor as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b). 43679  
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(2) A court or agency that imposes an income withholding requirement shall, within the applicable time specified in section 3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised Code, send to the obligor's payor by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to withholding notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court. 43689  
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(B)(1) If the court or child support enforcement agency determines that the obligor has funds that are not exempt under the laws of this state or the United States from execution, attachment, or other legal process and are on deposit in an account in a financial institution under the jurisdiction of the court that issued the court support order, or in the case of an administrative child support order, under the jurisdiction of the common pleas court of the county in which the agency that issued or is administering the order is located, the court or agency may require any financial institution in which the obligor's funds are on deposit to do all of the following: 43697  
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(a) Deduct from the obligor's account a specified amount for 43708

support in satisfaction of the support order and begin the 43709  
deduction no later than fourteen business days following the date 43710  
the notice was mailed or transmitted to the financial institution 43711  
under section 3121.035 or 3123.06 of the Revised Code and division 43712  
(B)(2) of this section; 43713

(b) Send the amount deducted to the office of child support 43714  
in the department of job and family services pursuant to section 43715  
3121.43 of the Revised Code immediately but not later than seven 43716  
business days after the date the latest deduction was made; 43717

(c) Provide the date on which the amount was deducted; 43718

(d) Continue the deduction at intervals specified in the 43719  
notice until further notice from the court or child support 43720  
enforcement agency. 43721

To the extent possible, the amount to be deducted shall 43722  
satisfy the amount ordered for support in the support order plus 43723  
any arrearages that may be owed by the obligor under any prior 43724  
support order that pertained to the same child or spouse, 43725  
notwithstanding the limitations of sections 2329.66, 2329.70, and 43726  
2716.13 of the Revised Code. 43727

(2) A court or agency that imposes a deduction requirement 43728  
shall, within the applicable period of time specified in section 43729  
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 43730  
to the financial institution by regular mail or via secure 43731  
federally managed data transmission interface a notice that 43732  
contains all of the information applicable to deduction notices 43733  
set forth in section 3121.037 of the Revised Code. The notice is 43734  
final and is enforceable by the court. 43735

(C) With respect to any court support order it issues, a 43736  
court may issue an order requiring the obligor to enter into a 43737  
cash bond with the court. The court shall issue the order as part 43738  
of the court support order or, if the court support order has 43739

previously been issued, as a separate order. The cash bond shall 43740  
be in a sum fixed by the court at not less than five hundred nor 43741  
more than ten thousand dollars, conditioned that the obligor will 43742  
make payment as previously ordered and will pay any arrearages 43743  
under any prior court support order that pertained to the same 43744  
child or spouse. 43745

The order, along with an additional order requiring the 43746  
obligor to immediately notify the child support enforcement 43747  
agency, in writing, if the obligor begins to receive income from a 43748  
payor, shall be attached to and served on the obligor at the same 43749  
time as service of the court support order or, if the court 43750  
support order has previously been issued, as soon as possible 43751  
after the issuance of the order under this section. The additional 43752  
order requiring notice by the obligor shall state all of the 43753  
following: 43754

(1) That when the obligor begins to receive income from a 43755  
payor the obligor may request that the court cancel its bond order 43756  
and instead issue a notice requiring the withholding of an amount 43757  
from income for support in accordance with this section; 43758

(2) That when the obligor begins to receive income from a 43759  
payor the court will proceed to collect on the bond if the court 43760  
determines that payments due under the court support order have 43761  
not been made and that the amount that has not been paid is at 43762  
least equal to the support owed for one month under the court 43763  
support order and will issue a notice requiring the withholding of 43764  
an amount from income for support in accordance with this section. 43765  
The notice required of the obligor shall include a description of 43766  
the nature of any new employment, the name and business address of 43767  
any new employer, and any other information reasonably required by 43768  
the court. 43769

The court shall not order an obligor to post a cash bond 43770  
under this section unless the court determines that the obligor 43771

has the ability to do so. 43772

A child support enforcement agency may not issue a cash bond 43773  
order. If a child support enforcement agency is required to issue 43774  
a withholding or deduction notice under this section with respect 43775  
to a court support order but the agency determines that no 43776  
withholding or deduction notice would be appropriate, the agency 43777  
may request that the court issue a cash bond order under this 43778  
section, and upon the request, the court may issue the order. 43779

(D)(1) If the obligor under a court support order is 43780  
unemployed, has no income, and does not have an account at any 43781  
financial institution, or on request of a child support 43782  
enforcement agency under division (D)(1) or (2) of this section, 43783  
the court shall issue an order requiring the obligor, if able to 43784  
engage in employment, to seek employment or participate in a work 43785  
activity to which a recipient of assistance under Title IV-A of 43786  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 43787  
as amended, may be assigned as specified in section 407(d) of the 43788  
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 43789  
shall include in the order ~~a requirement~~ requirements that the 43790  
obligor register with OhioMeansJobs and to notify the child 43791  
support enforcement agency on obtaining employment, obtaining any 43792  
income, or obtaining ownership of any asset with a value of five 43793  
hundred dollars or more. The court may issue the order regardless 43794  
of whether the obligee to whom the obligor owes support is a 43795  
recipient of assistance under Title IV-A of the "Social Security 43796  
Act." The court shall issue the order as part of a court support 43797  
order or, if a court support order has previously been issued, as 43798  
a separate order. If a child support enforcement agency is 43799  
required to issue a withholding or deduction notice under this 43800  
section with respect to a court support order but determines that 43801  
no withholding or deduction notice would be appropriate, the 43802  
agency may request that the court issue a court order under 43803

division (D)(1) of this section, and, on the request, the court 43804  
may issue the order. 43805

(2) If the obligor under an administrative child support 43806  
order is unemployed, has no income, and does not have an account 43807  
at any financial institution, the agency shall issue an 43808  
administrative order requiring the obligor, if able to engage in 43809  
employment, to seek employment or participate in a work activity 43810  
to which a recipient of assistance under Title IV-A of the "Social 43811  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 43812  
may be assigned as specified in section 407(d) of the "Social 43813  
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 43814  
include in the order ~~a requirement~~ requirements that the obligor 43815  
register with OhioMeansJobs and to notify the agency on obtaining 43816  
employment or income, or ownership of any asset with a value of 43817  
five hundred dollars or more. The agency may issue the order 43818  
regardless of whether the obligee to whom the obligor owes support 43819  
is a recipient of assistance under Title IV-A of the "Social 43820  
Security Act." If an obligor fails to comply with an 43821  
administrative order issued pursuant to division (D)(2) of this 43822  
section, the agency shall submit a request to a court for the 43823  
court to issue an order under division (D)(1) of this section. 43824

**Sec. 3301.078.** (A) No official or board of this state, 43825  
whether appointed or elected, shall enter into any agreement or 43826  
memorandum of understanding with any federal or private entity 43827  
that would require the state to cede any measure of control over 43828  
the development, adoption, or revision of academic content 43829  
standards. 43830

(B) No funds appropriated from the general revenue fund shall 43831  
be used to purchase an assessment developed by the partnership for 43832  
assessment of readiness for college and careers for use as the 43833  
assessments prescribed under sections 3301.0710 and 3301.0712 of 43834



the Revised Code. 43835

**Sec. 3301.0711.** (A) The department of education shall: 43836

(1) Annually furnish to, grade, and score all assessments 43837  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 43838  
the Revised Code to be administered by city, local, exempted 43839  
village, and joint vocational school districts, except that each 43840  
district shall score any assessment administered pursuant to 43841  
division (B)(10) of this section. Each assessment so furnished 43842  
shall include the data verification code of the student to whom 43843  
the assessment will be administered, as assigned pursuant to 43844  
division (D)(2) of section 3301.0714 of the Revised Code. In 43845  
furnishing the practice versions of Ohio graduation tests 43846  
prescribed by division (D) of section 3301.0710 of the Revised 43847  
Code, the department shall make the tests available on its web 43848  
site for reproduction by districts. In awarding contracts for 43849  
grading assessments, the department shall give preference to 43850  
Ohio-based entities employing Ohio residents. 43851

(2) Adopt rules for the ethical use of assessments and 43852  
prescribing the manner in which the assessments prescribed by 43853  
section 3301.0710 of the Revised Code shall be administered to 43854  
students. 43855

(B) Except as provided in divisions (C) and (J) of this 43856  
section, the board of education of each city, local, and exempted 43857  
village school district shall, in accordance with rules adopted 43858  
under division (A) of this section: 43859

(1) Administer the English language arts assessments 43860  
prescribed under division (A)(1)(a) of section 3301.0710 of the 43861  
Revised Code twice annually to all students in the third grade who 43862  
have not attained the score designated for that assessment under 43863  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 43864

(2) Administer the mathematics assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	43865 43866 43867
(3) Administer the assessments prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	43868 43869 43870
(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	43871 43872 43873
(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	43874 43875 43876
(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	43877 43878 43879
(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	43880 43881 43882
(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:	43883 43884 43885
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	43886 43887 43888 43889
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any	43890 43891 43892 43893 43894

time such assessment is administered in the district. 43895

(9) In lieu of the board of education of any city, local, or 43896  
exempted village school district in which the student is also 43897  
enrolled, the board of a joint vocational school district shall 43898  
administer any assessment prescribed under division (B)(1) of 43899  
section 3301.0710 of the Revised Code at least twice annually to 43900  
any student enrolled in the joint vocational school district who 43901  
has not yet attained the score on that assessment designated under 43902  
that division. A board of a joint vocational school district may 43903  
also administer such an assessment to any student described in 43904  
division (B)(8)(b) of this section. 43905

(10) If the district has a three-year average graduation rate 43906  
of not more than seventy-five per cent, administer each assessment 43907  
prescribed by division (D) of section 3301.0710 of the Revised 43908  
Code in September to all ninth grade students who entered ninth 43909  
grade prior to July 1, 2014. 43910

Except as provided in section 3313.614 of the Revised Code 43911  
for administration of an assessment to a person who has fulfilled 43912  
the curriculum requirement for a high school diploma but has not 43913  
passed one or more of the required assessments, the assessments 43914  
prescribed under division (B)(1) of section 3301.0710 of the 43915  
Revised Code shall not be administered after the date specified in 43916  
the rules adopted by the state board of education under division 43917  
(D)(1) of section 3301.0712 of the Revised Code. 43918

(11) Administer the assessments prescribed by division (B)(2) 43919  
of section 3301.0710 and section 3301.0712 of the Revised Code in 43920  
accordance with the timeline and plan for implementation of those 43921  
assessments prescribed by rule of the state board adopted under 43922  
division (D)(1) of section 3301.0712 of the Revised Code. 43923

(C)(1)(a) In the case of a student receiving special 43924  
education services under Chapter 3323. of the Revised Code, the 43925

individualized education program developed for the student under 43926  
that chapter shall specify the manner in which the student will 43927  
participate in the assessments administered under this section. 43928  
The individualized education program may excuse the student from 43929  
taking any particular assessment required to be administered under 43930  
this section if it instead specifies an alternate assessment 43931  
method approved by the department of education as conforming to 43932  
requirements of federal law for receipt of federal funds for 43933  
disadvantaged pupils. To the extent possible, the individualized 43934  
education program shall not excuse the student from taking an 43935  
assessment unless no reasonable accommodation can be made to 43936  
enable the student to take the assessment. 43937

(b) Any alternate assessment approved by the department for a 43938  
student under this division shall produce measurable results 43939  
comparable to those produced by the assessment it replaces in 43940  
order to allow for the student's results to be included in the 43941  
data compiled for a school district or building under section 43942  
3302.03 of the Revised Code. 43943

(c) Any student enrolled in a chartered nonpublic school who 43944  
has been identified, based on an evaluation conducted in 43945  
accordance with section 3323.03 of the Revised Code or section 504 43946  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 43947  
794, as amended, as a child with a disability shall be excused 43948  
from taking any particular assessment required to be administered 43949  
under this section if a plan developed for the student pursuant to 43950  
rules adopted by the state board excuses the student from taking 43951  
that assessment. In the case of any student so excused from taking 43952  
an assessment, the chartered nonpublic school shall not prohibit 43953  
the student from taking the assessment. 43954

(2) A district board may, for medical reasons or other good 43955  
cause, excuse a student from taking an assessment administered 43956  
under this section on the date scheduled, but that assessment 43957

shall be administered to the excused student not later than nine 43958  
days following the scheduled date. The district board shall 43959  
annually report the number of students who have not taken one or 43960  
more of the assessments required by this section to the state 43961  
board not later than the thirtieth day of June. 43962

(3) As used in this division, "limited English proficient 43963  
student" has the same meaning as in 20 U.S.C. 7801. 43964

No school district board shall excuse any limited English 43965  
proficient student from taking any particular assessment required 43966  
to be administered under this section, except that any limited 43967  
English proficient student who has been enrolled in United States 43968  
schools for less than one full school year shall not be required 43969  
to take any reading, writing, or English language arts assessment. 43970  
However, no board shall prohibit a limited English proficient 43971  
student who is not required to take an assessment under this 43972  
division from taking the assessment. A board may permit any 43973  
limited English proficient student to take an assessment required 43974  
to be administered under this section with appropriate 43975  
accommodations, as determined by the department. For each limited 43976  
English proficient student, each school district shall annually 43977  
assess that student's progress in learning English, in accordance 43978  
with procedures approved by the department. 43979

The governing authority of a chartered nonpublic school may 43980  
excuse a limited English proficient student from taking any 43981  
assessment administered under this section. However, no governing 43982  
authority shall prohibit a limited English proficient student from 43983  
taking the assessment. 43984

(D)(1) In the school year next succeeding the school year in 43985  
which the assessments prescribed by division (A)(1) or (B)(1) of 43986  
section 3301.0710 of the Revised Code or former division (A)(1), 43987  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 43988  
existed prior to September 11, 2001, are administered to any 43989

student, the board of education of any school district in which 43990  
the student is enrolled in that year shall provide to the student 43991  
intervention services commensurate with the student's performance, 43992  
including any intensive intervention required under section 43993  
3313.608 of the Revised Code, in any skill in which the student 43994  
failed to demonstrate at least a score at the proficient level on 43995  
the assessment. 43996

(2) Following any administration of the assessments 43997  
prescribed by division (D) of section 3301.0710 of the Revised 43998  
Code to ninth grade students, each school district that has a 43999  
three-year average graduation rate of not more than seventy-five 44000  
per cent shall determine for each high school in the district 44001  
whether the school shall be required to provide intervention 44002  
services to any students who took the assessments. In determining 44003  
which high schools shall provide intervention services based on 44004  
the resources available, the district shall consider each school's 44005  
graduation rate and scores on the practice assessments. The 44006  
district also shall consider the scores received by ninth grade 44007  
students on the English language arts and mathematics assessments 44008  
prescribed under division (A)(1)(f) of section 3301.0710 of the 44009  
Revised Code in the eighth grade in determining which high schools 44010  
shall provide intervention services. 44011

Each high school selected to provide intervention services 44012  
under this division shall provide intervention services to any 44013  
student whose results indicate that the student is failing to make 44014  
satisfactory progress toward being able to attain scores at the 44015  
proficient level on the Ohio graduation tests. Intervention 44016  
services shall be provided in any skill in which a student 44017  
demonstrates unsatisfactory progress and shall be commensurate 44018  
with the student's performance. Schools shall provide the 44019  
intervention services prior to the end of the school year, during 44020  
the summer following the ninth grade, in the next succeeding 44021

school year, or at any combination of those times. 44022

(E) Except as provided in section 3313.608 of the Revised 44023  
Code and division (M) of this section, no school district board of 44024  
education shall utilize any student's failure to attain a 44025  
specified score on an assessment administered under this section 44026  
as a factor in any decision to deny the student promotion to a 44027  
higher grade level. However, a district board may choose not to 44028  
promote to the next grade level any student who does not take an 44029  
assessment administered under this section or make up an 44030  
assessment as provided by division (C)(2) of this section and who 44031  
is not exempt from the requirement to take the assessment under 44032  
division (C)(3) of this section. 44033

(F) No person shall be charged a fee for taking any 44034  
assessment administered under this section. 44035

(G)(1) Each school district board shall designate one 44036  
location for the collection of assessments administered in the 44037  
spring under division (B)(1) of this section and those 44038  
administered under divisions (B)(2) to (7) of this section. Each 44039  
district board shall submit the assessments to the entity with 44040  
which the department contracts for the scoring of the assessments 44041  
as follows: 44042

(a) If the district's total enrollment in grades kindergarten 44043  
through twelve during the first full school week of October was 44044  
less than two thousand five hundred, not later than the Friday 44045  
after all of the assessments have been administered; 44046

(b) If the district's total enrollment in grades kindergarten 44047  
through twelve during the first full school week of October was 44048  
two thousand five hundred or more, but less than seven thousand, 44049  
not later than the Monday after all of the assessments have been 44050  
administered; 44051

(c) If the district's total enrollment in grades kindergarten 44052

through twelve during the first full school week of October was 44053  
seven thousand or more, not later than the Tuesday after all of 44054  
the assessments have been administered. 44055

However, any assessment that a student takes during the 44056  
make-up period described in division (C)(2) of this section shall 44057  
be submitted not later than the Friday following the day the 44058  
student takes the assessment. 44059

(2) The department or an entity with which the department 44060  
contracts for the scoring of the assessment shall send to each 44061  
school district board a list of the individual scores of all 44062  
persons taking ~~an a state achievement~~ assessment ~~prescribed by~~ 44063  
~~division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code~~ 44064  
as follows: 44065

(a) Except as provided in division (G)(2)(b) or (c) of this 44066  
section, within ~~sixty~~ forty-five days after ~~its~~ the administration 44067  
of the assessments prescribed by sections 3301.0710 and 3301.0712 44068  
of the Revised Code, but in no case shall the scores be returned 44069  
later than the ~~fifteenth~~ thirtieth day of June following the 44070  
administration; 44071

(b) In the case of the third-grade English language arts 44072  
assessment, within forty-five days after the administration of 44073  
that assessment, but in no case shall the scores be returned later 44074  
than the fifteenth day of June following the administration; 44075

(c) In the case of the writing component of an assessment or 44076  
end-of-course examination in the area of English language arts, 44077  
except for the third-grade English language arts assessment, the 44078  
results may be sent after forty-five days of the administration of 44079  
the writing component, but in no case shall the scores be returned 44080  
later than the thirtieth day of June following the administration. 44081

~~For~~ 44082

(3) For assessments administered under this section by a 44083



joint vocational school district, the department or entity shall 44084  
also send to each city, local, or exempted village school district 44085  
a list of the individual scores of any students of such city, 44086  
local, or exempted village school district who are attending 44087  
school in the joint vocational school district. 44088

(H) Individual scores on any assessments administered under 44089  
this section shall be released by a district board only in 44090  
accordance with section 3319.321 of the Revised Code and the rules 44091  
adopted under division (A) of this section. No district board or 44092  
its employees shall utilize individual or aggregate results in any 44093  
manner that conflicts with rules for the ethical use of 44094  
assessments adopted pursuant to division (A) of this section. 44095

(I) Except as provided in division (G) of this section, the 44096  
department or an entity with which the department contracts for 44097  
the scoring of the assessment shall not release any individual 44098  
scores on any assessment administered under this section. The 44099  
state board shall adopt rules to ensure the protection of student 44100  
confidentiality at all times. The rules may require the use of the 44101  
data verification codes assigned to students pursuant to division 44102  
(D)(2) of section 3301.0714 of the Revised Code to protect the 44103  
confidentiality of student scores. 44104

(J) Notwithstanding division (D) of section 3311.52 of the 44105  
Revised Code, this section does not apply to the board of 44106  
education of any cooperative education school district except as 44107  
provided under rules adopted pursuant to this division. 44108

(1) In accordance with rules that the state board shall 44109  
adopt, the board of education of any city, exempted village, or 44110  
local school district with territory in a cooperative education 44111  
school district established pursuant to divisions (A) to (C) of 44112  
section 3311.52 of the Revised Code may enter into an agreement 44113  
with the board of education of the cooperative education school 44114  
district for administering any assessment prescribed under this 44115

section to students of the city, exempted village, or local school 44116  
district who are attending school in the cooperative education 44117  
school district. 44118

(2) In accordance with rules that the state board shall 44119  
adopt, the board of education of any city, exempted village, or 44120  
local school district with territory in a cooperative education 44121  
school district established pursuant to section 3311.521 of the 44122  
Revised Code shall enter into an agreement with the cooperative 44123  
district that provides for the administration of any assessment 44124  
prescribed under this section to both of the following: 44125

(a) Students who are attending school in the cooperative 44126  
district and who, if the cooperative district were not 44127  
established, would be entitled to attend school in the city, 44128  
local, or exempted village school district pursuant to section 44129  
3313.64 or 3313.65 of the Revised Code; 44130

(b) Persons described in division (B)(8)(b) of this section. 44131

Any assessment of students pursuant to such an agreement 44132  
shall be in lieu of any assessment of such students or persons 44133  
pursuant to this section. 44134

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) 44135  
or (K)(1)(c) of this section, each chartered nonpublic school for 44136  
which at least sixty-five per cent of its total enrollment is made 44137  
up of students who are participating in state scholarship programs 44138  
shall administer the elementary assessments prescribed by section 44139  
3301.0710 of the Revised Code. In accordance with procedures and 44140  
deadlines prescribed by the department, the parent or guardian of 44141  
a student enrolled in the school who is not participating in a 44142  
state scholarship program may submit notice to the chief 44143  
administrative officer of the school that the parent or guardian 44144  
does not wish to have the student take the elementary assessments 44145  
prescribed for the student's grade level under division (A) of 44146

section 3301.0710 of the Revised Code. If a parent or guardian 44147  
submits an opt-out notice, the school shall not administer the 44148  
assessments to that student. This option does not apply to any 44149  
assessment required for a high school diploma under section 44150  
3313.612 of the Revised Code. 44151

(b) If a chartered nonpublic school is educating students in 44152  
grades nine through twelve, it shall administer the assessments 44153  
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 44154  
Revised Code ~~as a condition of compliance with section 3313.612 of~~ 44155  
~~the Revised Code. Except for a student attending a chartered~~ 44156  
~~nonpublic school under a state scholarship program, division~~ 44157  
~~(K)(1)(b) of this section shall not apply to the following:~~ 44158

(i) A chartered nonpublic school accredited through the 44159  
independent school association of the central states; 44160

(ii) A chartered nonpublic school that is not accredited 44161  
through the independent school association of the central states 44162  
but that is acting in accordance with division (D) of section 44163  
3313.612 of the Revised Code. 44164

(c) A chartered nonpublic school may submit to the 44165  
superintendent of public instruction a request for a waiver from 44166  
administering the elementary assessments prescribed by division 44167  
(A) of section 3301.0710 of the Revised Code. The state 44168  
superintendent shall approve or disapprove a request for a waiver 44169  
submitted under division (K)(1)(c) of this section. No waiver 44170  
shall be approved for any school year prior to the 2015-2016 44171  
school year. 44172

To be eligible to submit a request for a waiver, a chartered 44173  
nonpublic school shall meet the following conditions: 44174

(i) At least ninety-five per cent of the students enrolled in 44175  
the school are children with disabilities, as defined under 44176  
section 3323.01 of the Revised Code, or have received a diagnosis 44177

by a school district or from a physician, including a 44178  
neuropsychiatrist or psychiatrist, or a psychologist who is 44179  
authorized to practice in this or another state as having a 44180  
condition that impairs academic performance, such as dyslexia, 44181  
dyscalculia, attention deficit hyperactivity disorder, or 44182  
Asperger's syndrome. 44183

(ii) The school has solely served a student population 44184  
described in division (K)(1)(c)(i) of this section for at least 44185  
ten years. 44186

(iii) The school provides to the department at least five 44187  
years of records of internal testing conducted by the school that 44188  
affords the department data required for accountability purposes, 44189  
including diagnostic assessments and nationally standardized 44190  
norm-referenced achievement assessments that measure reading and 44191  
math skills. 44192

(d) Any chartered nonpublic school that is not subject to 44193  
division (K)(1)(a) of this section may participate in the 44194  
assessment program by administering any of the assessments 44195  
prescribed by division (A) of section 3301.0710 of the Revised 44196  
Code. The chief administrator of the school shall specify which 44197  
assessments the school will administer. Such specification shall 44198  
be made in writing to the superintendent of public instruction 44199  
prior to the first day of August of any school year in which 44200  
assessments are administered and shall include a pledge that the 44201  
nonpublic school will administer the specified assessments in the 44202  
same manner as public schools are required to do under this 44203  
section and rules adopted by the department. 44204

(2) The department of education shall furnish the assessments 44205  
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 44206  
to each chartered nonpublic school that is subject to division 44207  
(K)(1)(a) of this section or participates under division (K)(1)(b) 44208  
of this section. 44209

(L)(1) The superintendent of the state school for the blind 44210  
and the superintendent of the state school for the deaf shall 44211  
administer the assessments described by sections 3301.0710 and 44212  
3301.0712 of the Revised Code. Each superintendent shall 44213  
administer the assessments in the same manner as district boards 44214  
are required to do under this section and rules adopted by the 44215  
department of education and in conformity with division (C)(1)(a) 44216  
of this section. 44217

(2) The department of education shall furnish the assessments 44218  
described by sections 3301.0710 and 3301.0712 of the Revised Code 44219  
to each superintendent. 44220

(M) Notwithstanding division (E) of this section, a school 44221  
district may use a student's failure to attain a score in at least 44222  
the proficient range on the mathematics assessment described by 44223  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 44224  
an assessment described by division (A)(1)(b), (c), (d), (e), or 44225  
(f) of section 3301.0710 of the Revised Code as a factor in 44226  
retaining that student in the current grade level. 44227

(N)(1) In the manner specified in divisions (N)(3), (4), and 44228  
(6) of this section, the assessments required by division (A)(1) 44229  
of section 3301.0710 of the Revised Code shall become public 44230  
records pursuant to section 149.43 of the Revised Code on the 44231  
thirty-first day of July following the school year that the 44232  
assessments were administered. 44233

(2) The department may field test proposed questions with 44234  
samples of students to determine the validity, reliability, or 44235  
appropriateness of questions for possible inclusion in a future 44236  
year's assessment. The department also may use anchor questions on 44237  
assessments to ensure that different versions of the same 44238  
assessment are of comparable difficulty. 44239

Field test questions and anchor questions shall not be 44240

considered in computing scores for individual students. Field test 44241  
questions and anchor questions may be included as part of the 44242  
administration of any assessment required by division (A)(1) or 44243  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 44244  
the Revised Code. 44245

(3) Any field test question or anchor question administered 44246  
under division (N)(2) of this section shall not be a public 44247  
record. Such field test questions and anchor questions shall be 44248  
redacted from any assessments which are released as a public 44249  
record pursuant to division (N)(1) of this section. 44250

(4) This division applies to the assessments prescribed by 44251  
division (A) of section 3301.0710 of the Revised Code. 44252

(a) The first administration of each assessment, as specified 44253  
in former section 3301.0712 of the Revised Code, shall be a public 44254  
record. 44255

(b) For subsequent administrations of each assessment prior 44256  
to the 2011-2012 school year, not less than forty per cent of the 44257  
questions on the assessment that are used to compute a student's 44258  
score shall be a public record. The department shall determine 44259  
which questions will be needed for reuse on a future assessment 44260  
and those questions shall not be public records and shall be 44261  
redacted from the assessment prior to its release as a public 44262  
record. However, for each redacted question, the department shall 44263  
inform each city, local, and exempted village school district of 44264  
the statewide academic standard adopted by the state board under 44265  
section 3301.079 of the Revised Code and the corresponding 44266  
benchmark to which the question relates. The preceding sentence 44267  
does not apply to field test questions that are redacted under 44268  
division (N)(3) of this section. 44269

(c) The administrations of each assessment in the 2011-2012, 44270  
2012-2013, and 2013-2014 school years shall not be a public 44271

record. 44272

(5) Each assessment prescribed by division (B)(1) of section 44273  
3301.0710 of the Revised Code shall not be a public record. 44274

(6) Beginning with the spring administration for the 44275  
2014-2015 school year, questions on the assessments prescribed 44276  
under division (A) of section 3301.0710 and division (B)(2) of 44277  
section 3301.0712 of the Revised Code and the corresponding 44278  
preferred answers that are used to compute a student's score shall 44279  
become a public record as follows: 44280

(a) Forty per cent of the questions and preferred answers on 44281  
the assessments on the thirty-first day of July following the 44282  
administration of the assessment; 44283

(b) Twenty per cent of the questions and preferred answers on 44284  
the assessment on the thirty-first day of July one year after the 44285  
administration of the assessment; 44286

(c) The remaining forty per cent of the questions and 44287  
preferred answers on the assessment on the thirty-first day of 44288  
July two years after the administration of the assessment. 44289

The entire content of an assessment shall become a public 44290  
record within three years of its administration. 44291

The department shall make the questions that become a public 44292  
record under this division readily accessible to the public on the 44293  
department's web site. Questions on the spring administration of 44294  
each assessment shall be released on an annual basis, in 44295  
accordance with this division. 44296

(0) As used in this section: 44297

(1) "Three-year average" means the average of the most recent 44298  
consecutive three school years of data. 44299

(2) "Dropout" means a student who withdraws from school 44300  
before completing course requirements for graduation and who is 44301

not enrolled in an education program approved by the state board 44302  
of education or an education program outside the state. "Dropout" 44303  
does not include a student who has departed the country. 44304

(3) "Graduation rate" means the ratio of students receiving a 44305  
diploma to the number of students who entered ninth grade four 44306  
years earlier. Students who transfer into the district are added 44307  
to the calculation. Students who transfer out of the district for 44308  
reasons other than dropout are subtracted from the calculation. If 44309  
a student who was a dropout in any previous year returns to the 44310  
same school district, that student shall be entered into the 44311  
calculation as if the student had entered ninth grade four years 44312  
before the graduation year of the graduating class that the 44313  
student joins. 44314

(4) "State scholarship programs" means the educational choice 44315  
scholarship pilot program established under sections 3310.01 to 44316  
3310.17 of the Revised Code, the autism scholarship program 44317  
established under section 3310.41 of the Revised Code, the Jon 44318  
Peterson special needs scholarship program established under 44319  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 44320  
project scholarship program established under sections 3313.974 to 44321  
3313.979 of the Revised Code. 44322

**Sec. 3301.0712.** (A) The state board of education, the 44323  
superintendent of public instruction, and the chancellor of ~~the~~ 44324  
~~Ohio board of regents~~ higher education shall develop a system of 44325  
college and work ready assessments as described in division (B) of 44326  
this section to assess whether each student upon graduating from 44327  
high school is ready to enter college or the workforce. Beginning 44328  
with students who enter the ninth grade for the first time on or 44329  
after July 1, 2014, the system shall replace the Ohio graduation 44330  
tests prescribed in division (B)(1) of section 3301.0710 of the 44331  
Revised Code as a measure of student academic performance and one 44332



determinant of eligibility for a high school diploma in the manner 44333  
prescribed by rule of the state board adopted under division (D) 44334  
of this section. 44335

(B) The college and work ready assessment system shall 44336  
consist of the following: 44337

(1) Nationally standardized assessments that measure college 44338  
and career readiness and are used for college admission. The 44339  
assessments shall be selected jointly by the state superintendent 44340  
and the chancellor, and one of which shall be selected by each 44341  
school district or school to administer to its students. The 44342  
assessments prescribed under division (B)(1) of this section shall 44343  
be administered to all eleventh-grade students in the spring of 44344  
the school year. 44345

(2) Seven end-of-course examinations, one in each of the 44346  
areas of English language arts I, English language arts II, 44347  
science, Algebra I, geometry, American history, and American 44348  
government. The end-of-course examinations shall be selected 44349  
jointly by the state superintendent and the chancellor in 44350  
consultation with faculty in the appropriate subject areas at 44351  
institutions of higher education of the university system of Ohio. 44352  
Advanced placement examinations and international baccalaureate 44353  
examinations, as prescribed under section 3313.6013 of the Revised 44354  
Code, in the areas of science, American history, and American 44355  
government may be used as end-of-course examinations in accordance 44356  
with division (B)(4)(a)(i) of this section. Final course grades 44357  
for courses taken under any other advanced standing program, as 44358  
prescribed under section 3313.6013 of the Revised Code, in the 44359  
areas of science, American history, and American government may be 44360  
used in lieu of end-of-course examinations in accordance with 44361  
division (B)(4)(a)(ii) of this section. 44362

(3)(a) Not later than July 1, 2013, each school district 44363

board of education shall adopt interim end-of-course examinations 44364  
that comply with the requirements of divisions (B)(3)(b)(i) and 44365  
(ii) of this section to assess mastery of American history and 44366  
American government standards adopted under division (A)(1)(b) of 44367  
section 3301.079 of the Revised Code and the topics required under 44368  
division (M) of section 3313.603 of the Revised Code. Each high 44369  
school of the district shall use the interim examinations until 44370  
the state superintendent and chancellor select end-of-course 44371  
examinations in American history and American government under 44372  
division (B)(2) of this section. 44373

(b) Not later than July 1, 2014, the state superintendent and 44374  
the chancellor shall select the end-of-course examinations in 44375  
American history and American government. 44376

(i) The end-of-course examinations in American history and 44377  
American government shall require demonstration of mastery of the 44378  
American history and American government content for social 44379  
studies standards adopted under division (A)(1)(b) of section 44380  
3301.079 of the Revised Code and the topics required under 44381  
division (M) of section 3313.603 of the Revised Code. 44382

(ii) At least twenty per cent of the end-of-course 44383  
examination in American government shall address the topics on 44384  
American history and American government described in division (M) 44385  
of section 3313.603 of the Revised Code. 44386

(4)(a) Notwithstanding anything to the contrary in this 44387  
section, beginning with the 2014-2015 school year, both of the 44388  
following shall apply: 44389

(i) If a student is enrolled in an appropriate advanced 44390  
placement or international baccalaureate course, that student 44391  
shall take the advanced placement or international baccalaureate 44392  
examination in lieu of the science, American history, or American 44393  
government end-of-course examinations prescribed under division 44394

(B)(2) of this section. The state board shall specify the score 44395  
levels for each advanced placement examination and international 44396  
baccalaureate examination for purposes of calculating the minimum 44397  
cumulative performance score that demonstrates the level of 44398  
academic achievement necessary to earn a high school diploma. 44399

(ii) If a student is enrolled in an appropriate course under 44400  
any other advanced standing program, as described in section 44401  
3313.6013 of the Revised Code, that student shall not be required 44402  
to take the science, American history, or American government 44403  
end-of-course examination, whichever is applicable, prescribed 44404  
under division (B)(2) of this section. Instead, that student's 44405  
final course grade shall be used in lieu of the applicable 44406  
end-of-course examination prescribed under that section. The state 44407  
superintendent, in consultation with the chancellor, shall adopt 44408  
guidelines for purposes of calculating the corresponding final 44409  
course grades that demonstrate the level of academic achievement 44410  
necessary to earn a high school diploma. 44411

Division (B)(4)(a)(ii) of this section shall apply only to 44412  
courses for which students receive transcribed credit, as defined 44413  
in division (U) of section 3365.01 of the Revised Code. It shall 44414  
not apply to remedial or developmental courses. 44415

(b) No student shall take a substitute examination or 44416  
examination prescribed under division (B)(4)(a) of this section in 44417  
place of the end-of-course examinations in English language arts 44418  
I, English language arts II, Algebra I, or geometry prescribed 44419  
under division (B)(2) of this section. 44420

(c) The state board shall consider additional assessments 44421  
that may be used, beginning with the 2016-2017 school year, as 44422  
substitute examinations in lieu of the end-of-course examinations 44423  
prescribed under division (B)(2) of this section. 44424

(5) The state board shall do all of the following: 44425

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	44426 44427 44428 44429 44430 44431 44432
(i) An advanced level of skill;	44433
(ii) An accelerated level of skill;	44434
(iii) A proficient level of skill;	44435
(iv) A basic level of skill;	44436
(v) A limited level of skill.	44437
(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;	44438 44439 44440
(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;	44441 44442 44443
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	44444 44445 44446 44447
(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	44448 44449
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	44450 44451 44452
(ii) The examination was not available for administration prior to July 1, 2015.	44453 44454

Receipt of credit for the course described in division 44455  
(B)(6)(a)(i) of this section shall satisfy the requirement to take 44456  
the end-of-course examination. A student exempted under division 44457  
(B)(6)(a) of this section may take the applicable end-of-course 44458  
examination at a later date. 44459

(b) For purposes of determining whether a student who is 44460  
exempt from taking an end-of-course examination under division 44461  
(B)(6)(a) of this section has attained the cumulative score 44462  
prescribed by division (B)(5)(c) of this section, such student 44463  
shall select either of the following: 44464

(i) The student is considered to have attained a proficient 44465  
score on the end-of-course examination from which the student is 44466  
exempt; 44467

(ii) The student's final course grade shall be used in lieu 44468  
of a score on the end-of-course examination from which the student 44469  
is exempt. 44470

The state superintendent, in consultation with the 44471  
chancellor, shall adopt guidelines for purposes of calculating the 44472  
corresponding final course grades and the minimum cumulative 44473  
performance score that demonstrates the level of academic 44474  
achievement necessary to earn a high school diploma. 44475

(7)(a) Notwithstanding anything to the contrary in this 44476  
section, the state board may replace the algebra I end-of-course 44477  
examination prescribed under division (B)(2) of this section with 44478  
an algebra II end-of-course examination, beginning with the 44479  
2016-2017 school year for students who enter ninth grade on or 44480  
after July 1, 2016. 44481

(b) If the state board replaces the algebra I end-of-course 44482  
examination with an algebra II end-of-course examination as 44483  
authorized under division (B)(7)(a) of this section, both of the 44484  
following shall apply: 44485

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department of education shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.

(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course

examination in science for students who entered the ninth grade 44517  
for the first time on or after July 1, 2014, but prior to July 1, 44518  
2015, and who have not met the requirement prescribed by section 44519  
3313.618 of the Revised Code by July 1, 2019, due to a student's 44520  
failure to satisfy division (A)(2) of section 3313.618 of the 44521  
Revised Code. 44522

(9) Neither the state board nor the department of education 44523  
shall develop or administer an end-of-course examination in the 44524  
area of world history. 44525

(C) The state board shall convene a group of national 44526  
experts, state experts, and local practitioners to provide advice, 44527  
guidance, and recommendations for the alignment of standards and 44528  
model curricula to the assessments and in the design of the 44529  
end-of-course examinations prescribed by this section. 44530

(D) Upon completion of the development of the assessment 44531  
system, the state board shall adopt rules prescribing all of the 44532  
following: 44533

(1) A timeline and plan for implementation of the assessment 44534  
system, including a phased implementation if the state board 44535  
determines such a phase-in is warranted; 44536

(2) The date after which a person shall meet the requirements 44537  
of the entire assessment system as a prerequisite for a diploma of 44538  
adult education under section 3313.611 of the Revised Code; 44539

(3) Whether and the extent to which a person may be excused 44540  
from an American history end-of-course examination and an American 44541  
government end-of-course examination under division (H) of section 44542  
3313.61 and division (B)~~(3)~~(4) of section 3313.612 of the Revised 44543  
Code; 44544

(4) The date after which a person who has fulfilled the 44545  
curriculum requirement for a diploma but has not passed one or 44546  
more of the required assessments at the time the person fulfilled 44547

the curriculum requirement shall meet the requirements of the 44548  
entire assessment system as a prerequisite for a high school 44549  
diploma under division (B) of section 3313.614 of the Revised 44550  
Code; 44551

(5) The extent to which the assessment system applies to 44552  
students enrolled in a dropout recovery and prevention program for 44553  
purposes of division (F) of section 3313.603 and section 3314.36 44554  
of the Revised Code. 44555

(E) Not later than forty-five days prior to the state board's 44556  
adoption of a resolution directing the department to file the 44557  
rules prescribed by division (D) of this section in final form 44558  
under section 119.04 of the Revised Code, the superintendent of 44559  
public instruction shall present the assessment system developed 44560  
under this section to the respective committees of the house of 44561  
representatives and senate that consider education legislation. 44562

(F)(1) Any person enrolled in a nonchartered nonpublic school 44563  
or any person who has been excused from attendance at school for 44564  
the purpose of home instruction under section 3321.04 of the 44565  
Revised Code may choose to participate in the system of 44566  
assessments administered under divisions (B)(1) and (2) of this 44567  
section. However, no such person shall be required to participate 44568  
in the system of assessments. 44569

(2) The department shall adopt rules for the administration 44570  
and scoring of any assessments under division (F)(1) of this 44571  
section. 44572

(G) Not later than December 31, 2014, the state board shall 44573  
select at least one nationally recognized job skills assessment. 44574  
Each school district shall administer that assessment to those 44575  
students who opt to take it. The state shall reimburse a school 44576  
district for the costs of administering that assessment. The state 44577  
board shall establish the minimum score a student must attain on 44578



the job skills assessment in order to demonstrate a student's 44579  
workforce readiness and employability. The administration of the 44580  
job skills assessment to a student under this division shall not 44581  
exempt a school district from administering the assessments 44582  
prescribed in division (B) of this section to that student. 44583

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 44584  
Revised Code: 44585

(A) "Preschool program" means either of the following: 44586

(1) A child care program for preschool children that is 44587  
operated by a school district board of education or an eligible 44588  
nonpublic school. 44589

(2) A child care program for preschool children age three or 44590  
older that is operated by a county DD board or a community school. 44591

(B) "Preschool child" or "child" means a child who has not 44592  
entered kindergarten and is not of compulsory school age. 44593

(C) "Parent, guardian, or custodian" means the person or 44594  
government agency that is or will be responsible for a child's 44595  
school attendance under section 3321.01 of the Revised Code. 44596

(D) "Superintendent" means the superintendent of a school 44597  
district or the chief administrative officer of a community school 44598  
or an eligible nonpublic school. 44599

(E) "Director" means the director, head teacher, elementary 44600  
principal, or site administrator who is the individual on site and 44601  
responsible for supervision of a preschool program. 44602

(F) "Preschool staff member" means a preschool employee whose 44603  
primary responsibility is care, teaching, or supervision of 44604  
preschool children. 44605

(G) "Nonteaching employee" means a preschool program or 44606  
school child program employee whose primary responsibilities are 44607

duties other than care, teaching, and supervision of preschool 44608  
children or school children. 44609

(H) "Eligible nonpublic school" means a nonpublic school 44610  
chartered as described in division (B)(8) of section 5104.02 of 44611  
the Revised Code or chartered by the state board of education for 44612  
any combination of grades one through twelve, regardless of 44613  
whether it also offers kindergarten. 44614

(I) "County DD board" means a county board of developmental 44615  
disabilities. 44616

(J) "School child program" means a child care program for 44617  
only school children that is operated by a school district board 44618  
of education, county DD board, community school, or eligible 44619  
nonpublic school. 44620

(K) "School child" means a child who is enrolled in or is 44621  
eligible to be enrolled in a grade of kindergarten or above but is 44622  
less than fifteen years old. 44623

(L) "School child program staff member" means an employee 44624  
whose primary responsibility is the care, teaching, or supervision 44625  
of children in a school child program. 44626

(M) "Child care" means administering to the needs of infants, 44627  
toddlers, preschool children, and school children outside of 44628  
school hours by persons other than their parents or guardians, 44629  
custodians, or relatives by blood, marriage, or adoption for any 44630  
part of the twenty-four-hour day in a place or residence other 44631  
than a child's own home. 44632

(N) "Child day-care center," "publicly funded child care," 44633  
and "school-age child care center" have the same meanings as in 44634  
section 5104.01 of the Revised Code. 44635

(O) "Community school" means a community school established 44636  
under Chapter 3314. of the Revised Code that is sponsored by an 44637

entity that is rated "exemplary" under section 3314.016 of the 44638  
Revised Code. 44639

**Sec. 3301.53.** (A) The state board of education, in 44640  
consultation with the director of job and family services, shall 44641  
formulate and prescribe by rule adopted under Chapter 119. of the 44642  
Revised Code minimum standards to be applied to preschool programs 44643  
operated by school district boards of education, county DD boards, 44644  
community schools, or eligible nonpublic schools. The rules shall 44645  
include the following: 44646

(1) Standards ensuring that the preschool program is located 44647  
in a safe and convenient facility that accommodates the enrollment 44648  
of the program, is of the quality to support the growth and 44649  
development of the children according to the program objectives, 44650  
and meets the requirements of section 3301.55 of the Revised Code; 44651

(2) Standards ensuring that supervision, discipline, and 44652  
programs will be administered according to established objectives 44653  
and procedures; 44654

(3) Standards ensuring that preschool staff members and 44655  
nonteaching employees are recruited, employed, assigned, 44656  
evaluated, and provided inservice education without discrimination 44657  
on the basis of age, color, national origin, race, or sex; and 44658  
that preschool staff members and nonteaching employees are 44659  
assigned responsibilities in accordance with written position 44660  
descriptions commensurate with their training and experience; 44661

(4) A requirement that boards of education intending to 44662  
establish a preschool program demonstrate a need for a preschool 44663  
program prior to establishing the program; 44664

(5) Requirements that children participating in preschool 44665  
programs have been immunized to the extent considered appropriate 44666  
by the state board to prevent the spread of communicable disease; 44667

(6) Requirements that the parents of preschool children 44668  
complete the emergency medical authorization form specified in 44669  
section 3313.712 of the Revised Code. 44670

(B) The state board of education in consultation with the 44671  
director of job and family services shall ensure that the rules 44672  
adopted by the state board under sections 3301.52 to 3301.58 of 44673  
the Revised Code are consistent with and meet or exceed the 44674  
requirements of Chapter 5104. of the Revised Code with regard to 44675  
child day-care centers. The state board and the director of job 44676  
and family services shall review all such rules at least once 44677  
every five years. 44678

(C) The state board of education, in consultation with the 44679  
director of job and family services, shall adopt rules for school 44680  
child programs that are consistent with and meet or exceed the 44681  
requirements of the rules adopted for school-age child care 44682  
centers under Chapter 5104. of the Revised Code. 44683

**Sec. 3301.541.** (A)(1) The director, head teacher, elementary 44684  
principal, or site administrator of a preschool program shall 44685  
request the superintendent of the bureau of criminal 44686  
identification and investigation to conduct a criminal records 44687  
check with respect to any applicant who has applied to the 44688  
preschool program for employment as a person responsible for the 44689  
care, custody, or control of a child. If the applicant does not 44690  
present proof that the applicant has been a resident of this state 44691  
for the five-year period immediately prior to the date upon which 44692  
the criminal records check is requested or does not provide 44693  
evidence that within that five-year period the superintendent has 44694  
requested information about the applicant from the federal bureau 44695  
of investigation in a criminal records check, the director, head 44696  
teacher, or elementary principal shall request that the 44697  
superintendent obtain information from the federal bureau of 44698

investigation as a part of the criminal records check for the 44699  
applicant. If the applicant presents proof that the applicant has 44700  
been a resident of this state for that five-year period, the 44701  
director, head teacher, or elementary principal may request that 44702  
the superintendent include information from the federal bureau of 44703  
investigation in the criminal records check. 44704

(2) Any director, head teacher, elementary principal, or site 44705  
administrator required by division (A)(1) of this section to 44706  
request a criminal records check shall provide to each applicant a 44707  
copy of the form prescribed pursuant to division (C)(1) of section 44708  
109.572 of the Revised Code, provide to each applicant a standard 44709  
impression sheet to obtain fingerprint impressions prescribed 44710  
pursuant to division (C)(2) of section 109.572 of the Revised 44711  
Code, obtain the completed form and impression sheet from each 44712  
applicant, and forward the completed form and impression sheet to 44713  
the superintendent of the bureau of criminal identification and 44714  
investigation at the time the person requests a criminal records 44715  
check pursuant to division (A)(1) of this section. 44716

(3) Any applicant who receives pursuant to division (A)(2) of 44717  
this section a copy of the form prescribed pursuant to division 44718  
(C)(1) of section 109.572 of the Revised Code and a copy of an 44719  
impression sheet prescribed pursuant to division (C)(2) of that 44720  
section and who is requested to complete the form and provide a 44721  
set of fingerprint impressions shall complete the form or provide 44722  
all the information necessary to complete the form and provide the 44723  
impression sheet with the impressions of the applicant's 44724  
fingerprints. If an applicant, upon request, fails to provide the 44725  
information necessary to complete the form or fails to provide 44726  
impressions of the applicant's fingerprints, the preschool program 44727  
shall not employ that applicant for any position for which a 44728  
criminal records check is required by division (A)(1) of this 44729  
section. 44730

(B)(1) Except as provided in rules adopted by the department 44731  
of education in accordance with division (E) of this section, no 44732  
preschool program shall employ a person as a person responsible 44733  
for the care, custody, or control of a child if the person 44734  
previously has been convicted of or pleaded guilty to any of the 44735  
following: 44736

(a) A violation of section 2903.01, 2903.02, 2903.03, 44737  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 44738  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 44739  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 44740  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 44741  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 44742  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 44743  
2925.06, or 3716.11 of the Revised Code, a violation of section 44744  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 44745  
violation of section 2919.23 of the Revised Code that would have 44746  
been a violation of section 2905.04 of the Revised Code as it 44747  
existed prior to July 1, 1996, had the violation occurred prior to 44748  
that date, a violation of section 2925.11 of the Revised Code that 44749  
is not a minor drug possession offense, or felonious sexual 44750  
penetration in violation of former section 2907.12 of the Revised 44751  
Code; 44752

(b) A violation of an existing or former law of this state, 44753  
any other state, or the United States that is substantially 44754  
equivalent to any of the offenses or violations described in 44755  
division (B)(1)(a) of this section. 44756

(2) A preschool program may employ an applicant conditionally 44757  
until the criminal records check required by this section is 44758  
completed and the preschool program receives the results of the 44759  
criminal records check. If the results of the criminal records 44760  
check indicate that, pursuant to division (B)(1) of this section, 44761  
the applicant does not qualify for employment, the preschool 44762

program shall release the applicant from employment. 44763

(C)(1) Each preschool program shall pay to the bureau of 44764  
criminal identification and investigation the fee prescribed 44765  
pursuant to division (C)(3) of section 109.572 of the Revised Code 44766  
for each criminal records check conducted in accordance with that 44767  
section upon the request pursuant to division (A)(1) of this 44768  
section of the director, head teacher, elementary principal, or 44769  
site administrator of the preschool program. 44770

(2) A preschool program may charge an applicant a fee for the 44771  
costs it incurs in obtaining a criminal records check under this 44772  
section. A fee charged under this division shall not exceed the 44773  
amount of fees the preschool program pays under division (C)(1) of 44774  
this section. If a fee is charged under this division, the 44775  
preschool program shall notify the applicant at the time of the 44776  
applicant's initial application for employment of the amount of 44777  
the fee and that, unless the fee is paid, the applicant will not 44778  
be considered for employment. 44779

(D) The report of any criminal records check conducted by the 44780  
bureau of criminal identification and investigation in accordance 44781  
with section 109.572 of the Revised Code and pursuant to a request 44782  
under division (A)(1) of this section is not a public record for 44783  
the purposes of section 149.43 of the Revised Code and shall not 44784  
be made available to any person other than the applicant who is 44785  
the subject of the criminal records check or the applicant's 44786  
representative, the preschool program requesting the criminal 44787  
records check or its representative, and any court, hearing 44788  
officer, or other necessary individual in a case dealing with the 44789  
denial of employment to the applicant. 44790

(E) The department of education shall adopt rules pursuant to 44791  
Chapter 119. of the Revised Code to implement this section, 44792  
including rules specifying circumstances under which a preschool 44793  
program may hire a person who has been convicted of an offense 44794

listed in division (B)(1) of this section but who meets standards 44795  
in regard to rehabilitation set by the department. 44796

(F) Any person required by division (A)(1) of this section to 44797  
request a criminal records check shall inform each person, at the 44798  
time of the person's initial application for employment, that the 44799  
person is required to provide a set of impressions of the person's 44800  
fingerprints and that a criminal records check is required to be 44801  
conducted and satisfactorily completed in accordance with section 44802  
109.572 of the Revised Code if the person comes under final 44803  
consideration for appointment or employment as a precondition to 44804  
employment for that position. 44805

(G) As used in this section: 44806

(1) "Applicant" means a person who is under final 44807  
consideration for appointment or employment in a position with a 44808  
preschool program as a person responsible for the care, custody, 44809  
or control of a child, except that "applicant" does not include a 44810  
person already employed by a board of education, community school, 44811  
or chartered nonpublic school in a position of care, custody, or 44812  
control of a child who is under consideration for a different 44813  
position with such board or school. 44814

(2) "Criminal records check" has the same meaning as in 44815  
section 109.572 of the Revised Code. 44816

(3) "Minor drug possession offense" has the same meaning as 44817  
in section 2925.01 of the Revised Code. 44818

(H) If the board of education of a local school district 44819  
adopts a resolution requesting the assistance of the educational 44820  
service center in which the local district has territory in 44821  
conducting criminal records checks of substitute teachers under 44822  
this section, the appointing or hiring officer of such educational 44823  
service center governing board shall serve for purposes of this 44824  
section as the appointing or hiring officer of the local board in 44825



the case of hiring substitute teachers for employment in the local 44826  
district. 44827

**Sec. 3301.55.** (A) A school district, county DD board, 44828  
community school, or eligible nonpublic school operating a 44829  
preschool program shall house the program in buildings that meet 44830  
the following requirements: 44831

(1) The building is operated by the district, county DD 44832  
board, community school, or eligible nonpublic school and has been 44833  
approved by the division of industrial compliance in the 44834  
department of commerce or a certified municipal, township, or 44835  
county building department for the purpose of operating a program 44836  
for preschool children. Any such structure shall be constructed, 44837  
equipped, repaired, altered, and maintained in accordance with 44838  
applicable provisions of Chapters 3781. and 3791. and with rules 44839  
adopted by the board of building standards under Chapter 3781. of 44840  
the Revised Code for the safety and sanitation of structures 44841  
erected for this purpose. 44842

(2) The building is in compliance with fire and safety laws 44843  
and regulations as evidenced by reports of annual school fire and 44844  
safety inspections as conducted by appropriate local authorities. 44845

(3) The school is in compliance with rules established by the 44846  
state board of education regarding school food services. 44847

(4) The facility includes not less than thirty-five square 44848  
feet of indoor space for each child in the program. Safe play 44849  
space, including both indoor and outdoor play space, totaling not 44850  
less than sixty square feet for each child using the space at any 44851  
one time, shall be regularly available and scheduled for use. 44852

(5) First aid facilities and space for temporary placement or 44853  
isolation of injured or ill children are provided. 44854

(B) Each school district, county DD board, community school, 44855

or eligible nonpublic school that operates, or proposes to 44856  
operate, a preschool program shall submit a building plan 44857  
including all information specified by the state board of 44858  
education to the board not later than the first day of September 44859  
of the school year in which the program is to be initiated. The 44860  
board shall determine whether the buildings meet the requirements 44861  
of this section and section 3301.53 of the Revised Code, and 44862  
notify the superintendent of its determination. If the board 44863  
determines, on the basis of the building plan or any other 44864  
information, that the buildings do not meet those requirements, it 44865  
shall cause the buildings to be inspected by the department of 44866  
education. The department shall make a report to the 44867  
superintendent specifying any aspects of the building that are not 44868  
in compliance with the requirements of this section and section 44869  
3301.53 of the Revised Code and the time period that will be 44870  
allowed the district, county DD board, or school to meet the 44871  
requirements. 44872

**Sec. 3301.56.** (A) The director, head teacher, elementary 44873  
principal, or site administrator who is on site and responsible 44874  
for supervision of each preschool program shall be responsible for 44875  
the following: 44876

(1) Ensuring that the health and safety of the children are 44877  
safeguarded by an organized program of school health services 44878  
designed to identify child health problems and to coordinate 44879  
school and community health resources for children, as evidenced 44880  
by but not limited to: 44881

(a) Requiring immunization and compliance with emergency 44882  
medical authorization requirements in accordance with rules 44883  
adopted by the state board of education under section 3301.53 of 44884  
the Revised Code; 44885

(b) Providing procedures for emergency situations, including 44886

fire drills, rapid dismissals, tornado drills, and school safety	44887
drills in accordance with section 3737.73 of the Revised Code, and	44888
keeping records of such drills or dismissals;	44889
(c) Posting emergency procedures in preschool rooms and	44890
making them available to school personnel, children, and parents;	44891
(d) Posting emergency numbers by each telephone;	44892
(e) Supervising grounds, play areas, and other facilities	44893
when scheduled for use by children;	44894
(f) Providing first-aid facilities and materials.	44895
(2) Maintaining cumulative records for each child;	44896
(3) Supervising each child's admission, placement, and	44897
withdrawal according to established procedures;	44898
(4) Preparing at least once annually for each group of	44899
children in the program a roster of names and telephone numbers of	44900
parents, guardians, and custodians of children in the group and,	44901
on request, furnishing the roster for each group to the parents,	44902
guardians, and custodians of children in that group. The director	44903
may prepare a similar roster of all children in the program and,	44904
on request, make it available to the parents, guardians, and	44905
custodians, of children in the program. The director shall not	44906
include in either roster the name or telephone number of any	44907
parent, guardian, or custodian who requests that the parent's,	44908
guardian's, or custodian's name or number not be included, and	44909
shall not furnish any roster to any person other than a parent,	44910
guardian, or custodian of a child in the program.	44911
(5) Ensuring that clerical and custodial services are	44912
provided for the program;	44913
(6) Supervising the instructional program and the daily	44914
operation of the program;	44915
(7) Supervising and evaluating preschool staff members	44916

according to a planned sequence of observations and evaluation 44917  
conferences, and supervising nonteaching employees. 44918

(B)(1) In each program the maximum number of children per 44919  
preschool staff member and the maximum group size by age category 44920  
of children shall be as follows: 44921

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	44922 44923 44924 44925 44926 44927 44928
12 months to less than 18 months	12	1:6	44929
18 months to less than 30 months	14	1:7	44930
30 months to less than 3 years	16	1:8	44931
3-year-olds	24	1:12	44932
4- and 5-year-olds not in school	28	1:14	44933

(2) When age groups are combined, the maximum number of 44934  
children per preschool staff member shall be determined by the age 44935  
of the youngest child in the group, except that when no more than 44936  
one child thirty months of age or older receives child care in a 44937  
group in which all the other children are in the next older age 44938  
group, the maximum number of children per child-care staff member 44939  
and maximum group size requirements of the older age group 44940  
established under division (B)(1) of this section shall apply. 44941

(3) In a room where children are napping, if all the children 44942  
are at least eighteen months of age, the maximum number of 44943  
children per preschool staff member shall, for a period not to 44944  
exceed one and one-half hours in any twenty-four hour day, be 44945  
twice the maximum number of children per preschool staff member 44946  
established under division (B)(1) of this section if all the 44947  
following criteria are met: 44948

(a) At least one preschool staff member is present in the room; 44949  
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(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section; 44951  
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(c) Naptime preparations have been completed and the children are resting or napping. 44954  
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(4) Any accredited program that uses the Montessori method endorsed by the American Montessori society or the association Montessori internationale as its primary method of instruction and is licensed as a preschool program under section 3301.58 of the Revised Code may combine preschool children of ages three to five years old with children enrolled in kindergarten. Notwithstanding anything to the contrary in division (B)(2) of this section, when such age groups are combined, the maximum number of children per preschool staff member shall be twelve and the maximum group size shall be twenty-four children. 44956  
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(C) In each building in which a preschool program is operated there shall be on the premises, and readily available at all times, at least one employee who has completed a course in first aid and in the prevention, recognition, and management of communicable diseases which is approved by the state department of health, and an employee who has completed a course in child abuse recognition and prevention. 44966  
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(D) Any parent, guardian, or custodian of a child enrolled in a preschool program shall be permitted unlimited access to the school during its hours of operation to contact the parent's, guardian's, or custodian's child, evaluate the care provided by the program, or evaluate the premises, or for other purposes approved by the director. Upon entering the premises, the parent, guardian, or custodian shall report to the school office. 44973  
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Sec. 3301.57. (A) For the purpose of improving programs, 44980  
facilities, and implementation of the standards promulgated by the 44981  
state board of education under section 3301.53 of the Revised 44982  
Code, the state department of education shall provide consultation 44983  
and technical assistance to school districts, county DD boards, 44984  
community schools, and eligible nonpublic schools operating 44985  
preschool programs or school child programs, and inservice 44986  
training to preschool staff members, school child program staff 44987  
members, and nonteaching employees. 44988

(B) The department and the school district board of 44989  
education, county DD board, community school, or eligible 44990  
nonpublic school shall jointly monitor each preschool program and 44991  
each school child program. 44992

If the program receives any grant or other funding from the 44993  
state or federal government, the department annually shall monitor 44994  
all reports on attendance, financial support, and expenditures 44995  
according to provisions for use of the funds. 44996

(C) The department of education, at least once during every 44997  
twelve-month period of operation of a preschool program or a 44998  
licensed school child program, shall inspect the program and 44999  
provide a written inspection report to the superintendent of the 45000  
school district, county DD board, community school, or eligible 45001  
nonpublic school. The department may inspect any program more than 45002  
once, as considered necessary by the department, during any 45003  
twelve-month period of operation. All inspections may be 45004  
unannounced. No person shall interfere with any inspection 45005  
conducted pursuant to this division or to the rules adopted 45006  
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 45007

Upon receipt of any complaint that a preschool program or a 45008  
licensed school child program is out of compliance with the 45009  
requirements in sections 3301.52 to 3301.59 of the Revised Code or 45010

the rules adopted under those sections, the department shall 45011  
investigate and may inspect the program. 45012

(D) If a preschool program or a licensed school child program 45013  
is determined to be out of compliance with the requirements of 45014  
sections 3301.52 to 3301.59 of the Revised Code or the rules 45015  
adopted under those sections, the department of education shall 45016  
notify the appropriate superintendent, county DD board, community 45017  
school, or eligible nonpublic school in writing regarding the 45018  
nature of the violation, what must be done to correct the 45019  
violation, and by what date the correction must be made. If the 45020  
correction is not made by the date established by the department, 45021  
it may commence action under Chapter 119. of the Revised Code to 45022  
close the program or to revoke the license of the program. If a 45023  
program does not comply with an order to cease operation issued in 45024  
accordance with Chapter 119. of the Revised Code, the department 45025  
shall notify the attorney general, the prosecuting attorney of the 45026  
county in which the program is located, or the city attorney, 45027  
village solicitor, or other chief legal officer of the municipal 45028  
corporation in which the program is located that the program is 45029  
operating in violation of sections 3301.52 to 3301.59 of the 45030  
Revised Code or the rules adopted under those sections and in 45031  
violation of an order to cease operation issued in accordance with 45032  
Chapter 119. of the Revised Code. Upon receipt of the 45033  
notification, the attorney general, prosecuting attorney, city 45034  
attorney, village solicitor, or other chief legal officer shall 45035  
file a complaint in the court of common pleas of the county in 45036  
which the program is located requesting the court to issue an 45037  
order enjoining the program from operating. The court shall grant 45038  
the requested injunctive relief upon a showing that the program 45039  
named in the complaint is operating in violation of sections 45040  
3301.52 to 3301.59 of the Revised Code or the rules adopted under 45041  
those sections and in violation of an order to cease operation 45042  
issued in accordance with Chapter 119. of the Revised Code. 45043

(E) The department of education shall prepare an annual 45044  
report on inspections conducted under this section. The report 45045  
shall include the number of inspections conducted, the number and 45046  
types of violations found, and the steps taken to address the 45047  
violations. The department shall file the report with the 45048  
governor, the president and minority leader of the senate, and the 45049  
speaker and minority leader of the house of representatives on or 45050  
before the first day of January of each year, beginning in 1999. 45051

**Sec. 3301.58.** (A) The department of education is responsible 45052  
for the licensing of preschool programs and school child programs 45053  
and for the enforcement of sections 3301.52 to 3301.59 of the 45054  
Revised Code and of any rules adopted under those sections. No 45055  
school district board of education, county DD board, community 45056  
school, or eligible nonpublic school shall operate, establish, 45057  
manage, conduct, or maintain a preschool program without a license 45058  
issued under this section. A school district board of education, 45059  
county DD board, community school, or eligible nonpublic school 45060  
may obtain a license under this section for a school child 45061  
program. The school district board of education, county DD board, 45062  
community school, or eligible nonpublic school shall post the 45063  
license for each preschool program and licensed school child 45064  
program it operates, establishes, manages, conducts, or maintains 45065  
in a conspicuous place in the preschool program or licensed school 45066  
child program that is accessible to parents, custodians, or 45067  
guardians and employees and staff members of the program at all 45068  
times when the program is in operation. 45069

(B) Any school district board of education, county DD board, 45070  
community school, or eligible nonpublic school that desires to 45071  
operate, establish, manage, conduct, or maintain a preschool 45072  
program shall apply to the department of education for a license 45073  
on a form that the department shall prescribe by rule. Any school 45074  
district board of education, county DD board, community school, or 45075



eligible nonpublic school that desires to obtain a license for a 45076  
school child program shall apply to the department for a license 45077  
on a form that the department shall prescribe by rule. The 45078  
department shall provide at no charge to each applicant for a 45079  
license under this section a copy of the requirements under 45080  
sections 3301.52 to 3301.59 of the Revised Code and any rules 45081  
adopted under those sections. The department may establish 45082  
application fees by rule adopted under Chapter 119. of the Revised 45083  
Code, and all applicants for a license shall pay any fee 45084  
established by the department at the time of making an application 45085  
for a license. All fees collected pursuant to this section shall 45086  
be paid into the state treasury to the credit of the general 45087  
revenue fund. 45088

(C) Upon the filing of an application for a license, the 45089  
department of education shall investigate and inspect the 45090  
preschool program or school child program to determine the license 45091  
capacity for each age category of children of the program and to 45092  
determine whether the program complies with sections 3301.52 to 45093  
3301.59 of the Revised Code and any rules adopted under those 45094  
sections. When, after investigation and inspection, the department 45095  
of education is satisfied that sections 3301.52 to 3301.59 of the 45096  
Revised Code and any rules adopted under those sections are 45097  
complied with by the applicant, the department of education shall 45098  
issue the program a provisional license as soon as practicable in 45099  
the form and manner prescribed by the rules of the department. The 45100  
provisional license shall be valid for one year from the date of 45101  
issuance unless revoked. 45102

(D) The department of education shall investigate and inspect 45103  
a preschool program or school child program that has been issued a 45104  
provisional license at least once during operation under the 45105  
provisional license. If, after the investigation and inspection, 45106  
the department of education determines that the requirements of 45107

sections 3301.52 to 3301.59 of the Revised Code and any rules 45108  
adopted under those sections are met by the provisional licensee, 45109  
the department of education shall issue the program a license. The 45110  
license shall remain valid unless revoked or the program ceases 45111  
operations. 45112

(E) The department of education annually shall investigate 45113  
and inspect each preschool program or school child program 45114  
licensed under division (D) of this section to determine if the 45115  
requirements of sections 3301.52 to 3301.59 of the Revised Code 45116  
and any rules adopted under those sections are met by the program, 45117  
and shall notify the program of the results. 45118

(F) The license or provisional license shall state the name 45119  
of the school district board of education, county DD board, 45120  
community school, or eligible nonpublic school that operates the 45121  
preschool program or school child program and the license capacity 45122  
of the program. 45123

(G) The department of education may revoke the license of any 45124  
preschool program or school child program that is not in 45125  
compliance with the requirements of sections 3301.52 to 3301.59 of 45126  
the Revised Code and any rules adopted under those sections. 45127

(H) If the department of education revokes a license, the 45128  
department shall not issue a license to the program within two 45129  
years from the date of the revocation. All actions of the 45130  
department with respect to licensing preschool programs and school 45131  
child programs shall be in accordance with Chapter 119. of the 45132  
Revised Code. 45133

**Sec. 3301.922.** The department of education shall issue an 45134  
annual report on the participation by public and chartered 45135  
nonpublic schools in the option of sections 3313.674, 3314.15, and 45136  
3326.26 of the Revised Code to screen students for body mass index 45137  
and weight status category. The department shall include in the 45138

report any data regarding student health and wellness collected in 45139  
conjunction with those sections. The department shall submit each 45140  
report to the governor, and the general assembly, ~~and the healthy~~ 45141  
~~choices for healthy children council.~~ 45142

~~Sec. 3301.923. Upon receipt of the initial recommendations of~~ 45143  
~~the healthy choices for healthy children council required by~~ 45144  
~~division (C) of section 3301.921 of the Revised Code, the The~~ 45145  
department of education shall establish a clearinghouse of best 45146  
practices that schools may use to promote student health. The 45147  
department shall update the clearinghouse as necessary ~~to reflect~~ 45148  
~~subsequent recommendations of the council.~~ 45149

**Sec. 3302.02.** Not later than one year after the adoption of 45150  
rules under division (D) of section 3301.0712 of the Revised Code 45151  
and at least every sixth year thereafter, upon recommendations of 45152  
the superintendent of public instruction, the state board of 45153  
education shall establish a set of performance indicators that 45154  
considered as a unit will be used as one of the performance 45155  
categories for the report cards required by section 3302.03 of the 45156  
Revised Code. In establishing these indicators, the superintendent 45157  
shall consider inclusion of student performance on assessments 45158  
prescribed under section 3301.0710 or 3301.0712 of the Revised 45159  
Code, rates of student improvement on such assessments, the 45160  
breadth of coursework available within the district, and other 45161  
indicators of student success. 45162

Beginning with the report card for the 2014-2015 school year, 45163  
the performance indicators shall include an indicator that 45164  
reflects the level of services provided to, and the performance 45165  
of, students identified as gifted under Chapter 3324. of the 45166  
Revised Code. The indicator shall include the performance of 45167  
students identified as gifted on state assessments and value-added 45168  
growth measure disaggregated for students identified as gifted. 45169

For the 2013-2014 school year, except as otherwise provided 45170  
in this section, for any indicator based on the percentage of 45171  
students attaining a proficient score on the assessments 45172  
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 45173  
Revised Code, a school district or building shall be considered to 45174  
have met the indicator if at least eighty per cent of the tested 45175  
students attain a score of proficient or higher on the assessment. 45176  
A school district or building shall be considered to have met the 45177  
indicator for the assessments prescribed by division (B)(1) of 45178  
section 3301.0710 of the Revised Code and only as administered to 45179  
eleventh grade students, if at least eighty-five per cent of the 45180  
tested students attain a score of proficient or higher on the 45181  
assessment. ~~Not later than July 1, 2014, the~~ 45182

The state board may shall adopt rules, under Chapter 119. of 45183  
the Revised Code, to establish ~~different~~ proficiency percentages 45184  
to meet each indicator that is based on a state assessment, 45185  
prescribed under section 3301.0710 or 3301.0712 of the Revised 45186  
Code, for the 2014-2015 school year and thereafter by the 45187  
following dates: 45188

(A) Not later than December 31, 2015, for the 2014-2015 45189  
school year; 45190

(B) Not later than July 1, 2016, for the 2015-2016 school 45191  
year; 45192

(C) Not later than July 1, 2017, for the 2016-2017 school 45193  
year, and for each school year thereafter. 45194

~~The superintendent shall not establish any performance~~ 45195  
~~indicator for passage of the third or fourth grade English~~ 45196  
~~language arts assessment that is solely based on the assessment~~ 45197  
~~given in the fall for the purpose of determining whether students~~ 45198  
~~have met the reading guarantee provisions of section 3313.608 of~~ 45199  
~~the Revised Code.~~ 45200

**Sec. 3302.03.** Annually, not later than the fifteenth day of 45201  
September or the preceding Friday when that day falls on a 45202  
Saturday or Sunday, the department of education shall assign a 45203  
letter grade for overall academic performance and for each 45204  
separate performance measure for each school district, and each 45205  
school building in a district, in accordance with this section. 45206  
The state board shall adopt rules pursuant to Chapter 119. of the 45207  
Revised Code to establish performance criteria for each letter 45208  
grade and prescribe a method by which the department assigns each 45209  
letter grade. For a school building to which any of the 45210  
performance measures do not apply, due to grade levels served by 45211  
the building, the state board shall designate the performance 45212  
measures that are applicable to the building and that must be 45213  
calculated separately and used to calculate the building's overall 45214  
grade. The department shall issue annual report cards reflecting 45215  
the performance of each school district, each building within each 45216  
district, and for the state as a whole using the performance 45217  
measures and letter grade system described in this section. The 45218  
department shall include on the report card for each district and 45219  
each building within each district the most recent two-year trend 45220  
data in student achievement for each subject and each grade. 45221

(A)(1) For the 2012-2013 school year, the department shall 45222  
issue grades as described in division (E) of this section for each 45223  
of the following performance measures: 45224

(a) Annual measurable objectives; 45225

(b) Performance index score for a school district or 45226  
building. Grades shall be awarded as a percentage of the total 45227  
possible points on the performance index system as adopted by the 45228  
state board. In adopting benchmarks for assigning letter grades 45229  
under division (A)(1)(b) of this section, the state board of 45230  
education shall designate ninety per cent or higher for an "A," at 45231

least seventy per cent but not more than eighty per cent for a 45232  
"C," and less than fifty per cent for an "F." 45233

(c) The extent to which the school district or building meets 45234  
each of the applicable performance indicators established by the 45235  
state board under section 3302.02 of the Revised Code and the 45236  
percentage of applicable performance indicators that have been 45237  
achieved. In adopting benchmarks for assigning letter grades under 45238  
division (A)(1)(c) of this section, the state board shall 45239  
designate ninety per cent or higher for an "A." 45240

(d) The four- and five-year adjusted cohort graduation rates. 45241

In adopting benchmarks for assigning letter grades under 45242  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 45243  
department shall designate a four-year adjusted cohort graduation 45244  
rate of ninety-three per cent or higher for an "A" and a five-year 45245  
cohort graduation rate of ninety-five per cent or higher for an 45246  
"A." 45247

(e) The overall score under the value-added progress 45248  
dimension of a school district or building, for which the 45249  
department shall use up to three years of value-added data as 45250  
available. The letter grade assigned for this growth measure shall 45251  
be as follows: 45252

(i) A score that is at least two standard errors of measure 45253  
above the mean score shall be designated as an "A." 45254

(ii) A score that is at least one standard error of measure 45255  
but less than two standard errors of measure above the mean score 45256  
shall be designated as a "B." 45257

(iii) A score that is less than one standard error of measure 45258  
above the mean score but greater than or equal to one standard 45259  
error of measure below the mean score shall be designated as a 45260  
"C." 45261

(iv) A score that is not greater than one standard error of 45262  
measure below the mean score but is greater than or equal to two 45263  
standard errors of measure below the mean score shall be 45264  
designated as a "D." 45265

(v) A score that is not greater than two standard errors of 45266  
measure below the mean score shall be designated as an "F." 45267

Whenever the value-added progress dimension is used as a 45268  
graded performance measure, whether as an overall measure or as a 45269  
measure of separate subgroups, the grades for the measure shall be 45270  
calculated in the same manner as prescribed in division (A)(1)(e) 45271  
of this section. 45272

(f) The value-added progress dimension score for a school 45273  
district or building disaggregated for each of the following 45274  
subgroups: students identified as gifted, students with 45275  
disabilities, and students whose performance places them in the 45276  
lowest quintile for achievement on a statewide basis. Each 45277  
subgroup shall be a separate graded measure. 45278

(2) Not later than April 30, 2013, the state board of 45279  
education shall adopt a resolution describing the performance 45280  
measures, benchmarks, and grading system for the 2012-2013 school 45281  
year and, not later than June 30, 2013, shall adopt rules in 45282  
accordance with Chapter 119. of the Revised Code that prescribe 45283  
the methods by which the performance measures under division 45284  
(A)(1) of this section shall be assessed and assigned a letter 45285  
grade, including performance benchmarks for each letter grade. 45286

At least forty-five days prior to the state board's adoption 45287  
of rules to prescribe the methods by which the performance 45288  
measures under division (A)(1) of this section shall be assessed 45289  
and assigned a letter grade, the department shall conduct a public 45290  
presentation before the standing committees of the house of 45291  
representatives and the senate that consider education legislation 45292

describing such methods, including performance benchmarks.	45293
(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.	45294 45295
(B)(1) For the 2013-2014 <u>and 2014-2015</u> school <del>year</del> <u>years</u> , the department shall issue grades as described in division (E) of this section for each of the following performance measures:	45296 45297 45298
(a) Annual measurable objectives;	45299
(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."	45300 45301 45302 45303 45304 45305 45306 45307
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."	45308 45309 45310 45311 45312 45313 45314
(d) The four- and five-year adjusted cohort graduation rates;	45315
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.	45316 45317 45318 45319
(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive	45320 45321 45322



ability and specific academic ability fields under Chapter 3324. 45323  
of the Revised Code, students with disabilities, and students 45324  
whose performance places them in the lowest quintile for 45325  
achievement on a statewide basis. Each subgroup shall be a 45326  
separate graded measure. 45327

(g) Whether a school district or building is making progress 45328  
in improving literacy in grades kindergarten through three, as 45329  
determined using a method prescribed by the state board. The state 45330  
board shall adopt rules to prescribe benchmarks and standards for 45331  
assigning grades to districts and buildings for purposes of 45332  
division (B)(1)(g) of this section. In adopting benchmarks for 45333  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 45334  
this section, the state board shall determine progress made based 45335  
on the reduction in the total percentage of students scoring below 45336  
grade level, or below proficient, compared from year to year on 45337  
the reading and writing diagnostic assessments administered under 45338  
section 3301.0715 of the Revised Code and the third grade English 45339  
language arts assessment under section 3301.0710 of the Revised 45340  
Code, as applicable. The state board shall designate for a "C" 45341  
grade a value that is not lower than the statewide average value 45342  
for this measure. No grade shall be issued under divisions 45343  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 45344  
in which less than five per cent of students have scored below 45345  
grade level on the diagnostic assessment administered to students 45346  
in kindergarten under division (B)(1) of section 3313.608 of the 45347  
Revised Code. 45348

(h) For a high mobility school district or building, an 45349  
additional value-added progress dimension score. For this measure, 45350  
the department shall use value-added data from the most recent 45351  
school year available and shall use assessment scores for only 45352  
those students to whom the district or building has administered 45353  
the assessments prescribed by section 3301.0710 of the Revised 45354

Code for each of the two most recent consecutive school years. 45355

As used in this division, "high mobility school district or 45356  
building" means a school district or building where at least 45357  
twenty-five per cent of its total enrollment is made up of 45358  
students who have attended that school district or building for 45359  
less than one year. 45360

(2) In addition to the graded measures in division (B)(1) of 45361  
this section, the department shall include on a school district's 45362  
or building's report card all of the following without an assigned 45363  
letter grade: 45364

(a) The percentage of students enrolled in a district or 45365  
building participating in advanced placement classes and the 45366  
percentage of those students who received a score of three or 45367  
better on advanced placement examinations; 45368

(b) The number of a district's or building's students who 45369  
have earned at least three college credits through dual enrollment 45370  
or advanced standing programs, such as the post-secondary 45371  
enrollment options program under Chapter 3365. of the Revised Code 45372  
and state-approved career-technical courses offered through dual 45373  
enrollment or statewide articulation, that appear on a student's 45374  
transcript or other official document, either of which is issued 45375  
by the institution of higher education from which the student 45376  
earned the college credit. The credits earned that are reported 45377  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 45378  
include any that are remedial or developmental and shall include 45379  
those that count toward the curriculum requirements established 45380  
for completion of a degree. 45381

(c) The percentage of students enrolled in a district or 45382  
building who have taken a national standardized test used for 45383  
college admission determinations and the percentage of those 45384  
students who are determined to be remediation-free in accordance 45385

with standards adopted under division (F) of section 3345.061 of  
the Revised Code; 45386  
45387

(d) The percentage of the district's or the building's 45388  
students who receive industry-recognized credentials. The state 45389  
board shall adopt criteria for acceptable industry-recognized 45390  
credentials. 45391

(e) The percentage of students enrolled in a district or 45392  
building who are participating in an international baccalaureate 45393  
program and the percentage of those students who receive a score 45394  
of four or better on the international baccalaureate examinations. 45395

(f) The percentage of the district's or building's students 45396  
who receive an honors diploma under division (B) of section 45397  
3313.61 of the Revised Code. 45398

(3) Not later than December 31, 2013, the state board shall 45399  
adopt rules in accordance with Chapter 119. of the Revised Code 45400  
that prescribe the methods by which the performance measures under 45401  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 45402  
and assigned a letter grade, including performance benchmarks for 45403  
each grade. 45404

At least forty-five days prior to the state board's adoption 45405  
of rules to prescribe the methods by which the performance 45406  
measures under division (B)(1) of this section shall be assessed 45407  
and assigned a letter grade, the department shall conduct a public 45408  
presentation before the standing committees of the house of 45409  
representatives and the senate that consider education legislation 45410  
describing such methods, including performance benchmarks. 45411

(4) There shall not be an overall letter grade for a school 45412  
district or building for the 2013-2014, 2014-2015, and 2015-2016 45413  
school ~~year~~ years. 45414

(C)(1) For the 2014-2015 school year and each school year 45415  
thereafter, the department shall issue grades as described in 45416

division (E) of this section for each of the performance measures 45417  
prescribed in division (C)(1) of this section ~~and an overall~~ 45418  
~~letter grade based on an aggregate of those measures, except for~~ 45419  
~~the performance measure set forth in division (C)(1)(h) of this~~ 45420  
section. The graded measures are as follows: 45421

(a) Annual measurable objectives; 45422

(b) Performance index score for a school district or 45423  
building. Grades shall be awarded as a percentage of the total 45424  
possible points on the performance index system as created by the 45425  
department. In adopting benchmarks for assigning letter grades 45426  
under division (C)(1)(b) of this section, the state board shall 45427  
designate ninety per cent or higher for an "A," at least seventy 45428  
per cent but not more than eighty per cent for a "C," and less 45429  
than fifty per cent for an "F." 45430

(c) The extent to which the school district or building meets 45431  
each of the applicable performance indicators established by the 45432  
state board under section 3302.03 of the Revised Code and the 45433  
percentage of applicable performance indicators that have been 45434  
achieved. In adopting benchmarks for assigning letter grades under 45435  
division (C)(1)(c) of this section, the state board shall 45436  
designate ninety per cent or higher for an "A." 45437

(d) The four- and five-year adjusted cohort graduation rates; 45438

(e) The overall score under the value-added progress 45439  
dimension, or another measure of student academic progress if 45440  
adopted by the state board, of a school district or building, for 45441  
which the department shall use up to three years of value-added 45442  
data as available. 45443

In adopting benchmarks for assigning letter grades for 45444  
overall score on value-added progress dimension under division 45445  
(C)(1)(e) of this section, the state board shall prohibit the 45446  
assigning of a grade of "A" for that measure unless the district's 45447

or building's grade assigned for value-added progress dimension 45448  
for all subgroups under division (C)(1)(f) of this section is a 45449  
"B" or higher. 45450

For the metric prescribed by division (C)(1)(e) of this 45451  
section, the state board may adopt a student academic progress 45452  
measure to be used instead of the value-added progress dimension. 45453  
If the state board adopts such a measure, it also shall prescribe 45454  
a method for assigning letter grades for the new measure that is 45455  
comparable to the method prescribed in division (A)(1)(e) of this 45456  
section. 45457

(f) The value-added progress dimension score of a school 45458  
district or building disaggregated for each of the following 45459  
subgroups: students identified as gifted in superior cognitive 45460  
ability and specific academic ability fields under Chapter 3324. 45461  
of the Revised Code, students with disabilities, and students 45462  
whose performance places them in the lowest quintile for 45463  
achievement on a statewide basis, as determined by a method 45464  
prescribed by the state board. Each subgroup shall be a separate 45465  
graded measure. 45466

The state board may adopt student academic progress measures 45467  
to be used instead of the value-added progress dimension. If the 45468  
state board adopts such measures, it also shall prescribe a method 45469  
for assigning letter grades for the new measures that is 45470  
comparable to the method prescribed in division (A)(1)(e) of this 45471  
section. 45472

(g) Whether a school district or building is making progress 45473  
in improving literacy in grades kindergarten through three, as 45474  
determined using a method prescribed by the state board. The state 45475  
board shall adopt rules to prescribe benchmarks and standards for 45476  
assigning grades to a district or building for purposes of 45477  
division (C)(1)(g) of this section. The state board shall 45478  
designate for a "C" grade a value that is not lower than the 45479

statewide average value for this measure. No grade shall be issued 45480  
under division (C)(1)(g) of this section for a district or 45481  
building in which less than five per cent of students have scored 45482  
below grade level on the kindergarten diagnostic assessment under 45483  
division (B)(1) of section 3313.608 of the Revised Code. 45484

(h) For a high mobility school district or building, an 45485  
additional value-added progress dimension score. For this measure, 45486  
the department shall use value-added data from the most recent 45487  
school year available and shall use assessment scores for only 45488  
those students to whom the district or building has administered 45489  
the assessments prescribed by section 3301.0710 of the Revised 45490  
Code for each of the two most recent consecutive school years. 45491

As used in this division, "high mobility school district or 45492  
building" means a school district or building where at least 45493  
twenty-five per cent of its total enrollment is made up of 45494  
students who have attended that school district or building for 45495  
less than one year. 45496

(2) In addition to the graded measures in division (C)(1) of 45497  
this section, the department shall include on a school district's 45498  
or building's report card all of the following without an assigned 45499  
letter grade: 45500

(a) The percentage of students enrolled in a district or 45501  
building who have taken a national standardized test used for 45502  
college admission determinations and the percentage of those 45503  
students who are determined to be remediation-free in accordance 45504  
with the standards adopted under division (F) of section 3345.061 45505  
of the Revised Code; 45506

(b) The percentage of students enrolled in a district or 45507  
building participating in advanced placement classes and the 45508  
percentage of those students who received a score of three or 45509  
better on advanced placement examinations; 45510

(c) The percentage of a district's or building's students who 45511  
have earned at least three college credits through advanced 45512  
standing programs, such as the college credit plus program under 45513  
Chapter 3365. of the Revised Code and state-approved 45514  
career-technical courses offered through dual enrollment or 45515  
statewide articulation, that appear on a student's college 45516  
transcript issued by the institution of higher education from 45517  
which the student earned the college credit. The credits earned 45518  
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 45519  
section shall not include any that are remedial or developmental 45520  
and shall include those that count toward the curriculum 45521  
requirements established for completion of a degree. 45522

(d) The percentage of the district's or building's students 45523  
who receive an honor's diploma under division (B) of section 45524  
3313.61 of the Revised Code; 45525

(e) The percentage of the district's or building's students 45526  
who receive industry-recognized credentials; 45527

(f) The percentage of students enrolled in a district or 45528  
building who are participating in an international baccalaureate 45529  
program and the percentage of those students who receive a score 45530  
of four or better on the international baccalaureate examinations; 45531

(g) The results of the college and career-ready assessments 45532  
administered under division (B)(1) of section 3301.0712 of the 45533  
Revised Code. 45534

(3) The state board shall adopt rules pursuant to Chapter 45535  
119. of the Revised Code that establish a method to assign an 45536  
overall grade for a school district or school building for the 45537  
~~2014-2015~~ 2016-2017 school year and each school year thereafter. 45538  
The rules shall group the performance measures in divisions (C)(1) 45539  
and (2) of this section into the following components: 45540

(a) Gap closing, which shall include the performance measure 45541

in division (C)(1)(a) of this section; 45542

(b) Achievement, which shall include the performance measures 45543  
in divisions (C)(1)(b) and (c) of this section; 45544

(c) Progress, which shall include the performance measures in 45545  
divisions (C)(1)(e) and (f) of this section; 45546

(d) Graduation, which shall include the performance measure 45547  
in division (C)(1)(d) of this section; 45548

(e) Kindergarten through third-grade literacy, which shall 45549  
include the performance measure in division (C)(1)(g) of this 45550  
section; 45551

(f) Prepared for success, which shall include the performance 45552  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 45553  
this section. The state board shall develop a method to determine 45554  
a grade for the component in division (C)(3)(f) of this section 45555  
using the performance measures in divisions (C)(2)(a), (b), (c), 45556  
(d), (e), and (f) of this section. When available, the state board 45557  
may incorporate the performance measure under division (C)(2)(g) 45558  
of this section into the component under division (C)(3)(f) of 45559  
this section. When determining the overall grade for the prepared 45560  
for success component prescribed by division (C)(3)(f) of this 45561  
section, no individual student shall be counted in more than one 45562  
performance measure. However, if a student qualifies for more than 45563  
one performance measure in the component, the state board may, in 45564  
its method to determine a grade for the component, specify an 45565  
additional weight for such a student that is not greater than or 45566  
equal to 1.0. In determining the overall score under division 45567  
(C)(3)(f) of this section, the state board shall ensure that the 45568  
pool of students included in the performance measures aggregated 45569  
under that division are all of the students included in the four- 45570  
and five-year adjusted graduation cohort. 45571

In the rules adopted under division (C)(3) of this section, 45572



the state board shall adopt a method for determining a grade for 45573  
each component in divisions (C)(3)(a) to (f) of this section. The 45574  
state board also shall establish a method to assign an overall 45575  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 45576  
each component. The method the state board adopts for assigning an 45577  
overall grade shall give equal weight to the components in 45578  
divisions (C)(3)(b) and (c) of this section. 45579

At least forty-five days prior to the state board's adoption 45580  
of rules to prescribe the methods for calculating the overall 45581  
grade for the report card, as required by this division, the 45582  
department shall conduct a public presentation before the standing 45583  
committees of the house of representatives and the senate that 45584  
consider education legislation describing the format for the 45585  
report card, weights that will be assigned to the components of 45586  
the overall grade, and the method for calculating the overall 45587  
grade. 45588

(D) ~~Not later~~ On or after than July 1, 2015, the state board 45589  
~~shall~~ may develop a measure of student academic progress for high 45590  
school students using only data from assessments in English 45591  
language arts and mathematics. ~~For the 2014-2015 school year, the~~ 45592  
~~department shall include this measure on a school district or~~ 45593  
~~building's report card, as applicable, without an assigned letter~~ 45594  
~~grade. Beginning with the report card for the 2015-2016 school~~ 45595  
~~year~~ If the state board develops this measure, each school 45596  
district and applicable school building shall be assigned a 45597  
separate letter grade for ~~this measure and the~~ if not sooner than 45598  
the 2017-2018 school year. The district's or building's grade for 45599  
that measure shall not be included in determining the district's 45600  
or building's overall letter grade. ~~This measure shall be included~~ 45601  
~~within the measure prescribed in division (C)(3)(c) of this~~ 45602  
~~section in the calculation for the overall letter grade.~~ 45603

(E) The letter grades assigned to a school district or 45604

building under this section shall be as follows:	45605
(1) "A" for a district or school making excellent progress;	45606
(2) "B" for a district or school making above average progress;	45607 45608
(3) "C" for a district or school making average progress;	45609
(4) "D" for a district or school making below average progress;	45610 45611
(5) "F" for a district or school failing to meet minimum progress.	45612 45613
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	45614 45615 45616
(1) Performance of students by grade-level;	45617
(2) Performance of students by race and ethnic group;	45618
(3) Performance of students by gender;	45619
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	45620 45621
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	45622 45623 45624
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	45625 45626
(7) Performance of students grouped by those who are economically disadvantaged;	45627 45628
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	45629 45630 45631
(9) Performance of students grouped by those who are	45632

classified as limited English proficient; 45633

(10) Performance of students grouped by those who have 45634  
disabilities; 45635

(11) Performance of students grouped by those who are 45636  
classified as migrants; 45637

(12) Performance of students grouped by those who are 45638  
identified as gifted in superior cognitive ability and the 45639  
specific academic ability fields of reading and math pursuant to 45640  
Chapter 3324. of the Revised Code. In disaggregating specific 45641  
academic ability fields for gifted students, the department shall 45642  
use data for those students with specific academic ability in math 45643  
and reading. If any other academic field is assessed, the 45644  
department shall also include data for students with specific 45645  
academic ability in that field as well. 45646

(13) Performance of students grouped by those who perform in 45647  
the lowest quintile for achievement on a statewide basis, as 45648  
determined by a method prescribed by the state board. 45649

The department may disaggregate data on student performance 45650  
according to other categories that the department determines are 45651  
appropriate. To the extent possible, the department shall 45652  
disaggregate data on student performance according to any 45653  
combinations of two or more of the categories listed in divisions 45654  
(F)(1) to (13) of this section that it deems relevant. 45655

In reporting data pursuant to division (F) of this section, 45656  
the department shall not include in the report cards any data 45657  
statistical in nature that is statistically unreliable or that 45658  
could result in the identification of individual students. For 45659  
this purpose, the department shall not report student performance 45660  
data for any group identified in division (F) of this section that 45661  
contains less than ten students. If the department does not report 45662  
student performance data for a group because it contains less than 45663

ten students, the department shall indicate on the report card 45664  
that is why data was not reported. 45665

(G) The department may include with the report cards any 45666  
additional education and fiscal performance data it deems 45667  
valuable. 45668

(H) The department shall include on each report card a list 45669  
of additional information collected by the department that is 45670  
available regarding the district or building for which the report 45671  
card is issued. When available, such additional information shall 45672  
include student mobility data disaggregated by race and 45673  
socioeconomic status, college enrollment data, and the reports 45674  
prepared under section 3302.031 of the Revised Code. 45675

The department shall maintain a site on the world wide web. 45676  
The report card shall include the address of the site and shall 45677  
specify that such additional information is available to the 45678  
public at that site. The department shall also provide a copy of 45679  
each item on the list to the superintendent of each school 45680  
district. The district superintendent shall provide a copy of any 45681  
item on the list to anyone who requests it. 45682

(I) Division (I) of this section does not apply to conversion 45683  
community schools that primarily enroll students between sixteen 45684  
and twenty-two years of age who dropped out of high school or are 45685  
at risk of dropping out of high school due to poor attendance, 45686  
disciplinary problems, or suspensions. 45687

(1) For any district that sponsors a conversion community 45688  
school under Chapter 3314. of the Revised Code, the department 45689  
shall combine data regarding the academic performance of students 45690  
enrolled in the community school with comparable data from the 45691  
schools of the district for the purpose of determining the 45692  
performance of the district as a whole on the report card issued 45693  
for the district under this section or section 3302.033 of the 45694

Revised Code. 45695

(2) Any district that leases a building to a community school 45696  
located in the district or that enters into an agreement with a 45697  
community school located in the district whereby the district and 45698  
the school endorse each other's programs may elect to have data 45699  
regarding the academic performance of students enrolled in the 45700  
community school combined with comparable data from the schools of 45701  
the district for the purpose of determining the performance of the 45702  
district as a whole on the district report card. Any district that 45703  
so elects shall annually file a copy of the lease or agreement 45704  
with the department. 45705

(3) Any municipal school district, as defined in section 45706  
3311.71 of the Revised Code, that sponsors a community school 45707  
located within the district's territory, or that enters into an 45708  
agreement with a community school located within the district's 45709  
territory whereby the district and the community school endorse 45710  
each other's programs, may exercise either or both of the 45711  
following elections: 45712

(a) To have data regarding the academic performance of 45713  
students enrolled in that community school combined with 45714  
comparable data from the schools of the district for the purpose 45715  
of determining the performance of the district as a whole on the 45716  
district's report card; 45717

(b) To have the number of students attending that community 45718  
school noted separately on the district's report card. 45719

The election authorized under division (I)(3)(a) of this 45720  
section is subject to approval by the governing authority of the 45721  
community school. 45722

Any municipal school district that exercises an election to 45723  
combine or include data under division (I)(3) of this section, by 45724  
the first day of October of each year, shall file with the 45725

department documentation indicating eligibility for that election, 45726  
as required by the department. 45727

(J) The department shall include on each report card the 45728  
percentage of teachers in the district or building who are highly 45729  
qualified, as defined by the No Child Left Behind Act of 2001, and 45730  
a comparison of that percentage with the percentages of such 45731  
teachers in similar districts and buildings. 45732

(K)(1) In calculating English language arts, mathematics, 45733  
social studies, or science assessment passage rates used to 45734  
determine school district or building performance under this 45735  
section, the department shall include all students taking an 45736  
assessment with accommodation or to whom an alternate assessment 45737  
is administered pursuant to division (C)(1) or (3) of section 45738  
3301.0711 of the Revised Code. 45739

(2) In calculating performance index scores, rates of 45740  
achievement on the performance indicators established by the state 45741  
board under section 3302.02 of the Revised Code, and annual 45742  
measurable objectives for determining adequate yearly progress for 45743  
school districts and buildings under this section, the department 45744  
shall do all of the following: 45745

(a) Include for each district or building only those students 45746  
who are included in the ADM certified for the first full school 45747  
week of October and are continuously enrolled in the district or 45748  
building through the time of the spring administration of any 45749  
assessment prescribed by division (A)(1) or (B)(1) of section 45750  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 45751  
that is administered to the student's grade level; 45752

(b) Include cumulative totals from both the fall and spring 45753  
administrations of the third grade English language arts 45754  
achievement assessment; 45755

(c) Except as required by the No Child Left Behind Act of 45756

2001, exclude for each district or building any limited English 45757  
proficient student who has been enrolled in United States schools 45758  
for less than one full school year. 45759

(L) Beginning with the 2015-2016 school year and at least 45760  
once every three years thereafter, the state board of education 45761  
shall review and may adjust the benchmarks for assigning letter 45762  
grades to the performance measures and components prescribed under 45763  
divisions (C)(3) and (D) of this section. 45764

**Sec. 3302.036.** (A)(1) Notwithstanding anything in the Revised 45765  
Code to the contrary, ~~the~~ for the 2014-2015 and 2015-2016 school 45766  
years only, the department of education shall not assign an 45767  
overall letter grade under division (C)(3) of section 3302.03 of 45768  
the Revised Code for any school district or building ~~for the~~ 45769  
~~2014-2015 school year.~~ 45770

(2) Notwithstanding anything in the Revised Code to the 45771  
contrary, for the 2014-2015 school year only: 45772

(a) The department may, at the discretion of the state board 45773  
of education, not assign an individual grade to any component 45774  
prescribed under division (C)(3) of section 3302.03 of the Revised 45775  
Code, ~~and.~~ 45776

(b) The department shall not rank school districts, community 45777  
schools established under Chapter 3314. of the Revised Code, or 45778  
STEM schools established under Chapter 3326. of the Revised Code 45779  
under section 3302.21 of the Revised Code ~~for that school year.~~ 45780  
~~The.~~ 45781

(c) The department shall not assign a grade for performance 45782  
index score under division (C)(1)(b) of section 3302.03 of the 45783  
Revised Code for any school district or building. 45784

(B)(1) The report card ratings issued for the 2014-2015 45785  
school year shall not be considered in determining whether a 45786

school district or a school is subject to ~~sanctions or penalties~~ 45787  
the provisions prescribed under division (B)(2) of this section. 45788  
However, the report card ratings of any previous or subsequent 45789  
years shall be considered in determining whether a school district 45790  
or building is subject to sanctions or penalties. Accordingly, the 45791  
report card ratings for the 2014-2015 school year shall have no 45792  
effect in determining ~~sanctions or penalties~~ the provisions 45793  
prescribed under division (B)(2) of this section, but shall not 45794  
create a new starting point for determinations that are based on 45795  
ratings over multiple years. 45796

~~(B)(2)~~ The provisions from which a district or school is 45797  
exempt under division ~~(A)~~(B)(1) of this section shall be the 45798  
following: 45799

~~(1)(a)~~ Any restructuring provisions established under this 45800  
chapter, except as required under the "No Child Left Behind Act of 45801  
2001"; 45802

~~(2)(b)~~ Provisions for the Columbus city school pilot project 45803  
under section 3302.042 of the Revised Code; 45804

~~(3)(c)~~ Provisions for academic distress commissions under 45805  
section 3302.10 of the Revised Code; 45806

~~(4)(d)~~ Provisions prescribing new buildings where students 45807  
are eligible for the educational choice scholarships under section 45808  
3310.03 of the Revised Code; 45809

~~(5)(e)~~ Provisions defining "challenged school districts" in 45810  
which new start-up community schools may be located, as prescribed 45811  
in section 3314.02 of the Revised Code; 45812

~~(6)(f)~~ Provisions prescribing community school closure 45813  
requirements under section 3314.35 or 3314.351 of the Revised 45814  
Code. 45815

(C) Notwithstanding anything in the Revised Code to the 45816



contrary and except as provided in Section 3 of H.B. 7 of the 45817  
131st general assembly, no school district, community school, or 45818  
STEM school shall utilize at any time during a student's academic 45819  
career a student's score on any assessment administered under 45820  
division (A) of section 3301.0710 or division (B)(2) of section 45821  
3301.0712 of the Revised Code in the 2014-2015 or 2015-2016 school 45822  
year as a factor in any decision to promote or to deny the student 45823  
promotion to a higher grade level or in any decision to grant 45824  
course credit. No individual student score reports on such 45825  
assessments administered in the 2014-2015 or 2015-2016 school year 45826  
shall be released, except to a student's school district or school 45827  
or to the student or the student's parent or guardian. 45828

**Sec. 3302.05.** The state board of education shall adopt rules 45829  
freeing school districts from specified state mandates if one of 45830  
the following applies: 45831

(A) For the 2011-2012 school year, the school district was 45832  
declared to be excellent under section 3302.03 of the Revised 45833  
Code, as that section existed prior to ~~the effective date of this~~ 45834  
~~section~~ March 22, 2013, and had above expected growth in the 45835  
overall value-added measure. 45836

(B) For the 2012-2013 school year, the school district 45837  
received a grade of "A" for the number of performance indicators 45838  
met under division (A)(1)(c) of section 3302.03 of the Revised 45839  
Code and for the value-added dimension under division (A)(1)(e) of 45840  
section 3302.03 of the Revised Code. 45841

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 45842  
the school district received a grade of "A" for the number of 45843  
performance indicators met under division (B)(1)(c) of section 45844  
3302.03 of the Revised Code and for the value-added dimension 45845  
under division (B)(1)(e) of section 3302.03 of the Revised Code. 45846

(D) For the ~~2014-2015~~ 2016-2017 school year and for each 45847

school year thereafter, the school district received an overall 45848  
grade of "A" under division (C)(3) of section 3302.03 of the 45849  
Revised Code. 45850

Any mandates included in the rules shall be only those 45851  
statutes or rules pertaining to state education requirements. The 45852  
rules shall not exempt districts from any operating standard 45853  
adopted under division (D)(3) of section 3301.07 of the Revised 45854  
Code. 45855

**Sec. 3302.15.** (A) Notwithstanding anything to the contrary in 45856  
Chapter 3301. or 3302. of the Revised Code, the board of education 45857  
of a school district, governing authority of a community school 45858  
established under Chapter 3314. of the Revised Code, or governing 45859  
body of a STEM school established under Chapter 3326. of the 45860  
Revised Code may submit to the superintendent of public 45861  
instruction, during the 2015-2016 school year, a request for a 45862  
waiver for up to five school years from administering the state 45863  
achievement assessments required under sections 3301.0710 and 45864  
3301.0712 of the Revised Code and related requirements specified 45865  
under division ~~(C)~~(B)(2) of this section. A district or school 45866  
that obtains a waiver under this section shall use the alternative 45867  
assessment system, as proposed by the district or school and as 45868  
approved by the state superintendent, in place of the assessments 45869  
required under sections 3301.0710 and 3301.0712 of the Revised 45870  
Code. 45871

~~(B) To be eligible to submit a request for a waiver under 45872  
this section, a school district shall be a member of the Ohio 45873  
innovation lab network. 45874~~

~~(C)~~(1) A request for a waiver under this section shall 45875  
contain the following: 45876

(a) A timeline to develop and implement an alternative 45877  
assessment system for the ~~school~~ district or school; 45878

(b) An overview of the proposed innovative educational programs or strategies to be offered by the ~~school~~ district or school; 45879  
45880  
45881

(c) An overview of the proposed alternative assessment system, ~~including links to state accepted and nationally accepted metrics, assessments, and evaluations;~~ 45882  
45883  
45884

(d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners; 45885  
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(e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices; 45891  
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(f) An acknowledgement by the ~~school~~ district or school of federal funding that may be impacted by obtaining a waiver. 45899  
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(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a ~~school~~ district or school may be exempt are as follows: 45901  
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45903  
45904  
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(a) The required administration of state assessments under sections 3301.0710 and 3301.0712 of the Revised Code; 45907  
45908

(b) The evaluation of teachers and administrators under 45909

sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 45910  
of the Revised Code; 45911

(c) The reporting of student achievement data for the purpose 45912  
of the report card ratings prescribed under section 3302.03 of the 45913  
Revised Code. 45914

~~(D)~~(C) Each request for a waiver shall include the signature 45915  
of all of the following: 45916

(1) The superintendent of the school district or the 45917  
equivalent for a community school or STEM school; 45918

(2) The president of the district board or the equivalent for 45919  
a community school or STEM school; 45920

(3) The presiding officer of the labor organization 45921  
representing the district's or school's teachers, if any; 45922

(4) If the district's or school's teachers are not 45923  
represented by a labor organization, the principal and a majority 45924  
of the administrators and teachers of the district or school. 45925

~~(E)~~ ~~Not later than thirty days after receiving~~ (D) Upon 45926  
receipt of a request for a waiver, the state superintendent shall 45927  
approve or deny the waiver or may request additional information 45928  
from the district or school. The state superintendent shall not 45929  
grant waivers to more than a total of ten ~~school~~ districts, 45930  
community schools, or STEM schools, based on requests for a waiver 45931  
received during the 2015-2016 school year. A waiver granted to a 45932  
~~school~~ district or school shall be contingent on an ongoing review 45933  
and evaluation by the state superintendent of the program for 45934  
which the waiver was granted. 45935

~~(F)~~(E)(1) For the purpose of this section, the department of 45936  
education shall seek a waiver from the testing requirements 45937  
prescribed under the "No Child Left Behind Act of 2001," if 45938  
necessary to implement this section. 45939

(2) The department shall create a mechanism for the 45940  
comparison of the alternative assessments prescribed under 45941  
division ~~(C)~~(B) of this section and the assessments required under 45942  
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 45943  
to the evaluation of teachers and student achievement data for the 45944  
purpose of state report card ratings. 45945

(F) For purposes of this section, "innovative educational 45946  
program or strategy" means a program or strategy using a new idea 45947  
or method aimed at increasing student engagement and preparing 45948  
students to be college or career ready. 45949

Sec. 3304.171. (A) As used in this section, "OhioMeansJobs" 45950  
has the same meaning as in section 6301.01 of the Revised Code. 45951

(B) Beginning January 1, 2016, each recipient of vocational 45952  
rehabilitation services provided under section 3304.17 of the 45953  
Revised Code shall create an account with OhioMeansJobs upon 45954  
initiation of a job search as a part of receiving those services. 45955

(C) Division (B) of this section does not apply to any 45956  
individual who is legally prohibited from using a computer, has a 45957  
physical or visual impairment that makes the individual unable to 45958  
use a computer, or has a limited ability to read, write, speak, or 45959  
understand a language in which OhioMeansJobs is available. 45960

**Sec. 3305.052.** (A) The state retirement system that covers 45961  
the position held by an employee of a public institution of higher 45962  
education who makes an election under division (B)(2) or (3) of 45963  
section 3305.05 or division (B) of section 3305.051 of the Revised 45964  
Code to participate in the public institution's alternative 45965  
retirement plan shall, not later than thirty days after the date 45966  
on which the certified copy of the employee's election is filed 45967  
with the state retirement system under that section, do one of the 45968  
following: 45969

(1) If the employee was participating in a defined benefit 45970  
plan as provided in sections 145.201 to 145.79, sections 3307.50 45971  
to 3307.79, or sections 3309.18 to 3309.76 of the Revised Code, 45972  
pay to the provider of the investment option selected by the 45973  
employee any employee and employer contributions made to the 45974  
retirement system by or on behalf of that employee for the period 45975  
beginning on the employee's starting day of employment and ending 45976  
on the day before the day on which contributions commence under an 45977  
alternative retirement plan, less the amount due the retirement 45978  
system pursuant to division (D) of section 3305.06 or 3305.062 of 45979  
the Revised Code for that period. 45980

(2) If the employee was participating in a defined 45981  
contribution plan as provided in section 145.81, 3307.81, or 45982  
3309.81 of the Revised Code, pay to the provider of the investment 45983  
option selected by the employee the amount on deposit in the 45984  
employee's individual account for the period beginning on the 45985  
employee's starting day of employment and ending on the day before 45986  
the day on which contributions commence under an alternative 45987  
retirement plan. 45988

(B) The state retirement system that covers the position held 45989  
by an employee of a public institution of higher education who 45990  
makes an election under division (B)(1) of section 3305.05 or 45991  
division (C) of section 3305.051 of the Revised Code to 45992  
participate in the public institution's alternative retirement 45993  
plan shall, not later than thirty days after the date on which a 45994  
certified copy of the employee's election is filed with the state 45995  
retirement system under that section, do one of the following: 45996

(1) If the employee was participating in a defined benefit 45997  
plan as provided in sections 145.201 to 145.79, sections 3307.50 45998  
to 3307.79, or sections 3309.18 to 3309.70 of the Revised Code, 45999  
pay to the provider of the investment option selected by the 46000  
employee any employee and employer contributions made to the 46001

retirement system by or on behalf of that employee for any period 46002  
commencing after the date on which the election becomes 46003  
irrevocable under division (C)(1) of section 3305.05 of the 46004  
Revised Code or the applicable date described in division 46005  
(C)(2)(a) or (b) of section 3305.051 of the Revised Code and 46006  
ending on the day before the day on which contributions commence 46007  
under an alternative retirement plan, less the amount due the 46008  
retirement system pursuant to division (D) of section 3305.06 or 46009  
3305.062 of the Revised Code for that period. 46010

(2) If the employee was participating in a defined 46011  
contribution plan as provided in section 145.81, 3307.81, or 46012  
3309.81 of the Revised Code, pay to the provider of the investment 46013  
option selected by the employee the amount on deposit in the 46014  
employee's individual account for the period commencing after the 46015  
date on which the election becomes irrevocable under division 46016  
(C)(1) of section 3305.05 of the Revised Code and ending on the 46017  
day before the day on which contributions commence under an 46018  
alternative retirement plan. 46019

Sec. 3305.062. Notwithstanding section 171.07, division (D) 46020  
of section 3305.06, and section 3305.061 of the Revised Code, the 46021  
percentage of an electing employee's compensation contributed to 46022  
the state retirement system that would otherwise cover the 46023  
employee by a public institution of higher education under 46024  
division (D) of section 3305.06 of the Revised Code is as follows: 46025

(A) In the case of the public employees retirement system, 46026  
seventy-seven one-hundredths per cent; 46027

(B) In the case of the state teachers retirement system, four 46028  
and one-half per cent; 46029

(C) In the case of the school employees retirement system, 46030  
six per cent. 46031

**Sec. 3305.08.** Any payment, benefit, or other right accruing 46032  
to any electing employee under a contract entered into for 46033  
purposes of an alternative retirement plan and all moneys, 46034  
investments, and income of those contracts are exempt from any 46035  
state tax, except the tax imposed by section 5747.02 of the 46036  
Revised Code, are exempt from any county, municipal, or other 46037  
local tax, except income taxes imposed pursuant to section 46038  
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 46039  
provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 46040  
3119.81, 3121.02, 3121.03, 3123.06, 3305.09, and 3305.12 of the 46041  
Revised Code, shall not be subject to execution, garnishment, 46042  
attachment, the operation of bankruptcy or the insolvency law, or 46043  
other process of law, and shall be unassignable except as 46044  
specifically provided in this section and sections 3105.171, 46045  
3105.65, 3119.80, 3119.81, 3121.02, 3121.03, ~~3115.32~~ 3115.501, and 46046  
3123.06 of the Revised Code or in any contract the electing 46047  
employee has entered into for purposes of an alternative 46048  
retirement plan. 46049

**Sec. 3305.21.** (A) As used in this section, "alternate payee," 46050  
"benefit," "lump sum payment," and "participant" have the same 46051  
meanings as in section 3105.80 of the Revised Code. 46052

(B) On receipt of an order issued under section 3105.171 or 46053  
3105.65 of the Revised Code, an entity providing a participant's 46054  
alternative retirement plan shall determine whether the order 46055  
meets the requirements of sections 3105.80 to 3105.90 of the 46056  
Revised Code, ~~the.~~ The entity shall retain in the ~~particant's~~ 46057  
participant's record an order the entity determines meets the 46058  
requirements. Not later than ten days after receipt, the entity 46059  
shall return to the court that issued the order any order the 46060  
entity determines does not meet the requirements. 46061

(C) The entity shall comply with an order retained under 46062



division (B) of this section at the following times as 46063  
appropriate: 46064

(1) If the participant has applied for or is receiving a 46065  
benefit or has applied for but not yet received a lump sum 46066  
payment, as soon as practicable; 46067

(2) If the participant has not applied for a benefit or lump 46068  
sum payment, on application by the participant for a benefit or 46069  
lump sum payment. 46070

(D) If an entity providing an alternative retirement plan is 46071  
required to transfer a participant's account balance to an entity 46072  
providing an alternative retirement plan that is not named in the 46073  
order, the transferring entity shall do both of the following: 46074

(1) Notify the court that issued the order by sending the 46075  
court a copy of the order and the name and address of the entity 46076  
to which the transfer was made. 46077

(2) Send a copy of the order to the entity to which the 46078  
transfer was made. 46079

(E) An entity that receives a participant's account balance 46080  
and a copy of an order as provided in division (D) of this 46081  
section, shall administer the order as if it were the entity named 46082  
in the order. 46083

(F) If a participant's benefit or lump sum payment is or will 46084  
be subject to more than one order described in section 3105.81 of 46085  
the Revised Code or to an order described in section 3105.81 of 46086  
the Revised Code and a withholding order under section 3111.23 or 46087  
3113.21 of the Revised Code, the entity providing the alternative 46088  
retirement plan shall, after determining that the amounts that are 46089  
or will be withheld will cause the benefit or lump sum payment to 46090  
fall below the limits described in section 3105.85 of the Revised 46091  
Code, do all of the following: 46092

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the entity providing a participant's alternative retirement plan. The entity is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) An entity providing an alternative retirement plan is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

**Sec. 3307.01.** As used in this chapter:

(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid.

(B)(1) ~~"Teacher"~~ Except as otherwise provided in division (B)(2) of this section, "teacher" means all of the following:

(a) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3311.77 or 3319.08 of the Revised Code in a position for which the person is required to have a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

(b) Any person employed as a teacher ~~by~~ in a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;

(c) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

(e) The educational employees of the department of education, as determined by the state superintendent of public instruction.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

(2) "Teacher" does not include ~~any~~ either of the following:

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan

established under Chapter 3305. of the Revised Code; 46154

(b) Any individual excluded from membership pursuant to 46155  
section 3307.011 of the Revised Code. 46156

(C) "Member" means any person included in the membership of 46157  
the state teachers retirement system, which shall consist of all 46158  
teachers and contributors as defined in divisions (B) and (D) of 46159  
this section and all disability benefit recipients, as defined in 46160  
section 3307.50 of the Revised Code. However, for purposes of this 46161  
chapter, the following persons shall not be considered members: 46162

(1) A student, intern, or resident who is not a member while 46163  
employed part-time by a school, college, or university at which 46164  
the student, intern, or resident is regularly attending classes; 46165

(2) A person denied membership pursuant to section 3307.24 of 46166  
the Revised Code; 46167

(3) An other system retirant, as defined in section 3307.35 46168  
of the Revised Code, or a superannuate; 46169

(4) An individual employed in a program established pursuant 46170  
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 46171  
U.S.C.A. 1501; 46172

(5) The surviving spouse of a member or retirant if the 46173  
surviving spouse's only connection to the retirement system is an 46174  
account in an STRS defined contribution plan. 46175

(D) "Contributor" means any person who has an account in the 46176  
teachers' savings fund or defined contribution fund, except that 46177  
"contributor" does not mean a member or retirant's surviving 46178  
spouse with an account in an STRS defined contribution plan. 46179

(E) "Beneficiary" means any person eligible to receive, or in 46180  
receipt of, a retirement allowance or other benefit provided by 46181  
this chapter. 46182

(F) "Year" means the year beginning the first day of July and 46183

ending with the thirtieth day of June next following, except that 46184  
for the purpose of determining final average salary under the plan 46185  
described in sections 3307.50 to 3307.79 of the Revised Code, 46186  
"year" may mean the contract year. 46187

(G) "Local district pension system" means any school teachers 46188  
pension fund created in any school district of the state in 46189  
accordance with the laws of the state prior to September 1, 1920. 46190

(H) "Employer contribution" means the amount paid by an 46191  
employer, as determined by the employer rate, including the normal 46192  
and deficiency rates, contributions, and funds wherever used in 46193  
this chapter. 46194

(I) "Five years of service credit" means employment covered 46195  
under this chapter and employment covered under a former 46196  
retirement plan operated, recognized, or endorsed by a college, 46197  
institute, university, or political subdivision of this state 46198  
prior to coverage under this chapter. 46199

(J) "Actuary" means an actuarial professional contracted with 46200  
or employed by the state teachers retirement board, who shall be 46201  
either of the following: 46202

(1) A member of the American academy of actuaries; 46203

(2) A firm, partnership, or corporation of which at least one 46204  
person is a member of the American academy of actuaries. 46205

(K) "Fiduciary" means a person who does any of the following: 46206

(1) Exercises any discretionary authority or control with 46207  
respect to the management of the system, or with respect to the 46208  
management or disposition of its assets; 46209

(2) Renders investment advice for a fee, direct or indirect, 46210  
with respect to money or property of the system; 46211

(3) Has any discretionary authority or responsibility in the 46212  
administration of the system. 46213

(L)(1) Except as provided in this division, "compensation" 46214  
means all salary, wages, and other earnings paid to a teacher by 46215  
reason of the teacher's employment, including compensation paid 46216  
pursuant to a supplemental contract. The salary, wages, and other 46217  
earnings shall be determined prior to determination of the amount 46218  
required to be contributed to the teachers' savings fund or 46219  
defined contribution fund under section 3307.26 of the Revised 46220  
Code and without regard to whether any of the salary, wages, or 46221  
other earnings are treated as deferred income for federal income 46222  
tax purposes. 46223

(2) Compensation does not include any of the following: 46224

(a) Payments for accrued but unused sick leave or personal 46225  
leave, including payments made under a plan established pursuant 46226  
to section 124.39 of the Revised Code or any other plan 46227  
established by the employer; 46228

(b) Payments made for accrued but unused vacation leave, 46229  
including payments made pursuant to section 124.13 of the Revised 46230  
Code or a plan established by the employer; 46231

(c) Payments made for vacation pay covering concurrent 46232  
periods for which other salary, compensation, or benefits under 46233  
this chapter or Chapter 145. or 3309. of the Revised Code are 46234  
paid; 46235

(d) Amounts paid by the employer to provide life insurance, 46236  
sickness, accident, endowment, health, medical, hospital, dental, 46237  
or surgical coverage, or other insurance for the teacher or the 46238  
teacher's family, or amounts paid by the employer to the teacher 46239  
in lieu of providing the insurance; 46240

(e) Incidental benefits, including lodging, food, laundry, 46241  
parking, or services furnished by the employer, use of the 46242  
employer's property or equipment, and reimbursement for 46243  
job-related expenses authorized by the employer, including moving 46244

and travel expenses and expenses related to professional development;	46245 46246
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;	46247 46248 46249
(g) Payments by the employer for services not actually rendered;	46250 46251
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	46252 46253 46254
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	46255 46256 46257 46258 46259 46260
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	46261 46262 46263 46264 46265 46266
(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section;	46267 46268 46269
(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.	46270 46271 46272 46273
(i) Payments made to or on behalf of a teacher that are in	46274

excess of the annual compensation that may be taken into account 46275  
by the retirement system under division (a)(17) of section 401 of 46276  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 46277  
401(a)(17), as amended. For a teacher who first establishes 46278  
membership before July 1, 1996, the annual compensation that may 46279  
be taken into account by the retirement system shall be determined 46280  
under division (d)(3) of section 13212 of the "Omnibus Budget 46281  
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 46282

(j) Payments made under division (B), (C), or (E) of section 46283  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 46284  
No. 3 of the 119th general assembly, Section 3 of Amended 46285  
Substitute Senate Bill No. 164 of the 124th general assembly, or 46286  
Amended Substitute House Bill No. 405 of the 124th general 46287  
assembly; 46288

(k) Anything of value received by the teacher that is based 46289  
on or attributable to retirement or an agreement to retire; 46290

(l) Any amount paid by the employer as a retroactive payment 46291  
of earnings, damages, or back pay pursuant to a court order, 46292  
court-adopted settlement agreement, or other settlement agreement, 46293  
unless the retirement system receives both of the following: 46294

(i) Teacher and employer contributions under sections 3307.26 46295  
and 3307.28 of the Revised Code, plus interest compounded annually 46296  
at a rate determined by the board, for each year or portion of a 46297  
year for which amounts are paid under the order or agreement; 46298

(ii) Teacher and employer contributions under sections 46299  
3307.26 and 3307.28 of the Revised Code, plus interest compounded 46300  
annually at a rate determined by the board, for each year or 46301  
portion of a year not subject to division (L)(2)(1)(i) of this 46302  
section for which the board determines the teacher was improperly 46303  
paid, regardless of the teacher's ability to recover on such 46304  
amounts improperly paid. 46305



(3) The retirement board shall determine both of the following:	46306 46307
(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;	46308 46309
(b) Whether any form of earnings not enumerated in this division is to be included in compensation.	46310 46311
Decisions of the board made under this division shall be final.	46312 46313
(M) "Superannuate" means both of the following:	46314
(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;	46315 46316
(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.	46317 46318 46319 46320 46321
For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.	46322 46323 46324 46325 46326
(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.	46327 46328
(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section.	46329 46330 46331
<u>Sec. 3307.011. (A) As used in this section, "operator" has the same meaning as in section 3314.02 of the Revised Code.</u>	46332 46333
<u>(B) Not later than sixty days after the effective date of</u>	46334

this amendment, an operator of a community school established 46335  
under Chapter 3314. of the Revised Code may elect to have excluded 46336  
from membership in the state teachers retirement system all 46337  
individuals to whom all of the following apply: 46338

(1) The individuals' earnings from employment by the operator 46339  
are subject to the tax on wages imposed by the "Federal Insurance 46340  
Contributions Act," 68A Stat. 415 (1954), 26 U.S.C. 3101, as 46341  
amended. 46342

(2) The operator would otherwise be required to pay employer 46343  
contributions on behalf of the individuals to the retirement 46344  
system pursuant to a contract between the operator and the 46345  
governing authority of the community school. 46346

(3) The operator offers each of the individuals the 46347  
opportunity to participate in a deferred compensation plan that 46348  
receives favorable tax treatment under the Internal Revenue Code. 46349

(C) On receipt of notice under division (B) of this section, 46350  
the retirement system shall exclude the individuals described in 46351  
that division from membership in the retirement system. 46352

(D) An election made pursuant to division (B) of this section 46353  
is final and may not be revoked once notice is received by the 46354  
retirement system. 46355

(E) For purposes of this chapter, a person who is removed 46356  
from membership in the retirement system pursuant to this section 46357  
ceases to be a teacher for the employment for which the notice was 46358  
given. 46359

(F) The auditor of state shall annually review a deferred 46360  
compensation plan offered pursuant to division (B)(3) of this 46361  
section to determine whether the plan is in compliance with the 46362  
federal law requirements a plan must meet to receive favorable tax 46363  
treatment under the Internal Revenue Code. 46364

If the auditor determines that a plan is not in compliance with the federal law requirements, the auditor, after giving notice and affording an opportunity for an adjudication conducted in accordance with Chapter 119. of the Revised Code, shall order the operation to permanently close the community school in accordance with section 3314.075 of the Revised Code.

**Sec. 3307.152.** (A) As used in this section and in section 3307.154 of the Revised Code:

(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.45 of the Revised Code or under comparable laws of another state or of the United States.

(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(3) "Ohio-qualified agent" means an agent designated as such by the state teachers retirement board.

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state teachers retirement board.

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.

(B) The state teachers retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:

(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code.

(2) The agent is authorized to conduct business in this state.

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 46394  
46395

(C) The state teachers retirement board shall adopt and 46396  
implement a written policy to establish criteria and procedures 46397  
used to select agents to execute securities transactions on behalf 46398  
of the retirement system. The policy shall address each of the 46399  
following: 46400

(1) Commissions charged by the agent, both in the aggregate 46401  
and on a per share basis; 46402

(2) The execution speed and trade settlement capabilities of 46403  
the agent; 46404

(3) The responsiveness, reliability, and integrity of the 46405  
agent; 46406

(4) The nature and value of research provided by the agent; 46407

(5) Any special capabilities of the agent. 46408

(D)(1) The board shall, at least annually, establish a policy 46409  
with the goal to increase utilization by the board of 46410  
Ohio-qualified agents for the execution of domestic equity and 46411  
fixed income trades on behalf of the retirement system, when an 46412  
Ohio-qualified agent offers quality, services, and safety 46413  
comparable to other agents otherwise available to the board and 46414  
meets the criteria established under division (C) of this section. 46415

(2) The board shall review, at least annually, the 46416  
performance of the agents that execute securities transactions on 46417  
behalf of the board. 46418

(3) The board shall determine whether an agent is an 46419  
Ohio-qualified agent, meets the criteria established by the board 46420  
pursuant to division (C) of this section, and offers quality, 46421  
services, and safety comparable to other agents otherwise 46422  
available to the board. The board's determination shall be final. 46423

~~(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~ 46424  
46425  
46426

~~(1) The name of each agent designated as an Ohio qualified agent under this section;~~ 46427  
46428

~~(2) The name of each agent that executes securities transactions on behalf of the board;~~ 46429  
46430

~~(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~ 46431  
46432  
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~~(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~ 46435  
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~~(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~ 46438  
46439  
46440  
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~~(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.~~ 46442  
46443

**Sec. 3307.154.** (A) The state teachers retirement board shall, 46444  
for the purposes of this section, designate an investment manager 46445  
as an Ohio-qualified investment manager if the investment manager 46446  
meets all of the following requirements: 46447

(1) The investment manager is subject to taxation under 46448  
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 46449

(2) The investment manager meets one of the following 46450  
requirements: 46451

(a) Has its corporate headquarters or principal place of 46452

business in this state; 46453

(b) Employs at least five hundred individuals in this state; 46454

(c) Has a principal place of business in this state and 46455  
employs at least twenty residents of this state. 46456

(B)(1) The board shall, at least annually, establish a policy 46457  
with the goal to increase utilization by the board of 46458  
Ohio-qualified investment managers, when an Ohio-qualified 46459  
investment manager offers quality, services, and safety comparable 46460  
to other investment managers otherwise available to the board. The 46461  
policy shall also provide for the following: 46462

(a) A process whereby the board can develop a list of 46463  
Ohio-qualified investment managers and their investment products; 46464

(b) A process whereby the board can give public notice to 46465  
Ohio-qualified investment managers of the board's search for an 46466  
investment manager that includes the board's search criteria. 46467

(2) The board shall determine whether an investment manager 46468  
is an Ohio-qualified investment manager and whether the investment 46469  
manager offers quality, services, and safety comparable to other 46470  
investment managers otherwise available to the board. The board's 46471  
determination shall be final. 46472

~~(C) The board shall, at least annually, submit to the Ohio 46473  
retirement study council a report containing the following 46474  
information: 46475~~

~~(1) The name of each investment manager designated as an 46476  
Ohio-qualified investment manager under this section; 46477~~

~~(2) The name of each investment manager with which the board 46478  
contracts; 46479~~

~~(3) The amount of assets managed by Ohio-qualified investment 46480  
managers, expressed as a percentage of the total assets held by 46481  
the retirement system and as a percentage of assets managed by 46482~~

<del>investment managers with which the board has contracted;</del>	46483
<del>(4) The compensation paid to Ohio qualified investment</del>	46484
<del>managers, expressed as a percentage of total compensation paid to</del>	46485
<del>all investment managers with which the board has contracted;</del>	46486
<del>(5) Any other information requested by the Ohio retirement</del>	46487
<del>study council regarding the board's use of investment managers.</del>	46488
<b>Sec. 3307.371.</b> (A) As used in this section, "alternate	46489
payee," "benefit," "lump sum payment," "participant," and "public	46490
retirement program" have the same meanings as in section 3105.80	46491
of the Revised Code.	46492
(B) On receipt of an order issued under section 3105.171 or	46493
3105.65 of the Revised Code, the state teachers retirement system	46494
shall determine whether the order meets the requirements of	46495
sections 3105.80 to 3105.90 of the Revised Code. The system shall	46496
retain in the participant's record an order the board determines	46497
meets the requirements. Not later than sixty days after receipt,	46498
the system shall return to the court that issued the order any	46499
order the system determines does not meet the requirements.	46500
(C) The system shall comply with an order retained under	46501
division (B) of this section at the following times as	46502
appropriate:	46503
(1) If the participant has applied for or is receiving a	46504
benefit or has applied for but not yet received a lump sum	46505
payment, as soon as practicable;	46506
(2) If the participant has not applied for a benefit or lump	46507
sum payment, on application by the participant for a benefit or	46508
lump sum payment.	46509
(D) If the system transfers a participant's service credit or	46510
contributions made by or on behalf of a participant to a public	46511
retirement program that is not named in the order, the system	46512

shall do both of the following: 46513

(1) Notify the court that issued the order by sending to the 46514  
court a copy of the order and the name and address of the public 46515  
retirement program to which the transfer was made. 46516

(2) Send a copy of the order to the public retirement program 46517  
to which the transfer was made. 46518

(E) If it receives a participant's service credit or 46519  
contributions and a copy of an order as provided in division (D) 46520  
of this section, the system shall administer the order as if it 46521  
were the public retirement program named in the order. 46522

(F) If a participant's benefit or lump sum payment is or will 46523  
be subject to more than one order described in section 3105.81 of 46524  
the Revised Code or to an order described in that section and an 46525  
order issued in accordance with Chapter 3119., 3121., 3123., or 46526  
3125. of the Revised Code, the system shall, after determining 46527  
that the amounts that are or will be withheld will cause the 46528  
benefit or lump sum payment to fall below the limits described in 46529  
section 3105.85 of the Revised Code, do all of the following: 46530

(1) Establish, in accordance with division (G) of this 46531  
section and subject to the limits described in section 3105.85 of 46532  
the Revised Code, the priority in which the orders are or will be 46533  
paid by the system in accordance with division (G) of this 46534  
section; 46535

(2) Reduce the amount paid to an alternate payee based on the 46536  
priority established under division (F)(1) of this section; 46537

(3) Notify, by regular mail, a participant and alternate 46538  
payee of any action taken under this division. 46539

(G) A withholding or deduction notice issued in accordance 46540  
with Chapter 3119., 3121., 3123., or 3125. of the Revised Code or 46541  
an order described in section ~~3115.32~~ 3115.501 of the Revised Code 46542



has priority over all other orders and shall be complied with in 46543  
accordance with child support enforcement laws. All other orders 46544  
are entitled to priority in order of earliest retention by the 46545  
system. The system is not to retain an order that provides for the 46546  
division of property unless the order is filed in a court with 46547  
jurisdiction in this state. 46548

(H) The system is not liable in civil damages for loss 46549  
resulting from any action or failure to act in compliance with 46550  
this section. 46551

**Sec. 3307.41.** The right of an individual to a pension, an 46552  
annuity, or a retirement allowance itself, the right of an 46553  
individual to any optional benefit, or any other right or benefit 46554  
accrued or accruing to any individual under this chapter, the 46555  
various funds created by section 3307.14 of the Revised Code, and 46556  
all moneys, investments, and income from moneys or investments are 46557  
exempt from any state tax, except the tax imposed by section 46558  
5747.02 of the Revised Code, and are exempt from any county, 46559  
municipal, or other local tax, except income taxes imposed 46560  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 46561  
Code, and, except as provided in sections 3105.171, 3105.65, 46562  
~~3115.32~~ 3115.501, 3307.37, 3307.372, and 3307.373 and Chapters 46563  
3119., 3121., 3123., and 3125. of the Revised Code, shall not be 46564  
subject to execution, garnishment, attachment, the operation of 46565  
bankruptcy or insolvency laws, or any other process of law 46566  
whatsoever, and shall be unassignable except as specifically 46567  
provided in this chapter and sections 3105.171, 3105.65, and 46568  
~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of 46569  
the Revised Code. 46570

**Sec. 3309.01.** As used in this chapter: 46571

(A) "Employer" or "public employer" means boards of 46572

education, school districts, joint vocational districts, governing 46573  
authorities of community schools established under Chapter 3314. 46574  
of the Revised Code, a science, technology, engineering, and 46575  
mathematics school established under Chapter 3326. of the Revised 46576  
Code, educational institutions, technical colleges, state, 46577  
municipal, and community colleges, community college branches, 46578  
universities, university branches, other educational institutions, 46579  
or other agencies within the state by which an employee is 46580  
employed and paid, including any organization using federal funds, 46581  
provided the federal funds are disbursed by an employer as 46582  
determined by the above. In all cases of doubt, the school 46583  
employees retirement board shall determine whether any employer is 46584  
an employer as defined in this chapter, and its decision shall be 46585  
final. 46586

(B) ~~"Employee"~~ Except as otherwise provided in section 46587  
3309.011 of the Revised Code, "employee" means all of the 46588  
following: 46589

(1) Any person employed by a public employer in a position 46590  
for which the person is not required to have a certificate or 46591  
license issued pursuant to sections 3319.22 to 3319.31 of the 46592  
Revised Code; 46593

(2) Any person who performs a service common to the normal 46594  
daily operation of an educational unit even though the person is 46595  
employed and paid by one who has contracted with an employer to 46596  
perform the service, and the contracting board or educational unit 46597  
shall be the employer for the purposes of administering the 46598  
provisions of this chapter; 46599

(3) Any person, not a faculty member, employed in any school 46600  
or college or other institution wholly controlled and managed, and 46601  
wholly or partly supported by the state or any political 46602  
subdivision thereof, the board of trustees, or other managing body 46603  
of which shall accept the requirements and obligations of this 46604

chapter. 46605

In all cases of doubt, the school employees retirement board 46606  
shall determine whether any person is an employee, as defined in 46607  
this division, and its decision is final. 46608

(C) "Prior service" means all service rendered prior to 46609  
September 1, 1937: 46610

(1) As an employee as defined in division (B) of this 46611  
section; 46612

(2) As an employee in a capacity covered by the public 46613  
employees retirement system or the state teachers retirement 46614  
system; 46615

(3) As an employee of an institution in another state, 46616  
service credit for which was procured by a member under the 46617  
provisions of section 3309.31 of the Revised Code. 46618

Prior service, for service as an employee in a capacity 46619  
covered by the public employees retirement system or the state 46620  
teachers retirement system, shall be granted a member under 46621  
qualifications identical to the laws and rules applicable to 46622  
service credit in those systems. 46623

Prior service shall not be granted any member for service 46624  
rendered in a capacity covered by the public employees retirement 46625  
system, the state teachers retirement system, and this system in 46626  
the event the service credit has, in the respective systems, been 46627  
received, waived by exemption, or forfeited by withdrawal of 46628  
contributions, except as provided in this chapter. 46629

If a member who has been granted prior service should, 46630  
subsequent to September 16, 1957, and before retirement, establish 46631  
three years of contributing service in the public employees 46632  
retirement system, or one year in the state teachers retirement 46633  
system, then the prior service granted shall become, at 46634

retirement, the liability of the other system, if the prior 46635  
service or employment was in a capacity that is covered by that 46636  
system. 46637

The provisions of this division shall not cancel any prior 46638  
service granted a member by the school employees retirement board 46639  
prior to August 1, 1959. 46640

(D) "Total service," "total service credit," or "Ohio service 46641  
credit" means all contributing service of a member of the school 46642  
employees retirement system, and all prior service, computed as 46643  
provided in this chapter, and all service established pursuant to 46644  
sections 3309.31, 3309.311, and 3309.33 of the Revised Code. In 46645  
addition, "total service" includes any period, not in excess of 46646  
three years, during which a member was out of service and 46647  
receiving benefits from the state insurance fund, provided the 46648  
injury or incapacitation was the direct result of school 46649  
employment. 46650

(E) "Member" means any employee, except an SERS retirant or 46651  
other system retirant as defined in section 3309.341 of the 46652  
Revised Code, who has established membership in the school 46653  
employees retirement system. "Member" includes a disability 46654  
benefit recipient. 46655

(F) "Contributor" means any person who has an account in the 46656  
employees' savings fund. When used in the sections listed in 46657  
division (B) of section 3309.82 of the Revised Code, "contributor" 46658  
includes any person participating in a plan established under 46659  
section 3309.81 of the Revised Code. 46660

(G) "Retirant" means any former member who retired and is 46661  
receiving a service retirement allowance or commuted service 46662  
retirement allowance as provided in this chapter. 46663

(H) "Beneficiary" or "beneficiaries" means the estate or a 46664  
person or persons who, as the result of the death of a contributor 46665

or retirant, qualifies for or is receiving some right or benefit 46666  
under this chapter. 46667

(I) "Interest," as specified in division (E) of section 46668  
3309.60 of the Revised Code, means interest at the rates for the 46669  
respective funds and accounts as the school employees retirement 46670  
board may determine from time to time, except as follows: 46671

(1) The rate of interest credited on employee contributions 46672  
at retirement shall be four per cent per annum, compounded 46673  
annually, to and including June 30, 1955; three per cent per 46674  
annum, compounded annually, from July 1, 1955, to and including 46675  
June 30, 1963; three and one-quarter per cent per annum, 46676  
compounded annually, from July 1, 1963, through June 30, 1966; and 46677  
thereafter, four per cent per annum compounded annually until a 46678  
change in the amount is recommended by the system's actuary and 46679  
approved by the retirement board. Subsequent to June 30, 1959, the 46680  
retirement board shall discontinue the annual crediting of current 46681  
interest on a contributor's accumulated contributions. 46682  
Noncrediting of current interest shall not affect the rate of 46683  
interest at retirement guaranteed under this division. 46684

(2) In determining the reserve value for purposes of 46685  
computing the amount of the contributor's annuity, the rate of 46686  
interest used in the annuity values shall be four per cent per 46687  
annum through September 30, 1956; three per cent per annum 46688  
compounded annually from October 1, 1956, through June 30, 1963; 46689  
three and one-quarter per cent per annum compounded annually from 46690  
July 1, 1963, through June 30, 1966; and, thereafter, four per 46691  
cent per annum compounded annually until a change in the amount is 46692  
recommended by the system's actuary and approved by the retirement 46693  
board. In the purchase of out-of-state service credit as provided 46694  
in section 3309.31 of the Revised Code, and in the purchase of an 46695  
additional annuity, as provided in section 3309.47 of the Revised 46696  
Code, interest shall be computed and credited to reserves therefor 46697

at the rate the school employees retirement board shall fix as 46698  
regular interest thereon. 46699

(J) "Accumulated contributions" means the sum of all amounts 46700  
credited to a contributor's account in the employees' savings fund 46701  
together with any regular interest credited thereon at the rates 46702  
approved by the retirement board prior to retirement. 46703

(K) "Final average salary" means the sum of the annual 46704  
compensation for the three highest years of compensation for which 46705  
contributions were made by the member, divided by three. If the 46706  
member has a partial year of contributing service in the year in 46707  
which the member terminates employment and the partial year is at 46708  
a rate of compensation that is higher than the rate of 46709  
compensation for any one of the highest three years of annual 46710  
earnings, the board shall substitute the compensation earned for 46711  
the partial year for the compensation earned for a similar 46712  
fractional portion in the lowest of the three high years of annual 46713  
compensation before dividing by three. If a member has less than 46714  
three years of contributing membership, the final average salary 46715  
shall be the total compensation divided by the total number of 46716  
years, including any fraction of a year, of contributing service. 46717

(L) "Annuity" means payments for life derived from 46718  
contributions made by a contributor and paid from the annuity and 46719  
pension reserve fund as provided in this chapter. All annuities 46720  
shall be paid in twelve equal monthly installments. 46721

(M)(1) "Pension" means annual payments for life derived from 46722  
appropriations made by an employer and paid from the employers' 46723  
trust fund or the annuity and pension reserve fund. All pensions 46724  
shall be paid in twelve equal monthly installments. 46725

(2) "Disability retirement" means retirement as provided in 46726  
section 3309.40 of the Revised Code. 46727

(N) "Retirement allowance" means the pension plus the 46728

annuity. 46729

(O)(1) "Benefit" means a payment, other than a retirement 46730  
allowance or the annuity paid under section 3309.344 of the 46731  
Revised Code, payable from the accumulated contributions of the 46732  
member or the employer, or both, under this chapter and includes a 46733  
disability allowance or disability benefit. 46734

(2) "Disability allowance" means an allowance paid on account 46735  
of disability under section 3309.401 of the Revised Code. 46736

(3) "Disability benefit" means a benefit paid as disability 46737  
retirement under section 3309.40 of the Revised Code, as a 46738  
disability allowance under section 3309.401 of the Revised Code, 46739  
or as a disability benefit under section 3309.35 of the Revised 46740  
Code. 46741

(P) "Annuity reserve" means the present value, computed upon 46742  
the basis of mortality tables adopted by the school employees 46743  
retirement board, of all payments to be made on account of any 46744  
annuity, or benefit in lieu of any annuity, granted to a retirant. 46745

(Q) "Pension reserve" means the present value, computed upon 46746  
the basis of mortality tables adopted by the school employees 46747  
retirement board, of all payments to be made on account of any 46748  
pension, or benefit in lieu of any pension, granted to a retirant 46749  
or a beneficiary. 46750

(R) "Year" means the year beginning the first day of July and 46751  
ending with the thirtieth day of June next following. 46752

(S) "Local district pension system" means any school 46753  
employees' pension fund created in any school district of the 46754  
state prior to September 1, 1937. 46755

(T) "Employer contribution" means the amount paid by an 46756  
employer as determined under section 3309.49 of the Revised Code. 46757

(U) "Fiduciary" means a person who does any of the following: 46758

(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(V)(1) Except as otherwise provided in this division, "compensation" means all salary, wages, and other earnings paid to a contributor by reason of employment. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 3309.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(2) Compensation does not include any of the following:

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;

(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

(c) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid or during which benefits are paid under this chapter;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the



contributor in lieu of providing the insurance; 46789

(e) Incidental benefits, including lodging, food, laundry, 46790  
parking, or services furnished by the employer, use of the 46791  
employer's property or equipment, and reimbursement for 46792  
job-related expenses authorized by the employer, including moving 46793  
and travel expenses and expenses related to professional 46794  
development; 46795

(f) Payments made to or on behalf of a contributor that are 46796  
in excess of the annual compensation that may be taken into 46797  
account by the retirement system under division (a)(17) of section 46798  
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 46799  
U.S.C.A. 401(a)(17), as amended. For a contributor who first 46800  
establishes membership before July 1, 1996, the annual 46801  
compensation that may be taken into account by the retirement 46802  
system shall be determined under division (d)(3) of section 13212 46803  
of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 46804  
103-66, 107 Stat. 472; 46805

(g) Payments made under division (B), (C), or (E) of section 46806  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 46807  
No. 3 of the 119th general assembly, Section 3 of Amended 46808  
Substitute Senate Bill No. 164 of the 124th general assembly, or 46809  
Amended Substitute House Bill No. 405 of the 124th general 46810  
assembly; 46811

(h) Anything of value received by the contributor that is 46812  
based on or attributable to retirement or an agreement to retire, 46813  
except that payments made on or before January 1, 1989, that are 46814  
based on or attributable to an agreement to retire shall be 46815  
included in compensation if both of the following apply: 46816

(i) The payments are made in accordance with contract 46817  
provisions that were in effect prior to January 1, 1986. 46818

(ii) The employer pays the retirement system an amount 46819

specified by the retirement board equal to the additional 46820  
liability from the payments. 46821

(3) The retirement board shall determine by rule whether any 46822  
form of earnings not enumerated in this division is to be included 46823  
in compensation, and its decision shall be final. 46824

(W) "Disability benefit recipient" means a member who is 46825  
receiving a disability benefit. 46826

(X) "Actuary" means an individual who satisfies all of the 46827  
following requirements: 46828

(1) Is a member of the American academy of actuaries; 46829

(2) Is an associate or fellow of the society of actuaries; 46830

(3) Has a minimum of five years' experience in providing 46831  
actuarial services to public retirement plans. 46832

**Sec. 3309.011.** "Employee" as defined in division (B) of 46833  
section 3309.01 of the Revised Code, does not include ~~either~~ any 46834  
of the following: 46835

(A) Any person having a license issued pursuant to sections 46836  
3319.22 to 3319.31 of the Revised Code and employed in a public 46837  
school in this state in an educational position, as determined by 46838  
the state board of education, under programs provided for by 46839  
federal acts or regulations and financed in whole or in part from 46840  
federal funds, but for which no licensure requirements for the 46841  
position can be made under the provisions of such federal acts or 46842  
regulations; 46843

(B) Any person who participates in an alternative retirement 46844  
plan established under Chapter 3305. of the Revised Code; 46845

(C) Any person who elects to transfer from the school 46846  
employees retirement system to the public employees retirement 46847  
system under section 3309.312 of the Revised Code; 46848

(D) Any person whose full-time employment by the university of Akron as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code commences on or after ~~the effective date of this amendment~~ September 16, 1998;

(E) Any individual excluded from membership pursuant to section 3309.013 of the Revised Code.

Sec. 3309.013. (A) As used in this section, "operator" has the same meaning as in section 3314.02 of the Revised Code.

(B) Not later than sixty days after the effective date of this amendment, an operator of a community school established under Chapter 3314. of the Revised Code may elect to have excluded from membership in the school employees retirement system all individuals to whom all of the following apply:

(1) The individuals' earnings from employment by the operator are subject to the tax on wages imposed by the "Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 U.S.C. 3101, as amended.

(2) The operator would otherwise be required to pay employer contributions on behalf of the individuals to the retirement system pursuant to a contract between the operator and the governing authority of the community school.

(3) The operator offers each of the individuals the opportunity to participate in a deferred compensation plan that receives favorable tax treatment under the Internal Revenue Code.

(C) On receipt of notice under division (B) of this section, the retirement system shall exclude the individuals described in that division from membership in the retirement system.

(D) An election made pursuant to division (B) of this section is final and may not be revoked once notice is received by the retirement system.

(E) For purposes of this chapter, a person who is removed from membership in the retirement system pursuant to this section ceases to be an employee for the employment for which the notice was given. 46879  
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(F) The auditor of state shall annually review a deferred compensation plan offered pursuant to division (B)(3) of this section to determine whether the plan is in compliance with the federal law requirements a plan must meet to receive favorable tax treatment under the Internal Revenue Code. 46883  
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If the auditor determines that a plan is not in compliance with the federal law requirements, the auditor, after giving notice and affording an opportunity for an adjudication conducted in accordance with Chapter 119. of the Revised Code, shall order the operator to permanently close the community school in accordance with section 3314.075 of the Revised Code. 46888  
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**Sec. 3309.157.** (A) As used in this section and in section 3309.159 of the Revised Code: 46894  
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(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.45 of the Revised Code or under comparable laws of another state or of the United States. 46896  
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(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 46900  
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(3) "Ohio-qualified agent" means an agent designated as such by the school employees retirement board. 46902  
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(4) "Ohio-qualified investment manager" means an investment manager designated as such by the school employees retirement board. 46904  
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(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory 46907  
46908

services and solicits, meets with, or otherwise communicates with clients. 46909  
46910

(B) The school employees retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements: 46911  
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(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 46914  
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(2) The agent is authorized to conduct business in this state. 46916  
46917

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 46918  
46919

(C) The school employees retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following: 46920  
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(1) Commissions charged by the agent, both in the aggregate and on a per share basis; 46925  
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(2) The execution speed and trade settlement capabilities of the agent; 46927  
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(3) The responsiveness, reliability, and integrity of the agent; 46929  
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(4) The nature and value of research provided by the agent; 46931

(5) Any special capabilities of the agent. 46932

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and 46933  
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meets the criteria established under division (C) of this section. 46939

(2) The board shall review, at least annually, the 46940  
performance of the agents that execute securities transactions on 46941  
behalf of the board. 46942

(3) The board shall determine whether an agent is an 46943  
Ohio-qualified agent, meets the criteria established by the board 46944  
pursuant to division (C) of this section, and offers quality, 46945  
services, and safety comparable to other agents otherwise 46946  
available to the board. The board's determination shall be final. 46947

~~(E) The board shall, at least annually, submit to the Ohio 46948  
retirement study council a report containing the following 46949  
information:~~ 46950

~~(1) The name of each agent designated as an Ohio-qualified 46951  
agent under this section:~~ 46952

~~(2) The name of each agent that executes securities 46953  
transactions on behalf of the board:~~ 46954

~~(3) The amount of equity and fixed income trades that are 46955  
executed by Ohio-qualified agents, expressed as a percentage of 46956  
all equity and fixed income trades that are executed by agents on 46957  
behalf of the board:~~ 46958

~~(4) The compensation paid to Ohio-qualified agents, expressed 46959  
as a percentage of total compensation paid to all agents that 46960  
execute securities transactions on behalf of the board:~~ 46961

~~(5) The amount of equity and fixed income trades that are 46962  
executed by agents that are minority business enterprises, 46963  
expressed as a percentage of all equity and fixed income trades 46964  
that are executed by agents on behalf of the board:~~ 46965

~~(6) Any other information requested by the Ohio retirement 46966  
study council regarding the board's use of agents.~~ 46967

**Sec. 3309.159.** (A) The school employees retirement board 46968  
shall, for the purposes of this section, designate an investment 46969  
manager as an Ohio-qualified investment manager if the investment 46970  
manager meets all of the following requirements: 46971

(1) The investment manager is subject to taxation under 46972  
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 46973

(2) The investment manager meets one of the following 46974  
requirements: 46975

(a) Has its corporate headquarters or principal place of 46976  
business in this state; 46977

(b) Employs at least five hundred individuals in this state; 46978

(c) Has a principal place of business in this state and 46979  
employs at least twenty residents of this state. 46980

(B)(1) The board shall, at least annually, establish a policy 46981  
with the goal to increase utilization by the board of 46982  
Ohio-qualified investment managers, when an Ohio-qualified 46983  
investment manager offers quality, services, and safety comparable 46984  
to other investment managers otherwise available to the board. The 46985  
policy shall also provide for the following: 46986

(a) A process whereby the board can develop a list of 46987  
Ohio-qualified investment managers and their investment products; 46988

(b) A process whereby the board can give public notice to 46989  
Ohio-qualified investment managers of the board's search for an 46990  
investment manager that includes the board's search criteria. 46991

(2) The board shall determine whether an investment manager 46992  
is an Ohio-qualified investment manager and whether the investment 46993  
manager offers quality, services, and safety comparable to other 46994  
investment managers otherwise available to the board. The board's 46995  
determination shall be final. 46996

<del>(C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:</del>	46997
	46998
	46999
<del>(1) The name of each investment manager designated as an Ohio qualified investment manager under this section:</del>	47000
	47001
<del>(2) The name of each investment manager with which the board contracts:</del>	47002
	47003
<del>(3) The amount of assets managed by Ohio qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted:</del>	47004
	47005
	47006
	47007
<del>(4) The compensation paid to Ohio qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted:</del>	47008
	47009
	47010
<del>(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.</del>	47011
	47012
 <b>Sec. 3309.22.</b> (A)(1) As used in this division, "personal history record" means information maintained in any format by the board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, electronic mail address, telephone number, social security number, record of contributions, correspondence with the system, and other information the board determines to be confidential.	47013
	47014
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	47020
(2) The records of the board shall be open to public inspection and may be made available in printed or electronic format, except for the following, which shall be excluded, except with the written authorization of the individual concerned:	47021
	47022
	47023
	47024
(a) The individual's statement of previous service and other information as provided for in section 3309.28 of the Revised	47025
	47026



Code;	47027
(b) Any information identifying by name and address the amount of a monthly allowance or benefit paid to the individual;	47028 47029
(c) The individual's personal history record.	47030
(B) All medical reports and recommendations required by the system are privileged except as follows:	47031 47032
(1) Copies of medical reports or recommendations shall be made available to the following:	47033 47034
(a) The individual concerned, on written request;	47035
(b) The personal physician, attorney, or authorized agent of the individual concerned on written release received from the individual or the individual's agent;	47036 47037 47038
(c) The board assigned physician.	47039
(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section.	47040 47041 47042
(C) Any person who is a contributor of the system shall be furnished, on written request, with a statement of the amount to the credit of the person's account. The board need not answer more than one such request of a person in any one year.	47043 47044 47045 47046
(D) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information:	47047 47048 47049
(1) If a member, former member, contributor, former contributor, or retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to	47050 47051 47052 47053 47054 47055 47056

the prosecutor the information requested from the individual's 47057  
personal history record. 47058

(2) Pursuant to a court or administrative order issued under 47059  
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 47060  
Revised Code, the board shall furnish to a court or child support 47061  
enforcement agency the information required under that section. 47062

(3) At the written request of any person, the board shall 47063  
provide to the person a list of the names and addresses of 47064  
members, former members, retirants, contributors, former 47065  
contributors, or beneficiaries. The costs of compiling, copying, 47066  
and mailing the list shall be paid by such person. 47067

(4) Within fourteen days after receiving from the director of 47068  
job and family services a list of the names and social security 47069  
numbers of recipients of public assistance pursuant to section 47070  
5101.181 of the Revised Code, the board shall inform the auditor 47071  
of state of the name, current or most recent employer address, and 47072  
social security number of each contributor whose name and social 47073  
security number are the same as that of a person whose name or 47074  
social security number was submitted by the director. The board 47075  
and its employees shall, except for purposes of furnishing the 47076  
auditor of state with information required by this section, 47077  
preserve the confidentiality of recipients of public assistance in 47078  
compliance with section 5101.181 of the Revised Code. 47079

(5) The system shall comply with orders issued under section 47080  
3105.87 of the Revised Code. 47081

On the written request of an alternate payee, as defined in 47082  
section 3105.80 of the Revised Code, the system shall furnish to 47083  
the alternate payee information on the amount and status of any 47084  
amounts payable to the alternate payee under an order issued under 47085  
section 3105.171 or 3105.65 of the Revised Code. 47086

(6) At the request of any person, the board shall make 47087

available to the person copies of all documents, including 47088  
resumes, in the board's possession regarding filling a vacancy of 47089  
an employee member or retirant member of the board. The person who 47090  
made the request shall pay the cost of compiling, copying, and 47091  
mailing the documents. The information described in this division 47092  
is a public record. 47093

(7) The system shall provide the notice required by section 47094  
3309.673 of the Revised Code to the prosecutor assigned to the 47095  
case. 47096

(E) A statement that contains information obtained from the 47097  
system's records that is signed by an officer of the retirement 47098  
system and to which the system's official seal is affixed, or 47099  
copies of the system's records to which the signature and seal are 47100  
attached, shall be received as true copies of the system's records 47101  
in any court or before any officer of this state. 47102

(F) Notwithstanding the exceptions to public inspection in 47103  
division (A)(2) of this section or the privileges contained in 47104  
division (B) of this section, the board shall furnish to the 47105  
administrator of workers' compensation the records required under 47106  
section 3309.402 of the Revised Code. 47107

Sec. 3309.402. Upon a member's receiving a disability benefit 47108  
under section 3309.35, 3309.40, or 3309.401 of the Revised Code 47109  
for post-traumatic stress disorder without an accompanying 47110  
physical injury, the school employees retirement board shall 47111  
notify the administrator of workers' compensation of all of the 47112  
following: 47113

(A) The name of the member; 47114

(B) That the member's post-traumatic stress disorder, without 47115  
an accompanying physical injury, qualifies that member for a 47116  
disability benefit under section 3309.35, 3309.40, or 3309.401 of 47117

the Revised Code; 47118

(C) The effective date of the member's disability benefit; 47119

(D) The date that payments for the member's disability  
benefit commence. 47120  
47121

**Sec. 3309.66.** The right of an individual to a pension, an 47122  
annuity, or a retirement allowance itself, the right of an 47123  
individual to any optional benefit, any other right accrued or 47124  
accruing to any individual under this chapter, the various funds 47125  
created by section 3309.60 of the Revised Code, and all moneys, 47126  
investments, and income from moneys and investments are exempt 47127  
from any state tax, except the tax imposed by section 5747.02 of 47128  
the Revised Code, and are exempt from any county, municipal, or 47129  
other local tax, except income taxes imposed pursuant to section 47130  
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 47131  
provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 47132  
3119.81, 3121.02, 3121.03, 3123.06, 3309.67, 3309.672, and 47133  
3309.673 of the Revised Code, shall not be subject to execution, 47134  
garnishment, attachment, the operation of bankruptcy or insolvency 47135  
laws, or any other process of law whatsoever, and shall be 47136  
unassignable except as specifically provided in this chapter and 47137  
in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 3119.81, 47138  
3121.02, 3121.03, and 3123.06 of the Revised Code. 47139

**Sec. 3309.671.** (A) As used in this section, "alternate 47140  
payee," "benefit," "lump sum payment," "participant," and "public 47141  
retirement program" have the same meanings as in section 3105.80 47142  
of the Revised Code. 47143

(B) On receipt of an order issued under section 3105.171 or 47144  
3105.65 of the Revised Code, the school employees retirement 47145  
system shall determine whether the order meets the requirements of 47146  
sections 3105.80 to 3105.90 of the Revised Code. The system shall 47147

retain in the participant's record an order the system determines 47148  
meets the requirements. Not later than sixty days after receipt, 47149  
the system shall return to the court that issued the order any 47150  
order the system determines does not meet the requirements. 47151

(C) The system shall comply with an order retained under 47152  
division (B) of this section at the following times as 47153  
appropriate: 47154

(1) If the participant has applied for or is receiving a 47155  
benefit or has applied for but not yet received a lump sum 47156  
payment, as soon as practicable; 47157

(2) If the participant has not applied for a benefit or lump 47158  
sum payment, on application by the participant for a benefit or 47159  
lump sum payment. 47160

(D) If the system transfers a participant's service credit or 47161  
contributions made by or on behalf of a participant to a public 47162  
retirement program that is not named in the order, the system 47163  
shall do both of the following: 47164

(1) Notify the court that issued the order by sending the 47165  
court a copy of the order and the name and address of the public 47166  
retirement program to which the transfer was made. 47167

(2) Send a copy of the order to the public retirement program 47168  
to which the transfer was made. 47169

(E) If it receives a participant's service credit or 47170  
contributions and a copy of an order as provided in division (D) 47171  
of this section, the system shall administer the order as if it 47172  
were the public retirement program named in the order. 47173

(F) If a participant's benefit or lump sum payment is or will 47174  
be subject to more than one order described in section 3105.81 of 47175  
the Revised Code or to an order described in section 3105.81 of 47176  
the Revised Code and a withholding order under section 3111.23 or 47177

3113.21 of the Revised Code, the system shall, after determining 47178  
that the amounts that are or will be withheld will cause the 47179  
benefit or lump sum payment to fall below the limits described in 47180  
section 3105.85 of the Revised Code, do all of the following: 47181

(1) Establish, in accordance with division (G) of this 47182  
section and subject to the limits described in section 3105.85 of 47183  
the Revised Code, the priority in which the orders are or will be 47184  
paid by the system; 47185

(2) Reduce the amount paid to an alternate payee based on the 47186  
priority established under division (F)(1) of this section; 47187

(3) Notify, by regular mail, a participant and alternate 47188  
payee of any action taken under this division. 47189

(G) A withholding or deduction notice issued under section 47190  
3111.23 or 3113.21 of the Revised Code or an order described in 47191  
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 47192  
other orders and shall be complied with in accordance with child 47193  
support enforcement laws. All other orders are entitled to 47194  
priority in order of earliest retention by the system. The system 47195  
is not to retain an order that provides for the division of 47196  
property unless the order is filed in a court with jurisdiction in 47197  
this state. 47198

(H) The system is not liable in civil damages for loss 47199  
resulting from any action or failure to act in compliance with 47200  
this section. 47201

**Sec. 3310.03.** A student is an "eligible student" for purposes 47202  
of the educational choice scholarship pilot program if the 47203  
student's resident district is not a school district in which the 47204  
pilot project scholarship program is operating under sections 47205  
3313.974 to 3313.979 of the Revised Code and the student satisfies 47206  
one of the conditions in division (A), (B), (C), or (D) of this 47207

section: 47208

(A)(1) The student is enrolled in a school building operated 47209  
by the student's resident district that, on the report card issued 47210  
under section 3302.03 of the Revised Code published prior to the 47211  
first day of July of the school year for which a scholarship is 47212  
sought, did not receive a rating as described in division (H) of 47213  
this section, and to which any or a combination of any of the 47214  
following apply for two of the three most recent report cards 47215  
published prior to the first day of July of the school year for 47216  
which a scholarship is sought: 47217

(a) The building was declared to be in a state of academic 47218  
emergency or academic watch under section 3302.03 of the Revised 47219  
Code as that section existed prior to March 22, 2013. 47220

(b) The building received a grade of "D" or "F" for the 47221  
performance index score under division (A)(1)(b) or (B)(1)(b) of 47222  
section 3302.03 of the Revised Code and for the value-added 47223  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47224  
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~, 47225  
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~; or if the 47226  
building serves only grades ten through twelve, the building 47227  
received a grade of "D" or "F" for the performance index score 47228  
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 47229  
Revised Code and had a four-year adjusted cohort graduation rate 47230  
of less than seventy-five per cent. 47231

(c) The building received an overall grade of "D" or "F" 47232  
under division (C)(3) of section 3302.03 of the Revised Code or a 47233  
grade of "F" for the value-added progress dimension under division 47234  
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 47235  
2016-2017 school year or any school year thereafter. 47236

(2) The student will be enrolling in any of grades 47237  
kindergarten through twelve in this state for the first time in 47238

the school year for which a scholarship is sought, will be at 47239  
least five years of age by the first day of January of the school 47240  
year for which a scholarship is sought, and otherwise would be 47241  
assigned under section 3319.01 of the Revised Code in the school 47242  
year for which a scholarship is sought, to a school building 47243  
described in division (A)(1) of this section. 47244

(3) The student is enrolled in a community school established 47245  
under Chapter 3314. of the Revised Code but otherwise would be 47246  
assigned under section 3319.01 of the Revised Code to a building 47247  
described in division (A)(1) of this section. 47248

(4) The student is enrolled in a school building operated by 47249  
the student's resident district or in a community school 47250  
established under Chapter 3314. of the Revised Code and otherwise 47251  
would be assigned under section 3319.01 of the Revised Code to a 47252  
school building described in division (A)(1) of this section in 47253  
the school year for which the scholarship is sought. 47254

(5) The student will be both enrolling in any of grades 47255  
kindergarten through twelve in this state for the first time and 47256  
at least five years of age by the first day of January of the 47257  
school year for which a scholarship is sought, or is enrolled in a 47258  
community school established under Chapter 3314. of the Revised 47259  
Code, and all of the following apply to the student's resident 47260  
district: 47261

(a) The district has in force an intradistrict open 47262  
enrollment policy under which no student in the student's grade 47263  
level is automatically assigned to a particular school building; 47264

(b) In the most recent rating published prior to the first 47265  
day of July of the school year for which scholarship is sought, 47266  
the district did not receive a rating described in division (H) of 47267  
this section, and in at least two of the three most recent report 47268  
cards published prior to the first day of July of that school 47269



year, any or a combination of the following apply to the district: 47270

(i) The district was declared to be in a state of academic 47271  
emergency under section 3302.03 of the Revised Code as it existed 47272  
prior to March 22, 2013. 47273

(ii) The district received a grade of "D" or "F" for the 47274  
performance index score under division (A)(1)(b) or (B)(1)(b) of 47275  
section 3302.03 of the Revised Code and for the value-added 47276  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47277  
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~ 47278  
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both.~~ 47279

(c) The district received an overall grade of "D" or "F" 47280  
under division (C)(3) of section 3302.03 of the Revised Code or a 47281  
grade of "F" for the value-added progress dimension under division 47282  
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 47283  
2016-2017 school year or any school year thereafter. 47284

(6) Beginning in the 2016-2017 school year, the student is 47285  
enrolled in or will be enrolling in a building in the school year 47286  
for which the scholarship is sought that serves any of grades nine 47287  
through twelve and that received a grade of "D" or "F" for the 47288  
four-year adjusted cohort graduation rate under division 47289  
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 47290  
Revised Code in two of the three most recent report cards 47291  
published prior to the first day of July of the school year for 47292  
which a scholarship is sought. 47293

(B)(1) The student is enrolled in a school building operated 47294  
by the student's resident district and to which both of the 47295  
following apply: 47296

(a) The building was ranked, for at least two of the three 47297  
most recent rankings ~~published under section 3302.21 of the~~ 47298  
~~Revised Code~~ prior to the first day of July of the school year for 47299  
which a scholarship is sought, in the lowest ten per cent of all 47300

~~public school buildings operated by city, local, and exempted~~ 47301  
~~village school districts~~ according to performance index score 47302  
~~under section 3302.21 of the Revised Code as determined by the~~ 47303  
~~department of education.~~ 47304

(b) The building was not declared to be excellent or 47305  
effective, or the equivalent of such ratings as determined by the 47306  
department ~~of education~~, under section 3302.03 of the Revised Code 47307  
in the most recent rating published prior to the first day of July 47308  
of the school year for which a scholarship is sought. 47309

(2) The student will be enrolling in any of grades 47310  
kindergarten through twelve in this state for the first time in 47311  
the school year for which a scholarship is sought, will be at 47312  
least five years of age, as defined in section 3321.01 of the 47313  
Revised Code, by the first day of January of the school year for 47314  
which a scholarship is sought, and otherwise would be assigned 47315  
under section 3319.01 of the Revised Code in the school year for 47316  
which a scholarship is sought, to a school building described in 47317  
division (B)(1) of this section. 47318

(3) The student is enrolled in a community school established 47319  
under Chapter 3314. of the Revised Code but otherwise would be 47320  
assigned under section 3319.01 of the Revised Code to a building 47321  
described in division (B)(1) of this section. 47322

(4) The student is enrolled in a school building operated by 47323  
the student's resident district or in a community school 47324  
established under Chapter 3314. of the Revised Code and otherwise 47325  
would be assigned under section 3319.01 of the Revised Code to a 47326  
school building described in division (B)(1) of this section in 47327  
the school year for which the scholarship is sought. 47328

(C) The student is enrolled in a nonpublic school at the time 47329  
the school is granted a charter by the state board of education 47330  
under section 3301.16 of the Revised Code and the student meets 47331

the standards of division (B) of section 3310.031 of the Revised Code. 47332  
47333

(D) For the 2016-2017 school year and each school year 47334  
thereafter, the student is in any of grades kindergarten through 47335  
three, is enrolled in a school building that is operated by the 47336  
student's resident district or will be enrolling in any of grades 47337  
kindergarten through twelve in this state for the first time in 47338  
the school year for which a scholarship is sought, and to which 47339  
both of the following apply: 47340

(1) The building, in at least two of the three most recent 47341  
ratings of school buildings published prior to the first day of 47342  
July of the school year for which a scholarship is sought, 47343  
received a grade of "D" or "F" for making progress in improving 47344  
literacy in grades kindergarten through three under division 47345  
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 47346

(2) The building did not receive a grade of "A" for making 47347  
progress in improving literacy in grades kindergarten through 47348  
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 47349  
the Revised Code in the most recent rating published prior to the 47350  
first day of July of the school year for which a scholarship is 47351  
sought. 47352

(E) A student who receives a scholarship under the 47353  
educational choice scholarship pilot program remains an eligible 47354  
student and may continue to receive scholarships in subsequent 47355  
school years until the student completes grade twelve, so long as 47356  
all of the following apply: 47357

(1) The student's resident district remains the same, or the 47358  
student transfers to a new resident district and otherwise would 47359  
be assigned in the new resident district to a school building 47360  
described in division (A)(1), (B)(1), or (D) of this section; 47361

(2) The student takes each assessment prescribed for the 47362

student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(F)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section.

(4) However, students who have received scholarships in the

prior school year remain eligible students pursuant to division 47394  
(E) of this section. 47395

(G) The state board of education shall adopt rules defining 47396  
excused absences for purposes of division (E)(3) of this section. 47397

(H)(1) A student who satisfies only the conditions prescribed 47398  
in divisions (A)(1) to (4) of this section shall not be eligible 47399  
for a scholarship if the student's resident building meets any of 47400  
the following in the most recent rating under section 3302.03 of 47401  
the Revised Code published prior to the first day of July of the 47402  
school year for which a scholarship is sought: 47403

(a) The building has an overall designation of excellent or 47404  
effective under section 3302.03 of the Revised Code as it existed 47405  
prior to March 22, 2013. 47406

(b) For the 2012-2013 ~~or~~, 2013-2014, 2014-2015, or 2015-2016 47407  
school year ~~or both~~, the building has a grade of "A" or "B" for 47408  
the performance index score under division (A)(1)(b) or (B)(1)(b) 47409  
of section 3302.03 of the Revised Code and for the value-added 47410  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47411  
section 3302.03 of the Revised Code; or if the building serves 47412  
only grades ten through twelve, the building received a grade of 47413  
"A" or "B" for the performance index score under division 47414  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 47415  
had a four-year adjusted cohort graduation rate of greater than or 47416  
equal to seventy-five per cent. 47417

(c) For the ~~2014-2015~~ 2016-2017 school year or any school 47418  
year thereafter, the building has a grade of "A" or "B" under 47419  
division (C)(3) of section 3302.03 of the Revised Code and a grade 47420  
of "A" for the value-added progress dimension under division 47421  
(C)(1)(e) of section 3302.03 of the Revised Code; or if the 47422  
building serves only grades ten through twelve, the building 47423  
received a grade of "A" or "B" for the performance index score 47424

under division (C)(1)(b) of section 3302.03 of the Revised Code 47425  
and had a four-year adjusted cohort graduation rate of greater 47426  
than or equal to seventy-five per cent. 47427

(2) A student who satisfies only the conditions prescribed in 47428  
division (A)(5) of this section shall not be eligible for a 47429  
scholarship if the student's resident district meets any of the 47430  
following in the most recent rating under section 3302.03 of the 47431  
Revised Code published prior to the first day of July of the 47432  
school year for which a scholarship is sought: 47433

(a) The district has an overall designation of excellent or 47434  
effective under section 3302.03 of the Revised Code as it existed 47435  
prior to March 22, 2013. 47436

(b) The district has a grade of "A" or "B" for the 47437  
performance index score under division (A)(1)(b) or (B)(1)(b) of 47438  
section 3302.03 of the Revised Code and for the value-added 47439  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47440  
section 3302.03 of the Revised Code for the 2012-2013 ~~and,~~ 47441  
2013-2014, 2014-2015, and 2015-2016 school years. 47442

(c) The district has an overall grade of "A" or "B" under 47443  
division (C)(3) of section 3302.03 of the Revised Code and a grade 47444  
of "A" for the value-added progress dimension under division 47445  
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 47446  
2016-2017 school year or any school year thereafter. 47447

**Sec. 3310.09.** The maximum amount awarded to an eligible 47448  
student under the educational choice scholarship pilot program 47449  
shall be as follows: 47450

(A) For grades kindergarten through eight, four thousand ~~two~~ 47451  
six hundred fifty dollars; 47452

(B) For grades nine through twelve, ~~five~~ six thousand 47453  
dollars. 47454

Sec. 3310.41. (A) As used in this section:	47455
(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the child's parent owes fees for the services provided to the child:	47456 47457 47458 47459 47460
(a) A school district that is not the school district in which the child is entitled to attend school;	47461 47462
(b) A public entity other than a school district.	47463
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	47464 47465 47466
(3) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.	47467 47468
(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	47469 47470 47471
(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated.	47472 47473 47474
(6) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.	47475 47476 47477
(7) "Qualified special education child" is a child for whom all of the following conditions apply:	47478 47479
(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an	47480 47481 47482 47483

autistic child for purposes of this section. 47484

(b) The school district in which the child is entitled to 47485  
attend school has developed an individualized education program 47486  
under Chapter 3323. of the Revised Code for the child. 47487

(c) The child either: 47488

(i) Was enrolled in the school district in which the child is 47489  
entitled to attend school in any grade from preschool through 47490  
twelve in the school year prior to the year in which a scholarship 47491  
under this section is first sought for the child; or 47492

(ii) Is eligible to enter school in any grade preschool 47493  
through twelve in the school district in which the child is 47494  
entitled to attend school in the school year in which a 47495  
scholarship under this section is first sought for the child. 47496

(8) "Registered private provider" means a nonpublic school or 47497  
other nonpublic entity that has been approved by the department of 47498  
education to participate in the program established under this 47499  
section. 47500

(9) "Special education program" means a school or facility 47501  
that provides special education and related services to children 47502  
with disabilities. 47503

(B) There is hereby established the autism scholarship 47504  
program. Under the program, the department of education shall pay 47505  
a scholarship to the parent of each qualified special education 47506  
child upon application of that parent pursuant to procedures and 47507  
deadlines established by rule of the state board of education. 47508  
Each scholarship shall be used only to pay tuition for the child 47509  
on whose behalf the scholarship is awarded to attend a special 47510  
education program that implements the child's individualized 47511  
education program and that is operated by an alternative public 47512  
provider or by a registered private provider, and to pay for other 47513  
services agreed to by the provider and the parent of a qualified 47514



special education child that are not included in the 47515  
individualized education program but are associated with educating 47516  
the child. Upon agreement with the parent of a qualified special 47517  
education child, the alternative public provider or the registered 47518  
private provider may modify the services provided to the child. 47519  
Each scholarship shall be in an amount not to exceed the lesser of 47520  
the tuition charged for the child by the special education program 47521  
or ~~twenty~~ twenty-seven thousand dollars. The purpose of the 47522  
scholarship is to permit the parent of a qualified special 47523  
education child the choice to send the child to a special 47524  
education program, instead of the one operated by or for the 47525  
school district in which the child is entitled to attend school, 47526  
to receive the services prescribed in the child's individualized 47527  
education program once the individualized education program is 47528  
finalized and any other services agreed to by the provider and the 47529  
parent of a qualified special education child. The services 47530  
provided under the scholarship shall include an educational 47531  
component or services designed to assist the child to benefit from 47532  
the child's education. 47533

A scholarship under this section shall not be awarded to the 47534  
parent of a child while the child's individualized education 47535  
program is being developed by the school district in which the 47536  
child is entitled to attend school, or while any administrative or 47537  
judicial mediation or proceedings with respect to the content of 47538  
the child's individualized education program are pending. A 47539  
scholarship under this section shall not be used for a child to 47540  
attend a public special education program that operates under a 47541  
contract, compact, or other bilateral agreement between the school 47542  
district in which the child is entitled to attend school and 47543  
another school district or other public provider, or for a child 47544  
to attend a community school established under Chapter 3314. of 47545  
the Revised Code. However, nothing in this section or in any rule 47546  
adopted by the state board shall prohibit a parent whose child 47547

attends a public special education program under a contract, 47548  
compact, or other bilateral agreement, or a parent whose child 47549  
attends a community school, from applying for and accepting a 47550  
scholarship under this section so that the parent may withdraw the 47551  
child from that program or community school and use the 47552  
scholarship for the child to attend a special education program 47553  
for which the parent is required to pay for services for the 47554  
child. 47555

Except for development of the child's individualized 47556  
education program, the school district in which a qualified 47557  
special education child is entitled to attend school and the 47558  
child's school district of residence, as defined in section 47559  
3323.01 of the Revised Code, if different, are not obligated to 47560  
provide the child with a free appropriate public education under 47561  
Chapter 3323. of the Revised Code for as long as the child 47562  
continues to attend the special education program operated by 47563  
either an alternative public provider or a registered private 47564  
provider for which a scholarship is awarded under the autism 47565  
scholarship program. If at any time, the eligible applicant for 47566  
the child decides no longer to accept scholarship payments and 47567  
enrolls the child in the special education program of the school 47568  
district in which the child is entitled to attend school, that 47569  
district shall provide the child with a free appropriate public 47570  
education under Chapter 3323. of the Revised Code. 47571

A child attending a special education program with a 47572  
scholarship under this section shall continue to be entitled to 47573  
transportation to and from that program in the manner prescribed 47574  
by law. 47575

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 47576  
(B)(10) of section 3317.03 of the Revised Code, a child who is not 47577  
a preschool child with a disability for whom a scholarship is 47578  
awarded under this section shall be counted in the formula ADM and 47579

the category six special education ADM of the district in which 47580  
the child is entitled to attend school and not in the formula ADM 47581  
and the category six special education ADM of any other school 47582  
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 47583  
section 3317.03 of the Revised Code, a child who is a preschool 47584  
child with a disability for whom a scholarship is awarded under 47585  
this section shall be counted in the preschool scholarship ADM and 47586  
category six special education ADM of the school district in which 47587  
the child is entitled to attend school and not in the preschool 47588  
scholarship ADM or category six special education ADM of any other 47589  
school district. 47590

(2) In each fiscal year, the department shall deduct from the 47591  
amounts paid to each school district under Chapter 3317. of the 47592  
Revised Code, and, if necessary, sections 321.24 and 323.156 of 47593  
the Revised Code, the aggregate amount of scholarships awarded 47594  
under this section for qualified special education children 47595  
included in the formula ADM, or preschool scholarship ADM, and in 47596  
the category six special education ADM of that school district as 47597  
provided in division (C)(1) of this section. 47598

The scholarships deducted shall be considered as an approved 47599  
special education and related services expense of the school 47600  
district. 47601

(3) From time to time, the department shall make a payment to 47602  
the parent of each qualified special education child for whom a 47603  
scholarship has been awarded under this section. The scholarship 47604  
amount shall be proportionately reduced in the case of any such 47605  
child who is not enrolled in the special education program for 47606  
which a scholarship was awarded under this section for the entire 47607  
school year. The department shall make no payments to the parent 47608  
of a child while any administrative or judicial mediation or 47609  
proceedings with respect to the content of the child's 47610  
individualized education program are pending. 47611

(D) A scholarship shall not be paid to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers.

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) A school psychologist licensed by the state board under section 3319.22 of the Revised Code;

(4) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;

(6) Any other qualified individual as determined by the state board. 47643  
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(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program. 47645  
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**Sec. 3310.56.** (A) The amount of the scholarship awarded and paid to an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship program in each school year shall be the least of the amounts prescribed in divisions (A)(1), (2), and (3) of this section, as follows: 47650  
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(1) The amount of fees charged for that school year by the alternative public provider or registered private provider; 47656  
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(2) The sum of the amounts calculated under divisions (A)(2)(a) and (b) of this section: 47658  
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(a) The formula amount; 47660

(b) An amount prescribed for the child's disability as follows: 47661  
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(i) For a student in category one, the amount specified in division (A) of section 3317.013 of the Revised Code; 47663  
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(ii) For a student in category two, the amount specified in division (B) of section 3317.013 of the Revised Code; 47665  
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(iii) For a student in category three, the amount specified in division (C) of section 3317.013 of the Revised Code; 47667  
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(iv) For a student in category four, the amount specified in division (D) of section 3317.013 of the Revised Code; 47669  
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(v) For a student in category five, the amount specified in 47671

division (E) of section 3317.013 of the Revised Code; 47672

(vi) For a student in category six, the amount specified in 47673  
division (F) of section 3317.013 of the Revised Code. 47674

(3) ~~Twenty~~ Twenty-seven thousand dollars. 47675

(B) As used in division (A)(2)(b) of this section, a child 47676  
with a disability is in: 47677

(1) "Category one" if the child is receiving special 47678  
education services for a disability specified in division (A) of 47679  
section 3317.013 of the Revised Code; 47680

(2) "Category two" if the child is receiving special 47681  
education services for a disability specified in division (B) of 47682  
section 3317.013 of the Revised Code; 47683

(3) "Category three" if the child is receiving special 47684  
education services for a disability specified in division (C) of 47685  
section 3317.013 of the Revised Code; 47686

(4) "Category four" if the child is receiving special 47687  
education services for a disability specified in division (D) of 47688  
section 3317.013 of the Revised Code; 47689

(5) "Category five" if the child is receiving special 47690  
education services for a disability specified in division (E) of 47691  
section 3317.013 of the Revised Code; 47692

(6) "Category six" if the child is receiving special 47693  
education services for a disability specified in division (F) of 47694  
section 3317.013 of the Revised Code. 47695

**Sec. 3311.19.** (A) The management and control of a joint 47696  
vocational school district shall be vested in the joint vocational 47697  
school district board of education which, beginning on ~~the~~ 47698  
~~effective date of this amendment~~ September 29, 2013, shall be 47699  
appointed under division (C) of this section. 47700

All members of a joint vocational school district board 47701  
serving unexpired terms on ~~the effective date of this amendment~~ 47702  
September 29, 2013, may continue in office until the expiration of 47703  
their terms. If a member leaves office for any reason prior to the 47704  
expiration of that member's term, the vacancy shall be filled only 47705  
in the manner provided in division (C) of this section. 47706

(B) ~~Members~~ Except as provided in section 3311.191 of the 47707  
Revised Code, members of the joint vocational school district 47708  
board appointed on or after ~~the effective date of this amendment~~ 47709  
September 29, 2013, shall serve for three-year terms of office. No 47710  
member shall hold office for a period of longer than two 47711  
consecutive terms. Terms shall be considered consecutive unless 47712  
separated by three or more years. 47713

Members of the board shall be selected based on the diversity 47714  
of the employers from the geographical region of the state in 47715  
which the territory of the joint vocational school district is 47716  
located represented by the members. Not less than three-fifths of 47717  
the members of the board shall reside in or be employed within the 47718  
territory of the joint vocational school district board upon which 47719  
the member serves. 47720

(C) The manner of appointment and the total number of members 47721  
appointed to the joint vocational school district board shall be 47722  
in accordance with the most recent plan for the joint vocational 47723  
school district on file with the department of education. An 47724  
individual shall not be a member of an appointing board, unless 47725  
the individual meets the criteria in division (C)(2) of this 47726  
section. 47727

(1) Appointments under this section shall be made as the 47728  
terms of members of each joint vocational school district board 47729  
who are serving unexpired terms on ~~the effective date of this~~ 47730  
~~amendment~~ September 29, 2013, expire or as those offices are 47731  
otherwise vacated prior to the expiration date. 47732

(2) Members of the joint vocational board shall have 47733  
experience as chief financial officers, chief executive officers, 47734  
human resources managers, or other business, industry, or career 47735  
counseling professionals who are qualified to discuss the labor 47736  
needs of the region with respect to the regional economy. The 47737  
appointing board shall appoint individuals who represent employers 47738  
in the region served by the joint vocational school district who 47739  
are qualified to consider the state's workforce needs with an 47740  
understanding of the skills, training, and education needed for 47741  
current and future employment opportunities in the state. The 47742  
appointing board may give preference to individuals who have 47743  
served as members on a joint vocational school business advisory 47744  
committee who meet the qualifications in division (C)(2) of this 47745  
section. 47746

(D) The vocational schools in the joint vocational school 47747  
district shall be available to all youth of school age within the 47748  
joint vocational school district subject to the rules adopted by 47749  
the joint vocational school district board of education in regard 47750  
to the standards requisite to admission. A joint vocational school 47751  
district board of education shall have the same powers, duties, 47752  
and authority for the management and operation of such joint 47753  
vocational school district as is granted by law, except by this 47754  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 47755  
Code, to a board of education of a city school district, and shall 47756  
be subject to all the provisions of law that apply to a city 47757  
school district, except such provisions in this chapter and 47758  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 47759

(E) The superintendent of schools of a joint vocational 47760  
school district shall exercise the duties and authority vested by 47761  
law in a superintendent of schools pertaining to the operation of 47762  
a school district and the employment and supervision of its 47763  
personnel. The joint vocational school district board of education 47764



shall appoint a treasurer of the joint vocational school district 47765  
who shall be the fiscal officer for such district and who shall 47766  
have all the powers, duties, and authority vested by law in a 47767  
treasurer of a board of education. 47768

(F) Each member of a joint vocational school district board 47769  
of education may be paid such compensation as the board provides 47770  
by resolution, but it shall not exceed one hundred twenty-five 47771  
dollars per member for each meeting attended plus mileage, at the 47772  
rate per mile provided by resolution of the board, to and from 47773  
meetings of the board. 47774

The board may provide by resolution for the deduction of 47775  
amounts payable for benefits under section 3313.202 of the Revised 47776  
Code. 47777

Each member of a joint vocational school district board may 47778  
be paid such compensation as the board provides by resolution for 47779  
attendance at an approved training program, provided that such 47780  
compensation shall not exceed sixty dollars per day for attendance 47781  
at a training program three hours or fewer in length and one 47782  
hundred twenty-five dollars a day for attendance at a training 47783  
program longer than three hours in length. However, no board 47784  
member shall be compensated for the same training program under 47785  
this section and section 3313.12 of the Revised Code. 47786

Sec. 3311.191. (A) Subject to division (B) of this section, 47787  
if a joint vocational school district has an even number of member 47788  
districts each appointing a member to the joint vocational school 47789  
district board of education and the joint vocational school 47790  
district's plan on file with the department of education provides 47791  
for one additional board member to be appointed on a rotating 47792  
basis by one of the appointing boards, the term of that additional 47793  
member shall be for one year. The additional member shall 47794  
otherwise meet the requirements for joint vocational school board 47795

members prescribed by section 3311.19 of the Revised Code. 47796

(B) If an additional member of a joint vocational school district board appointed on a rotating basis, as described in division (A) of this section, was appointed on or after September 29, 2013, but prior to the effective date of this section, that member may continue in office until the expiration of the member's current term of office. If such member vacates that office for any reason prior to the expiration of that member's term, a new additional member shall be appointed according to the rotational basis prescribed by the district's plan, and that member shall serve for the remainder of the vacating member's term. Thereafter, the term of office of the additional member shall be as prescribed by division (A) of this section. 47797  
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**Sec. 3311.221.** (A) As used in this section, an "eligible school district transfer" means the transfer, not later than June 30, 2015, of the entire territory of a local school district that has fewer than five hundred students to a contiguous local school district under section 3311.22 of the Revised Code that results in the cancellation of the amount owed to the solvency assistance fund by either or both districts under Section 7 of Am. Sub. H.B. 487 of the 130th general assembly. 47809  
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(B) Notwithstanding anything to the contrary in the Revised Code, if a joint vocational school district gains territory on or after January 1, 2015, due to an eligible school district transfer, the joint vocational school district shall enter into a two-year transition agreement with the joint vocational school district that lost the territory gained by the other joint vocational school district due to the transfer. This agreement shall require all of the following: 47817  
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(1) Each student of the local school district that is 47825

transferred who is enrolled, at the time of the transfer, in the 47826  
joint vocational school district that lost territory due to the 47827  
transfer shall remain enrolled in that joint vocational school 47828  
district for the remainder of the student's secondary education, 47829  
so long as the student is enrolled in the local school district 47830  
that received territory in the transfer and continues to enroll in 47831  
a career-technical program. 47832

(2) In the first year following the transfer, the joint 47833  
vocational school district that gains territory due to the 47834  
transfer shall pay the joint vocational school district that lost 47835  
territory due to the transfer an amount equal to one hundred per 47836  
cent of the revenue collected from taxes levied under sections 47837  
3311.21 and 5705.21 of the Revised Code by the joint vocational 47838  
school district that gains territory for the transferred portion 47839  
of the district. 47840

(3) In the second year following the transfer, the joint 47841  
vocational school district that gains territory due to the 47842  
transfer shall pay the joint vocational school district that lost 47843  
territory due to the transfer an amount equal to fifty per cent of 47844  
the revenue collected from taxes levied under sections 3311.21 and 47845  
5705.21 of the Revised Code by the joint vocational school 47846  
district that gains territory for the transferred portion of the 47847  
district. 47848

Any other terms mutually agreed upon by both joint vocational 47849  
school districts to ensure an orderly transition of territory that 47850  
maximizes opportunities for students shall also be included in the 47851  
agreement. 47852

**Sec. 3313.375.** The board of education of a city, local, 47853  
exempted village, or joint vocational school district, the 47854  
governing board of an educational service center, or the governing 47855  
authority of a community school may enter into a lease-purchase 47856

agreement providing for construction; enlarging or other 47857  
improvement, furnishing, and equipping; lease; and eventual 47858  
acquisition of ~~a building~~ facilities or improvements to ~~a building~~ 47859  
facilities, including but not limited to buildings, playgrounds, 47860  
parking lots, athletic facilities, and safety enhancements for any 47861  
school district, educational service center, or community school 47862  
purpose. The agreement shall provide for a lease for a series of 47863  
one-year renewable lease terms totaling not more than the number 47864  
of years equivalent to the useful life of the asset and in no 47865  
event more than thirty years. The agreement shall provide that at 47866  
the end of the series of lease terms provided for in the agreement 47867  
the title to the leased property shall be vested in the school 47868  
district or educational service center, if all obligations of the 47869  
school district, educational service center, or community school 47870  
provided for in the agreement have been satisfied. The agreement 47871  
may, in addition to the rental payments, require the school 47872  
district, educational service center, or community school to pay 47873  
the lessor a lump-sum amount as a condition of obtaining title to 47874  
the leased property. In conjunction with the agreement, a school 47875  
district board of education, an educational service center 47876  
governing board, or a governing authority of a community school 47877  
may grant leases, easements, or licenses for underlying land or 47878  
facilities under the board's control for terms not exceeding five 47879  
years beyond the final renewal term of the lease-purchase 47880  
agreement entered into pursuant to this section. Payments under 47881  
the agreement may be deemed to be, and paid as, current operating 47882  
expenses. 47883

The obligations under a lease-purchase agreement entered into 47884  
pursuant to this section shall not be considered to be net 47885  
indebtedness of a school district under section 133.06 of the 47886  
Revised Code. 47887

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 47888

(F), and (G) of this section and in section 3313.412 of the Revised Code, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in section 7.16 of the Revised Code, or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is personal property, in the school district of the board of education that owns the property. The board may offer real property for sale as an entire tract or in parcels.

(B) When the board of education has offered real or personal property for sale at public auction at least once pursuant to division (A) of this section, and the property has not been sold, the board may sell it at a private sale. Regardless of how it was offered at public auction, at a private sale, the board shall, as it considers best, sell real property as an entire tract or in parcels, and personal property in a single lot or in several lots.

(C) If a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it may sell the property to the adjutant general; to any subdivision or taxing authority as respectively defined in section 5705.01 of the Revised Code, township park district, board of park commissioners established under Chapter 755. of the Revised Code, or park district established under Chapter 1545. of the Revised Code; to a wholly or partially tax-supported university, university branch, or college; to a nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; to the governing authority of a chartered nonpublic school;

or to the board of trustees of a school district library, upon 47921  
such terms as are agreed upon. The sale of real or personal 47922  
property to the board of trustees of a school district library is 47923  
limited, in the case of real property, to a school district 47924  
library within whose boundaries the real property is situated, or, 47925  
in the case of personal property, to a school district library 47926  
whose boundaries lie in whole or in part within the school 47927  
district of the selling board of education. 47928

(D) When a board of education decides to trade as a part or 47929  
an entire consideration, an item of personal property on the 47930  
purchase price of an item of similar personal property, it may 47931  
trade the same upon such terms as are agreed upon by the parties 47932  
to the trade. 47933

(E) The president and the treasurer of the board of education 47934  
shall execute and deliver deeds or other necessary instruments of 47935  
conveyance to complete any sale or trade under this section. 47936

(F) When a board of education has identified a parcel of real 47937  
property that it determines is needed for school purposes, the 47938  
board may, upon a majority vote of the members of the board, 47939  
acquire that property by exchanging real property that the board 47940  
owns in its corporate capacity for the identified real property or 47941  
by using real property that the board owns in its corporate 47942  
capacity as part or an entire consideration for the purchase price 47943  
of the identified real property. Any exchange or acquisition made 47944  
pursuant to this division shall be made by a conveyance executed 47945  
by the president and the treasurer of the board. 47946

(G) Except as provided in ~~section~~ sections 3313.412 and 47947  
3313.413 of the Revised Code, when a school district board of 47948  
education decides to dispose of real property, prior to disposing 47949  
of that property under divisions (A) to (F) of this section, it 47950  
shall first offer that property for sale to the governing 47951  
authorities of the start-up community schools established under 47952

Chapter 3314. of the Revised Code, and the board of trustees of 47953  
any college-preparatory boarding school established under Chapter 47954  
3328. of the Revised Code, that are located within the territory 47955  
of the school district. The district board shall offer the 47956  
property at a price that is not higher than the appraised fair 47957  
market value of that property as determined in an appraisal of the 47958  
property that is not more than one year old. If more than one 47959  
community school governing authority or college-preparatory 47960  
boarding school board of trustees accepts the offer made by the 47961  
school district board, the board shall sell the property to the 47962  
governing authority or board that accepted the offer first in 47963  
time. If no community school governing authority or 47964  
college-preparatory boarding school board of trustees accepts the 47965  
offer within sixty days after the offer is made by the school 47966  
district board, the board may dispose of the property in the 47967  
applicable manner prescribed under divisions (A) to (F) of this 47968  
section. 47969

(H) When a school district board of education has property 47970  
that the board, by resolution, finds is not needed for school 47971  
district use, is obsolete, or is unfit for the use for which it 47972  
was acquired, the board may donate that property in accordance 47973  
with this division if the fair market value of the property is, in 47974  
the opinion of the board, two thousand five hundred dollars or 47975  
less. 47976

The property may be donated to an eligible nonprofit 47977  
organization that is located in this state and is exempt from 47978  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 47979  
Before donating any property under this division, the board shall 47980  
adopt a resolution expressing its intent to make unneeded, 47981  
obsolete, or unfit-for-use school district property available to 47982  
these organizations. The resolution shall include guidelines and 47983  
procedures the board considers to be necessary to implement the 47984

donation program and shall indicate whether the school district 47985  
will conduct the donation program or the board will contract with 47986  
a representative to conduct it. If a representative is known when 47987  
the resolution is adopted, the resolution shall provide contact 47988  
information such as the representative's name, address, and 47989  
telephone number. 47990

The resolution shall include within its procedures a 47991  
requirement that any nonprofit organization desiring to obtain 47992  
donated property under this division shall submit a written notice 47993  
to the board or its representative. The written notice shall 47994  
include evidence that the organization is a nonprofit organization 47995  
that is located in this state and is exempt from federal income 47996  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 47997  
the organization's primary purpose; a description of the type or 47998  
types of property the organization needs; and the name, address, 47999  
and telephone number of a person designated by the organization's 48000  
governing board to receive donated property and to serve as its 48001  
agent. 48002

After adoption of the resolution, the board shall publish, in 48003  
a newspaper of general circulation in the school district or as 48004  
provided in section 7.16 of the Revised Code, notice of its intent 48005  
to donate unneeded, obsolete, or unfit-for-use school district 48006  
property to eligible nonprofit organizations. The notice shall 48007  
include a summary of the information provided in the resolution 48008  
and shall be published twice. The second notice shall be published 48009  
not less than ten nor more than twenty days after the previous 48010  
notice. A similar notice also shall be posted continually in the 48011  
board's office. If the school district maintains a web site on the 48012  
internet, the notice shall be posted continually at that web site. 48013

The board or its representatives shall maintain a list of all 48014  
nonprofit organizations that notify the board or its 48015  
representative of their desire to obtain donated property under 48016



this division and that the board or its representative determines 48017  
to be eligible, in accordance with the requirements set forth in 48018  
this section and in the donation program's guidelines and 48019  
procedures, to receive donated property. 48020

The board or its representative also shall maintain a list of 48021  
all school district property the board finds to be unneeded, 48022  
obsolete, or unfit for use and to be available for donation under 48023  
this division. The list shall be posted continually in a 48024  
conspicuous location in the board's office, and, if the school 48025  
district maintains a web site on the internet, the list shall be 48026  
posted continually at that web site. An item of property on the 48027  
list shall be donated to the eligible nonprofit organization that 48028  
first declares to the board or its representative its desire to 48029  
obtain the item unless the board previously has established, by 48030  
resolution, a list of eligible nonprofit organizations that shall 48031  
be given priority with respect to the item's donation. Priority 48032  
may be given on the basis that the purposes of a nonprofit 48033  
organization have a direct relationship to specific school 48034  
district purposes of programs provided or administered by the 48035  
board. A resolution giving priority to certain nonprofit 48036  
organizations with respect to the donation of an item of property 48037  
shall specify the reasons why the organizations are given that 48038  
priority. 48039

Members of the board shall consult with the Ohio ethics 48040  
commission, and comply with Chapters 102. and 2921. of the Revised 48041  
Code, with respect to any donation under this division to a 48042  
nonprofit organization of which a board member, any member of a 48043  
board member's family, or any business associate of a board member 48044  
is a trustee, officer, board member, or employee. 48045

**Sec. 3313.411.** (A) As used in this section: 48046

(1) "College-preparatory boarding school" means a 48047

college-preparatory boarding school established under Chapter 48048  
3328. of the Revised Code. 48049

(2) "Community school" means a community school established 48050  
under Chapter 3314. of the Revised Code. 48051

(3) "Unused school facilities" means any real property that 48052  
has been used by a school district for school operations, 48053  
including, but not limited to, academic instruction or 48054  
administration, since July 1, 1998, but has not been used in that 48055  
capacity for two years. 48056

(B)(1) Except as provided in ~~section~~ sections 3313.412 and 48057  
3313.413 of the Revised Code, on and after June 30, 2011, any 48058  
school district board of education shall offer any unused school 48059  
facilities it owns in its corporate capacity for lease or sale to 48060  
the governing authorities of community schools, and the board of 48061  
trustees of any college-preparatory boarding school, that are 48062  
located within the territory of the district. 48063

(2) At the same time that a district board makes the offer 48064  
required under division (B)(1) of this section, the board also 48065  
may, but shall not be required to, offer that property for sale or 48066  
lease to the governing authorities of community schools with 48067  
plans, stipulated in their contracts entered into under section 48068  
3314.03 of the Revised Code, either to relocate their operations 48069  
to the territory of the district or to add facilities, as 48070  
authorized by division (B)(3) or (4) of section 3314.05 of the 48071  
Revised Code, to be located within the territory of the district. 48072

(C)(1) If, not later than sixty days after the district board 48073  
makes the offer, only one qualified party offered the property 48074  
under division (B) of this section notifies the district treasurer 48075  
in writing of the intention to purchase the property, the district 48076  
board shall sell the property to that party for the appraised fair 48077  
market value of the property as determined in an appraisal of the 48078

property that is not more than one year old. 48079

(2) If, not later than sixty days after the district board 48080  
makes the offer, more than one qualified party offered the 48081  
property under division (B) of this section notifies the district 48082  
treasurer in writing of the intention to purchase the property, 48083  
the board shall conduct a public auction in the manner required 48084  
for auctions of district property under division (A) of section 48085  
3313.41 of the Revised Code. Only the parties offered the property 48086  
under division (B) of this section that notify the district 48087  
treasurer of the intention to purchase the property are eligible 48088  
to bid at the auction. The district board is not obligated to 48089  
accept any bid for the property that is lower than the appraised 48090  
fair market value of the property as determined in an appraisal 48091  
that is not more than one year old. 48092

(3) If more than one qualified party offered the property 48093  
under division (B) of this section notifies the district treasurer 48094  
in writing of the intention to lease the property, the district 48095  
board shall conduct a lottery to select from among those parties 48096  
the one qualified party to which the district board shall lease 48097  
the property. 48098

(4) The lease price offered by a district board to a 48099  
community school or college-preparatory boarding school under this 48100  
section shall not be higher than the fair market value for such a 48101  
leasehold as determined in an appraisal that is not more than one 48102  
year old. 48103

(5) If no qualified party offered the property under division 48104  
(B) of this section accepts the offer to lease or buy the property 48105  
within sixty days after the offer is made, the district board may 48106  
offer the property to any other entity in accordance with 48107  
divisions (A) to (F) of section 3313.41 of the Revised Code. 48108

(D) Notwithstanding division (B) of this section, a school 48109

district board may renew any agreement it originally entered into 48110  
prior to June 30, 2011, to lease real property to an entity other 48111  
than a community school or college-preparatory boarding school. 48112  
Nothing in this section shall affect the leasehold arrangements 48113  
between the district board and that other entity. 48114

(E)(1) Except as provided in division (E)(2) of this section, 48115  
the governing authority of a community school or the board of 48116  
trustees of a college-preparatory boarding school shall not sell 48117  
any property purchased under division (B) of this section within 48118  
five years of purchasing that property. 48119

(2) The governing authority or board of trustees may sell a 48120  
property purchased under division (B) of this section within five 48121  
years of the purchase, only if the governing authority or board of 48122  
trustees sells or transfers that property to another entity 48123  
described in that division. 48124

**Sec. 3313.413.** (A) As used in this section, "high-performing 48125  
community school" means a community school established under 48126  
Chapter 3314. of the Revised Code that meets the following 48127  
conditions: 48128

(1) Except as provided in division (A)(2) or (3) of this 48129  
section, the school both: 48130

(a) Has received a grade of "A," "B," or "C" for the 48131  
performance index score under division (C)(1)(b) of section 48132  
3302.03 of the Revised Code or has increased its performance index 48133  
score under division (C)(1)(b) of section 3302.03 of the Revised 48134  
Code in each of the previous three years of operation; and 48135

(b) Has received a grade of "A" or "B" for the value-added 48136  
progress dimension under division (C)(1)(e) of section 3302.03 of 48137  
the Revised Code on its most recent report card rating issued 48138  
under that section. 48139

(2) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section.

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(3) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

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(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, prior to offering that property to all start-up community schools and any college-preparatory boarding school located in the district as prescribed by division (G) of that section, the board shall first offer that property for sale to the governing authorities of high-performing community schools and any newly established community schools that are implementing a community school model that has a track record of high quality academic performance, as determined by the department of education. If no such governing authority notifies the district treasurer of its intention to purchase the property within sixty days after the offer is made, the board shall offer that property to all start-up community schools and college-preparatory boarding schools located in the district pursuant to division (G) of section 3313.41 of the Revised Code and then subsequently may offer the property for sale in the manner prescribed under divisions (A) to (F) of that section.

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(C) When a school district board of education is required to offer unused school facilities for lease or sale pursuant to section 3313.411 of the Revised Code, prior to offering those

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facilities to all start-up community schools and any 48172  
college-preparatory boarding school located in the district as 48173  
prescribed by that section, the board shall first offer those 48174  
facilities for lease or sale to the governing authorities of 48175  
high-performing community schools. If no such governing authority 48176  
notifies the district treasurer of its intention to lease or 48177  
purchase those facilities within sixty days after the offer is 48178  
made, the board shall offer those facilities to all start-up 48179  
community schools and college-preparatory boarding schools located 48180  
in the district pursuant to section 3313.411 of the Revised Code. 48181

(D) Notwithstanding anything to the contrary in sections 48182  
3313.41 and 3313.411 of the Revised Code, the purchase price of 48183  
any real property sold to the governing authority of a 48184  
high-performing community school in accordance with division (B) 48185  
of this section and of any unused school facilities sold to any of 48186  
those entities in accordance with division (C) of this section 48187  
shall not be more than the appraised fair market value of that 48188  
property as determined in an appraisal of the property that is not 48189  
more than one year old. 48190

**Sec. 3313.534.** ~~Not~~ (A) Not later than July 1, ~~1998~~ 2016, the 48191  
board of education of each city, exempted village, and local 48192  
school district shall adopt a an updated policy of zero tolerance 48193  
for violent behavior that shall provide tiered responses for 48194  
violent, disruptive, or inappropriate behavior, ~~including and~~ 48195  
excessive truancy, ~~and establish~~ based upon the nature and 48196  
severity of the behavior. The plan shall include strategies to 48197  
address such behavior that range from prevention to intervention. 48198  
The plan shall provide that, to the extent practicable, 48199  
out-of-school suspensions and expulsions may be imposed only where 48200  
the student's physical presence poses a continuing physical danger 48201  
to the health and safety of other students and school personnel, 48202  
including any of the behaviors described in divisions (B)(2) to 48203

(5) of section 3313.66 of the Revised Code. It shall further 48204  
provide that an out-of-school suspension or expulsion for behavior 48205  
that is disruptive or inappropriate, but where the student's 48206  
physical presence does not pose a continuing physical danger to 48207  
the health and safety of others, shall be discouraged and 48208  
available only as a penalty of last resort and only where it is 48209  
impracticable in the circumstances to impose a disciplinary action 48210  
that does not remove the student from the school. It shall further 48211  
provide that an out-of-school suspension or expulsion is not an 48212  
appropriate penalty for excessive truancy. 48213

(B)(1) Not later than February 28, 2016, the state board of 48214  
education shall develop a model disciplinary policy, consistent 48215  
with division (A) of this section, for violent, disruptive, or 48216  
inappropriate behavior, including excessive truancy, that stresses 48217  
preventive strategies and alternatives to suspension and 48218  
expulsion. 48219

(2) Not later than May 31, 2016, the department of education 48220  
shall do both of the following: 48221

(a) Provide to each school district a copy of the policy 48222  
adopted by the state board pursuant to division (B)(1) of this 48223  
section; 48224

(b) Develop materials to assist school districts in providing 48225  
teacher and staff training on the implementation of the strategies 48226  
included in that policy. 48227

~~Ne~~ (C) Not later than July 1, 1999, each of the big eight 48228  
school districts, as defined in section 3314.02 of the Revised 48229  
Code, shall establish under section 3313.533 of the Revised Code 48230  
at least one alternative school to meet the educational needs of 48231  
students with severe discipline problems, including, but not 48232  
limited to, excessive truancy, excessive disruption in the 48233  
classroom, and multiple suspensions or expulsions. Any other 48234

school district that attains after that date a significantly 48235  
substandard graduation rate, as defined by the department of 48236  
education, shall also establish such an alternative school under 48237  
that section. 48238

**Sec. 3313.603.** (A) As used in this section: 48239

(1) "One unit" means a minimum of one hundred twenty hours of 48240  
course instruction, except that for a laboratory course, "one 48241  
unit" means a minimum of one hundred fifty hours of course 48242  
instruction. 48243

(2) "One-half unit" means a minimum of sixty hours of course 48244  
instruction, except that for physical education courses, "one-half 48245  
unit" means a minimum of one hundred twenty hours of course 48246  
instruction. 48247

(B) Beginning September 15, 2001, except as required in 48248  
division (C) of this section and division (C) of section 3313.614 48249  
of the Revised Code, the requirements for graduation from every 48250  
high school shall include twenty units earned in grades nine 48251  
through twelve and shall be distributed as follows: 48252

(1) English language arts, four units; 48253

(2) Health, one-half unit; 48254

(3) Mathematics, three units; 48255

(4) Physical education, one-half unit; 48256

(5) Science, two units until September 15, 2003, and three 48257  
units thereafter, which at all times shall include both of the 48258  
following: 48259

(a) Biological sciences, one unit; 48260

(b) Physical sciences, one unit. 48261

(6) History and government, one unit, which shall comply with 48262  
division (M) of this section and shall include both of the 48263



following:	48264
(a) American history, one-half unit;	48265
(b) American government, one-half unit.	48266
(7) Social studies, two units.	48267
Beginning with students who enter ninth grade for the first	48268
time on or after July 1, 2017, the two units of instruction	48269
prescribed by division (B)(7) of this section shall include at	48270
least one-half unit of instruction in the study of world history	48271
and civilizations.	48272
(8) Elective units, seven units until September 15, 2003, and	48273
six units thereafter.	48274
Each student's electives shall include at least one unit, or	48275
two half units, chosen from among the areas of	48276
business/technology, fine arts, and/or foreign language.	48277
(C) Beginning with students who enter ninth grade for the	48278
first time on or after July 1, 2010, except as provided in	48279
divisions (D) to (F) of this section, the requirements for	48280
graduation from every public and chartered nonpublic high school	48281
shall include twenty units that are designed to prepare students	48282
for the workforce and college. The units shall be distributed as	48283
follows:	48284
(1) English language arts, four units;	48285
(2) Health, one-half unit, which shall include instruction in	48286
nutrition and the benefits of nutritious foods and physical	48287
activity for overall health;	48288
(3) Mathematics, four units, which shall include one unit of	48289
algebra II or the equivalent of algebra II+. <u>However, students who</u>	48290
<u>enter ninth grade for the first time on or after July 1, 2015, and</u>	48291
<u>who are pursuing a career-technical instructional track shall not</u>	48292
<u>be required to take algebra II, and instead may complete a</u>	48293

<u>career-based pathway mathematics course as an alternative.</u>	48294
(4) Physical education, one-half unit;	48295
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	48296 48297 48298 48299
(a) Physical sciences, one unit;	48300
(b) Life sciences, one unit;	48301
(c) Advanced study in one or more of the following sciences, one unit:	48302 48303
(i) Chemistry, physics, or other physical science;	48304
(ii) Advanced biology or other life science;	48305
(iii) Astronomy, physical geology, or other earth or space science.	48306 48307
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	48308 48309 48310
(a) American history, one-half unit;	48311
(b) American government, one-half unit.	48312
(7) Social studies, two units.	48313
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in	48314 48315 48316 48317 48318 48319 48320 48321 48322

those concepts. In developing the curriculum required by this 48323  
paragraph, schools shall use available public-private partnerships 48324  
and resources and materials that exist in business, industry, and 48325  
through the centers for economics education at institutions of 48326  
higher education in the state. 48327

Beginning with students who enter ninth grade for the first 48328  
time on or after July 1, 2017, the two units of instruction 48329  
prescribed by division (C)(7) of this section shall include at 48330  
least one-half unit of instruction in the study of world history 48331  
and civilizations. 48332

(8) Five units consisting of one or any combination of 48333  
foreign language, fine arts, business, career-technical education, 48334  
family and consumer sciences, technology, agricultural education, 48335  
a junior reserve officer training corps (JROTC) program approved 48336  
by the congress of the United States under title 10 of the United 48337  
States Code, or English language arts, mathematics, science, or 48338  
social studies courses not otherwise required under division (C) 48339  
of this section. 48340

Ohioans must be prepared to apply increased knowledge and 48341  
skills in the workplace and to adapt their knowledge and skills 48342  
quickly to meet the rapidly changing conditions of the 48343  
twenty-first century. National studies indicate that all high 48344  
school graduates need the same academic foundation, regardless of 48345  
the opportunities they pursue after graduation. The goal of Ohio's 48346  
system of elementary and secondary education is to prepare all 48347  
students for and seamlessly connect all students to success in 48348  
life beyond high school graduation, regardless of whether the next 48349  
step is entering the workforce, beginning an apprenticeship, 48350  
engaging in post-secondary training, serving in the military, or 48351  
pursuing a college degree. 48352

The requirements for graduation prescribed in division (C) of 48353  
this section are the standard expectation for all students 48354

entering ninth grade for the first time at a public or chartered 48355  
nonpublic high school on or after July 1, 2010. A student may 48356  
satisfy this expectation through a variety of methods, including, 48357  
but not limited to, integrated, applied, career-technical, and 48358  
traditional coursework. 48359

Whereas teacher quality is essential for student success when 48360  
completing the requirements for graduation, the general assembly 48361  
shall appropriate funds for strategic initiatives designed to 48362  
strengthen schools' capacities to hire and retain highly qualified 48363  
teachers in the subject areas required by the curriculum. Such 48364  
initiatives are expected to require an investment of \$120,000,000 48365  
over five years. 48366

Stronger coordination between high schools and institutions 48367  
of higher education is necessary to prepare students for more 48368  
challenging academic endeavors and to lessen the need for academic 48369  
remediation in college, thereby reducing the costs of higher 48370  
education for Ohio's students, families, and the state. The state 48371  
board and the chancellor of ~~the Ohio board of regents~~ higher 48372  
education shall develop policies to ensure that only in rare 48373  
instances will students who complete the requirements for 48374  
graduation prescribed in division (C) of this section require 48375  
academic remediation after high school. 48376

School districts, community schools, and chartered nonpublic 48377  
schools shall integrate technology into learning experiences 48378  
across the curriculum in order to maximize efficiency, enhance 48379  
learning, and prepare students for success in the 48380  
technology-driven twenty-first century. Districts and schools 48381  
shall use distance and web-based course delivery as a method of 48382  
providing or augmenting all instruction required under this 48383  
division, including laboratory experience in science. Districts 48384  
and schools shall utilize technology access and electronic 48385  
learning opportunities provided by the broadcast educational media 48386

commission, chancellor, the Ohio learning network, education 48387  
technology centers, public television stations, and other public 48388  
and private providers. 48389

(D) Except as provided in division (E) of this section, a 48390  
student who enters ninth grade on or after July 1, 2010, and 48391  
before July 1, 2016, may qualify for graduation from a public or 48392  
chartered nonpublic high school even though the student has not 48393  
completed the requirements for graduation prescribed in division 48394  
(C) of this section if all of the following conditions are 48395  
satisfied: 48396

(1) During the student's third year of attending high school, 48397  
as determined by the school, the student and the student's parent, 48398  
guardian, or custodian sign and file with the school a written 48399  
statement asserting the parent's, guardian's, or custodian's 48400  
consent to the student's graduating without completing the 48401  
requirements for graduation prescribed in division (C) of this 48402  
section and acknowledging that one consequence of not completing 48403  
those requirements is ineligibility to enroll in most state 48404  
universities in Ohio without further coursework. 48405

(2) The student and parent, guardian, or custodian fulfill 48406  
any procedural requirements the school stipulates to ensure the 48407  
student's and parent's, guardian's, or custodian's informed 48408  
consent and to facilitate orderly filing of statements under 48409  
division (D)(1) of this section. Annually, each district or school 48410  
shall notify the department of education of the number of students 48411  
who choose to qualify for graduation under division (D) of this 48412  
section and the number of students who complete the student's 48413  
success plan and graduate from high school. 48414

(3) The student and the student's parent, guardian, or 48415  
custodian and a representative of the student's high school 48416  
jointly develop a student success plan for the student in the 48417  
manner described in division (C)(1) of section 3313.6020 of the 48418

Revised Code that specifies the student matriculating to a 48419  
two-year degree program, acquiring a business and 48420  
industry-recognized credential, or entering an apprenticeship. 48421

(4) The student's high school provides counseling and support 48422  
for the student related to the plan developed under division 48423  
(D)(3) of this section during the remainder of the student's high 48424  
school experience. 48425

(5)(a) Except as provided in division (D)(5)(b) of this 48426  
section, the student successfully completes, at a minimum, the 48427  
curriculum prescribed in division (B) of this section. 48428

(b) Beginning with students who enter ninth grade for the 48429  
first time on or after July 1, 2014, a student shall be required 48430  
to complete successfully, at the minimum, the curriculum 48431  
prescribed in division (B) of this section, except as follows: 48432

(i) Mathematics, four units, one unit which shall be one of 48433  
the following: 48434

(I) Probability and statistics; 48435

(II) Computer programming; 48436

(III) Applied mathematics or quantitative reasoning; 48437

(IV) Any other course approved by the department using 48438  
standards established by the superintendent not later than October 48439  
1, 2014. 48440

(ii) Elective units, five units; 48441

(iii) Science, three units as prescribed by division (B) of 48442  
this section which shall include inquiry-based laboratory 48443  
experience that engages students in asking valid scientific 48444  
questions and gathering and analyzing information. 48445

The department, in collaboration with the chancellor, shall 48446  
analyze student performance data to determine if there are 48447  
mitigating factors that warrant extending the exception permitted 48448

by division (D) of this section to high school classes beyond 48449  
those entering ninth grade before July 1, 2016. The department 48450  
shall submit its findings and any recommendations not later than 48451  
December 1, 2015, to the speaker and minority leader of the house 48452  
of representatives, the president and minority leader of the 48453  
senate, the chairpersons and ranking minority members of the 48454  
standing committees of the house of representatives and the senate 48455  
that consider education legislation, the state board of education, 48456  
and the superintendent of public instruction. 48457

(E) Each school district and chartered nonpublic school 48458  
retains the authority to require an even more challenging minimum 48459  
curriculum for high school graduation than specified in division 48460  
(B) or (C) of this section. A school district board of education, 48461  
through the adoption of a resolution, or the governing authority 48462  
of a chartered nonpublic school may stipulate any of the 48463  
following: 48464

(1) A minimum high school curriculum that requires more than 48465  
twenty units of academic credit to graduate; 48466

(2) An exception to the district's or school's minimum high 48467  
school curriculum that is comparable to the exception provided in 48468  
division (D) of this section but with additional requirements, 48469  
which may include a requirement that the student successfully 48470  
complete more than the minimum curriculum prescribed in division 48471  
(B) of this section; 48472

(3) That no exception comparable to that provided in division 48473  
(D) of this section is available. 48474

(F) A student enrolled in a dropout prevention and recovery 48475  
program, which program has received a waiver from the department, 48476  
may qualify for graduation from high school by successfully 48477  
completing a competency-based instructional program administered 48478  
by the dropout prevention and recovery program in lieu of 48479

completing the requirements for graduation prescribed in division 48480  
(C) of this section. The department shall grant a waiver to a 48481  
dropout prevention and recovery program, within sixty days after 48482  
the program applies for the waiver, if the program meets all of 48483  
the following conditions: 48484

(1) The program serves only students not younger than sixteen 48485  
years of age and not older than twenty-one years of age. 48486

(2) The program enrolls students who, at the time of their 48487  
initial enrollment, either, or both, are at least one grade level 48488  
behind their cohort age groups or experience crises that 48489  
significantly interfere with their academic progress such that 48490  
they are prevented from continuing their traditional programs. 48491

(3) The program requires students to attain at least the 48492  
applicable score designated for each of the assessments prescribed 48493  
under division (B)(1) of section 3301.0710 of the Revised Code or, 48494  
to the extent prescribed by rule of the state board under division 48495  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 48496  
of that section. 48497

(4) The program develops a student success plan for the 48498  
student in the manner described in division (C)(1) of section 48499  
3313.6020 of the Revised Code that specifies the student's 48500  
matriculating to a two-year degree program, acquiring a business 48501  
and industry-recognized credential, or entering an apprenticeship. 48502

(5) The program provides counseling and support for the 48503  
student related to the plan developed under division (F)(4) of 48504  
this section during the remainder of the student's high school 48505  
experience. 48506

(6) The program requires the student and the student's 48507  
parent, guardian, or custodian to sign and file, in accordance 48508  
with procedural requirements stipulated by the program, a written 48509  
statement asserting the parent's, guardian's, or custodian's 48510



consent to the student's graduating without completing the 48511  
requirements for graduation prescribed in division (C) of this 48512  
section and acknowledging that one consequence of not completing 48513  
those requirements is ineligibility to enroll in most state 48514  
universities in Ohio without further coursework. 48515

(7) Prior to receiving the waiver, the program has submitted 48516  
to the department an instructional plan that demonstrates how the 48517  
academic content standards adopted by the state board under 48518  
section 3301.079 of the Revised Code will be taught and assessed. 48519

(8) Prior to receiving the waiver, the program has submitted 48520  
to the department a policy on career advising that satisfies the 48521  
requirements of section 3313.6020 of the Revised Code, with an 48522  
emphasis on how every student will receive career advising. 48523

(9) Prior to receiving the waiver, the program has submitted 48524  
to the department a written agreement outlining the future 48525  
cooperation between the program and any combination of local job 48526  
training, postsecondary education, nonprofit, and health and 48527  
social service organizations to provide services for students in 48528  
the program and their families. 48529

Divisions (F)(8) and (9) of this section apply only to 48530  
waivers granted on or after July 1, 2015. 48531

If the department does not act either to grant the waiver or 48532  
to reject the program application for the waiver within sixty days 48533  
as required under this section, the waiver shall be considered to 48534  
be granted. 48535

(G) Every high school may permit students below the ninth 48536  
grade to take advanced work. If a high school so permits, it shall 48537  
award high school credit for successful completion of the advanced 48538  
work and shall count such advanced work toward the graduation 48539  
requirements of division (B) or (C) of this section if the 48540  
advanced work was both: 48541

(1) Taught by a person who possesses a license or certificate  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised  
Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local,  
or exempted village school district, the board of the cooperative  
education school district, or the governing authority of the  
chartered nonpublic school as meeting the high school curriculum  
requirements.

Each high school shall record on the student's high school  
transcript all high school credit awarded under division (G) of  
this section. In addition, if the student completed a seventh- or  
eighth-grade fine arts course described in division (K) of this  
section and the course qualified for high school credit under that  
division, the high school shall record that course on the  
student's high school transcript.

(H) The department shall make its individual academic career  
plan available through its Ohio career information system web site  
for districts and schools to use as a tool for communicating with  
and providing guidance to students and families in selecting high  
school courses.

(I) Units earned in English language arts, mathematics,  
science, and social studies that are delivered through integrated  
academic and career-technical instruction are eligible to meet the  
graduation requirements of division (B) or (C) of this section.

(J)(1) The state board, in consultation with the chancellor,  
shall adopt a statewide plan implementing methods for students to  
earn units of high school credit based on a demonstration of  
subject area competency, instead of or in combination with  
completing hours of classroom instruction. The state board shall  
adopt the plan not later than March 31, 2009, and commence phasing  
in the plan during the 2009-2010 school year. The plan shall

include a standard method for recording demonstrated proficiency 48573  
on high school transcripts. Each school district and community 48574  
school shall comply with the state board's plan adopted under this 48575  
division and award units of high school credit in accordance with 48576  
the plan. The state board may adopt existing methods for earning 48577  
high school credit based on a demonstration of subject area 48578  
competency as necessary prior to the 2009-2010 school year. 48579

(2) Not later than December 31, 2015, the state board shall 48580  
update the statewide plan adopted pursuant to division (J)(1) of 48581  
this section to also include methods for students enrolled in 48582  
seventh and eighth grade to meet curriculum requirements based on 48583  
a demonstration of subject area competency, instead of or in 48584  
combination with completing hours of classroom instruction. 48585  
Beginning with the 2017-2018 school year, each school district and 48586  
community school also shall comply with the updated plan adopted 48587  
pursuant to this division and permit students enrolled in seventh 48588  
and eighth grade to meet curriculum requirements based on subject 48589  
area competency in accordance with the plan. 48590

(K) This division does not apply to students who qualify for 48591  
graduation from high school under division (D) or (F) of this 48592  
section, or to students pursuing a career-technical instructional 48593  
track as determined by the school district board of education or 48594  
the chartered nonpublic school's governing authority. 48595  
Nevertheless, the general assembly encourages such students to 48596  
consider enrolling in a fine arts course as an elective. 48597

Beginning with students who enter ninth grade for the first 48598  
time on or after July 1, 2010, each student enrolled in a public 48599  
or chartered nonpublic high school shall complete two semesters or 48600  
the equivalent of fine arts to graduate from high school. The 48601  
coursework may be completed in any of grades seven to twelve. Each 48602  
student who completes a fine arts course in grade seven or eight 48603  
may elect to count that course toward the five units of electives 48604

required for graduation under division (C)(8) of this section, if 48605  
the course satisfied the requirements of division (G) of this 48606  
section. In that case, the high school shall award the student 48607  
high school credit for the course and count the course toward the 48608  
five units required under division (C)(8) of this section. If the 48609  
course in grade seven or eight did not satisfy the requirements of 48610  
division (G) of this section, the high school shall not award the 48611  
student high school credit for the course but shall count the 48612  
course toward the two semesters or the equivalent of fine arts 48613  
required by this division. 48614

(L) Notwithstanding anything to the contrary in this section, 48615  
the board of education of each school district and the governing 48616  
authority of each chartered nonpublic school may adopt a policy to 48617  
excuse from the high school physical education requirement each 48618  
student who, during high school, has participated in 48619  
interscholastic athletics, marching band, or cheerleading for at 48620  
least two full seasons or in the junior reserve officer training 48621  
corps for at least two full school years. If the board or 48622  
authority adopts such a policy, the board or authority shall not 48623  
require the student to complete any physical education course as a 48624  
condition to graduate. However, the student shall be required to 48625  
complete one-half unit, consisting of at least sixty hours of 48626  
instruction, in another course of study. In the case of a student 48627  
who has participated in the junior reserve officer training corps 48628  
for at least two full school years, credit received for that 48629  
participation may be used to satisfy the requirement to complete 48630  
one-half unit in another course of study. 48631

(M) It is important that high school students learn and 48632  
understand United States history and the governments of both the 48633  
United States and the state of Ohio. Therefore, beginning with 48634  
students who enter ninth grade for the first time on or after July 48635  
1, 2012, the study of American history and American government 48636

required by divisions (B)(6) and (C)(6) of this section shall	48637
include the study of all of the following documents:	48638
(1) The Declaration of Independence;	48639
(2) The Northwest Ordinance;	48640
(3) The Constitution of the United States with emphasis on the Bill of Rights;	48641 48642
(4) The Ohio Constitution.	48643
The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.	48644 48645 48646
The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	48647 48648 48649 48650 48651 48652
<b>Sec. 3313.608.</b> (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:	48653 48654 48655 48656 48657 48658 48659 48660 48661 48662 48663 48664
(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the	48665 48666

student's skill in reading demonstrate that the student is 48667  
academically prepared to be promoted to fourth grade; 48668

(b) Promote the student to fourth grade but provide the 48669  
student with intensive intervention services in fourth grade; 48670

(c) Retain the student in third grade. 48671

(2) Beginning with students who enter third grade in the 48672  
2013-2014 school year, unless the student is excused under 48673  
division (C) of section 3301.0711 of the Revised Code from taking 48674  
the assessment described in this section, no school district shall 48675  
promote to fourth grade any student who does not attain at least 48676  
the equivalent level of achievement designated under division 48677  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 48678  
prescribed under that section to measure skill in English language 48679  
arts expected at the end of third grade, unless one of the 48680  
following applies: 48681

(a) The student is a limited English proficient student who 48682  
has been enrolled in United States schools for less than three 48683  
full school years and has had less than three years of instruction 48684  
in an English as a second language program. 48685

(b) The student is a child with a disability entitled to 48686  
special education and related services under Chapter 3323. of the 48687  
Revised Code and the student's individualized education program 48688  
exempts the student from retention under this division. 48689

(c) The student demonstrates an acceptable level of 48690  
performance on an alternative standardized reading assessment as 48691  
determined by the department of education. 48692

(d) All of the following apply: 48693

(i) The student is a child with a disability entitled to 48694  
special education and related services under Chapter 3323. of the 48695  
Revised Code. 48696

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 48697  
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 48700  
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(iv) The student previously was retained in any of grades kindergarten to three. 48705  
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(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 48707  
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(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 48711  
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(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessments shall be completed by the thirtieth day of September. Each 48718  
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district shall use the diagnostic assessment to measure reading ability for the appropriate grade level adopted under section 3301.079 of the Revised Code, or a comparable tool approved by the department of education, to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level.

(2) For each student identified by the diagnostic assessment prescribed under this section as having reading skills below grade level, the district shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.



(b) Provide intensive reading instruction services and 48759  
regular diagnostic assessments to the student immediately 48760  
following identification of a reading deficiency until the 48761  
development of the reading improvement and monitoring plan 48762  
required by division (C) of this section. These intervention 48763  
services shall include research-based reading strategies that have 48764  
been shown to be successful in improving reading among 48765  
low-performing readers and instruction targeted at the student's 48766  
identified reading deficiencies. 48767

(3) For each student retained under division (A) of this 48768  
section, the district shall do all of the following: 48769

(a) Provide intense remediation services until the student is 48770  
able to read at grade level. The remediation services shall 48771  
include intensive interventions in reading that address the areas 48772  
of deficiencies identified under this section including, but not 48773  
limited to, not less than ninety minutes of reading instruction 48774  
per day, and may include any of the following: 48775

(i) Small group instruction; 48776

(ii) Reduced teacher-student ratios; 48777

(iii) More frequent progress monitoring; 48778

(iv) Tutoring or mentoring; 48779

(v) Transition classes containing third and fourth grade 48780  
students; 48781

(vi) Extended school day, week, or year; 48782

(vii) Summer reading camps. 48783

(b) Establish a policy for the mid-year promotion of a 48784  
student retained under division (A) of this section who 48785  
demonstrates that the student is reading at or above grade level; 48786

(c) Provide each student with a teacher who satisfies one or 48787  
more of the criteria set forth in division (H) of this section. 48788

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;	48820 48821 48822
(5) A reading curriculum during regular school hours that does all of the following:	48823 48824
(a) Assists students to read at grade level;	48825
(b) Provides scientifically based and reliable assessment;	48826
(c) Provides initial and ongoing analysis of each student's reading progress.	48827 48828
(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.	48829 48830 48831 48832 48833 48834
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	48835 48836 48837 48838
The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.	48839 48840 48841 48842
(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered	48843 48844 48845 48846 48847 48848 48849

under division (B) of this section and the achievement assessments 48850  
administered under divisions (A)(1)(a) and (b) of section 48851  
3301.0710 of the Revised Code in English language arts, aggregated 48852  
by school district and building; the types of intervention 48853  
services provided to students; and, if available, an evaluation of 48854  
the efficacy of the intervention services provided. 48855

(E) Any summer remediation services funded in whole or in 48856  
part by the state and offered by school districts to students 48857  
under this section shall meet the following conditions: 48858

(1) The remediation methods are based on reliable educational 48859  
research. 48860

(2) The school districts conduct assessment before and after 48861  
students participate in the program to facilitate monitoring 48862  
results of the remediation services. 48863

(3) The parents of participating students are involved in 48864  
programming decisions. 48865

(F) Any intervention or remediation services required by this 48866  
section shall include intensive, explicit, and systematic 48867  
instruction. 48868

(G) This section does not create a new cause of action or a 48869  
substantive legal right for any person. 48870

(H)(1) Except as provided under divisions (H)(2), (3), and 48871  
(4) of this section, each student described in division (B)(3) or 48872  
(C) of this section who enters third grade for the first time on 48873  
or after July 1, 2013, shall be assigned a teacher who has at 48874  
least one year of teaching experience and who satisfies one or 48875  
more of the following criteria: 48876

(a) The teacher holds a reading endorsement on the teacher's 48877  
license and has attained a passing score on the corresponding 48878  
assessment for that endorsement, as applicable. 48879

(b) The teacher has completed a master's degree program with a major in reading. 48880  
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(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code. 48882  
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(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years. 48888  
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(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board. 48891  
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(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017. 48894  
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(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section. 48897  
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(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of 48905  
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scientifically research-based reading instruction that has been 48911  
approved by the department. Beginning on July 1, 2014, the 48912  
alternative credentials and training described in division (H)(3) 48913  
of this section shall be aligned with the reading competencies 48914  
adopted by the state board of education under section 3301.077 of 48915  
the Revised Code. 48916

(4) Notwithstanding division (H)(1) of this section, a 48917  
student described in division (B)(3) or (C) of this section who 48918  
enters third grade for the first time on or after July 1, 2013, 48919  
may receive reading intervention or remediation services under 48920  
this section from an individual employed as a speech-language 48921  
pathologist who holds a license issued by the board of 48922  
speech-language pathology and audiology under Chapter 4753. of the 48923  
Revised Code and a professional pupil services license as a school 48924  
speech-language pathologist issued by the state board of 48925  
education. 48926

(5) A teacher, other than a student's teacher of record, may 48927  
provide any services required under this section, so long as that 48928  
other teacher meets the requirements of division (H) of this 48929  
section and the teacher of record and the school principal agree 48930  
to the assignment. Any such assignment shall be documented in the 48931  
student's reading improvement and monitoring plan. 48932

As used in this division, "teacher of record" means the 48933  
classroom teacher to whom a student is assigned. 48934

(I) Notwithstanding division (H) of this section, a teacher 48935  
may teach reading to any student who is an English language 48936  
learner, and has been in the United States for three years or 48937  
less, or to a student who has an individualized education program 48938  
developed under Chapter 3323. of the Revised Code if that teacher 48939  
holds an alternative credential approved by the department or has 48940  
successfully completed training that is based on principles of 48941  
scientifically research-based reading instruction that has been 48942

approved by the department. Beginning on July 1, 2014, the  
alternative credentials and training described in this division  
shall be aligned with the reading competencies adopted by the  
state board of education under section 3301.077 of the Revised  
Code.

(J) If, on or after June 4, 2013, a school district or  
community school cannot furnish the number of teachers needed who  
satisfy one or more of the criteria set forth in division (H) of  
this section for the 2013-2014 school year, the school district or  
community school shall develop and submit a staffing plan by June  
30, 2013. The staffing plan shall include criteria that will be  
used to assign a student described in division (B)(3) or (C) of  
this section to a teacher, credentials or training held by  
teachers currently teaching at the school, and how the school  
district or community school will meet the requirements of this  
section. The school district or community school shall post the  
staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March  
in each year thereafter, a school district or community school  
that has submitted a plan under this division shall submit to the  
department a detailed report of the progress the district or  
school has made in meeting the requirements under this section.

A school district or community school may request an  
extension of a staffing plan beyond the 2013-2014 school year.  
Extension requests must be submitted to the department not later  
than the thirtieth day of April prior to the start of the  
applicable school year. The department may grant extensions valid  
through the 2015-2016 school year.

Until June 30, 2015, the department annually shall review all  
staffing plans and report to the state board not later than the  
thirtieth day of June of each year the progress of school  
districts and community schools in meeting the requirements of

this section. 48975

(K) The department of education shall designate one or more 48976  
staff members to provide guidance and assistance to school 48977  
districts and community schools in implementing the third grade 48978  
guarantee established by this section, including any standards or 48979  
requirements adopted to implement the guarantee and to provide 48980  
information and support for reading instruction and achievement. 48981

**Sec. 3313.6010.** The ~~state~~ board of education ~~shall adopt~~ 48982  
~~rules permitting of a school districts to district may~~ contract 48983  
with public and private providers of academic remediation and 48984  
intervention in mathematics, science, reading, writing, and social 48985  
studies for the purpose of assisting pupils in ~~grades one through~~ 48986  
~~six~~ any grade outside of regular school hours. 48987

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 48988  
board of education shall grant a high school diploma to any person 48989  
unless, subject to section 3313.614 of the Revised Code, the 48990  
person has met the assessment requirements of division (A)(1) or 48991  
(2) of this section, as applicable. 48992

(1) If the person entered the ninth grade prior to July 1, 48993  
2014, the person has attained at least the applicable scores 48994  
designated under division (B)(1) of section 3301.0710 of the 48995  
Revised Code on all the assessments required by that division, or 48996  
has satisfied the alternative conditions prescribed in section 48997  
3313.615 of the Revised Code. 48998

(2) If the person entered the ninth grade on or after July 1, 48999  
2014, the person has met the requirement prescribed by section 49000  
3313.618 or 3313.619 of the Revised Code. 49001

(B) This section does not apply to any of the following: 49002

(1) Any person with regard to any assessment from which the 49003  
person was excused pursuant to division (C)(1)(c) of section 49004



3301.0711 of the Revised Code; 49005

(2) Any person ~~that~~ who attends a nonpublic school acting in 49006  
accordance with division (D) of this section with regard to any 49007  
end-of-course examination ~~required~~ prescribed under 49008  
~~divisions~~division (B)(~~2~~) and (~~3~~) of section 3301.0712 of the 49009  
Revised Code, except for a student attending the school under a 49010  
state scholarship program as defined in section 3301.0711 of the 49011  
Revised Code; 49012

(3) Any person who attends a nonpublic school accredited 49013  
through the independent school association of the central states, 49014  
except for a student attending the school under a state 49015  
scholarship program as defined in section 3301.0711 of the Revised 49016  
Code. 49017

(4) Any person with regard to the social studies assessment 49018  
under division (B)(1) of section 3301.0710 of the Revised Code, 49019  
any American history end-of-course examination and any American 49020  
government end-of-course examination required under division (B) 49021  
of section 3301.0712 of the Revised Code if such an exemption is 49022  
prescribed by rule of the state board of education under division 49023  
(D)(3) of section 3301.0712 of the Revised Code, or the 49024  
citizenship test under former division (B) of section 3301.0710 of 49025  
the Revised Code as it existed prior to September 11, 2001, if all 49026  
of the following apply: 49027

(a) The person is not a citizen of the United States; 49028

(b) The person is not a permanent resident of the United 49029  
States; 49030

(c) The person indicates no intention to reside in the United 49031  
States after completion of high school. 49032

(C) As used in this division, "limited English proficient 49033  
student" has the same meaning as in division (C)(3) of section 49034  
3301.0711 of the Revised Code. 49035

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section.

(D) A nonpublic school chartered by the state board that is not accredited through the independent school association of the central states may forgo the end-of-course examinations ~~required by divisions under division~~ (B)(2) ~~and (3)~~ of section 3301.0712 of the Revised Code, if that school publishes, for each graduating class, the results of either the standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code ~~for each graduating class or an alternative assessment specified under section 3313.619 of the Revised Code~~. The published results shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(E) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section.

(F) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code.

~~(G) The exemption provided for in divisions (B)(2) and (D) of this section shall be effective on and after October 1, 2015, but only if the general assembly does not enact different requirements regarding end of course examinations for chartered nonpublic schools that are effective by that date.~~

**Sec. 3313.614.** (A) As used in this section, a person

"fulfills the curriculum requirement for a diploma" at the time 49067  
one of the following conditions is satisfied: 49068

(1) The person successfully completes the high school 49069  
curriculum of a school district, a community school, a chartered 49070  
nonpublic school, or a correctional institution. 49071

(2) The person successfully completes the individualized 49072  
education program developed for the person under section 3323.08 49073  
of the Revised Code. 49074

(3) A board of education issues its determination under 49075  
section 3313.611 of the Revised Code that the person qualifies as 49076  
having successfully completed the curriculum required by the 49077  
district. 49078

(B) This division specifies the assessment requirements that 49079  
must be fulfilled as a condition toward granting high school 49080  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 49081  
of the Revised Code. 49082

(1) A person who fulfills the curriculum requirement for a 49083  
diploma before September 15, 2000, is not required to pass any 49084  
proficiency test or achievement test in science as a condition to 49085  
receiving a diploma. 49086

(2) A person who began ninth grade for the first time prior 49087  
to July 1, 2003, is not required to pass the Ohio graduation test 49088  
prescribed under division (B)(1) of section 3301.0710 or any 49089  
assessment prescribed under division (B)(2) of that section in any 49090  
subject as a condition to receiving a diploma once the person has 49091  
passed the ninth grade proficiency test in the same subject, so 49092  
long as the person passed the ninth grade proficiency test prior 49093  
to September 15, 2008. However, any such person who passes the 49094  
Ohio graduation test in any subject prior to passing the ninth 49095  
grade proficiency test in the same subject shall be deemed to have 49096

passed the ninth grade proficiency test in that subject as a 49097  
condition to receiving a diploma. For this purpose, the ninth 49098  
grade proficiency test in citizenship substitutes for the Ohio 49099  
graduation test in social studies. If a person began ninth grade 49100  
prior to July 1, 2003, but does not pass a ninth grade proficiency 49101  
test or the Ohio graduation test in a particular subject before 49102  
September 15, 2008, and passage of a test in that subject is a 49103  
condition for the person to receive a diploma, the person must 49104  
pass the Ohio graduation test instead of the ninth grade 49105  
proficiency test in that subject to receive a diploma. 49106

(3) A (a) Except as provided in division (B)(3)(b) of this 49107  
section, a person who begins ninth grade for the first time on or 49108  
after July 1, 2003, in a school district, community school, or 49109  
chartered nonpublic school is not eligible to receive a diploma 49110  
based on passage of ninth grade proficiency tests. Each such 49111  
person who begins ninth grade prior to July 1, 2014, must pass 49112  
Ohio graduation tests to meet the assessment requirements 49113  
applicable to that person as a condition to receiving a diploma or 49114  
satisfy one of the conditions prescribed in division (B)(3)(b) of 49115  
this section. 49116

(b) A person who began ninth grade for the first time prior 49117  
to July 1, 2014, shall be eligible to receive a diploma if the 49118  
person meets the requirement prescribed by section 3313.618 or 49119  
3313.619 of the Revised Code. 49120

(c) A person who began ninth grade for the first time prior 49121  
to July 1, 2014, and who has not attained at least the applicable 49122  
scores designated under division (B)(1) of section 3301.0710 of 49123  
the Revised Code on all the assessments required by that division 49124  
shall be eligible to receive a diploma if the person meets the 49125  
requirement prescribed by rule of the state board of education as 49126  
prescribed under division (B)(3)(d) of this section. 49127

(d) Not later than December 31, 2015, the state board of 49128

education shall adopt rules prescribing the manner in which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma by combining the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code and the requirement to attain at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on the assessments required by that division. The rules shall ensure that the combined requirements require a demonstration of mastery that is equivalent or greater to the expectations of the assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code. The rules shall include the following:

(i) The date by which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma under division (B)(3)(c) of this section;

(ii) Methods of replacing individual assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code;

(iii) Methods of integrating the pathways prescribed by division (A) of section 3313.618 or section 3313.619 of the Revised Code.

(4) A Except as provided in division (B)(3)(b) of this section, a person who begins ninth grade on or after July 1, 2014, is not eligible to receive a diploma based on passage of the Ohio graduation tests. Each such person must meet the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

(C) This division specifies the curriculum requirement that shall be completed as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.

(1) A person who is under twenty-two years of age when the person fulfills the curriculum requirement for a diploma shall

complete the curriculum required by the school district or school 49160  
issuing the diploma for the first year that the person originally 49161  
enrolled in high school, except for a person who qualifies for 49162  
graduation from high school under either division (D) or (F) of 49163  
section 3313.603 of the Revised Code. 49164

(2) Once a person fulfills the curriculum requirement for a 49165  
diploma, the person is never required, as a condition of receiving 49166  
a diploma, to meet any different curriculum requirements that take 49167  
effect pending the person's passage of proficiency tests or 49168  
achievement tests or assessments, including changes mandated by 49169  
section 3313.603 of the Revised Code, the state board, a school 49170  
district board of education, or a governing authority of a 49171  
community school or chartered nonpublic school. 49172

**Sec. 3313.615.** This section shall apply to diplomas awarded 49173  
after September 15, 2006, to students who are required to take the 49174  
five Ohio graduation tests prescribed by division (B)(1) of 49175  
section 3301.0710 of the Revised Code. This section does not apply 49176  
to any student who enters ninth grade for the first time on or 49177  
after July 1, 2014. 49178

(A) As an alternative to the requirement that a person attain 49179  
the scores designated under division (B)(1) of section 3301.0710 49180  
of the Revised Code on all the assessments required under that 49181  
division in order to be eligible for a high school diploma or an 49182  
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 49183  
Revised Code or for a diploma of adult education under section 49184  
3313.611 of the Revised Code, a person who has attained at least 49185  
the applicable scores designated under division (B)(1) of section 49186  
3301.0710 of the Revised Code on all but one of the assessments 49187  
required by that division and from which the person was not 49188  
excused or exempted, pursuant to division (L) of section 3313.61, 49189  
division (B)(1) of section 3313.612, or section 3313.532 of the 49190

Revised Code, may be awarded a diploma or honors diploma if the person has satisfied all of the following conditions:

(1) On the one assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score, the person missed that score by ten points or less;

(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences;

(3) Has not been expelled from school under section 3313.66 of the Revised Code in any of the last four school years;

(4) Has a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education, in the subject area of the assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score;

(5) Has completed the high school curriculum requirements prescribed in section 3313.603 of the Revised Code or has qualified under division (D) or (F) of that section;

(6) Has taken advantage of any intervention programs provided by the school district or school in the subject area described in division (A)(4) of this section and has a ninety-seven per cent attendance rate, excluding any excused absences, in any of those programs that are provided at times beyond the normal school day, school week, or school year or has received comparable intervention services from a source other than the school district or school;

(7) Holds a letter recommending graduation from each of the person's high school teachers in the subject area described in division (A)(4) of this section and from the person's high school principal.

(B) The state board of education shall establish rules 49222  
designating grade point averages equivalent to the average 49223  
specified in division (A)(4) of this section for use by school 49224  
districts and schools with different grading systems. 49225

(C) Any student who is exempt from attaining the applicable 49226  
score designated under division (B)(1) of section 3301.0710 of the 49227  
Revised Code on the Ohio graduation test in social studies 49228  
pursuant to division (H) of section 3313.61 or division (B)~~(3)~~(4) 49229  
of section 3313.612 of the Revised Code shall not qualify for a 49230  
high school diploma under this section, unless, notwithstanding 49231  
the exemption, the student attains the applicable score on that 49232  
assessment. If the student attains the applicable score on that 49233  
assessment, the student may qualify for a diploma under this 49234  
section in the same manner as any other student who is required to 49235  
take the five Ohio graduation tests prescribed by division (B)(1) 49236  
of section 3301.0710 of the Revised Code. 49237

**Sec. 3313.617.** (A) A person who meets all of the following 49238  
criteria shall be permitted to take the tests of general 49239  
educational development: 49240

(1) The person is at least eighteen years of age. 49241

(2) The person is officially withdrawn from school. 49242

(3) The person has not received a high school diploma or 49243  
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 49244  
or 3325.08 of the Revised Code. 49245

(B) ~~When a~~ (1) A person who is at least sixteen years of age 49246  
but less than eighteen years of age ~~applies~~ may apply to the 49247  
department of education to take the tests of general educational 49248  
development, so long as the person has not received a high school 49249  
diploma or honors diploma awarded under section 3313.61, 3313.611, 49250  
3313.612, or 3325.08 of the Revised Code. 49251



In order to apply, the person shall submit, along with the 49252  
application written, both of the following: 49253

(a) Written approval from the person's parent or guardian or 49254  
a court official; 49255

(b) The person's official high school transcript. The 49256  
transcript shall include, at a minimum, the previous twelve months 49257  
of the person's enrollment in a program approved to grant a high 49258  
school diploma. 49259

(2) The department shall determine whether to approve or deny 49260  
applications submitted under division (B)(1) of this section. The 49261  
department shall approve a person's application only if the person 49262  
meets both of the following criteria: 49263

(a) The person has been continuously enrolled in a program 49264  
approved to grant a high school diploma for at least one semester 49265  
and attained an attendance rate of at least seventy-five per cent 49266  
during that semester. 49267

(b) The person shows good cause, as determined by rules 49268  
adopted by the department pursuant to division (B)(3) of this 49269  
section. 49270

(3) The state board of education shall adopt rules, in 49271  
accordance with Chapter 119. of the Revised Code, for the 49272  
administration of division (B) of this section. The rules shall 49273  
include what qualifies as good cause for purposes of that 49274  
division. 49275

(C) If a person's application is approved under division (B) 49276  
of this section, that person shall remain enrolled in school and 49277  
maintain an attendance rate of at least seventy-five per cent 49278  
until either: 49279

(1) The person passes all required sections of the tests of 49280  
general educational development; or 49281

(2) The person is eighteen years of age. 49282

~~(C)~~(D) Notwithstanding divisions (A) and (B) of this section, 49283  
a person who meets any of the following criteria shall be 49284  
permitted to take the tests of general educational development: 49285

(1) The person has a bodily or mental condition as described 49286  
in division (A)(1) of section 3321.04 of the Revised Code that 49287  
does not permit attendance at school. 49288

(2) The person is receiving or has completed the final year 49289  
of instruction at home as authorized under division (A)(2) of 49290  
section 3321.04 of the Revised Code. 49291

(3) The person is moving or has moved out of state after 49292  
previously attending school in the state. 49293

(4) The person has an extreme, extenuating circumstance, as 49294  
determined by the department, that requires the person to withdraw 49295  
from school. 49296

(E) For the purpose of calculating graduation rates for the 49297  
school district and building report cards under section 3302.03 of 49298  
the Revised Code, the department shall count any person ~~for whom~~ 49299  
~~approval is obtained from the person's parent or guardian or a~~ 49300  
~~court official~~ who officially withdraws from school to take the 49301  
tests of general educational development under ~~division (B) of~~ 49302  
this section as a dropout from the district or school in which the 49303  
person was last enrolled ~~prior to obtaining the approval.~~ 49304

**Sec. 3313.619.** This section shall apply only to a chartered 49305  
nonpublic school that is not accredited through the independent 49306  
school association of the central states. 49307

(A) In lieu of the requirement prescribed by section 3313.618 49308  
of the Revised Code, a chartered nonpublic school to which this 49309  
section applies may grant a high school diploma to a student who 49310  
attains at least the designated score on an assessment approved by 49311

the department of education under division 49312

(B) of this section and selected by the school's governing 49313  
authority. (B) For purposes of division (A) of this section, the 49314  
department shall approve assessments that meet the conditions 49315  
specified under division (C) of this section and shall designate 49316  
passing scores for each of those assessments. 49317

(C) Each assessment approved under division (B) of this 49318  
section shall be nationally norm-referenced, have internal 49319  
consistency reliability coefficients of at least "0.8," be 49320  
standardized, have specific evidence of content, concurrent, or 49321  
criterion validity, have evidence of norming studies in the 49322  
previous ten years, have a measure of student achievement in core 49323  
academic areas, and have high validity evidenced by the alignment 49324  
of the assessment with nationally recognized content. 49325

(D) Nothing in this section shall prohibit a chartered 49326  
nonpublic school to which this section applies from granting a 49327  
high school diploma to a student if the student satisfies the 49328  
requirement prescribed by section 3313.618 of the Revised Code. 49329

**Sec. 3313.6110.** (A) A person who has completed the final year 49330  
of instruction at home, as authorized under section 3321.04 of the 49331  
Revised Code, and has successfully fulfilled the high school 49332  
curriculum applicable to that person may be granted a high school 49333  
diploma by the person's parent, guardian, or other person having 49334  
charge or care of a child, as defined in division (A)(1) of 49335  
section 3321.01 of the Revised Code. 49336

(B) Beginning with diplomas issued on or after July 1, 2015, 49337  
each diploma granted under division (A) of this section shall 49338  
contain either of the following: 49339

(1) Certification signed by the superintendent of the school 49340  
district in which the student is entitled to attend school in a 49341

school district under section 3313.64 or 3313.65 of the Revised Code that the student and the student's parent have complied with state law regarding home instruction. The statement of certification shall read as follows:

"I certify that the student named in this diploma and the student's parent have complied with division (A)(2) of section 3321.04 of the Ohio Revised Code regarding instruction at home and the related rules of the Ohio State Board of Education."

A superintendent presented with such diploma for signature shall sign the diploma if the student and the parent have complied with division (A)(2) of section 3321.04 of the Revised Code.

(2) The official letter of excuse issued by the district superintendent for the student's final year of home education.

(C) A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

(D) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show such proof.

(E) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

**Sec. 3313.674.** (A) Except as provided in division (D) of this section, the board of education of each city, exempted village, or

local school district and the governing authority of each 49372  
chartered nonpublic school may require each student enrolled in 49373  
kindergarten, third grade, fifth grade, and ninth grade to undergo 49374  
a screening for body mass index and weight status category. 49375

49376

(B) The board or governing authority may provide any 49377  
screenings authorized by this section itself, contract with 49378  
another entity for provision of the screenings, or request the 49379  
parent or guardian of each student subject to the screening to 49380  
obtain the screening from a provider selected by the parent or 49381  
guardian and to submit the results to the board or governing 49382  
authority. If the board or governing authority provides the 49383  
screenings itself or contracts with another entity for provision 49384  
of the screenings, the board or governing authority shall protect 49385  
student privacy by ensuring that each student is screened alone 49386  
and not in the presence of other students or staff. 49387

(C) Each school year, each board or governing authority 49388  
electing to require the screening shall provide the parent or 49389  
guardian of each student subject to the screening with information 49390  
about the screening program. If the board or governing authority 49391  
requests parents and guardians to obtain a screening from a 49392  
provider of their choosing, the board or governing authority shall 49393  
provide them with a list of providers and information about 49394  
screening services available in the community to parents and 49395  
guardians who cannot afford a private provider. 49396

(D) If the parent or guardian of a student subject to the 49397  
screening signs and submits to the board or governing authority a 49398  
written statement indicating that the parent or guardian does not 49399  
wish to have the student undergo the screening, the board or 49400  
governing authority shall not require the student to be screened. 49401

(E) The board or governing authority shall notify the parent 49402  
or guardian of each student screened under this section of any 49403

health risks associated with the student's results and shall 49404  
provide the parent or guardian with information about 49405  
appropriately addressing the risks. For this purpose, the 49406  
department of health, in consultation with the department of 49407  
education ~~and the healthy choices for healthy children council~~ 49408  
~~established under section 3301.92 of the Revised Code~~, shall 49409  
develop a list of documents, pamphlets, or other resources that 49410  
may be distributed to parents and guardians under this division. 49411

(F) The board or governing authority shall maintain the 49412  
confidentiality of each student's individual screening results at 49413  
all times. No board or governing authority shall report a 49414  
student's individual screening results to any person other than 49415  
the student's parent or guardian. 49416

(G) In a manner prescribed by rule of the director of health, 49417  
each board or governing authority electing to require the 49418  
screening shall report aggregated body mass index and weight 49419  
status category data collected under this section, and any other 49420  
demographic data required by the director, to the department of 49421  
health. In the case of a school district, data shall be aggregated 49422  
for the district as a whole and not for individual schools within 49423  
the district, unless the district operates only one school. In the 49424  
case of a chartered nonpublic school, data shall be aggregated for 49425  
the school as a whole. The department annually may publish the 49426  
data reported under this division, aggregated by county. For each 49427  
county in which a district, community school, STEM school, or 49428  
chartered nonpublic school has elected not to require the 49429  
screening for a school year for which data is published, the 49430  
department shall note that the data for the county in which the 49431  
district or school is located is incomplete. The department may 49432  
share data reported under this division with other governmental 49433  
entities for the purpose of monitoring population health, making 49434  
reports, or public health promotional activities. 49435

**Sec. 3313.68.** (A) The board of education of each city, 49436  
exempted village, or local school district may appoint one or more 49437  
school physicians and one or more school dentists. Two or more 49438  
school districts may unite and employ one such physician and at 49439  
least one such dentist whose duties shall be such as are 49440  
prescribed by law. Said school physician shall hold a license to 49441  
practice medicine in Ohio, and each school dentist shall be 49442  
licensed to practice in this state. School physicians and dentists 49443  
may be discharged at any time by the board of education. School 49444  
physicians and dentists shall serve one year and until their 49445  
successors are appointed and shall receive such compensation as 49446  
the board of education determines. The board of education may also 49447  
employ registered nurses, as defined by section 4723.01 and 49448  
licensed as school nurses under section 3319.221 of the Revised 49449  
Code, to aid in such inspection in such ways as are prescribed by 49450  
it, and to aid in the conduct and coordination of the school 49451  
health service program. The school dentists shall make such 49452  
examinations and diagnoses and render such remedial or corrective 49453  
treatment for the school children as is prescribed by the board of 49454  
education; provided that all such remedial or corrective treatment 49455  
shall be limited to the children whose parents cannot otherwise 49456  
provide for same, and then only with the written consent of the 49457  
parents or guardians of such children. School dentists may also 49458  
conduct such oral hygiene educational work as is authorized by the 49459  
board of education. 49460

The board of education may delegate the duties and powers 49461  
provided for in this section to the board of health or officer 49462  
performing the functions of a board of health within the school 49463  
district, if such board or officer is willing to assume the same. 49464  
Boards of education shall co-operate with boards of health in the 49465  
prevention and control of epidemics. 49466

(B) Notwithstanding any provision of the Revised Code to the 49467

contrary, the board of education of each city, exempted village, 49468  
or local school district may contract with an educational service 49469  
center for the services of a school nurse, licensed under section 49470  
3319.221 of the Revised Code, or of a registered nurse or licensed 49471  
practical nurse, licensed under Chapter 4723. of the Revised Code, 49472  
to provide services to students in the district pursuant to 49473  
section 3313.7112 of the Revised Code. 49474

(C) In lieu of appointing or employing a school physician or 49475  
dentist pursuant to division (A) of this section or entering into 49476  
a contract for the services of a school nurse pursuant to division 49477  
(B) of this section, the board of education of each city, exempted 49478  
village, or local school district may enter into a contract under 49479  
section 3313.721 of the Revised Code for the purpose of providing 49480  
health care services to students. 49481

**Sec. 3313.72.** The board of education of a city, exempted 49482  
village, or local school district may enter into a contract with a 49483  
health district for the purpose of providing the services of a 49484  
school physician, dentist, or nurse. The board may also enter into 49485  
a contract under section 3313.721 of the Revised Code for the 49486  
purpose of providing health care services to students. 49487

**Sec. 3313.721.** (A) Notwithstanding anything to the contrary 49488  
in the Revised Code, the board of education of a school district 49489  
may enter into a contract with a hospital registered under section 49490  
3701.07 of the Revised Code or an appropriately licensed health 49491  
care provider for the purpose of providing health care services 49492  
specifically authorized by the Revised Code to students. 49493

(B) Notwithstanding anything to the contrary in the Revised 49494  
Code, the board of education of a school district may enter into a 49495  
contract with a federally qualified health center or federally 49496  
qualified health center look-alike for the purpose of providing 49497



health care services specifically authorized by the Revised Code 49498  
to students. 49499

(C) If the board enters into a contract with a hospital or 49500  
health care provider under division (A) of this section or with a 49501  
federally qualified health center or federally qualified health 49502  
center look-alike under division (B) of this section, the 49503  
requirement to obtain a school nurse license or school nurse 49504  
wellness coordinator license under section 3319.221 of the Revised 49505  
Code, or any rules related to this requirement, shall not apply to 49506  
an employee of the hospital, health care provider, federally 49507  
qualified health center, or federally qualified health center 49508  
look-alike who is providing the services of a nurse under that 49509  
contract. However, at a minimum, the employee shall hold a 49510  
credential that is equivalent to being licensed as a registered 49511  
nurse or licensed practical nurse under Chapter 4723. of the 49512  
Revised Code. 49513

(D) As used in this section, "federally qualified health 49514  
center" and "federally qualified health center look-alike" have 49515  
the same meanings as in section 3701.047 of the Revised Code. 49516

**Sec. 3313.902.** (A) As used in this section: 49517

(1) "Approved industry credential or certificate" means a 49518  
credential or certificate that is approved by the chancellor of 49519  
~~the Ohio board of regents~~ higher education. 49520

(2) "Approved institution" means an eligible institution that 49521  
has been approved to participate in the adult diploma pilot 49522  
program under this section. 49523

(3) "Approved program of study" means a program of study 49524  
offered by an approved institution that satisfies the requirements 49525  
of division (B) of this section. 49526

(4) An eligible student's "career pathway training program 49527

<u>amount" means the following:</u>	49528
<u>(a) If the student is enrolled in a tier one career pathway training program, \$4,800;</u>	49529 49530
<u>(b) If the student is enrolled in a tier two career pathway training program, \$3,200;</u>	49531 49532
<u>(c) If the student is enrolled in a tier three career pathway training program, \$1,600.</u>	49533 49534
<u>(5) "Eligible institution" means any of the following:</u>	49535
(a) A community college established under Chapter 3354. of the Revised Code;	49536 49537
(b) A technical college established under Chapter 3357. of the Revised Code;	49538 49539
(c) A state community college established under Chapter 3358. of the Revised Code;	49540 49541
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	49542 49543
<del>(3)</del> <u>(6) "Eligible student" means an individual who is at least twenty-two years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.</u>	49544 49545 49546 49547
<u>(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.</u>	49548 49549 49550 49551
<u>(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.</u>	49552 49553 49554 49555
<u>(9) A "tier three career pathway training program" is a</u>	49556

career pathway training program that requires three hundred hours 49557  
or less of technical training, as determined by the department. 49558

(10) An eligible student's "work readiness training amount" 49559  
means the following: 49560

(a) If the student's grade level upon initial enrollment in 49561  
an approved program of study at an approved institution is below 49562  
the ninth grade, as determined in accordance with rules adopted 49563  
under division (E) of this section, \$1,500. 49564

(b) If the student's grade level upon initial enrollment in 49565  
an approved program of study at an approved institution is at or 49566  
above the ninth grade, as determined in accordance with rules 49567  
adopted under division (E) of this section, \$750. 49568

(B) The adult ~~career opportunity diploma~~ pilot program is 49569  
hereby established to permit an eligible institution to obtain 49570  
approval from the ~~state board of education~~ superintendent of 49571  
public instruction and the chancellor to develop and offer a 49572  
program of study that allows an eligible student to obtain a high 49573  
school diploma. A program shall be eligible for this approval if 49574  
it satisfies all of the following requirements: 49575

(1) The program allows an eligible student to complete the 49576  
requirements for obtaining a high school diploma that are 49577  
specified in rules adopted by the superintendent under division 49578  
(E) of this section while also completing requirements for an 49579  
approved industry credential or certificate. 49580

(2) The program includes career advising and outreach. 49581

(3) The program includes opportunities for students to 49582  
receive a competency-based education. 49583

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 49584  
3313.614, 3313.618, and 3313.319 of the Revised Code, the state 49585  
board of education shall grant a high school diploma to each 49586

eligible student who enrolls in an approved program of study at an 49587  
approved institution and completes the requirements for obtaining 49588  
a high school diploma that are specified in rules adopted by the 49589  
superintendent under division (E) of this section. 49590

(D)(1) The department shall calculate the following amount 49591  
for each eligible student enrolled in each approved institution's 49592  
approved program of study: 49593

(The student's career pathway training program amount + the 49594  
student's work readiness training amount) X 1.2 49595

(2) The department shall pay the amount calculated for an 49596  
eligible student under division (D)(1) of this section to the 49597  
approved institution in which the student is enrolled in the 49598  
following manner: 49599

(a) Twenty-five per cent of the amount calculated under 49600  
division (D)(1) of this section shall be paid to the approved 49601  
institution after the student successfully completes the first 49602  
third of the approved program of study, as determined by the 49603  
department; 49604

(b) Twenty-five per cent of the amount calculated under 49605  
division (D)(1) of this section shall be paid to the approved 49606  
institution after the student successfully completes the second 49607  
third of the approved program of study, as determined by the 49608  
department; 49609

(c) Fifty per cent of the amount calculated under division 49610  
(D)(1) of this section shall be paid to the approved institution 49611  
after the student successfully completes the final third of the 49612  
approved program of study, as determined by the department. 49613

(3) Of the amount paid to an approved institution under 49614  
division (D)(2) of this section, the institution may use the 49615  
amount that is in addition to the student's career pathway 49616  
training amount and the student's work readiness training amount 49617

for the associated services of the approved program of study. 49618

These services include counseling, advising, assessment, and other 49619

services as determined or required by the department. 49620

(E) The superintendent of ~~public instruction~~, in consultation 49621

with the chancellor, shall adopt rules for the implementation of 49622

the adult ~~career opportunity diploma~~ pilot program, including the 49623

all of the following: 49624

(1) The requirements for applying for program approval; 49625

(2) The requirements for obtaining a high school diploma 49626

through the program, including the requirement to obtain a passing 49627

score on an assessment that is appropriate for the career pathway 49628

training program that is being completed by the eligible student, 49629

and the date on which these requirements take effect; 49630

(3) The assessment or assessments that may be used to 49631

complete the assessment requirement for each career pathway 49632

training program under division (E)(2) of this section and the 49633

score that must be obtained on each assessment in order to pass 49634

the assessment; 49635

(4) Guidelines regarding the funding of the program under 49636

division (D) of this section, including a method of funding for 49637

students who transfer from one approved institution to another 49638

approved institution prior to completing an approved program of 49639

study; 49640

(5) Circumstances under which an eligible student may be 49641

charged for tuition, supplies, or associated fees while enrolled 49642

in an approved institution's approved program of study; 49643

(6) A requirement that an eligible student may not be charged 49644

for tuition, supplies, or associated fees while enrolled in an 49645

approved institution's approved program of study except in the 49646

circumstances described under division (E)(5) of this section; 49647

(7) The payment of federal funds that are to be used by 49648  
approved programs of study at approved institutions. 49649

**Sec. 3313.975.** As used in this section and in sections 49650  
3313.976 to 3313.979 of the Revised Code, "the pilot project 49651  
school district" or "the district" means any school district 49652  
included in the pilot project scholarship program pursuant to this 49653  
section. 49654

(A) The superintendent of public instruction shall establish 49655  
a pilot project scholarship program and shall include in such 49656  
program any school districts that are or have ever been under 49657  
federal court order requiring supervision and operational 49658  
management of the district by the state superintendent. The 49659  
program shall provide for a number of students residing in any 49660  
such district to receive scholarships to attend alternative 49661  
schools, and for an equal number of students to receive tutorial 49662  
assistance grants while attending public school in any such 49663  
district. 49664

(B) The state superintendent shall establish an application 49665  
process and deadline for accepting applications from students 49666  
residing in the district to participate in the scholarship 49667  
program. In the initial year of the program students may only use 49668  
a scholarship to attend school in grades kindergarten through 49669  
third. 49670

The state superintendent shall award as many scholarships and 49671  
tutorial assistance grants as can be funded given the amount 49672  
appropriated for the program. ~~In no case, however, shall more than~~ 49673  
~~fifty per cent of all scholarships awarded be used by students who~~ 49674  
~~were enrolled in a nonpublic school during the school year of~~ 49675  
~~application for a scholarship.~~ 49676

(C)(1) The pilot project program shall continue in effect 49677  
each year that the general assembly has appropriated sufficient 49678

money to fund scholarships and tutorial assistance grants. In each 49679  
year the program continues, new students may receive scholarships 49680  
in grades kindergarten to twelve. A student who has received a 49681  
scholarship may continue to receive one until the student has 49682  
completed grade twelve. 49683

(2) If the general assembly discontinues the scholarship 49684  
program, all students who are attending an alternative school 49685  
under the pilot project shall be entitled to continued admittance 49686  
to that specific school through all grades that are provided in 49687  
such school, under the same conditions as when they were 49688  
participating in the pilot project. The state superintendent shall 49689  
continue to make scholarship payments in accordance with division 49690  
(A) or (B) of section 3313.979 of the Revised Code for students 49691  
who remain enrolled in an alternative school under this provision 49692  
in any year that funds have been appropriated for this purpose. 49693

If funds are not appropriated, the tuition charged to the 49694  
parents of a student who remains enrolled in an alternative school 49695  
under this provision shall not be increased beyond the amount 49696  
equal to the amount of the scholarship plus any additional amount 49697  
charged that student's parent in the most recent year of 49698  
attendance as a participant in the pilot project, except that 49699  
tuition for all the students enrolled in such school may be 49700  
increased by the same percentage. 49701

(D) Notwithstanding sections 124.39 and 3311.83 of the 49702  
Revised Code, if the pilot project school district experiences a 49703  
decrease in enrollment due to participation in a state-sponsored 49704  
scholarship program pursuant to sections 3313.974 to 3313.979 of 49705  
the Revised Code, the district board of education may enter into 49706  
an agreement with any teacher it employs to provide to that 49707  
teacher severance pay or early retirement incentives, or both, if 49708  
the teacher agrees to terminate the employment contract with the 49709  
district board, provided any collective bargaining agreement in 49710

force pursuant to Chapter 4117. of the Revised Code does not 49711  
prohibit such an agreement for termination of a teacher's 49712  
employment contract. 49713

**Sec. 3313.981.** (A) The state board of education shall adopt 49714  
rules requiring all of the following: 49715

(1) The board of education of each city, exempted village, 49716  
and local school district to annually report to the department of 49717  
education all of the following: 49718

(a) The number of adjacent district or other district 49719  
students in grades kindergarten through twelve, as applicable, the 49720  
number of adjacent district or other district students who are 49721  
preschool children with disabilities, as applicable, and the 49722  
number of adjacent district or other district joint vocational 49723  
students, as applicable, enrolled in the district and the, in 49724  
accordance with a policy adopted under division (B) of section 49725  
3313.98 of the Revised Code; 49726

(b) The number of native students in grades kindergarten 49727  
through twelve enrolled in adjacent or other districts and the 49728  
number of native students who are preschool children with 49729  
disabilities enrolled in adjacent or other districts, in 49730  
accordance with a policy adopted under division (B) of section 49731  
3313.98 of the Revised Code; 49732

~~(b)~~(c) Each adjacent district or other district student's or 49733  
adjacent district or other district joint vocational student's 49734  
date of enrollment in the district; 49735

~~(e)~~(d) The full-time equivalent number of adjacent district 49736  
or other district students enrolled in each of the categories of 49737  
career-technical education programs or classes described in 49738  
section 3317.014 of the Revised Code; 49739

~~(d)~~(e) Each native student's date of enrollment in an 49740



adjacent or other district. 49741

(2) The board of education of each joint vocational school 49742  
district to annually report to the department all of the 49743  
following: 49744

(a) The number of adjacent district or other district joint 49745  
vocational students, as applicable, enrolled in the district; 49746

(b) The full-time equivalent number of adjacent district or 49747  
other district joint vocational students enrolled in each category 49748  
of career-technical education programs or classes described in 49749  
section 3317.014 of the Revised Code; 49750

(c) For each adjacent district or other district joint 49751  
vocational student, the city, exempted village, or local school 49752  
district in which the student is also enrolled. 49753

(3) Prior to the end of each reporting period specified in 49754  
section 3317.03 of the Revised Code, the superintendent of each 49755  
city, local, or exempted village school district that admits 49756  
adjacent district or other district students who are in grades 49757  
kindergarten through twelve, adjacent district or other district 49758  
students who are preschool children with disabilities, or adjacent 49759  
district or other district joint vocational students in accordance 49760  
with a policy adopted under division (B) of section 3313.98 of the 49761  
Revised Code to report to the department of education each 49762  
adjacent or other district's students and where those students who 49763  
are enrolled in the superintendent's district under the policy are 49764  
entitled to attend school under section 3313.64 or 3313.65 of the 49765  
Revised Code. 49766

The rules shall provide for the method of counting students 49767  
who are enrolled for part of a school year in an adjacent or other 49768  
district or as an adjacent district or other district joint 49769  
vocational student. 49770

(B) From the payments made to a city, exempted village, or 49771

local school district under Chapter 3317. of the Revised Code and, 49772  
if necessary, from the payments made to the district under 49773  
sections 321.24 and 323.156 of the Revised Code, the department of 49774  
education shall annually subtract ~~both~~ all of the following: 49775

(1) An amount equal to the number of the district's native 49776  
students in grades kindergarten through twelve reported under 49777  
division (A)(1) of this section who are enrolled in adjacent or 49778  
other school districts pursuant to policies adopted by such 49779  
districts under division (B) of section 3313.98 of the Revised 49780  
Code multiplied by the formula amount; 49781

(2) The excess costs computed in accordance with division (E) 49782  
of this section for any such native students in grades 49783  
kindergarten through twelve receiving special education and 49784  
related services in adjacent or other school districts or as an 49785  
adjacent district or other district joint vocational student; 49786

(3) For ~~the~~ each of the district's native students reported 49787  
under division (A)(1)~~(e)~~(d) or (2)(b) of this section as enrolled 49788  
in career-technical education programs or classes described in 49789  
section 3317.014 of the Revised Code, the per pupil amount 49790  
prescribed by that section for the student's respective 49791  
career-technical category, on a full-time equivalency basis; 49792

(4) For each native student who is a preschool child with a 49793  
disability reported under division (A)(1) of this section who is 49794  
enrolled in an adjacent or other district pursuant to policies 49795  
adopted by such a district under division (B) of section 3313.98 49796  
of the Revised Code, \$4,000. 49797

(C) To the payments made to a city, exempted village, or 49798  
local school district under Chapter 3317. of the Revised Code, the 49799  
department of education shall annually add all of the following: 49800

(1) An amount equal to the formula amount multiplied by the 49801  
remainder obtained by subtracting the number of adjacent district 49802

or other district joint vocational students from the number of 49803  
adjacent district or other district students in grades 49804  
kindergarten through twelve enrolled in the district, as reported 49805  
under division (A)(1) of this section; 49806

(2) The excess costs computed in accordance with division (E) 49807  
of this section for any adjacent district or other district 49808  
students in grades kindergarten through twelve, except for any 49809  
adjacent or other district joint vocational students, receiving 49810  
special education and related services in the district; 49811

(3) For ~~the~~ each of the adjacent or other district students 49812  
who are not adjacent district or other district joint vocational 49813  
students and are reported under division (A)(1)~~(e)~~(d) of this 49814  
section as enrolled in career-technical education programs or 49815  
classes described in section 3317.014 of the Revised Code, the per 49816  
pupil amount prescribed by that section for the student's 49817  
respective career-technical category, on a full-time equivalency 49818  
basis; 49819

(4) An amount equal to the number of adjacent district or 49820  
other district joint vocational students reported under division 49821  
(A)(1) of this section multiplied by an amount equal to twenty per 49822  
cent of the formula amount; 49823

(5) For each adjacent district or other district student who 49824  
is a preschool child with a disability reported under division 49825  
(A)(1) of this section who is enrolled in the district, \$4,000. 49826

(D) To the payments made to a joint vocational school 49827  
district under Chapter 3317. of the Revised Code, the department 49828  
of education shall add, for each adjacent district or other 49829  
district joint vocational student reported under division (A)(2) 49830  
of this section, both of the following: 49831

(1) The formula amount; 49832

(2) The per pupil amount for each of the students reported 49833

pursuant to division (A)(2)(b) of this section prescribed by 49834  
section 3317.014 of the Revised Code for the student's respective 49835  
career-technical category, on a full-time equivalency basis. 49836

(E)(1) A city, exempted village, or local school board 49837  
providing special education and related services to an adjacent or 49838  
other district student in grades kindergarten through twelve in 49839  
accordance with an IEP shall, pursuant to rules of the state 49840  
board, compute the excess costs to educate such student as 49841  
follows: 49842

(a) Subtract the formula amount from the actual costs to 49843  
educate the student; 49844

(b) From the amount computed under division (E)(1)(a) of this 49845  
section subtract the amount of any funds received by the district 49846  
under Chapter 3317. of the Revised Code to provide special 49847  
education and related services to the student. 49848

(2) The board shall report the excess costs computed under 49849  
this division to the department of education. 49850

(3) If any student for whom excess costs are computed under 49851  
division (E)(1) of this section is an adjacent or other district 49852  
joint vocational student, the department of education shall add 49853  
the amount of such excess costs to the payments made under Chapter 49854  
3317. of the Revised Code to the joint vocational school district 49855  
enrolling the student. 49856

(F) As provided in division (D)(1)(b) of section 3317.03 of 49857  
the Revised Code, no joint vocational school district shall count 49858  
any adjacent or other district joint vocational student enrolled 49859  
in the district in its enrollment certified under section 3317.03 49860  
of the Revised Code. 49861

(G) No city, exempted village, or local school district shall 49862  
receive a payment under division (C) of this section for a 49863  
student, and no joint vocational school district shall receive a 49864

payment under division (D) of this section for a student, if for 49865  
the same school year that student is counted in the district's 49866  
enrollment certified under section 3317.03 of the Revised Code. 49867

(H) Upon request of a parent, and provided the board offers 49868  
transportation to native students of the same grade level and 49869  
distance from school under section 3327.01 of the Revised Code, a 49870  
city, exempted village, or local school board enrolling an 49871  
adjacent or other district student shall provide transportation 49872  
for the student within the boundaries of the board's district, 49873  
except that the board shall be required to pick up and drop off a 49874  
nonhandicapped student only at a regular school bus stop 49875  
designated in accordance with the board's transportation policy. 49876  
Pursuant to rules of the state board of education, such board may 49877  
reimburse the parent from funds received for pupil transportation 49878  
under section 3317.0212 of the Revised Code, or other provisions 49879  
of law, for the reasonable cost of transportation from the 49880  
student's home to the designated school bus stop if the student's 49881  
family has an income below the federal poverty line. 49882

**Sec. 3314.02.** (A) As used in this chapter: 49883

(1) "Sponsor" means the board of education of a school 49884  
district or the governing board of an educational service center 49885  
that agrees to the conversion of all or part of a school or 49886  
building under division (B) of this section, or an entity listed 49887  
in division (C)(1) of this section, which ~~either~~ has been approved 49888  
by the department of education to sponsor community schools or is 49889  
exempted by section 3314.021 or 3314.027 of the Revised Code from 49890  
obtaining approval, and with which the governing authority of a 49891  
community school enters into a contract under section 3314.03 of 49892  
the Revised Code. 49893

(2) "Pilot project area" means the school districts included 49894  
in the territory of the former community school pilot project 49895

established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly. 49896  
49897

(3) "Challenged school district" means any of the following: 49898

(a) A school district that is part of the pilot project area; 49899

(b) A school district that meets one of the following conditions: 49900  
49901

(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 49902  
49903  
49904  
49905

(ii) For two of the 2012-2013, 2013-2014, ~~and~~ 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code; 49906  
49907  
49908  
49909  
49910

(iii) For the ~~2015-2016~~ 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section. 49911  
49912  
49913  
49914  
49915  
49916

(c) A big eight school district; 49917

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code. 49918  
49919  
49920

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 49921  
49922

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the 49923  
49924  
49925

Revised Code; 49926

(b) An average daily membership greater than twelve thousand, 49927  
as reported pursuant to former division (A) of section 3317.03 of 49928  
the Revised Code. 49929

(5) "New start-up school" means a community school other than 49930  
one created by converting all or part of an existing public school 49931  
or educational service center building, as designated in the 49932  
school's contract pursuant to division (A)(17) of section 3314.03 49933  
of the Revised Code. 49934

(6) "Urban school district" means one of the state's 49935  
twenty-one urban school districts as defined in division (O) of 49936  
section 3317.02 of the Revised Code as that section existed prior 49937  
to July 1, 1998. 49938

(7) "Internet- or computer-based community school" means a 49939  
community school established under this chapter in which the 49940  
enrolled students work primarily from their residences on 49941  
assignments in nonclassroom-based learning opportunities provided 49942  
via an internet- or other computer-based instructional method that 49943  
does not rely on regular classroom instruction or via 49944  
comprehensive instructional methods that include internet-based, 49945  
other computer-based, and noncomputer-based learning opportunities 49946  
unless a student receives career-technical education under section 49947  
3314.086 of the Revised Code. 49948

A community school that operates mainly as an internet- or 49949  
computer-based community school and provides career-technical 49950  
education under section 3314.086 of the Revised Code shall be 49951  
considered an internet- or computer-based community school, even 49952  
if it provides some classroom-based instruction, so long as it 49953  
provides instruction via the methods described in this division. 49954

(8) "Operator" means either of the following: 49955

(a) An individual or organization that manages the daily 49956

operations of a community school pursuant to a contract between 49957  
the operator and the school's governing authority; 49958

(b) A nonprofit organization that provides programmatic 49959  
oversight and support to a community school under a contract with 49960  
the school's governing authority and that retains the right to 49961  
terminate its affiliation with the school if the school fails to 49962  
meet the organization's quality standards. 49963

(9) "Alliance municipal school district" has the same meaning 49964  
as in section 3311.86 of the Revised Code. 49965

(B)(1) Any person or group of individuals may initially 49966  
propose under this division the conversion of all or a portion of 49967  
a public school to a community school. The proposal shall be made 49968  
to the board of education of the city, local, exempted village, or 49969  
joint vocational school district in which the public school is 49970  
proposed to be converted. 49971

(2) Any person or group of individuals may initially propose 49972  
under this division the conversion of all or a portion of a 49973  
building operated by an educational service center to a community 49974  
school. The proposal shall be made to the governing board of the 49975  
service center. 49976

~~A service center that proposes the establishment of a 49977  
conversion community school located in a county within the 49978  
territory of the service center or in a county contiguous to such 49979  
county is exempt from approval from the department of education, 49980  
except as provided under division (B)(4) of this section, and from 49981  
the agreement required under division (B)(1) of section 3314.015 49982  
of the Revised Code. 49983~~

~~However, a service center that proposes the establishment of 49984  
a conversion community school located in a county outside of the 49985  
territory of the service center or a county contiguous to such 49986  
county shall be subject to approval from the department of 49987~~



~~education and from the agreement required under that section.~~ 49988

~~Division (B)(2) of this section does not apply to an 49989  
educational service center that sponsors community schools and 49990  
that is exempted under section 3314.021 or 3314.027 of the Revised 49991  
Code from the requirement to be approved for sponsorship under 49992  
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 49993  
Code.~~ 49994

An educational service center that sponsors a community 49995  
school in accordance with this division shall be approved by and 49996  
enter into a written agreement with the department as described in 49997  
section 3314.015 of the Revised Code. 49998

(3) Upon receipt of a proposal, a board may enter into a 49999  
preliminary agreement with the person or group proposing the 50000  
conversion of the public school or service center building, 50001  
indicating the intention of the board to support the conversion to 50002  
a community school. A proposing person or group that has a 50003  
preliminary agreement under this division may proceed to finalize 50004  
plans for the school, establish a governing authority for the 50005  
school, and negotiate a contract with the board. Provided the 50006  
proposing person or group adheres to the preliminary agreement and 50007  
all provisions of this chapter, the board shall negotiate in good 50008  
faith to enter into a contract in accordance with section 3314.03 50009  
of the Revised Code and division (C) of this section. 50010

(4) The sponsor of a conversion community school proposed to 50011  
open in an alliance municipal school district shall be subject to 50012  
approval by the department of education for sponsorship of that 50013  
school using the criteria established under division (A) of 50014  
section 3311.87 of the Revised Code. 50015

Division (B)(4) of this section does not apply to a sponsor 50016  
that ~~is~~, on or before the effective date of this amendment, was 50017  
exempted under section 3314.021 or 3314.027 of the Revised Code 50018

from the requirement to be approved for sponsorship under 50019  
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 50020  
Code. 50021

(C)(1) Any person or group of individuals may propose under 50022  
this division the establishment of a new start-up school to be 50023  
located in a challenged school district. The proposal may be made 50024  
to any of the following entities: 50025

(a) The board of education of the district in which the 50026  
school is proposed to be located; 50027

(b) The board of education of any joint vocational school 50028  
district with territory in the county in which is located the 50029  
majority of the territory of the district in which the school is 50030  
proposed to be located; 50031

(c) The board of education of any other city, local, or 50032  
exempted village school district having territory in the same 50033  
county where the district in which the school is proposed to be 50034  
located has the major portion of its territory; 50035

(d) The governing board of any educational service center, 50036  
regardless of the location of the proposed school, may sponsor a 50037  
new start-up school in any challenged school district in the state 50038  
if all of the following are satisfied: 50039

(i) If applicable, it satisfies the requirements of division 50040  
(E) of section 3311.86 of the Revised Code; 50041

(ii) It is approved to do so by the department; 50042

(iii) It enters into an agreement with the department under 50043  
section 3314.015 of the Revised Code. 50044

(e) A sponsoring authority designated by the board of 50045  
trustees of any of the thirteen state universities listed in 50046  
section 3345.011 of the Revised Code or the board of trustees 50047  
itself as long as a mission of the proposed school to be specified 50048

in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the

standards for community schools sponsored by the mayor not later 50080  
than one hundred eighty days after July 15, 2013, and shall submit 50081  
them to the department upon their establishment. The department 50082  
shall approve the mayor to sponsor community schools in the 50083  
district, upon receipt of an application by the mayor to do so. 50084  
Not later than ninety days after the department's approval of the 50085  
mayor as a community school sponsor, the department shall enter 50086  
into the sponsor agreement with the mayor. 50087

Any entity described in division (C)(1) of this section may 50088  
enter into a preliminary agreement pursuant to division (C)(2) of 50089  
this section with the proposing person or group. 50090

(2) A preliminary agreement indicates the intention of an 50091  
entity described in division (C)(1) of this section to sponsor the 50092  
community school. A proposing person or group that has such a 50093  
preliminary agreement may proceed to finalize plans for the 50094  
school, establish a governing authority as described in division 50095  
(E) of this section for the school, and negotiate a contract with 50096  
the entity. Provided the proposing person or group adheres to the 50097  
preliminary agreement and all provisions of this chapter, the 50098  
entity shall negotiate in good faith to enter into a contract in 50099  
accordance with section 3314.03 of the Revised Code. 50100

(3) A new start-up school that is established in a school 50101  
district described in either division (A)(3)(b) or (d) of this 50102  
section may continue in existence once the school district no 50103  
longer meets the conditions described in either division, provided 50104  
there is a valid contract between the school and a sponsor. 50105

(4) A copy of every preliminary agreement entered into under 50106  
this division shall be filed with the superintendent of public 50107  
instruction. 50108

(D) A majority vote of the board of a sponsoring entity and a 50109  
majority vote of the members of the governing authority of a 50110

community school shall be required to adopt a contract and convert 50111  
the public school or educational service center building to a 50112  
community school or establish the new start-up school. Beginning 50113  
September 29, 2005, adoption of the contract shall occur not later 50114  
than the fifteenth day of March, and signing of the contract shall 50115  
occur not later than the fifteenth day of May, prior to the school 50116  
year in which the school will open. The governing authority shall 50117  
notify the department of education when the contract has been 50118  
signed. Subject to sections 3314.013 and 3314.016 of the Revised 50119  
Code, an unlimited number of community schools may be established 50120  
in any school district provided that a contract is entered into 50121  
for each community school pursuant to this chapter. 50122

(E)(1) As used in this division, "immediate relatives" are 50123  
limited to spouses, children, parents, grandparents, siblings, and 50124  
in-laws. 50125

Each new start-up community school established under this 50126  
chapter shall be under the direction of a governing authority 50127  
which shall consist of a board of not less than five individuals. 50128

No person shall serve on the governing authority or operate 50129  
the community school under contract with the governing authority 50130  
so long as the person owes the state any money or is in a dispute 50131  
over whether the person owes the state any money concerning the 50132  
operation of a community school that has closed. 50133

(2) No person shall serve on the governing authorities of 50134  
more than five start-up community schools at the same time. 50135

(3) No present or former member, or immediate relative of a 50136  
present or former member, of the governing authority of any 50137  
community school established under this chapter shall be an owner, 50138  
employee, or consultant of any sponsor or operator of a community 50139  
school, unless at least one year has elapsed since the conclusion 50140  
of the person's membership. 50141

(4) The governing authority of a start-up community school 50142  
may provide by resolution for the compensation of its members. 50143  
However, no individual who serves on the governing authority of a 50144  
start-up community school shall be compensated more than four 50145  
hundred twenty-five dollars per meeting of that governing 50146  
authority and no such individual shall be compensated more than a 50147  
total amount of five thousand dollars per year for all governing 50148  
authorities upon which the individual serves. 50149

(F)(1) A new start-up school that is established prior to 50150  
August 15, 2003, in an urban school district that is not also a 50151  
big-eight school district may continue to operate after that date 50152  
and the contract between the school's governing authority and the 50153  
school's sponsor may be renewed, as provided under this chapter, 50154  
after that date, but no additional new start-up schools may be 50155  
established in such a district unless the district is a challenged 50156  
school district as defined in this section as it exists on and 50157  
after that date. 50158

(2) A community school that was established prior to June 29, 50159  
1999, and is located in a county contiguous to the pilot project 50160  
area and in a school district that is not a challenged school 50161  
district may continue to operate after that date, provided the 50162  
school complies with all provisions of this chapter. The contract 50163  
between the school's governing authority and the school's sponsor 50164  
may be renewed, but no additional start-up community school may be 50165  
established in that district unless the district is a challenged 50166  
school district. 50167

(3) Any educational service center that, on June 30, 2007, 50168  
sponsors a community school that is not located in a county within 50169  
the territory of the service center or in a county contiguous to 50170  
such county may continue to sponsor that community school on and 50171  
after June 30, 2007, and may renew its contract with the school. 50172  
However, the educational service center shall not enter into a 50173

contract with any additional community school, ~~unless the school~~ 50174  
~~is located in a county within the territory of the service center~~ 50175  
~~or in a county contiguous to such county, or~~ unless the governing 50176  
board of the service center has entered into an agreement with the 50177  
department authorizing the service center to sponsor a community 50178  
school in any challenged school district in the state. 50179

**Sec. 3314.03.** A copy of every contract entered into under 50180  
this section shall be filed with the superintendent of public 50181  
instruction. The department of education shall make available on 50182  
its web site a copy of every approved, executed contract filed 50183  
with the superintendent under this section. 50184

(A) Each contract entered into between a sponsor and the 50185  
governing authority of a community school shall specify the 50186  
following: 50187

(1) That the school shall be established as either of the 50188  
following: 50189

(a) A nonprofit corporation established under Chapter 1702. 50190  
of the Revised Code, if established prior to April 8, 2003; 50191

(b) A public benefit corporation established under Chapter 50192  
1702. of the Revised Code, if established after April 8, 2003. 50193

(2) The education program of the school, including the 50194  
school's mission, the characteristics of the students the school 50195  
is expected to attract, the ages and grades of students, and the 50196  
focus of the curriculum; 50197

(3) The academic goals to be achieved and the method of 50198  
measurement that will be used to determine progress toward those 50199  
goals, which shall include the statewide achievement assessments; 50200

(4) Performance standards by which the success of the school 50201  
will be evaluated by the sponsor; 50202

(5) The admission standards of section 3314.06 of the Revised 50203

Code and, if applicable, section 3314.061 of the Revised Code;	50204
(6)(a) Dismissal procedures;	50205
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	50206 50207 50208 50209 50210 50211
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	50212 50213
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	50214 50215 50216 50217 50218 50219
(9) The facilities to be used and their locations;	50220
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.	50221 50222 50223 50224 50225 50226
(11) That the school will comply with the following requirements:	50227 50228
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	50229 50230 50231
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the	50232 50233



school. 50234

(c) The school will be nonsectarian in its programs, 50235  
admission policies, employment practices, and all other 50236  
operations, and will not be operated by a sectarian school or 50237  
religious institution. 50238

(d) The school will comply with sections 9.90, 9.91, 109.65, 50239  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 50240  
3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 50241  
3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 50242  
3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 50243  
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 50244  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 50245  
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 50246  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 50247  
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 50248  
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 50249  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 50250  
4123., 4141., and 4167. of the Revised Code as if it were a school 50251  
district and will comply with section 3301.0714 of the Revised 50252  
Code in the manner specified in section 3314.17 of the Revised 50253  
Code. 50254

(e) The school shall comply with Chapter 102. and section 50255  
2921.42 of the Revised Code. 50256

(f) The school will comply with sections 3313.61, 3313.611, 50257  
and 3313.614 of the Revised Code, except that for students who 50258  
enter ninth grade for the first time before July 1, 2010, the 50259  
requirement in sections 3313.61 and 3313.611 of the Revised Code 50260  
that a person must successfully complete the curriculum in any 50261  
high school prior to receiving a high school diploma may be met by 50262  
completing the curriculum adopted by the governing authority of 50263  
the community school rather than the curriculum specified in Title 50264  
XXXIII of the Revised Code or any rules of the state board of 50265

education. Beginning with students who enter ninth grade for the 50266  
first time on or after July 1, 2010, the requirement in sections 50267  
3313.61 and 3313.611 of the Revised Code that a person must 50268  
successfully complete the curriculum of a high school prior to 50269  
receiving a high school diploma shall be met by completing the 50270  
requirements prescribed in division (C) of section 3313.603 of the 50271  
Revised Code, unless the person qualifies under division (D) or 50272  
(F) of that section. Each school shall comply with the plan for 50273  
awarding high school credit based on demonstration of subject area 50274  
competency, and beginning with the 2016-2017 school year, with the 50275  
updated plan that permits students enrolled in seventh and eighth 50276  
grade to meet curriculum requirements based on subject area 50277  
competency adopted by the state board of education under ~~division~~ 50278  
divisions (J)(1) and (2) of section 3313.603 of the Revised Code. 50279

(g) The school governing authority will submit within four 50280  
months after the end of each school year a report of its 50281  
activities and progress in meeting the goals and standards of 50282  
divisions (A)(3) and (4) of this section and its financial status 50283  
to the sponsor and the parents of all students enrolled in the 50284  
school. 50285

(h) The school, unless it is an internet- or computer-based 50286  
community school, will comply with section 3313.801 of the Revised 50287  
Code as if it were a school district. 50288

(i) If the school is the recipient of moneys from a grant 50289  
awarded under the federal race to the top program, Division (A), 50290  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 50291  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 50292  
school will pay teachers based upon performance in accordance with 50293  
section 3317.141 and will comply with section 3319.111 of the 50294  
Revised Code as if it were a school district. 50295

(j) If the school operates a preschool program that is 50296  
licensed by the department of education under sections 3301.52 to 50297

3301.59 of the Revised Code, the school shall comply with sections 50298  
3301.50 to 3301.59 of the Revised Code and the minimum standards 50299  
for preschool programs prescribed in rules adopted by the state 50300  
board under section 3301.53 of the Revised Code. 50301

(12) Arrangements for providing health and other benefits to 50302  
employees; 50303

(13) The length of the contract, which shall begin at the 50304  
beginning of an academic year. No contract shall exceed five years 50305  
unless such contract has been renewed pursuant to division (E) of 50306  
this section. 50307

(14) The governing authority of the school, which shall be 50308  
responsible for carrying out the provisions of the contract; 50309

(15) A financial plan detailing an estimated school budget 50310  
for each year of the period of the contract and specifying the 50311  
total estimated per pupil expenditure amount for each such year. 50312

(16) Requirements and procedures regarding the disposition of 50313  
employees of the school in the event the contract is terminated or 50314  
not renewed pursuant to section 3314.07 of the Revised Code; 50315

(17) Whether the school is to be created by converting all or 50316  
part of an existing public school or educational service center 50317  
building or is to be a new start-up school, and if it is a 50318  
converted public school or service center building, specification 50319  
of any duties or responsibilities of an employer that the board of 50320  
education or service center governing board that operated the 50321  
school or building before conversion is delegating to the 50322  
governing authority of the community school with respect to all or 50323  
any specified group of employees provided the delegation is not 50324  
prohibited by a collective bargaining agreement applicable to such 50325  
employees; 50326

(18) Provisions establishing procedures for resolving 50327  
disputes or differences of opinion between the sponsor and the 50328

governing authority of the community school; 50329

(19) A provision requiring the governing authority to adopt a 50330  
policy regarding the admission of students who reside outside the 50331  
district in which the school is located. That policy shall comply 50332  
with the admissions procedures specified in sections 3314.06 and 50333  
3314.061 of the Revised Code and, at the sole discretion of the 50334  
authority, shall do one of the following: 50335

(a) Prohibit the enrollment of students who reside outside 50336  
the district in which the school is located; 50337

(b) Permit the enrollment of students who reside in districts 50338  
adjacent to the district in which the school is located; 50339

(c) Permit the enrollment of students who reside in any other 50340  
district in the state. 50341

(20) A provision recognizing the authority of the department 50342  
of education to take over the sponsorship of the school in 50343  
accordance with the provisions of division (C) of section 3314.015 50344  
of the Revised Code; 50345

(21) A provision recognizing the sponsor's authority to 50346  
assume the operation of a school under the conditions specified in 50347  
division (B) of section 3314.073 of the Revised Code; 50348

(22) A provision recognizing both of the following: 50349

(a) The authority of public health and safety officials to 50350  
inspect the facilities of the school and to order the facilities 50351  
closed if those officials find that the facilities are not in 50352  
compliance with health and safety laws and regulations; 50353

(b) The authority of the department of education as the 50354  
community school oversight body to suspend the operation of the 50355  
school under section 3314.072 of the Revised Code if the 50356  
department has evidence of conditions or violations of law at the 50357  
school that pose an imminent danger to the health and safety of 50358

the school's students and employees and the sponsor refuses to 50359  
take such action. 50360

(23) A description of the learning opportunities that will be 50361  
offered to students including both classroom-based and 50362  
non-classroom-based learning opportunities that is in compliance 50363  
with criteria for student participation established by the 50364  
department under division (H)(2) of section 3314.08 of the Revised 50365  
Code; 50366

(24) The school will comply with sections 3302.04 and 50367  
3302.041 of the Revised Code, except that any action required to 50368  
be taken by a school district pursuant to those sections shall be 50369  
taken by the sponsor of the school. However, the sponsor shall not 50370  
be required to take any action described in division (F) of 50371  
section 3302.04 of the Revised Code. 50372

(25) Beginning in the 2006-2007 school year, the school will 50373  
open for operation not later than the thirtieth day of September 50374  
each school year, unless the mission of the school as specified 50375  
under division (A)(2) of this section is solely to serve dropouts. 50376  
In its initial year of operation, if the school fails to open by 50377  
the thirtieth day of September, or within one year after the 50378  
adoption of the contract pursuant to division (D) of section 50379  
3314.02 of the Revised Code if the mission of the school is solely 50380  
to serve dropouts, the contract shall be void. 50381

(26) Whether the school's governing authority is planning to 50382  
seek designation for the school as a STEM school equivalent under 50383  
section 3326.032 of the Revised Code. 50384

(B) The community school shall also submit to the sponsor a 50385  
comprehensive plan for the school. The plan shall specify the 50386  
following: 50387

(1) The process by which the governing authority of the 50388  
school will be selected in the future; 50389

(2) The management and administration of the school;	50390
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	50391 50392 50393 50394 50395
(4) The instructional program and educational philosophy of the school;	50396 50397
(5) Internal financial controls.	50398
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	50399 50400 50401 50402 50403 50404 50405 50406 50407
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:	50408 50409 50410 50411 50412
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	50413 50414
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	50415 50416 50417
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department	50418 50419

of education and to the parents of students enrolled in the 50420  
community school; 50421

(4) Provide technical assistance to the community school in 50422  
complying with laws applicable to the school and terms of the 50423  
contract; 50424

(5) Take steps to intervene in the school's operation to 50425  
correct problems in the school's overall performance, declare the 50426  
school to be on probationary status pursuant to section 3314.073 50427  
of the Revised Code, suspend the operation of the school pursuant 50428  
to section 3314.072 of the Revised Code, or terminate the contract 50429  
of the school pursuant to section 3314.07 of the Revised Code as 50430  
determined necessary by the sponsor; 50431

(6) Have in place a plan of action to be undertaken in the 50432  
event the community school experiences financial difficulties or 50433  
closes prior to the end of a school year. 50434

(E) Upon the expiration of a contract entered into under this 50435  
section, the sponsor of a community school may, with the approval 50436  
of the governing authority of the school, renew that contract for 50437  
a period of time determined by the sponsor, but not ending earlier 50438  
than the end of any school year, if the sponsor finds that the 50439  
school's compliance with applicable laws and terms of the contract 50440  
and the school's progress in meeting the academic goals prescribed 50441  
in the contract have been satisfactory. Any contract that is 50442  
renewed under this division remains subject to the provisions of 50443  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 50444

(F) If a community school fails to open for operation within 50445  
one year after the contract entered into under this section is 50446  
adopted pursuant to division (D) of section 3314.02 of the Revised 50447  
Code or permanently closes prior to the expiration of the 50448  
contract, the contract shall be void and the school shall not 50449  
enter into a contract with any other sponsor. A school shall not 50450

be considered permanently closed because the operations of the 50451  
school have been suspended pursuant to section 3314.072 of the 50452  
Revised Code. 50453

**Sec. 3314.05.** (A) The contract between the community school 50454  
and the sponsor shall specify the facilities to be used for the 50455  
community school and the method of acquisition. Except as provided 50456  
in divisions (B)(3) and (4) of this section, no community school 50457  
shall be established in more than one school district under the 50458  
same contract. 50459

(B) Division (B) of this section shall not apply to internet- 50460  
or computer-based community schools. 50461

(1) A community school may be located in multiple facilities 50462  
under the same contract only if the limitations on availability of 50463  
space prohibit serving all the grade levels specified in the 50464  
contract in a single facility or division (B)(2), (3), or (4) of 50465  
this section applies to the school. The school shall not offer the 50466  
same grade level classrooms in more than one facility. 50467

(2) A community school may be located in multiple facilities 50468  
under the same contract and, notwithstanding division (B)(1) of 50469  
this section, may assign students in the same grade level to 50470  
multiple facilities, as long as all of the following apply: 50471

(a) The governing authority has entered into and maintains a 50472  
contract with an operator of the type described in division 50473  
(A)(8)(b) of section 3314.02 of the Revised Code. 50474

(b) The contract with that operator qualified the school to 50475  
be established pursuant to division (A) of former section 3314.016 50476  
of the Revised Code. 50477

(c) The school's rating under section 3302.03 of the Revised 50478  
Code does not fall below a combination of any of the following for 50479  
two or more consecutive years: 50480



(i) A rating of "in need of continuous improvement" under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For the 2012-2013 ~~and~~, 2013-2014, 2014-2015, and 2015-2016 school years, a rating of "C" for both the performance index score under division (A)(1)(b) or (B)(1)(b) and the value-added dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code; or if the building serves only grades ten through twelve, the building received a grade of "C" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code;

(iii) For the ~~2014-2015~~ 2016-2017 school year and for any school year thereafter, an overall grade of "C" under division (C)(3) of section 3302.03 of the Revised Code or an overall performance designation of "meets standards" under division (E)(3)(e) of section 3314.017 of the Revised Code.

(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply:

(a) At least one of the school districts in which the school is established is a challenged school district;

(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and

(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus.

In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that

district shall be considered the school's primary location and the 50512  
district in which the school is located for the purposes of 50513  
division (A)(19) of section 3314.03 and divisions (C) and (H) of 50514  
section 3314.06 of the Revised Code and for all other purposes of 50515  
this chapter. If both of the school districts in which the school 50516  
is established are challenged school districts, the school's 50517  
governing authority shall designate one of those districts to be 50518  
considered the school's primary location and the district in which 50519  
the school is located for the purposes of those divisions and all 50520  
other purposes of this chapter and shall notify the department of 50521  
education of that designation. 50522

(4) A community school may be located in multiple facilities 50523  
under the same contract and, notwithstanding division (B)(1) of 50524  
this section, may assign students in the same grade level to 50525  
multiple facilities, as long as both of the following apply: 50526

(a) The facilities are all located in the same county. 50527

(b) Either of the following conditions are satisfied: 50528

(i) The community school is sponsored by a board of education 50529  
of a city, local, or exempted village school district having 50530  
territory in the same county where the facilities of the community 50531  
school are located; 50532

(ii) The community school is managed by an operator. 50533

In the case of a community school to which division (B)(4) of 50534  
this section applies and that maintains facilities in more than 50535  
one school district, the school's governing authority shall 50536  
designate one of those districts to be considered the school's 50537  
primary location and the district in which the school is located 50538  
for the purposes of division (A)(19) of section 3314.03 and 50539  
divisions (C) and (H) of section 3314.06 of the Revised Code and 50540  
for all other purposes of this chapter and shall notify the 50541  
department of that designation. 50542

(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.

(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.

(D) Two or more separate community schools may be located in the same facility.

(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

**Sec. 3314.06.** The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, 50574  
admission to the school may be open on a tuition basis to any 50575  
individual age five to twenty-two who is not a resident of this 50576  
state. The school shall not receive state funds under section 50577  
3314.08 of the Revised Code for any student who is not a resident 50578  
of this state. 50579

An individual younger than five years of age may be admitted 50580  
to the school in accordance with division (A)(2) of section 50581  
3321.01 of the Revised Code. The school shall receive funds for an 50582  
individual admitted under that division in the manner provided 50583  
under section 3314.08 of the Revised Code. 50584

If the school operates a program that uses the Montessori 50585  
method endorsed by the American Montessori society, the Montessori 50586  
accreditation council for teacher education, or the association 50587  
Montessori internationale as its primary method of instruction, 50588  
admission to the school may be open to individuals younger than 50589  
five years of age, but the school shall not receive funds under 50590  
this chapter for those individuals. Notwithstanding anything to 50591  
the contrary in this chapter, individuals younger than five years 50592  
of age who are enrolled in a Montessori program shall be offered 50593  
at least four hundred fifty-five hours of learning opportunities 50594  
per school year. 50595

If the school operates a preschool program that is licensed 50596  
by the department of education under sections 3301.52 to 3301.59 50597  
of the Revised Code, admission to the school may be open to 50598  
individuals who are general education preschool students, but the 50599  
school shall not receive funds under this chapter for those 50600  
individuals. 50601

(B)(1) That admission to the school may be limited to 50602  
students who have attained a specific grade level or are within a 50603  
specific age group; to students that meet a definition of 50604  
"at-risk," as defined in the contract; to residents of a specific 50605

geographic area within the district, as defined in the contract; 50606  
or to separate groups of autistic students and nondisabled 50607  
students, as authorized in section 3314.061 of the Revised Code 50608  
and as defined in the contract. 50609

(2) For purposes of division (B)(1) of this section, 50610  
"at-risk" students may include those students identified as gifted 50611  
students under section 3324.03 of the Revised Code. 50612

(C) Whether enrollment is limited to students who reside in 50613  
the district in which the school is located or is open to 50614  
residents of other districts, as provided in the policy adopted 50615  
pursuant to the contract. 50616

(D)(1) That there will be no discrimination in the admission 50617  
of students to the school on the basis of race, creed, color, 50618  
disability, or sex except that: 50619

(a) The governing authority may do either of the following 50620  
for the purpose described in division (G) of this section: 50621

(i) Establish a single-gender school for either sex; 50622

(ii) Establish single-gender schools for each sex under the 50623  
same contract, provided substantially equal facilities and 50624  
learning opportunities are offered for both boys and girls. Such 50625  
facilities and opportunities may be offered for each sex at 50626  
separate locations. 50627

(b) The governing authority may establish a school that 50628  
simultaneously serves a group of students identified as autistic 50629  
and a group of students who are not disabled, as authorized in 50630  
section 3314.061 of the Revised Code. However, unless the total 50631  
capacity established for the school has been filled, no student 50632  
with any disability shall be denied admission on the basis of that 50633  
disability. 50634

(2) That upon admission of any student with a disability, the 50635

community school will comply with all federal and state laws 50636  
regarding the education of students with disabilities. 50637

(E) That the school may not limit admission to students on 50638  
the basis of intellectual ability, measures of achievement or 50639  
aptitude, or athletic ability, except that a school may limit its 50640  
enrollment to students as described in division (B) of this 50641  
section. 50642

(F) That the community school will admit the number of 50643  
students that does not exceed the capacity of the school's 50644  
programs, classes, grade levels, or facilities. 50645

(G) That the purpose of single-gender schools that are 50646  
established shall be to take advantage of the academic benefits 50647  
some students realize from single-gender instruction and 50648  
facilities and to offer students and parents residing in the 50649  
district the option of a single-gender education. 50650

(H) That, except as otherwise provided under division (B) of 50651  
this section or section 3314.061 of the Revised Code, if the 50652  
number of applicants exceeds the capacity restrictions of division 50653  
(F) of this section, students shall be admitted by lot from all 50654  
those submitting applications, except preference shall be given to 50655  
students attending the school the previous year and to students 50656  
who reside in the district in which the school is located. 50657  
Preference may be given to siblings of students attending the 50658  
school the previous year. 50659

Notwithstanding divisions (A) to (H) of this section, in the 50660  
event the racial composition of the enrollment of the community 50661  
school is violative of a federal desegregation order, the 50662  
community school shall take any and all corrective measures to 50663  
comply with the desegregation order. 50664

**Sec. 3314.075.** The operator of a community school ordered by 50665

the auditor of state under division (F) of section 3307.011 or 50666  
division (F) of section 3309.013 of the Revised Code to 50667  
permanently close the school shall close the school at the 50668  
conclusion of the school year in which the operator receives 50669  
notice of the order from the auditor. The sponsor and governing 50670  
authority of the school shall comply with all procedures for 50671  
closing a community school adopted by the department of education 50672  
under division (E) of section 3314.015 of the Revised Code. 50673

**Sec. 3314.08.** (A) As used in this section: 50674

(1)(a) "Category one career-technical education student" 50675  
means a student who is receiving the career-technical education 50676  
services described in division (A) of section 3317.014 of the 50677  
Revised Code. 50678

(b) "Category two career-technical student" means a student 50679  
who is receiving the career-technical education services described 50680  
in division (B) of section 3317.014 of the Revised Code. 50681

(c) "Category three career-technical student" means a student 50682  
who is receiving the career-technical education services described 50683  
in division (C) of section 3317.014 of the Revised Code. 50684

(d) "Category four career-technical student" means a student 50685  
who is receiving the career-technical education services described 50686  
in division (D) of section 3317.014 of the Revised Code. 50687

(e) "Category five career-technical education student" means 50688  
a student who is receiving the career-technical education services 50689  
described in division (E) of section 3317.014 of the Revised Code. 50690

(2)(a) "Category one limited English proficient student" 50691  
means a limited English proficient student described in division 50692  
(A) of section 3317.016 of the Revised Code. 50693

(b) "Category two limited English proficient student" means a 50694  
limited English proficient student described in division (B) of 50695

section 3317.016 of the Revised Code. 50696

(c) "Category three limited English proficient student" means 50697  
a limited English proficient student described in division (C) of 50698  
section 3317.016 of the Revised Code. 50699

(3)(a) "Category one special education student" means a 50700  
student who is receiving special education services for a 50701  
disability specified in division (A) of section 3317.013 of the 50702  
Revised Code. 50703

(b) "Category two special education student" means a student 50704  
who is receiving special education services for a disability 50705  
specified in division (B) of section 3317.013 of the Revised Code. 50706

(c) "Category three special education student" means a 50707  
student who is receiving special education services for a 50708  
disability specified in division (C) of section 3317.013 of the 50709  
Revised Code. 50710

(d) "Category four special education student" means a student 50711  
who is receiving special education services for a disability 50712  
specified in division (D) of section 3317.013 of the Revised Code. 50713

(e) "Category five special education student" means a student 50714  
who is receiving special education services for a disability 50715  
specified in division (E) of section 3317.013 of the Revised Code. 50716

(f) "Category six special education student" means a student 50717  
who is receiving special education services for a disability 50718  
specified in division (F) of section 3317.013 of the Revised Code. 50719

(4) "Formula amount" has the same meaning as in section 50720  
3317.02 of the Revised Code. 50721

(5) "IEP" has the same meaning as in section 3323.01 of the 50722  
Revised Code. 50723

(6) "Resident district" means the school district in which a 50724  
student is entitled to attend school under section 3313.64 or 50725



3313.65 of the Revised Code. 50726

(7) "State education aid" has the same meaning as in section 50727  
5751.20 of the Revised Code. 50728

(B) The state board of education shall adopt rules requiring 50729  
both of the following: 50730

(1) The board of education of each city, exempted village, 50731  
and local school district to annually report the number of 50732  
students entitled to attend school in the district who are 50733  
enrolled in each grade kindergarten through twelve in a community 50734  
school established under this chapter, and for each child, the 50735  
community school in which the child is enrolled. 50736

(2) The governing authority of each community school 50737  
established under this chapter to annually report all of the 50738  
following: 50739

(a) The number of students enrolled in grades one through 50740  
twelve and the full-time equivalent number of students enrolled in 50741  
kindergarten in the school who are not receiving special education 50742  
and related services pursuant to an IEP; 50743

(b) The number of enrolled students in grades one through 50744  
twelve and the full-time equivalent number of enrolled students in 50745  
kindergarten, who are receiving special education and related 50746  
services pursuant to an IEP; 50747

(c) The number of students reported under division (B)(2)(b) 50748  
of this section receiving special education and related services 50749  
pursuant to an IEP for a disability described in each of divisions 50750  
(A) to (F) of section 3317.013 of the Revised Code; 50751

(d) The full-time equivalent number of students reported 50752  
under divisions (B)(2)(a) and (b) of this section who are enrolled 50753  
in career-technical education programs or classes described in 50754  
each of divisions (A) to (E) of section 3317.014 of the Revised 50755

Code that are provided by the community school; 50756

(e) The number of students reported under divisions (B)(2)(a) 50757  
and (b) of this section who are not reported under division 50758  
(B)(2)(d) of this section but who are enrolled in career-technical 50759  
education programs or classes described in each of divisions (A) 50760  
to (E) of section 3317.014 of the Revised Code at a joint 50761  
vocational school district or another district in the 50762  
career-technical planning district to which the school is 50763  
assigned; 50764

(f) The number of students reported under divisions (B)(2)(a) 50765  
and (b) of this section who are category one to three limited 50766  
English proficient students described in each of divisions (A) to 50767  
(C) of section 3317.016 of the Revised Code; 50768

(g) The number of students reported under divisions (B)(2)(a) 50769  
and (b) who are economically disadvantaged, as defined by the 50770  
department. A student shall not be categorically excluded from the 50771  
number reported under division (B)(2)(g) of this section based on 50772  
anything other than family income. 50773

(h) For each student, the city, exempted village, or local 50774  
school district in which the student is entitled to attend school 50775  
under section 3313.64 or 3313.65 of the Revised Code. 50776

(i) The number of students enrolled in a preschool program 50777  
operated by the school that is licensed by the department of 50778  
education under sections 3301.52 to 3301.59 of the Revised Code 50779  
who are not receiving special education and related services 50780  
pursuant to an IEP. 50781

A school district board and a community school governing 50782  
authority shall include in their respective reports under division 50783  
(B) of this section any child admitted in accordance with division 50784  
(A)(2) of section 3321.01 of the Revised Code. 50785

A governing authority of a community school shall not include 50786

in its report under ~~division (B)(2)~~ divisions (B)(2)(a) to (h) of 50787  
this section any student for whom tuition is charged under 50788  
division (F) of this section. 50789

(C)(1) Except as provided in division (C)(2) of this section, 50790  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 50791  
section, on a full-time equivalency basis, for each student 50792  
enrolled in a community school established under this chapter, the 50793  
department of education annually shall deduct from the state 50794  
education aid of a student's resident district and, if necessary, 50795  
from the payment made to the district under sections 321.24 and 50796  
323.156 of the Revised Code and pay to the community school the 50797  
sum of the following: 50798

(a) An opportunity grant in an amount equal to the formula 50799  
amount; 50800

(b) The per pupil amount of targeted assistance funds 50801  
calculated under division (A) of section 3317.0217 of the Revised 50802  
Code for the student's resident district, as determined by the 50803  
department, X 0.25; 50804

(c) Additional state aid for special education and related 50805  
services provided under Chapter 3323. of the Revised Code as 50806  
follows: 50807

(i) If the student is a category one special education 50808  
student, the amount specified in division (A) of section 3317.013 50809  
of the Revised Code; 50810

(ii) If the student is a category two special education 50811  
student, the amount specified in division (B) of section 3317.013 50812  
of the Revised Code; 50813

(iii) If the student is a category three special education 50814  
student, the amount specified in division (C) of section 3317.013 50815  
of the Revised Code; 50816

(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	50817 50818 50819
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	50820 50821 50822
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	50823 50824 50825
(d) If the student is in kindergarten through third grade, an additional amount of <del>\$211</del> <u>\$305</u> , in fiscal year <del>2014</del> <u>2016</u> , and <del>\$290</del> <u>\$320</u> , in fiscal year <del>2015</del> <u>2017</u> ;	50826 50827 50828
(e) If the student is economically disadvantaged, an additional amount equal to the following:	50829 50830
<del>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X</del> (the resident district's economically disadvantaged index)	50831 50832
(f) Limited English proficiency funds as follows:	50833
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	50834 50835 50836
(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	50837 50838 50839
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	50840 50841 50842
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	50843 50844
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section	50845 50846

3317.014 of the Revised Code;	50847
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	50848 50849 50850
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	50851 50852 50853
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	50854 50855 50856
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	50857 50858 50859
Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.	50860 50861 50862 50863
(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section.	50864 50865 50866 50867 50868 50869
No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section.	50870 50871 50872
(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold	50873 50874 50875 50876

catastrophic cost for serving the student as specified in division 50877  
(B) of section 3317.0214 of the Revised Code, the school may 50878  
submit to the superintendent of public instruction documentation, 50879  
as prescribed by the superintendent, of all its costs for that 50880  
student. Upon submission of documentation for a student of the 50881  
type and in the manner prescribed, the department shall pay to the 50882  
community school an amount equal to the school's costs for the 50883  
student in excess of the threshold catastrophic costs. 50884

(b) The community school shall report under division 50885  
(C)(3)(a) of this section, and the department shall pay for, only 50886  
the costs of educational expenses and the related services 50887  
provided to the student in accordance with the student's 50888  
individualized education program. Any legal fees, court costs, or 50889  
other costs associated with any cause of action relating to the 50890  
student may not be included in the amount. 50891

(4) In any fiscal year, a community school receiving funds 50892  
under division (C)(1)(g) of this section shall spend those funds 50893  
only for the purposes that the department designates as approved 50894  
for career-technical education expenses. Career-technical 50895  
education expenses approved by the department shall include only 50896  
expenses connected to the delivery of career-technical programming 50897  
to career-technical students. The department shall require the 50898  
school to report data annually so that the department may monitor 50899  
the school's compliance with the requirements regarding the manner 50900  
in which funding received under division (C)(1)(g) of this section 50901  
may be spent. 50902

(5) All funds received under division (C)(1)(g) of this 50903  
section shall be spent in the following manner: 50904

(a) At least seventy-five per cent of the funds shall be 50905  
spent on curriculum development, purchase, and implementation; 50906  
instructional resources and supplies; industry-based program 50907  
certification; student assessment, credentialing, and placement; 50908

curriculum specific equipment purchases and leases; 50909  
career-technical student organization fees and expenses; home and 50910  
agency linkages; work-based learning experiences; professional 50911  
development; and other costs directly associated with 50912  
career-technical education programs including development of new 50913  
programs. 50914

(b) Not more than twenty-five per cent of the funds shall be 50915  
used for personnel expenditures. 50916

(6) A community school shall spend the funds it receives 50917  
under division (C)(1)(e) of this section in accordance with 50918  
section 3317.25 of the Revised Code. 50919

(7) If the sum of the payments computed under divisions 50920  
(C)(1) and (8)(a) of this section for the students entitled to 50921  
attend school in a particular school district under sections 50922  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 50923  
district's state education aid and its payment under sections 50924  
321.24 and 323.156 of the Revised Code, the department shall 50925  
calculate and apply a proration factor to the payments to all 50926  
community schools under that division for the students entitled to 50927  
attend school in that district. 50928

(8)(a) Subject to division (C)(7) of this section, the 50929  
department annually shall pay to each community school, including 50930  
each internet- or computer-based community school, an amount equal 50931  
to the following: 50932

(The number of students reported by the community school 50933  
under division (B)(2)(e) of this section X the formula amount X 50934  
.20) 50935

(b) For each payment made to a community school under 50936  
division (C)(8)(a) of this section, the department shall deduct 50937  
from the state education aid of each city, local, and exempted 50938  
village school district and, if necessary, from the payment made 50939

to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following:

(The number of the district's students reported by the community school under division (B)(2)(e) of this section X the formula amount X .20)

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

(E) A community school may not levy taxes or issue bonds secured by tax revenues.

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state.

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect



any enrollment of students in community schools for less than the 50970  
equivalent of a full school year. The state board of education 50971  
within ninety days after April 8, 2003, shall adopt in accordance 50972  
with Chapter 119. of the Revised Code rules governing the payments 50973  
to community schools under this section including initial payments 50974  
in a school year and adjustments and reductions made in subsequent 50975  
periodic payments to community schools and corresponding 50976  
deductions from school district accounts as provided under 50977  
division (C) of this section. For purposes of this section: 50978

(1) A student shall be considered enrolled in the community 50979  
school for any portion of the school year the student is 50980  
participating at a college under Chapter 3365. of the Revised 50981  
Code. 50982

(2) A student shall be considered to be enrolled in a 50983  
community school for the period of time beginning on the later of 50984  
the date on which the school both has received documentation of 50985  
the student's enrollment from a parent and the student has 50986  
commenced participation in learning opportunities as defined in 50987  
the contract with the sponsor, or thirty days prior to the date on 50988  
which the student is entered into the education management 50989  
information system established under section 3301.0714 of the 50990  
Revised Code. For purposes of applying this division and divisions 50991  
(H)(3) and (4) of this section to a community school student, 50992  
"learning opportunities" shall be defined in the contract, which 50993  
shall describe both classroom-based and non-classroom-based 50994  
learning opportunities and shall be in compliance with criteria 50995  
and documentation requirements for student participation which 50996  
shall be established by the department. Any student's instruction 50997  
time in non-classroom-based learning opportunities shall be 50998  
certified by an employee of the community school. A student's 50999  
enrollment shall be considered to cease on the date on which any 51000  
of the following occur: 51001

(a) The community school receives documentation from a parent 51002  
terminating enrollment of the student. 51003

(b) The community school is provided documentation of a 51004  
student's enrollment in another public or private school. 51005

(c) The community school ceases to offer learning 51006  
opportunities to the student pursuant to the terms of the contract 51007  
with the sponsor or the operation of any provision of this 51008  
chapter. 51009

Except as otherwise specified in this paragraph, beginning in 51010  
the 2011-2012 school year, any student who completed the prior 51011  
school year in an internet- or computer-based community school 51012  
shall be considered to be enrolled in the same school in the 51013  
subsequent school year until the student's enrollment has ceased 51014  
as specified in division (H)(2) of this section. The department 51015  
shall continue subtracting and paying amounts for the student 51016  
under division (C) of this section without interruption at the 51017  
start of the subsequent school year. However, if the student 51018  
without a legitimate excuse fails to participate in the first one 51019  
hundred five consecutive hours of learning opportunities offered 51020  
to the student in that subsequent school year, the student shall 51021  
be considered not to have re-enrolled in the school for that 51022  
school year and the department shall recalculate the payments to 51023  
the school for that school year to account for the fact that the 51024  
student is not enrolled. 51025

(3) The department shall determine each community school 51026  
student's percentage of full-time equivalency based on the 51027  
percentage of learning opportunities offered by the community 51028  
school to that student, reported either as number of hours or 51029  
number of days, is of the total learning opportunities offered by 51030  
the community school to a student who attends for the school's 51031  
entire school year. However, no internet- or computer-based 51032  
community school shall be credited for any time a student spends 51033

participating in learning opportunities beyond ten hours within 51034  
any period of twenty-four consecutive hours. Whether it reports 51035  
hours or days of learning opportunities, each community school 51036  
shall offer not less than nine hundred twenty hours of learning 51037  
opportunities during the school year. 51038

(4) With respect to the calculation of full-time equivalency 51039  
under division (H)(3) of this section, the department shall waive 51040  
the number of hours or days of learning opportunities not offered 51041  
to a student because the community school was closed during the 51042  
school year due to disease epidemic, hazardous weather conditions, 51043  
law enforcement emergencies, inoperability of school buses or 51044  
other equipment necessary to the school's operation, damage to a 51045  
school building, or other temporary circumstances due to utility 51046  
failure rendering the school building unfit for school use, so 51047  
long as the school was actually open for instruction with students 51048  
in attendance during that school year for not less than the 51049  
minimum number of hours required by this chapter. The department 51050  
shall treat the school as if it were open for instruction with 51051  
students in attendance during the hours or days waived under this 51052  
division. 51053

(I) The department of education shall reduce the amounts paid 51054  
under this section to reflect payments made to colleges under 51055  
section 3365.07 of the Revised Code. 51056

(J)(1) No student shall be considered enrolled in any 51057  
internet- or computer-based community school or, if applicable to 51058  
the student, in any community school that is required to provide 51059  
the student with a computer pursuant to division (C) of section 51060  
3314.22 of the Revised Code, unless both of the following 51061  
conditions are satisfied: 51062

(a) The student possesses or has been provided with all 51063  
required hardware and software materials and all such materials 51064  
are operational so that the student is capable of fully 51065

participating in the learning opportunities specified in the 51066  
contract between the school and the school's sponsor as required 51067  
by division (A)(23) of section 3314.03 of the Revised Code; 51068

(b) The school is in compliance with division (A) of section 51069  
3314.22 of the Revised Code, relative to such student. 51070

(2) In accordance with policies adopted jointly by the 51071  
superintendent of public instruction and the auditor of state, the 51072  
department shall reduce the amounts otherwise payable under 51073  
division (C) of this section to any community school that includes 51074  
in its program the provision of computer hardware and software 51075  
materials to any student, if such hardware and software materials 51076  
have not been delivered, installed, and activated for each such 51077  
student in a timely manner or other educational materials or 51078  
services have not been provided according to the contract between 51079  
the individual community school and its sponsor. 51080

The superintendent of public instruction and the auditor of 51081  
state shall jointly establish a method for auditing any community 51082  
school to which this division pertains to ensure compliance with 51083  
this section. 51084

The superintendent, auditor of state, and the governor shall 51085  
jointly make recommendations to the general assembly for 51086  
legislative changes that may be required to assure fiscal and 51087  
academic accountability for such schools. 51088

(K)(1) If the department determines that a review of a 51089  
community school's enrollment is necessary, such review shall be 51090  
completed and written notice of the findings shall be provided to 51091  
the governing authority of the community school and its sponsor 51092  
within ninety days of the end of the community school's fiscal 51093  
year, unless extended for a period not to exceed thirty additional 51094  
days for one of the following reasons: 51095

(a) The department and the community school mutually agree to 51096

the extension. 51097

(b) Delays in data submission caused by either a community 51098  
school or its sponsor. 51099

(2) If the review results in a finding that additional 51100  
funding is owed to the school, such payment shall be made within 51101  
thirty days of the written notice. If the review results in a 51102  
finding that the community school owes moneys to the state, the 51103  
following procedure shall apply: 51104

(a) Within ten business days of the receipt of the notice of 51105  
findings, the community school may appeal the department's 51106  
determination to the state board of education or its designee. 51107

(b) The board or its designee shall conduct an informal 51108  
hearing on the matter within thirty days of receipt of such an 51109  
appeal and shall issue a decision within fifteen days of the 51110  
conclusion of the hearing. 51111

(c) If the board has enlisted a designee to conduct the 51112  
hearing, the designee shall certify its decision to the board. The 51113  
board may accept the decision of the designee or may reject the 51114  
decision of the designee and issue its own decision on the matter. 51115

(d) Any decision made by the board under this division is 51116  
final. 51117

(3) If it is decided that the community school owes moneys to 51118  
the state, the department shall deduct such amount from the 51119  
school's future payments in accordance with guidelines issued by 51120  
the superintendent of public instruction. 51121

(L) The department shall not subtract from a school 51122  
district's state aid account and shall not pay to a community 51123  
school under division (C) of this section any amount for any of 51124  
the following: 51125

(1) Any student who has graduated from the twelfth grade of a 51126

public or nonpublic high school;	51127
(2) Any student who is not a resident of the state;	51128
(3) Any student who was enrolled in the community school	51129
during the previous school year when assessments were administered	51130
under section 3301.0711 of the Revised Code but did not take one	51131
or more of the assessments required by that section and was not	51132
excused pursuant to division (C)(1) or (3) of that section, unless	51133
the superintendent of public instruction grants the student a	51134
waiver from the requirement to take the assessment and a parent is	51135
not paying tuition for the student pursuant to section 3314.26 of	51136
the Revised Code. The superintendent may grant a waiver only for	51137
good cause in accordance with rules adopted by the state board of	51138
education.	51139
(4) Any student who has attained the age of twenty-two years,	51140
except for veterans of the armed services whose attendance was	51141
interrupted before completing the recognized twelve-year course of	51142
the public schools by reason of induction or enlistment in the	51143
armed forces and who apply for enrollment in a community school	51144
not later than four years after termination of war or their	51145
honorable discharge. If, however, any such veteran elects to	51146
enroll in special courses organized for veterans for whom tuition	51147
is paid under federal law, or otherwise, the department shall not	51148
subtract from a school district's state aid account and shall not	51149
pay to a community school under division (C) of this section any	51150
amount for that veteran.	51151
<b><u>Sec. 3314.085. (A) For purposes of this section:</u></b>	51152
(1) <u>"Formula amount" has the same meaning as in section</u>	51153
<u>3317.02 of the Revised Code.</u>	51154
(2) <u>"Four-year adjusted cohort graduation rate" has the same</u>	51155
<u>meaning as in section 3302.01 of the Revised Code.</u>	51156

(3) A community school's "third-grade reading proficiency percentage" means the following quotient: 51157  
51158  
The number of the school's students scoring at a proficient level 51159  
of skill or higher on the third-grade English language arts 51160  
assessment prescribed under division (A)(1)(a) of section 51161  
3301.0710 of the Revised Code for the immediately preceding school 51162  
year / the total number of the school's students required to take 51163  
that assessment for the immediately preceding school year 51164

(B) In addition to the payments made under section 3314.08 of 51165  
the Revised Code, the department of education shall annually pay 51166  
to each community school both of the following: 51167

(1) A graduation bonus calculated according to the following 51168  
formula: 51169  
The school's four-year adjusted cohort graduation rate on its most 51170  
recent report card issued by the department under section 3302.03 51171  
or 3314.017 of the Revised Code X 0.05 X the formula amount X the 51172  
number of the school's graduates reported to the department, in 51173  
accordance with the guidelines adopted under section 3301.0714 of 51174  
the Revised Code, for the same school year for which the most 51175  
recent report card was issued 51176

(2) A third-grade reading bonus calculated according to the 51177  
following formula: 51178  
The school's third-grade reading proficiency percentage X 0.15 X 51179  
the formula amount X the number of the school's students scoring 51180  
at a proficient level or higher on the third-grade English 51181  
language arts assessment prescribed under division (A)(1)(a) of 51182  
section 3301.0710 of the Revised Code for the immediately 51183  
preceding school year 51184

**Sec. 3314.091.** (A) A school district is not required to 51185  
provide transportation for any native student enrolled in a 51186  
community school if the district board of education has entered 51187

into an agreement with the community school's governing authority 51188  
that designates the community school as responsible for providing 51189  
or arranging for the transportation of the district's native 51190  
students to and from the community school. For any such agreement 51191  
to be effective, it must be certified by the superintendent of 51192  
public instruction as having met all of the following 51193  
requirements: 51194

(1) It is submitted to the department of education by a 51195  
deadline which shall be established by the department. 51196

(2) In accordance with divisions (C)(1) and (2) of this 51197  
section, it specifies qualifications, such as residing a minimum 51198  
distance from the school, for students to have their 51199  
transportation provided or arranged. 51200

(3) The transportation provided by the community school is 51201  
subject to all provisions of the Revised Code and all rules 51202  
adopted under the Revised Code pertaining to pupil transportation. 51203

(4) The sponsor of the community school also has signed the 51204  
agreement. 51205

(B)(1) For the school year that begins on July 1, 2007, a 51206  
school district is not required to provide transportation for any 51207  
native student enrolled in a community school, if the community 51208  
school during the previous school year transported the students 51209  
enrolled in the school or arranged for the students' 51210  
transportation, even if that arrangement consisted of having 51211  
parents transport their children to and from the school, but did 51212  
not enter into an agreement to transport or arrange for 51213  
transportation for those students under division (A) of this 51214  
section, and if the governing authority of the community school by 51215  
July 15, 2007, submits written notification to the district board 51216  
of education stating that the governing authority is accepting 51217  
responsibility for providing or arranging for the transportation 51218



of the district's native students to and from the community 51219  
school. 51220

(2) Except as provided in division (B)(4) of this section, 51221  
for any school year subsequent to the school year that begins on 51222  
July 1, 2007, a school district is not required to provide 51223  
transportation for any native student enrolled in a community 51224  
school if the governing authority of the community school, by the 51225  
thirty-first day of January of the previous school year, submits 51226  
written notification to the district board of education stating 51227  
that the governing authority is accepting responsibility for 51228  
providing or arranging for the transportation of the district's 51229  
native students to and from the community school. If the governing 51230  
authority of the community school has previously accepted 51231  
responsibility for providing or arranging for the transportation 51232  
of a district's native students to and from the community school, 51233  
under division (B)(1) or (2) of this section, and has since 51234  
relinquished that responsibility under division (B)(3) of this 51235  
section, the governing authority shall not accept that 51236  
responsibility again unless the district board consents to the 51237  
governing authority's acceptance of that responsibility. 51238

(3) A governing authority's acceptance of responsibility 51239  
under division (B)(1) or (2) of this section shall cover an entire 51240  
school year, and shall remain in effect for subsequent school 51241  
years unless the governing authority submits written notification 51242  
to the district board that the governing authority is 51243  
relinquishing the responsibility. However, a governing authority 51244  
shall not relinquish responsibility for transportation before the 51245  
end of a school year, and shall submit the notice relinquishing 51246  
responsibility by the thirty-first day of January, in order to 51247  
allow the school district reasonable time to prepare 51248  
transportation for its native students enrolled in the school. 51249

(4)(a) For any school year that begins on or after July 1, 51250

2014, a school district is not required to provide transportation 51251  
for any native student enrolled in a community school scheduled to 51252  
open for operation in the current school year, if the governing 51253  
authority of the community school, by the fifteenth day of April 51254  
of the previous school year, submits written notification to the 51255  
district board of education stating that the governing authority 51256  
is accepting responsibility for providing or arranging for the 51257  
transportation of the district's native students to and from the 51258  
community school. 51259

(b) The governing authority of a community school that 51260  
accepts responsibility for transporting its students under 51261  
division (B)(4)(a) of this section shall comply with divisions 51262  
(B)(2) and (3) of this section to renew or relinquish that 51263  
authority for subsequent school years. 51264

(C)(1) A community school governing authority that enters 51265  
into an agreement under division (A) of this section, or that 51266  
accepts responsibility under division (B) of this section, shall 51267  
provide or arrange transportation free of any charge for each of 51268  
its enrolled students who is required to be transported under 51269  
section 3327.01 of the Revised Code ~~or who would otherwise be~~ 51270  
~~transported by the school district under the district's~~ 51271  
~~transportation policy.~~ The governing authority shall report to the 51272  
department of education the number of students transported or for 51273  
whom transportation is arranged under this section in accordance 51274  
with rules adopted by the state board of education. 51275

(2) The governing authority may provide or arrange 51276  
transportation for any other enrolled student who is not eligible 51277  
for transportation in accordance with division (C)(1) of this 51278  
section and may charge a fee for such service up to the actual 51279  
cost of the service. 51280

(3) Notwithstanding anything to the contrary in division 51281  
(C)(1) or (2) of this section, a community school governing 51282

authority shall provide or arrange transportation free of any 51283  
charge for any disabled student enrolled in the school for whom 51284  
the student's individualized education program developed under 51285  
Chapter 3323. of the Revised Code specifies transportation. 51286

(D)(1) If a school district board and a community school 51287  
governing authority elect to enter into an agreement under 51288  
division (A) of this section, the department of education shall 51289  
make payments to the community school according to the terms of 51290  
the agreement for each student actually transported under division 51291  
(C)(1) of this section. 51292

If a community school governing authority accepts 51293  
transportation responsibility under division (B) of this section, 51294  
the department shall make payments to the community school for 51295  
each student actually transported or for whom transportation is 51296  
arranged by the community school under division (C)(1) of this 51297  
section, calculated as follows: 51298

(a) For any fiscal year which the general assembly has 51299  
specified that transportation payments to school districts be 51300  
based on an across-the-board percentage of the district's payment 51301  
for the previous school year, the per pupil payment to the 51302  
community school shall be the following quotient: 51303

(i) The total amount calculated for the school district in 51304  
which the child is entitled to attend school for student 51305  
transportation other than transportation of children with 51306  
disabilities; divided by 51307

(ii) The number of students included in the district's 51308  
transportation ADM for the current fiscal year, as calculated 51309  
under section 3317.03 of the Revised Code, plus the number of 51310  
students enrolled in the community school not counted in the 51311  
district's transportation ADM who are transported under division 51312  
(B)(1) or (2) of this section. 51313

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in that section for fiscal year 2011.

As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under section 3317.0212 of the Revised Code and the operating appropriations act.

(3) A community school shall be paid under division (D)(1) of 51346  
this section only for students who are eligible as specified in 51347  
section 3327.01 of the Revised Code and division (C)(1) of this 51348  
section, and whose transportation to and from school is actually 51349  
provided, who actually utilized transportation arranged, or for 51350  
whom a payment in lieu of transportation is made by the community 51351  
school's governing authority. To qualify for the payments, the 51352  
community school shall report to the department, in the form and 51353  
manner required by the department, data on the number of students 51354  
transported or whose transportation is arranged, the number of 51355  
miles traveled, cost to transport, and any other information 51356  
requested by the department. 51357

(4) A community school shall use payments received under this 51358  
section solely to pay the costs of providing or arranging for the 51359  
transportation of students who are eligible as specified in 51360  
section 3327.01 of the Revised Code and division (C)(1) of this 51361  
section, which may include payments to a parent, guardian, or 51362  
other person in charge of a child in lieu of transportation. 51363

(E) Except when arranged through payment to a parent, 51364  
guardian, or person in charge of a child, transportation provided 51365  
or arranged for by a community school pursuant to an agreement 51366  
under this section is subject to all provisions of the Revised 51367  
Code, and all rules adopted under the Revised Code, pertaining to 51368  
the construction, design, equipment, and operation of school buses 51369  
and other vehicles transporting students to and from school. The 51370  
drivers and mechanics of the vehicles are subject to all 51371  
provisions of the Revised Code, and all rules adopted under the 51372  
Revised Code, pertaining to drivers and mechanics of such 51373  
vehicles. The community school also shall comply with sections 51374  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 51375  
of section 3327.16 of the Revised Code and, subject to division 51376  
(C)(1) of this section, sections 3327.01 and 3327.02 of the 51377

Revised Code, as if it were a school district. 51378

**Sec. 3314.38.** (A) An individual who is at least twenty-two 51379  
years of age and who is an eligible individual as defined in 51380  
section 3317.23 of the Revised Code may enroll for up to two 51381  
~~cumulative~~ consecutive school years in a dropout prevention and 51382  
recovery program operated by a community school that is designed 51383  
to allow enrollees to earn a high school diploma. An individual 51384  
enrolled under this division may elect to satisfy the requirements 51385  
to earn a high school diploma by successfully completing a 51386  
competency-based ~~instructional~~ educational program, as defined in 51387  
section 3317.23 of the Revised Code, that complies with the 51388  
standards adopted by the ~~state board~~ department of education under 51389  
section 3317.231 of the Revised Code. The community school shall 51390  
report that individual's enrollment on a full-time equivalency 51391  
basis to the department ~~of education~~. This report shall be in 51392  
addition to the report required under division (B) of section 51393  
3314.08 of the Revised Code. An individual enrolled under this 51394  
division shall not be assigned to classes or settings with 51395  
students who are younger than eighteen years of age. 51396

(B)(1) For each community school that enrolls individuals 51397  
under division (A) of this section, the department ~~of education~~ 51398  
annually shall certify the enrollment and attendance, on a 51399  
full-time equivalency basis, of each individual reported by the 51400  
school under that division. 51401

(2) For each individual enrolled in a community school under 51402  
division (A) of this section, the department annually shall pay ~~to~~ 51403  
the community school ~~an amount equal to the following:~~ 51404

~~\$5,000 X the individual's enrollment on a full-time~~ 51405  
~~equivalency basis as certified under division (B)(1) of this~~ 51406  
~~section X the portion of the school year in which the individual~~ 51407  
~~is enrolled in the school expressed as a percentage up to \$5,000.~~ 51408

as determined by the department based on the extent of the 51409  
individual's successful completion of the graduation requirements 51410  
prescribed under division (A)(11)(f) of section 3314.03 of the 51411  
Revised Code. 51412

(C) A community school that enrolls individuals under 51413  
division (A) of this section shall be subject to the program 51414  
administration standards adopted by the ~~state board~~ department 51415  
under section 3317.231 of the Revised Code, as applicable. 51416

**Sec. 3314.39.** (A) A five-year parental engagement pilot 51417  
project is hereby established at the community school known as 51418  
DECA prep. The pilot project is a research and development 51419  
initiative to study the impact of required parental engagement for 51420  
low-performing students and shall provide additional educational 51421  
opportunities to students and coaching for parents. The pilot 51422  
project shall begin with the 2016-2017 school year and shall 51423  
operate through the 2020-2021 school year. 51424

(B) Under the pilot project, DECA prep shall work together 51425  
with an institution of higher education in the state to design and 51426  
perform a five-year study on the pilot project. 51427

(C) Any funds appropriated by the general assembly for the 51428  
pilot project established under this section shall be used to pay 51429  
for additional teaching resources to provide additional 51430  
educational opportunities to students and coaching for parents on 51431  
Saturdays and nonschool hours throughout the week. 51432

The auditor of state shall administer program and certify to 51433  
the director of budget and management the amounts to be paid to 51434  
DECA prep for purposes of this section. The auditor of state shall 51435  
certify amounts based on conditions that the auditor of state 51436  
develops jointly with the department of education and DECA prep. 51437

(D) Notwithstanding anything to the contrary in this chapter, 51438

DECA prep may require parents of students identified as 51439  
low-performing, to agree to attend coaching classes and ensure 51440  
that their children complete the additional requirements under the 51441  
pilot project as a condition of enrollment. A student whose parent 51442  
fails to comply with the agreement shall not be offered admission 51443  
to the school for the following school year. 51444

(E) Any additional resources and academic support provided 51445  
under this section shall supplement and not replace academic 51446  
interventions or accommodations otherwise required and provided 51447  
under other provisions of law, including, but not limited to, an 51448  
individualized education program under Chapter 3323. of the 51449  
Revised Code. 51450

(F) As used in this section: 51451

(1) "DECA prep" means Dayton early college academy 51452  
preparatory, incorporated. 51453

(2) The governing authority of DECA prep shall determine if a 51454  
student is "low-performing" for purposes of this section using 51455  
special assessments. 51456

(3) "Parent" has the same meaning as in section 3313.98 of 51457  
the Revised Code. 51458

**Sec. 3314.50.** No community school shall, on or after the 51459  
effective date of this ~~section~~ amendment, open for operation ~~in~~ 51460  
~~any school year~~ unless the governing authority of the school has 51461  
posted a surety bond in the amount of fifty thousand dollars with 51462  
the auditor of state. ~~In lieu of a surety bond, a community school~~ 51463  
~~governing authority may deposit with the auditor of state cash in~~ 51464  
~~the amount of fifty thousand dollars as a guarantee of payment.~~ 51465  
The bond or cash guarantee shall be used, in the event the school 51466  
closes, to pay the auditor of state any moneys owed or that become 51467  
owed by the school for the costs of audits conducted by the 51468



auditor of state or a public accountant under Chapter 117. of the 51469  
Revised Code. 51470

~~Immediately upon~~ The department of education shall notify the 51471  
auditor of state of the proposed initiation of operations of any 51472  
community school and shall provide the auditor of state with the 51473  
certification of the sponsor of the community school of the 51474  
compliance by the community school with all legal preconditions to 51475  
the initiation of its operations, including compliance with this 51476  
section. 51477

In lieu of the surety bond, the governing authority of the 51478  
school, the school's sponsor, or an operator that has a contract 51479  
with the school may deposit with the auditor of state cash in the 51480  
amount of fifty thousand dollars as guarantee of payment under the 51481  
provisions of this section. In lieu of a surety bond or a cash 51482  
deposit, the school's sponsor or an operator that has a contract 51483  
with the school may provide a written guarantee of payment, which 51484  
shall obligate the school's sponsor or the operator that provides 51485  
the written guarantee to pay the cost of audits of the school 51486  
under this section up to the amount of fifty thousand dollars. Any 51487  
such written guarantee shall be binding upon any successor entity 51488  
which enters into a contract to sponsor or to operate the school, 51489  
and any such entity, as a condition of its undertaking shall 51490  
acknowledge and accept such obligation. 51491

In the event that a sponsor or operator has provided a 51492  
written guarantee under this section, and, subsequent to the 51493  
provision of the guarantee, the governing authority of the school 51494  
posts a surety bond under this section, or the governing authority 51495  
of the school, a sponsor, or an operator provides a cash deposit 51496  
of fifty thousand dollars as required, the written guarantee shall 51497  
cease to be of further effect. 51498

As soon as it is practicable to do so after the filing of a 51499

surety bond or the deposit of cash, the auditor of state shall 51500  
deliver the bond or cash to the treasurer of state, who shall hold 51501  
it in trust for the purposes prescribed in this section. The 51502  
treasurer of state shall be responsible for the safekeeping of all 51503  
surety bonds filed or cash deposited under this section. The 51504  
auditor of state shall notify the department of education when the 51505  
school's governing authority has filed the bond or deposited the 51506  
cash guarantee. 51507

When the auditor of state ~~finds that a community school has~~ 51508  
~~closed and cannot pay for the costs of audits, conducts an audit~~ 51509  
of a community school that has closed and is subject to the 51510  
requirements of this section the auditor of state ~~shall declare~~ 51511  
~~the surety bond or cash deposit forfeited. The auditor of state~~ 51512  
shall certify the amount of forfeiture to the treasurer of state, 51513  
who shall assess the surety bond for the costs of the audit or 51514  
shall pay money from the named surety or from the school's cash 51515  
deposit ~~as needed~~ for the costs of the audit to reimburse the 51516  
auditor of state or public accountant for costs incurred in 51517  
conducting audits of the school. 51518

To the extent that the amount of the surety bond or the cash 51519  
deposit is not needed to cover audit costs, the surety bond shall 51520  
be of no further effect, and any cash balance shall be refunded by 51521  
the treasurer of state to the entity which provided the bond. When 51522  
the auditor of state conducts an audit of a community school that 51523  
has closed and is subject to the requirements of this section, 51524  
and, as to which, a written guarantee has been given under this 51525  
section, the entity that provided the guarantee shall be solely 51526  
and fully liable for any such audit costs, and shall promptly pay 51527  
the costs of the audit up to fifty thousand dollars. 51528

No community school that is subject to the provisions of this 51529  
section shall maintain or continue its operations absent the 51530  
ongoing provision of a surety bond, a cash deposit, or a written 51531

guarantee as required by this section. 51532

**Sec. 3315.08.** In any school district the salaries of all 51533  
employees and officers of the board of education and all payrolls 51534  
may be paid in such manner as the board may authorize. To provide 51535  
money for such payment if made in cash, the president and the 51536  
treasurer of the board shall, upon receipt of the proper payroll 51537  
and warrant, issue checks upon the depositories payable to the 51538  
treasurer of the board for the aggregate amounts stated in such 51539  
payrolls. The treasurer may thereupon make payments to employees 51540  
and officers in cash, or the board may provide that the sums 51541  
called for by such checks, instead of being paid to the treasurer, 51542  
shall be transferred to special payroll accounts established in 51543  
depositories by the board upon such terms with the respective 51544  
banks as to interest upon daily cash balances in said special 51545  
payroll accounts, and under such other conditions as the board 51546  
prescribes. In the event such special payroll accounts are 51547  
established by a board, such accounts may be drawn against by 51548  
check of the treasurer of the board according to such procedure as 51549  
the board may prescribe. In the event a board creates a payroll 51550  
account, any bond given by the depository, under section 135.18 51551  
~~or~~, 135.181, or 135.182 of the Revised Code, shall also be for the 51552  
protection of such special payroll account as may be deposited in 51553  
said bank. The aggregate of all board deposits in a bank, 51554  
including special payroll accounts as authorized in this section, 51555  
must not exceed the aggregate of the bond given by the bank. The 51556  
aggregate of all deposits in a bank, including special payroll 51557  
accounts, shall be subject to sections 135.01 to 135.21 of the 51558  
Revised Code. 51559

**Sec. 3317.01.** As used in this section, "school district," 51560  
unless otherwise specified, means any city, local, exempted 51561  
village, joint vocational, or cooperative education school 51562

district and any educational service center. 51563

This chapter shall be administered by the state board of 51564  
education. The superintendent of public instruction shall 51565  
calculate the amounts payable to each school district and shall 51566  
certify the amounts payable to each eligible district to the 51567  
treasurer of the district as provided by this chapter. As soon as 51568  
possible after such amounts are calculated, the superintendent 51569  
shall certify to the treasurer of each school district the 51570  
district's adjusted charge-off increase, as defined in section 51571  
5705.211 of the Revised Code. Certification of moneys pursuant to 51572  
this section shall include the amounts payable to each school 51573  
building, at a frequency determined by the superintendent, for 51574  
each subgroup of students, as defined in section 3317.40 of the 51575  
Revised Code, receiving services, provided for by state funding, 51576  
from the district or school. No moneys shall be distributed 51577  
pursuant to this chapter without the approval of the controlling 51578  
board. 51579

The state board of education shall, in accordance with 51580  
appropriations made by the general assembly, meet the financial 51581  
obligations of this chapter. 51582

Moneys distributed to school districts pursuant to this 51583  
chapter shall be calculated based on the annual enrollment 51584  
calculated from the three reports required under sections 3317.03 51585  
and 3317.036 of the Revised Code and paid on a fiscal year basis, 51586  
beginning with the first day of July and extending through the 51587  
thirtieth day of June. In any given fiscal year, prior to school 51588  
districts submitting the first report required under section 51589  
3317.03 of the Revised Code, enrollment for the districts shall be 51590  
calculated based on the third report submitted by the districts 51591  
for the previous fiscal year. The moneys appropriated for each 51592  
fiscal year shall be distributed periodically to each school 51593

district unless otherwise provided for. The state board, in June 51594  
of each year, shall submit to the controlling board the state 51595  
board's year-end distributions pursuant to this chapter. 51596

Except as otherwise provided, payments under this chapter 51597  
shall be made only to those school districts in which: 51598

(A) The school district, except for any educational service 51599  
center and any joint vocational or cooperative education school 51600  
district, levies for current operating expenses at least twenty 51601  
mills. Levies for joint vocational or cooperative education school 51602  
districts or county school financing districts, limited to or to 51603  
the extent apportioned to current expenses, shall be included in 51604  
this qualification requirement. School district income tax levies 51605  
under Chapter 5748. of the Revised Code, limited to or to the 51606  
extent apportioned to current operating expenses, shall be 51607  
included in this qualification requirement to the extent 51608  
determined by the tax commissioner under division (D) of section 51609  
3317.021 of the Revised Code. 51610

(B) The school year next preceding the fiscal year for which 51611  
such payments are authorized meets the requirement of section 51612  
3313.48 of the Revised Code, with regard to the minimum number of 51613  
hours school must be open for instruction with pupils in 51614  
attendance, for individualized parent-teacher conference and 51615  
reporting periods, and for professional meetings of teachers. 51616

A school district shall not be considered to have failed to 51617  
comply with this division because schools were open for 51618  
instruction but either twelfth grade students were excused from 51619  
attendance for up to the equivalent of three school days or only a 51620  
portion of the kindergarten students were in attendance for up to 51621  
the equivalent of three school days in order to allow for the 51622  
gradual orientation to school of such students. 51623

A board of education or governing board of an educational 51624

service center which has not conformed with other law and the 51625  
rules pursuant thereto, shall not participate in the distribution 51626  
of funds authorized by this chapter, except for good and 51627  
sufficient reason established to the satisfaction of the state 51628  
board of education and the state controlling board. 51629

All funds allocated to school districts under this chapter, 51630  
except those specifically allocated for other purposes, shall be 51631  
used to pay current operating expenses only. 51632

**Sec. 3317.013.** The amounts for the following categories of 51633  
special education programs, as these programs are defined for 51634  
purposes of Chapter 3323. of the Revised Code, are as follows: 51635

(A) An amount of ~~\$1,503~~ \$1,547, in fiscal year ~~2014~~ 2016, or 51636  
~~\$1,517~~ \$1,578, in fiscal year ~~2015~~ 2017, for each student whose 51637  
primary or only identified disability is a speech and language 51638  
disability, as this term is defined pursuant to Chapter 3323. of 51639  
the Revised Code; 51640

(B) An amount of ~~\$3,813~~ \$3,926, in fiscal year ~~2014~~ 2016, or 51641  
~~\$3,849~~ \$4,005, in fiscal year ~~2015~~ 2017, for each student 51642  
identified as specific learning disabled or developmentally 51643  
disabled, as these terms are defined pursuant to Chapter 3323. of 51644  
the Revised Code, identified as having an other health 51645  
impairment-minor, or identified as a preschool child who is 51646  
developmentally delayed; 51647

(C) An amount of ~~\$9,160~~ \$9,433, in fiscal year ~~2014~~ 2016, or 51648  
~~\$9,248~~ \$9,622, in fiscal year ~~2015~~ 2017, for each student 51649  
identified as hearing disabled or severe behavior disabled, as 51650  
these terms are defined pursuant to Chapter 3323. of the Revised 51651  
Code; 51652

(D) An amount of ~~\$12,225~~ \$12,589, in fiscal year ~~2014~~ 2016, 51653  
or ~~\$12,342~~ \$12,841, in fiscal year ~~2015~~ 2017, for each student 51654

identified as vision impaired, as this term is defined pursuant to 51655  
Chapter 3323. of the Revised Code, or as having an other health 51656  
impairment-major; 51657

(E) An amount of ~~\$16,557~~ \$17,049, in fiscal year ~~2014~~ 2016, 51658  
or ~~\$16,715~~ \$17,390, in fiscal year ~~2015~~ 2017, for each student 51659  
identified as orthopedically disabled or as having multiple 51660  
disabilities, as these terms are defined pursuant to Chapter 3323. 51661  
of the Revised Code; 51662

(F) An amount of ~~\$24,407~~ \$25,134, in fiscal year ~~2014~~ 2016, 51663  
or ~~\$24,641~~ \$25,637, in fiscal year ~~2015~~ 2017, for each student 51664  
identified as autistic, having traumatic brain injuries, or as 51665  
both visually and hearing impaired, as these terms are defined 51666  
pursuant to Chapter 3323. of the Revised Code. 51667

**Sec. 3317.014.** The career-technical education additional 51668  
amount per pupil for each student enrolled in career-technical 51669  
education programs approved by the department of education under 51670  
section 3317.161 of the Revised Code shall be as follows: 51671

(A) An amount of ~~\$4,750~~ \$4,992, in fiscal year ~~2014~~ 2016, or 51672  
~~\$4,800~~ \$5,192, in fiscal year ~~2015~~ 2017, for each student enrolled 51673  
in career-technical education workforce development programs in 51674  
agricultural and environmental systems, construction technologies, 51675  
engineering and science technologies, finance, health science, 51676  
information technology, and manufacturing technologies, each of 51677  
which shall be defined by the department in consultation with the 51678  
governor's office of workforce transformation; 51679

(B) An amount of ~~\$4,500~~ \$4,732, in fiscal year ~~2014~~ 2016, or 51680  
~~\$4,550~~ \$4,921, in fiscal year ~~2015~~ 2017, for each student enrolled 51681  
in workforce development programs in business and administration, 51682  
hospitality and tourism, human services, law and public safety, 51683  
transportation systems, and arts and communications, each of which 51684  
shall be defined by the department in consultation with the 51685

governor's office of workforce transformation; 51686

(C) An amount of ~~\$1,650~~ \$1,726, in fiscal year ~~2014~~ 2016, or 51687  
~~\$1,660~~ \$1,795, in fiscal year ~~2015~~ 2017, for students enrolled in 51688  
career-based intervention programs, which shall be defined by the 51689  
department in consultation with the governor's office of workforce 51690  
transformation; 51691

(D) An amount of ~~\$1,400~~ \$1,466, in fiscal year ~~2014~~ 2016, or 51692  
~~\$1,410~~ \$1,525, in fiscal year ~~2015~~ 2017, for students enrolled in 51693  
workforce development programs in education and training, 51694  
marketing, workforce development academics, public administration, 51695  
and career development, each of which shall be defined by the 51696  
department of education in consultation with the governor's office 51697  
of workforce transformation; 51698

(E) An amount of ~~\$1,200~~ \$1,258, in fiscal year ~~2014~~ 2016, or 51699  
~~\$1,210~~ \$1,308, in fiscal year ~~2015~~ 2017, for students enrolled in 51700  
family and consumer science programs, which shall be defined by 51701  
the department of education in consultation with the governor's 51702  
office of workforce transformation. 51703

The amount for career-technical education associated 51704  
services, as defined by the department, shall be ~~\$225~~ \$236, in 51705  
fiscal year ~~2014~~ 2016, or ~~\$227~~ \$245, in fiscal year ~~2015~~ 2017. 51706

**Sec. 3317.016.** The amounts for limited English proficient 51707  
students shall be as follows: 51708

(A) An amount of ~~\$1,500, in fiscal year 2014, and \$1,515, in~~ 51709  
~~fiscal year 2015,~~ for each student who has been enrolled in 51710  
schools in the United States for 180 school days or less and was 51711  
not previously exempted from taking the spring administration of 51712  
either of the state's English language arts assessments prescribed 51713  
by section 3301.0710 of the Revised Code (reading or writing). 51714

(B) An amount of ~~\$1,125, in fiscal year 2014, and \$1,136, in~~ 51715



~~fiscal year 2015~~, for each student who has been enrolled in 51716  
schools in the United States for more than 180 school days or was 51717  
previously exempted from taking the spring administration of 51718  
either of the state's English language arts assessments prescribed 51719  
by section 3301.0710 of the Revised Code (reading or writing). 51720

(C) An amount of ~~\$750, in fiscal year 2014, and \$758, in~~ 51721  
~~fiscal year 2015~~, for each student who does not qualify for 51722  
inclusion under division (A) or (B) of this section and is in a 51723  
trial-mainstream period, as defined by the department. 51724

**Sec. 3317.017.** The department of education shall compute a 51725  
school district's state share index as follows: 51726

(A) Calculate the district's valuation index, which equals 51727  
the following quotient: 51728

(The district's three-year average valuation / the district's 51729  
total ADM) / (the statewide three-year average valuation for 51730  
school districts with a total ADM greater than zero / the 51731  
statewide total ADM) 51732

(B)(1) Calculate the district's median income index, which 51733  
equals the following quotient: 51734

(The district's median Ohio adjusted gross income / the 51735  
median of the median Ohio adjusted gross income of all districts 51736  
statewide with a total ADM greater than zero) 51737

(2) Calculate the district's income index, which equals the 51738  
following sum: 51739

(The district's median income index X 0.5) + {[(the three-year 51740  
average federal adjusted gross income of the school district's 51741  
residents / the district's formula ADM) / (the three-year average 51742  
federal adjusted gross income of all districts statewide with a 51743  
formula ADM greater than zero / the statewide formula ADM)] X 0.5} 51744

(C) Determine the district's wealth index as follows: 51745

(1) If the district's ~~median~~ income index is less than the 51746  
district's valuation index and the district's median income index 51747  
is less than or equal to 1.5, then the district's wealth index 51748  
shall be equal to [~~(1/3~~ 0.4 X the district's ~~median~~ income index) 51749  
+ (~~2/3~~ 0.6 X the district's valuation index)]. 51750

(2) If the district's ~~median~~ income index ~~is greater than or~~ 51751  
~~equal to the district's valuation index~~ does not meet both of the 51752  
conditions described in division (C)(1) of this section, then the 51753  
district's wealth index shall be equal to the district's valuation 51754  
index. 51755

(D) Determine the district's state share index as follows: 51756

(1) If the district's wealth index is less than or equal to 51757  
0.35, then the district's state share index shall be equal to 51758  
0.90. 51759

(2) If the district's wealth index is greater than 0.35 but 51760  
less than or equal to 0.90, then the district's state share index 51761  
shall be equal to  $\{0.40 \times [(0.90 - \text{the district's wealth index}) /$  51762  
 $0.55]\} + 0.50$ . 51763

(3) If the district's wealth index is greater than 0.90 but 51764  
less than 1.8, then the district's state share index shall be 51765  
equal to  $\{0.45 \times [(1.8 - \text{the district's wealth index}) / 0.9]\} +$  51766  
0.05. 51767

(4) If the district's wealth index is greater than or equal 51768  
to 1.8, then the district's state share index shall be equal to 51769  
0.05. 51770

(E)(1) For each school district for which the tax-exempt 51771  
value of the district, as certified under division (A)(4) of 51772  
section 3317.021 of the Revised Code, equals or exceeds thirty per 51773  
cent of the potential value of the district, the department shall 51774  
calculate the difference between the district's tax-exempt value 51775  
and thirty per cent of the district's potential value. For this 51776

purpose, the "potential value" of a school district is the 51777  
three-year average valuation of the district plus the tax-exempt 51778  
value of the district. 51779

(2) For each school district to which division (E)(1) of this 51780  
section applies, the department shall adjust the three-year 51781  
average valuation used in the calculation under division (A) of 51782  
this section by subtracting from it the amount calculated under 51783  
division (E)(1) of this section. 51784

(F) When performing the calculations required under this 51785  
section, the department shall not round to fewer than four decimal 51786  
places. 51787

For purposes of these calculations for fiscal years ~~2014~~ 2016 51788  
and ~~2015~~ 2017, "~~three-year average valuation~~" means the average of 51789  
~~total taxable value for fiscal years 2012, 2013, and 2014~~; "total 51790  
ADM" means the total ADM for fiscal year ~~2014~~ 2015; "median Ohio 51791  
adjusted gross income" means the median Ohio adjusted gross 51792  
income, as that term is defined in section 5747.01 of the Revised 51793  
Code, for tax year ~~2011~~ 2013; "~~three-year average federal adjusted~~ 51794  
~~gross income~~" means the average of the federal adjusted gross 51795  
~~income for tax years 2011, 2012, and 2013 as reported under~~ 51796  
~~section 3317.021 of the Revised Code~~; and "tax-exempt value" means 51797  
the tax-exempt value for ~~fiscal~~ tax year 2014. 51798

Sec. 3317.018. The department of education shall compute a 51799  
school district's capacity measure as follows: 51800

(A) Calculate the district's valuation index, which equals 51801  
the following quotient: 51802

(The district's three-year average valuation / the district's 51803  
total ADM) / (the statewide three-year average valuation for 51804  
school districts with a total ADM greater than zero / the 51805  
statewide total ADM) 51806

(B) Calculate the district's median income index, which equals the following quotient: 51807  
51808

(The district's median Ohio adjusted gross income / the median of the median Ohio adjusted gross income of all districts statewide with a total ADM greater than zero) 51809  
51810  
51811

(C) Determine the district's capacity measure as follows: 51812

(1) If the district's median income index is less than the lower limit, then the district's capacity measure shall be equal to [the district's valuation index - (the lower limit - the district's median income index)]. 51813  
51814  
51815  
51816

(2) If the district's median income index is greater than or equal to the lower limit and less than or equal to the upper limit, then the district's capacity measure shall be equal to the district's valuation index. 51817  
51818  
51819  
51820

(3) If the district's median income index is greater than the upper limit, then the district's capacity measure shall be equal to {the district's valuation index + [(the district's median income index - the upper limit) X (0.20 in fiscal year 2016 or 0.40 in fiscal year 2017)]}. 51821  
51822  
51823  
51824  
51825

For purposes of these calculations, "upper limit" and "lower limit" shall be computed pursuant to section 3317.019 of the Revised Code. 51826  
51827  
51828

(D) Unless otherwise specified in this section, when performing the calculations required under this section, the department shall not round to fewer than four decimal places. 51829  
51830  
51831

(E) For purposes of these calculations: 51832

(1) For fiscal year 2016, "total ADM" means the total ADM for fiscal year 2015. 51833  
51834

(2) For fiscal year 2017, "total ADM" means the total ADM for fiscal year 2016. 51835  
51836

(3) "Median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2012 or 2013, whichever is the most recent tax year for which data is available.

(4) "Tax-exempt value" means the tax-exempt value for the most recent tax year for which data is available.

**Sec. 3317.019.** (A) The department of education shall calculate the mean and standard deviation of the median income indices calculated for all school districts in this state under division (B) of section 3317.018 of the Revised Code other than kelley's island local school district, Erie county.

(B) The department shall add one-half of the standard deviation determined under division (A) of this section to the mean determined under division (A) of this section and then round up the sum to two decimal places. This number shall be the "upper limit" for purposes of the calculations in division (C) of section 3317.018 of the Revised Code.

(C) The department shall subtract one-half of the standard deviation determined under division (A) of this section from the mean determined under division (A) of this section and then round down the difference to two decimal places. This number shall be the "lower limit" for purposes of the calculations in division (C) of section 3317.018 of the Revised Code.

**Sec. 3317.02.** As used in this chapter:

(A)(1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) of section 3317.014 of the Revised Code and certified under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code.

(2) "Category two career-technical education ADM" means the

enrollment of students during the school year on a full-time 51867  
equivalency basis in career-technical education programs described 51868  
in division (B) of section 3317.014 of the Revised Code and 51869  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 51870  
of the Revised Code. 51871

(3) "Category three career-technical education ADM" means the 51872  
enrollment of students during the school year on a full-time 51873  
equivalency basis in career-technical education programs described 51874  
in division (C) of section 3317.014 of the Revised Code and 51875  
certified under division (B)(13) or (D)(2)(j) of section 3317.03 51876  
of the Revised Code. 51877

(4) "Category four career-technical education ADM" means the 51878  
enrollment of students during the school year on a full-time 51879  
equivalency basis in career-technical education programs described 51880  
in division (D) of section 3317.014 of the Revised Code and 51881  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 51882  
of the Revised Code. 51883

(5) "Category five career-technical education ADM" means the 51884  
enrollment of students during the school year on a full-time 51885  
equivalency basis in career-technical education programs described 51886  
in division (E) of section 3317.014 of the Revised Code and 51887  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 51888  
of the Revised Code. 51889

(B)(1) "Category one limited English proficient ADM" means 51890  
the full-time equivalent number of limited English proficient 51891  
students described in division (A) of section 3317.016 of the 51892  
Revised Code and certified under division (B)(16) or (D)(2)(m) of 51893  
section 3317.03 of the Revised Code. 51894

(2) "Category two limited English proficient ADM" means the 51895  
full-time equivalent number of limited English proficient students 51896  
described in division (B) of section 3317.016 of the Revised Code 51897

and certified under division (B)(17) or (D)(2)(n) of section 51898  
3317.03 of the Revised Code. 51899

(3) "Category three limited English proficient ADM" means the 51900  
full-time equivalent number of limited English proficient students 51901  
described in division (C) of section 3317.016 of the Revised Code 51902  
and certified under division (B)(18) or (D)(2)(o) of section 51903  
3317.03 of the Revised Code. 51904

(C)(1) "Category one special education ADM" means the 51905  
full-time equivalent number of children with disabilities 51906  
receiving special education services for the disability specified 51907  
in division (A) of section 3317.013 of the Revised Code and 51908  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 51909  
the Revised Code. 51910

(2) "Category two special education ADM" means the full-time 51911  
equivalent number of children with disabilities receiving special 51912  
education services for those disabilities specified in division 51913  
(B) of section 3317.013 of the Revised Code and certified under 51914  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 51915  
Code. 51916

(3) "Category three special education ADM" means the 51917  
full-time equivalent number of students receiving special 51918  
education services for those disabilities specified in division 51919  
(C) of section 3317.013 of the Revised Code, and certified under 51920  
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 51921  
Code. 51922

(4) "Category four special education ADM" means the full-time 51923  
equivalent number of students receiving special education services 51924  
for those disabilities specified in division (D) of section 51925  
3317.013 of the Revised Code and certified under division (B)(8) 51926  
or (D)(2)(e) of section 3317.03 of the Revised Code. 51927

(5) "Category five special education ADM" means the full-time 51928

equivalent number of students receiving special education services 51929  
for the disabilities specified in division (E) of section 3317.013 51930  
of the Revised Code and certified under division (B)(9) or 51931  
(D)(2)(f) of section 3317.03 of the Revised Code. 51932

(6) "Category six special education ADM" means the full-time 51933  
equivalent number of students receiving special education services 51934  
for the disabilities specified in division (F) of section 3317.013 51935  
of the Revised Code and certified under division (B)(10) or 51936  
(D)(2)(g) of section 3317.03 of the Revised Code. 51937

(D) "County DD board" means a county board of developmental 51938  
disabilities. 51939

(E) "Economically disadvantaged index for a school district" 51940  
means the square of the quotient of that district's percentage of 51941  
students in its total ADM who are identified as economically 51942  
disadvantaged as defined by the department of education, divided 51943  
by the ~~statewide~~ percentage of students in the statewide total ADM 51944  
identified as economically disadvantaged. For purposes of this 51945  
calculation: 51946

(1) For a city, local, or exempted village school district, 51947  
the "statewide total ADM" equals the sum of the total ADM for all 51948  
city, local, and exempted village school districts combined. 51949

(2) For a joint vocational school district, the "statewide 51950  
total ADM" equals the sum of the formula ADM for all joint 51951  
vocational school districts combined. 51952

(F)(1) "Formula ADM" means, for a city, local, or exempted 51953  
village school district, the enrollment reported under division 51954  
(A) of section 3317.03 of the Revised Code, as verified by the 51955  
superintendent of public instruction and adjusted if so ordered 51956  
under division (K) of that section, and as further adjusted by the 51957  
department of education, as follows: 51958

(a) Count only twenty per cent of the number of joint 51959



vocational school district students counted under division (A)(3) 51960  
of section 3317.03 of the Revised Code; 51961

(b) Add twenty per cent of the number of students who are 51962  
entitled to attend school in the district under section 3313.64 or 51963  
3313.65 of the Revised Code and are enrolled in another school 51964  
district under a career-technical education compact. 51965

(2) "Formula ADM" means, for a joint vocational school 51966  
district, the final number verified by the superintendent of 51967  
public instruction, based on the enrollment reported and certified 51968  
under division (D) of section 3317.03 of the Revised Code, as 51969  
adjusted, if so ordered, under division (K) of that section. 51970

(G) "Formula amount" means ~~\$5,745~~ \$5,900, for fiscal year 51971  
~~2014~~ 2016, and ~~\$5,800~~ \$6,000, for fiscal year ~~2015~~ 2017. 51972

(H) "FTE basis" means a count of students based on full-time 51973  
equivalency, in accordance with rules adopted by the department of 51974  
education pursuant to section 3317.03 of the Revised Code. In 51975  
adopting its rules under this division, the department shall 51976  
provide for counting any student in category one, two, three, 51977  
four, five, or six special education ADM or in category one, two, 51978  
three, four, or five career technical education ADM in the same 51979  
proportion the student is counted in formula ADM. 51980

(I) "Internet- or computer-based community school" has the 51981  
same meaning as in section 3314.02 of the Revised Code. 51982

(J) "Medically fragile child" means a child to whom all of 51983  
the following apply: 51984

(1) The child requires the services of a doctor of medicine 51985  
or osteopathic medicine at least once a week due to the 51986  
instability of the child's medical condition. 51987

(2) The child requires the services of a registered nurse on 51988  
a daily basis. 51989

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(K)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (K)(1)(a) or (b) of this section.

(L) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(M) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(N) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	52021 52022 52023 52024 52025 52026 52027 52028
(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;	52029 52030 52031
(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	52032 52033 52034
(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	52035 52036
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	52037 52038 52039
(O) "School district," unless otherwise specified, means city, local, and exempted village school districts.	52040 52041
(P) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	52042 52043
(Q) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	52044 52045 52046
(R) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	52047 52048 52049 52050

(S)(1) For purposes of section 3317.017 of the Revised Code, 52051  
"three-year average valuation" means the average of total taxable 52052  
value for tax years 2012, 2013, and 2014. 52053

(2) For purposes of section 3317.018 of the Revised Code, 52054  
"three-year average valuation" means the following: 52055

(a) For fiscal year 2016, the average of total taxable value 52056  
for tax years 2013, 2014, and 2015; 52057

(b) For fiscal year 2017, the average of total taxable value 52058  
for tax years 2014, 2015, and 2016. 52059

(3) For purposes of sections 3317.0217, 3317.0218, and 52060  
3317.16 of the Revised Code, "three-year average valuation" means 52061  
the following: 52062

(a) For fiscal year 2016, the average of total taxable value 52063  
for tax years 2012, 2013, and 2014; 52064

(b) For fiscal year 2017, the average of total taxable value 52065  
for tax years 2013, 2014, and 2015. 52066

(T) "Total ADM" means, for a city, local, or exempted village 52067  
school district, the enrollment reported under division (A) of 52068  
section 3317.03 of the Revised Code, as verified by the 52069  
superintendent of public instruction and adjusted if so ordered 52070  
under division (K) of that section. 52071

~~(T)~~(U) "Total special education ADM" means the sum of 52072  
categories one through six special education ADM. 52073

~~(U)~~(V) "Total taxable value" means the sum of the amounts 52074  
certified for a city, local, exempted village, or joint vocational 52075  
school district under divisions (A)(1) and (2) of section 3317.021 52076  
of the Revised Code. 52077

**Sec. 3317.022.** (A) The department of education shall compute 52078  
and distribute state core foundation funding to each eligible 52079

school district for the fiscal year, using the information 52080  
obtained under section 3317.021 of the Revised Code in the 52081  
calendar year in which the fiscal year begins, as prescribed in 52082  
the following divisions: 52083

(1) An opportunity grant calculated according to the 52084  
following formula: 52085

The formula amount  $X$  (formula  $ADM + \text{preschool scholarship}$  52086  
 $ADM$ )  $X$  the district's state share index 52087

(2) Targeted assistance funds calculated under divisions (A) 52088  
and (B) of section 3317.0217 of the Revised Code; 52089

(3) Additional state aid for special education and related 52090  
services provided under Chapter 3323. of the Revised Code 52091  
calculated as the sum of the following: 52092

(a) The district's category one special education  $ADM X$  the 52093  
amount specified in division (A) of section 3317.013 of the 52094  
Revised Code  $X$  the district's state share index; 52095

(b) The district's category two special education  $ADM X$  the 52096  
amount specified in division (B) of section 3317.013 of the 52097  
Revised Code  $X$  the district's state share index; 52098

(c) The district's category three special education  $ADM X$  the 52099  
amount specified in division (C) of section 3317.013 of the 52100  
Revised Code  $X$  the district's state share index; 52101

(d) The district's category four special education  $ADM X$  the 52102  
amount specified in division (D) of section 3317.013 of the 52103  
Revised Code  $X$  the district's state share index; 52104

(e) The district's category five special education  $ADM X$  the 52105  
amount specified in division (E) of section 3317.013 of the 52106  
Revised Code  $X$  the district's state share index; 52107

(f) The district's category six special education  $ADM X$  the 52108

amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.

(4) Kindergarten through third grade literacy funds calculated according to the following formula:

$$\left[ \left( \frac{\$184}{\$125} \right) \text{ in fiscal year } 2014 \text{ } 2016, \text{ or } \left( \frac{\$193}{\$175} \right) \text{ in fiscal year } 2015 \text{ } 2017 \right) \times \text{ formula ADM for grades kindergarten through three } \times \text{ the district's state share index} \right] + \left[ \left( \frac{\$121}{\$100} \right) \text{ in fiscal year } 2014 \text{ } 2016, \text{ or } \left( \frac{\$127}{\$160} \right) \text{ in fiscal year } 2015 \text{ } 2017 \right) \times \text{ formula ADM for grades kindergarten through three} \right]$$

For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.

(5) Economically disadvantaged funds calculated according to the following formula:

$$\left( \frac{\$272}{\$250} \text{ in fiscal year } 2014, \text{ or } \frac{\$253}{\$250} \text{ in fiscal year } 2015 \right) \times \left( \text{the district's economically disadvantaged index} \right) \times \text{the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code}$$

(6) Limited English proficiency funds calculated as the sum of the following:

(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share index;

(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share index;

(c) The district's category three limited English proficient

ADM X the amount specified in division (C) of section 3317.016 of 52139  
the Revised Code X the district's state share index. 52140

(7)(a) Gifted identification funds calculated according to 52141  
the following formula: 52142

~~(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015)~~ X the 52143  
district's formula ADM 52144

(b) Gifted unit funding calculated under section 3317.051 of 52145  
the Revised Code. 52146

(8) Career-technical education funds calculated as the sum of 52147  
the following: 52148

(a) The district's category one career-technical education 52149  
ADM X the amount specified in division (A) of section 3317.014 of 52150  
the Revised Code X the district's state share index; 52151

(b) The district's category two career-technical education 52152  
ADM X the amount specified in division (B) of section 3317.014 of 52153  
the Revised Code X the district's state share index; 52154

(c) The district's category three career-technical education 52155  
ADM X the amount specified in division (C) of section 3317.014 of 52156  
the Revised Code X the district's state share index; 52157

(d) The district's category four career-technical education 52158  
ADM X the amount specified in division (D) of section 3317.014 of 52159  
the Revised Code X the district's state share index; 52160

(e) The district's category five career-technical education 52161  
ADM X the amount specified in division (E) of section 3317.014 of 52162  
the Revised Code X the district's state share index. 52163

Payment of funds under division (A)(8) of this section is 52164  
subject to approval under section 3317.161 of the Revised Code. 52165

(9) Career-technical education associated services funds 52166  
calculated according to the following formula: 52167  
The district's state share index X the amount for career-technical 52168

education associated services specified in section 3317.014 of the 52169  
Revised Code X the sum of categories one through five 52170  
career-technical education ADM 52171

(10) Capacity aid funds calculated under section 3317.0218 of 52172  
the Revised Code; 52173

(11) A graduation bonus calculated under section 3317.0215 of 52174  
the Revised Code; 52175

(12) A third-grade reading bonus calculated under section 52176  
3317.0216 of the Revised Code; 52177

(13) A technology supplement calculated according to the 52178  
following formula: 52179

A district's transportation supplement percentage calculated under 52180  
division (G)(1) of section 3317.0212 of the Revised Code X the 52181  
formula amount X 0.11 X the district's formula ADM 52182

(B) In any fiscal year, a school district shall spend for 52183  
purposes that the department designates as approved for special 52184  
education and related services expenses at least the amount 52185  
calculated as follows: 52186

(The formula amount X the total special education ADM) + (the 52187  
district's category one special education ADM X the amount 52188  
specified in division (A) of section 3317.013 of the Revised Code) 52189  
+ (the district's category two special education ADM X the amount 52190  
specified in division (B) of section 3317.013 of the Revised Code) 52191  
+ (the district's category three special education ADM X the 52192  
amount specified in division (C) of section 3317.013 of the 52193  
Revised Code) + (the district's category four special education 52194  
ADM X the amount specified in division (D) of section 3317.013 of 52195  
the Revised Code) + (the district's category five special 52196  
education ADM X the amount specified in division (E) of section 52197  
3317.013 of the Revised Code) + (the district's category six 52198  
special education ADM X the amount specified in division (F) of 52199



section 3317.013 of the Revised Code) 52200

The purposes approved by the department for special education 52201  
expenses shall include, but shall not be limited to, 52202  
identification of children with disabilities, compliance with 52203  
state rules governing the education of children with disabilities 52204  
and prescribing the continuum of program options for children with 52205  
disabilities, provision of speech language pathology services, and 52206  
the portion of the school district's overall administrative and 52207  
overhead costs that are attributable to the district's special 52208  
education student population. 52209

The scholarships deducted from the school district's account 52210  
under sections 3310.41 and 3310.55 of the Revised Code shall be 52211  
considered to be an approved special education and related 52212  
services expense for the purpose of the school district's 52213  
compliance with this division. 52214

(C) In any fiscal year, a school district receiving funds 52215  
under division (A)(8) of this section shall spend those funds only 52216  
for the purposes that the department designates as approved for 52217  
career-technical education expenses. Career-technical ~~educational~~ 52218  
education expenses approved by the department shall include only 52219  
expenses connected to the delivery of career-technical programming 52220  
to career-technical students. The department shall require the 52221  
school district to report data annually so that the department may 52222  
monitor the district's compliance with the requirements regarding 52223  
the manner in which funding received under division (A)(8) of this 52224  
section may be spent. 52225

(D) In any fiscal year, a school district receiving funds 52226  
under division (A)(9) of this section, or through a transfer of 52227  
funds pursuant to division (I) of section 3317.023 of the Revised 52228  
Code, shall spend those funds only for the purposes that the 52229  
department designates as approved for career-technical education 52230  
associated services expenses, which may include such purposes as 52231

apprenticeship coordinators, coordinators for other 52232  
career-technical education services, career-technical evaluation, 52233  
and other purposes designated by the department. The department 52234  
may deny payment under division (A)(9) of this section to any 52235  
district that the department determines is not operating those 52236  
services or is using funds paid under division (A)(9) of this 52237  
section, or through a transfer of funds pursuant to division (I) 52238  
of section 3317.023 of the Revised Code, for other purposes. 52239

(E) All funds received under division (A)(8) of this section 52240  
shall be spent in the following manner: 52241

(1) At least seventy-five per cent of the funds shall be 52242  
spent on curriculum development, purchase, and implementation; 52243  
instructional resources and supplies; industry-based program 52244  
certification; student assessment, credentialing, and placement; 52245  
curriculum specific equipment purchases and leases; 52246  
career-technical student organization fees and expenses; home and 52247  
agency linkages; work-based learning experiences; professional 52248  
development; and other costs directly associated with 52249  
career-technical education programs including development of new 52250  
programs. 52251

(2) Not more than twenty-five per cent of the funds shall be 52252  
used for personnel expenditures. 52253

(F) A school district shall spend the funds it receives under 52254  
division (A)(5) of this section in accordance with section 3317.25 52255  
of the Revised Code. 52256

**Sec. 3317.0212.** (A) As used in this section: 52257

(1) "Qualifying riders" means resident students enrolled in 52258  
regular education in grades kindergarten to twelve who are 52259  
provided school bus service by a school district and who live more 52260  
than one mile from the school they attend, including students with 52261

dual enrollment in a joint vocational school district or a 52262  
cooperative education school district, and students enrolled in a 52263  
community school, STEM school, or nonpublic school. 52264

(2) "Qualifying ridership" means the average number of 52265  
qualifying riders who are provided school bus service by a school 52266  
district during the first full week of October. 52267

(3) "Rider density" means the total ADM per square mile of a 52268  
school district. 52269

(4) "School bus service" means a school district's 52270  
transportation of qualifying riders in any of the following types 52271  
of vehicles: 52272

(a) School buses owned or leased by the district; 52273

(b) School buses operated by a private contractor hired by 52274  
the district; 52275

(c) School buses operated by another school district or 52276  
entity with which the district has contracted, either as part of a 52277  
consortium for the provision of transportation or otherwise. 52278

(B) Not later than the fifteenth day of October each year, 52279  
each city, local, and exempted village school district shall 52280  
report to the department of education its qualifying ridership and 52281  
any other information requested by the department. Subsequent 52282  
adjustments to the reported numbers shall be made only in 52283  
accordance with rules adopted by the department. 52284

(C) The department shall calculate the statewide 52285  
transportation cost per student as follows: 52286

(1) Determine each city, local, and exempted village school 52287  
district's transportation cost per student by dividing the 52288  
district's total costs for school bus service in the previous 52289  
fiscal year by its qualifying ridership in the previous fiscal 52290  
year. 52291

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide transportation cost per mile as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year.

(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows:

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year.

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year.

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the greater of ~~sixty~~

fifty per cent or the district's state share index, as defined in 52323  
section 3317.02 of the Revised Code. 52324

(F) In addition to funds paid under division (E) of this 52325  
section, each city, local, and exempted village district shall 52326  
receive in accordance with rules adopted by the state board of 52327  
education a payment for students transported by means other than 52328  
school bus service and whose transportation is not funded under 52329  
division (C) of section 3317.024 of the Revised Code. The rules 52330  
shall include provisions for school district reporting of such 52331  
students. 52332

~~(G)(1) In fiscal years 2014 and 2015, the department shall 52333  
pay each district a pro rata portion of the amounts calculated 52334  
under division (E) of this section and described in division (F) 52335  
of this section, based on state appropriations. 52336~~

~~(2) In addition to the prorated payment under division (G)(1) 52337  
of this section, in fiscal years 2014 and 2015, the department 52338  
shall pay each school district that meets the conditions 52339  
prescribed in division (G)(3) of this section an additional amount 52340  
equal to the difference of (a) the amounts calculated under 52341  
division (E) of this section and prescribed in division (F) of 52342  
this section minus (b) that prorated payment. 52343~~

~~(3) Division (G)(2) of this section applies to each school 52344  
district that meets all of the following conditions: 52345~~

~~(a) The district qualifies for the calculation of a payment 52346  
under division (E) of this section because it transports students 52347  
on board owned or contractor owned school buses. 52348~~

~~(b) The district's state share index is greater than or equal 52349  
to 0.50. 52350~~

~~(c) The district's rider density is at or below the median 52351  
rider density of all districts that qualify for calculation of a 52352  
payment under division (E) of this section. 52353~~

~~(H) Each city, local, and exempted village school district shall report all data used to calculate funding for transportation under this section through the education management information system pursuant to section 3301.0714 of the Revised Code. For purposes of division (G) of this section, a school district's "transportation supplement percentage" means the following quotient:~~ 52354  
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~~[(35, in fiscal year 2016, or 50, in fiscal year 2017) - the district's rider density] / 100~~ 52361  
52362

~~If the result of the calculation for a district under division (G)(1) of this section is less than zero, the district's transportation supplement percentage shall be zero.~~ 52363  
52364  
52365

~~(2) The department shall pay each district a transportation supplement calculated according to the following formula:~~ 52366  
52367

~~The district's transportation supplement percentage X the amount calculated for the district under division (E)(2) of this section~~ 52368  
52369  
~~X 0.25~~ 52370

**Sec. 3317.0213.** (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool ~~special education~~ children with disabilities to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year. 52371  
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The additional state aid shall be calculated under the following formula: 52383  
52384

(\$4,000 X the number of <u>students who are preschool <del>special</del></u>	52385
<u>education children with disabilities</u> ) + the sum of the following:	52386
(1) The district's or institution's category one special	52387
education <del>preschool</del> students <u>who are preschool children with</u>	52388
<u>disabilities</u> X the amount specified in division (A) of section	52389
3317.013 of the Revised Code X the district's state share index X	52390
0.50;	52391
(2) The district's or institution's category two special	52392
education <del>preschool</del> students <u>who are preschool children with</u>	52393
<u>disabilities</u> X the amount specified in division (B) of section	52394
3317.013 of the Revised Code X the district's state share index X	52395
0.50;	52396
(3) The district's or institution's category three special	52397
education <del>preschool</del> students <u>who are preschool children with</u>	52398
<u>disabilities</u> X the amount specified in division (C) of section	52399
3317.013 of the Revised Code X the district's state share index X	52400
0.50;	52401
(4) The district's or institution's category four special	52402
education <del>preschool</del> students <u>who are preschool children with</u>	52403
<u>disabilities</u> X the amount specified in division (D) of section	52404
3317.013 of the Revised Code X the district's state share index X	52405
0.50;	52406
(5) The district's or institution's category five special	52407
education <del>preschool</del> students <u>who are preschool children with</u>	52408
<u>disabilities</u> X the amount specified in division (E) of section	52409
3317.013 of the Revised Code X the district's state share index X	52410
0.50;	52411
(6) The district's or institution's category six special	52412
education <del>preschool</del> students <u>who are preschool children with</u>	52413
<u>disabilities</u> X the amount specified in division (F) of section	52414
3317.013 of the Revised Code X the district's state share index X	52415

0.50. 52416

The special education disability categories for preschool 52417  
children used in this section are the same categories prescribed 52418  
in section 3317.013 of the Revised Code. 52419

As used in division (A) of this section, the state share 52420  
index of a student enrolled in an institution is the state share 52421  
index of the school district in which the student is entitled to 52422  
attend school under section 3313.64 or 3313.65 of the Revised 52423  
Code. 52424

(B) If an educational service center is providing services to 52425  
~~preschool special education~~ students who are preschool children 52426  
with disabilities under agreement with the city, local, or 52427  
exempted village school district in which the students are 52428  
entitled to attend school, that district may authorize the 52429  
department to transfer funds computed under this section to the 52430  
service center providing those services. 52431

(C) If a county DD board is providing services to ~~preschool~~ 52432  
~~special education~~ students who are preschool children with 52433  
disabilities under agreement with the city, local, or exempted 52434  
village school district in which the students are entitled to 52435  
attend school, the department shall deduct from the district's 52436  
payment computed under division (A) of this section the total 52437  
amount of those funds that are attributable to the students served 52438  
by the county DD board and pay that amount to that board. 52439

**Sec. 3317.0215.** (A) For purposes of this section, "four-year 52440  
adjusted cohort graduation rate" has the same meaning as in 52441  
section 3302.01 of the Revised Code. 52442

(B) The department of education shall annually calculate a 52443  
graduation bonus for each city, local, and exempted village school 52444  
district according to the following formula: 52445



The district's four-year adjusted cohort graduation rate on its 52446  
most recent report card issued by the department under section 52447  
3302.03 of the Revised Code X 0.05 X the formula amount X the 52448  
number of the district's graduates reported to the department, in 52449  
accordance with the guidelines adopted under section 3301.0714 of 52450  
the Revised Code, for the same school year for which the most 52451  
recent report card was issued 52452

**Sec. 3317.0216.** (A) For purposes of this section, a city, 52453  
local, or exempted village school district's "third-grade reading 52454  
proficiency percentage" means the following quotient: 52455

The number of the district's students scoring at a proficient 52456  
level of skill or higher on the third-grade English language arts 52457  
assessment prescribed under division (A)(1)(a) of section 52458  
3301.0710 of the Revised Code for the immediately preceding school 52459  
year / the total number of the district's students required to 52460  
take that assessment for the immediately preceding school year 52461

(B) The department of education shall annually calculate a 52462  
third-grade reading bonus for each city, local, and exempted 52463  
village school district according to the following formula: 52464

The district's third-grade reading proficiency percentage X 0.15 X 52465  
the formula amount X the number of the district's students scoring 52466  
at a proficient level of skill or higher on the third-grade 52467  
English language arts assessment prescribed under division 52468  
(A)(1)(a) of section 3301.0710 of the Revised Code for the 52469  
immediately preceding school year X the district's state share 52470  
index 52471

**Sec. 3317.0217.** Payment of the amount calculated for a school 52472  
district under this section shall be made under division (A) of 52473  
section 3317.022 of the Revised Code. 52474

(A) The department of education shall annually compute 52475  
targeted assistance funds to school districts, as follows: 52476

(1) Calculate the local wealth per pupil of each school district, which equals the following sum:	52477 52478
(a) One-half times the quotient of (i) the district's three-year average valuation divided by (ii) its formula ADM; plus	52479 52480
(b) One-half times the quotient of (i) the average of the total federal adjusted gross income of the school district's residents for the three years most recently reported under section 3317.021 of the Revised Code divided by (ii) its formula ADM.	52481 52482 52483 52484
(2) Rank all school districts in order of local wealth per pupil, from the district with the lowest local wealth per pupil to the district with the highest local wealth per pupil.	52485 52486 52487
(3) Compute the statewide wealth per pupil, which equals the following sum:	52488 52489
(a) One-half times the quotient of (i) the sum of the three-year average valuations for all school districts divided by (ii) the sum of formula ADM counts for all school districts; plus	52490 52491 52492
(b) One-half times the quotient of (i) the sum of the three-year average total federal adjusted gross incomes for all school districts divided by (ii) the sum of formula ADM counts for all school districts.	52493 52494 52495 52496
(4) Compute each district's wealth index by dividing the statewide wealth per pupil by the district's local wealth per pupil.	52497 52498 52499
(5) Compute the per pupil targeted assistance for each eligible school district in accordance with the following formula:	52500 52501
(Threshold local wealth per pupil - the district's local wealth per pupil)	52502 52503
X target millage X the district's wealth index	52504
Where:	52505
(a) An "eligible school district" means a school district	52506

with a local wealth per pupil less than that of the school 52507  
district with the 490th lowest local wealth per pupil. 52508

(b) "Threshold local wealth per pupil" means the local wealth 52509  
per pupil of the school district with the 490th lowest local 52510  
wealth per pupil. 52511

(c) "Target millage" means 0.006. 52512

If the result of the calculation for a school district under 52513  
division (A)(5) of this section is less than zero, the district's 52514  
targeted assistance shall be zero. 52515

(6) Calculate the aggregate amount to be paid as targeted 52516  
assistance funds to each school district under division (A) of 52517  
section 3317.022 of the Revised Code by multiplying the per pupil 52518  
targeted assistance computed under division (A)(5) of this section 52519  
by the district's net formula ADM. 52520

As used in this division, a district's "net formula ADM" 52521  
means its formula ADM minus the number of community school 52522  
students certified under division (B)(3)(d) of section 3317.03 of 52523  
the Revised Code X 0.75, the number of internet- and 52524  
computer-based community school students certified under division 52525  
(B)(3)(e) of that section, the number of science, technology, 52526  
engineering, and mathematics school students certified under 52527  
division (B)(3)(j) of that section X 0.75, and the number of 52528  
scholarship students certified under divisions (B)(3)(f), (g), and 52529  
(l) of that section. 52530

(B) The department shall annually compute supplemental 52531  
targeted assistance funds to school districts, as follows: 52532

(1) Compute each district's agricultural percentage as the 52533  
quotient of (a) the three-year average ~~tax~~ valuation of real 52534  
property in the district that is classified as agricultural 52535  
property divided by (b) the three-year average ~~tax~~ valuation of 52536  
all of the real property in the district. ~~For purposes of this~~ 52537

~~computation, a district's "three year average tax valuation" means 52538  
the average of a district's tax valuation for fiscal years 2012, 52539  
2013, and 2014. 52540~~

~~(2) Determine each district's agricultural targeted 52541  
percentage as follows: 52542~~

~~(a) If a district's agricultural percentage is greater than 52543  
or equal to 0.10, then the district's agricultural targeted 52544  
percentage shall be equal to 0.40. 52545~~

~~(b) If a district's agricultural percentage is less than 52546  
0.10, then the district's agricultural targeted percentage shall 52547  
be equal to 4 X the district's agricultural percentage. 52548~~

~~(3) Calculate the aggregate amount to be paid as supplemental 52549  
targeted assistance funds to each school district under division 52550  
(A) of section 3317.022 of the Revised Code ~~by multiplying the 52551  
district's agricultural targeted percentage by the amount 52552  
calculated for the district under division (A)(6) of this 52553  
section.~~, as follows: 52554~~

~~(The district's agricultural percentage - 0.1) X (0.4 X the 52555  
formula amount) X the district's net formula ADM, as that term is 52556  
defined in division (A) of this section 52557~~

~~If the result of the calculation for a school district under 52558  
division (B)(2) of this section is less than zero, the district's 52559  
supplemental targeted assistance shall be zero. 52560~~

~~**Sec. 3317.0218.** The department of education shall annually 52561  
compute capacity aid funds to school districts, as follows: 52562~~

~~(A) For each school district, multiply the district's 52563  
three-year average valuation by 0.001; 52564~~

~~(B) Determine the median amount of all of the amounts 52565  
calculated under division (A) of this section; 52566~~

~~(C) Calculate each school district's capacity ratio, which 52567~~

equals the greater of zero or the amount calculated as follows: 52568  
(The amount determined under division (B) of this section / the 52569  
amount calculated for the district under division (A) of this 52570  
section) - 1 52571

If the result of a calculation for a school district under 52572  
division (C) of this section is greater than 2.5, the district's 52573  
capacity ratio shall be 2.5. 52574

(D) Calculate the capacity aid per pupil amount, which equals 52575  
the following quotient: 52576  
(The amount determined under division (B) of this section) / (the 52577  
average of the formula ADMs of all of the districts for which the 52578  
amount calculated under division (A) of this section is less than 52579  
the amount determined under division (B) of this section) 52580

(E) Calculate each school district's capacity aid, which 52581  
equals the following product: 52582  
The capacity aid per pupil amount calculated under division (D) of 52583  
this section X the district's formula ADM X 2 X the district's 52584  
capacity ratio calculated under division (C) of this section 52585

**Sec. 3317.051.** (A) As used in this section, "gifted unit ADM" 52586  
means a school district's formula ADM minus the number of students 52587  
reported by a district under divisions (A)(2)(a) and (i) of 52588  
section 3317.03 of the Revised Code. 52589

(B) The department of education shall compute and pay to a 52590  
school district funds based on units for services to students 52591  
identified as gifted under Chapter 3324. of the Revised Code as 52592  
prescribed by this section. 52593

(C) The department shall allocate gifted units for a school 52594  
district as follows: 52595

(1) One gifted coordinator unit shall be allocated for every 52596  
3,300 students in a district's gifted unit ADM, with a minimum of 52597

0.5 units and a maximum of 8 units allocated for the district. 52598

(2) One gifted intervention specialist unit shall be 52599  
allocated for every 1,100 students in a district's gifted unit 52600  
ADM, with a minimum of 0.3 units allocated for the district. 52601

(D) The department shall pay the following amount to a school 52602  
district for gifted units: 52603

~~(1) In fiscal year 2014, \$37,000 multiplied by the number of 52604  
units allocated to a school district under division (C) of this 52605  
section; 52606~~

~~(2) In fiscal year 2015, \$37,370 multiplied by the number of units 52607  
allocated to a school district under division (C) of this section- 52608~~

(E) A school district may assign gifted unit funding that it 52609  
receives under division (D) of this section to another school 52610  
district, an educational service center, a community school, or a 52611  
STEM school as part of an arrangement to provide services to the 52612  
district. 52613

**Sec. 3317.06.** Moneys paid to school districts under division 52614  
(E) of section 3317.024 of the Revised Code shall be used for the 52615  
following independent and fully severable purposes: 52616

(A) To purchase such secular textbooks or digital texts as 52617  
have been approved by the superintendent of public instruction for 52618  
use in public schools in the state and to loan such textbooks or 52619  
digital texts to pupils attending nonpublic schools within the 52620  
district or to their parents and to hire clerical personnel to 52621  
administer such lending program. Such loans shall be based upon 52622  
individual requests submitted by such nonpublic school pupils or 52623  
parents. Such requests shall be submitted to the school district 52624  
in which the nonpublic school is located. Such individual requests 52625  
for the loan of textbooks or digital texts shall, for 52626  
administrative convenience, be submitted by the nonpublic school 52627

pupil or the pupil's parent to the nonpublic school, which shall 52628  
prepare and submit collective summaries of the individual requests 52629  
to the school district. As used in this section: 52630

(1) "Textbook" means any book or book substitute that a pupil 52631  
uses as a consumable or nonconsumable text, text substitute, or 52632  
text supplement in a particular class or program in the school the 52633  
pupil regularly attends. 52634

(2) "Digital text" means a consumable book or book substitute 52635  
that a student accesses through the use of a computer or other 52636  
electronic medium or that is available through an internet-based 52637  
provider of course content, or any other material that contributes 52638  
to the learning process through electronic means. 52639

(B) To provide speech and hearing diagnostic services to 52640  
pupils attending nonpublic schools within the district. Such 52641  
service shall be provided in the nonpublic school attended by the 52642  
pupil receiving the service. 52643

(C) To provide physician, nursing, dental, and optometric 52644  
services to pupils attending nonpublic schools within the 52645  
district. Such services shall be provided in the school attended 52646  
by the nonpublic school pupil receiving the service. 52647

(D) To provide diagnostic psychological services to pupils 52648  
attending nonpublic schools within the district. Such services 52649  
shall be provided in the school attended by the pupil receiving 52650  
the service. 52651

(E) To provide therapeutic psychological and speech and 52652  
hearing services to pupils attending nonpublic schools within the 52653  
district. Such services shall be provided in the public school, in 52654  
nonpublic schools, in public centers, or in mobile units located 52655  
on or off of the nonpublic premises. If such services are provided 52656  
in the public school or in public centers, transportation to and 52657  
from such facilities shall be provided by the school district in 52658

which the nonpublic school is located. 52659

(F) To provide guidance, counseling, and social work services 52660  
to pupils attending nonpublic schools within the district. Such 52661  
services shall be provided in the public school, in nonpublic 52662  
schools, in public centers, or in mobile units located on or off 52663  
of the nonpublic premises. If such services are provided in the 52664  
public school or in public centers, transportation to and from 52665  
such facilities shall be provided by the school district in which 52666  
the nonpublic school is located. 52667

(G) To provide remedial services to pupils attending 52668  
nonpublic schools within the district. Such services shall be 52669  
provided in the public school, in nonpublic schools, in public 52670  
centers, or in mobile units located on or off of the nonpublic 52671  
premises. If such services are provided in the public school or in 52672  
public centers, transportation to and from such facilities shall 52673  
be provided by the school district in which the nonpublic school 52674  
is located. 52675

(H) To supply for use by pupils attending nonpublic schools 52676  
within the district such standardized tests and scoring services 52677  
as are in use in the public schools of the state; 52678

(I) To provide programs for children who attend nonpublic 52679  
schools within the district and are children with disabilities as 52680  
defined in section 3323.01 of the Revised Code or gifted children. 52681  
Such programs shall be provided in the public school, in nonpublic 52682  
schools, in public centers, or in mobile units located on or off 52683  
of the nonpublic premises. If such programs are provided in the 52684  
public school or in public centers, transportation to and from 52685  
such facilities shall be provided by the school district in which 52686  
the nonpublic school is located. 52687

(J) To hire clerical personnel to assist in the 52688  
administration of programs pursuant to divisions (B), (C), (D), 52689



(E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software, site-licensing, digital video on demand (DVD), wide area connectivity and related technology as it relates to internet access, mathematics or science equipment and materials, instructional materials, and school library materials that are in general use in the public schools of the state and loan such items to pupils attending nonpublic schools within the district or to their parents, and to hire clerical personnel to administer the lending program. Only such items that are incapable of diversion to religious use and that are susceptible of loan to individual pupils and are furnished for the use of individual pupils shall be purchased and loaned under this division. As used in this section, "instructional materials" means prepared learning materials that are secular, neutral, and nonideological in character and are of benefit to the instruction of school children. "Instructional materials" includes media content that a student may access through the use of a computer or electronic device.

Mobile applications that are secular, neutral, and nonideological in character and that are purchased for less than ~~ten~~ twenty dollars for instructional use shall be considered to be consumable and shall be distributed to students without the expectation that the applications must be returned.

(L) To purchase or lease instructional equipment, including computer hardware and related equipment in general use in the public schools of the state, for use by pupils attending nonpublic schools within the district and to loan such items to pupils

attending nonpublic schools within the district or to their 52722  
parents, and to hire clerical personnel to administer the lending 52723  
program. "Computer hardware and related equipment" includes 52724  
desktop computers and workstations; laptop computers, computer 52725  
tablets, and other mobile handheld devices; ~~and~~ their operating 52726  
systems and accessories; and any equipment designed to make 52727  
accessible the environment of a classroom to a student, who is 52728  
physically unable to attend classroom activities due to 52729  
hospitalization or other circumstances, by allowing real-time 52730  
interaction with other students both one-on-one and in group 52731  
discussion. 52732

(M) To purchase mobile units to be used for the provision of 52733  
services pursuant to divisions (E), (F), (G), and (I) of this 52734  
section and to pay for necessary repairs and operating costs 52735  
associated with these units. 52736

(N) To reimburse costs the district incurred to store the 52737  
records of a chartered nonpublic school that closes. 52738  
Reimbursements under this division shall be made one time only for 52739  
each chartered nonpublic school that closes. 52740

(O) To purchase life-saving medical or other emergency 52741  
equipment for placement in nonpublic schools within the district 52742  
or to maintain such equipment. 52743

Clerical and supervisory personnel hired pursuant to division 52744  
(J) of this section shall perform their services in the public 52745  
schools, in nonpublic schools, public centers, or mobile units 52746  
where the services are provided to the nonpublic school pupil, 52747  
except that such personnel may accompany pupils to and from the 52748  
service sites when necessary to ensure the safety of the children 52749  
receiving the services. 52750

All services provided pursuant to this section may be 52751  
provided under contract with educational service centers, the 52752

department of health, city or general health districts, or private 52753  
agencies whose personnel are properly licensed by an appropriate 52754  
state board or agency. 52755

Transportation of pupils provided pursuant to divisions (E), 52756  
(F), (G), and (I) of this section shall be provided by the school 52757  
district from its general funds and not from moneys paid to it 52758  
under division (E) of section 3317.024 of the Revised Code unless 52759  
a special transportation request is submitted by the parent of the 52760  
child receiving service pursuant to such divisions. If such an 52761  
application is presented to the school district, it may pay for 52762  
the transportation from moneys paid to it under division (E) of 52763  
section 3317.024 of the Revised Code. 52764

No school district shall provide health or remedial services 52765  
to nonpublic school pupils as authorized by this section unless 52766  
such services are available to pupils attending the public schools 52767  
within the district. 52768

Materials, equipment, computer hardware or software, 52769  
textbooks, digital texts, and health and remedial services 52770  
provided for the benefit of nonpublic school pupils pursuant to 52771  
this section and the admission of pupils to such nonpublic schools 52772  
shall be provided without distinction as to race, creed, color, or 52773  
national origin of such pupils or of their teachers. 52774

No school district shall provide services, materials, or 52775  
equipment that contain religious content for use in religious 52776  
courses, devotional exercises, religious training, or any other 52777  
religious activity. 52778

As used in this section, "parent" includes a person standing 52779  
in loco parentis to a child. 52780

Notwithstanding section 3317.01 of the Revised Code, payments 52781  
shall be made under this section to any city, local, or exempted 52782  
village school district within which is located one or more 52783

nonpublic elementary or high schools and any payments made to 52784  
school districts under division (E) of section 3317.024 of the 52785  
Revised Code for purposes of this section may be disbursed without 52786  
submission to and approval of the controlling board. 52787

The allocation of payments for materials, equipment, 52788  
textbooks, digital texts, health services, and remedial services 52789  
to city, local, and exempted village school districts shall be on 52790  
the basis of the state board of education's estimated annual 52791  
average daily membership in nonpublic elementary and high schools 52792  
located in the district. 52793

Payments made to city, local, and exempted village school 52794  
districts under this section shall be equal to specific 52795  
appropriations made for the purpose. All interest earned by a 52796  
school district on such payments shall be used by the district for 52797  
the same purposes and in the same manner as the payments may be 52798  
used. 52799

The department of education shall adopt guidelines and 52800  
procedures under which such programs and services shall be 52801  
provided, under which districts shall be reimbursed for 52802  
administrative costs incurred in providing such programs and 52803  
services, and under which any unexpended balance of the amounts 52804  
appropriated by the general assembly to implement this section may 52805  
be transferred to the auxiliary services personnel unemployment 52806  
compensation fund established pursuant to section 4141.47 of the 52807  
Revised Code. The department shall also adopt guidelines and 52808  
procedures limiting the purchase and loan of the items described 52809  
in division (K) of this section to items that are in general use 52810  
in the public schools of the state, that are incapable of 52811  
diversion to religious use, and that are susceptible to individual 52812  
use rather than classroom use. Within thirty days after the end of 52813  
each biennium, each board of education shall remit to the 52814  
department all moneys paid to it under division (E) of section 52815

3317.024 of the Revised Code and any interest earned on those 52816  
moneys that are not required to pay expenses incurred under this 52817  
section during the biennium for which the money was appropriated 52818  
and during which the interest was earned. If a board of education 52819  
subsequently determines that the remittal of moneys leaves the 52820  
board with insufficient money to pay all valid expenses incurred 52821  
under this section during the biennium for which the remitted 52822  
money was appropriated, the board may apply to the department of 52823  
education for a refund of money, not to exceed the amount of the 52824  
insufficiency. If the department determines the expenses were 52825  
lawfully incurred and would have been lawful expenditures of the 52826  
refunded money, it shall certify its determination and the amount 52827  
of the refund to be made to the director of job and family 52828  
services who shall make a refund as provided in section 4141.47 of 52829  
the Revised Code. 52830

Each school district shall label materials, equipment, 52831  
computer hardware or software, textbooks, and digital texts 52832  
purchased or leased for loan to a nonpublic school under this 52833  
section, acknowledging that they were purchased or leased with 52834  
state funds under this section. However, a district need not label 52835  
materials, equipment, computer hardware or software, textbooks, or 52836  
digital texts that the district determines are consumable in 52837  
nature or have a value of less than two hundred dollars. 52838

**Sec. 3317.16.** (A) The department of education shall compute 52839  
and distribute state core foundation funding to each joint 52840  
vocational school district for the fiscal year as prescribed in 52841  
the following divisions: 52842

(1) An opportunity grant calculated according to the 52843  
following formula: 52844

(The formula amount X formula ADM) - (0.0005 X the 52845  
district's three-year average valuation) 52846

~~If the result of the calculation for a joint vocational school district under division (A)(1) of this section is less than zero, the joint vocational school district's opportunity grant shall be zero.~~

However, no district shall receive an opportunity grant that is less than 0.05 times the formula amount times formula ADM.

(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as the sum of the following:

(a) The district's category one special education ADM X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share percentage;

(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;

(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;

(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;

(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;

(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.

(3) Economically disadvantaged funds calculated according to the following formula:

~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ \$272 X

<del>the district's economically disadvantaged index</del> X the number of	52877
students who are economically disadvantaged as certified	52878
under division (D)(2)(p) of section 3317.03 of the Revised Code	52879
(4) Limited English proficiency funds calculated as the sum	52880
of the following:	52881
(a) The district's category one limited English proficient	52882
ADM X the amount specified in division (A) of section 3317.016 of	52883
the Revised Code X the district's state share percentage;	52884
(b) The district's category two limited English proficient	52885
ADM X the amount specified in division (B) of section 3317.016 of	52886
the Revised Code X the district's state share percentage;	52887
(c) The district's category three limited English proficient	52888
ADM X the amount specified in division (C) of section 3317.016 of	52889
the Revised Code X the district's state share percentage;	52890
(5) Career-technical education funds calculated as the sum of	52891
the following:	52892
(a) The district's category one career-technical education	52893
ADM X the amount specified in division (A) of section 3317.014 of	52894
the Revised Code X the district's state share percentage;	52895
(b) The district's category two career-technical education	52896
ADM X the amount specified in division (B) of section 3317.014 of	52897
the Revised Code X the district's state share percentage;	52898
(c) The district's category three career-technical education	52899
ADM X the amount specified in division (C) of section 3317.014 of	52900
the Revised Code X the district's state share percentage;	52901
(d) The district's category four career-technical education	52902
ADM X the amount specified in division (D) of section 3317.014 of	52903
the Revised Code X the district's state share percentage;	52904
(e) The district's category five career-technical education	52905
ADM X the amount specified in division (E) of section 3317.014 of	52906

the Revised Code X the district's state share percentage. 52907

Payment of funds under division (A)(5) of this section is 52908  
subject to approval under section 3317.161 of the Revised Code. 52909

(6) Career-technical education associated services funds 52910  
calculated under the following formula: 52911

The district's state share percentage X the 52912  
amount for career-technical education associated services 52913  
specified in section 3317.014 of the Revised Code X the sum of 52914  
categories one through five career-technical 52915  
education ADM 52916

(7) A graduation bonus calculated according to the following 52917  
formula: 52918

The district's graduation rate as reported on its most recent 52919  
report card issued by the department under section 3302.033 of the 52920  
Revised Code X 0.05 X the formula amount X the number of the 52921  
district's students who received high school or honors high school 52922  
diplomas as reported by the district to the department, in 52923  
accordance with the guidelines adopted under section 3301.0714 of 52924  
the Revised Code, for the same school year for which the most 52925  
recent report card was issued 52926

(B)(1) If a joint vocational school district's costs for a 52927  
fiscal year for a student in its categories two through six 52928  
special education ADM exceed the threshold catastrophic cost for 52929  
serving the student, as specified in division (B) of section 52930  
3317.0214 of the Revised Code, the district may submit to the 52931  
superintendent of public instruction documentation, as prescribed 52932  
by the superintendent, of all of its costs for that student. Upon 52933  
submission of documentation for a student of the type and in the 52934  
manner prescribed, the department shall pay to the district an 52935  
amount equal to the sum of the following: 52936

(a) One-half of the district's costs for the student in 52937



excess of the threshold catastrophic cost; 52938

(b) The product of one-half of the district's costs for the 52939  
student in excess of the threshold catastrophic cost multiplied by 52940  
the district's state share percentage. 52941

(2) The district shall report under division (B)(1) of this 52942  
section, and the department shall pay for, only the costs of 52943  
educational expenses and the related services provided to the 52944  
student in accordance with the student's individualized education 52945  
program. Any legal fees, court costs, or other costs associated 52946  
with any cause of action relating to the student may not be 52947  
included in the amount. 52948

(C)(1) For each student with a disability receiving special 52949  
education and related services under an individualized education 52950  
program, as defined in section 3323.01 of the Revised Code, at a 52951  
joint vocational school district, the resident district or, if the 52952  
student is enrolled in a community school, the community school 52953  
shall be responsible for the amount of any costs of providing 52954  
those special education and related services to that student that 52955  
exceed the sum of the amount calculated for those services 52956  
attributable to that student under division (A) of this section. 52957

Those excess costs shall be calculated ~~by subtracting the sum~~ 52958  
~~of the following from the actual cost to provide special education~~ 52959  
~~and related services to the student:~~ 52960

~~(a) The formula amount;~~ 52961

~~(b) The amount specified in section 3317.013 of the Revised~~ 52962  
~~Code that is applicable to the student;~~ 52963

~~(c) Any funds paid under section 3317.0214 for the student~~ 52964  
~~using a formula approved by the department.~~ 52965

(2) The board of education of the joint vocational school 52966  
district may report the excess costs calculated under division 52967

(C)(1) of this section to the department of education. 52968

(3) If the board of education of the joint vocational school 52969  
district reports excess costs under division (C)(2) of this 52970  
section, the department shall pay the amount of excess cost 52971  
calculated under division (C)(2) of this section to the joint 52972  
vocational school district and shall deduct that amount as 52973  
provided in division (C)(3)(a) or (b) of this section, as 52974  
applicable: 52975

(a) If the student is not enrolled in a community school, the 52976  
department shall deduct the amount from the account of the 52977  
student's resident district pursuant to division (J) of section 52978  
3317.023 of the Revised Code. 52979

(b) If the student is enrolled in a community school, the 52980  
department shall deduct the amount from the account of the 52981  
community school pursuant to section 3314.083 of the Revised Code. 52982

(D)~~(1)~~ In any fiscal year, a school district receiving funds 52983  
under division (A)(5) of this section shall spend those funds only 52984  
for the purposes that the department designates as approved for 52985  
career-technical education expenses. Career-technical ~~educational~~ 52986  
education expenses approved by the department shall include only 52987  
expenses connected to the delivery of career-technical programming 52988  
to career-technical students. The department shall require the 52989  
school district to report data annually so that the department may 52990  
monitor the district's compliance with the requirements regarding 52991  
the manner in which funding received under division (A)(5) of this 52992  
section may be spent. 52993

~~(2) All funds received under division (A)(5) of this section 52994  
shall be spent in the following manner: 52995~~

~~(a) At least seventy five per cent of the funds shall be 52996  
spent on curriculum development, purchase, and implementation; 52997  
instructional resources and supplies; industry based program 52998~~

~~certification; student assessment, credentialing, and placement; 52999  
curriculum specific equipment purchases and leases; 53000  
career technical student organization fees and expenses; home and 53001  
agency linkages; work based learning experiences; professional 53002  
development; and other costs directly associated with 53003  
career technical education programs including development of new 53004  
programs. 53005~~

~~(b) Not more than twenty five per cent of the funds shall be 53006  
used for personnel expenditures. 53007~~

(E) In any fiscal year, a school district receiving funds 53008  
under division (A)(6) of this section, or through a transfer of 53009  
funds pursuant to division (I) of section 3317.023 of the Revised 53010  
Code, shall spend those funds only for the purposes that the 53011  
department designates as approved for career-technical education 53012  
associated services expenses, which may include such purposes as 53013  
apprenticeship coordinators, coordinators for other 53014  
career-technical education services, career-technical evaluation, 53015  
and other purposes designated by the department. The department 53016  
may deny payment under division (A)(6) of this section to any 53017  
district that the department determines is not operating those 53018  
services or is using funds paid under division (A)(6) of this 53019  
section, or through a transfer of funds pursuant to division (I) 53020  
of section 3317.023 of the Revised Code, for other purposes. 53021

(F) A joint vocational school district shall spend the funds 53022  
it receives under division (A)(3) of this section in accordance 53023  
with section 3317.25 of the Revised Code. 53024

(G) As used in this section: 53025

(1) "Community school" means a community school established 53026  
under Chapter 3314. of the Revised Code. 53027

(2) "Resident district" means the city, local, or exempted 53028  
village school district in which a student is entitled to attend 53029

school under section 3313.64 or 3313.65 of the Revised Code. 53030

(3) "State share percentage" is equal to the following: 53031

The amount computed under division (A)(1) of this section / 53032

(the formula amount X formula ADM) 53033

**Sec. 3317.161.** (A) As used in this section, "lead district" 53034  
has the same meaning as in section 3317.023 of the Revised Code. 53035

(B)(1) A career-technical education program of a city, local, 53036  
or exempted village school district, community school, or STEM 53037  
school shall be subject to approval under this section in order 53038  
for the district or school to qualify for state funding for the 53039  
program. Approval granted under this section shall be valid for 53040  
the five fiscal years following the fiscal year in which the 53041  
program is approved and may be renewed. Approval shall be subject 53042  
to annual review under division (E) of this section. 53043

(2) If a district or school becomes a new member of a 53044  
career-technical planning district, its career-technical education 53045  
programs shall be approved or disapproved by the lead district of 53046  
the career-technical planning district during the fiscal year in 53047  
which the district or school becomes a member of the 53048  
career-technical planning district. Any program of the district or 53049  
school that was approved by the department of education for an 53050  
approval period that includes the fiscal year in which the 53051  
district or school becomes a new member of the career-technical 53052  
planning district shall retain its approved status during that 53053  
fiscal year. 53054

(3) If an existing member of a career-technical planning 53055  
district develops a new career-technical education program, that 53056  
program shall be approved or disapproved by the lead district of 53057  
the career-technical planning district prior to the first fiscal 53058  
year for which the district or school is seeking funding for the 53059  
program. 53060

(4) Except as provided in division (B)(2) of this section, if a career-technical education program was approved by the department prior to ~~the effective date of this section~~ September 29, 2013, that approval remains valid for the unexpired remainder of the approval period specified by the department. Approval of that program may then be renewed in accordance with this section on a date prior to the expiration of the approval period.

(C)(1) The lead district of a career-technical planning district shall approve or disapprove for a five-year period each career-technical education program of the city, local, and exempted village school districts, community schools, and STEM schools that are assigned by the department to the career-technical planning district. The lead district's decision to approve or disapprove a program shall be based on requirements for career-technical education programs that are specified in rules adopted by the department. These requirements shall include, but are not limited to, all of the following:

(a) Demand for the career-technical education program by industries in the state;

(b) Quality of the program;

(c) Potential for a student enrolled in the program to receive the training that will qualify the student for industry credentials or post-secondary education;

(d) Admission requirements of the lead district;

(e) Past performance of the district or school that is offering the program;

(f) Traveling distance;

(g) Sustainability;

(h) Capacity;

(i) Availability of the program within the career-technical

planning district; 53091

(j) In the case of a new program, the cost to begin the 53092  
program. 53093

(2) The lead district shall approve or disapprove each 53094  
program not later than the first day of March prior to the first 53095  
fiscal year for which the district or school is seeking funding 53096  
for the program. If a program is approved, the lead district shall 53097  
notify the department of its decision. If a program is 53098  
disapproved, the lead district shall notify the district or school 53099  
of its decision. 53100

If the lead district disapproves the program or does not take 53101  
any action to approve or disapprove the program by the first day 53102  
of March, the district or school may appeal the lead district's 53103  
decision or failure to take action to the department by the 53104  
fifteenth day of March. 53105

(D)(1) Upon receiving notification of a lead district's 53106  
approval of a district's or school's career-technical education 53107  
program, the department shall review the lead district's decision 53108  
and determine whether to approve or disapprove the program not 53109  
later than the fifteenth day of May prior to the first fiscal year 53110  
for which the district or school is seeking funding for the 53111  
program. The department shall notify the district or school and 53112  
the lead district of the district's or school's career-technical 53113  
planning district of its determination. 53114

(2) Upon receiving an appeal from a district or school of a 53115  
lead district's disapproval of a career-technical education 53116  
program or failure to take action to approve or disapprove the 53117  
program, the department shall review the lead district's 53118  
disapproval or failure to take action. The department shall decide 53119  
whether to approve or disapprove the program as a result of this 53120  
review not later than the fifteenth day of May prior to the first 53121

fiscal year for which the district or school is seeking funding 53122  
for the program. The department shall notify the lead district and 53123  
the appealing district or school of its determination. 53124

(3) In conducting a review under division (D)(1) or (2) of 53125  
this section, the department shall consider the criteria 53126  
prescribed under division (C)(1) of this section. 53127

(4) If the department approves a program under division 53128  
(D)(1) or (2) of this section, it shall authorize the payment to 53129  
the district, or the deduction from the state education aid of a 53130  
district and payment to a community school or STEM school, of the 53131  
funds attributed to the career-technical students enrolled in that 53132  
program in the next fiscal year according to a payment schedule 53133  
prescribed by the department. 53134

(5) The department's decisions under divisions (D)(1) and (2) 53135  
of this section shall be final and not appealable. 53136

(6) The superintendent of public instruction may adopt 53137  
guidelines identifying circumstances in which the department may, 53138  
after consulting with a lead district, approve or disapprove a 53139  
program that has been approved or disapproved by the lead district 53140  
after the deadline prescribed in division (D)(1) or (2) of this 53141  
section has passed. 53142

(E) The department and the lead district of each 53143  
career-technical planning district shall conduct an annual review 53144  
of each career-technical education program in the lead district's 53145  
career-technical planning district that receives approval under 53146  
this section. Continued funding of the program during the 53147  
five-year approval period shall be subject to the school's 53148  
compliance with any directives for performance improvement that 53149  
are issued by the department or the lead district as a result of 53150  
any review conducted under this section. 53151

Sec. 3317.23. (A) For purposes of this section, ~~an~~ 53152

(1) "Competency-based educational program" means any system 53153  
of academic instruction, assessment, grading, and reporting where 53154  
students receive credit based on demonstrations and assessments of 53155  
their learning rather than the amount of time they spend studying 53156  
a subject. A competency-based educational program shall encourage 53157  
accelerated learning among students who master academic materials 53158  
quickly while providing additional instructional support time for 53159  
students who need it. 53160

(2) An "eligible individual" is an individual who satisfies 53161  
both of the following criteria: 53162

~~(1)~~(a) The individual is at least twenty-two years of age. 53163

~~(2)~~(b) The individual has not been awarded a high school 53164  
diploma or a certificate of high school equivalence as defined in 53165  
section 4109.06 of the Revised Code. 53166

(B) An eligible individual may enroll in a city, local, or 53167  
exempted village school district that operates a dropout 53168  
prevention and recovery program for up to two ~~cumulative~~ 53169  
consecutive school years for the purpose of earning a high school 53170  
diploma. An individual enrolled under this division may elect to 53171  
satisfy the requirements to earn a high school diploma by 53172  
successfully completing a competency-based ~~instructional~~ 53173  
educational program that complies with the standards adopted by 53174  
the ~~state board~~ department of education under section 3317.231 of 53175  
the Revised Code. The district shall report that individual's 53176  
enrollment on a full-time equivalency basis under division (A) of 53177  
section 3317.036 of the Revised Code and shall not report that 53178  
individual's enrollment under section 3317.03 of the Revised Code. 53179  
An individual enrolled under this division shall not be assigned 53180  
to classes or settings with students who are younger than eighteen 53181  
years of age. 53182



(C)(1) For each district that enrolls individuals under 53183  
division (B) of this section, the department ~~of education~~ annually 53184  
shall certify the enrollment and attendance, on a full-time 53185  
equivalency basis, of each individual reported by the district 53186  
under division (A) of section 3317.036 of the Revised Code. 53187

(2) For each individual enrolled in a district under division 53188  
(B) of this section, the department annually shall pay ~~to~~ the 53189  
district ~~an amount equal to the following:~~ 53190

~~\$5,000 X the individual's enrollment on a full time 53191  
equivalency basis as certified under division (C)(1) of this 53192  
section X the portion of the school year in which the individual 53193  
is enrolled in the district expressed as a percentage up to 53194  
\$5,000, as determined by the department based on the extent of the 53195  
individual's successful completion of the graduation requirements 53196  
prescribed under sections 3313.603, 3313.61, 3313.611, and 53197  
3313.614 of the Revised Code. 53198~~

(D) A district that enrolls individuals under division (B) of 53199  
this section shall be subject to the program administration 53200  
standards adopted by the ~~state board~~ department under section 53201  
3317.231 of the Revised Code, as applicable. 53202

**Sec. 3317.231.** ~~Not later than December 31, 2014, the state 53203  
board~~ The department of education shall adopt rules regarding the 53204  
administration of programs that enroll individuals who are at 53205  
least twenty-two years of age under sections 3314.38, 3317.23, 53206  
3317.24, and 3345.86 of the Revised Code, including ~~data~~ 53207  
~~collection, the reporting and certification of enrollment in the~~ 53208  
~~programs, the measurement of the academic performance of~~ 53209  
~~individuals enrolled in the programs~~ eligibility for the programs, 53210  
application for the programs, accountability criteria and 53211  
measurements for the programs, monitoring of the programs, data 53212  
reporting for the programs including the reporting of student 53213

enrollment demographics, program outcomes, and the standards of 53214  
practice for competency-based instructional educational programs, 53215  
as defined in section 3317.23 of the Revised Code. 53216

**Sec. 3317.24.** (A) For purposes of this section, ~~an~~ 53217  
"competency-based educational program" and "eligible individual" 53218  
~~has~~ have the same ~~meaning~~ meanings as in section 3317.23 of the 53219  
Revised Code. 53220

(B) An eligible individual may enroll in a joint vocational 53221  
school district that operates an adult education program for up to 53222  
two cumulative school years for the purpose of completing the 53223  
requirements to earn a high school diploma. An individual enrolled 53224  
under this division may elect to satisfy these requirements by 53225  
successfully completing a competency-based ~~instructional~~ 53226  
educational program that complies with the standards adopted by 53227  
the ~~state board~~ department of education under section 3317.231 of 53228  
the Revised Code. The district shall report an individual's 53229  
enrollment under this division on a full-time equivalency basis 53230  
under division (B) of section 3317.036 of the Revised Code and 53231  
shall not report that individual's enrollment under section 53232  
3317.03 of the Revised Code. An individual enrolled under this 53233  
division shall not be assigned to classes or settings with 53234  
students who are younger than eighteen years of age. 53235

(C)(1) For each joint vocational school district that enrolls 53236  
individuals under division (B) of this section, the department ~~of~~ 53237  
~~education~~ annually shall certify the enrollment and attendance, on 53238  
a full-time equivalency basis, of each individual reported by the 53239  
district under division (B) of section 3317.036 of the Revised 53240  
Code. 53241

(2) For each individual enrolled in a joint vocational school 53242  
district under division (B) of this section, the department 53243

annually shall pay to the district an amount equal to the 53244  
following: 53245

~~\$5,000 X the individual's enrollment on a full-time 53246  
equivalency basis as certified under division (C)(1) of this 53247  
section X the portion of the school year in which the individual 53248  
is enrolled in the district expressed as a percentage up to 53249  
\$5,000, as determined by the department based on the extent of the 53250  
individual's successful completion of the graduation requirements 53251  
prescribed under sections 3313.603, 3313.61, 3313.611, and 53252  
3313.614 of the Revised Code. 53253~~

(D) If an individual enrolled in a joint vocational school 53254  
district under division (B) of this section completes the 53255  
requirements to earn a high school diploma, the joint vocational 53256  
school district shall certify the completion of those requirements 53257  
to the city, local, or exempted village school district in which 53258  
the individual resides. Upon receiving certification under this 53259  
division, the city, local, or exempted village school district in 53260  
which the individual resides shall issue a high school diploma to 53261  
the individual within sixty days of receiving the certification. 53262

(E) A joint vocational school district that enrolls 53263  
individuals under division (B) of this section shall be subject to 53264  
the program administration standards adopted by the ~~state board~~ 53265  
department under section 3317.231 of the Revised Code, as 53266  
applicable. 53267

Sec. 3317.26. (A) The department of education shall pay a 53268  
city, local, or exempted village school district additional funds 53269  
computed as follows: 53270  
[(0.20 X the formula amount) - (the sum of the district's payments 53271  
under sections 3317.022 and 3317.0212 of the Revised Code and 53272  
Section 263.230 of H.B. 64 of the 131st general assembly / its 53273  
formula ADM)] X the district's formula ADM 53274

If the result is a negative number, no payment shall be made 53275  
under this section. 53276

(B) The department shall pay a joint vocational school 53277  
district additional funds computed as follows: 53278  
[(0.20 X the formula amount) - (the sum of the district's payments 53279  
under section 3317.16 of the Revised Code and Section 263.240 of 53280  
H.B. 64 of the 131st general assembly / its formula ADM)] X the 53281  
district's formula ADM 53282

If the result is a negative number, no payment shall be made 53283  
under this section. 53284

(C)(1) For fiscal year 2016, the department shall pay a city, 53285  
local, or exempted village school district fifteen per cent of the 53286  
amount calculated under division (A) of this section and shall pay 53287  
a joint vocational school district fifteen per cent of the amount 53288  
calculated under division (B) of this section. 53289

(2) For fiscal year 2017, the department shall pay a city, 53290  
local, or exempted village school district twenty-five per cent of 53291  
the amount calculated under division (A) of this section and shall 53292  
pay a joint vocational school district twenty-five per cent of the 53293  
amount calculated under division (B) of this section. 53294

**Sec. 3318.02.** (A) For purposes of sections 3318.01 to ~~3318.33~~ 53295  
~~3318.32~~ of the Revised Code, the Ohio school facilities commission 53296  
shall periodically perform an assessment of the classroom facility 53297  
needs in the state to identify school districts in need of 53298  
additional classroom facilities, or replacement or reconstruction 53299  
of existent classroom facilities, and the cost to each such 53300  
district of constructing or acquiring such additional facilities 53301  
or making such renovations. 53302

(B) Based upon the most recent assessment conducted pursuant 53303  
to division (A) of this section, the commission shall conduct 53304

on-site visits to school districts identified as having classroom 53305  
facility needs to confirm the findings of the periodic assessment 53306  
and further evaluate the classroom facility needs of the district. 53307  
The evaluation shall assess the district's need to construct or 53308  
acquire new classroom facilities and may include an assessment of 53309  
the district's need for building additions or for the 53310  
reconstruction of existent buildings in lieu of constructing or 53311  
acquiring replacement buildings. 53312

(C)(1) Except as provided in division (C)(2) of this section, 53313  
on-site visits performed on or after May 20, 1997, shall be 53314  
performed in the order specified in this division. The first round 53315  
of on-site visits first succeeding the effective date of this 53316  
amendment, May 20, 1997, shall be limited to the school districts 53317  
in the first through fifth percentiles, excluding districts that 53318  
are ineligible for funding under this chapter pursuant to section 53319  
3318.04 of the Revised Code. The second round of on-site visits 53320  
shall be limited to the school districts in the first through 53321  
tenth percentiles, excluding districts that are ineligible for 53322  
funding under this chapter pursuant to section 3318.04 of the 53323  
Revised Code. Each succeeding round of on-site visits shall be 53324  
limited to the percentiles included in the immediately preceding 53325  
round of on-site visits plus the next five percentiles. Except for 53326  
the first round of on-site visits, no round of on-site visits 53327  
shall commence unless eighty per cent of the districts for which 53328  
on-site visits were performed during the immediately preceding 53329  
round, have had projects approved under section 3318.04 of the 53330  
Revised Code. 53331

(2) Notwithstanding division (C)(1) of this section, the 53332  
commission may perform on-site visits for school districts in the 53333  
next highest percentile to the percentiles included in the current 53334  
round of on-site visits, and then to succeeding percentiles one at 53335  
a time, not to exceed the twenty-fifth percentile, if all of the 53336

following apply: 53337

(a) Less than eighty per cent of the districts for which 53338  
on-site visits were performed in the current round, and in any 53339  
percentiles for which on-site visits were performed in addition to 53340  
the current round pursuant to this division, have had projects 53341  
approved under section 3318.04 of the Revised Code; 53342

(b) There are funds appropriated for the purpose of sections 53343  
3318.01 to 3318.20 of the Revised Code that are not reserved and 53344  
encumbered for projects pursuant to section 3318.04 of the Revised 53345  
Code; 53346

(c) The commission makes a finding that such available funds 53347  
would be more thoroughly utilized if on-site visits were extended 53348  
to the next highest percentile. 53349

(D) Notwithstanding divisions (B) and (C) of this section, in 53350  
any fiscal year, the commission may limit the number of districts 53351  
for which it conducts on-site visits based upon its projections of 53352  
the moneys available and moneys necessary to undertake projects 53353  
under sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code for 53354  
that year. 53355

**Sec. 3318.024.** In the first year of a capital biennium, any 53356  
funds appropriated to the Ohio school facilities commission for 53357  
classroom facilities projects under this chapter in the previous 53358  
capital biennium that were not spent or encumbered, or for which 53359  
an encumbrance has been canceled under section 3318.05 of the 53360  
Revised Code, shall be used by the commission only for projects 53361  
under sections 3318.01 to 3318.20 of the Revised Code, subject to 53362  
appropriation by the general assembly. 53363

In the second year of a capital biennium, any funds 53364  
appropriated to the Ohio school facilities commission for 53365  
classroom facilities projects under this chapter that were not 53366

spent or encumbered in the first year of the biennium and which 53367  
are in excess of an amount equal to half of the appropriations for 53368  
the capital biennium, or for which an encumbrance has been 53369  
canceled under section 3318.05 of the Revised Code, shall be used 53370  
by the commission only for projects under sections 3318.01 to 53371  
3318.20, 3318.32, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 53372  
and 3318.40 to 3318.46 of the Revised Code, subject to 53373  
appropriation by the general assembly. 53374

**Sec. 3318.054.** (A) If conditional approval of a city, 53375  
exempted village, or local school district's project lapses as 53376  
provided in section 3318.05 of the Revised Code, or if conditional 53377  
approval of a joint vocational school district's project lapses as 53378  
provided in division (D) of section 3318.41 of the Revised Code, 53379  
because the district's electors have not approved the ballot 53380  
measures necessary to generate the district's portion of the basic 53381  
project cost, and if the district board desires to seek a new 53382  
conditional approval of the project, the district board shall 53383  
request that the Ohio school facilities commission set the scope, 53384  
basic project cost, and school district portion of the basic 53385  
project cost prior to resubmitting the ballot measures to the 53386  
electors. To do so, the commission shall use the district's 53387  
current assessed tax valuation and the district's percentile for 53388  
the prior fiscal year. For a district that has entered into an 53389  
agreement under section 3318.36 of the Revised Code and desires to 53390  
proceed with a project under sections 3318.01 to 3318.20 of the 53391  
Revised Code, the district's portion of the basic project cost 53392  
shall be the percentage specified in that agreement. The project 53393  
scope and basic costs established under this division shall be 53394  
valid for ~~one year~~ thirteen months from the date the commission 53395  
approves them. 53396

(B) Upon the commission's approval under division (A) of this 53397  
section, the district board may submit the ballot measures to the 53398

district's electors for approval of the project based on the new 53399  
project scope and estimated costs. Upon electoral approval of 53400  
those measures, the district shall be given first priority for 53401  
project funding as such funds become available. 53402

(C) When the commission determines that funds are available 53403  
for the district's project, the commission shall do all of the 53404  
following: 53405

(1) Determine the school district portion of the basic 53406  
project cost under section 3318.032 of the Revised Code, in the 53407  
case of a city, exempted village, or local school district, or 53408  
under section 3318.42 of the Revised Code, in the case of a joint 53409  
vocational school district; 53410

(2) Conditionally approve the project and submit it to the 53411  
controlling board for approval pursuant to section 3318.04 of the 53412  
Revised Code; 53413

(3) Encumber funds for the project under section 3318.11 of 53414  
the Revised Code; 53415

(4) Enter into an agreement with the district board under 53416  
section 3318.08 of the Revised Code. 53417

**Sec. 3318.30.** (A) There is hereby created the Ohio school 53418  
facilities commission as an independent agency of the state within 53419  
the Ohio facilities construction commission, which is created 53420  
under section 123.20 of the Revised Code. The Ohio school 53421  
facilities commission shall administer the provision of financial 53422  
assistance to school districts for the acquisition or construction 53423  
of classroom facilities in accordance with sections 3318.01 to 53424  
~~3318.33~~ 3318.32 of the Revised Code. 53425

The Ohio school facilities commission is a body corporate and 53426  
politic, an agency of state government and an instrumentality of 53427  
the state, performing essential governmental functions of this 53428



state. The carrying out of the purposes and the exercise by the 53429  
Ohio school facilities commission of its powers conferred by 53430  
sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code are 53431  
essential public functions and public purposes of the state. The 53432  
Ohio school facilities commission may, in its own name, sue and be 53433  
sued, enter into contracts, and perform all the powers and duties 53434  
given to it by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised 53435  
Code, but it does not have and shall not exercise the power of 53436  
eminent domain. In its discretion and as it determines 53437  
appropriate, the Ohio school facilities commission may delegate to 53438  
any of its members, executive director, or other employees any of 53439  
the Ohio school facilities commission's powers and duties to carry 53440  
out its functions. 53441

(B) The Ohio school facilities commission shall consist of 53442  
seven members, three of whom are voting members. The voting 53443  
members of the Ohio school facilities commission shall be the 53444  
director of the office of budget and management, the director of 53445  
administrative services, and the superintendent of public 53446  
instruction, or their designees. Of the nonvoting members, two 53447  
shall be members of the senate appointed by the president of the 53448  
senate, and two shall be members of the house of representatives 53449  
appointed by the speaker of the house. Each of the appointees of 53450  
the president, and each of the appointees of the speaker, shall be 53451  
members of different political parties. 53452

Nonvoting members shall serve as members of the Ohio school 53453  
facilities commission during the legislative biennium for which 53454  
they are appointed, except that any such member who ceases to be a 53455  
member of the legislative house from which the member was 53456  
appointed shall cease to be a member of the Ohio school facilities 53457  
commission. Each nonvoting member shall be appointed within 53458  
thirty-one days of the end of the term of that member's 53459  
predecessor. Such members may be reappointed. Vacancies of 53460

nonvoting members shall be filled in the manner provided for 53461  
original appointments. 53462

Members of the Ohio school facilities commission shall serve 53463  
without compensation. 53464

After the initial nonvoting members of the Ohio school 53465  
facilities commission have been appointed, the Ohio school 53466  
facilities commission shall meet and organize by electing voting 53467  
members as the chairperson and vice-chairperson of the Ohio school 53468  
facilities commission, who shall hold their offices until the next 53469  
organizational meeting of the Ohio school facilities commission. 53470  
Organizational meetings of the Ohio school facilities commission 53471  
shall be held at the first meeting of each calendar year. At each 53472  
organizational meeting, the Ohio school facilities commission 53473  
shall elect from among its voting members a chairperson and 53474  
vice-chairperson, who shall serve until the next annual 53475  
organizational meeting. The Ohio school facilities commission 53476  
shall adopt rules pursuant to section 111.15 of the Revised Code 53477  
for the conduct of its internal business and shall keep a journal 53478  
of its proceedings. Including the organizational meeting, the Ohio 53479  
school facilities commission shall meet at least once each 53480  
calendar quarter. 53481

Two voting members of the Ohio school facilities commission 53482  
constitute a quorum, and the affirmative vote of two members is 53483  
necessary for approval of any action taken by the Ohio school 53484  
facilities commission. A vacancy in the membership of the Ohio 53485  
school facilities commission does not impair a quorum from 53486  
exercising all the rights and performing all the duties of the 53487  
Ohio school facilities commission. Meetings of the Ohio school 53488  
facilities commission may be held anywhere in the state and shall 53489  
be held in compliance with section 121.22 of the Revised Code. 53490

(C) The Ohio school facilities commission shall file an 53491  
annual report of its activities and finances with the governor, 53492

speaker of the house of representatives, president of the senate, 53493  
and chairpersons of the house and senate finance committees. 53494

(D) The Ohio school facilities commission shall be exempt 53495  
from the requirements of sections 101.82 to 101.87 of the Revised 53496  
Code. 53497

(E) The Ohio school facilities commission may share employees 53498  
and facilities with the Ohio facilities construction commission. 53499

**Sec. 3318.40.** (A)(1) Sections 3318.40 to 3318.45 of the 53500  
Revised Code apply only to joint vocational school districts. 53501

(2) As used in sections 3318.40 to 3318.45 of the Revised 53502  
Code: 53503

(a) "Ohio school facilities commission," "classroom 53504  
facilities," "project," and "basic project cost" have the same 53505  
meanings as in section 3318.01 of the Revised Code. 53506

(b) "Acquisition of classroom facilities" means constructing, 53507  
reconstructing, repairing, or making additions to classroom 53508  
facilities. 53509

(B) There is hereby established the vocational school 53510  
facilities assistance program. Under the program, the Ohio school 53511  
facilities commission shall provide assistance to joint vocational 53512  
school districts for the acquisition of classroom facilities 53513  
suitable to the vocational education programs of the districts in 53514  
accordance with sections 3318.40 to 3318.45 of the Revised Code. 53515  
For purposes of the program, beginning July 1, 2003, the 53516  
commission annually may set aside up to two per cent of the 53517  
aggregate amount appropriated to it for classroom facilities 53518  
assistance projects in ~~the education facilities trust fund,~~ 53519  
~~established under section 183.26 of the Revised Code;~~ the public 53520  
school building fund, established under section 3318.15 of the 53521  
Revised Code, ~~and~~ the school building program assistance fund, 53522

established under section 3318.25 of the Revised Code. 53523

(C) The commission shall not provide assistance for any 53524  
distinct part of a project under sections 3318.40 to 3318.45 of 53525  
the Revised Code that when completed will be used exclusively for 53526  
an adult education program or exclusively for operation of a 53527  
driver training school for instruction leading to the issuance of 53528  
a commercial driver's license under Chapter 4506. of the Revised 53529  
Code, except for life safety items and basic building components 53530  
necessary for complete and continuous construction or renovation 53531  
of a classroom facility as determined by the commission. 53532

(D) The commission shall not provide assistance under 53533  
sections 3318.40 to 3318.45 of the Revised Code to acquire 53534  
classroom facilities for vocational educational instruction at a 53535  
location under the control of a school district that is a member 53536  
of a joint vocational school district. Any assistance to acquire 53537  
classroom facilities for vocational educational instruction at 53538  
such location shall be provided to the school district that is a 53539  
member of the joint vocational school district through other 53540  
provisions of this chapter when that member school district is 53541  
eligible for assistance under those provisions. 53542

(E) By September 1, 2003, the commission shall assess the 53543  
classroom facilities needs of at least five joint vocational 53544  
school districts, according to the order of priority prescribed in 53545  
division (B) of section 3318.42 of the Revised Code, and based on 53546  
the results of those assessments shall determine the extent to 53547  
which amendments to the specifications adopted under section 53548  
3318.311 of the Revised Code are warranted. The commission, 53549  
thereafter, may amend the specifications as provided in that 53550  
section. 53551

(F) After the commission has conducted the assessments 53552  
prescribed in division (E) of this section, the commission shall 53553  
establish, by rule adopted in accordance with section 111.15 of 53554

the Revised Code, guidelines for the commission to use in deciding 53555  
whether to waive compliance with the design specifications adopted 53556  
under section 3318.311 of the Revised Code when determining the 53557  
number of facilities and the basic project cost of projects as 53558  
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 53559  
Code. The guidelines shall address the following situations: 53560

(1) Under what circumstances, if any, particular classroom 53561  
facilities are adequate to meet the needs of the school district 53562  
even though the facilities do not comply with the specifications 53563  
adopted under section 3318.311 of the Revised Code; 53564

(2) Under what circumstances, if any, particular classroom 53565  
facilities will be renovated or repaired rather than replaced by 53566  
construction of new facilities. 53567

Sec. 3318.71. (A) As used in this section: 53568

(1) "Acquisition of classroom facilities" has the same 53569  
meaning as in section 3318.40 of the Revised Code. 53570

(2) "Classroom facilities" has the same meaning as in section 53571  
3318.01 of the Revised Code. 53572

(3) "Qualifying partnership" means a group of city, exempted 53573  
village, or local school districts that are part of a 53574  
career-technical education compact and have entered into an 53575  
agreement for joint or cooperative establishment and operation of 53576  
a science, technology, engineering, and mathematics education 53577  
program under section 3313.842 of the Revised Code. The aggregate 53578  
territory of the school districts composing a qualifying 53579  
partnership shall be located in two adjacent counties, each having 53580  
a population greater than forty thousand, but less than fifty 53581  
thousand, and at least one of which borders another state. 53582

(B) The Ohio school facilities commission shall establish 53583  
guidelines for assisting a qualifying partnership in the 53584

acquisition of classroom facilities to be used for a joint 53585  
science, technology, engineering, and mathematics education 53586  
program. 53587

(C) Upon receipt of a written proposal from a qualifying 53588  
partnership, the commission, subject to approval of the 53589  
controlling board, shall provide funding to assist that qualifying 53590  
partnership in the acquisition of classroom facilities described 53591  
in division (B) of this section. The proposal of the qualifying 53592  
partnership shall be submitted in a form and in the manner 53593  
prescribed by the commission. The proposal shall indicate both the 53594  
total amount of funding requested from the commission and the 53595  
amount of other funding pledged for the acquisition of the 53596  
classroom facilities, the latter of which shall not be less than 53597  
the total amount of funding requested from the commission. Once 53598  
the commission determines a proposal meets its established 53599  
guidelines and if the controlling board approves that funding, the 53600  
commission shall enter into an agreement with the qualifying 53601  
partnership for the acquisition of the classroom facilities and 53602  
shall encumber, in accordance with section 3318.11 of the Revised 53603  
Code, the approved funding from the amounts appropriated to the 53604  
commission for classroom facilities assistance projects. The 53605  
agreement shall include a stipulation of the ownership of the 53606  
classroom facilities in the event the qualifying partnership 53607  
ceases to exist. 53608

(D) A qualifying partnership may levy taxes under section 53609  
5705.2112 of the Revised Code to use for all or part of the 53610  
funding pledged for the acquisition of classroom facilities under 53611  
division (C) of this section. If a qualifying partnership chooses 53612  
to levy taxes for this purpose, it shall select one of the 53613  
districts that is a member of the qualifying partnership to be the 53614  
fiscal agent of the qualifying partnership for purposes of section 53615  
5705.2112 of the Revised Code. 53616

Sec. 3319.113. (A) Not later than May 31, 2016, the state board of education shall develop a standards-based state framework for the evaluation of school counselors. The state board may update the framework periodically by adoption of a resolution. The framework shall establish an evaluation system that does the following:

(1) Requires school counselors to demonstrate their ability to produce positive student outcomes using metrics, including those from the school or school district's report card issued under section 3302.03 of the Revised Code when appropriate;

(2) Is aligned with the standards for school counselors adopted under section 3319.61 of the Revised Code and requires school counselors to demonstrate their ability in all the areas identified by those standards;

(3) Requires that all school counselors be evaluated annually, except as otherwise appropriate for high-performing school counselors;

(4) Assigns a rating on each evaluation in accordance with division (B) of this section;

(5) Designates the personnel that may conduct evaluations of school counselors in accordance with this framework;

(6) Requires that each school counselor be provided with a written report of the results of that school counselor's evaluation;

(7) Provides for professional development to accelerate and continue school counselor growth and provide support to poorly performing school counselors.

(B)(1) The state board shall develop specific standards and criteria that distinguish between the following levels of performance for school counselors for the purposes of assigning

<u>ratings on the evaluations conducted under this section:</u>	53647
<u>(a) Accomplished;</u>	53648
<u>(b) Skilled;</u>	53649
<u>(c) Developing;</u>	53650
<u>(d) Ineffective.</u>	53651
<u>(2) The state board shall consult with experts, school</u>	53652
<u>counselors and principals employed in public schools, and</u>	53653
<u>representatives of stakeholder groups in developing the standards</u>	53654
<u>and criteria required by division (B)(1) of this section.</u>	53655
<u>(C)(1) Not later than September 30, 2016, each school</u>	53656
<u>district board of education shall adopt a standards-based school</u>	53657
<u>counselor evaluation policy that conforms with the framework for</u>	53658
<u>the evaluation of school counselors developed under this section.</u>	53659
<u>The policy shall become operative at the expiration of any</u>	53660
<u>collective bargaining agreement covering school counselors</u>	53661
<u>employed by the board that is in effect on the effective date of</u>	53662
<u>this section and shall be included in any renewal or extension of</u>	53663
<u>such an agreement.</u>	53664
<u>(2) A district board shall include both of the following in</u>	53665
<u>its evaluation policy:</u>	53666
<u>(a) The implementation of the framework for the evaluation of</u>	53667
<u>school counselors developed under this section beginning in the</u>	53668
<u>2016-2017 school year;</u>	53669
<u>(b) Procedures for using the evaluation results, beginning in</u>	53670
<u>the 2017-2018 school year, for both of the following:</u>	53671
<u>(i) Decisions regarding retention and promotion of school</u>	53672
<u>counselors;</u>	53673
<u>(ii) Removal of poorly performing school counselors.</u>	53674
<u>(D) Each district board shall annually submit a report to the</u>	53675



department of education, in a form and manner prescribed by the 53676  
department, regarding its implementation of division (C) of this 53677  
section. At no time shall the department permit or require that 53678  
the name or personally identifiable information of any school 53679  
counselor be reported to the department under this division. 53680

(E) Notwithstanding any provision to the contrary in Chapter 53681  
4117. of the Revised Code, the requirements of this section 53682  
prevail over any conflicting provision of a collective bargaining 53683  
agreement entered into on or after the effective date of this 53684  
section. 53685

**Sec. 3319.114.** (A) Beginning with the 2014-2015 school year, 53686  
a district or school may choose to use the alternative framework 53687  
prescribed by divisions (B) and (C) of this section when 53688  
evaluating teachers under section 3319.111 of the Revised Code. 53689

(B) If a district or school chooses to use the alternative 53690  
framework for the 2014-2015 school year, that district or school 53691  
shall calculate ratings assigned for teacher evaluations according 53692  
to the following: 53693

(1) The teacher performance measure, as defined by the 53694  
department of education, shall account for forty-two and one-half 53695  
per cent of each rating. 53696

(2) The student academic growth measure, as defined by the 53697  
department, shall account for forty-two and one-half per cent of 53698  
each rating. 53699

(3) Only one of the following components shall account for 53700  
fifteen per cent of each rating: 53701

(a) Student surveys; 53702

(b) Teacher self-evaluations; 53703

(c) Peer review evaluations; 53704

(d) Student portfolios. 53705

(C) If a district or school chooses to use the alternative 53706  
framework for the 2015-2016 school year or any school year 53707  
thereafter, that district or school shall calculate ratings 53708  
assigned for teacher evaluations according to the following: 53709

(1) The teacher performance measure, as defined by the 53710  
department, shall account for ~~forty two and one half to fifty per~~ 53711  
cent of each rating. 53712

(2) The student academic growth measure, as defined by the 53713  
department, shall account for ~~forty two and one half to fifty~~ 53714  
thirty-five per cent of each rating. 53715

(3) The remainder shall be one, or any combination, of the 53716  
following components: 53717

(a) Student surveys; 53718

(b) Teacher self-evaluations; 53719

(c) Peer review evaluations; 53720

(d) Student portfolios; 53721

(e) Any other component determined appropriate by the 53722  
district board or school governing authority. 53723

~~(4) The teacher performance measure and the student academic~~ 53724  
~~growth measure shall account for an equal percentage of each~~ 53725  
~~rating.~~ 53726

(D) The department shall compile a list of approved 53727  
instruments ~~for~~ that districts and schools ~~to~~ may use, beginning 53728  
with the 2014-2015 school year, when evaluating the components 53729  
described under divisions (B)(3) and (C)(3) of this section. ~~Each~~ 53730  
~~district or school shall choose one of the approved instruments to~~ 53731  
~~evaluate the applicable component selected by the district or~~ 53732  
~~school under that section.~~ 53733

Sec. 3319.22. (A)(1) The state board of education shall issue 53734  
the following educator licenses: 53735

(a) A resident educator license, which shall be valid for 53736  
four years and shall be renewable for reasons specified by rules 53737  
adopted by the state board pursuant to division (A)(3) of this 53738  
section. The state board, on a case-by-case basis, may extend the 53739  
license's duration as necessary to enable the license holder to 53740  
complete the Ohio teacher residency program established under 53741  
section 3319.223 of the Revised Code; 53742

(b) A professional educator license, which shall be valid for 53743  
five years and shall be renewable; 53744

(c) A senior professional educator license, which shall be 53745  
valid for five years and shall be renewable; 53746

(d) A lead professional educator license, which shall be 53747  
valid for five years and shall be renewable. 53748

(2) The state board may issue any additional educator 53749  
licenses of categories, types, and levels the board elects to 53750  
provide. 53751

(3) The state board shall adopt rules establishing the 53752  
standards and requirements for obtaining each educator license 53753  
issued under this section. The rules shall also include the 53754  
reasons for which a resident educator license may be renewed under 53755  
division (A)(1)(a) of this section. 53756

(B) The rules adopted under this section shall require at 53757  
least the following standards and qualifications for the educator 53758  
licenses described in division (A)(1) of this section: 53759

(1) An applicant for a resident educator license shall hold 53760  
at least a bachelor's degree from an accredited teacher 53761  
preparation program or be a participant in the teach for America 53762  
program and meet the qualifications required under section 53763

3319.227 of the Revised Code.	53764
(2) An applicant for a professional educator license shall:	53765
(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;	53766 53767 53768
(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.	53769 53770 53771 53772 53773 53774
(3) An applicant for a senior professional educator license shall:	53775 53776
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	53777 53778 53779
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	53780 53781 53782
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	53783 53784 53785 53786
(4) An applicant for a lead professional educator license shall:	53787 53788
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	53789 53790 53791
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or	53792 53793

a professional educator license issued under section 3319.222 or 53794  
former section 3319.22 of the Revised Code; 53795

(c) Meet the criteria for the distinguished level of 53796  
performance, as described in the standards for teachers adopted by 53797  
the state board under section 3319.61 of the Revised Code; 53798

(d) Either hold a valid certificate issued by the national 53799  
board for professional teaching standards or meet the criteria for 53800  
a master teacher or other criteria for a lead teacher adopted by 53801  
the educator standards board under division (F)(4) or (5) of 53802  
section 3319.61 of the Revised Code. 53803

(C) The state board shall align the standards and 53804  
qualifications for obtaining a principal license with the 53805  
standards for principals adopted by the state board under section 53806  
3319.61 of the Revised Code. 53807

(D) If the state board requires any examinations for educator 53808  
licensure, the department of education shall provide the results 53809  
of such examinations received by the department to the chancellor 53810  
of ~~the Ohio board of regents~~ higher education, in the manner and 53811  
to the extent permitted by state and federal law. 53812

(E) Any rules the state board of education adopts, amends, or 53813  
rescinds for educator licenses under this section, division (D) of 53814  
section 3301.07 of the Revised Code, or any other law shall be 53815  
adopted, amended, or rescinded under Chapter 119. of the Revised 53816  
Code except as follows: 53817

(1) Notwithstanding division (E) of section 119.03 and 53818  
division (A)(1) of section 119.04 of the Revised Code, in the case 53819  
of the adoption of any rule or the amendment or rescission of any 53820  
rule that necessitates institutions' offering preparation programs 53821  
for educators and other school personnel that are approved by the 53822  
chancellor of ~~the Ohio board of regents~~ higher education under 53823  
section 3333.048 of the Revised Code to revise the curriculum of 53824

those programs, the effective date shall not be as prescribed in 53825  
division (E) of section 119.03 and division (A)(1) of section 53826  
119.04 of the Revised Code. Instead, the effective date of such 53827  
rules, or the amendment or rescission of such rules, shall be the 53828  
date prescribed by section 3333.048 of the Revised Code. 53829

(2) Notwithstanding the authority to adopt, amend, or rescind 53830  
emergency rules in division (G) of section 119.03 of the Revised 53831  
Code, this authority shall not apply to the state board of 53832  
education with regard to rules for educator licenses. 53833

(F)(1) The rules adopted under this section establishing 53834  
standards requiring additional coursework for the renewal of any 53835  
educator license shall require a school district and a chartered 53836  
nonpublic school to establish local professional development 53837  
committees. In a nonpublic school, the chief administrative 53838  
officer shall establish the committees in any manner acceptable to 53839  
such officer. The committees established under this division shall 53840  
determine whether coursework that a district or chartered 53841  
nonpublic school teacher proposes to complete meets the 53842  
requirement of the rules. The department of education shall 53843  
provide technical assistance and support to committees as the 53844  
committees incorporate the professional development standards 53845  
adopted by the state board of education pursuant to section 53846  
3319.61 of the Revised Code into their review of coursework that 53847  
is appropriate for license renewal. The rules shall establish a 53848  
procedure by which a teacher may appeal the decision of a local 53849  
professional development committee. 53850

(2) In any school district in which there is no exclusive 53851  
representative established under Chapter 4117. of the Revised 53852  
Code, the professional development committees shall be established 53853  
as described in division (F)(2) of this section. 53854

Not later than the effective date of the rules adopted under 53855  
this section, the board of education of each school district shall 53856

establish the structure for one or more local professional 53857  
development committees to be operated by such school district. The 53858  
committee structure so established by a district board shall 53859  
remain in effect unless within thirty days prior to an anniversary 53860  
of the date upon which the current committee structure was 53861  
established, the board provides notice to all affected district 53862  
employees that the committee structure is to be modified. 53863  
Professional development committees may have a district-level or 53864  
building-level scope of operations, and may be established with 53865  
regard to particular grade or age levels for which an educator 53866  
license is designated. 53867

Each professional development committee shall consist of at 53868  
least three classroom teachers employed by the district, one 53869  
principal employed by the district, and one other employee of the 53870  
district appointed by the district superintendent. For committees 53871  
with a building-level scope, the teacher and principal members 53872  
shall be assigned to that building, and the teacher members shall 53873  
be elected by majority vote of the classroom teachers assigned to 53874  
that building. For committees with a district-level scope, the 53875  
teacher members shall be elected by majority vote of the classroom 53876  
teachers of the district, and the principal member shall be 53877  
elected by a majority vote of the principals of the district, 53878  
unless there are two or fewer principals employed by the district, 53879  
in which case the one or two principals employed shall serve on 53880  
the committee. If a committee has a particular grade or age level 53881  
scope, the teacher members shall be licensed to teach such grade 53882  
or age levels, and shall be elected by majority vote of the 53883  
classroom teachers holding such a license and the principal shall 53884  
be elected by all principals serving in buildings where any such 53885  
teachers serve. The district superintendent shall appoint a 53886  
replacement to fill any vacancy that occurs on a professional 53887  
development committee, except in the case of vacancies among the 53888  
elected classroom teacher members, which shall be filled by vote 53889

of the remaining members of the committee so selected. 53890

Terms of office on professional development committees shall 53891  
be prescribed by the district board establishing the committees. 53892  
The conduct of elections for members of professional development 53893  
committees shall be prescribed by the district board establishing 53894  
the committees. A professional development committee may include 53895  
additional members, except that the majority of members on each 53896  
such committee shall be classroom teachers employed by the 53897  
district. Any member appointed to fill a vacancy occurring prior 53898  
to the expiration date of the term for which a predecessor was 53899  
appointed shall hold office as a member for the remainder of that 53900  
term. 53901

The initial meeting of any professional development 53902  
committee, upon election and appointment of all committee members, 53903  
shall be called by a member designated by the district 53904  
superintendent. At this initial meeting, the committee shall 53905  
select a chairperson and such other officers the committee deems 53906  
necessary, and shall adopt rules for the conduct of its meetings. 53907  
Thereafter, the committee shall meet at the call of the 53908  
chairperson or upon the filing of a petition with the district 53909  
superintendent signed by a majority of the committee members 53910  
calling for the committee to meet. 53911

(3) In the case of a school district in which an exclusive 53912  
representative has been established pursuant to Chapter 4117. of 53913  
the Revised Code, professional development committees shall be 53914  
established in accordance with any collective bargaining agreement 53915  
in effect in the district that includes provisions for such 53916  
committees. 53917

If the collective bargaining agreement does not specify a 53918  
different method for the selection of teacher members of the 53919  
committees, the exclusive representative of the district's 53920  
teachers shall select the teacher members. 53921



If the collective bargaining agreement does not specify a 53922  
different structure for the committees, the board of education of 53923  
the school district shall establish the structure, including the 53924  
number of committees and the number of teacher and administrative 53925  
members on each committee; the specific administrative members to 53926  
be part of each committee; whether the scope of the committees 53927  
will be district levels, building levels, or by type of grade or 53928  
age levels for which educator licenses are designated; the lengths 53929  
of terms for members; the manner of filling vacancies on the 53930  
committees; and the frequency and time and place of meetings. 53931  
However, in all cases, except as provided in division (F)(4) of 53932  
this section, there shall be a majority of teacher members of any 53933  
professional development committee, there shall be at least five 53934  
total members of any professional development committee, and the 53935  
exclusive representative shall designate replacement members in 53936  
the case of vacancies among teacher members, unless the collective 53937  
bargaining agreement specifies a different method of selecting 53938  
such replacements. 53939

(4) Whenever an administrator's coursework plan is being 53940  
discussed or voted upon, the local professional development 53941  
committee shall, at the request of one of its administrative 53942  
members, cause a majority of the committee to consist of 53943  
administrative members by reducing the number of teacher members 53944  
voting on the plan. 53945

(G)(1) The department of education, educational service 53946  
centers, county boards of developmental disabilities, regional 53947  
professional development centers, special education regional 53948  
resource centers, college and university departments of education, 53949  
head start programs, and the Ohio education computer network may 53950  
establish local professional development committees to determine 53951  
whether the coursework proposed by their employees who are 53952  
licensed or certificated under this section or section 3319.222 of 53953

the Revised Code, or under the former version of either section as 53954  
it existed prior to October 16, 2009, meet the requirements of the 53955  
rules adopted under this section. They may establish local 53956  
professional development committees on their own or in 53957  
collaboration with a school district or other agency having 53958  
authority to establish them. 53959

Local professional development committees established by 53960  
county boards of developmental disabilities shall be structured in 53961  
a manner comparable to the structures prescribed for school 53962  
districts in divisions (F)(2) and (3) of this section, as shall 53963  
the committees established by any other entity specified in 53964  
division (G)(1) of this section that provides educational services 53965  
by employing or contracting for services of classroom teachers 53966  
licensed or certificated under this section or section 3319.222 of 53967  
the Revised Code, or under the former version of either section as 53968  
it existed prior to October 16, 2009. All other entities specified 53969  
in division (G)(1) of this section shall structure their 53970  
committees in accordance with guidelines which shall be issued by 53971  
the state board. 53972

(2) Any public agency that is not specified in division 53973  
(G)(1) of this section but provides educational services and 53974  
employs or contracts for services of classroom teachers licensed 53975  
or certificated under this section or section 3319.222 of the 53976  
Revised Code, or under the former version of either section as it 53977  
existed prior to October 16, 2009, may establish a local 53978  
professional development committee, subject to the approval of the 53979  
department of education. The committee shall be structured in 53980  
accordance with guidelines issued by the state board. 53981

(H) Not later than July 1, 2016, the state board, in 53982  
accordance with Chapter 119. of the Revised Code, shall adopt 53983  
rules pursuant to division (A)(3) of this section that do both of 53984  
the following: 53985

(1) Exempt consistently high-performing teachers from the requirement to complete any additional coursework for the renewal of an educator license issued under this section or section 3319.26 of the Revised Code. The rules also shall specify that such teachers are exempt from any requirements prescribed by professional development committees established under divisions (F) and (G) of this section. 53986  
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(2) For purposes of division (H)(1) of this section, the state board shall define the term "consistently high-performing teacher." 53993  
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**Sec. 3319.223.** (A) Not later than January 1, 2011, the superintendent of public instruction and the chancellor of ~~the Ohio board of regents~~ higher education jointly shall establish the Ohio teacher residency program, which shall be a four-year, entry-level program for classroom teachers. The teacher residency program shall include at least the following components: 53996  
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(1) Mentoring by teachers ~~who hold a lead professional educator license issued under section 3319.22 of the Revised Code for the first two years of the program;~~ 54002  
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(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development; 54005  
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(3) Measures of appropriate progression through the program, which shall include the performance-based assessment prescribed by the state board of education for resident educators in the third year of the program. 54008  
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An individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code shall not be required to complete the conditions of the Ohio teacher residency program that a 54012  
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participant, as of the effective date of this amendment, would 54016  
have been required to complete during the participant's first and 54017  
second year of teaching under an alternative resident educator 54018  
license. Such an individual shall complete all the conditions 54019  
that, as of the effective date of this amendment, were necessary 54020  
for a participant in the third and fourth year of the program 54021  
prior to applying for a professional educator license under 54022  
division (A)(2) of section 3319.22 of the Revised Code. 54023

(B) The teacher residency program shall be aligned with the 54024  
standards for teachers adopted by the state board ~~of education~~ 54025  
under section 3319.61 of the Revised Code and best practices 54026  
identified by the superintendent of public instruction. 54027

(C) Each person who holds a resident educator license issued 54028  
under section 3319.22 or 3319.227 of the Revised Code or an 54029  
alternative resident educator license issued under section 3319.26 54030  
of the Revised Code shall participate in the teacher residency 54031  
program. Successful completion of the program shall be required to 54032  
qualify any such person for a professional educator license issued 54033  
under section 3319.22 of the Revised Code. 54034

**Sec. 3319.271.** (A) As used in this section, the "bright new 54035  
leaders for Ohio schools program" means the program created and 54036  
implemented by the nonprofit corporation incorporated pursuant to 54037  
Section 733.40 of Am. Sub. H.B. 59 of the 130th general assembly 54038  
to provide an alternative path for individuals to receive training 54039  
and development in the administration of primary and secondary 54040  
education and leadership, enable those individuals to earn degrees 54041  
and obtain licenses in public school administration, and promote 54042  
the placement of those individuals in public schools that have a 54043  
poverty percentage greater than fifty per cent. 54044

(B) The state board of education shall issue an alternative 54045  
principal license or an alternative administrator license, as 54046

applicable, to an individual who successfully completes the bright new leaders for Ohio schools program and satisfies the requirements in rules adopted by the state board under division (C) of this section. 54047  
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(C) The state board, in consultation with the board of directors of the bright new leaders for Ohio schools program, shall adopt rules that prescribe the requirements for obtaining an alternative principal license or an alternative administrator license under this section. The state board shall use the rules adopted under section 3319.27 of the Revised Code as guidance in developing the rules adopted under this division. 54051  
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**Sec. 3319.303.** (A) The state board of education shall adopt rules establishing standards and requirements for obtaining a pupil-activity program permit for any individual who does not hold a valid educator license, certificate, or permit issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code. The permit issued under this section shall be valid for coaching, supervising, or directing a pupil-activity program under section 3313.53 of the Revised Code. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued under this ~~section~~ division shall be valid for three years and shall be renewable. 54058  
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(B) The state board shall adopt rules applicable to individuals who hold valid educator licenses, certificates, or permits issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code setting forth standards to assure any such individual's competence to direct, supervise, or coach a pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall not be more stringent than the standards set forth in rules applicable to individuals who do not hold such licenses, certificates, or 54069  
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permits adopted under division (A) of this section. Subject to the 54078  
provisions of section 3319.31 of the Revised Code, a permit issued 54079  
to an individual under this division shall be valid for the same 54080  
number of years as the individual's educator license, certificate, 54081  
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 54082  
Revised Code and shall be renewable. 54083

(C) As a condition to issuing or renewing a pupil-activity 54084  
program permit to coach interscholastic athletics: 54085

(1) The state board shall require each individual applying 54086  
for a first permit on or after April 26, 2013, to successfully 54087  
complete a training program that is specifically focused on brain 54088  
trauma and brain injury management. 54089

(2) The state board shall require each individual applying 54090  
for a permit renewal on or after that date to present evidence 54091  
that the individual has successfully completed, within the 54092  
previous three years, a training program in recognizing the 54093  
symptoms of concussions and head injuries to which the department 54094  
of health has provided a link on its internet web site under 54095  
section 3707.52 of the Revised Code or a training program 54096  
authorized and required by an organization that regulates 54097  
interscholastic athletic competition and conducts interscholastic 54098  
athletic events. 54099

**Sec. 3319.323.** During the course of transferring a student's 54100  
record to an educational institution for a legitimate educational 54101  
purpose as specified under division (C) of section 3319.321 of the 54102  
Revised Code, no school district or school shall alter, truncate, 54103  
or redact any part of a student's record so that any information 54104  
on the student's record is rendered unreadable or unintelligible. 54105

**Sec. 3319.51.** (A)(1) The state board of education shall 54106  
annually establish the amount of the fees required to be paid for 54107

any license, certificate, or permit issued under this chapter or 54108  
division (B) of section 3301.071 or section 3301.074 of the 54109  
Revised Code. The Except as provided in division (A)(2) of this 54110  
section, the amount of these fees shall be such that they, along 54111  
with any appropriation made to the fund established under division 54112  
(B) of this section, will be sufficient to cover the annual 54113  
estimated cost of administering the requirements described under 54114  
division (B) of this section. 54115

(2) The state board shall not require any fee to be paid 54116  
under division (A)(1) of this section for a license, certificate, 54117  
or permit issued for the purpose of teaching in a junior reserve 54118  
officer training corps (JROTC) program approved by the congress of 54119  
the United States under title 10 of the United States Code. 54120

(B) There is hereby established in the state treasury the 54121  
state board of education licensure fund, which shall be used by 54122  
the state board of education solely to pay the cost of 54123  
administering requirements related to the issuance and renewal of 54124  
licenses, certificates, and permits described in this chapter and 54125  
sections 3301.071 and 3301.074 of the Revised Code. The fund shall 54126  
consist of the amounts paid into the fund pursuant to division (B) 54127  
of section 3301.071 and sections 3301.074 and 3319.29 of the 54128  
Revised Code and any appropriations to the fund by the general 54129  
assembly. 54130

**Sec. 3319.61.** (A) The educator standards board, in 54131  
consultation with the chancellor of ~~the Ohio board of regents~~ 54132  
higher education, shall do all of the following: 54133

(1) Develop state standards for teachers and principals that 54134  
reflect what teachers and principals are expected to know and be 54135  
able to do at all stages of their careers. These standards shall 54136  
be aligned with the statewide academic content standards for 54137  
students adopted pursuant to section 3301.079 of the Revised Code, 54138

be primarily based on educator performance instead of years of 54139  
experience or certain courses completed, and rely on 54140  
evidence-based factors. These standards shall also be aligned with 54141  
the operating standards adopted under division (D)(3) of section 54142  
3301.07 of the Revised Code. 54143

(a) The standards for teachers shall reflect the following 54144  
additional criteria: 54145

(i) Alignment with the interstate new teacher assessment and 54146  
support consortium standards; 54147

(ii) Differentiation among novice, experienced, and advanced 54148  
teachers; 54149

(iii) Reliance on competencies that can be measured; 54150

(iv) Reliance on content knowledge, teaching skills, 54151  
discipline-specific teaching methods, and requirements for 54152  
professional development; 54153

(v) Alignment with a career-long system of professional 54154  
development and evaluation that ensures teachers receive the 54155  
support and training needed to achieve the teaching standards as 54156  
well as reliable feedback about how well they meet the standards; 54157

(vi) The standards under section 3301.079 of the Revised 54158  
Code, including standards on collaborative learning environments 54159  
and interdisciplinary, project-based, real-world learning and 54160  
differentiated instruction; 54161

(vii) The Ohio leadership framework. 54162

(b) The standards for principals shall be aligned with the 54163  
interstate school leaders licensing consortium standards. 54164

(2) Develop standards for school district superintendents 54165  
that reflect what superintendents are expected to know and be able 54166  
to do at all stages of their careers. The standards shall reflect 54167  
knowledge of systems theory and effective management principles 54168



and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.

(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.

(4) Develop standards for the renewal of licenses under sections 3301.074 and 3319.22 of the Revised Code;

(5) Develop standards for educator professional development;

(6) Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies;

(7) Develop standards for school counselors that reflect what school counselors are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of academic, personal, and social counseling for students and effective principles to implement an effective school counseling program. The standards also shall reflect Ohio-specific knowledge of career counseling for students and education options that provide flexibility for earning credit, such as earning units of high school credit using the methods adopted by the state board of education under division (J) of section 3313.603 of the Revised Code and earning college credit through the college credit plus program established under Chapter 3365. of the Revised Code. The standards shall align with the American school counselor association's professional standards and the operating standards

developed under division (D)(3) of section 3301.07 of the Revised Code. 54200  
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The superintendent of public instruction, the chancellor of ~~the Ohio board of regents~~ higher education, or the education 54202  
standards board itself may request that the educator standards 54203  
board update, review, or reconsider any standards developed under 54204  
this section. 54205  
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(B) The educator standards board shall incorporate indicators 54207  
of cultural competency into the standards developed under division 54208  
(A) of this section. For this purpose, the educator standards 54209  
board shall develop a definition of cultural competency based upon 54210  
content and experiences that enable educators to know, understand, 54211  
and appreciate the students, families, and communities that they 54212  
serve and skills for addressing cultural diversity in ways that 54213  
respond equitably and appropriately to the cultural needs of 54214  
individual students. 54215

(C) In developing the standards under division (A) of this 54216  
section, the educator standards board shall consider the impact of 54217  
the standards on closing the achievement gap between students of 54218  
different subgroups. 54219

(D) In developing the standards under division (A) of this 54220  
section, the educator standards board shall ensure both of the 54221  
following: 54222

(1) That teachers have sufficient knowledge to provide 54223  
appropriate instruction for students identified as gifted pursuant 54224  
to Chapter 3324. of the Revised Code and to assist in the 54225  
identification of such students, and have sufficient knowledge 54226  
that will enable teachers to provide learning opportunities for 54227  
all children to succeed; 54228

(2) That principals, superintendents, school treasurers, and 54229  
school business managers have sufficient knowledge to provide 54230

principled, collaborative, foresighted, and data-based leadership 54231  
that will provide learning opportunities for all children to 54232  
succeed. 54233

(E) The standards for educator professional development 54234  
developed under division (A)(5) of this section shall include the 54235  
following: 54236

(1) Standards for the inclusion of local professional 54237  
development committees established under section 3319.22 of the 54238  
Revised Code in the planning and design of professional 54239  
development; 54240

(2) Standards that address the crucial link between academic 54241  
achievement and mental health issues. 54242

(F) The educator standards board shall also perform the 54243  
following functions: 54244

(1) Monitor compliance with the standards developed under 54245  
division (A) of this section and make recommendations to the state 54246  
board of education for appropriate corrective action if such 54247  
standards are not met; 54248

(2) Research, develop, and recommend policies on the 54249  
professions of teaching and school administration; 54250

(3) Recommend policies to close the achievement gap between 54251  
students of different subgroups; 54252

(4) Define a "master teacher" in a manner that can be used 54253  
uniformly by all school districts; 54254

(5) Adopt criteria that a candidate for a lead professional 54255  
educator license under section 3319.22 of the Revised Code who 54256  
does not hold a valid certificate issued by the national board for 54257  
professional teaching standards must meet to be considered a lead 54258  
teacher for purposes of division (B)(4)(d) of that section. It is 54259  
the intent of the general assembly that the educator standards 54260

board shall adopt multiple, equal-weighted criteria to use in 54261  
determining whether a person is a lead teacher. The criteria shall 54262  
be in addition to the other standards and qualifications 54263  
prescribed in division (B)(4) of section 3319.22 of the Revised 54264  
Code. The criteria may include, but shall not be limited to, 54265  
completion of educational levels beyond a master's degree or other 54266  
professional development courses or demonstration of a leadership 54267  
role in the teacher's school building or district. The board shall 54268  
determine the number of criteria that a teacher shall satisfy to 54269  
be recognized as a lead teacher, which shall not be the total 54270  
number of criteria adopted by the board. 54271

(6) Develop model teacher and principal evaluation 54272  
instruments and processes. The models shall be based on the 54273  
standards developed under division (A) of this section. 54274

(7) Develop a method of measuring the academic improvement 54275  
made by individual students during a one-year period and make 54276  
recommendations for incorporating the measurement as one of 54277  
multiple evaluation criteria into each of the following: 54278

(a) Eligibility for a professional educator license, senior 54279  
professional educator license, lead professional educator license, 54280  
or principal license issued under section 3319.22 of the Revised 54281  
Code; 54282

(b) The Ohio teacher residency program established under 54283  
section 3319.223 of the Revised Code; 54284

(c) The model teacher and principal evaluation instruments 54285  
and processes developed under division (F)(6) of this section. 54286

(G) The educator standards board shall submit recommendations 54287  
of standards developed under division (A) of this section to the 54288  
state board of education not later than September 1, 2010. The 54289  
state board of education shall review those recommendations at the 54290  
state board's regular meeting that next succeeds the date that the 54291

recommendations are submitted to the state board. At that meeting, 54292  
the state board of education shall vote to either adopt standards 54293  
based on those recommendations or request that the educator 54294  
standards board reconsider its recommendations. The state board of 54295  
education shall articulate reasons for requesting reconsideration 54296  
of the recommendations but shall not direct the content of the 54297  
recommendations. The educator standards board shall reconsider its 54298  
recommendations if the state board of education so requests, may 54299  
revise the recommendations, and shall resubmit the 54300  
recommendations, whether revised or not, to the state board not 54301  
later than two weeks prior to the state board's regular meeting 54302  
that next succeeds the meeting at which the state board requested 54303  
reconsideration of the initial recommendations. The state board of 54304  
education shall review the recommendations as resubmitted by the 54305  
educator standards board at the state board's regular meeting that 54306  
next succeeds the meeting at which the state board requested 54307  
reconsideration of the initial recommendations and may adopt the 54308  
standards as resubmitted or, if the resubmitted standards have not 54309  
addressed the state board's concerns, the state board may modify 54310  
the standards prior to adopting them. The final responsibility to 54311  
determine whether to adopt standards as described in division (A) 54312  
of this section and the content of those standards, if adopted, 54313  
belongs solely to the state board of education. 54314

Sec. 3319.67. (A) The state board of education may establish 54315  
an annual teacher of the year recognition program for outstanding 54316  
teachers. 54317

(B) Notwithstanding division (A) of section 2921.43 of the 54318  
Revised Code, a person or entity may make a voluntary contribution 54319  
to the recognition program described in division (A) of this 54320  
section. 54321

(C) Notwithstanding division (A) of section 2921.43 of the 54322

Revised Code, a teacher who is recognized as a teacher of the year 54323  
by the recognition program described in division (A) of this 54324  
section may accept gifts and privileges as part of the recognition 54325  
program. 54326

**Sec. 3323.13.** (A) If a child who is a school resident of one 54327  
school district receives special education from another district, 54328  
the board of education of the district providing the education, 54329  
subject to division (C) of this section, may require the payment 54330  
by the board of education of the district of residence of a sum 54331  
not to exceed one of the following, as applicable: 54332

(1) For any child except a preschool child with a disability 54333  
described in division (A)(2) of this section, the tuition of the 54334  
district providing the education for a child of normal needs of 54335  
the same school grade. The determination of the amount of such 54336  
tuition shall be in the manner provided for by division (A) of 54337  
section 3317.08 of the Revised Code. 54338

(2) For any preschool child with a disability, the tuition of 54339  
the district providing the education for the child as calculated 54340  
under division (B) of section 3317.08 of the Revised Code, ~~7~~ 54341  
~~multiplied by 0.50.~~ 54342

(B) The board of the district of residence may contract with 54343  
the board of another district for the transportation of such child 54344  
into any school in such other district, on terms agreed upon by 54345  
such boards. Upon direction of the state board of education, the 54346  
board of the district of residence shall pay for the child's 54347  
transportation and the tuition. 54348

(C) The board of education of a district providing the 54349  
education for a child shall be entitled to require payment from 54350  
the district of residence under this section or section 3323.14 of 54351  
the Revised Code only if the district providing the education has 54352  
done at least one of the following: 54353

(1) Invited the district of residence to send representatives 54354  
to attend the meetings of the team developing the child's 54355  
individualized education program; 54356

(2) Received from the district of residence a copy of the 54357  
individualized education program or a multifactored evaluation 54358  
developed for the child by the district of residence; 54359

(3) Informed the district of residence in writing that the 54360  
district is providing the education for the child. 54361

As used in division (C)(2) of this section, "multifactored 54362  
evaluation" means an evaluation, conducted by a multidisciplinary 54363  
team, of more than one area of the child's functioning so that no 54364  
single procedure shall be the sole criterion for determining an 54365  
appropriate educational program placement for the child. 54366

**Sec. 3326.10.** Each science, technology, engineering, and 54367  
mathematics school shall adopt admission procedures that specify 54368  
the following: 54369

(A)(1) Admission shall be open to individuals entitled and 54370  
eligible to attend school pursuant to section 3313.64 or 3313.65 54371  
of the Revised Code in a school district in the state. 54372

(2) ~~Students who are not residents of Ohio shall not be~~ 54373  
~~permitted to enroll in a science, technology, engineering, and~~ 54374  
~~mathematics school~~ (a) Admission may be open on a tuition basis to 54375  
individuals who are not residents of this state. The school shall 54376  
not receive state funds under sections 3326.33 to 3326.51 of the 54377  
Revised Code for any student who is not a resident of this state. 54378

(b) The school shall charge tuition for a student who is not 54379  
a resident of this state in an amount equal to the amount 54380  
calculated by the department of education under section 3326.101 54381  
of the Revised Code. 54382

(B) There will be no discrimination in the admission of 54383

students to the school on the basis of race, creed, color, 54384  
disability, or sex. 54385

(C) The school will comply with all federal and state laws 54386  
regarding the education of students with disabilities. 54387

(D) Unless the school serves only students identified as 54388  
gifted under Chapter 3324. of the Revised Code, the school will 54389  
not limit admission to students on the basis of intellectual 54390  
ability, measures of achievement or aptitude, or athletic or 54391  
artistic ability. 54392

(E) The school will assert its best effort to attract a 54393  
diverse student body that reflects the community, and the school 54394  
will recruit students from disadvantaged and underrepresented 54395  
groups. 54396

Sec. 3326.101. For each student who is not a resident of this 54397  
state and is enrolled in a science, technology, engineering, and 54398  
mathematics school under division (A)(2) of section 3326.10 of the 54399  
Revised Code, the department of education shall calculate the 54400  
amount that the school would have received for that student under 54401  
section 3326.33 of the Revised Code if that student were a 54402  
resident of this state. The department shall not pay that amount 54403  
to the school, but the school shall charge that amount to the 54404  
student as tuition. 54405

**Sec. 3326.11.** Each science, technology, engineering, and 54406  
mathematics school established under this chapter and its 54407  
governing body shall comply with sections 9.90, 9.91, 109.65, 54408  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 54409  
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 54410  
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 54411  
3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 54412  
3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 54413



3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 54414  
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 54415  
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 54416  
3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 3313.816, 54417  
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 54418  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 54419  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 54420  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 54421  
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 54422  
4123., 4141., and 4167. of the Revised Code as if it were a school 54423  
district. 54424

**Sec. 3326.32.** Each science, technology, engineering, and 54425  
mathematics school shall report to the department of education, in 54426  
the form and manner required by the department, all of the 54427  
following information: 54428

(A) The total number of students enrolled in the school who 54429  
are residents of this state; 54430

(B) The number of students reported under division (A) of 54431  
this section who are receiving special education and related 54432  
services pursuant to an IEP; 54433

(C) For each student reported under division (B) of this 54434  
section, which category specified in divisions (A) to (F) of 54435  
section 3317.013 of the Revised Code applies to the student; 54436

(D) The full-time equivalent number of students reported 54437  
under division (A) of this section who are enrolled in 54438  
career-technical education programs or classes described in each 54439  
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of 54440  
the Revised Code that are provided by the STEM school; 54441

(E) The number of students reported under division (A) of 54442  
this section who are limited English proficient students and which 54443

category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.

(G) The resident district of each student reported under division (A) of this section;

(H) The total number of students enrolled in the school who are not residents of this state and any additional information regarding these students that the department requires the school to report. The school shall not receive any payments under this chapter for students reported under this division.

(I) Any additional information the department determines necessary to make payments under this chapter.

**Sec. 3326.33.** For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, on a full-time equivalency basis, the department of education annually shall deduct from the state education aid of a student's resident school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the school the sum of the following:

(A) An opportunity grant in an amount equal to the formula amount;

(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(C) Additional state aid for special education and related

services provided under Chapter 3323. of the Revised Code as follows:	54474 54475
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	54476 54477 54478
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	54479 54480 54481
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	54482 54483 54484
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	54485 54486 54487
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	54488 54489 54490
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	54491 54492 54493
(D) If the student is in kindergarten through third grade, <del>\$211</del> <u>\$305</u> , in fiscal year <del>2014</del> <u>2016</u> , or <del>\$290</del> <u>\$320</u> , in fiscal year <del>2015</del> <u>2017</u> ;	54494 54495 54496
(E) If the student is economically disadvantaged, an amount equal to the following:	54497 54498
<del>(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)</del>	54499 54500
(F) Limited English proficiency funds, as follows:	54501
(1) If the student is a category one limited English proficient student, the amount specified in division (A) of	54502 54503

section 3317.016 of the Revised Code;	54504
(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	54505 54506 54507
(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	54508 54509 54510
(G) Career-technical education funds as follows:	54511
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	54512 54513 54514
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	54515 54516 54517
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	54518 54519 54520
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	54521 54522 54523
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	54524 54525 54526
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	54527 54528 54529
<b><u>Sec. 3326.41.</u></b> (A) For purposes of this section:	54530
(1) <u>"Formula amount" has the same meaning as in section 3317.02 of the Revised Code.</u>	54531 54532

(2) "Four-year adjusted cohort graduation rate" has the same 54533  
meaning as in section 3302.01 of the Revised Code. 54534

(B) In addition to the payments made under section 3326.33 of 54535  
the Revised Code, the department of education shall annually pay 54536  
to each science, technology, engineering, and mathematics school a 54537  
graduation bonus calculated according to the following formula: 54538  
The school's four-year adjusted cohort graduation rate on its most 54539  
recent report card issued by the department under section 3302.03 54540  
of the Revised Code X 0.05 X the formula amount X the number of 54541  
the school's graduates reported to the department, in accordance 54542  
with the guidelines adopted under section 3301.0714 of the Revised 54543  
Code, for the same school year for which the most recent report 54544  
card was issued 54545

**Sec. 3326.50.** A Except as provided in division (A)(2) of 54546  
section 3326.10 of the Revised Code, a science, technology, 54547  
engineering, and mathematics school shall not charge tuition for 54548  
any student enrolled in the school. 54549

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 54550  
and division (D) of section 3311.52 of the Revised Code, this 54551  
section and sections 3327.011, 3327.012, and 3327.02 of the 54552  
Revised Code do not apply to any joint vocational or cooperative 54553  
education school district. 54554

In all city, local, and exempted village school districts 54555  
where resident school pupils in grades kindergarten through eight 54556  
live more than two miles from the school for which the state board 54557  
of education prescribes minimum standards pursuant to division (D) 54558  
of section 3301.07 of the Revised Code and to which they are 54559  
assigned by the board of education of the district of residence or 54560  
to and from the nonpublic or community school which they attend, 54561  
the board of education shall provide transportation for such 54562

pupils to and from that school except as provided in section 54563  
3327.02 of the Revised Code. 54564

In all city, local, and exempted village school districts 54565  
where pupil transportation is required under a career-technical 54566  
plan approved by the state board of education under section 54567  
3313.90 of the Revised Code, for any student attending a 54568  
career-technical program operated by another school district, 54569  
including a joint vocational school district, as prescribed under 54570  
that section, the board of education of the student's district of 54571  
residence shall provide transportation from the public high school 54572  
operated by that district to which the student is assigned to the 54573  
career-technical program. 54574

In all city, local, and exempted village school districts, 54575  
the board may provide transportation for resident school pupils in 54576  
grades nine through twelve to and from the high school to which 54577  
they are assigned by the board of education of the district of 54578  
residence or to and from the nonpublic or community high school 54579  
which they attend for which the state board of education 54580  
prescribes minimum standards pursuant to division (D) of section 54581  
3301.07 of the Revised Code. 54582

A board of education shall not be required to transport 54583  
elementary or high school pupils to and from a nonpublic or 54584  
community school where such transportation would require more than 54585  
thirty minutes of direct travel time as measured by school bus 54586  
from the public school building to which the pupils would be 54587  
assigned if attending the public school designated by the district 54588  
of residence. 54589

Where it is impractical to transport a pupil by school 54590  
conveyance, a board of education may offer payment, in lieu of 54591  
providing such transportation in accordance with section 3327.02 54592  
of the Revised Code. 54593

A board of education shall not be required to transport 54594  
elementary or high school pupils to and from a nonpublic or 54595  
community school on Saturday or Sunday, unless a board of 54596  
education and a nonpublic or community school have an agreement in 54597  
place to do so before the first day of July 1, 2014 of the school 54598  
year in which the agreement takes effect. 54599

In all city, local, and exempted village school districts, 54600  
the board shall provide transportation for all children who are so 54601  
disabled that they are unable to walk to and from the school for 54602  
which the state board of education prescribes minimum standards 54603  
pursuant to division (D) of section 3301.07 of the Revised Code 54604  
and which they attend. In case of dispute whether the child is 54605  
able to walk to and from the school, the health commissioner shall 54606  
be the judge of such ability. In all city, exempted village, and 54607  
local school districts, the board shall provide transportation to 54608  
and from school or special education classes for mentally disabled 54609  
children in accordance with standards adopted by the state board 54610  
of education. 54611

When transportation of pupils is provided the conveyance 54612  
shall be run on a time schedule that shall be adopted and put in 54613  
force by the board not later than ten days after the beginning of 54614  
the school term. 54615

The cost of any transportation service authorized by this 54616  
section shall be paid first out of federal funds, if any, 54617  
available for the purpose of pupil transportation, and secondly 54618  
out of state appropriations, in accordance with regulations 54619  
adopted by the state board of education. 54620

No transportation of any pupils shall be provided by any 54621  
board of education to or from any school which in the selection of 54622  
pupils, faculty members, or employees, practices discrimination 54623  
against any person on the grounds of race, color, religion, or 54624  
national origin. 54625

Sec. 3327.02. (A) After considering each of the following 54626  
factors, the board of education of a city, exempted village, or 54627  
local school district, or a community school governing authority 54628  
providing transportation pursuant to section 3314.091 of the 54629  
Revised Code, may determine that it is impractical to transport a 54630  
pupil who is eligible for transportation to and from a school 54631  
under section 3327.01 of the Revised Code: 54632

(1) The time and distance required to provide the 54633  
transportation; 54634

(2) The number of pupils to be transported; 54635

(3) The cost of providing transportation in terms of 54636  
equipment, maintenance, personnel, and administration; 54637

(4) Whether similar or equivalent service is provided to 54638  
other pupils eligible for transportation; 54639

(5) Whether and to what extent the additional service 54640  
unavoidably disrupts current transportation schedules; 54641

(6) Whether other reimbursable types of transportation are 54642  
available. 54643

(B)~~(1)~~ Based on its consideration of the factors established 54644  
in division (A) of this section, the board or governing authority 54645  
may pass a resolution declaring the impracticality of 54646  
transportation. The resolution shall include each pupil's name and 54647  
the reason for impracticality. 54648

~~(2)~~ The board or governing authority shall report its 54649  
determination to the state board of education in a manner 54650  
determined by the state board. 54651

~~(3)~~ ~~The board of education of a local school district~~ 54652  
~~additionally shall submit the resolution for concurrence to the~~ 54653  
~~educational service center that contains the local district's~~ 54654  
~~territory. If the educational service center governing board~~ 54655



~~considers transportation by school conveyance practicable, it 54656  
shall so inform the local board and transportation shall be 54657  
provided by such local board. If the educational service center 54658  
board agrees with the view of the local board, the local board may 54659  
offer payment in lieu of transportation as provided in this 54660  
section. 54661~~

(C) After passing the resolution declaring the impracticality 54662  
of transportation, the district board or governing authority shall 54663  
offer to provide payment in lieu of transportation by doing the 54664  
following: 54665

(1) In accordance with guidelines established by the 54666  
department of education, informing the pupil's parent, guardian, 54667  
or other person in charge of the pupil of both of the following: 54668

(a) The ~~board's~~ resolution; 54669

(b) The right of the pupil's parent, guardian, or other 54670  
person in charge of the pupil to accept the offer of payment in 54671  
lieu of transportation or to reject the offer and instead request 54672  
the department to initiate mediation procedures. 54673

(2) Issuing the pupil's parent, guardian, or other person in 54674  
charge of the pupil a contract or other form on which the parent, 54675  
guardian, or other person in charge of the pupil is given the 54676  
option to accept or reject the board's offer of payment in lieu of 54677  
transportation. 54678

(D) If the parent, guardian, or other person in charge of the 54679  
pupil accepts the offer of payment in lieu of providing 54680  
transportation, the board or governing authority shall pay the 54681  
parent, guardian, or other person in charge of the pupil an amount 54682  
that shall be not less than the amount determined by the general 54683  
assembly as the minimum for payment in lieu of transportation, and 54684  
not more than the amount determined by the department of education 54685  
as the average cost of pupil transportation for the previous 54686

school year. Payment may be prorated if the time period involved 54687  
is only a part of the school year. 54688

(E)(1)(a) Upon the request of a parent, guardian, or other 54689  
person in charge of the pupil who rejected the payment in lieu of 54690  
transportation, the department shall conduct mediation procedures. 54691

(b) If the mediation does not resolve the dispute, the state 54692  
board of education shall conduct a hearing in accordance with 54693  
Chapter 119. of the Revised Code. The state board may approve the 54694  
payment in lieu of transportation or may order the district board 54695  
of education or governing authority to provide transportation. The 54696  
decision of the state board is binding in subsequent years and on 54697  
future parties in interest provided the facts of the determination 54698  
remain comparable. 54699

(2) The school district or governing authority shall provide 54700  
transportation for the pupil from the time the parent, guardian, 54701  
or other person in charge of the pupil requests mediation until 54702  
the matter is resolved under division (E)(1)(a) or (b) of this 54703  
section. 54704

(F)(1) If the department determines that a school district 54705  
board or governing authority has failed or is failing to provide 54706  
transportation as required by division (E)(2) of this section or 54707  
as ordered by the state board under division (E)(1)(b) of this 54708  
section, the department shall order the school district board or 54709  
governing authority to pay to the pupil's parent, guardian, or 54710  
other person in charge of the pupil, an amount equal to the state 54711  
average daily cost of transportation as determined by the state 54712  
board of education for the previous year. The school district 54713  
board or governing authority shall make payments on a schedule 54714  
ordered by the department. 54715

(2) If the department subsequently finds that a school 54716  
district board is not in compliance with an order issued under 54717

division (F)(1) of this section and the affected pupils are 54718  
enrolled in a nonpublic or community school, the department shall 54719  
deduct the amount that the board is required to pay under that 54720  
order from any pupil transportation payments the department makes 54721  
to the school district board under section 3317.0212 of the 54722  
Revised Code or other provisions of law. The department shall use 54723  
the moneys so deducted to make payments to the nonpublic or 54724  
community school attended by the pupil. The department shall 54725  
continue to make the deductions and payments required under this 54726  
division until the school district board either complies with the 54727  
department's order issued under division (F)(1) of this section or 54728  
begins providing transportation. 54729

(G) A nonpublic or community school that receives payments 54730  
from the department under division (F)(2) of this section shall do 54731  
either of the following: 54732

(1) Disburse the entire amount of the payments to the parent, 54733  
guardian, or other person in charge of the pupil affected by the 54734  
failure of the school district of residence to provide 54735  
transportation; 54736

(2) Use the entire amount of the payments to provide 54737  
acceptable transportation for the affected pupil. 54738

**Sec. 3328.24.** A college-preparatory boarding school 54739  
established under this chapter and its board of trustees shall 54740  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 54741  
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 54742  
3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and Chapter 54743  
3365. of the Revised Code as if the school were a school district 54744  
and the school's board of trustees were a district board of 54745  
education. 54746

**Sec. 3332.10.** (A) No individual shall sell any program or 54747

solicit students therefor in this state unless the individual is 54748  
an employee of the school. Any individual whose primary duty, 54749  
whether on or off school premises, is to solicit prospective 54750  
students shall first secure a permit as an agent from the state 54751  
board of career colleges and schools. If the agent represents more 54752  
than one school, a separate permit shall be obtained for each 54753  
school represented by the agent. An agent who represents a person 54754  
that operates more than one school in the same geographical area, 54755  
as determined by the board, need not obtain a separate permit for 54756  
each such school. Upon approval for a permit, the board shall 54757  
issue a pocket card to the individual, giving the individual's 54758  
name, address, permit number, and the name and address of the 54759  
employing school, and certifying that the individual whose name 54760  
appears on the card is an authorized agent of the school. 54761

(B) The application for a permit shall be made on forms to be 54762  
furnished by the board and accompanied by the fee established in 54763  
accordance with section 3332.07 of the Revised Code. A permit 54764  
shall be ~~renewed every twelve~~ granted for a period not to exceed 54765  
twenty-four months and shall be valid for up to thirty days after 54766  
its expiration date. An application for a renewal permit shall be 54767  
accompanied by the fee established in accordance with section 54768  
3332.07 of the Revised Code. 54769

(C) Each school subject to this chapter shall assume full 54770  
responsibility for the actions, statements, and conduct of its 54771  
agents, and shall provide them with adequate training and arrange 54772  
for proper supervision of their work. The board shall hold schools 54773  
liable for the actions, statements, and conduct of agents that 54774  
violate any provision of this chapter, unless an agent's acts or 54775  
omissions were manifestly outside the scope of the agent's 54776  
employment or official responsibilities. 54777

**Sec. 3333.01.** (A) There is hereby created the Ohio board of 54778

regents as an advisory board to the chancellor of higher education 54779  
appointed under section 3333.03 of the Revised Code. The board 54780  
shall consist of nine members to be appointed by the governor with 54781  
the advice and consent of the senate. The members shall be 54782  
residents of this state who possess an interest in and knowledge 54783  
of higher education. No member shall be a trustee, officer, or 54784  
employee of any Ohio public or private college or university while 54785  
serving as a member of the board. In addition to the members 54786  
appointed by the governor, the chairperson of the education 54787  
committee of the senate and the chairperson of the education 54788  
committee of the house of representatives shall, after January 1, 54789  
1967, be ex officio members of the board without a vote. 54790

(B) Prior to September 20, 2008, terms of office shall be for 54791  
nine years, commencing on the twenty-first day of September and 54792  
ending on the twentieth day of September. 54793

(C) Beginning on September 20, 2008, the terms of office for 54794  
the members of the board of regents shall be as follows: 54795

(1) The terms of office of the three members whose terms 54796  
under division (B) of this section are scheduled to expire on 54797  
September 20, 2008, shall expire on September 20, 2008. The 54798  
governor, with the advice and consent of the senate, shall appoint 54799  
successors for terms beginning on September 21, 2008, and ending 54800  
on September 20, 2014. 54801

(2) Notwithstanding division (B) of this section, the terms 54802  
of office of the three members whose terms under division (B) of 54803  
this section otherwise are scheduled to expire on September 20, 54804  
2011, shall expire on September 20, 2010. The governor, with the 54805  
advice and consent of the senate, shall appoint successors for 54806  
terms beginning on September 21, 2010, and ending on September 20, 54807  
2016. 54808

(3) Notwithstanding division (B) of this section, the terms 54809

of office of the three members whose terms under division (B) of 54810  
this section otherwise are scheduled to expire on September 20, 54811  
2014, shall expire on September 20, 2012. The governor, with the 54812  
advice and consent of the senate, shall appoint successors for 54813  
terms beginning on September 21, 2012, and ending on September 20, 54814  
2018. 54815

Thereafter, the terms of office of all subsequent members of 54816  
the board of regents shall be for six years beginning on the 54817  
twenty-first day of September and ending on the twentieth day of 54818  
September. 54819

(D) Except as provided in division (C) of this section, each 54820  
member shall hold office from the date of appointment until the 54821  
end of the term for which the member was appointed. Any member 54822  
appointed to fill a vacancy occurring prior to the expiration of 54823  
the term for which the member's predecessor was appointed shall 54824  
hold office for the remainder of such term. Any member shall 54825  
continue in office subsequent to the expiration date of the 54826  
member's term until a successor takes office, or until a period of 54827  
sixty days has elapsed, whichever occurs first. 54828

No person who has served a full nine-year term under division 54829  
(B) of this section or two full six-year terms under division (C) 54830  
of this section shall be eligible for reappointment. 54831

(E) Board members shall serve without compensation, but shall 54832  
be reimbursed for necessary expenses incurred in the conduct of 54833  
board business. 54834

**Sec. 3333.011.** No member of the Ohio board of regents, 54835  
created by section 3333.01 of the Revised Code, shall be a 54836  
trustee, officer, or employee of a technical college while serving 54837  
as a member of the board. Neither the chancellor of higher 54838  
education nor any staff member or employee of the ~~board~~ department 54839  
of higher education shall be a trustee, officer, or employee of a 54840

technical college while serving on the board. 54841

**Sec. ~~3333.031~~ 3333.012.** Whenever the term "Ohio board of 54842  
regents" is used, referred to, or designated in any statute, rule, 54843  
contract, grant, or other document, the use, reference, or 54844  
designation shall be construed to mean the "chancellor of ~~the Ohio~~ 54845  
~~board of regents~~ higher education," except in sections 3333.01, 54846  
3333.011, 3333.02, and 3333.032 of the Revised Code or unless the 54847  
use, reference, or designation of the term "Ohio board of regents" 54848  
relates to the board's duties to give advice to the chancellor ~~of~~ 54849  
~~the Ohio board of regents~~ or unless another section of law 54850  
expressly provides otherwise. 54851

Whenever the term "chancellor of the Ohio board of regents" 54852  
or "chancellor" is used, referred to, or designated in any 54853  
statute, rule, contract, grant, or other document, the use, 54854  
reference, or designation shall be construed to mean the 54855  
chancellor of higher education. 54856

**Sec. 3333.021.** As used in this section, "university" means 54857  
any college or university that receives a state appropriation. 54858

(A) This division does not apply to proposed rules, 54859  
amendments, or rescissions subject to legislative review under 54860  
section 106.02 of the Revised Code. No action taken by the 54861  
chancellor of ~~the Ohio board of regents~~ higher education that 54862  
could reasonably be expected to have an effect on the revenue or 54863  
expenditures of any university shall take effect unless at least 54864  
two weeks prior to the date on which the action is taken, the 54865  
chancellor has filed with the speaker of the house of 54866  
representatives, the president of the senate, ~~the legislative~~ 54867  
~~budget office~~ of the legislative service commission, and the 54868  
director of budget and management a fiscal analysis of the 54869  
proposed action. The analysis shall include an estimate of the 54870

amount by which, during the current and ensuing fiscal biennium, 54871  
the action would increase or decrease the university's revenues or 54872  
expenditures and increase or decrease any state expenditures and 54873  
any other information the chancellor considers necessary to 54874  
explain the action's fiscal effect. 54875

(B) Within three days of the date the chancellor files with 54876  
the clerk of the senate a proposed rule, amendment, or rescission 54877  
that is subject to legislative review and invalidation under 54878  
section 106.02 of the Revised Code, the chancellor shall file with 54879  
the speaker of the house of representatives, the president of the 54880  
senate, the legislative service commission, and the director of 54881  
budget and management a fiscal analysis of the proposed rule. The 54882  
analysis shall include an estimate of the amount by which, during 54883  
the current and ensuing fiscal biennium, the action would increase 54884  
or decrease any university's revenues or expenditures and increase 54885  
or decrease state revenues or expenditures and any other 54886  
information the chancellor considers necessary to explain the 54887  
fiscal effect of the rule, amendment, or rescission. No rule, 54888  
amendment, or rescission shall take effect unless the chancellor 54889  
has complied with this division. 54890

**Sec. 3333.03.** (A) There is hereby created the department of 54891  
higher education, which shall be composed of the chancellor of 54892  
higher education and the chancellor's employees, agents, and 54893  
representatives. The chancellor shall perform the functions, 54894  
exercise the powers, and discharge the duties as are assigned to 54895  
the chancellor by law. 54896

(B) The governor, with the advice and consent of the senate, 54897  
shall appoint the chancellor of ~~the Ohio board of regents~~ higher 54898  
education. The chancellor shall serve at the pleasure of the 54899  
governor, and the governor shall prescribe the chancellor's duties 54900  
in addition to the chancellor's duties prescribed by law. The 54901



governor shall fix the compensation for the chancellor. The 54902  
chancellor shall be a member of the governor's cabinet. 54903

~~(B) The term of the chancellor in office on the effective 54904  
date of this amendment shall coincide with the term of that 54905  
chancellor's appointing governor. Subsequent appointments to the 54906  
office of chancellor shall be made pursuant to division (A) of 54907  
this section. 54908~~

(C) The chancellor is responsible for appointing and fixing 54909  
the compensation of all professional, administrative, and clerical 54910  
employees and staff members necessary to assist in the performance 54911  
of the chancellor's duties. All employees and staff shall serve at 54912  
the chancellor's pleasure. 54913

(D) The chancellor shall be a person qualified by training 54914  
and experience to understand the problems and needs of the state 54915  
in the field of higher education and to devise programs, plans, 54916  
and methods of solving the problems and meeting the needs. 54917

(E) Neither the chancellor nor any staff member or employee 54918  
of the chancellor shall be a trustee, officer, or employee of any 54919  
public or private college or university while serving as 54920  
chancellor, staff member, or employee. 54921

**Sec. 3333.032.** The Ohio board of regents shall submit to the 54922  
general assembly, in accordance with division (B) of section 54923  
101.68 of the Revised Code, and to the governor, an annual report 54924  
on the condition of higher education in this state, including the 54925  
performance of the chancellor of ~~the board~~ higher education. 54926

**Sec. 3333.04.** The chancellor of ~~the Ohio board of regents~~ 54927  
higher education shall: 54928

(A) Make studies of state policy in the field of higher 54929  
education and formulate a master plan for higher education for the 54930  
state, considering the needs of the people, the needs of the 54931

state, and the role of individual public and private institutions	54932
within the state in fulfilling these needs;	54933
(B)(1) Report annually to the governor and the general	54934
assembly on the findings from the chancellor's studies and the	54935
master plan for higher education for the state;	54936
(2) Report at least semiannually to the general assembly and	54937
the governor the enrollment numbers at each state-assisted	54938
institution of higher education.	54939
(C) Approve or disapprove the establishment of new branches	54940
or academic centers of state colleges and universities;	54941
(D) Approve or disapprove the establishment of state	54942
technical colleges or any other state institution of higher	54943
education;	54944
(E) Recommend the nature of the programs, undergraduate,	54945
graduate, professional, state-financed research, and public	54946
services which should be offered by the state colleges,	54947
universities, and other state-assisted institutions of higher	54948
education in order to utilize to the best advantage their	54949
facilities and personnel;	54950
(F) Recommend to the state colleges, universities, and other	54951
state-assisted institutions of higher education graduate or	54952
professional programs, including, but not limited to, doctor of	54953
philosophy, doctor of education, and juris doctor programs, that	54954
could be eliminated because they constitute unnecessary	54955
duplication, as shall be determined using the process developed	54956
pursuant to this division, or for other good and sufficient cause.	54957
Prior to recommending a program for elimination, the chancellor	54958
shall request the board of regents to hold at least one public	54959
hearing on the matter and advise the chancellor on whether the	54960
program should be recommended for elimination. The board shall	54961
provide notice of each hearing within a reasonable amount of time	54962

prior to its scheduled date. Following the hearing, the board 54963  
shall issue a recommendation to the chancellor. The chancellor 54964  
shall consider the board's recommendation but shall not be 54965  
required to accept it. 54966

For purposes of determining the amounts of any state 54967  
instructional subsidies paid to state colleges, universities, and 54968  
other state-assisted institutions of higher education, the 54969  
chancellor may exclude students enrolled in any program that the 54970  
chancellor has recommended for elimination pursuant to this 54971  
division except that the chancellor shall not exclude any such 54972  
student who enrolled in the program prior to the date on which the 54973  
chancellor initially commences to exclude students under this 54974  
division. 54975

The chancellor and state colleges, universities, and other 54976  
state-assisted institutions of higher education shall jointly 54977  
develop a process for determining which existing graduate or 54978  
professional programs constitute unnecessary duplication. 54979

(G) Recommend to the state colleges, universities, and other 54980  
state-assisted institutions of higher education programs which 54981  
should be added to their present programs; 54982

(H) Conduct studies for the state colleges, universities, and 54983  
other state-assisted institutions of higher education to assist 54984  
them in making the best and most efficient use of their existing 54985  
facilities and personnel; 54986

(I) Make recommendations to the governor and general assembly 54987  
concerning the development of state-financed capital plans for 54988  
higher education; the establishment of new state colleges, 54989  
universities, and other state-assisted institutions of higher 54990  
education; and the establishment of new programs at the existing 54991  
state colleges, universities, and other institutions of higher 54992  
education; 54993

(J) Review the appropriation requests of the public community colleges and the state colleges and universities and submit to the office of budget and management and to the chairpersons of the finance committees of the house of representatives and of the senate the chancellor's recommendations in regard to the biennial higher education appropriation for the state, including appropriations for the individual state colleges and universities and public community colleges. For the purpose of determining the amounts of instructional subsidies to be paid to state-assisted colleges and universities, the chancellor shall define "full-time equivalent student" by program per academic year. The definition may take into account the establishment of minimum enrollment levels in technical education programs below which support allowances will not be paid. Except as otherwise provided in this section, the chancellor shall make no change in the definition of "full-time equivalent student" in effect on November 15, 1981, which would increase or decrease the number of subsidy-eligible full-time equivalent students, without first submitting a fiscal impact statement to the president of the senate, the speaker of the house of representatives, the legislative service commission, and the director of budget and management. The chancellor shall work in close cooperation with the director of budget and management in this respect and in all other matters concerning the expenditures of appropriated funds by state colleges, universities, and other institutions of higher education.

(K) Seek the cooperation and advice of the officers and trustees of both public and private colleges, universities, and other institutions of higher education in the state in performing the chancellor's duties and making the chancellor's plans, studies, and recommendations;

(L) Appoint advisory committees consisting of persons associated with public or private secondary schools, members of

the state board of education, or personnel of the state department of education; 55026  
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(M) Appoint advisory committees consisting of college and university personnel, or other persons knowledgeable in the field of higher education, or both, in order to obtain their advice and assistance in defining and suggesting solutions for the problems and needs of higher education in this state; 55028  
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(N) Approve or disapprove all new degrees and new degree programs at all state colleges, universities, and other state-assisted institutions of higher education; 55033  
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(O) Adopt such rules as are necessary to carry out the chancellor's duties and responsibilities. The rules shall prescribe procedures for the chancellor to follow when taking actions associated with the chancellor's duties and responsibilities and shall indicate which types of actions are subject to those procedures. The procedures adopted under this division shall be in addition to any other procedures prescribed by law for such actions. However, if any other provision of the Revised Code or rule adopted by the chancellor prescribes different procedures for such an action, the procedures adopted under this division shall not apply to that action to the extent they conflict with the procedures otherwise prescribed by law. The procedures adopted under this division shall include at least the following: 55036  
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(1) Provision for public notice of the proposed action; 55050

(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents; 55051  
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(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period; 55054  
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(4) Submission of recommendations from the board of regents 55056

regarding the proposed action, at the request of the chancellor; 55057

(5) Written publication of the final action taken by the 55058  
chancellor and the chancellor's rationale for the action; 55059

(6) A timeline for the process described in divisions (O)(1) 55060  
to (5) of this section. 55061

(P) Make recommendations to the governor and the general 55062  
assembly regarding the design and funding of the student financial 55063  
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 55064  
3333.26, and 5910.02 of the Revised Code; 55065

(Q) Participate in education-related state or federal 55066  
programs on behalf of the state and assume responsibility for the 55067  
administration of such programs in accordance with applicable 55068  
state or federal law; 55069

(R) Adopt rules for student financial aid programs as 55070  
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 55071  
3333.28, and 5910.02 of the Revised Code, and perform any other 55072  
administrative functions assigned to the chancellor by those 55073  
sections; 55074

(S) Conduct enrollment audits of state-supported institutions 55075  
of higher education; 55076

(T) Appoint consortia of college and university personnel to 55077  
advise or participate in the development and operation of 55078  
statewide collaborative efforts, including the Ohio supercomputer 55079  
center, the Ohio academic resources network, OhioLink, and the 55080  
Ohio learning network. For each consortium, the chancellor shall 55081  
designate a college or university to serve as that consortium's 55082  
fiscal agent, financial officer, and employer. Any funds 55083  
appropriated for the consortia shall be distributed to the fiscal 55084  
agents for the operation of the consortia. A consortium shall 55085  
follow the rules of the college or university that serves as its 55086  
fiscal agent. The chancellor may restructure existing consortia, 55087

appointed under this division, in accordance with procedures 55088  
adopted under divisions (O)(1) to (6) of this section. 55089

(U) Adopt rules establishing advisory duties and 55090  
responsibilities of the board of regents not otherwise prescribed 55091  
by law; 55092

(V) Respond to requests for information about higher 55093  
education from members of the general assembly and direct staff to 55094  
conduct research or analysis as needed for this purpose. 55095

**Sec. 3333.041.** (A) On or before the last day of December of 55096  
each year, the chancellor of ~~the Ohio board of regents~~ higher 55097  
education shall submit to the governor and, in accordance with 55098  
section 101.68 of the Revised Code, the general assembly a report 55099  
or reports concerning all of the following: 55100

(1) The status of graduates of Ohio school districts at state 55101  
institutions of higher education during the twelve-month period 55102  
ending on the thirtieth day of September of the current calendar 55103  
year. The report shall list, by school district, the number of 55104  
graduates of each school district who attended a state institution 55105  
of higher education and the percentage of each district's 55106  
graduates enrolled in a state institution of higher education 55107  
during the reporting period who were required during such period 55108  
by the college or university, as a prerequisite to enrolling in 55109  
those courses generally required for first-year students, to 55110  
enroll in a remedial course in English, including composition or 55111  
reading, mathematics, and any other area designated by the 55112  
chancellor. The chancellor also shall make the information 55113  
described in division (A)(1) of this section available to the 55114  
board of education of each city, exempted village, and local 55115  
school district. 55116

Each state institution of higher education shall, by the 55117  
first day of November of each year, submit to the chancellor in 55118

the form specified by the chancellor the information the 55119  
chancellor requires to compile the report. 55120

~~(2) Aggregate academic growth data for students assigned to 55121  
graduates of teacher preparation programs approved under section 55122  
3333.048 of the Revised Code who teach English language arts or 55123  
mathematics in any of grades four to eight in a public school in 55124  
Ohio. For this purpose, the chancellor shall use the value added 55125  
progress dimension prescribed by section 3302.021 of the Revised 55126  
Code or the alternative student academic progress measure if 55127  
adopted under division (C)(1)(c) of section 3302.03 of the Revised 55128  
Code. The chancellor shall aggregate the data by graduating class 55129  
for each approved teacher preparation program, except that if a 55130  
particular class has ten or fewer graduates to which this section 55131  
applies, the chancellor shall report the data for a group of 55132  
classes over a three year period. In no case shall the report 55133  
identify any individual graduate. The department of education 55134  
shall share any data necessary for the report with the chancellor. 55135~~

~~(3) The following information with respect to the Ohio 55136  
tuition trust authority: 55137~~

~~(a) The name of each investment manager that is a minority 55138  
business enterprise or a women's business enterprise with which 55139  
the chancellor contracts; 55140~~

~~(b) The amount of assets managed by investment managers that 55141  
are minority business enterprises or women's business enterprises, 55142  
expressed as a percentage of assets managed by investment managers 55143  
with which the chancellor has contracted; 55144~~

~~(c) Efforts by the chancellor to increase utilization of 55145  
investment managers that are minority business enterprises or 55146  
women's business enterprises. 55147~~

~~(4) A description of advanced standing programs, as defined 55148  
in section 3313.6013 of the Revised Code, that are offered by 55149~~



~~school districts, community schools established under Chapter 55150  
3314. of the Revised Code, STEM schools established under Chapter 55151  
3326. of the Revised Code, college preparatory boarding schools 55152  
established under Chapter 3328. of the Revised Code, and chartered 55153  
nonpublic high schools. The chancellor also shall post the 55154  
information on the chancellor's web site. 55155~~

~~(5)(3)~~ The chancellor's strategy in assigning choose Ohio 55156  
first scholarships, as established under section 3333.61 of the 55157  
Revised Code, among state universities and colleges and how the 55158  
actual awards fit that strategy. 55159

~~(6)(4)~~ The academic and economic impact of the Ohio 55160  
co-op/internship program established under section 3333.72 of the 55161  
Revised Code. At a minimum, the report shall include the 55162  
following: 55163

(a) Progress and performance metrics for each initiative that 55164  
received an award in the previous fiscal year; 55165

(b) Economic indicators of the impact of each initiative, and 55166  
all initiatives as a whole, on the regional economies and the 55167  
statewide economy; 55168

(c) The chancellor's strategy in allocating awards among 55169  
state institutions of higher education and how the actual awards 55170  
fit that strategy. 55171

(B) On or before the fifteenth day of February of each year, 55172  
the director shall submit to the governor and, in accordance with 55173  
section 101.68 of the Revised Code, the general assembly a report 55174  
concerning aggregate academic growth data for students assigned to 55175  
graduates of teacher preparation programs approved under section 55176  
3333.048 of the Revised Code who teach English language arts or 55177  
mathematics in any of grades four to eight in a public school in 55178  
Ohio. For this purpose, the director shall use the value-added 55179  
progress dimension prescribed by section 3302.021 of the Revised 55180

Code or the alternative student academic progress measure if 55181  
adopted under division (C)(1)(e) of section 3302.03 of the Revised 55182  
Code. The director shall aggregate the data by graduating class 55183  
for each approved teacher preparation program, except that if a 55184  
particular class has ten or fewer graduates to which this division 55185  
applies, the director shall report the data for a group of classes 55186  
over a three-year period. In no case shall the report identify any 55187  
individual graduate. The department of education shall share any 55188  
data necessary for the report with the director. 55189

(C) As used in this section: 55190

(1) "Minority business enterprise" has the same meaning as in 55191  
section 122.71 of the Revised Code. 55192

(2) "State institution of higher education" and "state 55193  
university" have the same meanings as in section 3345.011 of the 55194  
Revised Code. 55195

(3) "State university or college" has the same meaning as in 55196  
section 3345.12 of the Revised Code. 55197

(4) "Women's business enterprise" means a business, or a 55198  
partnership, corporation, limited liability company, or joint 55199  
venture of any kind, that is owned and controlled by women who are 55200  
United States citizens and residents of this state. 55201

**Sec. 3333.042.** The chancellor of ~~the Ohio board of regents~~ 55202  
higher education may grant money to a nonprofit entity that 55203  
provides a statewide resource for aerospace research, education, 55204  
and technology, so long as the nonprofit entity makes its 55205  
resources accessible to state colleges and universities and to 55206  
agencies of this and other states and the United States. The 55207  
chancellor, by rule adopted in accordance with Chapter 119. of the 55208  
Revised Code, shall establish procedures and forms whereby 55209  
nonprofit entities may apply for grants; standards and procedures 55210

for reviewing applications for and awarding grants; procedures for 55211  
distributing grants to recipients; procedures for monitoring the 55212  
use of grants by recipients; requirements, procedures, and forms 55213  
whereby grant recipients shall report upon their use of grants; 55214  
and standards and procedures for terminating and requiring 55215  
repayment of grants in the event of their improper use. 55216

A state college or university or a private institution exempt 55217  
from regulation under Chapter 3332. of the Revised Code as 55218  
prescribed in section 3333.046 of the Revised Code and any agency 55219  
of state government may provide assistance, in any form, to any 55220  
nonprofit entity that receives a grant under this section. Such 55221  
assistance shall be solely for the purpose of assisting the 55222  
nonprofit entity in making proper use of the grant. 55223

A nonprofit entity that expends a grant under this section 55224  
for a capital project is not thereby subject to Chapter 123. or 55225  
153. of the Revised Code. An officer or employee of, or a person 55226  
who serves on a governing or advisory board or committee of, a 55227  
nonprofit entity that receives a grant under this section is not 55228  
thereby an officer or employee of a state college or university or 55229  
of the state. An officer or employee of a state college or 55230  
university or of the state who is assigned to assist a nonprofit 55231  
entity in making proper use of a grant does not, to the extent the 55232  
officer or employee provides such assistance, thereby hold an 55233  
incompatible office or employment, or have a direct or indirect 55234  
interest in a contract or expenditure of the entity. 55235

**Sec. 3333.043.** (A) As used in this section: 55236

(1) "Institution of higher education" means the state 55237  
universities listed in section 3345.011 of the Revised Code, 55238  
municipal educational institutions established under Chapter 3349. 55239  
of the Revised Code, community colleges established under Chapter 55240  
3354. of the Revised Code, university branches established under 55241

Chapter 3355. of the Revised Code, technical colleges established 55242  
under Chapter 3357. of the Revised Code, state community colleges 55243  
established under Chapter 3358. of the Revised Code, any 55244  
institution of higher education with a certificate of registration 55245  
from the state board of career colleges and schools, and any 55246  
institution for which the chancellor of ~~the Ohio board of regents~~ 55247  
higher education receives a notice pursuant to division (C) of 55248  
this section. 55249

(2) "Community service" has the same meaning as in section 55250  
3313.605 of the Revised Code. 55251

(B)(1) The board of trustees or other governing entity of 55252  
each institution of higher education shall encourage and promote 55253  
participation of students in community service through a program 55254  
appropriate to the mission, student population, and environment of 55255  
each institution. The program may include, but not be limited to, 55256  
providing information about community service opportunities during 55257  
student orientation or in student publications; providing awards 55258  
for exemplary community service; encouraging faculty members to 55259  
incorporate community service into students' academic experiences 55260  
wherever appropriate to the curriculum; encouraging recognized 55261  
student organizations to undertake community service projects as 55262  
part of their purposes; and establishing advisory committees of 55263  
students, faculty members, and community and business leaders to 55264  
develop cooperative programs that benefit the community and 55265  
enhance student experience. The program shall be flexible in 55266  
design so as to permit participation by the greatest possible 55267  
number of students, including part-time students and students for 55268  
whom participation may be difficult due to financial, academic, 55269  
personal, or other considerations. The program shall emphasize 55270  
community service opportunities that can most effectively use the 55271  
skills of students, such as tutoring or literacy programs. The 55272  
programs shall encourage students to perform services that will 55273

not supplant the hiring of, result in the displacement of, or 55274  
impair any existing employment contracts of any particular 55275  
employee of any private or governmental entity for which services 55276  
are performed. 55277

(2) The chancellor of ~~the Ohio board of regents~~ higher 55278  
education shall encourage all institutions of higher education in 55279  
the development of community service programs. With the assistance 55280  
of the Ohio commission on service and volunteerism created in 55281  
section 121.40 of the Revised Code, the chancellor shall make 55282  
available information about higher education community service 55283  
programs to institutions of higher education and to statewide 55284  
organizations involved with or promoting volunteerism, including 55285  
information about model community service programs, teacher 55286  
training courses, and community service curricula and teaching 55287  
materials for possible use by institutions of higher education in 55288  
their programs. The chancellor shall encourage institutions of 55289  
higher education to jointly coordinate higher education community 55290  
service programs through consortia of institutions or other 55291  
appropriate means of coordination. 55292

(C) The board of trustees of any nonprofit institution with a 55293  
certificate of authorization issued pursuant to Chapter 1713. of 55294  
the Revised Code or the governing authority of a private 55295  
institution exempt from regulation under Chapter 3332. of the 55296  
Revised Code as prescribed in section 3333.046 of the Revised Code 55297  
may notify the chancellor that it is making itself subject to 55298  
divisions (A) and (B) of this section. Upon receipt of such a 55299  
notice, these divisions shall apply to that institution. 55300

**Sec. 3333.044.** (A) The chancellor of ~~the Ohio board of~~ 55301  
~~regents~~ higher education may contract with any consultants that 55302  
are necessary for the discharge of the chancellor's duties under 55303  
this chapter. 55304

(B) The chancellor may purchase, upon the terms that the  
chancellor determines to be advisable, one or more policies of  
insurance from insurers authorized to do business in this state  
that insure consultants who have contracted with the chancellor  
under division (A) of this section or members of an advisory  
committee appointed under section 3333.04 of the Revised Code,  
with respect to the activities of the consultants or advisory  
committee members in the course of the performance of their  
responsibilities as consultants or advisory committee members.

(C) Subject to the approval of the controlling board, the  
chancellor may contract with any entities for the discharge of the  
chancellor's duties and responsibilities under any of the programs  
established pursuant to sections 3333.12, 3333.122, 3333.21 to  
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The  
chancellor shall not enter into a contract under this division  
unless the proposed contractor demonstrates that its primary  
purpose is to promote access to higher education by providing  
student financial assistance through loans, grants, or  
scholarships, and by providing high quality support services and  
information to students and their families with regard to such  
financial assistance.

Chapter 125. of the Revised Code does not apply to contracts  
entered into pursuant to this section. In awarding contracts under  
this division, the chancellor shall consider factors such as the  
cost of the administration of the contract, the experience of the  
contractor, and the contractor's ability to properly execute the  
contract.

**Sec. 3333.045.** As used in this section, "state university or  
college" means any state university listed in section 3345.011 of  
the Revised Code, the northeast Ohio medical university, any  
community college under Chapter 3354. of the Revised Code, any

university branch district under Chapter 3355. of the Revised 55336  
Code, any technical college under Chapter 3357. of the Revised 55337  
Code, and any state community college under Chapter 3358. of the 55338  
Revised Code. 55339

The chancellor of ~~the Ohio board of regents~~ higher education 55340  
shall work with the attorney general, the auditor of state, and 55341  
the Ohio ethics commission to develop a model for training members 55342  
of the boards of trustees of all state universities and colleges 55343  
and members of the board of regents regarding the authority and 55344  
responsibilities of a board of trustees or the board of regents. 55345  
This model shall include a review of fiduciary responsibilities, 55346  
ethics, and fiscal management. Use of this model by members of 55347  
boards of trustees and the board of regents shall be voluntary. 55348

**Sec. 3333.047.** With regard to any state student financial aid 55349  
program established in this chapter, Chapter 5910., or section 55350  
5919.34 of the Revised Code, the chancellor of ~~the Ohio board of~~ 55351  
~~regents~~ higher education shall conduct audits to: 55352

(A) Determine the validity of information provided by 55353  
students and parents regarding eligibility for state student 55354  
financial aid. If the chancellor determines that eligibility data 55355  
has been reported incorrectly or inaccurately, and where the 55356  
chancellor determines an adjustment to be appropriate, the 55357  
institution of higher education shall adjust the financial aid 55358  
awarded to the student. 55359

(B) Ensure that institutions of higher education are in 55360  
compliance with the rules governing state student financial aid 55361  
programs. An institution that fails to comply with the rules in 55362  
the administration of any state student financial aid program 55363  
shall be fully liable to reimburse the state for the unauthorized 55364  
use of student financial aid funds. 55365

Sec. 3333.048. (A) Not later than one year after October 16, 55366  
2009, the chancellor of ~~the Ohio board of regents~~ higher education 55367  
and the superintendent of public instruction jointly shall do the 55368  
following: 55369

(1) In accordance with Chapter 119. of the Revised Code, 55370  
establish metrics and educator preparation programs for the 55371  
preparation of educators and other school personnel and the 55372  
institutions of higher education that are engaged in their 55373  
preparation. The metrics and educator preparation programs shall 55374  
be aligned with the standards and qualifications for educator 55375  
licenses adopted by the state board of education under section 55376  
3319.22 of the Revised Code and the requirements of the Ohio 55377  
teacher residency program established under section 3319.223 of 55378  
the Revised Code. The metrics and educator preparation programs 55379  
also shall ensure that educators and other school personnel are 55380  
adequately prepared to use the value-added progress dimension 55381  
prescribed by section 3302.021 of the Revised Code or the 55382  
alternative student academic progress measure if adopted under 55383  
division (C)(1)(e) of section 3302.03 of the Revised Code. 55384

(2) Provide for the inspection of institutions of higher 55385  
education desiring to prepare educators and other school 55386  
personnel. 55387

(B) Not later than one year after October 16, 2009, the 55388  
chancellor shall approve institutions of higher education engaged 55389  
in the preparation of educators and other school personnel that 55390  
maintain satisfactory training procedures and records of 55391  
performance, as determined by the chancellor. 55392

(C) If the metrics established under division (A)(1) of this 55393  
section require an institution of higher education that prepares 55394  
teachers to satisfy the standards of an independent accreditation 55395  
organization, the chancellor shall permit each institution to 55396



satisfy the standards of any applicable national educator 55397  
preparation accrediting agency recognized by the United States 55398  
department of education. 55399

(D) The metrics and educator preparation programs established 55400  
under division (A)(1) of this section may require an institution 55401  
of higher education, as a condition of approval by the chancellor, 55402  
to make changes in the curricula of its preparation programs for 55403  
educators and other school personnel. 55404

Notwithstanding division ~~(D)~~(E) of section 119.03 and 55405  
division (A)(1) of section 119.04 of the Revised Code, any 55406  
metrics, educator preparation programs, rules, and regulations, or 55407  
any amendment or rescission of such metrics, educator preparation 55408  
programs, rules, and regulations, adopted under this section that 55409  
necessitate institutions offering preparation programs for 55410  
educators and other school personnel approved by the chancellor to 55411  
revise the curricula of those programs shall not be effective for 55412  
at least one year after the first day of January next succeeding 55413  
the publication of the said change. 55414

Each institution shall allocate money from its existing 55415  
revenue sources to pay the cost of making the curricular changes. 55416

(E) The chancellor shall notify the state board of the 55417  
metrics and educator preparation programs established under 55418  
division (A)(1) of this section and the institutions of higher 55419  
education approved under division (B) of this section. The state 55420  
board shall publish the metrics, educator preparation programs, 55421  
and approved institutions with the standards and qualifications 55422  
for each type of educator license. 55423

(F) The graduates of educator preparation programs approved 55424  
by the chancellor shall be licensed by the state board in 55425  
accordance with the standards and qualifications adopted under 55426  
section 3319.22 of the Revised Code. 55427

**Sec. 3333.049.** Not later than July 1, 2016, the chancellor of 55428  
~~the Ohio board of regents~~ higher education shall revise the 55429  
requirements for reading endorsement programs offered by 55430  
institutions of higher education to align those requirements with 55431  
the reading competencies adopted by the state board of education 55432  
under section 3301.077 of the Revised Code. 55433

**Sec. 3333.0410.** The chancellor of ~~the Ohio board of regents~~ 55434  
higher education shall require each state institution of higher 55435  
education, as defined in section 3345.011 of the Revised Code, 55436  
when reporting student data to the chancellor under any provision 55437  
of law, to use the student's data verification code assigned under 55438  
division (D)(2) of section 3301.0714 of the Revised Code, if that 55439  
code was included in the student's records submitted to the 55440  
institution by the student's high school or by another state 55441  
institution of higher education. 55442

**Sec. 3333.0411.** Not later than December 31, 2014, and 55443  
annually thereafter, the chancellor of ~~the Ohio board of regents~~ 55444  
higher education shall report for each approved teacher 55445  
preparation program, the number and percentage of all graduates of 55446  
the program who were rated at each of the performance levels 55447  
prescribed by division (B)(1) of section 3319.112 of the Revised 55448  
Code on an evaluation conducted in accordance with section 55449  
3319.111 of the Revised Code in the previous school year. 55450

In no case shall the report identify any individual graduate. 55451  
The department of education shall share any data necessary for the 55452  
report with the chancellor. 55453

**Sec. 3333.0412.** No nonprofit institution that holds a 55454  
certificate of authorization issued under Chapter 1713. of the 55455  
Revised Code shall be liable for a breach of confidentiality 55456

arising from the institution's submission of student data or 55457  
records to the ~~board of regents~~ chancellor of higher education or 55458  
any other state agency in compliance with any law, rule, or 55459  
regulation, provided that the breach occurs as a result of one of 55460  
the following: 55461

(A) An action by a third party during and after the 55462  
transmission of the data or records by the institution but prior 55463  
to receipt of the data or records by the ~~board of regents~~ 55464  
chancellor of higher education or other state agency; 55465

(B) An action by the ~~board of regents~~ chancellor of higher 55466  
education or the state agency. 55467

This provision shall apply to the submission of any student 55468  
data or records that are subject to any laws of this state or, to 55469  
the extent permitted, any federal law, including the "Family 55470  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 55471  
U.S.C. 1232g. 55472

**Sec. 3333.0413.** Not later than December 31, 2014, the 55473  
chancellor of ~~the Ohio board of regents~~ higher education shall 55474  
make available, in a prominent location on the chancellor's web 55475  
site, a complete inventory of education programs that focus on 55476  
workforce development and training that includes both of the 55477  
following: 55478

(A) Programs offered by state institutions of higher 55479  
education, as defined in section 3345.011 of the Revised Code, 55480  
adult career-technical institutions, and all private nonprofit and 55481  
for-profit postsecondary institutions operating in the state; 55482

(B) Programs registered with the apprenticeship council 55483  
established under Chapter 4139. of the Revised Code. 55484

The chancellor may update this inventory as necessary. 55485

Sec. 3333.05. The chancellor of ~~the Ohio board of regents~~ 55486  
higher education shall approve or disapprove proposed official 55487  
plans of community college districts, prepared and submitted 55488  
pursuant to sections 3354.01 to 3354.18 of the Revised Code, and 55489  
issue or decline to issue charters for operation of community 55490  
colleges, pursuant to section 3354.07 of the Revised Code. 55491

The chancellor shall approve an official plan, and issue a 55492  
charter, only upon the following findings: 55493

(A) That the official plan and all past and proposed actions 55494  
of the community college district are in conformity to law; 55495

(B) That the proposed community college will not unreasonably 55496  
and wastefully duplicate existing educational services available 55497  
to students and prospective students residing in the community 55498  
college district; 55499

(C) That there is reasonable prospect of adequate current 55500  
operating revenue for the proposed community college from its 55501  
proposed opening date of operation; 55502

(D) That the proposed lands and facilities of the community 55503  
colleges will be adequate and efficient for the purposes of the 55504  
proposed community college; 55505

(E) That the proposed curricular programs defined in section 55506  
3354.01 of the Revised Code as "arts and sciences" and 55507  
"technical," or either, are the programs for which there is 55508  
substantial need in the territory of the district. 55509

The employment and separation of individual personnel in a 55510  
community college, and the establishing or abolishing of 55511  
individual courses of instruction, shall not be subject to the 55512  
specific and individual approval or disapproval of the chancellor, 55513  
but shall occur in the discretion of the local management of such 55514  
college within the limitations of law, the official plan, and the 55515

charter of such college. 55516

**Sec. 3333.06.** The chancellor of ~~the Ohio board of regents~~ 55517  
higher education shall prepare a state plan and do all other 55518  
things necessary for participation in federal acts relative to the 55519  
construction of higher educational academic facilities. 55520

Such plan shall provide for objective standards and methods 55521  
of determining the relative priorities for eligible projects for 55522  
the construction of academic facilities submitted by institutions 55523  
of higher education within the state and for determining the 55524  
federal share of the development for each such project. 55525

The chancellor shall provide for assigning priorities in 55526  
accordance with such criteria, standards, and methods to eligible 55527  
projects submitted to and approved by the chancellor, shall 55528  
recommend to the United States secretary of education, in the 55529  
order of such priority, applications covering such eligible 55530  
projects, and shall certify to the secretary the federal share of 55531  
the development cost of such projects. 55532

The chancellor shall provide a fair hearing to each 55533  
institution which has submitted a project as to the priority 55534  
assigned to such project by the chancellor or as to any other 55535  
determination of the chancellor adversely affecting such 55536  
institution. 55537

The chancellor shall receive federal grants for the proper 55538  
and efficient administration of the state plan, and shall provide 55539  
for such fiscal control and fund accounting procedures as may be 55540  
necessary to ensure proper disbursement of, and accounting for, 55541  
federal funds paid to the chancellor. 55542

The chancellor shall make such reports in such form and 55543  
containing such information as may be reasonably required by the 55544  
secretary in the performance of the secretary's functions under 55545

federal law relating to grants for the construction of academic facilities. 55546  
55547

Each federal grant received by the chancellor shall be paid into the state treasury. 55548  
55549

**Sec. 3333.07.** (A) Colleges, universities, and other institutions of higher education which receive state assistance, but are not supported primarily by the state, shall submit to the chancellor of ~~the Ohio board of regents~~ higher education such accounting of the expenditure of state funds at such time and in such form as the chancellor prescribes. 55550  
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(B) No state institution of higher education shall establish a new branch or academic center without the approval of the chancellor. 55556  
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(C) No state institution of higher education shall offer a new degree or establish a new degree program without the approval of the chancellor. No degree approval shall be given for a technical education program unless such program is offered by a state assisted university, a university branch, a technical college, or a community college. 55559  
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(D) Any state college, university, or other state assisted institution of higher education not complying with a recommendation of the chancellor pursuant to division (F) or (G) of section 3333.04 of the Revised Code shall so notify the chancellor in writing within one hundred twenty days after receipt of the recommendation, stating the reasons why it cannot or should not comply. 55565  
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(E) The officers, trustees, and employees of all institutions of higher education which are state supported or state assisted shall cooperate with the chancellor in supplying information regarding their institutions, and advising and assisting the 55572  
55573  
55574  
55575

chancellor on matters of higher education in this state in every 55576  
way possible when so requested by the chancellor. 55577

(F) Persons associated with the public school systems in this 55578  
state, personnel of the state department of education, and members 55579  
of the state board of education shall provide such data about high 55580  
school students as are requested by the chancellor to aid in the 55581  
development of state higher education plans. 55582

**Sec. 3333.071.** Notwithstanding section 3345.16 of the Revised 55583  
Code, no expenditure shall be made for land for higher education 55584  
purposes by public institutions of higher education or agents of 55585  
such institutions from any fund without the approval of the 55586  
chancellor of ~~the Ohio board of regents~~ higher education and the 55587  
controlling board. No state appropriation for capital improvements 55588  
shall be released by the controlling board for the purchase of 55589  
land or buildings from any organization or corporation which has 55590  
been established to benefit or assist the institution, except that 55591  
such releases may be made if the land is to be used for a 55592  
currently state-financed improvement. 55593

**Sec. 3333.08.** It is the declared policy of this state that 55594  
the availability of eminent domain on behalf of educational 55595  
institutions of higher education is in the public welfare. A 55596  
private college, university, or other institution of higher 55597  
education may therefore apply to the chancellor of ~~the Ohio board~~ 55598  
~~of regents~~ higher education for the right to appropriate property 55599  
when such institution is unable to agree with the owner or owners 55600  
of the subject property upon the price to be paid for the 55601  
property. The institution shall be one that any educationally 55602  
qualified member of the public who desires to attend has, or can 55603  
acquire, a right to be admitted upon equal terms without 55604  
discrimination. The institution shall certify to the chancellor, 55605  
in its application, that the use of the property to be 55606

appropriated is to be for educational purposes, including student 55607  
housing and dining facilities, that reasonable efforts have been 55608  
made to purchase the property, and that it will be used without 55609  
discrimination against any person or group and be equally 55610  
available to all qualified persons. The institution also shall 55611  
submit to the chancellor its plans for the use of the property and 55612  
such other information as the chancellor may require. The 55613  
chancellor may, thereafter, and upon a determination that the 55614  
intended use is in the public interest, approve the application by 55615  
resolution. Upon such approval, the institution may appropriate 55616  
the property in the same manner as is provided for the 55617  
appropriation of property in Chapter 163. of the Revised Code. 55618

**Sec. 3333.09.** "Public university or college," as used in this 55619  
section, means any ~~non-profit~~ nonprofit university or college 55620  
situated within this state which is open to the public on equal 55621  
terms and which is not affiliated with or controlled by an 55622  
organization which is not primarily educational in nature. Any 55623  
such university or college shall be considered to be serving a 55624  
public purpose. 55625

The chancellor of ~~the Ohio board of regents~~ higher education 55626  
may, upon the chancellor's determination that such action would 55627  
serve the interests of higher education in this state, in terms of 55628  
expansion of educational opportunity in a major urban area and in 55629  
terms of expansion of educational service to a major urban 55630  
community, accept conveyances of land, situated within this state, 55631  
from any public university or college and enter into an agreement 55632  
before or after such conveyance to lease to such public university 55633  
or college, upon terms as may be prescribed by the chancellor, 55634  
such land together with buildings constructed thereon and 55635  
furniture, fixtures, and equipment therein for use as an 55636  
educational facility. The lease shall be for a period not to 55637  
exceed fifty years, renewable for a like term, and shall provide 55638



that such buildings be used solely for educational purposes and 55639  
that the chancellor may cancel such lease if such buildings are 55640  
used for other purposes. Such lease may contain provisions for the 55641  
sale of such property to the lessee, upon the consent of the 55642  
chancellor, for a purchase price not less than the actual cost to 55643  
the chancellor, less depreciation, computed at the rate 55644  
customarily applied to similar structures. The chancellor, through 55645  
the department of administrative services, may construct, equip, 55646  
or remodel buildings on lands accepted by the chancellor in the 55647  
name of the state pursuant to this section. Title to lands 55648  
acquired under this section shall be taken in the name of the 55649  
state. 55650

Responsibility for the proper use, maintenance, and repair of 55651  
leased buildings shall rest upon the lessee. 55652

**Sec. 3333.10.** (A) As used in this section: 55653

(1) "Qualified institution of higher education" or 55654  
"institution" means a nonprofit educational institution, holding 55655  
an effective certificate of authorization issued under section 55656  
1713.02 of the Revised Code, operating in the state an eligible 55657  
program, and admitting students without discrimination by reason 55658  
of race, creed, color, or national origin. 55659

(2) "School of dentistry" means an accredited dental college 55660  
as defined under section 4715.10 of the Revised Code. 55661

(3) "Eligible program" means a medical school accredited by 55662  
the liaison committee on medical education or an osteopathic 55663  
medical school accredited by the American osteopathic association, 55664  
or such a school together with a school of dentistry. 55665

(B) In order to provide better for the public health and the 55666  
necessary enhancement of instruction in medicine and dentistry in 55667  
the state, and to encourage the means of such instruction with the 55668

least economic cost to the people of the state, the chancellor of 55669  
~~the Ohio board of regents~~ higher education may enter into 55670  
agreements with qualified institutions of higher education 55671  
providing for the continued operation by the institution of 55672  
eligible programs, conditioned upon continued payments by the 55673  
state to such institution for the purposes of such eligible 55674  
programs of amounts determined in the manner provided for the 55675  
state subsidy from time to time afforded to state universities on 55676  
the basis of comparable programs. Before entering into such 55677  
agreement, the chancellor shall determine that the institution is 55678  
a qualified institution of higher education as defined in division 55679  
(A) of this section, and that the operation of such eligible 55680  
programs as provided for in such agreement and such payments will 55681  
contribute to the objectives stated in this section and to the 55682  
objectives of the master plan of higher education formulated under 55683  
section 3333.04 of the Revised Code. 55684

(C) Agreements under this section shall contain provisions to 55685  
the effect that: 55686

(1) The institution shall submit to the chancellor 55687  
accountings for the expenditure of state payments in the manner 55688  
and at the times as are requested for state-assisted institutions 55689  
of higher education pursuant to division (A) of section 3333.07 of 55690  
the Revised Code. 55691

(2) The institution shall notify the chancellor in the manner 55692  
provided for state-assisted institutions under division (D) of 55693  
section 3333.07 of the Revised Code with regard to program 55694  
recommendations by the chancellor in the nature of those provided 55695  
for in divisions (F) and (G) of section 3333.04 of the Revised 55696  
Code. 55697

(3) The agreement shall terminate if the institution ceases 55698  
to be a qualified institution of higher education as determined by 55699  
the chancellor in accordance with Chapter 119. of the Revised 55700

Code.	55701
(D) Agreements under this section may make further provision	55702
for any one or more of the following as the parties determine:	55703
(1) The duration of any such agreement, or additional	55704
provision for terminating the agreement;	55705
(2) Additional conditions for the effectiveness or continued	55706
effectiveness of such agreement;	55707
(3) Procedures for the amendment or supplementation of the	55708
agreement, including designation of the parties to approve or	55709
execute such amendments or supplements;	55710
(4) Such other provisions as may be deemed necessary or	55711
appropriate.	55712
(E) In case any provision or part of this section or any	55713
provision, agreement, covenant, stipulation, obligation, act or	55714
action, or part thereof, made, assumed, or taken under or pursuant	55715
to this section, or any application thereof, is for any reason	55716
held to be illegal or invalid, such illegality or invalidity shall	55717
not affect the remainder thereof or any other provision of this	55718
section or any other provision, agreement, covenant, stipulation,	55719
obligation, action, or part thereof, made, assumed, or taken under	55720
or pursuant to this section, which shall be construed and enforced	55721
as if such illegal or invalid portion were not contained therein,	55722
nor shall such illegality or invalidity of any application thereof	55723
affect any legal and valid application thereof, and each such	55724
provision, agreement, covenant, stipulation, obligation, act, or	55725
action, or part thereof, shall be deemed to be effective,	55726
operative, made, done, or entered into in the manner and to the	55727
full extent permitted by law to accomplish most nearly the	55728
intention thereof.	55729
(F) No agreement shall be entered into under this section	55730
with any institution which is not in compliance with section	55731

3333.11 of the Revised Code. 55732

**Sec. 3333.11.** Each school or college of medicine or medical 55733  
university supported in whole or in part by the state shall create 55734  
a curriculum for and maintain a department of family practice, the 55735  
purpose of which shall be to acquaint undergraduates with and to 55736  
train postgraduate physicians for the practice of family medicine. 55737  
The minimum requirements for the department shall include courses 55738  
of study in family care, including clinical experience, a program 55739  
of preceptorships, and a program of family practice residencies in 55740  
university or other hospital settings. 55741

Each program of family practice shall: 55742

(A) Be designated to advance the field of family practice; 55743

(B) Educate all medical students in family practice and 55744  
encourage students to enter it as a career; 55745

(C) Provide students an opportunity to study family practice 55746  
in various situations through preceptorships, seminars, model 55747  
family practice units within the medical school, classroom work, 55748  
hospital programs, or other means; 55749

(D) Develop residency and other training programs for family 55750  
practice in public and private hospitals, including those in 55751  
nonmetropolitan areas of the state; 55752

(E) The department shall be a full department co-equal with 55753  
all other major clinical departments and headed by a qualified 55754  
experienced family practitioner serving as chairperson of the 55755  
department of family practice and director of the family practice 55756  
residency program. 55757

Funds appropriated by the general assembly in support of 55758  
family practice programs shall not be disbursed until the 55759  
chancellor of ~~the Ohio board of regents~~ higher education has 55760  
certified that the intent and requirements of this section are 55761

being met.	55762
<b>Sec. 3333.12.</b> (A) As used in this section:	55763
(1) "Eligible student" means an undergraduate student who is:	55764
(a) An Ohio resident enrolled in an undergraduate program	55765
before the 2006-2007 academic year;	55766
(b) Enrolled in either of the following:	55767
(i) An accredited institution of higher education in this	55768
state that meets the requirements of Title VI of the Civil Rights	55769
Act of 1964 and is state-assisted, is nonprofit and has a	55770
certificate of authorization pursuant to Chapter 1713. of the	55771
Revised Code, has a certificate of registration from the state	55772
board of career colleges and schools and program authorization to	55773
award an associate or bachelor's degree, or is a private	55774
institution exempt from regulation under Chapter 3332. of the	55775
Revised Code as prescribed in section 3333.046 of the Revised	55776
Code. Students who attend an institution that holds a certificate	55777
of registration shall be enrolled in a program leading to an	55778
associate or bachelor's degree for which associate or bachelor's	55779
degree program the institution has program authorization issued	55780
under section 3332.05 of the Revised Code.	55781
(ii) A technical education program of at least two years	55782
duration sponsored by a private institution of higher education in	55783
this state that meets the requirements of Title VI of the Civil	55784
Rights Act of 1964.	55785
(c) Enrolled as a full-time student or enrolled as a less	55786
than full-time student for the term expected to be the student's	55787
final term of enrollment and is enrolled for the number of credit	55788
hours necessary to complete the requirements of the program in	55789
which the student is enrolled.	55790
(2) "Gross income" includes all taxable and nontaxable income	55791

of the parents, the student, and the student's spouse, except 55792  
income derived from an Ohio academic scholarship, income earned by 55793  
the student between the last day of the spring term and the first 55794  
day of the fall term, and other income exclusions designated by 55795  
the chancellor of ~~the Ohio board of regents~~ higher education. 55796  
Gross income may be verified to the chancellor by the institution 55797  
in which the student is enrolled using the federal financial aid 55798  
eligibility verification process or by other means satisfactory to 55799  
the chancellor. 55800

(3) "Resident," "full-time student," "dependent," 55801  
"financially independent," and "accredited" shall be defined by 55802  
rules adopted by the chancellor. 55803

(B) The chancellor shall establish and administer an 55804  
instructional grant program and may adopt rules to carry out this 55805  
section. The general assembly shall support the instructional 55806  
grant program by such sums and in such manner as it may provide, 55807  
but the chancellor may also receive funds from other sources to 55808  
support the program. If the amounts available for support of the 55809  
program are inadequate to provide grants to all eligible students, 55810  
preference in the payment of grants shall be given in terms of 55811  
income, beginning with the lowest income category of gross income 55812  
and proceeding upward by category to the highest gross income 55813  
category. 55814

An instructional grant shall be paid to an eligible student 55815  
through the institution in which the student is enrolled, except 55816  
that no instructional grant shall be paid to any person serving a 55817  
term of imprisonment. Applications for such grants shall be made 55818  
as prescribed by the chancellor, and such applications may be made 55819  
in conjunction with and upon the basis of information provided in 55820  
conjunction with student assistance programs funded by agencies of 55821  
the United States government or from financial resources of the 55822  
institution of higher education. The institution shall certify 55823

that the student applicant meets the requirements set forth in 55824  
divisions (A)(1)(b) and (c) of this section. Instructional grants 55825  
shall be provided to an eligible student only as long as the 55826  
student is making appropriate progress toward a nursing diploma or 55827  
an associate or bachelor's degree. No student shall be eligible to 55828  
receive a grant for more than ten semesters, fifteen quarters, or 55829  
the equivalent of five academic years. A grant made to an eligible 55830  
student on the basis of less than full-time enrollment shall be 55831  
based on the number of credit hours for which the student is 55832  
enrolled and shall be computed in accordance with a formula 55833  
adopted by the chancellor. No student shall receive more than one 55834  
grant on the basis of less than full-time enrollment. 55835

An instructional grant shall not exceed the total 55836  
instructional and general charges of the institution. 55837

(C) The tables in this division prescribe the maximum grant 55838  
amounts covering two semesters, three quarters, or a comparable 55839  
portion of one academic year. Grant amounts for additional terms 55840  
in the same academic year shall be determined under division (D) 55841  
of this section. 55842

For a full-time student who is a dependent and enrolled in a 55843  
nonprofit educational institution that is not a state-assisted 55844  
institution and that has a certificate of authorization issued 55845  
pursuant to Chapter 1713. of the Revised Code, the amount of the 55846  
instructional grant for two semesters, three quarters, or a 55847  
comparable portion of the academic year shall be determined in 55848  
accordance with the following table: 55849

	Private Institution					55850
	Table of Grants					55851
					Maximum Grant \$5,466	55852
Gross Income					Number of Dependents	55853
	1	2	3	4	5 or	55854
					more	

\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	55855
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	55856
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	55857
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	55858
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	55859
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	55860
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	55861
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	55862
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	55863
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	55864
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	55865
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	55866
\$34,001 - \$35,000	444	888	984	1,080	1,344	55867
\$35,001 - \$36,000	--	444	888	984	1,080	55868
\$36,001 - \$37,000	--	--	444	888	984	55869
\$37,001 - \$38,000	--	--	--	444	888	55870
\$38,001 - \$39,000	--	--	--	--	444	55871

For a full-time student who is financially independent and 55872  
enrolled in a nonprofit educational institution that is not a 55873  
state-assisted institution and that has a certificate of 55874  
authorization issued pursuant to Chapter 1713. of the Revised 55875  
Code, the amount of the instructional grant for two semesters, 55876  
three quarters, or a comparable portion of the academic year shall 55877  
be determined in accordance with the following table: 55878

Private Institution 55879

Table of Grants 55880

Maximum Grant \$5,466 55881

Gross Income Number of Dependents 55882

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	55884
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	55885
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	55886



\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	55887
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	55888
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	55889
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	55890
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	55891
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	55892
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	55893
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	55894
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	55895
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	55896
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	55897
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	55898
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	55899
\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	55900
\$30,301 - \$35,300	--	492	540	672	816	1,314	55901

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution		Table of Grants					
		Maximum Grant \$4,632					
Gross Income	Number of Dependents						
	1	2	3	4	5 or more		
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	55915	
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	55916	
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	55917	
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	55918	

\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	55919
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	55920
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	55921
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	55922
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	55923
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	55924
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	55925
\$33,001 - \$34,000	750	852	906	1,134	1,416	55926
\$34,001 - \$35,000	372	750	852	906	1,134	55927
\$35,001 - \$36,000	--	372	750	852	906	55928
\$36,001 - \$37,000	--	--	372	750	852	55929
\$37,001 - \$38,000	--	--	--	372	750	55930
\$38,001 - \$39,000	--	--	--	--	372	55931

For a full-time student who is financially independent and 55932  
enrolled in an educational institution that holds a certificate of 55933  
registration from the state board of career colleges and schools 55934  
or a private institution exempt from regulation under Chapter 55935  
3332. of the Revised Code as prescribed in section 3333.046 of the 55936  
Revised Code, the amount of the instructional grant for two 55937  
semesters, three quarters, or a comparable portion of the academic 55938  
year shall be determined in accordance with the following table: 55939

Career Institution 55940

Table of Grants 55941

Maximum Grant \$4,632 55942

Gross Income Number of Dependents 55943

	0	1	2	3	4	5 or more	
\$0 - \$4,800	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	55945
\$4,801 - \$5,300	4,182	4,632	4,632	4,632	4,632	4,632	55946
\$5,301 - \$5,800	3,684	4,410	4,632	4,632	4,632	4,632	55947
\$5,801 - \$6,300	3,222	4,158	4,410	4,632	4,632	4,632	55948
\$6,301 - \$6,800	2,790	3,930	4,158	4,410	4,632	4,632	55949
\$6,801 - \$7,300	2,292	3,714	3,930	4,158	4,410	4,632	55950

\$7,301 - \$8,300	1,854	3,462	3,714	3,930	4,158	4,410	55951
\$8,301 - \$9,300	1,416	3,246	3,462	3,714	3,930	4,158	55952
\$9,301 - \$10,300	1,134	3,024	3,246	3,462	3,714	3,930	55953
\$10,301 - \$11,800	906	2,886	3,024	3,246	3,462	3,714	55954
\$11,801 - \$13,300	852	2,772	2,886	3,024	3,246	3,462	55955
\$13,301 - \$14,800	750	2,742	2,772	2,886	3,024	3,246	55956
\$14,801 - \$16,300	372	2,466	2,742	2,772	2,886	3,024	55957
\$16,301 - \$19,300	--	1,800	2,220	2,520	2,772	2,886	55958
\$19,301 - \$22,300	--	1,146	1,584	1,986	2,268	2,544	55959
\$22,301 - \$25,300	--	930	1,146	1,584	1,986	2,268	55960
\$25,301 - \$30,300	--	708	930	1,146	1,584	1,986	55961
\$30,301 - \$35,300	--	426	456	570	708	1,116	55962

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution		Table of Grants					
		Maximum Grant \$2,190					
Gross Income		Number of Dependents					
	1	2	3	4	5 or more		
\$0 - \$15,000	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	55973	
\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	55974	
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	55975	
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	55976	
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	55977	
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	55978	
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	55979	
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	55980	
\$28,001 - \$31,000	522	648	864	1,080	1,320	55981	
\$31,001 - \$32,000	420	522	648	864	1,080	55982	

\$32,001 - \$33,000	384	420	522	648	864	55983
\$33,001 - \$34,000	354	384	420	522	648	55984
\$34,001 - \$35,000	174	354	384	420	522	55985
\$35,001 - \$36,000	--	174	354	384	420	55986
\$36,001 - \$37,000	--	--	174	354	384	55987
\$37,001 - \$38,000	--	--	--	174	354	55988
\$38,001 - \$39,000	--	--	--	--	174	55989

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

		Public Institution						55990
		Table of Grants						55991
		Maximum Grant \$2,190						55992
Gross Income	Number of Dependents							55993
	0	1	2	3	4	5 or more	55994	
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	56000	
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	56001	
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	56002	
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	56003	
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	56004	
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	56005	
\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	56006	
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	56007	
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	56008	
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	56009	
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	56010	
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	56011	
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	56012	
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	56013	
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	56014	

\$22,301 - \$25,300	--	432	540	750	948	1,062	56015
\$25,301 - \$30,300	--	324	432	540	750	948	56016
\$30,301 - \$35,300	--	192	210	264	324	522	56017

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary

determines due to mitigating circumstances the institution may 56047  
continue to participate in federal financial aid programs. The 56048  
chancellor shall adopt rules requiring institutions to provide 56049  
information regarding an appeal to the chancellor. 56050

(b) Any student who has previously received a grant under 56051  
this section who meets all other requirements of this section. 56052

(3) The chancellor shall adopt rules for the notification of 56053  
all institutions whose students will be ineligible to participate 56054  
in the grant program pursuant to division (F)(1) of this section. 56055

(4) A student's attendance at an institution whose students 56056  
lose eligibility for grants under division (F)(1) of this section 56057  
shall not affect that student's eligibility to receive a grant 56058  
when enrolled in another institution. 56059

(G) Institutions of higher education that enroll students 56060  
receiving instructional grants under this section shall report to 56061  
the chancellor all students who have received instructional grants 56062  
but are no longer eligible for all or part of such grants and 56063  
shall refund any moneys due the state within thirty days after the 56064  
beginning of the quarter or term immediately following the quarter 56065  
or term in which the student was no longer eligible to receive all 56066  
or part of the student's grant. There shall be an interest charge 56067  
of one per cent per month on all moneys due and payable after such 56068  
thirty-day period. The chancellor shall immediately notify the 56069  
office of budget and management and the legislative service 56070  
commission of all refunds so received. 56071

**Sec. 3333.121.** There is hereby established in the state 56072  
treasury the state need-based financial aid reconciliation fund, 56073  
which shall consist of refunds of instructional grant payments 56074  
made pursuant to section 3333.12 of the Revised Code and refunds 56075  
of state need-based financial aid payments made pursuant to 56076  
section 3333.122 of the Revised Code. Revenues credited to the 56077

fund shall be used by the chancellor of ~~the Ohio board of regents~~ 56078  
higher education to pay to higher education institutions any 56079  
outstanding obligations from the prior year owed for the Ohio 56080  
instructional grant program and the Ohio college opportunity grant 56081  
program that are identified through the annual reconciliation and 56082  
financial audit. Any amount in the fund that is in excess of the 56083  
amount certified to the director of budget and management by the 56084  
chancellor of higher education as necessary to reconcile prior 56085  
year payments under the program shall be transferred to the 56086  
general revenue fund. 56087

**Sec. 3333.122.** (A) The chancellor of ~~the Ohio board of~~ 56088  
~~regents~~ higher education shall adopt rules to carry out this 56089  
section and as authorized under section 3333.123 of the Revised 56090  
Code. The rules shall include definitions of the terms "resident," 56091  
"expected family contribution," "full-time student," 56092  
"three-quarters-time student," "half-time student," 56093  
"one-quarter-time student," "state cost of attendance," and 56094  
"accredited" for the purpose of those sections. 56095

(B) Only an Ohio resident who meets both of the following is 56096  
eligible for a grant awarded under this section: 56097

(1) The resident has an expected family contribution of two 56098  
thousand one hundred ninety or less; 56099

(2) The resident enrolls in one of the following: 56100

(a) An undergraduate program, or a nursing diploma program 56101  
approved by the board of nursing under division (A)(5) of section 56102  
4723.06 of the Revised Code, at a state-assisted state institution 56103  
of higher education, as defined in section 3345.12 of the Revised 56104  
Code, that meets the requirements of Title VI of the Civil Rights 56105  
Act of 1964; 56106

(b) An undergraduate program, or a nursing diploma program 56107

approved by the board of nursing under division (A)(5) of section 56108  
4723.06 of the Revised Code, at a private, nonprofit institution 56109  
in this state holding a certificate of authorization pursuant to 56110  
Chapter 1713. of the Revised Code; 56111

(c) An undergraduate program, or a nursing diploma program 56112  
approved by the board of nursing under division (A)(5) of section 56113  
4723.06 of the Revised Code, at a career college in this state 56114  
that holds a certificate of registration from the state board of 56115  
career colleges and schools under Chapter 3332. of the Revised 56116  
Code or at a private institution exempt from regulation under 56117  
Chapter 3332. of the Revised Code as prescribed in section 56118  
3333.046 of the Revised Code, if the program has a certificate of 56119  
authorization pursuant to Chapter 1713. of the Revised Code. 56120

(C)(1) The chancellor shall establish and administer a 56121  
needs-based financial aid grants program based on the United 56122  
States department of education's method of determining financial 56123  
need. The program shall be known as the Ohio college opportunity 56124  
grant program. The general assembly shall support the needs-based 56125  
financial aid program by such sums and in such manner as it may 56126  
provide, but the chancellor also may receive funds from other 56127  
sources to support the program. If, for any academic year, the 56128  
amounts available for support of the program are inadequate to 56129  
provide grants to all eligible students, the chancellor shall do 56130  
one of the following: 56131

(a) Give preference in the payment of grants based upon 56132  
expected family contribution, beginning with the lowest expected 56133  
family contribution category and proceeding upward by category to 56134  
the highest expected family contribution category; 56135

(b) Proportionately reduce the amount of each grant to be 56136  
awarded for the academic year under this section; 56137

(c) Use an alternate formula for such grants that addresses 56138



the shortage of available funds and has been submitted to and 56139  
approved by the controlling board. 56140

(2) The needs-based financial aid grant shall be paid to the 56141  
eligible student through the institution in which the student is 56142  
enrolled, except that no needs-based financial aid grant shall be 56143  
paid to any person serving a term of imprisonment. Applications 56144  
for the grants shall be made as prescribed by the chancellor, and 56145  
such applications may be made in conjunction with and upon the 56146  
basis of information provided in conjunction with student 56147  
assistance programs funded by agencies of the United States 56148  
government or from financial resources of the institution of 56149  
higher education. The institution shall certify that the student 56150  
applicant meets the requirements set forth in division (B) of this 56151  
section. Needs-based financial aid grants shall be provided to an 56152  
eligible student only as long as the student is making appropriate 56153  
progress toward a nursing diploma or an associate or bachelor's 56154  
degree. No student shall be eligible to receive a grant for more 56155  
than ten semesters, fifteen quarters, or the equivalent of five 56156  
academic years. A grant made to an eligible student on the basis 56157  
of less than full-time enrollment shall be based on the number of 56158  
credit hours for which the student is enrolled and shall be 56159  
computed in accordance with a formula adopted by rule issued by 56160  
the chancellor. No student shall receive more than one grant on 56161  
the basis of less than full-time enrollment. 56162

(D)(1) Except as provided in division (D)(4) of this section, 56163  
no grant awarded under this section shall exceed the total state 56164  
cost of attendance. 56165

(2) Subject to divisions (D)(1), (3), and (4) of this 56166  
section, the amount of a grant awarded to a student under this 56167  
section shall equal the student's remaining state cost of 56168  
attendance after the student's Pell grant and expected family 56169  
contribution are applied to the instructional and general charges 56170

for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the chancellor may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the chancellor may set by rule.

(3) For a student enrolled for a semester or quarter in addition to the portion of the academic year covered by a grant under this section, the maximum grant amount shall be a percentage of the maximum specified in any table established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed. The maximum grant for a third semester shall be one-half of the maximum amount so prescribed.

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate

determined by the United States secretary of education pursuant to 56203  
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 56204  
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 56205  
preceding the fiscal year, equal to or greater than thirty per 56206  
cent for each of the preceding two fiscal years. 56207

(2) Division (F)(1) of this section does not apply in the 56208  
case of either of the following: 56209

(a) The institution pursuant to federal law appeals its loss 56210  
of eligibility for federal financial aid and the United States 56211  
secretary of education determines its cohort default rate after 56212  
recalculation is lower than the rate specified in division (F)(1) 56213  
of this section or the secretary determines due to mitigating 56214  
circumstances that the institution may continue to participate in 56215  
federal financial aid programs. The chancellor shall adopt rules 56216  
requiring any such appellant to provide information to the 56217  
chancellor regarding an appeal. 56218

(b) Any student who has previously received a grant pursuant 56219  
to any provision of this section, including prior to the section's 56220  
amendment by H.B. 1 of the 128th general assembly, effective July 56221  
17, 2009, and who meets all other eligibility requirements of this 56222  
section. 56223

(3) The chancellor shall adopt rules for the notification of 56224  
all institutions whose students will be ineligible to participate 56225  
in the grant program pursuant to division (F)(1) of this section. 56226

(4) A student's attendance at any institution whose students 56227  
are ineligible for grants due to division (F)(1) of this section 56228  
shall not affect that student's eligibility to receive a grant 56229  
when enrolled in another institution. 56230

(G) Institutions of higher education that enroll students 56231  
receiving needs-based financial aid grants under this section 56232  
shall report to the chancellor all students who have received such 56233

needs-based financial aid grants but are no longer eligible for 56234  
all or part of those grants and shall refund any moneys due the 56235  
state within thirty days after the beginning of the quarter or 56236  
term immediately following the quarter or term in which the 56237  
student was no longer eligible to receive all or part of the 56238  
student's grant. There shall be an interest charge of one per cent 56239  
per month on all moneys due and payable after such thirty-day 56240  
period. The chancellor shall immediately notify the office of 56241  
budget and management and the legislative service commission of 56242  
all refunds so received. 56243

**Sec. 3333.123.** (A) As used in this section: 56244

(1) "The Ohio college opportunity grant program" means the 56245  
program established under section 3333.122 of the Revised Code. 56246

(2) "Rules for the Ohio college opportunity grant program" 56247  
means the rules authorized in division (R) of section 3333.04 of 56248  
the Revised Code for the implementation of the program. 56249

(B) In adopting rules for the Ohio college opportunity grant 56250  
program, the chancellor of ~~the Ohio board of regents~~ higher 56251  
education may include provisions that give preferential or 56252  
priority funding to low-income students who in their primary and 56253  
secondary school work participate in or complete rigorous academic 56254  
coursework, attain passing scores on the assessments prescribed in 56255  
section 3301.0710 or 3301.0712 of the Revised Code, or meet other 56256  
high academic performance standards determined by the chancellor 56257  
to reduce the need for remediation and ensure academic success at 56258  
the postsecondary education level. Any such rules shall include a 56259  
specification of procedures needed to certify student achievement 56260  
of primary and secondary standards as well as the timeline for 56261  
implementation of the provisions authorized by this section. 56262

**Sec. 3333.124.** There is hereby created in the state treasury 56263

the Ohio college opportunity grant program reserve fund. ~~Not later~~ 56264  
~~than the first day of July~~ As soon as possible following the end 56265  
of each fiscal year, the chancellor of ~~the Ohio board of regents~~ 56266  
higher education shall certify to the director of budget and 56267  
management the unencumbered balance of the general revenue fund 56268  
appropriations made in the immediately preceding fiscal year for 56269  
purposes of the Ohio college opportunity grant program created in 56270  
section 3333.122 of the Revised Code. Upon receipt of the 56271  
certification, the director of budget and management may transfer 56272  
an amount not exceeding the certified amount from the general 56273  
revenue fund to the Ohio college opportunity grant program reserve 56274  
fund. Moneys in the Ohio college opportunity grant program reserve 56275  
fund shall be used to pay grant obligations in excess of the 56276  
general revenue fund appropriations made for that purpose. 56277

The director of budget and management may transfer any 56278  
unencumbered balance from the Ohio college opportunity grant 56279  
program reserve fund to the general revenue fund. 56280

If it is determined that general revenue fund appropriations 56281  
are insufficient to meet the obligations of the Ohio college 56282  
opportunity grant program in a fiscal year, the director of budget 56283  
and management may transfer funds from the Ohio college 56284  
opportunity grant program reserve fund to the general revenue fund 56285  
in order to meet those obligations. The amount transferred is 56286  
hereby appropriated. If the funds transferred from the Ohio 56287  
college opportunity grant program reserve fund are not needed, the 56288  
director of budget and management may transfer the unexpended 56289  
balance from the general revenue fund back to the Ohio college 56290  
opportunity grant program reserve fund. 56291

**Sec. 3333.13.** (A) Money appropriated to the chancellor of ~~the~~ 56292  
~~Ohio board of regents~~ higher education for the purposes of this 56293  
division shall be paid at the times and in the amounts necessary 56294

to meet all payments required to be made by the chancellor to the 56295  
Ohio public facilities commission pursuant to leases or agreements 56296  
made under division (B) of section 154.21 of the Revised Code, as 56297  
certified under division (C) of this section, including 56298  
supplements to such certifications. 56299

(B) The chancellor shall include in the estimate of proposed 56300  
expenses submitted pursuant to section 126.02 of the Revised Code 56301  
the estimated amounts of all such payments to be made by the 56302  
chancellor. The chancellor shall include the estimated amounts of 56303  
all such payments to be made by the chancellor in recommendations 56304  
for appropriation required by division (J) of section 3333.04 of 56305  
the Revised Code. The director of budget and management shall 56306  
include in the state budget estimates provided for in section 56307  
126.02 of the Revised Code the estimated amount of all such 56308  
payments to be made during the next biennium, and this amount 56309  
shall be included in the state budget to be submitted by the 56310  
governor to the general assembly pursuant to section 107.03 of the 56311  
Revised Code. 56312

(C) On the first day of July of each year, or as soon 56313  
thereafter as is practicable, the chancellor or a vice-chancellor 56314  
shall certify to the director of budget and management the 56315  
payments contracted to be made, during the period of the then 56316  
current appropriations made for the purposes of division (A) of 56317  
this section, to the commission by the chancellor pursuant to 56318  
leases and agreements made under division (B) of section 154.21 of 56319  
the Revised Code. The certification shall state the amounts and 56320  
dates of payment required therefor and the amounts to be credited 56321  
pursuant to such leases and agreements to the higher education 56322  
bond service trust fund and other special funds established 56323  
pursuant to Chapter 154. of the Revised Code. If the director of 56324  
budget and management finds such certification to be correct, the 56325  
director shall promptly add the director's certification thereto 56326

and submit it to the treasurer of state. Such annual certification 56327  
shall be supplemented in similar manner upon the execution of each 56328  
new lease or agreement, any supplement to an existing lease or 56329  
agreement, or any amendment thereof, affecting the amounts of 56330  
those payments. 56331

**Sec. 3333.14.** Effective July 1, 1971, all public post high 56332  
school technical education programs shall be operated by technical 56333  
colleges, community colleges, university branches, state colleges, 56334  
state-affiliated universities and state universities. Subject to 56335  
rules and regulations adopted by the chancellor of ~~the Ohio board~~ 56336  
~~of regents~~ higher education, the board of trustees or directors of 56337  
one of the above such institutions shall adopt a plan of 56338  
transition governing each public post high school technical 56339  
education program not specifically identified or included in this 56340  
section which is located in the geographic region of such 56341  
institution as defined by the chancellor. The plan of transition 56342  
shall provide for the dissolution of such technical education 56343  
programs either by transfer of a program's lands, buildings, and 56344  
equipment to one of the above such institutions or by complete 56345  
termination of the technical education program. 56346

**Sec. 3333.15.** If the board of trustees of a state university 56347  
fails to undertake appropriate action to establish a university 56348  
branch campus within one year from the enactment of a capital 56349  
improvement appropriation for the development of such university 56350  
branch facility, the chancellor of ~~the Ohio board of regents~~ 56351  
higher education may act as the chancellor deems necessary in 56352  
place of the board of trustees, including securing the release of 56353  
construction planning and construction contract funds from the 56354  
state controlling board. If the chancellor takes action to plan 56355  
and construct a university branch in accordance with this section, 56356  
the officers and staff of such university shall perform all 56357

necessary functions incident to the planning and construction of 56358  
such university branch as directed by the chancellor. 56359

**Sec. 3333.16.** As used in this section "state institution of 56360  
higher education" means an institution of higher education as 56361  
defined in section 3345.12 of the Revised Code. 56362

(A) The chancellor of ~~the Ohio board of regents~~ higher 56363  
education shall do all of the following: 56364

(1) Establish policies and procedures applicable to all state 56365  
institutions of higher education that ensure that students can 56366  
begin higher education at any state institution of higher 56367  
education and transfer coursework and degrees to any other state 56368  
institution of higher education without unnecessary duplication or 56369  
institutional barriers. The purpose of this requirement is to 56370  
allow students to attain their highest educational aspirations in 56371  
the most efficient and effective manner for the students and the 56372  
state. These policies and procedures shall require state 56373  
institutions of higher education to make changes or modifications, 56374  
as needed, to strengthen course content so as to ensure 56375  
equivalency for that course at any state institution of higher 56376  
education. 56377

(2) Develop and implement a universal course equivalency 56378  
classification system for state institutions of higher education 56379  
so that the transfer of students and the transfer and articulation 56380  
of equivalent courses or specified learning modules or units 56381  
completed by students are not inhibited by inconsistent judgment 56382  
about the application of transfer credits. Coursework completed 56383  
within such a system at one state institution of higher education 56384  
and transferred to another institution shall be applied to the 56385  
student's degree objective in the same manner as equivalent 56386  
coursework completed at the receiving institution. 56387

(3) Develop a system of transfer policies that ensure that 56388



graduates with associate degrees which include completion of 56389  
approved transfer modules shall be admitted to a state institution 56390  
of higher education, shall be able to compete for admission to 56391  
specific programs on the same basis as students native to the 56392  
institution, and shall have priority over out-of-state associate 56393  
degree graduates and transfer students. To assist a student in 56394  
advising and transferring, all state institutions of higher 56395  
education shall fully implement the information system for 56396  
advising and transferring selected by, contracted for, or 56397  
developed by the chancellor. 56398

(4) Examine the feasibility of developing a transfer 56399  
marketing agenda that includes materials and interactive 56400  
technology to inform the citizens of Ohio about the availability 56401  
of transfer options at state institutions of higher education and 56402  
to encourage adults to return to colleges and universities for 56403  
additional education; 56404

(5) Study, in consultation with the state board of career 56405  
colleges and schools, and in light of existing criteria and any 56406  
other criteria developed by the articulation and transfer advisory 56407  
council, the feasibility of credit recognition and transferability 56408  
to state institutions of higher education for graduates who have 56409  
received associate degrees from a career college or school with a 56410  
certificate of registration from the state board of career 56411  
colleges and schools under Chapter 3332. of the Revised Code. 56412

(B) All provisions of the existing articulation and transfer 56413  
policy developed by the ~~Ohio board of regents~~ chancellor shall 56414  
remain in effect except where amended by this section. 56415

(C) Not later than December 1, 2018, the chancellor shall 56416  
update and implement the policies and procedures established 56417  
pursuant to this section to ensure that any associate degree 56418  
offered at a state institution of higher education may be 56419  
transferred and applied to a bachelor degree program in an 56420

equivalent field at any other state institution of higher education without unnecessary duplication or institutional barriers. The policies and procedures shall ensure that each transferred associate degree applies to the student's degree objective in the same manner as equivalent coursework completed by the student at the receiving institution.

When updating and implementing the policies and procedures pursuant to this division, the chancellor shall seek input from faculty and academic leaders in each academic field or discipline.

**Sec. 3333.161.** (A) As used in this section: 56430

(1) "Articulation agreement" means an agreement between two or more state institutions of higher education to facilitate the transfer of students and credits between such institutions. 56431  
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(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 56434  
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(3) "Two year college" includes a community college, state community college, technical college, and university branch. 56437  
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(B) The chancellor of ~~the Ohio board of regents~~ higher education shall adopt rules establishing a statewide system for articulation agreements among state institutions of higher education for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between institutions to include all of the following: 56439  
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(1) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement; 56445  
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(2) A foundation of general studies courses that have been 56450

identified as part of the transfer module for teacher education 56451  
and have been evaluated as appropriate for the preparation of 56452  
teachers and consistent with the academic content standards 56453  
adopted under section 3301.079 of the Revised Code; 56454

(3) A clear identification of university faculty who are 56455  
partnered with two year college faculty; 56456

(4) The publication of the articulation agreement that is 56457  
available to all students, faculty, and staff. 56458

**Sec. 3333.162.** (A) As used in this section, "state 56459  
institution of higher education" means an institution of higher 56460  
education as defined in section 3345.12 of the Revised Code. 56461

(B) By April 15, 2007, the chancellor of ~~the Ohio board of~~ 56462  
~~regents~~ higher education, in consultation with the department of 56463  
education, public adult and secondary career-technical education 56464  
institutions, and state institutions of higher education, shall 56465  
establish criteria, policies, and procedures that enable students 56466  
to transfer agreed upon technical courses completed through an 56467  
adult career-technical education institution, a public secondary 56468  
career-technical institution, or a state institution of higher 56469  
education to a state institution of higher education without 56470  
unnecessary duplication or institutional barriers. The courses to 56471  
which the criteria, policies, and procedures apply shall be those 56472  
that adhere to recognized industry standards and equivalent 56473  
coursework common to the secondary career pathway and adult 56474  
career-technical education system and regionally accredited state 56475  
institutions of higher education. Where applicable, the policies 56476  
and procedures shall build upon the articulation agreement and 56477  
transfer initiative course equivalency system required by section 56478  
3333.16 of the Revised Code. 56479

**Sec. 3333.163.** (A) As used in this section, "state 56480

institution of higher education" has the same meaning as in 56481  
section 3345.011 of the Revised Code. 56482

(B) Not later than April 15, 2008, the articulation and 56483  
transfer advisory council of the chancellor of ~~the Ohio board of~~ 56484  
~~regents~~ higher education shall recommend to the chancellor 56485  
standards for awarding course credit toward degree requirements at 56486  
state institutions of higher education based on scores attained on 56487  
advanced placement examinations. The recommended standards shall 56488  
include a score on each advanced placement examination that the 56489  
council considers to be a passing score for which course credit 56490  
may be awarded. Upon adoption of the standards by the chancellor, 56491  
each state institution of higher education shall comply with the 56492  
standards in awarding course credit to any student enrolled in the 56493  
institution who has attained a passing score on an advanced 56494  
placement examination. 56495

**Sec. 3333.164.** (A) As used in this section, "state 56496  
institution of higher education" has the same meaning as in 56497  
section 3345.011 of the Revised Code. 56498

(B) Not later than December 31, 2014, the chancellor of ~~the~~ 56499  
~~Ohio board of regents~~ higher education shall do all of the 56500  
following with regard to the awarding of college credit for 56501  
military training, experience, and coursework: 56502

(1) Develop a set of standards and procedures for state 56503  
institutions of higher education to utilize in the granting of 56504  
college credit for military training, experience, and coursework; 56505

(2) Create a military articulation and transfer assurance 56506  
guide for college credit that is earned through military training, 56507  
experience, and coursework. The chancellor shall use the current 56508  
articulation and transfer policy adopted pursuant to section 56509  
3333.16 of the Revised Code as a model in developing this guide. 56510

(3) Create a web site that contains information related to 56511  
the awarding of college credit for military training, experience, 56512  
and coursework. The web site shall include both of the following: 56513

(a) Standardized resources that address frequently asked 56514  
questions regarding the awarding of such credit and related 56515  
issues; 56516

(b) A statewide database that shows how specified military 56517  
training, experience, and coursework translates to college credit. 56518

(4) Develop a statewide training program that prepares 56519  
faculty and staff of state institutions of higher education to 56520  
evaluate various military training, experience, and coursework and 56521  
to award appropriate equivalent credit. The training program shall 56522  
incorporate the best practices of awarding credit for military 56523  
experiences, including both the recommendations of the American 56524  
council on education and the standards developed by the council 56525  
for adult and experiential learning. 56526

(C) Beginning on July 1, 2015, state institutions of higher 56527  
education shall ensure that appropriate equivalent credit is 56528  
awarded for military training, experience, and coursework that 56529  
meet the standards developed by the chancellor pursuant to this 56530  
section. 56531

Sec. 3333.165. (A) At the end of each academic year, the 56532  
chancellor of higher education shall develop and release a report 56533  
that includes all of the following information: 56534

(1) The total number of courses that were successfully 56535  
transferred to state institutions of higher education under 56536  
sections 3333.16 to 3333.164 of the Revised Code, during the most 56537  
recent academic year for which data is available; 56538

(2) The total number of courses that were not accepted for 56539  
transfer at state institutions of higher education under sections 56540

3333.16 to 3333.164 of the Revised Code, during the most recent 56541  
academic year for which data is available; 56542

(3) The number of students who earned an associate degree at 56543  
a community college, a state community college, or a university 56544  
branch that was successfully transferred to a state university 56545  
under sections 3333.16 to 3333.164 of the Revised Code. 56546

(B) As used in this section, "state institution of higher 56547  
education" and "state university" have the same meanings as in 56548  
section 3345.011 of the Revised Code. 56549

**Sec. 3333.17.** The chancellor of ~~the Ohio board of regents~~ 56550  
higher education may enter into contracts with the appropriate 56551  
agency in a contiguous state whereby the agency provides for 56552  
charging Ohio residents enrolled in state-assisted post-secondary 56553  
educational institutions in the contiguous state, tuition and fees 56554  
at rates no higher than the rates charged to students who are 56555  
residents of that state, and whereby the chancellor, as part of 56556  
such contracts, may provide that rates for tuition and fees 56557  
charged to residents of the contiguous state who are enrolled in 56558  
state-assisted post-secondary educational institutions in Ohio 56559  
shall not exceed those charged Ohio residents. 56560

State-assisted post-secondary educational institutions in 56561  
Ohio may enter into contracts with appropriate state-assisted 56562  
post-secondary educational institutions in a contiguous state 56563  
whereby the state-assisted post-secondary educational institution 56564  
provides for charging Ohio residents enrolled in the institution 56565  
in the contiguous state, tuition and fees at rates no higher than 56566  
the rates charged to students who are residents of that state, and 56567  
whereby the Ohio state-assisted post-secondary institution, as 56568  
part of such contracts, may provide that rates for tuition and 56569  
fees charged to residents of the contiguous state who are enrolled 56570  
in the state-assisted post-secondary educational institutions in 56571

Ohio shall not exceed those charged Ohio residents. 56572

The contracts entered into by the chancellor or a 56573  
state-assisted post-secondary educational institution may limit 56574  
the type of academic program offered at the reciprocal rates. 56575  
Residents of contiguous states enrolled in for credit courses 56576  
taught at the main campus and identified off-campus sites at 56577  
state-assisted post-secondary educational institutions in Ohio 56578  
under such contracts shall be included in calculating the number 56579  
of full-time equivalent students for state subsidy purposes. The 56580  
chancellor and each state-assisted post-secondary educational 56581  
institution shall periodically assess the costs and benefits of 56582  
each such contract and the extent to which parity is achieved 56583  
between Ohio and the contiguous state with respect to students 56584  
benefiting from the contract. All Ohio state-assisted 56585  
post-secondary educational institutions participating in these 56586  
contracts shall report enrollments and other information annually 56587  
to the chancellor. No contract shall be entered into under this 56588  
section without the approval of the chancellor. The chancellor 56589  
shall report the status of these contracts to the controlling 56590  
board annually. 56591

**Sec. 3333.171.** (A) The chancellor of ~~the Ohio board of~~ 56592  
~~regents~~ higher education may enter into a reciprocity agreement 56593  
with the midwestern higher education compact whereby the agreement 56594  
provides for both of the following: 56595

(1) A participating institution in Ohio may enroll residents 56596  
of a participating state in distance education programs at that 56597  
institution without attaining prior approval from the appropriate 56598  
agency of that participating state. 56599

(2) A participating institution in another state may enroll 56600  
Ohio residents in distance education programs at that institution 56601  
without attaining prior approval from the chancellor. 56602

(B) Under the terms of an agreement, the chancellor may do 56603  
any of the following: 56604

(1) Apply on behalf of the state of Ohio to become an 56605  
eligible state to participate in the agreement; 56606

(2) Designate the ~~board~~ department of ~~regents~~ higher 56607  
education as the lead agency to ensure that Ohio meets the 56608  
eligibility requirements of the agreement, as determined by the 56609  
midwestern higher education compact; 56610

(3) Develop criteria and procedures for eligible institutions 56611  
in Ohio to apply to participate in the agreement and for their 56612  
continued participation in the agreement; 56613

(4) Assess and collect fees, pursuant to rules adopted by the 56614  
chancellor under Chapter 119. of the Revised Code, from 56615  
participating institutions in Ohio; 56616

(5) Collect annual data, as prescribed by the chancellor or 56617  
as required by the midwestern higher education compact, from 56618  
participating institutions in Ohio; 56619

(6) Develop a student grievance process to resolve complaints 56620  
brought against participating institutions in Ohio in regard to 56621  
the distance education programs that are eligible under the terms 56622  
of the agreement; 56623

(7) Work collaboratively with the state board of career 56624  
colleges and schools to determine the eligibility of institutions 56625  
authorized by that agency under section 3332.05 of the Revised 56626  
Code for initial and continued participation in the agreement; 56627

(8) Perform other duties and responsibilities as required for 56628  
participation in the agreement. 56629

(C) Any eligible institution in Ohio that wishes to 56630  
participate in the agreement entered into under this section shall 56631  
first attain approval for inclusion in the agreement from the 56632



chancellor. Thereafter, a participating institution in Ohio shall 56633  
attain approval from the chancellor for any new distance education 56634  
programs offered by that institution prior to enrolling residents 56635  
of a participating state in such programs under the terms of the 56636  
agreement. 56637

(D) All other post-secondary activity that requires the 56638  
chancellor's approval and is not included under the terms of the 56639  
agreement entered into under this section is subject to the 56640  
chancellor's review and approval pursuant to Chapters 1713. and 56641  
3333. of the Revised Code. 56642

(E) The chancellor may terminate the agreement entered into 56643  
under this section or remove the ~~board of regents~~ department as 56644  
the lead agency on the agreement, if the chancellor determines 56645  
that the agreement is not in the best interest of the state or the 56646  
board. 56647

(F) For purposes of this section: 56648

(1) "Eligible institution in Ohio" is any of the following 56649  
types of institutions, as long as it is degree-granting and is 56650  
accredited by an accrediting agency recognized by the United 56651  
States secretary of education: 56652

(a) A state institution of higher education as defined in 56653  
section 3345.011 of the Revised Code; 56654

(b) An Ohio institution of higher education that has received 56655  
a certificate of authorization pursuant to Chapter 1713. of the 56656  
Revised Code; 56657

(c) An Ohio institution of higher education authorized by the 56658  
state board of career colleges and schools under section 3332.05 56659  
of the Revised Code. 56660

(2) "Participating institution in Ohio" is any "eligible 56661  
institution in Ohio" that has been approved by the chancellor for 56662

participation in the agreement entered into under this section. 56663

(3) "Participating institution in another state" is any 56664  
institution of higher education that is located outside of Ohio 56665  
that meets the eligibility requirements under the terms of a 56666  
similar reciprocity agreement and is approved by the appropriate 56667  
agency of that institution's home state to participate in an 56668  
agreement entered into with the midwestern higher education 56669  
compact, the New England board of higher education, the southern 56670  
regional education board, or the western interstate commission for 56671  
higher education. 56672

**Sec. 3333.18.** The chancellor of ~~the Ohio board of regents~~ 56673  
higher education may enter into contracts with the appropriate 56674  
agency in a contiguous state whereby financial aids from the funds 56675  
of each state may be used by qualified student recipients to 56676  
attend approved post-secondary educational institutions in the 56677  
other state. Approved institutions in Ohio are those that are 56678  
state-assisted or are nonprofit and have received certificates of 56679  
authorization pursuant to Chapter 1713. of the Revised Code, or 56680  
are private institutions exempt from regulation under Chapter 56681  
3332. of the Revised Code as prescribed in section 3333.046 of the 56682  
Revised Code. Eligible post-secondary educational institutions in 56683  
the contiguous state shall be similarly approved by the 56684  
appropriate agency of that state. In formulating and executing 56685  
such contracts with a contiguous state, the chancellor shall 56686  
assure that the total cost to this state approximates the total 56687  
cost to the contiguous state. Any contract entered into under this 56688  
section shall be subject to the periodic review of, and approval 56689  
by, the controlling board. 56690

**Sec. 3333.19.** The chancellor of ~~the Ohio board of regents~~ 56691  
higher education may enter into agreements with the appropriate 56692  
agency in a foreign country or with an agency or organization 56693

sponsoring foreign student exchanges under which the agency or 56694  
organization ensures that Ohio residents enrolled in 56695  
post-secondary educational institutions in the foreign country 56696  
will pay tuition and fees at rates no higher than the rates 56697  
charged to students who are residents of that country and under 56698  
which the chancellor provides that rates for tuition and fees 56699  
charged to a comparable number of students from the foreign 56700  
country who are enrolled in state-assisted institutions of higher 56701  
education in Ohio are to be no higher than the rates charged to 56702  
students who are Ohio residents. Notwithstanding that an Ohio 56703  
resident is enrolled in a post-secondary educational institution 56704  
in a foreign country under one of these agreements, any such 56705  
student who was previously enrolled in a state-assisted 56706  
institution shall be counted as enrolled in such institution for 56707  
state subsidy purposes in a manner prescribed by rules the 56708  
chancellor shall adopt. 56709

**Sec. 3333.20.** (A) The chancellor of ~~the Ohio board of regents~~ 56710  
higher education shall adopt educational service standards that 56711  
shall apply to all community colleges, university branches, 56712  
technical colleges, and state community colleges established under 56713  
Chapters 3354., 3355., 3357., and 3358. of the Revised Code, 56714  
respectively. These standards shall provide for such institutions 56715  
to offer or demonstrate at least the following: 56716

(1) An appropriate range of career or technical programs 56717  
designed to prepare individuals for employment in specific careers 56718  
at the technical or paraprofessional level; 56719

(2) Commitment to an effective array of developmental 56720  
education services providing opportunities for academic skill 56721  
enhancement; 56722

(3) Partnerships with industry, business, government, and 56723  
labor for the retraining of the workforce and the economic 56724

development of the community;	56725
(4) Noncredit continuing education opportunities;	56726
(5) College transfer programs or the initial two years of a baccalaureate degree for students planning to transfer to institutions offering baccalaureate programs;	56727 56728 56729
(6) Linkages with high schools to ensure that graduates are adequately prepared for post-secondary instruction;	56730 56731
(7) Student access provided according to a convenient schedule and program quality provided at an affordable price;	56732 56733
(8) That student fees charged by any institution are as low as possible, especially if the institution is being supported by a local tax levy;	56734 56735 56736
(9) A high level of community involvement in the decision-making process in such critical areas as course delivery, range of services, fees and budgets, and administrative personnel.	56737 56738 56739
(B) The chancellor shall consult with representatives of state-assisted colleges and universities, as defined in section 3333.041 of the Revised Code, in developing appropriate methods for achieving or maintaining the standards adopted pursuant to division (A) of this section.	56740 56741 56742 56743 56744
(C) In considering institutions that are co-located, the chancellor shall apply the standards to them in two manners:	56745 56746
(1) As a whole entity;	56747
(2) As separate entities, applying the standards separately to each.	56748 56749
When distributing any state funds among institutions based on the degree to which they meet the standards, the chancellor shall provide to institutions that are co-located the higher amount produced by the two judgments under divisions (C)(1) and (2) of this section.	56750 56751 56752 56753 56754

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the chancellor of ~~the Ohio board of regents~~ higher education.

The chancellor shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

"Resident" and "full-time student" shall be defined in rules adopted by the chancellor.

The chancellor shall award the scholarships on the basis of a

formula designed by the chancellor to identify students with the 56786  
highest capability for successful college study. The formula shall 56787  
weigh the factor of achievement, as measured by grade point 56788  
average, and the factor of ability, as measured by performance on 56789  
a competitive examination specified by the chancellor. Students 56790  
receiving scholarships shall be known as "Ohio academic scholars." 56791

**Sec. 3333.22.** Each Ohio academic scholarship shall be awarded 56792  
for an academic year and may be renewed for each of three 56793  
additional academic years. The scholarship amount awarded to a 56794  
scholar for an academic year shall be not less than two thousand 56795  
dollars. A scholarship shall be renewed if the scholar maintains 56796  
an academic record satisfactory to the chancellor of ~~the Ohio~~ 56797  
~~board of regents~~ higher education and meets any of the following 56798  
conditions: 56799

(A) The scholar is enrolled as a full-time undergraduate; 56800

(B) The scholar was awarded an undergraduate degree in less 56801  
than four academic years and is enrolled as a full-time graduate 56802  
or professional student in an Ohio institution of higher education 56803  
that meets the requirements of Title VI of the "Civil Rights Act 56804  
of 1964" and is state-assisted or is nonprofit and holds a 56805  
certificate of authorization issued under section 1713.02 of the 56806  
Revised Code; 56807

(C) The scholar is a full-time student concurrently enrolled 56808  
as an undergraduate student and as a graduate or professional 56809  
student in an Ohio institution of higher education that meets the 56810  
requirements of division (B) of this section. 56811

Each amount awarded shall be paid in equal installments to 56812  
the scholar at the time of enrollment for each term of the 56813  
academic year for which the scholarship is awarded or renewed. No 56814  
scholar is eligible to receive an Ohio academic scholarship for 56815  
more than the equivalent of four academic years. 56816

If an Ohio academic scholar is temporarily unable to attend school because of illness or other cause satisfactory to the chancellor, the chancellor may grant a leave of absence for a designated period of time. If a scholar discontinues full-time attendance at the scholar's school during a term because of illness or other cause satisfactory to the chancellor, the scholar may either claim a prorated payment for the period of actual attendance or waive payment for that term. A term for which prorated payment is made shall be considered a full term for which a scholarship was received. A term for which payment is waived shall not be considered a term for which a scholarship was received.

Receipt of an Ohio academic scholarship shall not affect a scholar's eligibility for the Ohio instructional grant program.

**Sec. 3333.23.** At the end of each term, each Ohio academic scholar shall request the registrar of the school to send a copy of the scholar's scholastic record to the chancellor of ~~the Ohio board of regents~~ higher education. If the scholar's record fails to meet the standards established by the chancellor, further payments shall be suspended until the scholar demonstrates promise of successful progress in the academic program for which the award was made. The chancellor may revoke the scholarship if the scholar does not resume successful academic progress within a reasonable time.

**Sec. 3333.25.** There is hereby created the Ohio academic scholarship payment fund, which shall be in the custody of the treasurer of state but shall not be a part of the state treasury. The fund shall consist of all moneys appropriated for the fund by the general assembly and other moneys otherwise made available to the fund. The payment fund shall be used for the payment of Ohio academic scholarships or for additional scholarships to recognize

outstanding academic achievement and ability. The chancellor of 56848  
~~the Ohio board of regents~~ higher education shall administer this 56849  
section and establish rules for the distribution and awarding of 56850  
any additional scholarships. 56851

The chancellor may direct the treasurer of state to invest 56852  
any moneys in the payment fund not currently needed for 56853  
scholarship payments, in any kinds of investments in which moneys 56854  
of the public employees retirement system may be invested. 56855

The instruments of title of all investments shall be 56856  
delivered to the treasurer of state or to a qualified trustee 56857  
designated by the treasurer of state as provided in section 135.18 56858  
of the Revised Code. The treasurer of state shall collect both 56859  
principal and investment earnings on all investments as they 56860  
become due and pay them into the fund. 56861

All deposits to the fund shall be made in financial 56862  
institutions of this state secured as provided in section 135.18 56863  
of the Revised Code. 56864

**Sec. 3333.26.** (A) Any citizen of this state who has resided 56865  
within the state for one year, who was in the active service of 56866  
the United States as a soldier, sailor, nurse, or marine between 56867  
April 6, 1917, and November 11, 1918, and who has been honorably 56868  
discharged from that service, shall be admitted to any school, 56869  
college, or university that receives state funds in support 56870  
thereof, without being required to pay any tuition or 56871  
matriculation fee, but is not relieved from the payment of 56872  
laboratory or similar fees. 56873

(B)(1) As used in this division: 56874

(a) "Volunteer firefighter" has the meaning as in division 56875  
(B)(1) of section 146.01 of the Revised Code. 56876

(b) "Public service officer" means an Ohio firefighter, 56877



volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state.

(c) "Qualified former spouse" means the former spouse of a public service officer, or of a member of the armed services of the United States, who is the custodial parent of a minor child of that marriage pursuant to an order allocating the parental rights and responsibilities for care of the child issued pursuant to section 3109.04 of the Revised Code.

(d) "Operation enduring freedom" means that period of conflict which began October 7, 2001, and ends on a date declared by the president of the United States or the congress.

(e) "Operation Iraqi freedom" means that period of conflict which began March 20, 2003, and ends on a date declared by the president of the United States or the congress.

(f) "Combat zone" means an area that the president of the United States by executive order designates, for purposes of 26 U.S.C. 112, as an area in which armed forces of the United States are or have engaged in combat.

(2) Any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community

college, university branch, or technical college shall not be 56909  
required to pay any tuition or any student fee for up to four 56910  
academic years of education, which shall be at the undergraduate 56911  
level. 56912

A child of a member of the armed services of the United 56913  
States killed in the line of duty during operation enduring 56914  
freedom or operation Iraqi freedom is eligible for a waiver of 56915  
tuition and student fees under this division only if the student 56916  
is not eligible for a war orphans scholarship authorized by 56917  
Chapter 5910. of the Revised Code. In any year in which the war 56918  
orphans scholarship board reduces the percentage of tuition 56919  
covered by a war orphans scholarship below one hundred per cent 56920  
pursuant to division (A) of section 5910.04 of the Revised Code, 56921  
the waiver of tuition and student fees under this division for a 56922  
child of a member of the armed services of the United States 56923  
killed in the line of duty during operation enduring freedom or 56924  
operation Iraqi freedom shall be reduced by the same percentage. 56925

(3) Any resident of this state who is the spouse or qualified 56926  
former spouse of a public service officer killed in the line of 56927  
duty, and who is admitted to any state university or college as 56928  
defined in division (A)(1) of section 3345.12 of the Revised Code, 56929  
community college, state community college, university branch, or 56930  
technical college, shall not be required to pay any tuition or any 56931  
student fee for up to four academic years of education, which 56932  
shall be at the undergraduate level. 56933

(4) Any resident of this state who is the spouse or qualified 56934  
former spouse of a member of the armed services of the United 56935  
States killed in the line of duty while serving in a combat zone 56936  
after May 7, 1975, and who is admitted to any state university or 56937  
college as defined in division (A)(1) of section 3345.12 of the 56938  
Revised Code, community college, state community college, 56939  
university branch, or technical college, shall not be required to 56940

pay any tuition or any student fee for up to four years of 56941  
academic education, which shall be at the undergraduate level. In 56942  
order to qualify under division (B)(4) of this section, the spouse 56943  
or qualified former spouse shall have been a resident of this 56944  
state at the time the member was killed in the line of duty. 56945

(C) Any institution that is not subject to division (B) of 56946  
this section and that holds a valid certificate of registration 56947  
issued under Chapter 3332. of the Revised Code, a valid 56948  
certificate issued under Chapter 4709. of the Revised Code, or a 56949  
valid license issued under Chapter 4713. of the Revised Code, or 56950  
that is nonprofit and has a certificate of authorization issued 56951  
under section 1713.02 of the Revised Code, or that is a private 56952  
institution exempt from regulation under Chapter 3332. of the 56953  
Revised Code as prescribed in section 3333.046 of the Revised 56954  
Code, which reduces tuition and student fees of a student who is 56955  
eligible to attend an institution of higher education under the 56956  
provisions of division (B) of this section by an amount indicated 56957  
by the chancellor of ~~the Ohio board of regents~~ higher education 56958  
shall be eligible to receive a grant in that amount from the 56959  
chancellor. 56960

Each institution that enrolls students under division (B) of 56961  
this section shall report to the chancellor, by the first day of 56962  
July of each year, the number of students who were so enrolled and 56963  
the average amount of all such tuition and student fees waived 56964  
during the preceding year. The chancellor shall determine the 56965  
average amount of all such tuition and student fees waived during 56966  
the preceding year. The average amount of the tuition and student 56967  
fees waived under division (B) of this section during the 56968  
preceding year shall be the amount of grants that participating 56969  
institutions shall receive under this division during the current 56970  
year, but no grant under this division shall exceed the tuition 56971  
and student fees due and payable by the student prior to the 56972

reduction referred to in this division. The grants shall be made 56973  
for four years of undergraduate education of an eligible student. 56974

**Sec. 3333.28.** (A) The chancellor of ~~the Ohio board of regents~~ 56975  
higher education shall establish the nurse education assistance 56976  
program, the purpose of which shall be to make loans to students 56977  
enrolled in prelicensure nurse education programs at institutions 56978  
approved by the board of nursing under section 4723.06 of the 56979  
Revised Code and postlicensure nurse education programs approved 56980  
by the chancellor under section 3333.04 of the Revised Code or 56981  
offered by an institution holding a certificate of authorization 56982  
issued under Chapter 1713. of the Revised Code. The board of 56983  
nursing shall assist the chancellor in administering the program. 56984

(B) There is hereby created in the state treasury the nurse 56986  
education assistance fund, which shall consist of all money 56987  
transferred to it pursuant to section 4743.05 of the Revised Code. 56988  
The fund shall be used by the chancellor for loans made under 56989  
division (A) of this section and for expenses of administering the 56990  
loan program. 56991

(C) Between July 1, 2005, and January 1, 2012, the chancellor 56992  
shall distribute money in the nurse education assistance fund in 56993  
the following manner: 56994

(1)(a) Fifty per cent of available funds shall be awarded as 56995  
loans to registered nurses enrolled in postlicensure nurse 56996  
education programs described in division (A) of this section. To 56997  
be eligible for a loan, the applicant shall provide the chancellor 56998  
with a letter of intent to practice as a faculty member at a 56999  
prelicensure or postlicensure program for nursing in this state 57000  
upon completion of the applicant's academic program. 57001

(b) If the borrower of a loan under division (C)(1)(a) of 57002  
this section secures employment as a faculty member of an approved 57003

nursing education program in this state within six months 57004  
following graduation from an approved nurse education program, the 57005  
chancellor may forgive the principal and interest of the student's 57006  
loans received under division (C)(1)(a) of this section at a rate 57007  
of twenty-five per cent per year, for a maximum of four years, for 57008  
each year in which the borrower is so employed. A deferment of the 57009  
service obligation, and other conditions regarding the forgiveness 57010  
of loans may be granted as provided by the rules adopted under 57011  
division (D)(7) of this section. 57012

(c) Loans awarded under division (C)(1)(a) of this section 57013  
shall be awarded on the basis of the student's expected family 57014  
contribution, with preference given to those applicants with the 57015  
lowest expected family contribution. However, the chancellor may 57016  
consider other factors the chancellor determines relevant in 57017  
ranking the applications. 57018

(d) Each loan awarded to a student under division (C)(1)(a) 57019  
of this section shall be not less than five thousand dollars per 57020  
year. 57021

(2) Twenty-five per cent of available funds shall be awarded 57022  
to students enrolled in prelicensure nurse education programs for 57023  
registered nurses, as defined in section 4723.01 of the Revised 57024  
Code. 57025

(3) Twenty-five per cent of available funds shall be awarded 57026  
to students enrolled in nurse education programs as determined by 57027  
the chancellor, with preference given to programs aimed at 57028  
increasing enrollment in an area of need. 57029

After January 1, 2012, the chancellor shall determine the 57030  
manner in which to distribute loans under this section. 57031

(D) Subject to the requirements specified in division (C) of 57032  
this section, the chancellor shall adopt rules in accordance with 57033  
Chapter 119. of the Revised Code establishing: 57034

(1) Eligibility criteria for receipt of a loan;	57035
(2) Loan application procedures;	57036
(3) The amounts in which loans may be made and the total amount that may be loaned to an individual;	57037 57038
(4) The total amount of loans that can be made each year;	57039
(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;	57040 57041
(6) Interest and principal repayment schedules;	57042
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	57043 57044 57045
(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be deferred or forgiven.	57046 57047 57048 57049 57050
(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	57051 57052 57053
(10) Any other matters incidental to the operation of the program.	57054 57055
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	57056 57057 57058 57059 57060 57061 57062
(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or	57063 57064

forgiven if the recipient of the loan meets the criteria for 57065  
deferment or forgiveness established by the chancellor under the 57066  
rule adopted under division (D)(8) of this section. 57067

(G) The receipt of a loan under this section shall not affect 57068  
a student's eligibility for assistance, or the amount of that 57069  
assistance, granted under section 3333.12, 3333.122, 3333.22, 57070  
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 57071  
the rules of the chancellor may provide for taking assistance 57072  
received under those sections into consideration when determining 57073  
a student's eligibility for a loan under this section. 57074

(H) As used in this section, "active duty" means active duty 57075  
pursuant to an executive order of the president of the United 57076  
States, an act of the congress of the United States, or section 57077  
5919.29 or 5923.21 of the Revised Code. 57078

**Sec. 3333.29.** (A) As used in this section, "state institution 57079  
of higher education" has the same meaning as in section 3345.011 57080  
of the Revised Code. 57081

(B) The chancellor of ~~the Ohio board of regents~~ higher 57082  
education shall establish, within the Ohio skills bank, a 57083  
mechanism to facilitate communication, cooperation, and 57084  
partnerships among state institutions of higher education with 57085  
nursing education programs and between state institutions of 57086  
higher education and hospitals in this state to meet regional and 57087  
statewide nursing education needs. 57088

**Sec. 3333.30.** The chancellor of ~~the Ohio board of regents~~ 57089  
higher education may enter into an agreement with private entities 57090  
to provide log-in access or an internet link to free career 57091  
information for students via the web site maintained by the 57092  
chancellor. A log-in access or internet link authorized under this 57093  
section shall not be considered an advertisement, endorsement, or 57094

sponsorship for purposes of the regulation of state-controlled web 57095  
sites under any section of the Revised Code, any rule of the 57096  
Administrative Code, or any other policy or directive adopted or 57097  
issued by the office of information technology or any other state 57098  
agency. 57099

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 57100  
purposes, status as a resident of Ohio shall be defined by the 57101  
chancellor of ~~the Ohio board of regents~~ higher education by rule 57102  
promulgated pursuant to Chapter 119. of the Revised Code. No 57103  
adjudication as to the status of any person under such rule, 57104  
however, shall be required to be made pursuant to Chapter 119. of 57105  
the Revised Code. The term "resident" for these purposes shall not 57106  
be equated with the definition of that term as it is employed 57107  
elsewhere under the laws of this state and other states, and shall 57108  
not carry with it any of the legal connotations appurtenant 57109  
thereto. Rather, except as provided in divisions (B), (C), and 57110  
~~(D)~~(E) of this section, for such purposes, the rule promulgated 57111  
under this section shall have the objective of excluding from 57112  
treatment as residents those who are present in the state 57113  
primarily for the purpose of attending a state-supported or 57114  
state-assisted institution of higher education, and may prescribe 57115  
presumptive rules, rebuttable or conclusive, as to such purpose 57116  
based upon the source or sources of support of the student, 57117  
residence prior to first enrollment, evidence of intention to 57118  
remain in the state after completion of studies, or such other 57119  
factors as the chancellor deems relevant. 57120

(B) The rules of the chancellor for determining student 57121  
residency shall grant residency status to a veteran and to the 57122  
veteran's spouse and any dependent of the veteran, if both of the 57123  
following conditions are met: 57124

(1) The veteran either: 57125



(a) Served one or more years on active military duty and was 57126  
honorably discharged or received a medical discharge that was 57127  
related to the military service; 57128

(b) Was killed while serving on active military duty or has 57129  
been declared to be missing in action or a prisoner of war. 57130

(2) If the veteran seeks residency status for tuition 57131  
surcharge purposes, the veteran has established domicile in this 57132  
state as of the first day of a term of enrollment in an 57133  
institution of higher education. If the spouse or a dependent of 57134  
the veteran seeks residency status for tuition surcharge purposes, 57135  
the veteran and the spouse or dependent seeking residency status 57136  
have established domicile in this state as of the first day of a 57137  
term of enrollment in an institution of higher education, except 57138  
that if the veteran was killed while serving on active military 57139  
duty, has been declared to be missing in action or a prisoner of 57140  
war, or is deceased after discharge, only the spouse or dependent 57141  
seeking residency status shall be required to have established 57142  
domicile in accordance with this division. 57143

(C) The rules of the chancellor for determining student 57144  
residency shall grant residency status to both of the following: 57145

(1) A veteran who is the recipient of federal veterans' 57146  
benefits under the "All-Volunteer Force Educational Assistance 57147  
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 57148  
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 57149  
successor program, if the veteran meets all of the following 57150  
criteria: 57151

(a) The veteran served at least ninety days on active duty. 57152

(b) The veteran enrolls in a state institution of higher 57153  
education, as defined in section 3345.011 of the Revised Code. 57154

(c) The veteran lives in the state as of the first day of a 57155  
term of enrollment in the state institution of higher education. 57156

(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria: 57157  
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(a) The person enrolls in a state institution of higher education. 57162  
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(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education. 57164  
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In order to qualify under division (C)(2) of this section, the veteran's period of active duty must have been at least ninety days. 57166  
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A veteran or other person who is granted residency status for tuition surcharge purposes under division (C)(1) or (C)(2) of this section shall continue to qualify for such status, so long as the veteran or other person is continuously enrolled in at least one program at the state institution of higher education in which the veteran or student enrolls pursuant to division (C)(1)(b) or (C)(2)(a) of this section. 57169  
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(D) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates. 57176  
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Documentation of full-time employment and domicile shall include both of the following documents: 57183  
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(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student 57185  
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is employed full-time in Ohio; 57188

(2) A copy of the lease under which the parent or spouse is 57189  
the lessee and occupant of rented residential property in the 57190  
state, a copy of the closing statement on residential real 57191  
property of which the parent or spouse is the owner and occupant 57192  
in this state or, if the parent or spouse is not the lessee or 57193  
owner of the residence in which the parent or spouse has 57194  
established domicile, a letter from the owner of the residence 57195  
certifying that the parent or spouse resides at that residence. 57196

Residency officers may also evaluate, in accordance with the 57197  
chancellor's rule, requests for immediate residency status from 57198  
dependent students whose parents are not living and whose domicile 57199  
follows that of a legal guardian who has accepted full-time 57200  
employment and established domicile in the state for reasons other 57201  
than gaining the benefit of favorable tuition rates. 57202

~~(D)~~(E)(1) The rules of the chancellor for determining student 57203  
residency shall grant residency status to a person who, while a 57204  
resident of this state for state subsidy and tuition surcharge 57205  
purposes, graduated from a high school in this state or completed 57206  
the final year of instruction at home as authorized under section 57207  
3321.04 of the Revised Code, if the person enrolls in an 57208  
institution of higher education and establishes domicile in this 57209  
state, regardless of the student's residence prior to that 57210  
enrollment. 57211

(2) The rules of the chancellor for determining student 57212  
residency shall not grant residency status to an alien if the 57213  
alien is not also an immigrant or a nonimmigrant. 57214

~~(E)~~(F) As used in this section: 57215

(1) "Dependent," "domicile," "institution of higher 57216  
education," and "residency officer" have the meanings ascribed in 57217  
the chancellor's rules adopted under this section. 57218

(2) "Alien" means a person who is not a United States citizen 57219  
or a United States national. 57220

(3) "Immigrant" means an alien who has been granted the right 57221  
by the United States bureau of citizenship and immigration 57222  
services to reside permanently in the United States and to work 57223  
without restrictions in the United States. 57224

(4) "Nonimmigrant" means an alien who has been granted the 57225  
right by the United States bureau of citizenship and immigration 57226  
services to reside temporarily in the United States. 57227

**Sec. 3333.33.** (A) A community college established under 57228  
Chapter 3354. of the Revised Code, state community college 57229  
established under Chapter 3358. of the Revised Code, or technical 57230  
college established under Chapter 3357. of the Revised Code may 57231  
establish a tuition guarantee program, subject to approval of the 57232  
chancellor of ~~the Ohio board of regents~~ higher education. 57233

(B) The chancellor shall establish guidelines for the board 57234  
of trustees of a community college, state community college, or 57235  
technical college to follow when developing a tuition guarantee 57236  
program and submitting applications to the chancellor. 57237

**Sec. 3333.34.** (A) As used in this section: 57238

(1) "Pre-college stackable certificate" means a certificate 57239  
earned before an adult is enrolled in an institution of higher 57240  
education that can be transferred to college credit based on 57241  
standards established by the chancellor of ~~the Ohio board of~~ 57242  
~~regents~~ higher education and the department of education. 57243

(2) "College-level certificate" means a certificate earned 57244  
while an adult is enrolled in an institution of higher education 57245  
that can be transferred to college credit based on standards 57246  
established by the chancellor and the department of education. 57247

(B) The chancellor and the department of education shall 57248  
create a system of pre-college stackable certificates to provide a 57249  
clear and accessible path for adults seeking to advance their 57250  
education. The system shall do all of the following: 57251

(1) Be uniform across the state; 57252

(2) Be available from an array of providers, including adult 57253  
career centers, institutions of higher education, and employers; 57254

(3) Be structured to respond to the expectations of both the 57255  
workplace and higher education; 57256

(4) Be articulated in a way that ensures the most effective 57257  
interconnection of competencies offered in specialized training 57258  
programs; 57259

(5) Establish standards for earning pre-college certificates; 57260

(6) Establish transferability of pre-college certificates to 57261  
college credit. 57262

(C) The chancellor shall develop college-level certificates 57263  
that can be transferred to college credit in different subject 57264  
competencies. The certificates shall be based on competencies and 57265  
experience and not on classroom seat time. 57266

**Sec. 3333.342.** (A) The chancellor of ~~the Ohio board of~~ 57267  
~~regents~~ higher education may designate a "certificate of value" 57268  
for a certificate program at any adult career-technical education 57269  
institution or state institution of higher education, as defined 57270  
under section 3345.011 of the Revised Code, based on the standards 57271  
adopted under division (B) of this section. 57272

(B) The chancellor shall develop standards for designation of 57273  
the certificates of value for certificate programs at adult 57274  
career-technical education institutions and state institutions of 57275  
higher education. The standards shall include at least the 57276  
following considerations: 57277

(1) The quality of the certificate program;	57278
(2) The ability to transfer agreed-upon technical courses completed through an adult career-technical education institution to a state institution of higher education without unnecessary duplication or institutional barriers;	57279 57280 57281 57282
(3) The extent to which the certificate program encourages a student to obtain an associate's or bachelor's degree;	57283 57284
(4) The extent to which the certificate program increases a student's likelihood to complete other certificate programs or an associate's or bachelor's degree;	57285 57286 57287
(5) The ability of the certificate program to meet the expectations of the workplace and higher education;	57288 57289
(6) The extent to which the certificate program is aligned with the strengths of the regional economy;	57290 57291
(7) The extent to which the certificate program increases the amount of individuals who remain in or enter the state's workforce;	57292 57293 57294
(8) The extent of a certificate program's relationship with private companies in the state to fill potential job growth.	57295 57296
(C) The designation of a certificate of value under this section shall expire six years after its designation date.	57297 57298
(D) The chancellor may revoke a designation prior to its expiration date if the chancellor determines that the program no longer complies with the standards developed under division (B) of this section.	57299 57300 57301 57302
(E) Any revocation of a certificate of value under this section shall become effective one hundred eighty days after the date the revocation was declared by the chancellor.	57303 57304 57305
(F) Any adult career-technical education institution or state institution of higher education that desires to be eligible to	57306 57307

receive a designation of certificate of value for one or more of 57308  
its certificate programs shall comply with all records and data 57309  
requests required by the chancellor. 57310

**Sec. 3333.35.** The state board of education and the chancellor 57311  
of ~~the Ohio board of regents~~ higher education shall strive to 57312  
reduce unnecessary student remediation costs incurred by colleges 57313  
and universities in this state, increase overall access for 57314  
students to higher education, enhance the college credit plus 57315  
program in accordance with Chapter 3365. of the Revised Code, and 57316  
enhance the alternative resident educator licensure program in 57317  
accordance with section 3319.26 of the Revised Code. 57318

**Sec. 3333.36.** If the chancellor of higher education 57319  
determines that sufficient funds are available from general 57320  
revenue fund appropriations made to the ~~Ohio board of regents~~ 57321  
department of higher education or to the chancellor ~~of the Ohio~~ 57322  
~~board of regents~~, the chancellor shall allocate the following: 57323

(A) Up to seventy thousand dollars in each fiscal year to 57324  
make payments to the Columbus program in intergovernmental issues, 57325  
an Ohio internship program at Kent state university, for 57326  
scholarships of up to two thousand dollars for each student 57327  
enrolled in the program; 57328

(B) Up to one hundred sixty-five thousand dollars in each 57329  
fiscal year to make payments to the Washington center for 57330  
scholarships provided to undergraduates of Ohio's four-year public 57331  
and private institutions of higher education selected to 57332  
participate in the Washington center internship program. The 57333  
amount of a student's scholarship shall not exceed the amount 57334  
specified for such scholarships in the biennial operating 57335  
appropriations act. 57336

The chancellor may utilize any general revenue funds 57337

appropriated to the ~~board of regents~~ department or to the 57338  
chancellor that the chancellor determines to be available for 57339  
purposes of this section. 57340

**Sec. 3333.37.** As used in sections 3333.37 to 3333.375 of the 57341  
Revised Code, the following words and terms have the following 57342  
meanings unless the context indicates a different meaning or 57343  
intent: 57344

(A) "Cost of attendance" means all costs of a student 57345  
incurred in connection with a program of study at an eligible 57346  
institution, as determined by the institution, including tuition; 57347  
instructional fees; room and board; books, computers, and 57348  
supplies; and other related fees, charges, and expenses. 57349

(B) "Eligible institution" means one of the following: 57350

(1) A state-assisted post-secondary educational institution 57351  
within the state; 57352

(2) A nonprofit institution of higher education within the 57353  
state that holds a certificate of authorization issued under 57354  
Chapter 1713. of the Revised Code, that is accredited by the 57355  
appropriate regional and, when appropriate, professional 57356  
accrediting associations within whose jurisdiction it falls, is 57357  
authorized to grant a bachelor's degree or higher, and satisfies 57358  
other conditions as set forth in the policy guidelines; 57359

(3) A private institution exempt from regulation under 57360  
Chapter 3332. of the Revised Code as prescribed in section 57361  
3333.046 of the Revised Code. 57362

(C) "Eligible student" means either of the following: 57363

(1) An undergraduate student who meets all of the following: 57364

(a) Is a resident of this state; 57365

(b) Has graduated from any Ohio secondary school for which 57366



the state board of education prescribes minimum standards in 57367  
accordance with section 3301.07 of the Revised Code; 57368

(c) Is attending and in good standing, or has been accepted 57369  
for attendance, at any eligible institution as a full-time student 57370  
to pursue a bachelor's degree. 57371

(2) A graduate student who is a resident of this state, and 57372  
is attending and in good standing, or has been accepted for 57373  
attendance, at any eligible institution. 57374

(D) "Fellowship" or "fellowship program" means the Ohio 57375  
priority needs fellowship created by sections 3333.37 to 3333.375 57376  
of the Revised Code. 57377

(E) "Full-time student" has the meaning as defined by rule of 57378  
the chancellor of ~~the Ohio board of regents~~ higher education. 57379

(F) "Ohio outstanding scholar" means a student who is the 57380  
recipient of a scholarship under sections 3333.37 to 3333.375 of 57381  
the Revised Code. 57382

(G) "Policy guidelines" means the rules adopted by the 57383  
chancellor pursuant to section 3333.374 of the Revised Code. 57384

(H) "Priority needs fellow" means a student who is the 57385  
recipient of a fellowship under sections 3333.37 to 3333.375 of 57386  
the Revised Code. 57387

(I) "Priority needs field of study" means those academic 57388  
majors and disciplines as determined by the chancellor that 57389  
support the purposes and intent of sections 3333.37 to 3333.375 of 57390  
the Revised Code as described in section 3333.371 of the Revised 57391  
Code. 57392

(J) "Scholarship" or "scholarship program" means the Ohio 57393  
outstanding scholarship created by sections 3333.37 to 3333.375 of 57394  
the Revised Code. 57395

**Sec. 3333.372.** (A) There are hereby authorized the "Ohio outstanding scholarship" and the "Ohio priority needs fellowship" programs, which shall be established and administered by the chancellor of ~~the Ohio board of regents~~ higher education for eligible students. The programs shall provide scholarships to eligible undergraduate students and fellowships to eligible graduate students, equal to the annual cost of attendance at eligible institutions, to pursue baccalaureate degrees and post-baccalaureate degrees in priority needs field of study consistent with section 3333.371 of the Revised Code.

(B) The scholarship and fellowship programs created under sections 3333.37 to 3333.375 of the Revised Code and any necessary administrative expenses shall be funded solely from the Ohio outstanding scholarship and the Ohio priority needs fellowship programs payment funds established pursuant to section 3333.375 of the Revised Code.

(C) The scholarships shall be renewable for each of three additional years for undergraduate study, and the fellowships shall be renewable for each of two additional years for graduate study, provided the Ohio outstanding scholar or priority needs fellow remains an eligible student at an eligible institution.

**Sec. 3333.373.** (A) The scholarship rules advisory committee is hereby established. The committee shall consist of the chancellor of ~~the Ohio board of regents~~ higher education or the chancellor's designee, the treasurer of state or the treasurer of state's designee, the director of development or the director's designee, one state senator appointed by the president of the senate, one state representative appointed by the speaker of the house of representatives, and two public members appointed by the chancellor of higher education representing the interests of the state-assisted eligible institutions and private nonprofit

eligible institutions, respectively. 57427

(B) The committee shall provide recommendations to the 57428  
chancellor of higher education as to rules, criteria, and 57429  
guidelines necessary and appropriate to implement the scholarship 57430  
and fellowship programs created by sections 3333.37 to 3333.375 of 57431  
the Revised Code. 57432

(C) The committee shall meet at least annually to review the 57433  
scholarship and fellowship programs guidelines; make 57434  
recommendations to amend, rescind, or modify the policy 57435  
guidelines; and approve scholarship and fellowship awards to 57436  
eligible students. 57437

(D) Sections 101.82 to 101.87 of the Revised Code do not 57438  
apply to this section. 57439

**Sec. 3333.374.** (A) After receipt of recommendations from the 57440  
scholarship rules advisory committee or if no recommendations are 57441  
received, the chancellor of ~~the Ohio board of regents~~ higher 57442  
education, with the approval of the treasurer of state, shall 57443  
adopt rules, in accordance with Chapter 119. of the Revised Code, 57444  
establishing policy guidelines for the implementation of the 57445  
scholarship and fellowship programs. 57446

(B) Nothing in this section or section 3333.373 of the 57447  
Revised Code shall prevent the chancellor, with the approval of 57448  
the treasurer of state, from amending or rescinding rules adopted 57449  
pursuant to division (A) of this section, or from adopting new 57450  
rules, in accordance with Chapter 119. of the Revised Code, from 57451  
time to time as are necessary to further the purposes of sections 57452  
3333.37 to 3333.375 of the Revised Code. 57453

**Sec. 3333.375.** (A)(1) There are hereby created the Ohio 57454  
outstanding scholarship and the Ohio priority needs fellowship 57455  
programs payment funds, which shall be in the custody of the 57456

treasurer of state, but shall not be a part of the state treasury. 57457

(2) The payment funds shall consist solely of all moneys 57458  
returned to the treasurer of state, as issuer of certain 57459  
tax-exempt student loan revenue bonds, from all indentures of 57460  
trust, both presently existing and future, created as a result of 57461  
tax-exempt student loan revenue bonds issued under Chapter 3366. 57462  
of the Revised Code, and any moneys earned from allowable 57463  
investments of the payment funds under division (B) of this 57464  
section. 57465

(3) Except as provided in division (E) of this section, the 57466  
payment funds shall be used solely for scholarship and fellowships 57467  
awarded under sections 3333.37 to 3333.375 of the Revised Code by 57468  
the chancellor of ~~the Ohio board of regents~~ higher education and 57469  
for any necessary administrative expenses incurred by the 57470  
chancellor in administering the scholarship and fellowship 57471  
programs. 57472

(B) The treasurer of state may invest any moneys in the 57473  
payment funds not currently needed for scholarship and fellowship 57474  
payments in any kind of investments in which moneys of the public 57475  
employees retirement system may be invested under Chapter 145. of 57476  
the Revised Code. 57477

(C)(1) The instruments of title of all investments shall be 57478  
delivered to the treasurer of state or to a qualified trustee 57479  
designated by the treasurer of state as provided in section 135.18 57480  
of the Revised Code. 57481

(2) The treasurer of state shall collect both principal and 57482  
investment earnings on all investments as they become due and pay 57483  
them into the payment funds. 57484

(3) All deposits to the payment funds shall be made in public 57485  
depositories of this state and secured as provided in section 57486  
135.18 of the Revised Code. 57487

(D) On or before March 1, 2001, and on or before the first 57488  
day of March in each subsequent year, the treasurer of state shall 57489  
provide to the chancellor ~~of the Ohio board of regents~~ a statement 57490  
indicating the moneys in the Ohio outstanding scholarship and the 57491  
Ohio priority needs fellowship programs payment funds that are 57492  
available for the upcoming academic year to award scholarships and 57493  
fellowships under sections 3333.37 to 3333.375 of the Revised 57494  
Code. 57495

(E) The chancellor may use funds the treasurer has indicated 57496  
as available pursuant to division (D) of this section to support 57497  
distribution of state need-based financial aid in accordance with 57498  
sections 3333.12 and 3333.122 of the Revised Code. 57499

**Sec. 3333.39.** The chancellor of ~~the Ohio board of regents~~ 57500  
higher education and the superintendent of public instruction 57501  
shall establish and administer the teach Ohio program to promote 57502  
and encourage citizens of this state to consider teaching as a 57503  
profession. The program shall include all of the following: 57504

(A) A statewide program administered by a nonprofit 57505  
corporation that has been in existence for at least fifteen years 57506  
with demonstrated results in encouraging high school students from 57507  
economically disadvantaged groups to enter the teaching 57508  
profession. The chancellor and superintendent jointly shall select 57509  
the nonprofit corporation. 57510

(B) The Ohio teaching fellows program established under 57511  
sections 3333.391 and 3333.392 of the Revised Code; 57512

(C) The Ohio teacher residency program established under 57513  
section 3319.223 of the Revised Code; 57514

(D) Alternative licensure procedures established under 57515  
section 3319.26 of the Revised Code; 57516

(E) Any other program as identified by the chancellor and the 57517

superintendent. 57518

**Sec. 3333.391.** (A) As used in this section and in section 57519  
3333.392 of the Revised Code: 57520

(1) "Academic year" shall be as defined by the chancellor of 57521  
~~the Ohio board of regents~~ higher education. 57522

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 57523  
be as defined by the department of education. 57524

(3) "Parent" means the parent, guardian, or custodian of a 57525  
qualified student. 57526

(4) "Qualified service" means teaching at a qualifying 57527  
school. 57528

(5) "Qualifying school" means a hard-to-staff school district 57529  
building or a school district building that has a persistently low 57530  
performance rating, as determined jointly by the chancellor and 57531  
superintendent of public instruction, under section 3302.03 of the 57532  
Revised Code at the time the recipient becomes employed by the 57533  
district. 57534

(B) If the chancellor of ~~the Ohio board of regents~~ higher 57535  
education determines that sufficient funds are available from 57536  
general revenue fund appropriations made to the ~~Ohio board of~~ 57537  
~~regents~~ department of higher education or to the chancellor, the 57538  
chancellor and the superintendent of public instruction jointly 57539  
may develop and agree on a plan for the Ohio teaching fellows 57540  
program to promote and encourage high school seniors to enter and 57541  
remain in the teaching profession. Upon agreement of such a plan, 57542  
the chancellor shall establish and administer the program in 57543  
conjunction with the superintendent and with the cooperation of 57544  
teacher training institutions. Under the program, the chancellor 57545  
annually shall provide scholarships to students who commit to 57546  
teaching in a qualifying school for a minimum of four years upon 57547

graduation from a teacher training program at a state institution 57548  
of higher education or an Ohio nonprofit institution of higher 57549  
education that has a certificate of authorization under Chapter 57550  
1713. of the Revised Code. The scholarships shall be for up to 57551  
four years at the undergraduate level at an amount determined by 57552  
the chancellor based on state appropriations. 57553

(C) The chancellor shall adopt a competitive process for 57554  
awarding scholarships under the teaching fellows program, which 57555  
shall include minimum grade point average and scores on national 57556  
standardized tests for college admission. The process shall also 57557  
give additional consideration to all of the following: 57558

(1) A person who has participated in the program described in 57559  
division (A) of section 3333.39 of the Revised Code; 57560

(2) A person who plans to specialize in teaching students 57561  
with special needs; 57562

(3) A person who plans to teach in the disciplines of 57563  
science, technology, engineering, or mathematics. 57564

The chancellor shall require that all applicants to the 57565  
teaching fellows program shall file a statement of service status 57566  
in compliance with section 3345.32 of the Revised Code, if 57567  
applicable, and that all applicants have not been convicted of, 57568  
plead guilty to, or adjudicated a delinquent child for any 57569  
violation listed in section 3333.38 of the Revised Code. 57570

(D) Teaching fellows shall complete the four-year teaching 57571  
commitment within not more than seven years after graduating from 57572  
the teacher training program. Failure to fulfill the commitment 57573  
shall convert the scholarship into a loan to be repaid under 57574  
section 3333.392 of the Revised Code. 57575

(E) The chancellor shall adopt rules in accordance with 57576  
Chapter 119. of the Revised Code to administer this section and 57577  
section 3333.392 of the Revised Code. 57578

Sec. 3333.392. (A) Each recipient who accepts a scholarship 57579  
under the Ohio teaching fellows program created under section 57580  
3333.391 of the Revised Code, or the recipient's parent if the 57581  
recipient is younger than eighteen years of age, shall sign a 57582  
promissory note payable to the state in the event the recipient 57583  
does not satisfy the service requirement of division (D) of 57584  
section 3333.391 of the Revised Code or the scholarship is 57585  
terminated. The amount payable under the note shall be the amount 57586  
of total scholarships accepted by the recipient under the program 57587  
plus ten per cent interest accrued annually beginning on the first 57588  
day of September after graduating from the teacher training 57589  
program or immediately after termination of the scholarship. The 57590  
period of repayment under the note shall be determined by the 57591  
chancellor of ~~the Ohio board of regents~~ higher education. The note 57592  
shall stipulate that the obligation to make payments under the 57593  
note is canceled following completion of four years of qualified 57594  
service by the recipient in accordance with division (D) of 57595  
section 3333.391 of the Revised Code, or if the recipient dies, 57596  
becomes totally and permanently disabled, or is unable to complete 57597  
the required qualified service as a result of a reduction in force 57598  
at the recipient's school of employment before the obligation 57599  
under the note has been satisfied. 57600

(B) Repayment of the principal amount of the scholarship and 57601  
interest accrued shall be deferred while the recipient is enrolled 57602  
in an approved teaching program, while the recipient is seeking 57603  
employment to fulfill the service obligation, for a period not to 57604  
exceed six months, or while the recipient is engaged in qualified 57605  
service. 57606

(C) During the seven-year period following the recipient's 57607  
graduation from an approved teaching program, the chancellor shall 57608  
deduct twenty-five per cent of the outstanding balance that may be 57609  
converted to a loan for each year the recipient teaches at a 57610



qualifying school. 57611

(D) The chancellor may terminate the scholarship, in which 57612  
case the scholarship shall be converted to a loan to be repaid 57613  
under division (A) of this section. 57614

(E) The scholarship shall be deemed terminated upon the 57615  
recipient's withdrawal from school or the recipient's failure to 57616  
meet the standards of the scholarship as determined by the 57617  
chancellor and shall be converted to a loan to be repaid under 57618  
division (A) of this section. 57619

(F) The chancellor and the attorney general shall collect 57620  
payments on the converted loan in accordance with section 131.02 57621  
of the Revised Code. 57622

**Sec. 3333.43.** This section does not apply to any 57623  
baccalaureate degree program that is a cooperative education 57624  
program, as defined in section 3333.71 of the Revised Code. 57625

(A) The chancellor of ~~the Ohio board of regents~~ higher 57626  
education shall require all state institutions of higher education 57627  
that offer baccalaureate degrees, as a condition of 57628  
reauthorization for certification of each baccalaureate program 57629  
offered by the institution, to submit a statement describing how 57630  
each major for which the school offers a baccalaureate degree may 57631  
be completed within three academic years. The chronology of the 57632  
statement shall begin with the fall semester of a student's first 57633  
year of the baccalaureate program. 57634

(B) The statement required under this section may include, 57635  
but not be limited to, any of the following methods to contribute 57636  
to earning a baccalaureate degree in three years: 57637

(1) Advanced placement credit; 57638

(2) International baccalaureate program credit; 57639

(3) A waiver of degree and credit-hour requirements by 57640

completion of courses that are widely available at community 57641  
colleges in the state or through online programs offered by state 57642  
institutions of higher education or private nonprofit institutions 57643  
of higher education holding certificates of authorization under 57644  
Chapter 1713. of the Revised Code, and through courses taken by 57645  
the student through the college credit plus program under Chapter 57646  
3365. of the Revised Code; 57647

(4) Completion of coursework during summer sessions; 57648

(5) A waiver of foreign-language degree requirements based on 57649  
a proficiency examination specified by the institution. 57650

(C)(1) Not later than October 15, 2012, each state 57651  
institution of higher education shall provide statements required 57652  
under this section for ten per cent of all baccalaureate degree 57653  
programs offered by the institution. 57654

(2) Not later than June 30, 2014, each state institution of 57655  
higher education shall provide statements required under this 57656  
section for sixty per cent of all baccalaureate degree programs 57657  
offered by the institution. 57658

(D) Each state institution of higher education required to 57659  
submit statements under this section shall post its three-year 57660  
option on its web site and also provide that information to the 57661  
department of education. The department shall distribute that 57662  
information to the superintendent, high school principal, and 57663  
guidance counselor, or equivalents, of each school district, 57664  
community school established under Chapter 3314. of the Revised 57665  
Code, and STEM school established under Chapter 3326. of the 57666  
Revised Code. 57667

(E) Nothing in this section requires an institution to take 57668  
any action that would violate the requirements of any independent 57669  
association accrediting baccalaureate degree programs. 57670

**Sec. 3333.44.** The chancellor of ~~the Ohio board of regents~~ higher education shall designate a postsecondary globalization liaison to work with state institutions of higher education, as defined in section 3345.011 of the Revised Code, other state agencies, and representatives of the business community to enhance the state's globalization efforts.

The chancellor may designate a person already employed by the chancellor as the liaison.

**Sec. 3333.50.** The ~~Ohio board of regents~~ chancellor of higher education, in consultation with the governor and the department of development, shall develop a critical needs rapid response system to respond quickly to critical workforce shortages in the state. Not later than ninety days after a critical workforce shortage is identified, the chancellor ~~of the board~~ shall submit to the governor a proposal for addressing the shortage through initiatives of the ~~board~~ department of higher education or institutions of higher education.

**Sec. 3333.55.** (A) The health information and imaging technology workforce development pilot project is hereby established. Under the project, in fiscal years 2008 through 2010, the ~~Ohio board of regents~~ chancellor of higher education shall design and implement a three-year pilot program to test, in the vicinity of Clark, Greene, and Montgomery counties, how a P-16 public-private education and workforce development collaborative may address each of the following goals:

(1) Increase the number of students taking and mastering high-level science, technology, engineering, or mathematics courses and pursuing careers in those subjects, in all demographic regions of the state;

(2) Increase the number of students pursuing professional

careers in health information and imaging technology upon 57701  
receiving related technical education and professional experience, 57702  
in all demographic regions of the state; 57703

(3) Unify efforts among schools, career centers, 57704  
post-secondary programs, and employers in a region for career and 57705  
workforce development, preservation, and public education. 57706

(B) The project shall focus on enhancing P-16 education and 57707  
workforce development in the field of health information and 57708  
imaging technology through such activities as increased academic 57709  
intervention in related areas of study, after-school and summer 57710  
intervention programs, tutoring, career and job fairs and other 57711  
promotional and recruitment activities, externships, professional 57712  
development, field trips, academic competitions, development of 57713  
related specialized study modules, development of honors programs, 57714  
and development and enhancement of dual high school and college 57715  
enrollment programs. 57716

(C) Project participants shall include Clark-Shawnee local 57717  
school district, Springfield city school district, Greene county 57718  
career center, Clark state community college, Central state 57719  
university, Wright state university, Cedarville university, 57720  
Wittenberg university, the university of Dayton, and private 57721  
employers in the health information and imaging technology 57722  
industry in the vicinity of Clark, Greene, and Montgomery 57723  
counties, selected by the ~~board of regents~~ chancellor. 57724

For the third year of the project, the ~~board of regents~~ 57725  
chancellor may add as participants the Dayton city school district 57726  
and Xenia city school district. 57727

(D) Wittenberg university shall be the lead coordinating 57728  
agent and Clark state community college shall be the fiscal agent 57729  
for the project. 57730

(E) The ~~board of regents~~ chancellor shall create an advisory 57731

council made up of representatives of the participating entities 57732  
to coordinate, monitor, and evaluate the project. The advisory 57733  
council shall submit an annual activity report to the ~~board of~~ 57734  
~~regents~~ chancellor by a date specified by the ~~board of regents~~ 57735  
chancellor. 57736

**Sec. 3333.58.** There is hereby created at Shawnee state 57737  
university the Ohio Appalachian center for higher education to 57738  
increase the educational attainment of the residents of Ohio's 57739  
Appalachian region, as defined in section 107.21 of the Revised 57740  
Code. The board of directors of the center shall consist of the 57741  
following members: 57742

(A) The presidents of all of the following: 57743

(1) Shawnee state university; 57744

(2) Belmont technical college; 57745

(3) Hocking college; 57746

(4) Jefferson community college; 57747

(5) Zane state college; 57748

(6) Rio Grande community college; 57749

(7) Southern state community college; 57750

(8) Central Ohio technical college, Coshocton campus; 57751

(9) Washington state community college. 57752

(B) The president of Ohio university, or the president's 57753  
designee; 57754

(C) The dean of one of the Salem, Tuscarawas, or East 57755  
Liverpool regional campuses of Kent state university, as 57756  
designated by the president of Kent state university; 57757

(D) A representative of the chancellor of ~~the Ohio board of~~ 57758  
~~regents~~ higher education as designated by the chancellor. 57759

**Sec. 3333.59.** (A) As used in this section: 57760

(1) "Allocated state share of instruction" means, for any 57761  
fiscal year, the amount of the state share of instruction 57762  
appropriated to the ~~Ohio board of regents~~ department of higher 57763  
education by the general assembly that is allocated to a community 57764  
or technical college or community or technical college district 57765  
for such fiscal year. 57766

(2) "Issuing authority" has the same meaning as in section 57767  
154.01 of the Revised Code. 57768

(3) "Bond service charges" has the same meaning as in section 57769  
154.01 of the Revised Code. 57770

(4) "Chancellor" means the chancellor of ~~the Ohio board of~~ 57771  
~~regents~~ higher education. 57772

(5) "Community or technical college" or "college" means any 57773  
of the following state-supported or state-assisted institutions of 57774  
higher education: 57775

(a) A community college as defined in section 3354.01 of the 57776  
Revised Code; 57777

(b) A technical college as defined in section 3357.01 of the 57778  
Revised Code; 57779

(c) A state community college as defined in section 3358.01 57780  
of the Revised Code. 57781

(6) "Community or technical college district" or "district" 57782  
means any of the following institutions of higher education that 57783  
are state-supported or state-assisted: 57784

(a) A community college district as defined in section 57785  
3354.01 of the Revised Code; 57786

(b) A technical college district as defined in section 57787  
3357.01 of the Revised Code; 57788

(c) A state community college district as defined in section 3358.01 of the Revised Code. 57789  
57790

(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code. 57791  
57792

(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires. 57793  
57794

(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state share of instruction, for the payment of bond service charges on such obligations. 57795  
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The board of trustees shall deliver to the chancellor a copy of the resolution and any additional pertinent information the chancellor may require. 57808  
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The chancellor and the office of budget and management, and the issuing authority in the case of obligations to be issued by the issuing authority, shall evaluate each request received from a community or technical college district under this section. The chancellor, with the advice and consent of the director of budget and management and the issuing authority in the case of obligations to be issued by the issuing authority, shall approve each request if all of the following conditions are met: 57811  
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(1) Approval of the request will enhance the marketability of 57819

the obligations for which the request is made; 57820

(2) The chancellor and the office of budget and management, 57821  
and the issuing authority in the case of obligations to be issued 57822  
by the issuing authority, have no reason to believe the requesting 57823  
community or technical college district or the community or 57824  
technical college it operates will be unable to pay when due the 57825  
bond service charges on the obligations for which the request is 57826  
made, and bond service charges on those obligations are therefore 57827  
not anticipated to be paid pursuant to this section from the 57828  
allocated state share of instruction for purposes of Section 17 of 57829  
Article VIII, Ohio Constitution. 57830

(3) Any other pertinent conditions established in rules 57831  
adopted under division (H) of this section. 57832

(C) If the chancellor approves the request of a community or 57833  
technical college district to withhold and deposit funds pursuant 57834  
to this section, the chancellor shall enter into a written 57835  
agreement with the district and the primary paying agent or fiscal 57836  
agent for the obligations, which agreement shall provide for the 57837  
withholding of funds pursuant to this section for the payment of 57838  
bond service charges on those obligations. The agreement may also 57839  
include both of the following: 57840

(1) Provisions for certification by the district to the 57841  
chancellor, prior to the deadline for payment of the applicable 57842  
bond service charges, whether the district and the community or 57843  
technical college it operates are able to pay those bond service 57844  
charges when due; 57845

(2) Requirements that the district or the community or 57846  
technical college it operates deposits amounts for the payment of 57847  
those bond service charges with the primary paying agent or fiscal 57848  
agent for the obligations prior to the date on which the bond 57849  
service charges are due to the owners or holders of the 57850



obligations. 57851

(D) Whenever a district or the community or technical college 57852  
it operates notifies the chancellor that it will not be able to 57853  
pay the bond service charges when they are due, subject to the 57854  
withholding provisions of this section, or whenever the applicable 57855  
paying agent or fiscal agent notifies the chancellor that it has 57856  
not timely received from a district or from the college it 57857  
operates the full amount needed for payment of the bond service 57858  
charges when due to the holders or owners of such obligations, the 57859  
chancellor shall immediately contact the district or college and 57860  
the paying agent or fiscal agent to confirm that the district and 57861  
the college are not able to make the required payment by the date 57862  
on which it is due. 57863

If the chancellor confirms that the district and the college 57864  
are not able to make the payment and the payment will not be made 57865  
pursuant to a credit enhancement facility, the chancellor shall 57866  
promptly pay to the applicable primary paying agent or fiscal 57867  
agent the lesser of the amount due for bond service charges or the 57868  
amount of the next periodic distribution scheduled to be made to 57869  
the district or to the college in respect of its allocated state 57870  
share of instruction. If this amount is insufficient to pay the 57871  
total amount then due the agent for the payment of bond service 57872  
charges, the chancellor shall continue to pay to the agent from 57873  
each periodic distribution thereafter, and until the full amount 57874  
due the agent for unpaid bond service charges is paid in full, the 57875  
lesser of the remaining amount due the agent for bond service 57876  
charges or the amount of the next periodic distribution scheduled 57877  
to be made to the district or college in respect of its allocated 57878  
state share of instruction. 57879

(E) The chancellor may make any payments under this section 57880  
by direct deposit of funds by electronic transfer. 57881

Any amount received by a paying agent or fiscal agent under 57882

this section shall be applied only to the payment of bond service 57883  
charges on the obligations of the community or technical college 57884  
district or community or technical college subject to this section 57885  
or to the reimbursement of the provider of a credit enhancement 57886  
facility that has paid the bond service charges. 57887

(F) The chancellor may make payments under this section to 57888  
paying agents or fiscal agents during any fiscal biennium of the 57889  
state only from and to the extent that money is appropriated to 57890  
the ~~board of regents~~ department by the general assembly for 57891  
distribution during such biennium for the state share of 57892  
instruction and only to the extent that a portion of the state 57893  
share of instruction has been allocated to the community or 57894  
technical college district or community or technical college. 57895  
Obligations of the issuing authority or of a community or 57896  
technical college district to which this section is made 57897  
applicable do not constitute an obligation or a debt or a pledge 57898  
of the faith, credit, or taxing power of the state, and the 57899  
holders or owners of those obligations have no right to have 57900  
excises or taxes levied or appropriations made by the general 57901  
assembly for the payment of bond service charges on the 57902  
obligations, and the obligations shall contain a statement to that 57903  
effect. The agreement for or the actual withholding and payment of 57904  
money under this section does not constitute the assumption by the 57905  
state of any debt of a community or technical college district or 57906  
a community or technical college, and bond service charges on the 57907  
related obligations are not anticipated to be paid from the state 57908  
general revenue fund for purposes of Section 17 of Article VIII, 57909  
Ohio Constitution. 57910

(G) In the case of obligations subject to the withholding 57911  
provisions of this section, the issuing community or technical 57912  
college district, or the issuing authority in the case of 57913  
obligations issued by the issuing authority, shall appoint a 57914

paying agent or fiscal agent who is not an officer or employee of 57915  
the district or college. 57916

(H) The chancellor, with the advice and consent of the office 57917  
of budget and management, may adopt reasonable rules not 57918  
inconsistent with this section for the implementation of this 57919  
section to secure payment of bond service charges on obligations 57920  
issued by a community or technical college district or by the 57921  
issuing authority for the benefit of a community or technical 57922  
college district or the community or technical college it 57923  
operates. Those rules shall include criteria for the evaluation 57924  
and approval or denial of community or technical college district 57925  
requests for withholding under this section. 57926

(I) The authority granted by this section is in addition to 57927  
and not a limitation on any other authorizations granted by or 57928  
pursuant to law for the same or similar purposes. 57929

**Sec. 3333.61.** The chancellor of ~~the Ohio board of regents~~ 57930  
higher education shall establish and administer the Ohio 57931  
innovation partnership, which shall consist of the choose Ohio 57932  
first scholarship program and the Ohio research scholars program. 57933  
Under the programs, the chancellor, subject to approval by the 57934  
controlling board, shall make awards to state universities or 57935  
colleges for programs and initiatives that recruit students and 57936  
scientists in the fields of science, technology, engineering, 57937  
mathematics, medicine, and dentistry to state universities or 57938  
colleges, in order to enhance regional educational and economic 57939  
strengths and meet the needs of the state's regional economies. 57940  
Awards may be granted for programs and initiatives to be 57941  
implemented by a state university or college alone or in 57942  
collaboration with other state institutions of higher education, 57943  
nonpublic Ohio universities and colleges, or other public or 57944  
private Ohio entities. If the chancellor makes an award to a 57945

program or initiative that is intended to be implemented by a 57946  
state university or college in collaboration with other state 57947  
institutions of higher education or nonpublic Ohio universities or 57948  
colleges, the chancellor may provide that some portion of the 57949  
award be received directly by the collaborating universities or 57950  
colleges consistent with all terms of the Ohio innovation 57951  
partnership. 57952

The choose Ohio first scholarship program shall assign a 57953  
number of scholarships to state universities and colleges to 57954  
recruit Ohio residents as undergraduate, or as provided in section 57955  
3333.66 of the Revised Code graduate, students in the fields of 57956  
science, technology, engineering, mathematics, medicine, and 57957  
dentistry, or in science, technology, engineering, mathematics, 57958  
medical, or dental education. Choose Ohio first scholarships shall 57959  
be awarded to each participating eligible student as a grant to 57960  
the state university or college the student is attending and shall 57961  
be reflected on the student's tuition bill. Choose Ohio first 57962  
scholarships are student-centered grants from the state to 57963  
students to use to attend a university or college and are not 57964  
grants from the state to universities or colleges. 57965

Notwithstanding any other provision of this section or 57966  
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 57967  
four-year Ohio institution of higher education may submit a 57968  
proposal for choose Ohio first scholarships or Ohio research 57969  
scholars grants. If the chancellor awards a nonpublic institution 57970  
scholarships or grants, the nonpublic institution shall comply 57971  
with all requirements of this section, sections 3333.62 to 3333.69 57972  
of the Revised Code, and the rules adopted under this section that 57973  
apply to state universities or colleges awarded choose Ohio first 57974  
scholarships or Ohio research scholars grants. 57975

The Ohio research scholars program shall award grants to use 57976  
in recruiting scientists to the faculties of state universities or 57977

colleges.	57978
The chancellor shall adopt rules in accordance with Chapter	57979
119. of the Revised Code to administer the programs.	57980
<b>Sec. 3333.611.</b> (A) All of the following individuals shall	57981
jointly develop a proposal for the creation of a primary care	57982
medical student component of the choose Ohio first scholarship	57983
program operated under section 3333.61 of the Revised Code under	57984
which scholarships are annually made available and awarded to	57985
medical students who meet the requirements specified in division	57986
(D) of this section:	57987
(1) The dean of the Ohio state university school of medicine;	57988
(2) The dean of the Case western reserve university school of	57989
medicine;	57990
(3) The dean of the university of Toledo college of medicine;	57991
(4) The president and dean of the northeast Ohio medical	57992
university;	57993
(5) The dean of the university of Cincinnati college of	57994
medicine;	57995
(6) The dean of the Boonshoft school of medicine at Wright	57996
state university;	57997
(7) The dean of the Ohio university college of osteopathic	57998
medicine.	57999
(B) The individuals specified in division (A) of this section	58000
shall consider including the following provisions in the proposal:	58001
(1) Establishing a scholarship of sufficient size to permit	58002
annually not more than fifty medical students to receive	58003
scholarships;	58004
(2) Specifying that a scholarship, once granted, may be	58005
provided to a medical student for not more than four years.	58006

(C) The individuals specified in division (A) of this section shall submit the proposal for the component to the chancellor of ~~the Ohio board of regents~~ higher education not later than March 6, 2011. The chancellor shall review the proposal and determine whether to implement the component as part of the program.

(D) To be eligible for a scholarship made available under the component, a medical student shall meet all of the following requirements:

(1) Participate in identified patient centered medical home model training opportunities during medical school;

(2) Commit to a post-residency primary care practice in this state for not less than three years;

(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship.

**Sec. 3333.612.** (A) All of the following individuals shall jointly develop a proposal for the creation of a primary care nursing student component of the choose Ohio first scholarship program operated under section 3333.61 of the Revised Code under which scholarships are annually made available and awarded to advanced practice nursing students who meet the requirements specified in division (D) of this section:

(1) The dean of the college of nursing at the university of Toledo;

(2) The dean of the Wright state university college of nursing and health;

(3) The dean of the college of nursing at Kent state university;

(4) The dean of the university of Akron college of nursing;

(5) The director of the school of nursing at Ohio university.	58036
(B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal:	58037 58038
(1) Establishing a scholarship of sufficient size to permit annually not more than thirty advanced practice nursing students to receive scholarships;	58039 58040 58041
(2) Specifying that a scholarship, once granted, may be provided to an advanced practice nursing student for not more than three years.	58042 58043 58044
(C) The individuals specified in division (A) of this section shall submit the proposal for the component to the chancellor of <del>the Ohio board of regents</del> <u>higher education</u> not later than six months after <del>the effective date of this section</del> <u>September 6, 2010</u> . The chancellor shall review the proposal and determine whether to implement the component as part of the program.	58045 58046 58047 58048 58049 58050
(D) To be eligible for a scholarship made available under the component, an advanced practice nursing student shall meet all of the following requirements:	58051 58052 58053
(1) Participate in identified patient centered medical home model training opportunities during nursing school;	58054 58055
(2) Commit to an advanced practice nursing primary care practice in this state after completing nursing school for not less than three years;	58056 58057 58058
(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship.	58059 58060 58061
<b>Sec. 3333.613.</b> There is hereby created in the state treasury the choose Ohio first scholarship reserve fund. <del>Not later than the first day of July</del> <u>As soon as possible following the end</u> of each fiscal year, the chancellor of <del>the Ohio board of regents</del> <u>higher</u>	58062 58063 58064 58065

education shall certify to the director of budget and management 58066  
the unencumbered balance of the general revenue fund 58067  
appropriations made in the immediately preceding fiscal year for 58068  
purposes of the choose Ohio first scholarship program created in 58069  
section 3333.61 of the Revised Code. Upon receipt of the 58070  
certification, the director of budget and management may transfer 58071  
an amount not exceeding the certified amount from the general 58072  
revenue fund to the choose Ohio first scholarship reserve fund. 58073  
Moneys in the choose Ohio first scholarship reserve fund shall be 58074  
used to pay scholarship obligations in excess of the general 58075  
revenue fund appropriations made for that purpose. 58076

The director of budget and management may transfer any 58077  
unencumbered balance from the choose Ohio first scholarship 58078  
reserve fund to the general revenue fund. 58079

If it is determined that general revenue fund appropriations 58080  
are insufficient to meet the obligations for the choose Ohio first 58081  
scholarship in a fiscal year, the director of budget and 58082  
management may transfer funds from the choose Ohio first 58083  
scholarship reserve fund to the general revenue fund in order to 58084  
meet those obligations. The amount transferred is hereby 58085  
appropriated. If the funds transferred from the choose Ohio first 58086  
scholarship reserve fund are not needed, the director of budget 58087  
and management may transfer the unexpended balance from the 58088  
general revenue fund back to the choose Ohio first scholarship 58089  
reserve fund. 58090

**Sec. 3333.62.** The chancellor of ~~the Ohio board of regents~~ 58091  
higher education shall establish a competitive process for making 58092  
awards under the choose Ohio first scholarship program and the 58093  
Ohio research scholars program. The chancellor, on completion of 58094  
that process, shall make a recommendation to the controlling board 58095  
asking for approval of each award selected by the chancellor. 58096



Any state university or college may apply for one or more awards under one or both programs. The state university or college shall submit a proposal and other documentation required by the chancellor, in the form and manner prescribed by the chancellor, for each award it seeks. A proposal may propose an initiative to be implemented solely by the state university or college or in collaboration with other state institutions of higher education, nonpublic Ohio universities or colleges, or other public or nonpublic Ohio entities. A single proposal may seek an award under one or both programs.

The chancellor shall determine which proposals will receive awards each fiscal year, and the amount of each award, on the basis of the merit of each proposal, which the chancellor, subject to approval by the controlling board, shall determine based on one or more of the following criteria:

(A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;

(B) The extent to which the proposal is integrated with the strengths of the regional economy;

(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;

(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;

(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;

(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;

(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;	58127 58128
(H) The extent to which the proposal meets a statewide educational need;	58129 58130
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	58131 58132
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	58133 58134
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	58135 58136 58137 58138 58139 58140
(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	58141 58142 58143
(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner, for example, by facilitating students' completing two years at a two-year institution and two years at a state university or college;	58144 58145 58146 58147 58148
(N) The extent to which the proposal allows attendance at a state university or college of students who otherwise could not afford to attend;	58149 58150 58151
(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;	58152 58153 58154 58155
(P) The extent to which the proposal increases the likelihood	58156

that students will successfully complete their degree programs in 58157  
science, technology, engineering, mathematics, or medicine or in 58158  
science, technology, engineering, mathematics, or medical 58159  
education; 58160

(Q) The extent to which the proposal ensures that a student 58161  
who is awarded a scholarship is appropriately qualified and 58162  
prepared to successfully complete a degree program in science, 58163  
technology, engineering, mathematics, or medicine or in science, 58164  
technology, engineering, mathematics, or medical education; 58165

(R) The extent to which the proposal will increase the number 58166  
of women participating in the choose Ohio first scholarship 58167  
program. 58168

**Sec. 3333.63.** The chancellor of ~~the Ohio board of regents~~ 58169  
higher education shall conduct at least one public meeting 58170  
annually, prior to deciding awards under the Ohio innovation 58171  
partnership. At the meeting, an employee of the chancellor shall 58172  
summarize the proposals submitted for consideration, and each 58173  
state university or college that has a proposal pending shall have 58174  
the opportunity to review the summary of their proposal prepared 58175  
by the chancellor's staff and answer questions or respond to 58176  
concerns about the proposal raised by the chancellor's staff. 58177

**Sec. 3333.64.** The chancellor of ~~the Ohio board of regents~~ 58178  
higher education shall endeavor to make awards under the choose 58179  
Ohio first scholarship program and the Ohio research scholars 58180  
program such that the aggregate, statewide amount of other 58181  
institutional, public, and private money pledged to the proposals 58182  
in each fiscal year equals at least one hundred per cent of the 58183  
aggregate amount of the money awarded under both programs that 58184  
year. The chancellor shall endeavor to make awards under the 58185  
choose Ohio first scholarship program in such a way that at least 58186

fifty per cent of the students receiving the scholarships are 58187  
involved in a co-op or internship program in a private industry or 58188  
a university laboratory. The value of institutional, public, or 58189  
private industry co-ops and internships shall count toward the 58190  
statewide aggregate amount of other institutional, public, or 58191  
private money specified in this paragraph. 58192

The chancellor also shall endeavor to distribute awards in 58193  
such a way that all regions of the state benefit from the economic 58194  
development impact of the programs and shall guarantee that 58195  
students from all regions of the state are able to participate in 58196  
the scholarship program. 58197

**Sec. 3333.65.** The chancellor of ~~the Ohio board of regents~~ 58198  
higher education shall require each state university or college 58199  
that the controlling board approves to receive an award under the 58200  
Ohio innovation partnership to enter into an agreement governing 58201  
the use of the award. The agreement shall contain terms the 58202  
chancellor determines to be necessary, which shall include 58203  
performance measures, reporting requirements, and an obligation to 58204  
fulfill pledges of other institutional, public, or nonpublic 58205  
resources for the proposal. 58206

The chancellor may require a state university or college that 58207  
violates the terms of its agreement to repay the award plus 58208  
interest at the rate required by section 5703.47 of the Revised 58209  
Code to the chancellor. 58210

If the chancellor makes an award to a program or initiative 58211  
that is intended to be implemented by a state university or 58212  
college in collaboration with other state institutions of higher 58213  
education or nonpublic Ohio universities or colleges, the 58214  
chancellor may enter into an agreement with the collaborating 58215  
universities or colleges that permits awards to be received 58216  
directly by the collaborating universities or colleges consistent 58217

with the terms of the program or initiative. In that case, the 58218  
chancellor shall incorporate into the agreement terms consistent 58219  
with the requirements of this section. 58220

**Sec. 3333.66.** (A)(1) Except as provided in division (A)(2) of 58221  
this section, in each academic year, no student who receives a 58222  
choose Ohio first scholarship shall receive less than one thousand 58223  
five hundred dollars or more than one-half of the highest in-state 58224  
undergraduate instructional and general fees charged by all state 58225  
universities. For this purpose, if Miami university is 58226  
implementing the pilot tuition restructuring plan originally 58227  
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 58228  
university's instructional and general fees shall be considered to 58229  
be the average full-time in-state undergraduate instructional and 58230  
general fee amount after taking into account the Ohio resident and 58231  
Ohio leader scholarships and any other credit provided to all Ohio 58232  
residents. 58233

(2) The chancellor of ~~the Ohio board of regents~~ higher 58234  
education may authorize a state university or college or a 58235  
nonpublic Ohio institution of higher education to award a choose 58236  
Ohio first scholarship in an amount greater than one-half of the 58237  
highest in-state undergraduate instructional and general fees 58238  
charged by all state universities to either of the following: 58239

(a) Any undergraduate student who qualifies for a scholarship 58240  
and is enrolled in a program leading to a teaching profession in 58241  
science, technology, engineering, mathematics, or medicine; 58242

(b) Any graduate student who qualifies for a scholarship, if 58243  
any initiatives are selected for award under division (B) of this 58244  
section. 58245

(B) The chancellor shall encourage state universities and 58246  
colleges, alone or in collaboration with other state institutions 58247  
of higher education, nonpublic Ohio universities and colleges, or 58248

other public or private Ohio entities, to submit proposals under 58249  
the choose Ohio first scholarship program for initiatives that 58250  
recruit either of the following: 58251

(1) Ohio residents who enrolled in colleges and universities 58252  
in other states or other countries to return to Ohio and enroll in 58253  
state universities or colleges as graduate students in the fields 58254  
of science, technology, engineering, mathematics, and medicine, or 58255  
in the fields of science, technology, engineering, mathematics, or 58256  
medical education. If such proposals are submitted and meet the 58257  
chancellor's competitive criteria for awards, the chancellor, 58258  
subject to approval by the controlling board, shall give at least 58259  
one of the proposals preference for an award. 58260

(2) Graduates, or undergraduates who will graduate in time to 58261  
participate in the program described in this division by the 58262  
subsequent school year, from an Ohio college or university who 58263  
received, or will receive, a degree in science, technology, 58264  
engineering, mathematics, or medicine to participate in a 58265  
graduate-level teacher education masters program in one of those 58266  
fields that requires the student to establish a domicile in the 58267  
state and to commit to teach for a minimum of three years in a 58268  
hard-to-staff school district in the state upon completion of the 58269  
master's degree program. The chancellor may require a college or 58270  
university to give priority to qualified candidates who graduated 58271  
from a high school in this state. 58272

"Hard-to-staff" shall be as defined by the department of 58273  
education. 58274

(C) The general assembly intends that money appropriated for 58275  
the choose Ohio first scholarship program in each fiscal year be 58276  
used for scholarships in the following academic year. 58277

**Sec. 3333.67.** Each state university or college that receives 58278  
an award under the Ohio research scholars program shall deposit 58279

the amount it receives into a new or existing endowment fund. The 58280  
university or college shall maintain the amount received and use 58281  
income generated from that amount, and other institutional, 58282  
public, or nonpublic resources, to finance the proposal approved 58283  
by the chancellor of ~~the Ohio board of regents~~ higher education 58284  
and the controlling board. 58285

**Sec. 3333.68.** When making an award under the Ohio innovation 58286  
partnership, the chancellor of ~~the Ohio board of regents~~ higher 58287  
education, subject to approval by the controlling board, may 58288  
commit to giving a state university's or college's proposal 58289  
preference for future awards after the current fiscal year or 58290  
fiscal biennium. A proposal's eligibility for future awards 58291  
remains conditional on all of the following: 58292

(A) Future appropriations of the general assembly; 58293

(B) The university's or college's adherence to the agreement 58294  
entered into under section 3333.65 of the Revised Code, including 58295  
its fulfillment of pledges of other institutional, public, or 58296  
nonpublic resources; 58297

(C) With respect to the choose Ohio first scholarship 58298  
program, a demonstration that the students receiving the 58299  
scholarship are satisfied with the state universities or colleges 58300  
selected by the chancellor to offer the scholarships. 58301

The chancellor and the controlling board shall not commit to 58302  
awarding any proposal for more than five fiscal years at a time. 58303  
However, when a commitment for future awards expires, a state 58304  
university or college may reapply. 58305

**Sec. 3333.69.** The chancellor of ~~the Ohio board of regents~~ 58306  
higher education shall monitor each initiative for which an award 58307  
is granted under the Ohio innovation partnership to ensure the 58308  
following: 58309

(A) Fiscal accountability, so that the award is used in accordance with the agreement entered into under section 3333.65 of the Revised Code;

(B) Operating progress, so that the initiative is managed to achieve the goals stated in the proposal and in the agreement, and so that problems may be promptly identified and remedied;

(C) Desired outcomes, so that the initiative contributes to the programs' goals of enhancing regional educational and economic strengths and meeting regional economic needs.

**Sec. 3333.71.** As used in sections 3333.71 to 3333.79 of the Revised Code:

(A) "Cooperative education program" means a partnership between students, institutions of higher education, and employers that formally integrates students' academic study with work experience in cooperating employer organizations and that meets all of the following conditions:

(1) Alternates or combines periods of academic study and work experience in appropriate fields as an integral part of student education;

(2) Provides students with compensation from the cooperative employer in the form of wages or salaries for work performed;

(3) Evaluates each participating student's performance in the cooperative position, both from the perspective of the student's institution of higher education and the student's cooperative employer;

(4) Provides participating students with academic credit from the institution of higher education upon successful completion of their cooperative education;

(5) Is part of an overall degree or certificate program for which a percentage of the total program acceptable to the



chancellor of ~~the Ohio board of regents~~ higher education involves 58340  
cooperative education. 58341

(B) "Internship program" means a partnership between 58342  
students, institutions of higher education, and employers that 58343  
formally integrates students' academic study with work or 58344  
community service experience and that does both of the following: 58345

(1) Offers internships of specified and definite duration; 58346

(2) Evaluates each participating student's performance in the 58347  
internship position, both from the perspective of the student's 58348  
institution of higher education and the student's internship 58349  
employer. 58350

An internship program may provide participating students with 58351  
academic credit upon successful completion of the internship, and 58352  
may provide students with compensation in the form of wages or 58353  
salaries, stipends, or scholarships. 58354

(C) "Nonpublic university or college" means a nonprofit 58355  
institution holding a certificate of authorization issued under 58356  
Chapter 1713. of the Revised Code. 58357

(D) "State institution of higher education" has the same 58358  
meaning as in section 3345.011 of the Revised Code. 58359

**Sec. 3333.72.** The chancellor of ~~the Ohio board of regents~~ 58360  
higher education shall establish and administer the Ohio 58361  
co-op/internship program to promote and encourage cooperative 58362  
education programs or internship programs at Ohio institutions of 58363  
higher education for the purpose of recruiting Ohio students to 58364  
stay in the state, and recruiting Ohio residents who left Ohio to 58365  
attend out-of-state institutions of higher education back to Ohio 58366  
institutions of higher education, to participate in high quality 58367  
academic programs that use cooperative education programs or 58368  
significant internship programs, in order to support the growth of 58369

Ohio's businesses by providing businesses with Ohio's most 58370  
talented students and providing Ohio graduates with job 58371  
opportunities with Ohio's growing companies. 58372

The chancellor, subject to approval by the controlling board, 58373  
shall make awards to state institutions of higher education for 58374  
new or existing programs and initiatives meeting the goals of the 58375  
Ohio co-op/internship program. Awards may be granted for programs 58376  
and initiatives to be implemented by a state institution of higher 58377  
education alone or in collaboration with other state institutions 58378  
of higher education or nonpublic Ohio universities and colleges. 58379  
If the chancellor makes an award to a program or initiative that 58380  
is intended to be implemented by a state institution of higher 58381  
education in collaboration with other state institutions of higher 58382  
education or nonpublic Ohio universities or colleges, the 58383  
chancellor may provide that some portion of the award be received 58384  
directly by the collaborating universities or colleges consistent 58385  
with all terms of the Ohio co-op/internship program. 58386

The Ohio co-op/internship program shall support the creation 58387  
and maintenance of high quality academic programs that utilize an 58388  
intensive cooperative education or internship program for students 58389  
at state institutions of higher education, or assign a number of 58390  
scholarships to institutions to recruit Ohio residents as students 58391  
in a high quality academic program, or both. If scholarships are 58392  
included in an award to an institution of higher education, the 58393  
scholarships shall be awarded to each participating eligible 58394  
student as a grant to the state institution of higher education 58395  
the student is attending and shall be reflected on the student's 58396  
tuition bill. 58397

Notwithstanding any other provision of this section or 58398  
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four-year 58399  
nonpublic university or college may submit a proposal as lead 58400

applicant or co-lead applicant for an award under the Ohio 58401  
co-op/internship program if the proposal is to be implemented in 58402  
collaboration with a state institution of higher education. If the 58403  
chancellor grants a nonpublic university or college an award, the 58404  
nonpublic university or college shall comply with all requirements 58405  
of this section, sections 3333.73 to 3333.79 of the Revised Code, 58406  
and the rules adopted under this section that apply to state 58407  
institutions of higher education that receive awards under the 58408  
program. 58409

The chancellor shall adopt rules in accordance with Chapter 58410  
119. of the Revised Code to administer the Ohio co-op/internship 58411  
program. 58412

**Sec. 3333.73.** The chancellor of ~~the Ohio board of regents~~ 58413  
higher education shall establish a competitive process for making 58414  
awards under the Ohio co-op/internship program. The chancellor, on 58415  
completion of that process, shall make a recommendation to the 58416  
controlling board asking for approval of each award selected by 58417  
the chancellor. 58418

The state institution of higher education shall submit a 58419  
proposal and other documentation required by the chancellor, in 58420  
the form and manner prescribed by the chancellor, for each award 58421  
it seeks. A proposal may propose an initiative to be implemented 58422  
solely by the state institution of higher education or in 58423  
collaboration with other state institutions of higher education or 58424  
nonpublic Ohio universities or colleges. 58425

The chancellor shall determine which proposals will receive 58426  
awards each fiscal year, and the amount of each award, on the 58427  
basis of the merit of each proposal, which the chancellor, subject 58428  
to approval by the controlling board, shall determine based on one 58429  
or more of the following criteria: 58430

(A) The extent to which the proposal will keep Ohio students 58431

in Ohio institutions of higher education;	58432
(B) The extent to which the proposal will attract Ohio residents who left Ohio to attend out-of-state institutions of higher education to return to Ohio institutions of higher education;	58433 58434 58435 58436
(C) The extent to which the proposal will increase the number of Ohio graduates who remain in Ohio and enter Ohio's workforce;	58437 58438
(D) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality;	58439 58440 58441
(E) The extent to which the proposal is integrated with the strengths of the regional economy;	58442 58443
(F) The extent to which the proposal supports the workforce policies of the governor's office of workforce transformation to meet the workforce needs of the state and to provide a student participating in the program with the skills needed for workplace success;	58444 58445 58446 58447 58448
(G) The extent to which the proposal facilitates the development of high quality academic programs with a cooperative education program or a significant internship program at state institutions of higher education;	58449 58450 58451 58452
(H) The extent to which the proposal is integrated with supporting private companies to fill potential job growth, is responsive to the needs of employers, aligns with the skills identified by employers as necessary to fill high-demand job openings, particularly job openings in targeted industry sectors as identified by the governor's office of workforce transformation;	58453 58454 58455 58456 58457 58458 58459
(I) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, the proposal pledges	58460 58461

to leverage that are in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code;	58462 58463
(J) The extent to which the proposal is collaborative with other Ohio institutions of higher education;	58464 58465
(K) The extent to which the proposal is integrated with the institution's mission;	58466 58467
(L) The extent to which the proposal meets a statewide educational need at the undergraduate or graduate level;	58468 58469
(M) The demonstrated productivity or future capacity of the students to be recruited;	58470 58471
(N) The extent to which the proposal will create additional capacity in a high quality academic program with a cooperative education program or significant internship program;	58472 58473 58474
(O) The extent to which the proposal will encourage students who received degrees from two-year institutions to pursue baccalaureate degrees;	58475 58476 58477
(P) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner;	58478 58479
(Q) The extent to which other institutional, public, or private resources that are pledged to the proposal, in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code, will be deployed to assist in sustaining the academic program of excellence;	58480 58481 58482 58483 58484
(R) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs or certificate programs;	58485 58486 58487
(S) The extent to which the proposal ensures that a student participating in the high quality academic program funded by the Ohio co-op/internship program is appropriately qualified and prepared to successfully transition into professions in Ohio's	58488 58489 58490 58491

growing companies and industries. 58492

**Sec. 3333.731.** (A) The co-op/internship program advisory 58493  
committee is hereby created. The committee shall consist of the 58494  
following members: 58495

(1) Five members appointed by the governor, two of whom shall 58496  
represent academia, two of whom shall be representatives of 58497  
private industry, and one of whom shall be a member of the public; 58498

(2) The director of development, or the director's designee; 58499

(3) Five members appointed by the president of the senate, 58500  
three of whom shall be members of the senate, but not more than 58501  
two from the same political party, one of whom shall represent 58502  
academia, and one of whom shall be a member of the public; 58503

(4) Five members appointed by the speaker of the house of 58504  
representatives, three of whom shall be members of the house of 58505  
representatives, but not more than two from the same political 58506  
party, one of whom shall represent private industry, and one of 58507  
whom shall be a member of the public. 58508

(B) Members of the committee who are members of the general 58509  
assembly shall serve for terms of four years or until their 58510  
legislative terms end, whichever is sooner. The director of 58511  
development or the director's designee shall serve as an 58512  
ex-officio, voting member. Otherwise, initial members shall serve 58513  
the following terms: 58514

(1) Of the initial members appointed by the governor, the 58515  
member representing the public and one member representing 58516  
academia shall serve for terms of one year; one member 58517  
representing private industry shall serve for a term of two years; 58518  
and one member representing private industry and one member 58519  
representing academia shall serve for terms of three years. 58520

(2) The member representing academia and the representative 58521

of the public initially appointed by the president of the senate 58522  
shall serve for terms of two years. 58523

(3) The member representing private industry initially 58524  
appointed by the speaker of the house of representatives shall 58525  
serve for a term of one year. 58526

(4) The representative of the public initially appointed by 58527  
the speaker of the house of representatives shall serve for a term 58528  
of three years. 58529

Thereafter, terms shall be for three years, with each term 58530  
ending on the same day of the same month as did the term that it 58531  
succeeds. Each member shall serve from the date of appointment 58532  
until the end of the term for which the member was appointed. 58533  
Members may be reappointed. Vacancies shall be filled in the same 58534  
manner as provided for original appointments. Any member appointed 58535  
to fill a vacancy occurring prior to the expiration date of the 58536  
term for which the member was appointed shall hold office for the 58537  
remainder of that term. A member shall continue to serve after the 58538  
expiration date of the member's term until the member's successor 58539  
is appointed or until a period of sixty days has elapsed, 58540  
whichever occurs first. The appointing authority may remove a 58541  
member from the committee for failure to attend two consecutive 58542  
meetings without showing good cause for the absences. 58543

(C) The committee annually shall select a chairperson and a 58544  
vice-chairperson. Only the members who represent academia and 58545  
private industry may serve as chairperson and vice-chairperson. 58546  
For this purpose, any committee member appointed as a member of 58547  
the public who is a trustee, officer, employee, or student of an 58548  
institution of higher education shall be included among the 58549  
representatives of academia who may serve as chairperson or 58550  
vice-chairperson, and any committee member appointed as a member 58551  
of the public who is a director, officer, or employee of a private 58552  
business shall be included among the representatives of private 58553

industry who may serve as chairperson or vice-chairperson. The 58554  
committee annually shall rotate the selection of the chairperson 58555  
between these two groups and shall select a member of the other 58556  
group to serve as vice-chairperson. 58557

The committee annually shall select one of its members to 58558  
serve as secretary to keep a record of the committee's 58559  
proceedings. 58560

(D) A majority vote of the members of the full committee is 58561  
necessary to take action on any matter. The committee may adopt 58562  
bylaws governing its operation, including bylaws that establish 58563  
the frequency of meetings. 58564

(E) Members of the committee shall serve without 58565  
compensation. 58566

(F) A member of the committee shall not participate in 58567  
discussions or votes concerning a proposed initiative or an actual 58568  
award under the Ohio co-op/internship program that involves an 58569  
institution of higher education of which the member is a trustee, 58570  
officer, employee, or student; an organization of which the member 58571  
is a trustee, director, officer, or employee; or a business of 58572  
which the member is a director, officer, or employee or a 58573  
shareholder of more than five per cent of the business' stock. 58574

(G) The committee shall advise the chancellor of ~~the Ohio~~ 58575  
~~board of regents~~ higher education on growing industries 58576  
well-suited for awards under the Ohio co-op/internship program. 58577  
The chancellor shall consult with the committee and request the 58578  
committee's advice at each of the following times: 58579

(1) Prior to issuing each request for applications under the 58580  
program; 58581

(2) While the chancellor is reviewing applications and before 58582  
deciding on awards to submit for the controlling board's approval; 58583



(3) After deciding on awards to submit for the controlling board's approval and prior to submitting them. 58584  
58585

The committee shall advise the chancellor on other matters the chancellor considers appropriate. 58586  
58587

(H) The chancellor shall provide meeting space for the committee. The committee shall be assisted in its duties by the chancellor's staff. 58588  
58589  
58590

(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the committee. 58591  
58592

**Sec. 3333.74.** (A) Except as provided in division (B) of this section, each award under the Ohio co-op/internship program shall require a pledge of private funds equal to the following: 58593  
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58595

(1) In the case of a program, initiative, or scholarships for undergraduate students, at least one hundred per cent of the money awarded; 58596  
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(2) In the case of a program, initiative, or scholarships for graduate students, at least one hundred fifty per cent of the money awarded. 58599  
58600  
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(B) The chancellor of ~~the Ohio board of regents~~ higher education may waive the requirement of division (A) of this section if the chancellor finds that exceptional circumstances exist to do so, provided that the chancellor reviews the proposal with the advisory committee established under section 3333.731 of the Revised Code and provides an explanation for the waiver to the controlling board. 58602  
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(C) The chancellor shall endeavor to distribute awards in such a way that a wide range of disciplines is supported and that all regions of the state benefit from the economic development impact of the program. 58609  
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58612

**Sec. 3333.75.** The chancellor of ~~the Ohio board of regents~~ 58613  
higher education shall require each state institution of higher 58614  
education that the controlling board approves to receive an award 58615  
under the Ohio co-op/internship program to enter into an agreement 58616  
governing the use of the award. The agreement shall contain terms 58617  
the chancellor determines to be necessary, which shall include 58618  
performance measures, reporting requirements, and an obligation to 58619  
fulfill pledges of other institutional, public, or nonpublic 58620  
resources for the proposal. 58621

The chancellor may require a state institution of higher 58622  
education that violates the terms of its agreement to repay the 58623  
award plus interest at the rate required by section 5703.47 of the 58624  
Revised Code to the chancellor. 58625

If the chancellor makes an award to a program or initiative 58626  
that is intended to be implemented by a state institution of 58627  
higher education in collaboration with other state institutions of 58628  
higher education or nonpublic Ohio universities or colleges, the 58629  
chancellor may enter into an agreement with the collaborating 58630  
universities or colleges that permits awards to be received 58631  
directly by the collaborating universities or colleges consistent 58632  
with the terms of the program or initiative. In that case, the 58633  
chancellor shall incorporate into the agreement terms consistent 58634  
with the requirements of this section. 58635

**Sec. 3333.76.** The chancellor of ~~the Ohio board of regents~~ 58636  
higher education shall encourage state institutions of higher 58637  
education, alone or in collaboration with other state institutions 58638  
of higher education or nonpublic Ohio universities and colleges, 58639  
to submit proposals under the Ohio co-op/internship program for 58640  
initiatives that recruit Ohio residents enrolled in colleges and 58641  
universities in other states or other countries to return to Ohio 58642  
and enroll in state institutions of higher education or nonpublic 58643

Ohio universities and colleges as graduate students in a high 58644  
quality academic program that uses a cooperative education 58645  
program, a significant internship program in a private industry or 58646  
institutional laboratory, or a similar model involving a variation 58647  
of cooperative education or internship programs common to graduate 58648  
education, and is in an educational area, industry, or industry 58649  
sector of need. 58650

The chancellor may encourage state institutions of higher 58651  
education, alone or in collaboration with other state institutions 58652  
of higher education or nonpublic Ohio universities and colleges, 58653  
to submit proposals for initiatives that recruit Ohio residents 58654  
who have received baccalaureate degrees to remain in Ohio and 58655  
enroll in state institutions of higher education or nonpublic Ohio 58656  
universities and colleges as graduate students in a high quality 58657  
academic program of the type described in the preceding paragraph. 58658

**Sec. 3333.77.** When making an award under the Ohio 58659  
co-op/internship program, the chancellor of ~~the Ohio board of~~ 58660  
~~regents~~ higher education, subject to approval by the controlling 58661  
board, may commit to giving a state institution of higher 58662  
education's proposal preference for future awards after the 58663  
current fiscal year or fiscal biennium. A proposal's eligibility 58664  
for future awards remains conditional on all of the following: 58665

(A) Future appropriations of the general assembly; 58666

(B) The institution's adherence to the agreement entered into 58667  
under section 3333.75 of the Revised Code, including its 58668  
fulfillment of pledges of other institutional, public, or 58669  
nonpublic resources; 58670

(C) A demonstration that the students participating in the 58671  
programs and initiatives or receiving scholarships financed by the 58672  
awards are satisfied with the institutions selected by the 58673

chancellor to offer the programs, initiatives, or scholarships 58674  
financed by the awards. 58675

The chancellor and the controlling board shall not commit to 58676  
awarding any proposal for a period that exceeds five fiscal years. 58677  
However, when an award, or the commitment for an award, expires, a 58678  
state institution of higher education may apply for a new award. 58679

**Sec. 3333.78.** The chancellor of ~~the Ohio board of regents~~ 58680  
higher education shall monitor each initiative for which an award 58681  
is granted under the Ohio co-op/internship program to ensure the 58682  
following: 58683

(A) Fiscal accountability, so that the award is used in 58684  
accordance with the agreement entered into under section 3333.75 58685  
of the Revised Code; 58686

(B) Operating progress, so that the initiative is managed to 58687  
achieve the goals stated in the proposal and in the agreement, and 58688  
so that problems may be promptly identified and remedied; 58689

(C) Desired outcomes, so that the initiative contributes to 58690  
the program's goal of retaining Ohio's students after graduation. 58691

**Sec. 3333.79.** (A) As used in this section, "minority" has the 58692  
same meaning as in section 184.17 of the Revised Code. The term 58693  
also includes an individual who is economically disadvantaged. 58694

(B) The chancellor of ~~the board of regents~~ higher education 58695  
shall conduct outreach activities in Ohio that seek to include 58696  
minorities in the Ohio co-op/internship program established under 58697  
section 3333.72 of the Revised Code. The outreach activities shall 58698  
include the following, when appropriate: 58699

(1) Identifying and partnering with historically black 58700  
colleges and universities; 58701

(2) Working with all institutions of higher education in the 58702

state to support minority faculty and students involved in 58703  
cooperative and intern programs; 58704

(3) Developing a plan to contact by telephone minorities and 58705  
other economically disadvantaged individuals to notify them of 58706  
opportunities to participate in the co-op/internship program; 58707

(4) Identifying minority professional and trade associations 58708  
and economic development assistance organizations and notifying 58709  
them of the co-op/internship program; 58710

(5) Partnering with regional technology councils to foster 58711  
local efforts to support minority participation in the 58712  
co-op/internship program. 58713

(C) To the extent possible, outreach activities described in 58714  
this section shall be conducted in conjunction with the EDGE 58715  
program created in section 123.152 of the Revised Code. 58716

**Sec. 3333.82.** (A) The chancellor of ~~the Ohio board of regents~~ 58717  
higher education shall establish a clearinghouse of digital texts, 58718  
interactive distance learning courses, and other distance learning 58719  
courses delivered via a computer-based method offered by school 58720  
districts, community schools, STEM schools, state institutions of 58721  
higher education, private colleges and universities, and other 58722  
nonprofit and for-profit course providers for sharing with other 58723  
school districts, community schools, STEM schools, state 58724  
institutions of higher education, private colleges and 58725  
universities, and individuals for the fee set pursuant to section 58726  
3333.84 of the Revised Code. The chancellor shall not be 58727  
responsible for the content of digital texts or courses offered 58728  
through the clearinghouse; however, all such digital texts and 58729  
courses shall be delivered only in accordance with technical 58730  
specifications approved by the chancellor and on a common 58731  
statewide platform administered by the chancellor. The chancellor 58732  
may provide professional development and training on the use of 58733

the distance learning clearinghouse. 58734

The clearinghouse's distance learning program for students in 58735  
grades kindergarten to twelve shall be based on the following 58736  
principles: 58737

(1) All Ohio students shall have access to high quality 58738  
digital texts and distance learning courses at any point in their 58739  
educational careers. 58740

(2) All students shall be able to customize their education 58741  
using digital texts and distance learning courses offered through 58742  
the clearinghouse and no student shall be denied access to any 58743  
digital text or course in the clearinghouse in which the student 58744  
is eligible to enroll. 58745

(3) Students may take distance learning courses for all or 58746  
any portion of their curriculum requirements and may utilize a 58747  
combination of digital texts and distance learning courses and 58748  
courses taught in a traditional classroom setting. 58749

(4) Students may earn an unlimited number of academic credits 58750  
through distance learning courses. 58751

(5) Students may take distance learning courses at any time 58752  
of the calendar year. 58753

(6) Student advancement to higher coursework shall be based 58754  
on a demonstration of subject area competency instead of 58755  
completion of any particular number of hours of instruction. 58756

(B) To offer digital texts or a course through the 58757  
clearinghouse, a provider shall apply to the chancellor in a form 58758  
and manner prescribed by the chancellor. The application for each 58759  
digital text or course shall describe the digital text or course 58760  
of study in as much detail as required by the chancellor, whether 58761  
an instructor is provided, the qualification and credentials of 58762  
the instructor, the number of hours of instruction, and any other 58763

information required by the chancellor. The chancellor may require 58764  
course providers to include in their applications information 58765  
recommended by the state board of education under former section 58766  
3353.30 of the Revised Code. 58767

(C) The chancellor shall review the technical specifications 58768  
of each application submitted under division (B) of this section. 58769  
In reviewing applications, the chancellor may consult with the 58770  
department of education; however, the responsibility to either 58771  
approve or not approve a digital text or course for the 58772  
clearinghouse belongs to the chancellor. The chancellor may 58773  
request additional information from a provider that submits an 58774  
application under division (B) of this section, if the chancellor 58775  
determines that such information is necessary. The chancellor may 58776  
negotiate changes in the proposal to offer a digital text or 58777  
course, if the chancellor determines that changes are necessary in 58778  
order to approve the digital text or course. 58779

(D) The chancellor shall catalog each digital text or course 58780  
approved for the clearinghouse, through a print or electronic 58781  
medium, displaying the following: 58782

(1) Information necessary for a student and the student's 58783  
parent, guardian, or custodian and the student's school district, 58784  
community school, STEM school, college, or university to decide 58785  
whether to enroll in or subscribe to the course; 58786

(2) Instructions for enrolling in that digital text or 58787  
course, including deadlines for enrollment. 58788

(E) Any expenses related to the installation of a course into 58789  
the common statewide platform shall be borne by the course 58790  
provider. 58791

(F) The chancellor may contract with an entity to perform any 58792  
or all of the chancellor's duties under sections 3333.81 to 58793  
3333.88 of the Revised Code. 58794

Sec. 3333.83. (A) Each school district, community school, and STEM school shall encourage students to take advantage of the distance learning opportunities offered through the clearinghouse and shall assist any student electing to participate in the clearinghouse with the selection and scheduling of courses that satisfy the district's or school's curriculum requirements and promote the student's post-secondary college or career plans.

(B) For each student enrolled in a school operated by a school district or in a community school or STEM school who is enrolling in a course provided through the clearinghouse by another school district, community school, or STEM school, the student's school district, community school, or STEM school shall transmit the student's name to the course provider.

The course provider may request from the student's school district, community school, or STEM school other information from the student's school record. The district or school shall provide the requested information only in accordance with section 3319.321 of the Revised Code.

(C) The student's school district, community school, or STEM school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity adopted by the chancellor of ~~the Ohio board of regents~~ higher education.

(D) A student may withdraw from a course prior to the end of the course only by a date and in a manner prescribed by the student's school district, community school, or STEM school.

(E) A student who is enrolled in a school operated by a school district or in a community school or STEM school and who takes a course through the clearinghouse shall be counted in the formula ADM of a school district under section 3317.03 of the Revised Code as if the student were taking the course from the



student's school district, community school, or STEM school. 58826

**Sec. 3333.84.** (A) The fee charged for any digital ~~texts~~ text 58827  
or course offered through the clearinghouse shall be set by the 58828  
provider. 58829

(B) The chancellor of ~~the Ohio board of regents~~ higher 58830  
education shall prescribe the manner in which the fee for a 58831  
digital ~~texts~~ text or course shall be collected or deducted from 58832  
the school district, school, college or university, or individual 58833  
subscribing to the digital ~~texts~~ text or course and in which 58834  
manner the fee shall be paid to the provider. 58835

(C) The chancellor may retain a percentage of the fee charged 58836  
for a digital ~~texts~~ text or course to offset the cost of 58837  
maintaining and operating the clearinghouse, including the payment 58838  
of compensation for an entity or a private entity that is under 58839  
contract with the chancellor under division (F) of section 3333.82 58840  
of the Revised Code. The percentage retained shall be determined 58841  
by the chancellor. 58842

(D) Nothing in this section shall be construed to require the 58843  
school district, community school, or STEM school in which a 58844  
student is enrolled to pay the fee charged for a digital ~~texts~~ 58845  
text or course taken by the student. 58846

**Sec. 3333.86.** The chancellor of ~~the Ohio board of regents~~ 58847  
higher education may determine the manner in which a course 58848  
included in the clearinghouse may be offered as an advanced 58849  
standing program as defined in section 3313.6013 of the Revised 58850  
Code, may be offered to students who are enrolled in nonpublic 58851  
schools or are instructed at home pursuant to section 3321.04 of 58852  
the Revised Code, or may be offered at times outside the normal 58853  
school day or school week, including any necessary additional fees 58854  
and methods of payment for a course so offered. 58855

**Sec. 3333.87.** The chancellor of ~~the Ohio board of regents~~ 58856  
higher education and the state board of education jointly, and in 58857  
consultation with the director of the governor's office of 21st 58858  
century education, shall adopt rules in accordance with Chapter 58859  
119. of the Revised Code prescribing procedures for the 58860  
implementation of sections 3333.81 to 3333.86 of the Revised Code. 58861

**Sec. 3333.90.** (A) The chancellor of ~~the Ohio board of regents~~ 58862  
higher education shall establish a course and program sharing 58863  
network that enables members of the university system of Ohio and 58864  
adult career centers to share curricula for existing courses and 58865  
academic programs with one another. The purpose of the network 58866  
shall be to increase course availability across the state and to 58867  
avoid unnecessary course duplication through the sharing of 58868  
existing curricula. 58869

(B) The chancellor shall adopt rules to administer the course 58870  
and program sharing network established under this section. 58871

(C) As used in this section, "member of the university system 58872  
of Ohio" has the same meaning as in section 3345.011 of the 58873  
Revised Code. 58874

**Sec. 3333.91.** Not later than December 31, 2014, the 58875  
governor's office of workforce transformation, in collaboration 58876  
with the chancellor of ~~the Ohio board of regents~~ higher education, 58877  
the superintendent of public instruction, and the department of 58878  
job and family services, shall develop and submit to the 58879  
appropriate federal agency a single, state unified plan for the 58880  
adult basic and literacy education program administered by the 58881  
United States secretary of education, the "Carl D. Perkins 58882  
Vocational and Technical Education Act," 20 U.S.C. 2301, et seq., 58883  
as amended, and the "Workforce Investment Act of 1998," 29 U.S.C. 58884  
2801, et seq., as amended. Following the plan's initial submission 58885

to the appropriate federal agency, the governor's office of 58886  
workforce transformation may update it as necessary. If the plan 58887  
is updated, the governor's office of workforce transformation 58888  
shall submit the updated plan to the appropriate federal agency. 58889

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs" 58890  
has the same meaning as in section 6301.01 of the Revised Code. 58891

(B)(1) Beginning January 1, 2016, each participant in an 58892  
adult basic and literacy education funded training or education 58893  
program shall create an account with OhioMeansJobs at the twelfth 58894  
week of the program. 58895

(2) Beginning January 1, 2016, each participant in an Ohio 58896  
technical center funded training or education program shall create 58897  
an account with OhioMeansJobs at the time of enrollment in the 58898  
program. 58899

(C) Division (B) of this section does not apply to any 58900  
individual who is legally prohibited from using a computer, has a 58901  
physical or visual impairment that makes the individual unable to 58902  
use a computer, or has a limited ability to read, write, speak, or 58903  
understand a language in which OhioMeansJobs is available. 58904

**Sec. 3334.08.** (A) Subject to division (B) of this section, in 58905  
addition to any other powers conferred by this chapter, the Ohio 58906  
tuition trust authority may do any of the following: 58907

(1) Impose reasonable residency requirements for 58908  
beneficiaries of tuition units; 58909

(2) Impose reasonable limits on the number of tuition unit 58910  
participants; 58911

(3) Impose and collect administrative fees and charges in 58912  
connection with any transaction under this chapter; 58913

(4) Purchase insurance from insurers licensed to do business	58914
in this state providing for coverage against any loss in	58915
connection with the authority's property, assets, or activities or	58916
to further ensure the value of tuition units;	58917
(5) Indemnify or purchase policies of insurance on behalf of	58918
members, officers, and employees of the authority from insurers	58919
licensed to do business in this state providing for coverage for	58920
any liability incurred in connection with any civil action,	58921
demand, or claim against a director, officer, or employee by	58922
reason of an act or omission by the director, officer, or employee	58923
that was not manifestly outside the scope of the employment or	58924
official duties of the director, officer, or employee or with	58925
malicious purpose, in bad faith, or in a wanton or reckless	58926
manner;	58927
(6) Make, execute, and deliver contracts, conveyances, and	58928
other instruments necessary to the exercise and discharge of the	58929
powers and duties of the authority;	58930
(7) Promote, advertise, and publicize the Ohio college	58931
savings program and the variable college savings program;	58932
(8) Adopt rules under section 111.15 of the Revised Code for	58933
the implementation of the Ohio college savings program;	58934
(9) Contract, for the provision of all or part of the	58935
services necessary for the management and operation of the Ohio	58936
college savings program and the variable college savings program,	58937
with a bank, trust company, savings and loan association,	58938
insurance company, or licensed dealer in securities if the bank,	58939
company, association, or dealer is authorized to do business in	58940
this state and information about the contract is filed with the	58941
controlling board pursuant to division (D)(6) of section 127.16 of	58942
the Revised Code; provided, however, that any funds of the Ohio	58943
college savings program and the variable college savings program	58944

that are not needed for immediate use shall be deposited by the 58945  
treasurer of state in the same manner provided under Chapter 135. 58946  
of the Revised Code for public moneys of the state. All interest 58947  
earned on those deposits shall be credited to the Ohio college 58948  
savings program or the variable college savings program, as 58949  
applicable. 58950

(10) Contract for other services, or for goods, needed by the 58951  
authority in the conduct of its business, including but not 58952  
limited to credit card services; 58953

(11) Employ an executive director and other personnel as 58954  
necessary to carry out its responsibilities under this chapter, 58955  
and fix the compensation of these persons. All employees of the 58956  
authority shall be in the unclassified civil service and shall be 58957  
eligible for membership in the public employees retirement system. 58958  
In the hiring of the executive director, the Ohio tuition trust 58959  
authority shall obtain the advice and consent of the Ohio tuition 58960  
trust board created in section 3334.03 of the Revised Code, 58961  
provided that the executive director shall not be hired unless a 58962  
majority of the board votes in favor of the hiring. In addition, 58963  
the board may remove the executive director at any time subject to 58964  
the advice and consent of the chancellor of ~~the Ohio board of~~ 58965  
~~regents~~ higher education. 58966

(12) Contract with financial consultants, actuaries, 58967  
auditors, and other consultants as necessary to carry out its 58968  
responsibilities under this chapter; 58969

(13) Enter into agreements with any agency of the state or 58970  
its political subdivisions or with private employers under which 58971  
an employee may agree to have a designated amount deducted in each 58972  
payroll period from the wages or salary due the employee for the 58973  
purpose of purchasing tuition units pursuant to a tuition payment 58974  
contract or making contributions pursuant to a variable college 58975  
savings program contract; 58976

(14) Enter into an agreement with the treasurer of state 58977  
under which the treasurer of state will receive, and credit to the 58978  
Ohio tuition trust fund or variable college savings program fund, 58979  
from any bank or savings and loan association authorized to do 58980  
business in this state, amounts that a depositor of the bank or 58981  
association authorizes the bank or association to withdraw 58982  
periodically from the depositor's account for the purpose of 58983  
purchasing tuition units pursuant to a tuition payment contract or 58984  
making contributions pursuant to a variable college savings 58985  
program contract; 58986

(15) Solicit and accept gifts, grants, and loans from any 58987  
person or governmental agency and participate in any governmental 58988  
program; 58989

(16) Impose limits on the number of units which may be 58990  
purchased on behalf of or assigned or awarded to any beneficiary 58991  
and on the total amount of contributions that may be made on 58992  
behalf of a beneficiary; 58993

(17) Impose restrictions on the substitution of another 58994  
individual for the original beneficiary under the Ohio college 58995  
savings program; 58996

(18) Impose a limit on the age of a beneficiary, above which 58997  
tuition units may not be purchased on behalf of that beneficiary; 58998

(19) Enter into a cooperative agreement with the treasurer of 58999  
state to provide for the direct disbursement of payments under 59000  
tuition payment or variable college savings program contracts; 59001

(20) Determine the other higher education expenses for which 59002  
tuition units or contributions may be used; 59003

(21) Terminate any tuition payment or variable college 59004  
savings program contract if no purchases or contributions are made 59005  
for a period of three years or more and there are fewer than a 59006  
total of five tuition units or less than a dollar amount set by 59007

rule on account, provided that notice of a possible termination 59008  
shall be provided in advance, explaining any options to prevent 59009  
termination, and a reasonable amount of time shall be provided 59010  
within which to act to prevent a termination; 59011

(22) Maintain a separate account for each tuition payment or 59012  
variable college savings program contract; 59013

(23) Perform all acts necessary and proper to carry out the 59014  
duties and responsibilities of the authority pursuant to this 59015  
chapter. 59016

(B) The authority shall adopt rules under section 111.15 of 59017  
the Revised Code for the implementation and administration of the 59018  
variable college savings program. The rules shall provide 59019  
taxpayers with the maximum tax advantages and flexibility 59020  
consistent with section 529 of the Internal Revenue Code and 59021  
regulations adopted thereunder with regard to disposition of 59022  
contributions and earnings, designation of beneficiaries, and 59023  
rollover of account assets to other programs. 59024

(C) Except as otherwise specified in this chapter, the 59025  
provisions of Chapters 123., ~~125.~~, and 4117. of the Revised Code 59026  
shall not apply to the authority and Chapter 125. of the Revised 59027  
Code shall not apply to contracts approved under the powers of the 59028  
Ohio tuition trust authority board under section 3334.03 of the 59029  
Revised Code. ~~The department of administrative services shall,~~ 59030  
~~upon the request of the authority, act as the authority's agent~~ 59031  
~~for the purchase of equipment, supplies, insurance, or services,~~ 59032  
~~or the performance of administrative services pursuant to Chapter~~ 59033  
~~125. of the Revised Code.~~ 59034

**Sec. 3337.10.** There is hereby established the Ohio university 59035  
college of osteopathic medicine the purpose of which shall be to 59036  
provide instruction in the practice of osteopathic medicine. The 59037  
college shall be a component college of Ohio university. The 59038

clinical instruction portions of the medical program shall be 59039  
provided through the facilities of existing osteopathic and joint 59040  
staff hospitals. ~~The college shall have an advisory committee of 59041  
ten members, which shall consist of the president of Ohio 59042  
university or the president's designee and nine members appointed 59043  
by the governor with the advice and consent of the senate. Within 59044  
one hundred twenty days of November 17, 1975, the governor shall 59045  
make initial appointments to the advisory committee. Of these, 59046  
three shall be for terms ending two years after November 17, 1975, 59047  
three shall be for terms ending four years after that date, and 59048  
three shall be for terms ending six years after that date. 59049  
Thereafter, terms of office shall be for six years, each term 59050  
ending on the same day of the same month of the year as did the 59051  
term that it succeeds. Each member shall hold office from the date 59052  
of appointment until the end of the term for which the member was 59053  
appointed. Any member appointed to fill a vacancy occurring prior 59054  
to the expiration of the term for which the member's predecessor 59055  
was appointed shall hold office for the remainder of such term. 59056  
Any member shall continue in office subsequent to the expiration 59057  
date of the member's term until the member's successor takes 59058  
office, or until a period of sixty days has elapsed, whichever 59059  
occurs first. 59060~~

**Sec. 3345.022.** The board of trustees of any college or 59061  
university supported in part or in whole by state funds, or two or 59062  
more such boards, may enter into a contract, upon such terms as 59063  
shall be determined to be in the best interests of students, for 59064  
the provision of legal services to students through a group legal 59065  
services insurance plan approved by the superintendent of 59066  
insurance or through a prepaid legal services plan established by 59067  
attorneys admitted to the practice of law in this state. The fees 59068  
or charges to students who participate in the plan shall be 59069  
established by the board or boards and shall be sufficient to 59070



defray the college's or university's cost of administering the 59071  
plan. No student shall be required to pay any such fee or charge 59072  
unless ~~he~~ the student elects to participate in the plan, and no 59073  
revenue from any other student fees or charges shall be used to 59074  
finance any portion of the cost of any plan or the college's or 59075  
university's cost of administering the plan. Legal representation 59076  
under the plan shall be limited to services determined by the 59077  
board to be reasonably related to student welfare, to the 59078  
advancement or successful completion of student education, or to 59079  
serve a public purpose within the powers of the college or 59080  
university. 59081

A plan shall not provide or pay for the cost of 59082  
representation of a student in an action against a state officer 59083  
or agency arising out of the performance of the duties of the 59084  
officer or agency, against a law enforcement officer arising out 59085  
of the performance of the duties of the officer, against a college 59086  
or university participating in the plan, against a student of such 59087  
a college or university, or against the chancellor of higher 59088  
education or a member of the board of regents or of the board of 59089  
trustees, faculty, or staff of such a college or university, if 59090  
the cause of action arises out of the performance of the duties of 59091  
the office of the member or in the course of the member's 59092  
employment by the college or university. As used in this section, 59093  
"law enforcement officer" means a sheriff, deputy sheriff, 59094  
constable, marshal, deputy marshal, municipal police officer, 59095  
state highway patrol trooper, or state university law enforcement 59096  
officer appointed under section 3345.04 of the Revised Code. 59097

**Sec. 3345.05.** (A) All registration fees, nonresident tuition 59098  
fees, academic fees for the support of off-campus instruction, 59099  
laboratory and course fees when so assessed and collected, student 59100  
health fees for the support of a student health service, all other 59101  
fees, deposits, charges, receipts, and income from all or part of 59102

the students, all subsidy or other payments from state 59103  
appropriations, and all other fees, deposits, charges, receipts, 59104  
income, and revenue received by each state institution of higher 59105  
education, the Ohio state university hospitals and their ancillary 59106  
facilities, the Ohio agricultural research and development center, 59107  
and OSU extension shall be held and administered by the respective 59108  
boards of trustees of the state institution of higher education; 59109  
provided, that such fees, deposits, charges, receipts, income and 59110  
revenue, to the extent required by resolutions, trust agreements, 59111  
indentures, leases, and agreements adopted, made, or entered into 59112  
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 59113  
Revised Code, shall be held, administered, transferred, and 59114  
applied in accordance therewith. 59115

(B) ~~The Ohio board of regents~~ chancellor of higher education 59116  
shall require annual reporting by the Ohio agricultural research 59117  
and development center and by each university and college 59118  
receiving state aid in such form and detail as determined by the 59119  
~~board~~ chancellor of higher education in consultation with such 59120  
center, universities and colleges, and the director of budget and 59121  
management. 59122

(C) Notwithstanding any provision of the Revised Code to the 59123  
contrary, the title to investments made by the board of trustees 59124  
of a state institution of higher education with funds derived from 59125  
any of the sources described in division (A) of this section shall 59126  
not be vested in the state or the political subdivision but shall 59127  
be held in trust by the board. Such investments shall be made 59128  
pursuant to an investment policy adopted by the board in public 59129  
session that requires all fiduciaries to discharge their duties 59130  
with the care, skill, prudence, and diligence under the 59131  
circumstances then prevailing that a prudent person acting in like 59132  
capacity and familiar with such matters would use in the conduct 59133  
of an enterprise of a like character and with like aims. The 59134

policy also shall require at least the following: 59135

(1) A stipulation that investment of at least twenty-five per 59136  
cent of the average amount of the investment portfolio over the 59137  
course of the previous fiscal year be invested in securities of 59138  
the United States government or of its agencies or 59139  
instrumentalities, the treasurer of state's pooled investment 59140  
program, obligations of this state or any political subdivision of 59141  
this state, certificates of deposit of any national bank located 59142  
in this state, written repurchase agreements with any eligible 59143  
Ohio financial institution that is a member of the federal reserve 59144  
system or federal home loan bank, money market funds, or bankers 59145  
acceptances maturing in two hundred seventy days or less which are 59146  
eligible for purchase by the federal reserve system, as a reserve; 59147

(2) Eligible funds above those that meet the conditions of 59148  
division (C)(1) of this section may be pooled with other 59149  
institutional funds and invested in accordance with section 59150  
1715.52 of the Revised Code. 59151

(3) The establishment of an investment committee. 59152

(D) The investment committee established under division 59153  
(C)(3) of this section shall meet at least quarterly. The 59154  
committee shall review and recommend revisions to the board's 59155  
investment policy and shall advise the board on its investments 59156  
made under division (C) of this section in an effort to assist it 59157  
in meeting its obligations as a fiduciary as described in division 59158  
(C) of this section. The committee shall be authorized to retain 59159  
the services of an investment advisor who meets both of the 59160  
following qualifications: 59161

(1) The advisor is either: 59162

(a) Licensed by the division of securities under section 59163  
1707.141 of the Revised Code; 59164

(b) Registered with the securities and exchange commission. 59165

(2) The advisor either:	59166
(a) Has experience in the management of investments of public funds, especially in the investment of state-government investment portfolios;	59167 59168 59169
(b) Is an eligible institution referenced in section 135.03 of the Revised Code.	59170 59171
(E) As used in this section, "state institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code.	59172 59173 59174
<b>Sec. 3345.06.</b> (A) Subject to divisions (B) and (C) of this section, a graduate of the twelfth grade shall be entitled to admission without examination to any college or university which is supported wholly or in part by the state, but for unconditional admission may be required to complete such units not included in the graduate's high school course as may be prescribed, not less than two years prior to the graduate's entrance, by the faculty of the institution.	59175 59176 59177 59178 59179 59180 59181 59182
(B) Beginning with the 2014-2015 academic year, each state university listed in section 3345.011 of the Revised Code, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the requirements for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies:	59183 59184 59185 59186 59187 59188 59189 59190 59191
(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of	59192 59193 59194 59195

this section applies, in courses that are college-credit-bearing 59196  
and may be applied toward the requirements for a degree. The 59197  
university shall grant credit for successful completion of those 59198  
courses pursuant to any applicable articulation and transfer 59199  
policy of the ~~Ohio board of regents~~ chancellor of higher education 59200  
or any agreements the university has entered into in accordance 59201  
with policies and procedures adopted under section 3333.16, 59202  
3333.161, or 3333.162 of the Revised Code. The university may 59203  
count college credit that the student earned while in high school 59204  
through the college credit plus program under Chapter 3365. of the 59205  
Revised Code, or through other advanced standing programs, toward 59206  
the requirements of division (B)(1) of this section if the credit 59207  
may be applied toward a degree. 59208

(2) The person qualified to graduate from high school under 59209  
division (D) or (F) of section 3313.603 of the Revised Code and 59210  
has successfully completed the topics or courses that the person 59211  
lacked to graduate under division (C) of that section at any 59212  
post-secondary institution or at a summer program at the state 59213  
university. A state university may admit a person for enrollment 59214  
contingent upon completion of such topics or courses or summer 59215  
program. 59216

(3) The person met the high school graduation requirements by 59217  
successfully completing the person's individualized education 59218  
program developed under section 3323.08 of the Revised Code. 59219

(4) The person is receiving or has completed the final year 59220  
of instruction at home as authorized under section 3321.04 of the 59221  
Revised Code, or has graduated from a nonchartered, nonpublic 59222  
school in Ohio, and demonstrates mastery of the academic content 59223  
and skills in reading, writing, and mathematics needed to 59224  
successfully complete introductory level coursework at an 59225  
institution of higher education and to avoid remedial coursework. 59226

(5) The person is a high school student participating in the 59227

college credit plus program under Chapter 3365. of the Revised Code or another advanced standing program. 59228  
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(C) A state university subject to division (B) of this section may delay admission for or admit conditionally an undergraduate student who has successfully completed the requirements prescribed in division (C) of section 3313.603 of the Revised Code if the university determines the student requires academic remedial or developmental coursework. The university may delay admission pending, or make admission conditional upon, the student's successful completion of the academic remedial or developmental coursework at a university branch, community college, state community college, or technical college. 59230  
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(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent. 59240  
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**Sec. 3345.061.** (A) Ohio's two-year institutions of higher education are respected points of entry for students embarking on post-secondary careers and courses completed at those institutions are transferable to state universities in accordance with articulation and transfer agreements developed under sections 3333.16, 3333.161, and 3333.162 of the Revised Code. 59244  
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(B) Beginning with undergraduate students who commence undergraduate studies in the 2014-2015 academic year, no state university listed in section 3345.011 of the Revised Code, except Central state university, Shawnee state university, and Youngstown state university, shall receive any state operating subsidies for any academic remedial or developmental courses for undergraduate students, including courses prescribed in division (C) of section 3313.603 of the Revised Code, offered at its main campus, except as provided in divisions (B)(1) to (4) of this section. 59250  
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(1) In the 2014-2015 and 2015-2016 academic years, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than three per cent of the total undergraduate credit hours provided by the university at its main campus.

(2) In the 2016-2017 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than fifteen per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(3) In the 2017-2018 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than ten per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

Each state university may continue to offer academic remedial and developmental courses at its main campus beyond the extent for which state operating subsidies may be paid under this division and may continue to offer such courses beyond the 2018-2019 academic year. However, the university shall not receive any state operating subsidies for such courses above the maximum amounts permitted in this division.

(C) Except as otherwise provided in division (B) of this

section, beginning with students who commence undergraduate 59290  
studies in the 2014-2015 academic year, state operating subsidies 59291  
for academic remedial or developmental courses offered by state 59292  
institutions of higher education may be paid only to Central state 59293  
university, Shawnee state university, Youngstown state university, 59294  
any university branch, any community college, any state community 59295  
college, or any technical college. 59296

(D) Each state university shall grant credit for academic 59297  
remedial or developmental courses successfully completed at an 59298  
institution described in division (C) of this section pursuant to 59299  
any applicable articulation and transfer agreements the university 59300  
has entered into in accordance with policies and procedures 59301  
adopted under section 3333.16, 3333.161, or 3333.162 of the 59302  
Revised Code. 59303

(E) The chancellor of ~~the Ohio board of regents~~ higher 59304  
education shall do all of the following: 59305

(1) Withhold state operating subsidies for academic remedial 59306  
or developmental courses provided by a state university as 59307  
required in order to conform to divisions (B) and (C) of this 59308  
section; 59309

(2) Adopt uniform statewide standards for academic remedial 59310  
and developmental courses offered by all state institutions of 59311  
higher education; 59312

(3) Encourage and assist in the design and establishment of 59313  
academic remedial and developmental courses by institutions of 59314  
higher education; 59315

(4) Define "academic year" for purposes of this section and 59316  
section 3345.06 of the Revised Code; 59317

(5) Encourage and assist in the development of articulation 59318  
and transfer agreements between state universities and other 59319  
institutions of higher education in accordance with policies and 59320



procedures adopted under sections 3333.16, 3333.161, and 3333.162 59321  
of the Revised Code. 59322

(F) Not later than December 31, 2012, the presidents, or 59323  
equivalent position, of all state institutions of higher 59324  
education, or their designees, jointly shall establish uniform 59325  
statewide standards in mathematics, science, reading, and writing 59326  
each student enrolled in a state institution of higher education 59327  
must meet to be considered in remediation-free status. The 59328  
presidents also shall establish assessments, if they deem 59329  
necessary, to determine if a student meets the standards adopted 59330  
under this division. Each institution is responsible for assessing 59331  
the needs of its enrolled students in the manner adopted by the 59332  
presidents. The board of trustees or managing authority of each 59333  
state institution of higher education shall adopt the 59334  
remediation-free status standard, and any related assessments, 59335  
into the institution's policies. 59336

The chancellor shall assist in coordinating the work of the 59337  
presidents under this division. The chancellor shall monitor the 59338  
standards in mathematics, science, reading, and writing 59339  
established under division (F) of this section to ensure that the 59340  
standards adequately demonstrate a student's remediation-free 59341  
status. 59342

(G) Each year, not later than a date established by the 59343  
chancellor, each state institution of higher education shall 59344  
report to the governor, the general assembly, the chancellor, and 59345  
the superintendent of public instruction all of the following for 59346  
the prior academic year: 59347

(1) The institution's aggregate costs for providing academic 59348  
remedial or developmental courses; 59349

(2) The amount of those costs disaggregated according to the 59350  
city, local, or exempted village school districts from which the 59351

students taking those courses received their high school diplomas; 59352

(3) Any other information with respect to academic remedial 59353  
and developmental courses that the chancellor considers 59354  
appropriate. 59355

(H) Not later than December 31, 2011, and the thirty-first 59356  
day of each December thereafter, the chancellor and the 59357  
superintendent of public instruction shall issue a report 59358  
recommending policies and strategies for reducing the need for 59359  
academic remediation and developmental courses at state 59360  
institutions of higher education. 59361

(I) As used in this section, "state institution of higher 59362  
education" has the same meaning as in section 3345.011 of the 59363  
Revised Code. 59364

Sec. 3345.311. (A) As used in this section, "excess benefits" 59365  
has the same meaning as in section 4980I of the Internal Revenue 59366  
Code, 26 U.S.C. 4980I. 59367

(B) Except as provided in division (C) of this section, no 59368  
state institution of higher education shall provide excess 59369  
benefits to an employee that would trigger the excise tax imposed 59370  
under section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I. 59371

(C) A state institution of higher education may provide 59372  
excess benefits to an employee that would trigger the excise tax 59373  
imposed under section 4980I of the Internal Revenue Code, 26 59374  
U.S.C. 4980I, if the excess benefits are provided pursuant to a 59375  
policy or contract that was issued or entered into prior to the 59376  
effective date of this section. 59377

(D) Nothing in this section shall be construed to prohibit a 59378  
state institution of higher education from offering health 59379  
benefits to an employee, the value of which would not trigger the 59380  
excise tax imposed under section 4980I of the Internal Revenue 59381

<u>Code, 26 U.S.C. 4980I.</u>	59382
<b>Sec. 3345.32.</b> (A) As used in this section:	59383
(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university.	59384 59385 59386
(2) "Resident" has the meaning specified by rule of the chancellor of <del>the Ohio board of regents</del> <u>higher education</u> .	59387 59388
(3) "Statement of selective service status" means a statement certifying one of the following:	59389 59390
(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	59391 59392 59393 59394
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	59395 59396 59397
(i) The individual is under eighteen or over twenty-six years of age.	59398 59399
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	59400 59401 59402
(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.	59403 59404 59405
(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.	59406 59407 59408
(4) "Institution of higher education" means any eligible institution approved by the United States department of education	59409 59410

pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 59411  
amended, or any institution whose students are eligible for 59412  
financial assistance under any of the programs described by 59413  
division (E) of this section. 59414

(B) The chancellor shall, by rule, specify the form of 59415  
statements of selective service status to be filed in compliance 59416  
with divisions (C) to (E) of this section. Each statement of 59417  
selective service status shall contain a section wherein a male 59418  
student born after December 31, 1959, certifies that the student 59419  
has registered with the selective service system in accordance 59420  
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 59421  
App. 453, as amended. For those students not required to register 59422  
with the selective service, as specified in divisions (A)(2)(b)(i) 59423  
to (iv) of this section, a section shall be provided on the 59424  
statement of selective service status for the certification of 59425  
nonregistration and for an explanation of the reason for the 59426  
exemption. The chancellor may require that such statements be 59427  
accompanied by documentation specified by rule of the chancellor. 59428

(C) A state university or college that enrolls in any course, 59429  
class, or program a male student born after December 31, 1959, who 59430  
has not filed a statement of selective service status with the 59431  
university or college shall, regardless of the student's 59432  
residency, charge the student any tuition surcharge charged 59433  
students who are not residents of this state. 59434

(D) No male born after December 31, 1959, shall be eligible 59435  
to receive any loan, grant, scholarship, or other financial 59436  
assistance for educational expenses granted under section 3315.33, 59437  
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 59438  
5910.032, or 5919.34 of the Revised Code, financed by an award 59439  
under the choose Ohio first scholarship program established under 59440  
section 3333.61 of the Revised Code, or financed by an award under 59441  
the Ohio co-op/internship program established under section 59442

3333.72 of the Revised Code, unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended, or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.35. Not later than January 1, 2016, and by the first day of January of every fifth year thereafter, the board of trustees of each state institution of higher education, as defined in section 3345.011 of the Revised Code, shall evaluate all courses and programs the institution offers based on enrollment and student performance in each course or program. For courses with low enrollment, as defined by the chancellor of higher education, the board of trustees shall evaluate the benefits of collaboration with other institutions of higher education, based on geographic region, to deliver the course.

Each board of trustees shall submit its findings under this section to the chancellor not later than thirty days after the completion of the evaluations. 59474  
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Sec. 3345.38. (A) The board of trustees of each state institution of higher education shall adopt and implement a policy to grant undergraduate course credit to a student who has successfully completed an international baccalaureate diploma program. 59477  
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(B) The policy adopted by each institution under this section shall do all of the following: 59482  
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(1) Establish conditions for granting course credit, including the minimum scores required on examinations constituting the international baccalaureate diploma program in order to receive credit; 59484  
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(2) Identify specific course credit or other academic requirements of the institution, including the number of credit hours or other course credit that the institution will grant to a student who completes the diploma program. 59488  
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(C) As used in this section: 59492

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 59493  
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(2) "International baccalaureate diploma program" means the curriculum and examinations leading to an international baccalaureate diploma awarded by the international baccalaureate organization. 59495  
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Sec. 3345.39. (A) Beginning with the fall semester, or equivalent quarter, of the 2015-2016 academic year, and the fall semester, or equivalent quarter, of each academic year thereafter, the board of trustees of each state institution of higher 59499  
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education annually shall report to the chancellor of higher 59503  
education any increase in or additional auxiliary fees charged by 59504  
the institution and the justification for such increase or 59505  
addition. The chancellor shall establish procedures for reporting 59506  
the information required under division (D) of this section. 59507

(B) As used in this section: 59508

(1) "Auxiliary fees" mean charges assessed by a state 59509  
institution of higher education to a student for various 59510  
educational expenses including, but not limited to, course-related 59511  
fees, laboratory fees, books and supplies, room and board, 59512  
transportation, enrollment application fees, and other 59513  
miscellaneous charges. "Auxiliary fees" do not include 59514  
instructional or general fees uniformly assessed to all students. 59515

(2) "State institution of higher education" has the same 59516  
meaning as in section 3345.011 of the Revised Code. 59517

**Sec. 3345.421.** Not later than December 31, 2014, the board of 59518  
trustees of each state institution of higher education, as defined 59519  
in section 3345.011 of the Revised Code, shall do all of the 59520  
following: 59521

(A) Designate at least one person employed by the institution 59522  
to serve as the contact person for veterans and service member 59523  
affairs. Such a person shall assist and advise veterans and 59524  
service members on issues related to earning college credit for 59525  
military training, experience, and coursework. 59526

(B) Adopt a policy regarding the support and assistance the 59527  
institution will provide to veterans and service members. 59528

(C) Allow for the establishment of a student-led group on 59529  
campus for student service members and veterans and encourage 59530  
other service member- and veteran-friendly organizations. 59531

(D) Integrate existing career services to create and 59532  
encourage meaningful collaborative relationships between student 59533  
service members and veterans and alumni of the institution, that 59534  
links student service members and veterans with prospective 59535  
employers, and that provides student service members and veterans 59536  
with social opportunities; and, if the institution has career 59537  
services programs, encourage the responsible office to seek and 59538  
promote partnership opportunities for internships and employment 59539  
of student service members and veterans with state, local, 59540  
national, and international employers. 59541

(E) Survey student service members and veterans to identify 59542  
their needs and challenges and make the survey available to 59543  
faculty and staff at the state institution of higher education. 59544  
And periodically conduct follow-up surveys, at a frequency 59545  
determined by the board, to gauge the institution's progress 59546  
toward meeting identified needs and challenges. 59547

The chancellor of ~~the Ohio board of regents~~ higher education 59548  
shall provide guidance to state institutions of higher education 59549  
in their compliance with this section, including the 59550  
recommendation of standardized policies on support and assistance 59551  
to veterans and service members. 59552

The person or persons designated under division (A) of this 59553  
section shall not be a person currently designated by the 59554  
institution as a veterans administration certifying official. 59555

**Sec. 3345.45.** On or before January 1, 1994, the ~~Ohio board of~~ 59556  
~~regents~~ chancellor of higher education jointly with all state 59557  
universities, as defined in section 3345.011 of the Revised Code, 59558  
shall develop standards for instructional workloads for full-time 59559  
and part-time faculty in keeping with the universities' missions 59560  
and with special emphasis on the undergraduate learning 59561  
experience. The standards shall contain clear guidelines for 59562



institutions to determine a range of acceptable undergraduate 59563  
teaching by faculty. 59564

On or before June 30, 1994, the board of trustees of each 59565  
state university shall take formal action to adopt a faculty 59566  
workload policy consistent with the standards developed under this 59567  
section. Notwithstanding section 4117.08 of the Revised Code, the 59568  
policies adopted under this section are not appropriate subjects 59569  
for collective bargaining. Notwithstanding division (A) of section 59570  
4117.10 of the Revised Code, any policy adopted under this section 59571  
by a board of trustees prevails over any conflicting provisions of 59572  
any collective bargaining agreement between an employees 59573  
organization and that board of trustees. 59574

Sec. 3345.46. (A) As used in this section: 59575

(1) "Full course load" shall be defined by the board of 59576  
trustees of each state institution of higher education. 59577

(2) "Overload fee" means a fee or increased tuition rate 59578  
charged to students who enroll in courses for a total number of 59579  
credit hours in excess of a full course load. 59580

(3) "State institution of higher education" has the same 59581  
meaning as in section 3345.011 of the Revised Code. 59582

(B) No state institution of higher education shall charge an 59583  
overload fee to any student for courses in which that student is 59584  
enrolled that exceed the full course load per semester or per 59585  
quarter, whichever is applicable, except as follows: 59586

(1) If a student is enrolled in more than eighteen credit 59587  
hours per semester, or the equivalent number of credit hours per 59588  
quarter as determined by the board of trustees of the institution, 59589  
the institution may charge an overload fee to the student for only 59590  
those credit hours taken in excess of eighteen credit hours per 59591  
semester, or the equivalent number of credit hours per quarter, 59592

whichever is applicable. 59593

(2) If a student is enrolled in a course load that exceeds 59594  
the full course load but is less than or equal to eighteen credit 59595  
hours per semester, or the equivalent number of credit hours per 59596  
quarter, whichever is applicable, the institution may charge an 59597  
overload fee to any student for a course from which the student 59598  
withdraws prior to a date specified by the board of trustees of 59599  
the state institution. 59600

**Sec. 3345.47.** (A) No state university shall require a student 59601  
to live in on-campus student housing, if the student lives within 59602  
twenty-five miles of the campus. 59603

(B) As used in this section: 59604

(1) "On-campus student housing" has the same meaning as in 59605  
section 3345.85 of the Revised Code. 59606

(2) "State university" has the same meaning as in section 59607  
3345.011 of the Revised Code. 59608

**Sec. 3345.48.** (A) As used in this section: 59609

(1) "Cohort" means a group of students who will complete 59610  
their bachelor's degree requirements and graduate from a state 59611  
university at the same time. A cohort may include transfer 59612  
students and other selected undergraduate student academic 59613  
programs as determined by the board of trustees of a state 59614  
university. 59615

(2) "Eligible student" means an undergraduate student who: 59616

(a) Is enrolled full-time in a bachelor's degree program at a 59617  
state university; 59618

(b) Is a resident of this state, as defined by the chancellor 59619  
of ~~the Ohio board of regents~~ higher education under section 59620  
3333.31 of the Revised Code. 59621

(3) "State university" has the same meaning as in section 59622  
3345.011 of the Revised Code. 59623

(B) The board of trustees of a state university may establish 59624  
an undergraduate tuition guarantee program that allows eligible 59625  
students in the same cohort to pay a fixed rate for general and 59626  
instructional fees for four years. A board of trustees may include 59627  
room and board and any additional fees in the program. 59628

If the board of trustees chooses to establish such a program, 59629  
the board shall adopt rules for the program that include, but are 59630  
not limited to, all of the following: 59631

(1) The number of credit hours required to earn an 59632  
undergraduate degree in each major; 59633

(2) A guarantee that the general and instructional fees for 59634  
each student in the cohort shall remain constant for four years so 59635  
long as the student complies with the requirements of the program, 59636  
except that, notwithstanding any law to the contrary, the board 59637  
may increase the guaranteed amount by up to six per cent above 59638  
what has been charged in the previous academic year one time for 59639  
the first cohort enrolled under the tuition guarantee program. If 59640  
the board of trustees determines that economic conditions or other 59641  
circumstances require an increase for the first cohort of above 59642  
six per cent, the board shall submit a request to increase the 59643  
amount by a specified percentage to the chancellor. The 59644  
chancellor, based on information the chancellor requires from the 59645  
board of trustees, shall approve or disapprove such a request. 59646  
Thereafter, the board of trustees may increase the guaranteed 59647  
amount by up to the sum of the following above what has been 59648  
charged in the previous academic year one time per subsequent 59649  
cohort: 59650

(a) The average rate of inflation, as measured by the 59651  
consumer price index prepared by the bureau of labor statistics of 59652

the United States department of labor (all urban consumers, all items), for the previous sixty-month period; and

(b) The percentage amount the general assembly restrains increases on in-state undergraduate instructional and general fees for the applicable fiscal year. If the general assembly does not enact a limit on the increase of in-state undergraduate instructional and general fees, then no limit shall apply under this division for the cohort that first enrolls in any academic year for which the general assembly does not prescribe a limit.

If, beginning with the academic year that starts four years after ~~the effective date of this section~~ September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other state universities, the board of trustees may submit a request to increase the amount charged to a cohort by a specified percentage to the chancellor, who shall approve or disapprove such a request.

(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the chancellor.

(4) Eligibility requirements for students to participate in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to complete a degree program within four years, as follows:

(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.

(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this section.

(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years;

(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.

(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program.

The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.

(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students.

(E) Within five years after ~~the effective date of this section~~ September 29, 2013, the chancellor shall publish on the ~~board of regents~~ chancellor's web site a report that includes all of the following:

(1) The state universities that have adopted an undergraduate tuition guarantee program under this section; 59715  
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(2) The details of each undergraduate tuition guarantee program established under this section; 59717  
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(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities. 59719  
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(F) Except as provided in this section, no other limitation on the increase of in-state undergraduate instructional and general fees shall apply to a state university that has established an undergraduate tuition guarantee program under this section. 59722  
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**Sec. 3345.50.** Notwithstanding anything to the contrary in sections 123.01 and 123.10 of the Revised Code, a state university, a state community college, or the northeast Ohio medical university not certified pursuant to section 123.24 of the Revised Code may administer any capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement under its jurisdiction for which the total amount of funds expected to be appropriated by the general assembly does not exceed four million dollars without the supervision, control, or approval of the Ohio facilities construction commission as specified in those sections, if both of the following occur: 59727  
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(A) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the institution notifies the chancellor of ~~the Ohio board of regents~~ higher education in writing of its intent to administer the capital facilities project; 59739  
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(B) The board of trustees complies with the guidelines 59745  
established pursuant to section 153.16 of the Revised Code and all 59746  
laws that govern the selection of consultants, preparation and 59747  
approval of contract documents, receipt of bids, and award of 59748  
contracts with respect to the project. 59749

The chancellor shall adopt rules in accordance with Chapter 59750  
119. of the Revised Code that establish criteria for the 59751  
administration by any such institution of higher education of a 59752  
capital facilities project for which the total amount of funds 59753  
expected to be appropriated by the general assembly exceeds four 59754  
million dollars. The criteria, to be developed with the Ohio 59755  
facilities construction commission and higher education 59756  
representatives selected by the chancellor, shall include such 59757  
matters as the adequacy of the staffing levels and expertise 59758  
needed for the institution to administer the project, past 59759  
performance of the institution in administering such projects, and 59760  
the amount of institutional or other nonstate money to be used in 59761  
financing the project. The chancellor and the Ohio facilities 59762  
construction commission shall approve the request of any such 59763  
institution of higher education that seeks to administer any such 59764  
capital facilities project and meets the criteria set forth in the 59765  
rules and in the requirements of division (B) of this section. 59766

**Sec. 3345.51.** (A) Notwithstanding anything to the contrary in 59767  
sections 123.20 and 123.21 of the Revised Code, a state 59768  
university, the northeast Ohio medical university, or a state 59769  
community college may administer any capital facilities project 59770  
for the construction, reconstruction, improvement, renovation, 59771  
enlargement, or alteration of a public improvement under its 59772  
jurisdiction for which funds are appropriated by the general 59773  
assembly without the supervision, control, or approval of the Ohio 59774  
facilities construction commission as specified in those sections, 59775  
if all of the following occur: 59776

(1) The institution is certified by the commission under section 123.24 of the Revised Code; 59777  
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(2) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the institution notifies the chancellor of ~~the Ohio board of regents~~ higher education in writing of its request to administer the capital facilities project and the chancellor approves that request pursuant to division (B) of this section; 59779  
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(3) The board of trustees passes a resolution stating its intent to comply with section 153.13 of the Revised Code and the guidelines established pursuant to section 153.16 of the Revised Code and all laws that govern the selection of consultants, preparation and approval of contract documents, receipt of bids, and award of contracts with respect to the project. 59786  
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(B) The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the administration by any such institution of higher education of a capital facilities project for which the general assembly appropriates funds. The criteria, to be developed with the commission and higher education representatives selected by the chancellor, shall include such matters as the adequacy of the staffing levels and expertise needed for the institution to administer the project, past performance of the institution in administering such projects, and the amount of institutional or other nonstate money to be used in financing the project. The chancellor shall approve the request of any such institution of higher education that seeks to administer any such capital facilities project and meets the criteria set forth in the rules and the requirements of division (A) of this section. 59792  
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(C) Any institution that administers a capital facilities project under this section shall conduct biennial audits for the 59807  
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duration of the project to ensure that the institution is 59809  
complying with Chapters 9., 123., and 153. of the Revised Code and 59810  
that the institution is using its certification issued under 59811  
section 123.24 of the Revised Code appropriately. The chancellor, 59812  
in consultation with higher education representatives selected by 59813  
the chancellor, shall adopt rules in accordance with Chapter 119. 59814  
of the Revised Code that establish criteria for the conduct of the 59815  
audits. The criteria shall include documentation necessary to 59816  
determine compliance with Chapters 9., 123., and 153. of the 59817  
Revised Code and a method to determine whether an institution is 59818  
using its certification issued under section 123.24 of the Revised 59819  
Code appropriately. 59820

(D) The chancellor, in consultation with higher education 59821  
representatives selected by the chancellor, shall adopt rules in 59822  
accordance with Chapter 119. of the Revised Code establishing 59823  
criteria for monitoring capital facilities projects administered 59824  
by institutions under this section. The criteria shall include the 59825  
following: 59826

(1) Conditions under which the chancellor may revoke the 59827  
authority of an institution to administer a capital facilities 59828  
project under this section, including the failure of an 59829  
institution to maintain a sufficient number of employees who have 59830  
successfully completed the certification program under section 59831  
123.24 of the Revised Code; 59832

(2) A process for institutions to remedy any problems found 59833  
by an audit conducted pursuant to division (C) of this section, 59834  
including the improper use of state funds or violations of Chapter 59835  
9., 123., or 153. of the Revised Code. 59836

(E) If the chancellor revokes an institution's authority to 59837  
administer a capital facilities project, the commission shall 59838  
administer the capital facilities project. The chancellor also may 59839  
require an institution, for which the chancellor revoked authority 59840

to administer a capital facilities project, to acquire a new local 59841  
administration competency certification pursuant to section 123.24 59842  
of the Revised Code. 59843

**Sec. 3345.54.** (A) As used in this section: 59844

(1) "Auxiliary facilities" has the same meaning as in section 59845  
3345.12 of the Revised Code. 59846

(2) "Conduit entity" means an organization described in 59847  
section 501(c)(3) of the Internal Revenue Code qualified as a 59848  
public charity under section 509(a)(2) or 509(a)(3) of the 59849  
Internal Revenue Code, or any other appropriate legal entity 59850  
selected by the state institution, whose corporate purpose allows 59851  
it to perform the functions and obligations of a conduit entity 59852  
pursuant to the terms of a financing agreement. 59853

(3) "Conveyed property" means auxiliary facilities conveyed 59854  
by a state institution to a conduit entity pursuant to a financing 59855  
agreement. 59856

(4) "Financing agreement" means a contract described in 59857  
division (C) of this section. 59858

(5) "Independent funding source" means a private entity that 59859  
enters into a financing agreement with a conduit entity and a 59860  
state institution. 59861

(6) "State institution" means a state institution of higher 59862  
education as defined in section 3345.011 of the Revised Code. 59863

(B) The board of trustees of a state institution, with the 59864  
approval of the chancellor of ~~the Ohio board of regents~~ higher 59865  
education and the controlling board, may enter into a financing 59866  
agreement with a conduit entity and an independent funding source 59867  
selected either through a competitive selection process or by 59868  
direct negotiations, and may convey to the conduit entity title to 59869  
any auxiliary facilities owned by the state institution pursuant 59870

to the terms of a financing agreement. 59871

(C) A financing agreement under this section is a written 59872  
contract entered into among a state institution, a conduit entity, 59873  
and an independent funding source that provides for: 59874

(1) The conveyance of auxiliary facilities owned by a state 59875  
institution to the conduit entity for consideration deemed 59876  
adequate by the state institution; 59877

(2) The lease of the conveyed property by the conduit entity 59878  
to the independent funding source and leaseback of the conveyed 59879  
property to the conduit entity for a term not to exceed 59880  
ninety-nine years; 59881

(3) Such other terms and conditions that may be negotiated 59882  
and agreed upon by the parties, including, but not limited to, 59883  
terms regarding: 59884

(a) Payment to the state institution by the conduit entity of 59885  
revenues received by it from the operations of the conveyed 59886  
property in excess of the payments it is required to make to the 59887  
independent funding source under the lease-leaseback arrangement 59888  
described in division (C)(2) of this section; 59889

(b) Pledge, assignment, or creation of a lien in favor of the 59890  
independent funding source by the conduit entity of any revenues 59891  
derived from the conveyed property; 59892

(c) Reverter or conveyance of title to the conveyed property 59893  
to the state institution when the conveyed property is no longer 59894  
subject to a lease with the independent funding source. 59895

(4) Terms and conditions required by the chancellor or the 59896  
controlling board as a condition of approval of the financing 59897  
agreement. 59898

(D) The state institution and the conduit entity may enter 59899  
into such other management agreements or other contracts regarding 59900

the conveyed property the parties deem appropriate, including 59901  
agreements pursuant to which the state institution may maintain or 59902  
administer the conveyed property and collect and disburse revenues 59903  
from the conveyed property on behalf of the conduit entity. 59904

(E) The parties may modify or extend the term of the 59905  
financing agreement with the approval of the chancellor and the 59906  
controlling board. 59907

(F) The conveyed property shall retain its exemption from 59908  
property taxes and assessments as though title to the conveyed 59909  
property were held by the state institution during any part of a 59910  
tax year that title is held by the state institution or the 59911  
conduit entity and, if held by the conduit entity, remains subject 59912  
to the lease-leaseback arrangement described in division (C)(2) of 59913  
this section. However, as a condition of the continued exemption 59914  
of the conveyed property during the term of the lease-leaseback 59915  
arrangement the conduit entity shall apply for and maintain the 59916  
exemption as provided by law. 59917

(G) Nothing in this section is intended to abrogate, amend, 59918  
limit, or replace any existing authority state institutions may 59919  
have with respect to the conveyance, lease, lease-leaseback, 59920  
finance, or acquisition of auxiliary facilities including, but not 59921  
limited to, authority granted under sections 3345.07, 3345.11, and 59922  
3345.12 of the Revised Code. 59923

**Sec. 3345.692.** (A) Not later than September 15, 2010, and the 59924  
fifteenth day of September each year thereafter, a state 59925  
institution of higher education shall prepare and submit to the 59926  
chancellor of ~~the board of regents~~ higher education a report that 59927  
describes the number and types of biobased products purchased 59928  
under section 125.092 of the Revised Code and the amount of money 59929  
spent by the state institution of higher education for those 59930  
biobased products. 59931

(B) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

**Sec. 3345.70.** (A) Whenever the board of trustees of a state university, as defined under section 3345.011 of the Revised Code, declares that the university is in a state of fiscal exigency, the board shall do all of the following until it declares that the university is no longer in such a state:

(1) File quarterly reports on an annualized budget, comparing the budget to actual spending with projected expenses for the remainder of the year. Such reports shall include narrative explanations as appropriate.

(2) Place all residence hall and meal fees in a rotary account dedicated to the upkeep and maintenance of the dormitory buildings and to fund meal programs;

(3) Place moneys for the operation of residence hall and meal programs in separately maintained auxiliary funds in the university accounting system;

(4) File the minutes from their board of trustees meetings with the ~~board of regents~~ chancellor of higher education within thirty days of their meetings.

(B) No state university described under division (A) of this section shall do any of the following:

(1) Use state funds for the purpose of providing grants or scholarships to out-of-state students;

(2) Use state funds to subsidize off-campus housing or subsidize transportation to and from off-campus housing.

(C) The requirements of divisions (A)(2) and (3) of this section are subject to the provisions of any applicable bond proceedings as defined under division (A)(9) of section 3345.12 of

the Revised Code and to any applicable pledge made as authorized 59962  
by division (R) of section 3345.12 of the Revised Code. 59963

**Sec. 3345.72.** (A) The office of budget and management shall 59964  
work with the auditor of state, the ~~Ohio board of regents~~ 59965  
chancellor of higher education, and two representatives of state 59966  
universities and colleges appointed by the chancellor ~~of the board~~ 59967  
~~of regents~~ to develop rules under this division, and shall adopt 59968  
the rules in accordance with section 111.15 of the Revised Code. 59969  
One of the chancellor's appointments shall represent a four-year 59970  
institution and one a two-year institution. The rules shall 59971  
include all of the following: 59972

(1) Criteria for determining when to declare a state 59973  
university or college under a fiscal watch, which criteria shall 59974  
include all of the following: 59975

(a) A requirement for the submission of a quarterly report 59976  
from each state university or college, within thirty days after 59977  
the end of each calendar quarter, to the ~~board of regents~~ 59978  
chancellor of higher education, the director of budget and 59979  
management, ~~the legislative budget office of~~ the legislative 59980  
service commission, and the chairpersons and ranking minority 59981  
members of the finance committees of the house of representatives 59982  
and the senate; 59983

(b) A requirement that each state university and college 59984  
shall prepare at the end of each fiscal year a financial statement 59985  
consistent with audit requirements prescribed by the auditor of 59986  
state, and shall submit the financial statement to the auditor of 59987  
state within four months after the end of the fiscal year; 59988

(c) A requirement that the auditor of state shall send 59989  
written notice to the agencies and persons mentioned in division 59990  
(A)(1)(a) of this section if a state university or college fails 59991  
to submit its financial statement within the time required under 59992

division (A)(1)(b) of this section;	59993
(d) A requirement that the auditor of state shall send written notice to the agencies and persons mentioned in division (A)(1)(a) of this section if an audit of a state university or college reveals any of the following:	59994 59995 59996 59997
(i) Substantive audit findings, such as an inability to make timely payments to vendors, delays in pension retirement contributions, or requests for advanced state funding;	59998 59999 60000
(ii) A significant variance between budgeted and actual spending for a fiscal year;	60001 60002
(iii) A significant operating budget deficit for a fiscal year.	60003 60004
(2) Actions to be taken by the board of trustees of a state university or college while under a fiscal watch;	60005 60006
(3) Criteria for determining when to declare the termination of the fiscal watch of a state university or college;	60007 60008
(4) The fiscal information to be reported to the <del>board of regents</del> <u>chancellor of higher education</u> by each state university or college under a fiscal watch for purposes of making determinations under division (D) of this section and division (A) of section 3345.74 of the Revised Code, and the frequency and deadlines for reporting this information.	60009 60010 60011 60012 60013 60014
(B) The <del>board of regents</del> <u>chancellor</u> shall adopt a resolution declaring a state university or college to be in a state of fiscal watch if the <del>board of regents</del> <u>chancellor</u> determines that the criteria adopted under division (A)(1) of this section are satisfied with respect to that state university or college. For purposes of making this determination, the <del>board of regents</del> <u>chancellor</u> shall establish a financial tracking system and shall use the system to regularly assess each state university or	60015 60016 60017 60018 60019 60020 60021 60022

college with respect to the criteria adopted under division (A)(1) 60023  
of this section. 60024

(C) While a state university or college is under a fiscal 60025  
watch, the board of trustees of the university or college shall 60026  
take the actions and report the fiscal information prescribed 60027  
under divisions (A)(2) and (4) of this section. 60028

(D) The ~~board of regents~~ chancellor shall adopt a resolution 60029  
declaring the termination of the fiscal watch of a state 60030  
university or college if the ~~board of regents~~ chancellor 60031  
determines that the criteria adopted under division (A)(3) of this 60032  
section are satisfied with respect to that state university or 60033  
college. 60034

(E) In making assessments and determinations under division 60035  
(B) or (D) of this section, the ~~board of regents~~ chancellor shall 60036  
use financial reports required under section 3345.05 of the 60037  
Revised Code or any other documents, records, or information 60038  
available to ~~it~~ the chancellor or the auditor of state related to 60039  
the criteria adopted under division (A)(1) or (3) of this section. 60040  
In making determinations under division (D) of this section, the 60041  
~~board of regents~~ chancellor shall also use the fiscal information 60042  
reported under division (C) of this section. 60043

(F) The ~~board of regents~~ chancellor of higher education shall 60044  
certify each action taken under division (B) or (D) of this 60045  
section to the governor, the director of budget and management, 60046  
the speaker and minority leader of the house of representatives, 60047  
the president and minority leader of the senate, ~~the legislative~~ 60048  
~~budget office~~ of the legislative service commission, and the 60049  
chairpersons and ranking minority members of the finance 60050  
committees of the house and senate. 60051

(G) A determination by the ~~board of regents~~ chancellor of 60052  
higher education under this section that a fiscal watch exists or 60053



does not exist, or that a fiscal watch is terminated or is not 60054  
terminated, is final and conclusive and not appealable. 60055

(H) If a state university or college fails to submit the 60056  
quarterly report required under division (A)(1) of this section 60057  
within thirty days after the end of a calendar quarter, the ~~board~~ 60058  
~~of regents~~ chancellor shall withhold payment of any instructional 60059  
subsidies to the university or college until it submits the 60060  
report. Upon submission of the report, the ~~board of regents~~ 60061  
chancellor shall pay the withheld subsidies to the university or 60062  
college. 60063

**Sec. 3345.73.** The office of budget and management shall work 60064  
with the auditor of state, the ~~Ohio board of regents~~ chancellor of 60065  
higher education, and two representatives of state universities 60066  
and colleges appointed by the chancellor ~~of the board of regents~~ 60067  
to develop rules under this section, and shall adopt the rules in 60068  
accordance with section 111.15 of the Revised Code. One of the 60069  
chancellor's appointments shall represent a four-year institution 60070  
and one a two-year institution. The rules shall establish the 60071  
following: 60072

(A) The financial indicators and the standards for using 60073  
those indicators that the ~~board of regents~~ chancellor is to employ 60074  
to determine whether a university or college under a fiscal watch 60075  
is experiencing sufficient fiscal difficulties to warrant 60076  
appointing a conservator under section 3345.74 of the Revised 60077  
Code; 60078

(B) The financial indicators and the standards for using 60079  
those indicators that a governance authority established for a 60080  
state university or college under section 3345.75 of the Revised 60081  
Code is to employ to determine whether the university or college 60082  
is experiencing sufficient fiscal stability to warrant terminating 60083  
that governance authority in accordance with section 3345.76 of 60084

the Revised Code. 60085

The indicators and standards adopted under this section shall 60086  
be designed so as to take into account at least the revenues, 60087  
expenditures, assets, liabilities, and fund balances of a state 60088  
university or college, and shall be designed so as to indicate the 60089  
financial performance and position of a state university or 60090  
college. 60091

**Sec. 3345.74.** (A) The ~~Ohio board of regents~~ chancellor of 60092  
higher education at least annually shall apply the indicators and 60093  
standards adopted under division (A) of section 3345.73 of the 60094  
Revised Code to determine whether a state university or college 60095  
under a fiscal watch is experiencing sufficient fiscal 60096  
difficulties to warrant the appointment of a conservator under 60097  
this section. Upon making a determination that appointment of a 60098  
conservator is warranted, the ~~board of regents~~ chancellor shall 60099  
request from the office of budget and management, which shall 60100  
provide, certification that sufficient fiscal difficulties exist 60101  
to warrant appointment of a conservator. The ~~board of regents~~ 60102  
chancellor shall then certify this determination to the governor. 60103

Notwithstanding section 3333.021 of the Revised Code, that 60104  
section does not apply to certification by the ~~board of regents~~ 60105  
chancellor under this section or to the declaration of a fiscal 60106  
watch under section 3345.72 of the Revised Code. 60107

A determination by the ~~board of regents~~ chancellor under this 60108  
division that sufficient fiscal difficulties exist or do not exist 60109  
to warrant appointing a conservator is final and conclusive and 60110  
not appealable. 60111

(B) The governor may appoint a conservator for any state 60112  
university or college under a fiscal watch, upon certification by 60113  
the ~~Ohio board of regents~~ chancellor under division (A) of this 60114  
section that the appointment is warranted. The governor shall 60115

consult with the speaker ~~and~~ and minority leader of the house of 60116  
representatives and the president and minority leader of the 60117  
senate before making the appointment. From the time a conservator 60118  
is appointed until the time the governor issues an order 60119  
terminating the governance authority under division (B) of section 60120  
3345.76 of the Revised Code, the governor may remove any member of 60121  
the board of trustees of the state university or college from 60122  
office and not fill the vacancy. 60123

(C) Upon appointment of a conservator under this section for 60124  
a state university or college, all of the following shall occur 60125  
effective immediately: 60126

(1) All duties, responsibilities, and powers of the board of 60127  
trustees of the university or college are suspended; 60128

(2) The management and control of the state university or 60129  
college is assumed by the conservator; 60130

(3) Notwithstanding any section of the Revised Code, all 60131  
duties, responsibilities, and powers assigned by law to the board 60132  
of trustees are assigned to the conservator, and the conservator 60133  
becomes the successor to, assumes the lawful obligations of, and 60134  
otherwise constitutes the continuation of the board of trustees 60135  
for purposes of all pending legal actions, contracts or other 60136  
agreements, and obligations of the university or college; 60137

(4) Wherever the board of trustees is referred to in any 60138  
contract or legal document, the reference is deemed to refer to 60139  
the conservator. No validation, cure, right, privilege, remedy, 60140  
obligation, or liability is lost or impaired by reason of the 60141  
assumption of the board's authority by the conservator under this 60142  
section and any such validation, cure, right, privilege, remedy, 60143  
obligation, or liability shall be administered by the conservator. 60144  
No action or proceeding pending on the effective date of the 60145  
assumption by the conservator of the board's authority is affected 60146

by that assumption and any such action or proceeding shall be 60147  
prosecuted or defended in the name of the conservator. 60148

(5) The conservator assumes custody of all equipment, 60149  
records, files, effects, and all other property real or personal 60150  
of the state university or college; 60151

(6) All authority and duties of the president or chief 60152  
executive officer, and the pay of the president or chief executive 60153  
officer, are suspended. 60154

(D) The conservator for a state university or college shall 60155  
conduct a preliminary performance evaluation of the president or 60156  
chief executive officer of the university or college and provide a 60157  
copy of findings and any recommendations to the governance 60158  
authority established for the university or college under section 60159  
3345.75 of the Revised Code. 60160

(E) A conservator appointed under this section shall be 60161  
immune, indemnified, and held harmless from civil liability, 60162  
including any cause of action, legal, equitable, or otherwise, for 60163  
any action taken or duties performed by the conservator in good 60164  
faith and in furtherance of the performance of the duties of the 60165  
conservator under this section. 60166

(F) The governor shall set the compensation for a conservator 60167  
appointed for a state university or college. The expenses and 60168  
compensation of the conservator and others employed by the 60169  
conservator shall be paid out of the operating funds and revenues 60170  
of that university or college. 60171

**Sec. 3345.75.** (A) Not later than thirty days after the date 60172  
of the appointment of a conservator for a state university or 60173  
college under section 3345.74 of the Revised Code, the governor 60174  
shall appoint, with the advice and consent of the senate, a 60175  
governance authority for the university or college consisting of 60176

five members. The members shall serve at the pleasure of the 60177  
governor and any vacancies shall be filled in the same manner as 60178  
an original appointment. 60179

The governor shall designate one of the members of the 60180  
governance authority as the chairperson and shall call the first 60181  
meeting of the authority. A majority of the members of a 60182  
governance authority constitutes a quorum and the affirmative vote 60183  
of a majority of the members shall be necessary for any action 60184  
taken by an authority. Meetings of a governance authority shall be 60185  
called in the manner and at the times prescribed by the authority, 60186  
but the authority shall meet at least four times annually and at 60187  
other times necessary for the best interest of the university or 60188  
college. A governance authority may adopt procedures for the 60189  
conduct of its business. 60190

The members of a governance authority shall not receive 60191  
compensation for their services, but shall be paid their 60192  
reasonable and necessary expenses while engaged in the discharge 60193  
of their official duties. 60194

(B)(1) A governance authority established under this section 60195  
shall appoint an executive director who shall serve at the 60196  
pleasure of the authority and with the compensation and other 60197  
terms and conditions established by it. With the approval of the 60198  
chairperson of the authority, the executive director may appoint 60199  
additional personnel as the director considers appropriate. The 60200  
executive director shall oversee the day-to-day operation of the 60201  
university or college under the direction and supervision of the 60202  
authority. 60203

(2) The governance authority shall conduct a final 60204  
performance evaluation of the president or chief executive officer 60205  
of the university or college. Following the evaluation, the 60206  
governance authority may reinstate any duties, authority, or pay 60207  
previously suspended under division (C)(6) of section 3345.74 of 60208

the Revised Code, or may terminate the president or chief executive officer in accordance with the terms of the person's employment contract.

(C) Upon appointment of all members of a governance authority under this section and upon the effective date for the commencement of the duties of the executive director appointed by that authority under this section, all authority, responsibilities, duties, and references assumed by or conferred upon the conservator under divisions (C)(2) to (6) of section 3345.74 of the Revised Code terminate and all of the following shall occur, effective immediately:

(1) The management and control of the state university or college is assumed by the governance authority;

(2) Notwithstanding any section of the Revised Code, all duties, responsibilities, and powers assigned by law to the board of trustees or to the conservator are assigned to the governance authority and the governance authority becomes the successor to, assumes the lawful obligations of, and otherwise constitutes the continuation of the board of trustees and the conservator for purposes of all pending legal actions, contracts or other agreements, and obligations of the university or college;

(3) Wherever the board of trustees or conservator is referred to in any contract or legal document, the reference is deemed to refer to the governance authority. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the assumption of the authority of the board of trustees and the conservator by the governance authority under this section and any such validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the governance authority. No action or proceeding pending on the effective date of the assumption by the governance authority of the authority of the board of trustees and the conservator is affected by that

assumption and any such action or proceeding shall be prosecuted 60241  
or defended in the name of the governance authority. 60242

(4) The governance authority assumes custody of all 60243  
equipment, records, files, effects, and all other property real or 60244  
personal of the state university or college. 60245

(D) A governance authority and executive director appointed 60246  
under this section shall be immune, indemnified, and held harmless 60247  
from civil liability, including any cause of action, legal, 60248  
equitable, or otherwise, for any action taken or duties performed 60249  
by the governance authority and executive director in good faith 60250  
and in furtherance of the performance of the duties of the 60251  
governance authority and executive director under this section. 60252

(E) The expenses of a governance authority and the expenses 60253  
and compensation of an executive director appointed for a state 60254  
university or college under this section and others employed by 60255  
the executive director under this section shall be paid out of the 60256  
operating funds and revenues of that university or college. 60257

(F) A governance authority appointed under this section shall 60258  
prepare, in accordance with rules adopted by the office of budget 60259  
and management, and submit to the ~~board of regents~~ chancellor of 60260  
higher education, the governor, the speaker and minority leader of 60261  
the house of representatives, and the president and minority 60262  
leader of the senate a quarterly report setting forth all of the 60263  
following: 60264

(1) The general condition of the university or college; 60265

(2) The amounts of receipts and disbursements and the items 60266  
for which the disbursements were made; 60267

(3) The numbers of professors, officers, teachers, and other 60268  
employees and the position and compensation of each and the 60269  
numbers of students by courses of instruction; 60270

(4) An estimate of expenses for the ensuing quarter;	60271
(5) A statement of the general progress of the university or college with indication of any improvements and specification of any experiments with institutional reform and the costs and results of those experiments;	60272 60273 60274 60275
(6) Any other matters the governance authority considers useful to report.	60276 60277
(G) The attorney general shall be the legal adviser to the conservator and the governance authority, and the attorney general may employ special counsel to aid the conservator or governance authority with respect to any legal matter on behalf of the institution. The conservator and the governance authority may as otherwise provided by law request the attorney general to bring or defend suits or proceedings in the name of the institution.	60278 60279 60280 60281 60282 60283 60284
<b>Sec. 3345.76.</b> (A) A governance authority appointed for a state university or college under section 3345.75 of the Revised Code at least annually shall apply the indicators and standards adopted under division (B) of section 3345.73 of the Revised Code to determine whether the university or college is experiencing sufficient fiscal stability to warrant terminating that governance authority in accordance with this section. Upon making a determination that termination of the governance authority is warranted, the governance authority shall certify this determination to the governor.	60285 60286 60287 60288 60289 60290 60291 60292 60293 60294
A determination by a governance authority under this division that sufficient fiscal stability exists or does not exist to warrant terminating that governance authority is final and conclusive and not appealable.	60295 60296 60297 60298
(B) The governor may issue an order, effective as provided under division (D) of this section, terminating the governance	60299 60300



authority appointed under section 3345.75 of the Revised Code, 60301  
upon the occurrence of either of the following: 60302

(1) Certification by the governance authority for that state 60303  
university or college the termination of that governance authority 60304  
is warranted; 60305

(2) A finding that in the governor's opinion termination of 60306  
the governance authority is in the best interests of the state, 60307  
that state university or college, and the students of that state 60308  
university or college. 60309

(C) Upon issuance of an order under division (B) of this 60310  
section, the governor shall fill each vacancy on the board of 60311  
trustees of the university or college for the unexpired portion of 60312  
the member's term or, if the term for the member has already 60313  
expired, for the unexpired portion of the succeeding term. 60314

(D) Thirty days after the date on which the ~~Ohio board of~~ 60315  
~~regents~~ chancellor of higher education determines that all 60316  
vacancies on the board of trustees have been filled, all 60317  
authority, responsibilities, duties, and references assumed by or 60318  
conferred upon the governance authority of that university or 60319  
college under division (C) of section 3345.75 of the Revised Code 60320  
terminate and all of the following shall occur: 60321

(1) The management and control of the state university or 60322  
college by the board of trustees shall be resumed; 60323

(2) The board becomes the successor to, assumes the lawful 60324  
obligations of, and otherwise constitutes the continuation of the 60325  
conservator and the governance authority for purposes of all 60326  
pending legal actions, contracts or other agreements, and 60327  
obligations of the university or college; 60328

(3) Wherever the conservator or the governance authority is 60329  
referred to in any contract or legal document, the reference is 60330  
deemed to refer to the board of trustees. No validation, cure, 60331

right, privilege, remedy, obligation, or liability is lost or 60332  
impaired by reason of the resumption by the board of trustees of 60333  
the authority of the conservator and the governance authority, and 60334  
any such validation, cure, right, privilege, remedy, obligation, 60335  
or liability shall be administered by the board of trustees. No 60336  
action or proceeding pending on the effective date of the 60337  
resumption by the board of trustees of the authority of the 60338  
conservator and the governance authority is affected by that 60339  
resumption, and any such action or proceeding shall be prosecuted 60340  
or defended in the name of the board of trustees. 60341

(4) The board of trustees resumes custody of all equipment, 60342  
records, files, effects, and all other property real or personal 60343  
of the state university or college; 60344

(5) Employment of the executive director appointed for the 60345  
university or college under section 3345.75 of the Revised Code is 60346  
terminated; 60347

(6) The duties, authority, and pay of the president or chief 60348  
executive officer of the university or college suspended under 60349  
division (C)(6) of section 3345.74 and not reinstated under 60350  
division (B)(2) of section 3345.75 of the Revised Code are 60351  
reinstated to the person holding that position, unless otherwise 60352  
provided for by the board of trustees. 60353

**Sec. 3345.81.** Not later than June 30, 2014, the board of 60354  
trustees of each institution of higher education, as defined by 60355  
section 3345.12 of the Revised Code, shall adopt an 60356  
institution-specific strategic completion plan designed to 60357  
increase the number of degrees and certificates awarded to 60358  
students. The plan shall be consistent with the mission and 60359  
strategic priorities of the institution, include ~~measurable~~ 60360  
measurable student completion goals, and align with the state's 60361  
workforce development priorities. Upon adoption by the board of 60362

trustees, each institution of higher education shall provide a 60363  
copy of its plan to the chancellor of ~~the Ohio board of regents~~ 60364  
higher education. 60365

The board of trustees of each institution of higher education 60366  
shall update its plan at least once every two years and provide a 60367  
copy of their updated plan to the chancellor upon adoption. 60368

**Sec. 3345.86.** (A) As used in this section, an "eligible 60369  
institution" means a community college established under Chapter 60370  
3354. of the Revised Code, a university branch established under 60371  
Chapter 3355. of the Revised Code, a technical college established 60372  
under Chapter 3357. of the Revised Code, or a state community 60373  
college established under Chapter 3358. of the Revised Code. 60374

(B) An individual who is at least twenty-two years of age and 60375  
who is an eligible individual as defined in section 3317.23 of the 60376  
Revised Code may enroll in an eligible institution for up to two 60377  
~~cumulative~~ consecutive school years for the purpose of completing 60378  
the requirements to earn a high school diploma. An individual 60379  
enrolled under this division may elect to satisfy these 60380  
requirements by successfully completing a competency-based 60381  
~~instructional~~ educational program, as defined in section 3317.02 60382  
of the Revised Code, that complies with the standards adopted by 60383  
the ~~state board~~ department of education under section 3317.231 of 60384  
the Revised Code. 60385

The eligible institution in which the individual enrolls 60386  
shall report that individual's enrollment on a full-time 60387  
equivalency basis to the department ~~of education.~~ 60388

(C)(1) For each eligible institution that enrolls individuals 60389  
under division (B) of this section, the department annually shall 60390  
certify the enrollment and attendance, on a full-time equivalency 60391  
basis, of each individual reported by the institution under that 60392

division. 60393

(2) For each individual enrolled in an eligible institution 60394  
under division (B) of this section, the department annually shall 60395  
pay to the institution ~~an amount equal to the following:~~ 60396

~~\$5,000 X the individual's enrollment on a full time 60397  
equivalency basis as certified under division (C)(1) of this 60398  
section X the portion of the school year in which the individual 60399  
is enrolled in the institution expressed as a percentage up to 60400  
\$5,000, as determined by the department based on the extent of the 60401  
individual's successful completion of the graduation requirements 60402  
prescribed under sections 3313.603, 3313.61, 3313.611, and 60403  
3313.614 of the Revised Code. 60404~~

(D) If an individual enrolled in an eligible institution 60405  
under division (B) of this section completes the requirements to 60406  
earn a high school diploma, the institution shall certify the 60407  
completion of those requirements to the city, local, or exempted 60408  
village school district in which the individual resides. Upon 60409  
receiving certification under this division, the city, local, or 60410  
exempted village school district in which the individual resides 60411  
shall issue a high school diploma to the individual within sixty 60412  
days of receipt of the certification. 60413

(E) An eligible institution that enrolls individuals under 60414  
division (B) of this section shall be subject to the program 60415  
administration standards adopted by the ~~state board~~ department 60416  
under section 3317.231 of the Revised Code, as applicable. 60417

**Sec. 3354.01.** As used in sections 3354.01 to 3354.18~~7~~ 60418  
~~inclusive,~~ of the Revised Code: 60419

(A) "Community college district" means a political 60420  
subdivision of the state and a body corporate with all the powers 60421  
of a corporation, comprised of the territory of one or more 60422

contiguous counties having together a total population of not less than seventy-five thousand preceding the establishment of such district, and organized for the purpose of establishing, owning, and operating a community college within the territory of such district.

(B) "Contiguous counties" means counties so located that each such county shares at least one boundary in common with at least one other such county in the group of counties referred to as being "contiguous."

(C) "Community college" means a public institution of education beyond the high school organized for the principal purpose of providing for the people of the community college district wherein such college is situated the instructional programs defined in this section as "arts and sciences" and "technical," or either, and may include the "adult-education" program as defined in this section. Except for bachelor's programs offered under section 3354.071 of the Revised Code, instructional programs shall not exceeding exceed two years<sup>+</sup> in duration.

A university maintained and operated by a municipality located in a county having a total population equal to the requirement for a community college district as set forth in division (A) of section 3354.01 of the Revised Code and is found by the ~~Ohio board of regents~~ chancellor of higher education to offer instructional programs which are needed in the community and which are equivalent to those required of community colleges shall be, for the purposes of receiving state or federal financial aid only, considered a community college and shall receive the same state financial assistance granted to community colleges but only in respect to students enrolled in their first and second year of post high school education in the kinds of instructional programs offered by the municipal university.

(D) "Arts and sciences program" means a both of the 60455  
following: 60456

(1) A curricular program of two years or less duration, 60457  
provided within a community college, planned and intended to 60458  
enable students to gain academic credit for courses generally 60459  
comparable to courses offered in the first two years in accredited 60460  
colleges and universities in the state, and designed either to 60461  
enable students to transfer to such colleges and universities for 60462  
the purpose of earning baccalaureate degrees or to enable students 60463  
to terminate academic study after two years with a proportionate 60464  
recognition of academic achievement. 60465

(2) A bachelor's degree program approved and offered under 60466  
section 3354.071 of the Revised Code. 60467

(E) "Adult-education program" means the dissemination of post 60468  
high school educational service and knowledge, by a community 60469  
college, for the occupational, cultural, or general educational 60470  
benefit of adult persons, such educational service and knowledge 60471  
not being offered for the primary purpose of enabling such persons 60472  
to obtain academic credit or other formal academic recognition. 60473

(F) "Charter amendment" means a change in the official plan 60474  
of a community college for the purpose of acquiring additional 60475  
lands or structures, disposing of or transferring lands or 60476  
structures, erection of structures, or creating or abolishing of 60477  
one or more academic departments corresponding to generally 60478  
recognized fields of academic study. 60479

(G) "Technical program" means a post high school curricular 60480  
program of two years or less duration, provided within a community 60481  
college, planned and intended to enable students to gain academic 60482  
credit for courses designed to prepare such students to meet the 60483  
occupational requirements of the community. 60484

(H) "Operating costs" means all expenses for all purposes of 60485

the community college district except expenditures for permanent 60486  
improvements having an estimated life of usefulness of five years 60487  
or more as certified by the fiscal officer of the community 60488  
college district. 60489

**Sec. 3365.02.** (A) There is hereby established the college 60490  
credit plus program under which, beginning with the 2015-2016 60491  
school year, a secondary grade student who is a resident of this 60492  
state may enroll at a college, on a full- or part-time basis, and 60493  
complete nonsectarian, nonremedial courses for high school and 60494  
college credit. The program shall govern arrangements in which a 60495  
secondary grade student enrolls in a college and, upon successful 60496  
completion of coursework taken under the program, receives 60497  
transcripted credit from the college, ~~except for any of the.~~ The 60498  
following are not governed by the college credit plus program: 60499

(1) An agreement governing an early college high school 60500  
program that meets any of the exemption criteria under division 60501  
(E) of section 3313.6013 of the Revised Code; 60502

(2) An advanced placement course or international 60503  
baccalaureate diploma course, as described in divisions (A)(2) and 60504  
(3) of section 3313.6013 of the Revised Code; 60505

(3) ~~Until July 1, 2016, a~~ A career-technical education 60506  
program that is approved by the department of education under 60507  
section 3317.161 of the Revised Code and grants articulated credit 60508  
to students participating in that program. However, any portion of 60509  
an approved program that results in the conferral of transcripted 60510  
credit upon the completion of the course shall be governed by the 60511  
college credit plus program. 60512

(B) Any student enrolled in a public or nonpublic secondary 60513  
school in the student's ninth, tenth, eleventh, or twelfth grade; 60514  
any student enrolled in a nonchartered nonpublic secondary school 60515  
in the student's ninth, tenth, eleventh, or twelfth grade; and any 60516

student who has been excused from the compulsory attendance law 60517  
for the purpose of home instruction under section 3321.04 of the 60518  
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 60519  
twelfth grade student, may participate in the program, if the 60520  
student meets the applicable eligibility criteria in section 60521  
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 60522  
school student chooses to participate in the program, that student 60523  
shall be subject to the same requirements as a home-instructed 60524  
student who chooses to participate in the program under this 60525  
chapter. 60526

(C) All public secondary schools and all public colleges 60527  
shall participate in the program and are subject to the 60528  
requirements of this chapter. Any nonpublic secondary school or 60529  
private college that chooses to participate in the program shall 60530  
also be subject to the requirements of this chapter. 60531

If a nonpublic secondary school chooses not to participate in 60532  
the program, the school shall not be subject to the requirements 60533  
of this chapter. Additionally, the school shall not be subject to 60534  
any rule adopted by the chancellor of higher education or the 60535  
state board of education for purposes of the college credit plus 60536  
program. 60537

(D) The chancellor ~~of the Ohio board of regents~~, in 60538  
accordance with Chapter 119. of the Revised Code and in 60539  
consultation with the superintendent of public instruction, shall 60540  
adopt rules governing the program. 60541

Sec. 3365.034. (A) Notwithstanding anything to the contrary 60542  
in the Revised Code, a student who is eligible to participate in 60543  
the college credit plus program under section 3365.03 or 3365.033 60544  
of the Revised Code may participate in the program during the 60545  
summer term of a public or participating private college or an 60546  
eligible out-of-state college participating in the program. 60547



Unless otherwise specified, if a student participates in the college credit plus program under this section, all requirements of the program shall apply. 60548  
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(B)(1) In order for a public secondary school student to participate under this section, the student shall meet the criteria in division (A)(1) of section 3365.03 of the Revised Code, except that the student or the student's parent shall inform the principal, or equivalent, of the student's school by the date designated by rule of the chancellor of higher education, pursuant to division (E) of this section, of the student's intent to participate in the program during the summer term. 60551  
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(2) In order for a nonpublic secondary school student, a nonchartered nonpublic secondary school student, or a home-instructed student to participate under this section, the student shall meet the applicable criteria in division (A)(2) of section 3365.03 of the Revised Code, except that the parent or guardian of a nonchartered nonpublic secondary school student or a home-instructed student shall notify the department of education by the date designated by rule of the chancellor of higher education, pursuant to division (E) of this section, of the student's intent to participate in the program during the summer term. 60559  
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(C) If a participant under this section elects to have the college reimbursed under section 3365.07 of the Revised Code for courses taken under the program, the department shall reimburse the college in the same manner as for students who participate during the school year in accordance with that section, except that the department shall make the applicable payments each September, or as soon as possible thereafter. 60570  
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(D) Notwithstanding section 3327.01 of the Revised Code, the participant or the participant's parent or guardian shall be responsible for any transportation related to participation in the 60577  
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program during the summer term. 60580

(E) The chancellor of higher education, in accordance with 60581  
Chapter 119. of the Revised Code and in consultation with the 60582  
superintendent of public instruction, shall adopt rules for the 60583  
administration of this section. The rules shall include the dates 60584  
by which the student or student's parent must provide notification 60585  
of the student's intent to participate in the program during the 60586  
summer term. 60587

**Sec. 3365.07.** The department of education shall calculate and 60588  
pay state funds to colleges for participants in the college credit 60589  
plus program under division (B) of section 3365.06 of the Revised 60590  
Code pursuant to this section. For a nonpublic secondary school 60591  
participant, a nonchartered nonpublic secondary school 60592  
participant, or a home-instructed participant, the department 60593  
shall pay state funds pursuant to this section only if that 60594  
participant is awarded funding according to rules adopted by the 60595  
chancellor of ~~the Ohio board of regents~~ higher education, in 60596  
consultation with the superintendent of public instruction, 60597  
pursuant to section 3365.071 of the Revised Code. The program 60598  
shall be the sole mechanism by which state funds are paid to 60599  
colleges for students to earn ~~college-level~~ transcribed credit 60600  
for college courses while enrolled in both a secondary school and 60601  
a college, with the exception of ~~the programs listed~~ state funds 60602  
paid to colleges according to an agreement described in division 60603  
(A)(1) of section 3365.02 of the Revised Code. 60604

(A) For each public or nonpublic secondary school participant 60605  
enrolled in a public college: 60606

(1) If no agreement has been entered into under division 60607

(A)(2) of this section, both of the following shall apply: 60608

(a) The department shall pay to the college the applicable 60609  
amount as follows: 60610

(i) For a participant enrolled in a college course delivered 60611  
on the college campus, at another location operated by the 60612  
college, or online, the default ceiling amount; 60613

(ii) For a participant enrolled in a college course delivered 60614  
at the participant's secondary school but taught by college 60615  
faculty, fifty per cent of the default ceiling amount; 60616

(iii) For a participant enrolled in a college course 60617  
delivered at the participant's secondary school and taught by a 60618  
high school teacher who has met the credential requirements 60619  
established for purposes of the program in rules adopted by the 60620  
chancellor ~~of the Ohio board of regents~~, the default floor amount. 60621

(b) The participant's secondary school shall pay for 60622  
textbooks, and the college shall waive payment of all other fees 60623  
related to participation in the program. 60624

(2) The governing entity of a participant's secondary school 60625  
and the college may enter into an agreement to establish an 60626  
alternative payment structure for tuition, textbooks, and fees. 60627  
Under such an agreement, payments for each participant made by the 60628  
department shall be not less than the default floor amount, unless 60629  
approved by the chancellor, and not more than the default ceiling 60630  
amount. The chancellor shall approve an agreement that includes a 60631  
payment below the default floor amount, as long as the provisions 60632  
of the agreement comply with all other requirements of this 60633  
chapter to ensure program quality. If no agreement is entered into 60634  
under division (A)(2) of this section, both of the following shall 60635  
apply: 60636

(a) The department shall pay to the college the applicable 60637  
default amounts prescribed by division (A)(1)(a) of this section, 60638  
depending upon the method of delivery and instruction. 60639

(b) In accordance with division (A)(1)(b) of this section, 60640  
the participant's secondary school shall pay for textbooks, and 60641

the college shall waive payment of all other fees related to 60642  
participation in the program. 60643

(3) No participant that is enrolled in a public college shall 60644  
be charged for any tuition, textbooks, or other fees related to 60645  
participation in the program. 60646

(B) For each public secondary school participant enrolled in 60647  
a private college: 60648

(1) If no agreement has been entered into under division 60649  
(B)(2) of this section, the department shall pay to the college 60650  
the applicable amount calculated in the same manner as in division 60651  
(A)(1)(a) of this section. 60652

(2) The governing entity of a participant's secondary school 60653  
and the college may enter into an agreement to establish an 60654  
alternative payment structure for tuition, textbooks, and fees. 60655  
Under such an agreement, payments shall be not less than the 60656  
default floor amount, unless approved by the chancellor, and not 60657  
more than the default ceiling amount. 60658

If an agreement is entered into under division (B)(2) of this 60659  
section, both of the following shall apply: 60660

(a) The department shall make a payment to the college for 60661  
each participant that is equal to the default floor amount, unless 60662  
approved by the chancellor to pay an amount below the default 60663  
floor amount. The chancellor shall approve an agreement that 60664  
includes a payment below the default floor amount, as long as the 60665  
provisions of the agreement comply with all other requirements of 60666  
this chapter to ensure program quality. 60667

(b) Payment for costs for the participant that exceed the 60668  
amount paid by the department pursuant to division (B)(2)(a) of 60669  
this section shall be negotiated by the school and the college. 60670  
The agreement may include a stipulation permitting the charging of 60671  
a participant. 60672

However, under no circumstances shall: 60673

(i) Payments for a participant made by the department under ~~this~~ division (B)(2) of this section exceed the default ceiling amount; 60674  
60675  
60676

(ii) The amount charged to a participant under division (B)(2) of this section exceed the difference between the maximum per participant charge amount and the default floor amount; 60677  
60678  
60679

(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable: 60680  
60681  
60682  
60683

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount; 60684  
60685  
60686

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars; 60687  
60688  
60689

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor ~~of the Ohio board of regents~~, one hundred dollars. 60690  
60691  
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(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program. 60695  
60696  
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60698

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for 60699  
60700  
60701  
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costs for the participant that exceed the amount paid by the 60703  
department shall be negotiated by the governing body of the 60704  
nonpublic secondary school and the college. 60705

However, under no circumstances shall: 60706

(1) The payments for a participant made by the department 60707  
under this division exceed the default ceiling amount. 60708

(2) Any nonpublic secondary school participant, who is 60709  
enrolled in that secondary school with a scholarship awarded under 60710  
either the educational choice scholarship pilot program, as 60711  
prescribed by sections 3310.01 to 3310.17, or the pilot project 60712  
scholarship program, as prescribed by sections 3313.974 to 60713  
3313.979 of the Revised Code, and who qualifies as a low-income 60714  
student under either of those programs, be charged for any 60715  
tuition, textbooks, or other fees related to participation in the 60716  
college credit plus program. 60717

(D) For each nonchartered nonpublic secondary school 60718  
participant and each home-instructed participant enrolled in a 60719  
public, private, or eligible out-of-state college, the department 60720  
shall pay to the college the default ceiling amount, if that 60721  
participant is enrolled in a college course delivered on the 60722  
college campus, at another location operated by the college, or 60723  
online. 60724

(E) Not later than thirty days after the end of each term, 60725  
each college expecting to receive payment for the costs of a 60726  
participant under this section shall notify the department of the 60727  
number of enrolled credit hours for each participant. 60728

(F) Each January and July, or as soon as possible thereafter, 60729  
the department shall make the applicable payments under this 60730  
section to each college, which provided proper notification to the 60731  
department under division (E) of this section, for the number of 60732  
enrolled credit hours for participants enrolled in the college 60733

under division (B) of section 3365.06 of the Revised Code. The 60734  
department shall not make any payments to a college under this 60735  
section if a participant withdrew from a course prior to the date 60736  
on which a withdrawal from the course would have negatively 60737  
affected the participant's transcribed grade, as prescribed by 60738  
the college's established withdrawal policy. 60739

(1) Payments made for public secondary school participants 60740  
under this section shall be deducted from the school foundation 60741  
payments made to the participant's school district or, if the 60742  
participant is enrolled in a community school, a STEM school, or a 60743  
college-preparatory boarding school, from the payments made to 60744  
that school under section 3314.08, 3326.33, or 3328.34 of the 60745  
Revised Code. If the participant is enrolled in a joint vocational 60746  
school district, a portion of the amount shall be deducted from 60747  
the payments to the joint vocational school district and a portion 60748  
shall be deducted from the payments to the participant's city, 60749  
local, or exempted village school district in accordance with the 60750  
full-time equivalency of the student's enrollment in each 60751  
district. Amounts deducted under division (F)(1) of this section 60752  
shall be calculated in accordance with rules adopted by the 60753  
chancellor, in consultation with the state superintendent, 60754  
pursuant to division (B) of section 3365.071 of the Revised Code. 60755

(2) Payments made for nonpublic secondary school 60756  
participants, nonchartered nonpublic secondary school 60757  
participants, and home-instructed participants under this section 60758  
shall be deducted from moneys appropriated by the general assembly 60759  
for such purpose. Payments shall be allocated and distributed in 60760  
accordance with rules adopted by the chancellor, in consultation 60761  
with the state superintendent, pursuant to division (A) of section 60762  
3365.071 of the Revised Code. 60763

(G) Any public college that enrolls a student under division 60764  
(B) of section 3365.06 of the Revised Code may include that 60765

student in the calculation used to determine its state share of 60766  
instruction funds appropriated to the ~~Ohio board of regents~~ 60767  
department of higher education by the general assembly. 60768

**Sec. 3365.15.** The chancellor of ~~the Ohio board of regents~~ 60769  
higher education and the superintendent of public instruction 60770  
jointly shall do all of the following: 60771

(A) Adopt data reporting guidelines specifying the types of 60772  
data that public and participating nonpublic secondary schools and 60773  
public and participating private colleges, including eligible 60774  
out-of-state colleges participating in the program, must annually 60775  
collect, report, and track under division (G) of section 3365.04 60776  
and division (H) of section 3365.05 of the Revised Code. The types 60777  
of data shall include all of the following: 60778

(1) For each secondary school and college: 60779

(a) The number of participants disaggregated by grade level, 60780  
socioeconomic status, race, gender, and disability; 60781

(b) The number of completed courses and credit hours, 60782  
disaggregated by the college in which participants were enrolled; 60783

(c) The number of courses in which participants enrolled, 60784  
disaggregated by subject area and level of difficulty. 60785

(2) For each secondary school, the number of students who 60786  
were denied participation in the program under division (A)(1)(a) 60787  
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 60788  
Revised Code. Each participating nonpublic secondary school shall 60789  
also include the number of students who were denied participation 60790  
due to the student not being awarded funding by the department of 60791  
education pursuant to section 3365.071 of the Revised Code. 60792

(3) For each college: 60793

(a) The number of students who applied to enroll in the 60794  
college under the program but were not granted admission; 60795



(b) The average number of completed courses per participant; 60796

(c) The average grade point average for participants in 60797  
college courses under the program. 60798

The guidelines adopted under this division shall also include 60799  
policies and procedures for the collection, reporting, and 60800  
tracking of such data. 60801

(B) Annually compile the data required under division (A) of 60802  
this section. Not later than the thirty-first day of December of 60803  
each year, the data from the previous school year shall be posted 60804  
in a prominent location on both the ~~board of regents'~~ chancellor 60805  
of higher education's and the department of education's web sites. 60806

(C) Submit a biennial report detailing the status of the 60807  
college credit plus program, including an analysis of quality 60808  
assurance measures related to the program, to the governor, the 60809  
president of the senate, the speaker of the house of 60810  
representatives, and the chairpersons of the education committees 60811  
of the senate and house of representatives. The first report shall 60812  
be submitted not later than December 31, 2017, and each subsequent 60813  
report shall be submitted not later than the thirty-first day of 60814  
December every two years thereafter. 60815

(D) Establish a college credit plus advisory committee to 60816  
assist in the development of performance metrics and the 60817  
monitoring of the program's progress. At least one member of the 60818  
advisory committee shall be a school guidance counselor. 60819

The chancellor shall also, in consultation with the 60820  
superintendent, create a standard packet of information for the 60821  
college credit plus program directed toward students and parents 60822  
that are interested in the program. 60823

**Sec. 3501.01.** As used in the sections of the Revised Code 60824  
relating to elections and political communications: 60825

(A) "General election" means the election held on the first Tuesday after the first Monday in each November.

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

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

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

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

(2) "Presidential primary election" means a primary election as defined by division (E)(1) of this section at which an election is held for the purpose of choosing delegates and alternates to the national conventions of the major political parties pursuant to section 3513.12 of the Revised Code. Unless otherwise

specified, presidential primary elections are included in 60857  
references to primary elections. In years in which a presidential 60858  
primary election is held, all primary elections shall be held on 60859  
the first Tuesday after the first Monday in March except as 60860  
otherwise authorized by a municipal or county charter. 60861

(F) "Political party" means any group of voters meeting the 60862  
requirements set forth in section 3517.01 of the Revised Code for 60863  
the formation and existence of a political party. 60864

(1) "Major political party" means any political party 60865  
organized under the laws of this state whose candidate for 60866  
governor or nominees for presidential electors received not less 60867  
than twenty per cent of the total vote cast for such office at the 60868  
most recent regular state election. 60869

(2) "Minor political party" means any political party 60870  
organized under the laws of this state that meets either of the 60871  
following requirements: 60872

(a) Except as otherwise provided in this division, the 60873  
political party's candidate for governor or nominees for 60874  
presidential electors received less than twenty per cent but not 60875  
less than three per cent of the total vote cast for such office at 60876  
the most recent regular state election. A political party that 60877  
meets the requirements of this division remains a political party 60878  
for a period of four years after meeting those requirements. 60879

(b) The political party has filed with the secretary of 60880  
state, subsequent to its failure to meet the requirements of 60881  
division (F)(2)(a) of this section, a petition that meets the 60882  
requirements of section 3517.01 of the Revised Code. 60883

A newly formed political party shall be known as a minor 60884  
political party until the time of the first election for governor 60885  
or president which occurs not less than twelve months subsequent 60886  
to the formation of such party, after which election the status of 60887

such party shall be determined by the vote for the office of 60888  
governor or president. 60889

(G) "Dominant party in a precinct" or "dominant political 60890  
party in a precinct" means that political party whose candidate 60891  
for election to the office of governor at the most recent regular 60892  
state election at which a governor was elected received more votes 60893  
than any other person received for election to that office in such 60894  
precinct at such election. 60895

(H) "Candidate" means any qualified person certified in 60896  
accordance with the provisions of the Revised Code for placement 60897  
on the official ballot of a primary, general, or special election 60898  
to be held in this state, or any qualified person who claims to be 60899  
a write-in candidate, or who knowingly assents to being 60900  
represented as a write-in candidate by another at either a 60901  
primary, general, or special election to be held in this state. 60902

(I) "Independent candidate" means any candidate who claims 60903  
not to be affiliated with a political party, and whose name has 60904  
been certified on the office-type ballot at a general or special 60905  
election through the filing of a statement of candidacy and 60906  
nominating petition, as prescribed in section 3513.257 of the 60907  
Revised Code. 60908

(J) "Nonpartisan candidate" means any candidate whose name is 60909  
required, pursuant to section 3505.04 of the Revised Code, to be 60910  
listed on the nonpartisan ballot, including all candidates for 60911  
judicial office, for member of any board of education, for 60912  
municipal or township offices in which primary elections are not 60913  
held for nominating candidates by political parties, and for 60914  
offices of municipal corporations having charters that provide for 60915  
separate ballots for elections for these offices. 60916

(K) "Party candidate" means any candidate who claims to be a 60917  
member of a political party and who has been certified to appear 60918

on the office-type ballot at a general or special election as the 60919  
nominee of a political party because the candidate has won the 60920  
primary election of the candidate's party for the public office 60921  
the candidate seeks, has been nominated under section 3517.012, or 60922  
is selected by party committee in accordance with section 3513.31 60923  
of the Revised Code. 60924

(L) "Officer of a political party" includes, but is not 60925  
limited to, any member, elected or appointed, of a controlling 60926  
committee, whether representing the territory of the state, a 60927  
district therein, a county, township, a city, a ward, a precinct, 60928  
or other territory, of a major or minor political party. 60929

(M) "Question or issue" means any question or issue certified 60930  
in accordance with the Revised Code for placement on an official 60931  
ballot at a general or special election to be held in this state. 60932

(N) "Elector" or "qualified elector" means a person having 60933  
the qualifications provided by law to be entitled to vote. 60934

(O) "Voter" means an elector who votes at an election. 60935

(P) "Voting residence" means that place of residence of an 60936  
elector which shall determine the precinct in which the elector 60937  
may vote. 60938

(Q) "Precinct" means a district within a county established 60939  
by the board of elections of such county within which all 60940  
qualified electors having a voting residence therein may vote at 60941  
the same polling place. 60942

(R) "Polling place" means that place provided for each 60943  
precinct at which the electors having a voting residence in such 60944  
precinct may vote. 60945

(S) "Board" or "board of elections" means the board of 60946  
elections appointed in a county pursuant to section 3501.06 of the 60947  
Revised Code. 60948

- (T) "Political subdivision" means a county, township, city, village, or school district. 60949  
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- (U) "Election officer" or "election official" means any of the following: 60951  
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- (1) Secretary of state; 60953
- (2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor; 60954  
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- (3) Director of a board of elections; 60958
- (4) Deputy director of a board of elections; 60959
- (5) Member of a board of elections; 60960
- (6) Employees of a board of elections; 60961
- (7) Precinct election officials; 60962
- (8) Employees appointed by the boards of elections on a temporary or part-time basis. 60963  
60964
- (V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote. 60965  
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- (W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address. 60972  
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- (X) "Designated agency" means an office or agency in the state that provides public assistance or that provides 60976  
60977

state-funded programs primarily engaged in providing services to 60978  
persons with disabilities and that is required by the National 60979  
Voter Registration Act of 1993 to implement a program designed and 60980  
administered by the secretary of state for registering voters, or 60981  
any other public or government office or agency that implements a 60982  
program designed and administered by the secretary of state for 60983  
registering voters, including the department of job and family 60984  
services, the program administered under section 3701.132 of the 60985  
Revised Code by the department of health, the department of mental 60986  
health and addiction services, the department of developmental 60987  
disabilities, the opportunities for Ohioans with disabilities 60988  
agency, and any other agency the secretary of state designates. 60989  
"Designated agency" does not include public high schools and 60990  
vocational schools, public libraries, or the office of a county 60991  
treasurer. 60992

(Y) "National Voter Registration Act of 1993" means the 60993  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 60994  
U.S.C.A. 1973gg. 60995

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 60996  
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 60997

(AA) "Photo identification" means a document that meets each 60998  
of the following requirements: 60999

(1) It shows the name of the individual to whom it was 61000  
issued, which shall conform to the name in the poll list or 61001  
signature pollbook. 61002

(2) It shows the current address of the individual to whom it 61003  
was issued, which shall conform to the address in the poll list or 61004  
signature pollbook, except for a driver's license or a state 61005  
identification card issued under section 4507.50 of the Revised 61006  
Code, which may show either the current or former address of the 61007  
individual to whom it was issued, regardless of whether that 61008

address conforms to the address in the poll list or signature 61009  
pollbook. 61010

(3) It shows a photograph of the individual to whom it was 61011  
issued. 61012

(4) It includes an expiration date that has not passed. 61013

(5) It was issued by the government of the United States or 61014  
this state. 61015

**Sec. 3501.12.** (A) The annual compensation of members of the 61016  
board of elections shall be determined on the basis of the 61017  
population of the county according to the next preceding federal 61018  
census, and shall be paid monthly out of the appropriations made 61019  
to the board and upon vouchers or payrolls certified by the 61020  
chairperson, or a member of the board designated by it, and 61021  
countersigned by the director or in the director's absence by the 61022  
deputy director. Upon presentation of any such voucher or payroll, 61023  
the county auditor shall issue a warrant upon the county treasurer 61024  
for the amount thereof as in the case of vouchers or payrolls for 61025  
county offices and the treasurer shall pay such warrant. 61026

~~(A) Except as provided in divisions (B) and (C) of this~~ 61027  
~~section (B) In calendar year 2015,~~ the amount of annual 61028  
compensation of ~~members~~ each member of the board of elections 61029  
shall be as follows: 61030

(1) ~~Eighty-five~~ Ninety-two dollars and eighty-nine cents for 61031  
each full one thousand of the first one hundred thousand 61032  
population; 61033

(2) ~~Forty~~ Forty-four dollars and ~~fifty~~ twenty-six cents for 61034  
each full one thousand of the second one hundred thousand 61035  
population; 61036

(3) ~~Twenty-two~~ Twenty-four dollars and four cents for each 61037  
full one thousand of the third one hundred thousand population; 61038



(4) ~~Six~~ Seven dollars and ~~seventy-five~~ thirty-seven cents for 61039  
each full one thousand above three hundred thousand population. 61040

~~(B) Except as provided in division (C) of this section~~ (C) In 61041  
calendar year 2015, the compensation of a member of the board 61042  
shall not be less than three thousand ~~three~~ six hundred 61043  
~~seventy-five~~ eighty-seven dollars and shall not exceed ~~twenty~~ 61044  
twenty-one thousand eight hundred fifty-five dollars annually. 61045

~~(C) In calendar year 2001, the annual compensation of each~~ 61046  
~~member of the board shall be computed after increasing the dollar~~ 61047  
~~amounts specified in divisions (A) and (B) of this section by~~ 61048  
~~three per cent.~~ 61049

~~(D) In calendar year 2002, the annual compensation of each~~ 61050  
~~member of the board shall be computed after increasing by three~~ 61051  
~~per cent the dollar amounts used to compute the compensation of a~~ 61052  
~~member under division (C) of this section.~~ 61053

~~(E) In calendar year 2003 and thereafter, the annual~~ 61054  
~~compensation of each member of the board shall be computed after~~ 61055  
~~increasing by three per cent the dollar amounts used to compute~~ 61056  
~~the compensation of a member under division (D) of this section~~ 61057

(D) In calendar year 2016, the annual compensation of each 61058  
member of the board shall be computed after increasing the dollar 61059  
amounts specified in divisions (B) and (C) of this section by five 61060  
per cent. Such compensation shall not be less than four thousand 61061  
eight hundred thirty dollars. 61062

(E) In calendar year 2017, the annual compensation of each 61063  
member of the board shall be computed after increasing the dollar 61064  
amounts specified in division (D) of this section by five per 61065  
cent. Such compensation shall not be less than six thousand 61066  
dollars. 61067

(F) In calendar year 2018 and thereafter, the annual 61068  
compensation of each member of the board shall be the dollar 61069

amounts computed under division (E) of this section. 61070

For the purposes of this section, members of boards of 61071  
elections shall be deemed to be appointed and not elected, and 61072  
therefore not subject to Section 20 of Article II of the Ohio 61073  
Constitution. 61074

**Sec. 3501.17.** (A) The expenses of the board of elections 61075  
shall be paid from the county treasury, in pursuance of 61076  
appropriations by the board of county commissioners, in the same 61077  
manner as other county expenses are paid. If the board of county 61078  
commissioners fails to appropriate an amount sufficient to provide 61079  
for the necessary and proper expenses of the board of elections 61080  
pertaining to the conduct of elections, the board of elections may 61081  
apply to the court of common pleas within the county, which shall 61082  
fix the amount necessary to be appropriated and the amount shall 61083  
be appropriated. Payments shall be made upon vouchers of the board 61084  
of elections certified to by its chairperson or acting chairperson 61085  
and the director or deputy director, upon warrants of the county 61086  
auditor. 61087

The board of elections shall not incur any obligation 61088  
involving the expenditure of money unless there are moneys 61089  
sufficient in the funds appropriated therefor to meet the 61090  
obligation. If the board of elections requests a transfer of funds 61091  
from one of its appropriation items to another, the board of 61092  
county commissioners shall adopt a resolution providing for the 61093  
transfer except as otherwise provided in section 5705.40 of the 61094  
Revised Code. The expenses of the board of elections shall be 61095  
apportioned among the county and the various subdivisions as 61096  
provided in this section, and the amount chargeable to each 61097  
subdivision shall be paid as provided in division (J) of this 61098  
section or withheld by the county auditor from the moneys payable 61099  
thereto at the time of the next tax settlement. At the time of 61100

submitting budget estimates in each year, the board of elections 61101  
shall submit to the taxing authority of each subdivision, upon the 61102  
request of the subdivision, an estimate of the amount to be paid 61103  
or withheld from the subdivision during the current or next fiscal 61104  
year. 61105

A board of township trustees may, by resolution, request that 61106  
the county auditor withhold expenses charged to the township from 61107  
a specified township fund that is to be credited with revenue at a 61108  
tax settlement. The resolution shall specify the tax levy ballot 61109  
issue, the date of the election on the levy issue, and the 61110  
township fund from which the expenses the board of elections 61111  
incurs related to that ballot issue shall be withheld. 61112

(B) Except as otherwise provided in division (F) of this 61113  
section, the compensation of the members of the board of elections 61114  
and of the director, deputy director, and regular employees in the 61115  
board's offices, other than compensation for overtime worked; the 61116  
expenditures for the rental, furnishing, and equipping of the 61117  
office of the board and for the necessary office supplies for the 61118  
use of the board; the expenditures for the acquisition, repair, 61119  
care, and custody of the polling places, booths, guardrails, and 61120  
other equipment for polling places; the cost of tally sheets, 61121  
maps, flags, ballot boxes, and all other permanent records and 61122  
equipment; the cost of all elections held in and for the state and 61123  
county; and all other expenses of the board which are not 61124  
chargeable to a political subdivision in accordance with this 61125  
section shall be paid in the same manner as other county expenses 61126  
are paid. 61127

(C) The compensation of precinct election officials and 61128  
intermittent employees in the board's offices; the cost of 61129  
renting, moving, heating, and lighting polling places and of 61130  
placing and removing ballot boxes and other fixtures and equipment 61131  
thereof, including voting machines, marking devices, and automatic 61132

tabulating equipment; the cost of printing and delivering ballots, 61133  
cards of instructions, registration lists required under section 61134  
3503.23 of the Revised Code, and other election supplies, 61135  
including the supplies required to comply with division (H) of 61136  
section 3506.01 of the Revised Code; the cost of contractors 61137  
engaged by the board to prepare, program, test, and operate voting 61138  
machines, marking devices, and automatic tabulating equipment; and 61139  
all other expenses of conducting primaries and elections in the 61140  
odd-numbered years shall be charged to the subdivisions in and for 61141  
which such primaries or elections are held. The charge for each 61142  
primary or general election in odd-numbered years for each 61143  
subdivision shall be determined in the following manner: first, 61144  
the total cost of all chargeable items used in conducting such 61145  
elections shall be ascertained; second, the total charge shall be 61146  
divided by the number of precincts participating in such election, 61147  
in order to fix the cost per precinct; third, the cost per 61148  
precinct shall be prorated by the board of elections to the 61149  
subdivisions conducting elections for the nomination or election 61150  
of offices in such precinct; fourth, the total cost for each 61151  
subdivision shall be determined by adding the charges prorated to 61152  
it in each precinct within the subdivision. 61153

(D) The entire cost of special elections held on a day other 61154  
than the day of a primary or general election, both in 61155  
odd-numbered or in even-numbered years, shall be charged to the 61156  
subdivision. Where a special election is held on the same day as a 61157  
primary or general election in an even-numbered year, the 61158  
subdivision submitting the special election shall be charged only 61159  
for the cost of ballots and advertising. Where a special election 61160  
is held on the same day as a primary or general election in an 61161  
odd-numbered year, the subdivision submitting the special election 61162  
shall be charged for the cost of ballots and advertising for such 61163  
special election, in addition to the charges prorated to such 61164  
subdivision for the election or nomination of candidates in each 61165

precinct within the subdivision, as set forth in the preceding 61166  
paragraph. 61167

(E) Where a special election is held on the day specified by 61168  
division (E) of section 3501.01 of the Revised Code for the 61169  
holding of a primary election, for the purpose of submitting to 61170  
the voters of the state constitutional amendments proposed by the 61171  
general assembly, and a subdivision conducts a special election on 61172  
the same day, the entire cost of the special election shall be 61173  
divided proportionally between the state and the subdivision based 61174  
upon a ratio determined by the number of issues placed on the 61175  
ballot by each, except as otherwise provided in division (G) of 61176  
this section. Such proportional division of cost shall be made 61177  
only to the extent funds are available for such purpose from 61178  
amounts appropriated by the general assembly to the secretary of 61179  
state. If a primary election is also being conducted in the 61180  
subdivision, the costs shall be apportioned as otherwise provided 61181  
in this section. 61182

(F) When a precinct is open during a general, primary, or 61183  
special election solely for the purpose of submitting to the 61184  
voters a statewide ballot issue, the state shall bear the entire 61185  
cost of the election in that precinct and shall reimburse the 61186  
county for all expenses incurred in opening the precinct. 61187

(G)(1) The state shall bear the entire cost of advertising in 61188  
newspapers statewide ballot issues, explanations of those issues, 61189  
and arguments for or against those issues, as required by Section 61190  
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 61191  
and any other section of law. Appropriations made to the 61192  
controlling board shall be used to reimburse the secretary of 61193  
state for all expenses the secretary of state incurs for such 61194  
advertising under division (G) of section 3505.062 of the Revised 61195  
Code. 61196

(2) There is hereby created in the state treasury the 61197

statewide ballot advertising fund. The fund shall receive 61198  
transfers approved by the controlling board, and shall be used by 61199  
the secretary of state to pay the costs of advertising state 61200  
ballot issues as required under division (G)(1) of this section. 61201  
Any such transfers may be requested from and approved by the 61202  
controlling board prior to placing the advertising, in order to 61203  
facilitate timely provision of the required advertising. 61204

(H) The cost of renting, heating, and lighting registration 61205  
places; the cost of the necessary books, forms, and supplies for 61206  
the conduct of registration; and the cost of printing and posting 61207  
precinct registration lists shall be charged to the subdivision in 61208  
which such registration is held. 61209

(I) At the request of a majority of the members of the board 61210  
of elections, the board of county commissioners may, by 61211  
resolution, establish an elections revenue fund. Except as 61212  
otherwise provided in this division, the purpose of the fund shall 61213  
be to accumulate revenue withheld by or paid to the county under 61214  
this section for the payment of any expense related to the duties 61215  
of the board of elections specified in section 3501.11 of the 61216  
Revised Code, upon approval of a majority of the members of the 61217  
board of elections. The fund shall not accumulate any revenue 61218  
withheld by or paid to the county under this section for the 61219  
compensation of the members of the board of elections or of the 61220  
director, deputy director, or other regular employees in the 61221  
board's offices, other than compensation for overtime worked. 61222

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 61223  
Revised Code, the board of county commissioners may, by 61224  
resolution, transfer money to the elections revenue fund from any 61225  
other fund of the political subdivision from which such payments 61226  
lawfully may be made. Following an affirmative vote of a majority 61227  
of the members of the board of elections, the board of county 61228  
commissioners may, by resolution, rescind an elections revenue 61229

fund established under this division. If an elections revenue fund 61230  
is rescinded, money that has accumulated in the fund shall be 61231  
transferred to the county general fund. 61232

(J)(1) Not less than fifteen business days before the 61233  
deadline for submitting a question or issue for placement on the 61234  
ballot at a special election, the board of elections shall prepare 61235  
and file with the board of county commissioners and the office of 61236  
the secretary of state the estimated cost, based on the factors 61237  
enumerated in this section, for preparing for and conducting an 61238  
election on one question or issue, one nomination for office, or 61239  
one election to office in each precinct in the county at that 61240  
special election and shall divide that cost by the number of 61241  
registered voters in the county. 61242

(2) The board of elections shall provide to a political 61243  
subdivision seeking to submit a question or issue, a nomination 61244  
for office, or an election to office for placement on the ballot 61245  
at a special election with the estimated cost for preparing for 61246  
and conducting that election, which shall be calculated either by 61247  
multiplying the number of registered voters in the political 61248  
subdivision with the cost calculated under division (J)(1) of this 61249  
section or by multiplying the cost per precinct with the number or 61250  
precincts in the political subdivision. A political subdivision 61251  
submitting a question or issue, a nomination for office, or an 61252  
election to office for placement on the ballot at that special 61253  
election shall pay to the county elections revenue fund sixty-five 61254  
per cent of the estimated cost of the election not less than ten 61255  
business days after the deadline for submitting a question or 61256  
issue for placement on the ballot for that special election. 61257

(3) Not later than sixty days after the date of a special 61258  
election, the board of elections shall provide to each political 61259  
subdivision the true and accurate cost for the question or issue, 61260  
nomination for office, or election to office that the subdivision 61261

submitted to the voters on the special election ballots. If the 61262  
board of elections determines that a subdivision paid less for the 61263  
cost of preparing and conducting a special election under division 61264  
(J)(2) of this section than the actual cost calculated under this 61265  
division, the subdivision shall remit to the county elections 61266  
revenue fund the difference between the payment made under 61267  
division (J)(2) of this section and the final cost calculated 61268  
under this division within thirty days after being notified of the 61269  
final cost. If the board of elections determines that a 61270  
subdivision paid more for the cost of preparing and conducting a 61271  
special election under division (J)(2) of this section than the 61272  
actual cost calculated under this division, the board of elections 61273  
promptly shall notify the board of county commissioners of that 61274  
difference. The board of county commissioners shall remit from the 61275  
county elections revenue fund to the political subdivision the 61276  
difference between the payment made under division (J)(2) of this 61277  
section and the final cost calculated under this division within 61278  
thirty days after receiving that notification. 61279

(K) As used in this section: 61280

(1) "Political subdivision" and "subdivision" mean any board 61281  
of county commissioners, board of township trustees, legislative 61282  
authority of a municipal corporation, board of education, or any 61283  
other board, commission, district, or authority that is empowered 61284  
to levy taxes or permitted to receive the proceeds of a tax levy, 61285  
regardless of whether the entity receives tax settlement moneys as 61286  
described in division (A) of this section; 61287

(2) "Statewide ballot issue" means any ballot issue, whether 61288  
proposed by the general assembly or by initiative or referendum, 61289  
that is submitted to the voters throughout the state. 61290

**Sec. 3599.03.** (A)(1) Except to carry on activities specified 61291  
in sections 3517.082, 3517.101, and 3517.1011, division (A)(2) of 61292



section 3517.1012, division (B) of section 3517.1013, division 61293  
(C)(1) of section 3517.1014, and section 3599.031 of the Revised 61294  
Code and except as provided in divisions (D), (E), and (F) of this 61295  
section, no corporation, no nonprofit corporation, and no labor 61296  
organization, directly or indirectly, shall pay or use, or offer, 61297  
advise, consent, or agree to pay or use, the corporation's money 61298  
or property, or the labor organization's money, including dues, 61299  
initiation fees, or other assessments paid by members, or 61300  
property, for or in aid of or opposition to a political party, a 61301  
candidate for election or nomination to public office, a political 61302  
action committee including a political action committee of the 61303  
corporation or labor organization, a legislative campaign fund, or 61304  
any organization that supports or opposes any such candidate, or 61305  
for any partisan political purpose, shall violate any law 61306  
requiring the filing of an affidavit or statement respecting such 61307  
use of those funds, or shall pay or use the corporation's or labor 61308  
organization's money for the expenses of a social fund-raising 61309  
event for its political action committee if an employee's or labor 61310  
organization member's right to attend such an event is predicated 61311  
on the employee's or member's contribution to the corporation's or 61312  
labor organization's political action committee. 61313

(2) Whoever violates division (A)(1) of this section shall be 61314  
fined not less than five hundred nor more than five thousand 61315  
dollars. 61316

(B)(1) No officer, stockholder, attorney, or agent of a 61317  
corporation or nonprofit corporation, no member, including an 61318  
officer, attorney, or agent, of a labor organization, and no 61319  
candidate, political party official, or other individual shall 61320  
knowingly aid, advise, solicit, or receive money or other property 61321  
in violation of division (A)(1) of this section. 61322

(2) Whoever violates division (B)(1) of this section shall be 61323  
fined not more than one thousand dollars, or imprisoned not more 61324

than one year, or both. 61325

(C) A corporation, a nonprofit corporation, or a labor 61326  
organization may use its funds or property for or in aid of or 61327  
opposition to a proposed or certified ballot issue. Such use of 61328  
funds or property shall be reported on a form prescribed by the 61329  
secretary of state. Reports of contributions in connection with 61330  
statewide ballot issues shall be filed with the secretary of 61331  
state. Reports of contributions in connection with local issues 61332  
shall be filed with the board of elections of the most populous 61333  
county of the district in which the issue is submitted or to be 61334  
submitted to the electors. Reports made pursuant to this division 61335  
shall be filed by the times specified in divisions (A)(1) and (2) 61336  
of section 3517.10 of the Revised Code. 61337

(D) A nonprofit corporation that is a membership association 61338  
and that is exempt from taxation under subsection 501(c)(6) of the 61339  
Internal Revenue Code may transfer contributions received as part 61340  
of a regular dues payment from member partnerships and other 61341  
unincorporated businesses as defined in division (I)(6) of section 61342  
3517.10 of the Revised Code to its political action committee. 61343  
Contributions received under this division shall be itemized and 61344  
allocated to individuals subject to contribution limits. 61345

(E)(1) Any gift made pursuant to section 3517.101 of the 61346  
Revised Code does not constitute a violation of this section or of 61347  
any other section of the Revised Code. 61348

(2) Any gift made pursuant to division (A)(2) of section 61349  
3517.1012 of the Revised Code does not constitute a violation of 61350  
this section. 61351

(3) Any gift made pursuant to division (B) of section 61352  
3517.1013 of the Revised Code does not constitute a violation of 61353  
this section. 61354

(4) Any donation made pursuant to division (C)(1) of section 61355

3517.1014 of the Revised Code does not constitute a violation of 61356  
this section. 61357

~~(E)~~(F) Any compensation or fees paid by a financial 61358  
institution to a state political party for services rendered 61359  
pursuant to division (B) of section 3517.19 of the Revised Code do 61360  
not constitute a violation of this section or of any other section 61361  
of the Revised Code. 61362

~~(F)~~(G)(1) The use by a nonprofit corporation of its money or 61363  
property for communicating information for a purpose specified in 61364  
division (A) of this section is not a violation of that division 61365  
if the stockholders, members, donors, trustees, or officers of the 61366  
nonprofit corporation are the predominant recipients of the 61367  
communication. 61368

(2) The placement of a campaign sign on the property of a 61369  
corporation, nonprofit corporation, or labor organization is not a 61370  
use of property in violation of division (A) of this section by 61371  
that corporation, nonprofit corporation, or labor organization. 61372

(3) The use by a corporation or labor organization of its 61373  
money or property for communicating information for a purpose 61374  
specified in division (A) of this section is not a violation of 61375  
that division if it is not a communication made by mass broadcast 61376  
such as radio or television or made by advertising in a newspaper 61377  
of general circulation but is a communication sent exclusively to 61378  
members, employees, officers, or trustees of that labor 61379  
organization or shareholders, employees, officers, or directors of 61380  
that corporation or to members of the immediate families of any 61381  
such individuals or if the communication intended to be so sent 61382  
exclusively is unintentionally sent as well to a de minimis number 61383  
of other individuals. 61384

~~(G)~~(H) In addition to the laws listed in division (A) of 61385  
section 4117.10 of the Revised Code that prevail over conflicting 61386

agreements between employee organizations and public employers, 61387  
this section prevails over any conflicting provisions of 61388  
agreements between labor organizations and public employers that 61389  
are entered into on or after March 31, 2005, pursuant to Chapter 61390  
4117. of the Revised Code. 61391

~~(H)~~(I) As used in this section, "labor organization" has the 61392  
same meaning as in section 3517.01 of the Revised Code. 61393

**Sec. 3701.023.** (A) The department of health shall review 61394  
applications for eligibility for the program for medically 61395  
handicapped children that are submitted to the department by city 61396  
and general health districts and physician providers approved in 61397  
accordance with division (C) of this section. The department shall 61398  
determine whether the applicants meet the medical and financial 61399  
eligibility requirements established by the director of health 61400  
pursuant to division (A)(1) of section 3701.021 of the Revised 61401  
Code, and by the department in the manual of operational 61402  
procedures and guidelines for the program for medically 61403  
handicapped children developed pursuant to division (B) of that 61404  
section. Referrals of potentially eligible children for the 61405  
program may be submitted to the department on behalf of the child 61406  
by parents, guardians, public health nurses, or any other 61407  
interested person. The department of health may designate other 61408  
agencies to refer applicants to the department of health. 61409

(B) In accordance with the procedures established in rules 61410  
adopted under division (A)(4) of section 3701.021 of the Revised 61411  
Code, the department of health shall authorize a provider or 61412  
providers to provide to any Ohio resident under twenty-one years 61413  
of age, without charge to the resident or the resident's family 61414  
and without restriction as to the economic status of the resident 61415  
or the resident's family, diagnostic services necessary to 61416  
determine whether the resident has a medically handicapping or 61417

potentially medically handicapping condition. 61418

(C) The department of health shall review the applications of 61419  
health professionals, hospitals, medical equipment suppliers, and 61420  
other individuals, groups, or agencies that apply to become 61421  
providers. The department shall enter into a written agreement 61422  
with each applicant who is determined, pursuant to the 61423  
requirements set forth in rules adopted under division (A)(2) of 61424  
section 3701.021 of the Revised Code, to be eligible to be a 61425  
provider in accordance with the provider agreement required by the 61426  
medicaid program. No provider shall charge a medically handicapped 61427  
child or the child's parent or guardian for services authorized by 61428  
the department under division (B) or (D) of this section. 61429

The department, in accordance with rules adopted under 61430  
division (A)(3) of section 3701.021 of the Revised Code, may 61431  
disqualify any provider from further participation in the program 61432  
for violating any requirement set forth in rules adopted under 61433  
division (A)(2) of that section. The disqualification shall not 61434  
take effect until a written notice, specifying the requirement 61435  
violated and describing the nature of the violation, has been 61436  
delivered to the provider and the department has afforded the 61437  
provider an opportunity to appeal the disqualification under 61438  
division (H) of this section. 61439

(D) The department of health shall evaluate applications from 61440  
city and general health districts and approved physician providers 61441  
for authorization to provide treatment services, service 61442  
coordination, and related goods to children determined to be 61443  
eligible for the program for medically handicapped children 61444  
pursuant to division (A) of this section. The department shall 61445  
authorize necessary treatment services, service coordination, and 61446  
related goods for each eligible child in accordance with an 61447  
individual plan of treatment for the child. As an alternative, the 61448  
department may authorize payment of health insurance premiums on 61449

behalf of eligible children when the department determines, in 61450  
accordance with criteria set forth in rules adopted under division 61451  
(A)(9) of section 3701.021 of the Revised Code, that payment of 61452  
the premiums is cost-effective. 61453

(E) The department of health shall pay, from appropriations 61454  
to the department, any necessary expenses, including but not 61455  
limited to, expenses for diagnosis, treatment, service 61456  
coordination, supportive services, transportation, and accessories 61457  
and their upkeep, provided to medically handicapped children, 61458  
provided that the provision of the goods or services is authorized 61459  
by the department under division (B) or (D) of this section. Money 61460  
appropriated to the department of health may also be expended for 61461  
reasonable administrative costs incurred by the program. The 61462  
department of health also may purchase liability insurance 61463  
covering the provision of services under the program for medically 61464  
handicapped children by physicians and other health care 61465  
professionals. 61466

Payments made to providers by the department of health 61467  
pursuant to this division for inpatient hospital care, outpatient 61468  
care, and all other medical assistance furnished to eligible 61469  
recipients shall be made in accordance with rules adopted by the 61470  
director of health pursuant to division (A) of section 3701.021 of 61471  
the Revised Code. 61472

The departments of health and medicaid shall jointly 61473  
implement procedures to ensure that duplicate payments are not 61474  
made under the program for medically handicapped children and the 61475  
medicaid program and to identify and recover duplicate payments. 61476

(F) At the time of applying for participation in the program 61477  
for medically handicapped children, a medically handicapped child 61478  
or the child's parent or guardian shall disclose the identity of 61479  
any third party against whom the child or the child's parent or 61480  
guardian has or may have a right of recovery for goods and 61481

services provided under division (B) or (D) of this section. The 61482  
department of health shall require a medically handicapped child 61483  
who receives services from the program or the child's parent or 61484  
guardian to apply for all third-party benefits for which the child 61485  
may be eligible and require the child, parent, or guardian to 61486  
apply all third-party benefits received to the amount determined 61487  
under division (E) of this section as the amount payable for goods 61488  
and services authorized under division (B) or (D) of this section. 61489  
The department is the payer of last resort and shall pay for 61490  
authorized goods or services, up to the amount determined under 61491  
division (E) of this section for the authorized goods or services, 61492  
only to the extent that payment for the authorized goods or 61493  
services is not made through third-party benefits. When a third 61494  
party fails to act on an application or claim for benefits by a 61495  
medically handicapped child or the child's parent or guardian, the 61496  
department shall pay for the goods or services only after ninety 61497  
days have elapsed since the date the child, parents, or guardians 61498  
made an application or claim for all third-party benefits. 61499  
Third-party benefits received shall be applied to the amount 61500  
determined under division (E) of this section. Third-party 61501  
payments for goods and services not authorized under division (B) 61502  
or (D) of this section shall not be applied to payment amounts 61503  
determined under division (E) of this section. Payment made by the 61504  
department shall be considered payment in full of the amount 61505  
determined under division (E) of this section. Medicaid payments 61506  
for persons eligible for the medicaid program shall be considered 61507  
payment in full of the amount determined under division (E) of 61508  
this section. 61509

(G) The department of health shall administer a program to 61510  
provide services to Ohio residents who are twenty-one or more 61511  
years of age who have cystic fibrosis and who meet the eligibility 61512  
requirements established in rules adopted by the director of 61513  
health pursuant to division (A)(7) of section 3701.021 of the 61514

Revised Code, subject to all provisions of this section, but not 61515  
subject to section 3701.024 of the Revised Code. 61516

(H) The department of health shall provide for appeals, in 61517  
accordance with rules adopted under section 3701.021 of the 61518  
Revised Code, of denials of applications for the program for 61519  
medically handicapped children under division (A) or (D) of this 61520  
section, disqualification of providers, or amounts paid under 61521  
division (E) of this section. Appeals under this division are not 61522  
subject to Chapter 119. of the Revised Code. 61523

The department may designate ombudspersons to assist 61524  
medically handicapped children or their parents or guardians, upon 61525  
the request of the children, parents, or guardians, in filing 61526  
appeals under this division and to serve as children's, parents', 61527  
or guardians' advocates in matters pertaining to the 61528  
administration of the program for medically handicapped children 61529  
and eligibility for program services. The ombudspersons shall 61530  
receive no compensation but shall be reimbursed by the department, 61531  
in accordance with rules of the office of budget and management, 61532  
for their actual and necessary travel expenses incurred in the 61533  
performance of their duties. 61534

(I) The department of health, and city and general health 61535  
districts providing service coordination pursuant to division 61536  
(A)(2) of section 3701.024 of the Revised Code, shall provide 61537  
service coordination in accordance with the standards set forth in 61538  
the rules adopted under section 3701.021 of the Revised Code, 61539  
without charge, and without restriction as to economic status. 61540

(J)(1) The department of health may establish a manufacturer 61541  
discount program under which a manufacturer of a drug or 61542  
nutritional formula is permitted to enter into an agreement with 61543  
the department to provide a discount on the price of the drug or 61544  
nutritional formula distributed to medically handicapped children 61545  
participating in the program for medically handicapped children. 61546



The program shall be administered in accordance with rules adopted 61547  
under section 3701.021 of the Revised Code. 61548

(2) If a manufacturer enters into an agreement with the 61549  
department as described in division (J)(1) of this section, the 61550  
manufacturer and the department may negotiate the amount and terms 61551  
of the discount. 61552

(3) In lieu of establishing a discount program as described 61553  
in division (J)(1) of this section, the department and a 61554  
manufacturer of a drug or nutritional formula may discuss a 61555  
donation of drugs, nutritional formulas, or money by the 61556  
manufacturer to the department. 61557

(K) As used in this division "209(b) option" has the same 61558  
meaning as in section 5166.01 of the Revised Code. 61559

The program for medically handicapped children and the 61560  
program the department of health administers pursuant to division 61561  
(G) of this section shall continue to assist individuals who have 61562  
cystic fibrosis and are enrolled in those programs in qualifying 61563  
for medicaid under the spenddown process in the same manner it 61564  
assists such individuals on the effective date of this amendment, 61565  
regardless of whether the department of medicaid continues to 61566  
implement the 209(b) option or, after terminating the 209(b) 61567  
option, establishes the medicaid waiver component described in 61568  
section 5166.33 of the Revised Code. 61569

**Sec. 3701.045.** (A) The department of health, in consultation 61570  
with the children's trust fund board established under section 61571  
3109.15 of the Revised Code and any bodies acting as child 61572  
fatality review boards on October 5, 2000, shall adopt rules in 61573  
accordance with Chapter 119. of the Revised Code that establish a 61574  
procedure for county or regional child fatality review boards to 61575  
follow in conducting a review of the death of a child. The rules 61576  
shall do all of the following: 61577

(1) Establish the format for the annual reports required by section 307.626 of the Revised Code;	61578 61579
(2) Establish guidelines for a <u>county or regional</u> child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;	61580 61581 61582 61583 61584
(3) Establish guidelines for a <u>county or regional</u> child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures;	61585 61586 61587 61588 61589
(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;	61590 61591 61592 61593 61594
(5) Establish guidelines, materials, and training to help educate members of <u>county or regional</u> child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.	61595 61596 61597 61598 61599 61600
(B) On or before the thirtieth day of September of each year, the department of health and the children's trust fund board jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by <u>county or regional</u> child fatality review boards in their annual reports for the previous calendar year, and recommendations for any changes to law and policy that might	61601 61602 61603 61604 61605 61606 61607 61608

prevent future deaths. The department and the children's trust 61609  
fund board jointly shall provide a copy of the report to the 61610  
governor, the speaker of the house of representatives, the 61611  
president of the senate, the minority leaders of the house of 61612  
representatives and the senate, each county or regional child 61613  
fatality review board, and each county or regional family and 61614  
children first council. 61615

Sec. 3701.142. (A) As used in this section: 61616

(1) "Certified community health worker" has the same meaning 61617  
as in section 4723.01 of the Revised Code. 61618

(2) "Community health worker services" means the services 61619  
described in section 4723.81 of the Revised Code. 61620

(B) The director of health shall adopt rules specifying 61621  
healthy behaviors to be promoted and facilitated by certified 61622  
community health workers who provide community health worker 61623  
services and other services covered by medicaid managed care 61624  
organizations under section 5167.15 of the Revised Code. Before 61625  
adopting the rules, the director shall consult with members of the 61626  
Ohio perinatal quality collaborative or a successor organization. 61627  
The director may consult with other health care organizations as 61628  
the director determines to be appropriate. 61629

(C) The director of health, in consultation with the medicaid 61630  
director, shall adopt rules specifying both of the following: 61631

(1) The urban and rural communities, identified by zip code 61632  
or portions of zip codes that are contiguous, that have the 61633  
highest infant mortality rates in this state; 61634

(2) The licensed health professionals, in addition to 61635  
physicians, who may recommend that a medicaid recipient receive 61636  
the services covered by medicaid managed care organizations under 61637  
section 5167.15 of the Revised Code. 61638

(D) The rules adopted under this section shall be adopted in 61639  
accordance with Chapter 119. of the Revised Code. 61640

**Sec. 3701.344.** (A) As used in this section and sections 61641  
3701.345, 3701.346, and 3701.347 of the Revised Code, "private 61642  
water system" means any water system for the provision of water 61643  
for human consumption, if the system has fewer than fifteen 61644  
service connections and does not regularly serve an average of at 61645  
least twenty-five individuals daily at least sixty days out of the 61646  
year. "Private water system" includes any well, spring, cistern, 61647  
pond, hauled water, or recycled water and any equipment for the 61648  
collection, transportation, filtration, disinfection, treatment, 61649  
or storage of such water extending from and including the source 61650  
of the water to the point of discharge from any pressure tank or 61651  
other storage vessel; to the point of discharge from the water 61652  
pump where no pressure tank or other storage vessel is present; 61653  
or, in the case of multiple service connections serving more than 61654  
one dwelling, to the point of discharge from each service 61655  
connection. "Private water system" does not include the water 61656  
service line extending from the point of discharge to a structure. 61657

(B) Notwithstanding section 3701.347 of the Revised Code and 61658  
subject to division (C) of this section, rules adopted by the 61659  
director of health regarding private water systems shall provide 61660  
for the following: 61661

(1) Except as otherwise provided in this division, boards of 61662  
health of city or general health districts shall be given the 61663  
exclusive power to establish fees in accordance with section 61664  
3709.09 of the Revised Code for administering and enforcing the 61665  
rules. The fees shall establish a different rate for administering 61666  
and enforcing the rules relative to private water systems serving 61667  
single-family dwelling houses and nonsingle-family dwelling 61668  
houses. Except for an amount established by the director, pursuant 61669

to division (B)(5) of this section, for each new private water system installation, no portion of any fee for administering and enforcing the rules shall be returned to the department of health. If the director of health determines that a board of health of a city or general health district is unable to administer and enforce a private water system program in the district, the director shall administer and enforce such a program in the district and establish fees for such administration and enforcement.

(2) Boards of health of city or general health districts shall be given the exclusive power to determine the number of inspections necessary for determining the safe drinking characteristics of a private water system.

(3) Private water systems contractors, as a condition of doing business in this state, shall annually register with, and comply with surety bonding requirements of, the department of health. No such contractor shall be permitted to register if the contractor fails to comply with all applicable rules adopted by the director and the board of health of the city or general health district. The annual registration fee for private water systems contractors shall be sixty-five dollars. The director, by rule adopted in accordance with Chapter 119. of the Revised Code, may increase the annual registration fee.

(4) Subject to rules adopted by the director, boards of health of city or general health districts shall have the option of determining whether bacteriological examinations shall be performed at approved laboratories of the state or at approved private laboratories.

(5) The director may establish fees for each new private water system installation, which shall be collected by the appropriate board of health and transmitted to the director pursuant to section 3709.092 of the Revised Code.

(6) All fees received by the director of health under 61702  
divisions (B)(1), (3), and (5) of this section shall be deposited 61703  
in the state treasury to the credit of the general operations fund 61704  
created in section 3701.83 of the Revised Code for use in the 61705  
administration and enforcement of sections 3701.344 to 3701.347 of 61706  
the Revised Code and the rules pertaining to private water systems 61707  
adopted under those sections. 61708

(7) The director shall define "well," "spring," "cistern," 61709  
"pond," "hauled water," and "recycled water" for purposes of this 61710  
section and the rules adopted under it. 61711

(C) To the extent that rules adopted under division (B) of 61712  
this section require health districts to follow specific 61713  
procedures or use prescribed forms, no such procedure or form 61714  
shall be implemented until it is approved by majority vote of an 61715  
approval board of health commissioners, hereby created. Members of 61716  
the board shall be the officers of the association of Ohio health 61717  
commissioners, or any successor organization, and membership on 61718  
the board shall be coterminous with holding an office of the 61719  
association. No health district is required to follow a procedure 61720  
or use a form required by a rule adopted under division (B) of 61721  
this section without the approval of the board. 61722

(D) A board of health shall collect well log filing fees on 61723  
behalf of the division of ~~soil and~~ water resources in the 61724  
department of natural resources in accordance with section 1521.05 61725  
of the Revised Code and rules adopted under it. The fees shall be 61726  
submitted to the division quarterly as provided in those rules. 61727

(E) A water system that will be used in agriculture and that 61728  
does not provide water for human consumption shall not be required 61729  
to obtain a permit or license issued under, pay any fees assessed 61730  
or levied under, or comply with any rule adopted under sections 61731  
3701.34 to 3701.347 of the Revised Code. 61732

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) 61733  
of this section, all newborn children shall be screened for the 61734  
presence of the genetic, endocrine, and metabolic disorders 61735  
specified in rules, adopted pursuant to this section. 61736

(2) Division (A)(1) of this section does not apply ~~if~~ in 61737  
either of the following circumstances: 61738

(a) If the parents of the child object thereto to the 61739  
screening on the grounds that ~~the screening~~ it conflicts with 61740  
their religious tenets and practices; 61741

(b) With respect to the screening for Krabbe disease 61742  
described in division (C)(1)(b) of this section, if the parents of 61743  
the child communicate their decision to forgo the screening. 61744

(B) There is hereby created the newborn screening advisory 61745  
council to advise the director of health regarding the screening 61746  
of newborn children for genetic, endocrine, and metabolic 61747  
disorders. The council shall engage in an ongoing review of the 61748  
newborn screening requirements established under this section and 61749  
shall provide recommendations and reports to the director as the 61750  
director requests and as the council considers necessary. The 61751  
director may assign other duties to the council, as the director 61752  
considers appropriate. 61753

The council shall consist of fourteen members appointed by 61754  
the director. In making appointments, the director shall select 61755  
individuals and representatives of entities with interest and 61756  
expertise in newborn screening, including such individuals and 61757  
entities as health care professionals, hospitals, children's 61758  
hospitals, regional genetic centers, regional sickle cell centers, 61759  
newborn screening coordinators, and members of the public. 61760

The department of health shall provide meeting space, staff 61761  
services, and other technical assistance required by the council 61762

in carrying out its duties. Members of the council shall serve 61763  
without compensation, but shall be reimbursed for their actual and 61764  
necessary expenses incurred in attending meetings of the council 61765  
or performing assignments for the council. 61766

The council is not subject to sections 101.82 to 101.87 of 61767  
the Revised Code. 61768

(C)(1) The (a) Subject to division (C)(1)(b) of this section, 61769  
the director of health shall adopt rules in accordance with 61770  
Chapter 119. of the Revised Code specifying the disorders for 61771  
which each newborn child must be screened. 61772

(b) In adopting the rules, the director shall specify Krabbe 61773  
disease as a disorder for which a newborn child who is born on or 61774  
after July 1, 2016, must be screened. The rules shall limit the 61775  
screening requirement for Krabbe disease to the process known as 61776  
"first tier testing," which is a screening for Krabbe disease that 61777  
is accomplished by measuring galactocerebrosidase activity using 61778  
mass spectrometry. 61779

(2) The newborn screening advisory council shall evaluate 61780  
genetic, metabolic, and endocrine disorders to assist the director 61781  
in determining which disorders should be included in the 61782  
screenings required under this section. In determining whether a 61783  
disorder should be included, the council shall consider all of the 61784  
following: 61785

(a) The disorder's incidence, mortality, and morbidity; 61786

(b) Whether the disorder causes disability if diagnosis, 61787  
treatment, and early intervention are delayed; 61788

(c) The potential for successful treatment of the disorder; 61789

(d) The expected benefits to children and society in relation 61790  
to the risks and costs associated with screening for the disorder; 61791

(e) Whether a screening for the disorder can be conducted 61792



without taking an additional blood sample or specimen. 61793

(3) Based on the considerations specified in division (C)(2) 61794  
of this section, the council shall make recommendations to the 61795  
director of health for the adoption of rules under division (C)(1) 61796  
of this section. The director shall promptly and thoroughly review 61797  
each recommendation the council submits. 61798

(D) The director shall adopt rules in accordance with Chapter 61799  
119. of the Revised Code establishing standards and procedures for 61800  
the screenings required by this section. The rules shall include 61801  
standards and procedures for all of the following: 61802

(1) Causing rescreenings to be performed when initial 61803  
screenings have abnormal results; 61804

(2) Designating the person or persons who will be responsible 61805  
for causing screenings and rescreenings to be performed; 61806

(3) Giving to the parents of a child notice of the required 61807  
initial screening and the possibility that rescreenings may be 61808  
necessary; 61809

(4) Communicating to the parents of a child the results of 61810  
the child's screening and any rescreenings that are performed; 61811

(5) Giving notice of the results of an initial screening and 61812  
any rescreenings to the person who caused the child to be screened 61813  
or rescreened, or to another person or government entity when the 61814  
person who caused the child to be screened or rescreened cannot be 61815  
contacted; 61816

(6) Referring children who receive abnormal screening or 61817  
rescreening results to providers of follow-up services, including 61818  
the services made available through funds disbursed under division 61819  
(F) of this section. 61820

(E)(1) Except as provided in divisions (E)(2) and (3) of this 61821  
section, all newborn screenings required by this section shall be 61822

performed by the public health laboratory authorized under section 61823  
3701.22 of the Revised Code. 61824

(2) If the director determines that the public health 61825  
laboratory is unable to perform screenings for all of the 61826  
disorders specified in the rules adopted under division (C) of 61827  
this section, the director shall select another laboratory to 61828  
perform the screenings. The director shall select the laboratory 61829  
by issuing a request for proposals. The director may accept 61830  
proposals submitted by laboratories located outside this state. At 61831  
the conclusion of the selection process, the director shall enter 61832  
into a written contract with the selected laboratory. If the 61833  
director determines that the laboratory is not complying with the 61834  
terms of the contract, the director shall immediately terminate 61835  
the contract and another laboratory shall be selected and 61836  
contracted with in the same manner. 61837

(3) Any rescreening caused to be performed pursuant to this 61838  
section may be performed by the public health laboratory or one or 61839  
more other laboratories designated by the director. Any laboratory 61840  
the director considers qualified to perform rescreenings may be 61841  
designated, including a laboratory located outside this state. If 61842  
more than one laboratory is designated, the person responsible for 61843  
causing a rescreening to be performed is also responsible for 61844  
selecting the laboratory to be used. 61845

(F)(1) The director shall adopt rules in accordance with 61846  
Chapter 119. of the Revised Code establishing a fee that shall be 61847  
charged and collected in addition to or in conjunction with any 61848  
laboratory fee that is charged and collected for performing the 61849  
screenings required by this section. The fee, which shall be not 61850  
less than fourteen dollars, shall be disbursed as follows: 61851

(a) Not less than ten dollars and twenty-five cents shall be 61852  
deposited in the state treasury to the credit of the genetics 61853  
services fund, which is hereby created. Not less than seven 61854

dollars and twenty-five cents of each fee credited to the genetics services fund shall be used to defray the costs of the programs authorized by section 3701.502 of the Revised Code. Not less than three dollars from each fee credited to the genetics services fund shall be used to defray costs of phenylketonuria programs.

(b) Not less than three dollars and seventy-five cents shall be deposited into the state treasury to the credit of the sickle cell fund, which is hereby created. Money credited to the sickle cell fund shall be used to defray costs of programs authorized by section 3701.131 of the Revised Code.

(2) In adopting rules under division (F)(1) of this section, the director shall not establish a fee that differs according to whether a screening is performed by the public health laboratory or by another laboratory selected by the director pursuant to division (E)(2) of this section.

**Sec. 3701.602.** (A) As used in this section, "eligible nonprofit corporation" means a nonprofit corporation that meets all of the following requirements:

(1) The nonprofit corporation is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code.

(2) For at least ten years before the effective date of this section, the primary purpose of the nonprofit corporation, or the nonprofit corporation's predecessor in interest, has been granting the wishes of individuals under the age of eighteen who have been diagnosed with a life-threatening medical condition.

(3) The nonprofit corporation has spent at least one million dollars per year for each of the last three years in furtherance of the purpose described in division (A)(2) of this section.

(B) There is hereby created in the state treasury the wishes for sick children income tax contribution fund, which shall

consist of money contributed to it under section 5747.113 of the 61885  
Revised Code and of contributions made directly to it. Any person 61886  
may contribute directly to the fund in addition to or 61887  
independently of the income tax refund contribution system 61888  
established in section 5747.113 of the Revised Code. 61889

The department of health shall distribute all funds 61890  
contributed under this section to an eligible nonprofit 61891  
corporation that will use the contributions to grant the wishes of 61892  
individuals who are under the age of eighteen, are residents of 61893  
this state, and have been diagnosed with a life-threatening 61894  
medical condition. Not later than six months after the effective 61895  
date of this section, the department shall develop guidelines 61896  
under which an eligible nonprofit corporation may apply to receive 61897  
funding under this section. 61898

**Sec. 3701.65.** (A) There is hereby created in the state 61899  
treasury the "choose life" fund. The fund shall consist of the 61900  
contributions that are paid to the registrar of motor vehicles by 61901  
applicants who voluntarily elect to obtain "choose life" license 61902  
plates pursuant to section 4503.91 of the Revised Code and any 61903  
money returned to the fund under division (E)(1)(d) of this 61904  
section. All investment earnings of the fund shall be credited to 61905  
the fund. 61906

(B)(1) At least annually, the director of health shall 61907  
distribute the money in the fund to any private, nonprofit 61908  
organization that is eligible to receive funds under this section 61909  
and that applies for funding under division (C) of this section. 61910

(2) The director shall ~~distribute~~ allocate the funds ~~based on~~ 61911  
~~the county in which the organization applying for funding is~~ 61912  
~~located and~~ to each county in proportion to the number of "choose 61913  
life" license plates issued during the preceding year to vehicles 61914  
registered in each county. The director shall distribute funds 61915

allocated for a county ~~to one or more eligible organizations~~ 61916  
~~located in contiguous counties if no eligible organization located~~ 61917  
~~within the county applies for funding. Within each county,~~ 61918  
~~eligible organizations that apply for funding shall share equally~~ 61919  
~~in the funds available for distribution to organizations located~~ 61920  
~~within that county as follows:~~ 61921

(a) To one or more eligible organizations located within the 61922  
county; 61923

(b) If no eligible organization located within the county 61924  
applies for funding, to one or more eligible organizations located 61925  
in contiguous counties; 61926

(c) If no eligible organization located within the county or 61927  
a contiguous county applies for funding, to one or more eligible 61928  
organizations within any other county. 61929

(3) The director shall ensure that any funds allocated for a 61930  
county are distributed equally among eligible organizations that 61931  
apply for funding within the county. 61932

(C) Any organization seeking funds under this section 61933  
annually shall apply for distribution of the funds based on the 61934  
county in which the organization is located. An organization also 61935  
may apply for funding in a ~~contiguous~~ county in which it is not 61936  
located if it demonstrates that it provides services for pregnant 61937  
women residing in that ~~contiguous~~ county. The director shall 61938  
develop an application form and may determine the schedule and 61939  
procedures that an organization shall follow when annually 61940  
applying for funds. The application shall inform the applicant of 61941  
the conditions for receiving and using funds under division (E) of 61942  
this section. The application shall require evidence that the 61943  
organization meets all of the following requirements: 61944

(1) Is a private, nonprofit organization; 61945

(2) Is committed to counseling pregnant women about the 61946

option of adoption; 61947

(3) Provides services within the state to pregnant women who 61948  
are planning to place their children for adoption, including 61949  
counseling and meeting the material needs of the women; 61950

(4) Does not charge women for any services received; 61951

(5) Is not involved or associated with any abortion 61952  
activities, including counseling for or referrals to abortion 61953  
clinics, providing medical abortion-related procedures, or 61954  
pro-abortion advertising; 61955

(6) Does not discriminate in its provision of any services on 61956  
the basis of race, religion, color, age, marital status, national 61957  
origin, handicap, gender, or age; 61958

(7) If the organization is applying for funding in a county 61959  
in which it is not located, provides services for pregnant women 61960  
residing in that county. 61961

(D) The director shall not distribute funds to an 61962  
organization that does not provide verifiable evidence of the 61963  
requirements specified in the application under division (C) of 61964  
this section and shall not provide additional funds to any 61965  
organization that fails to comply with division (E) of this 61966  
section in regard to its previous receipt of funds under this 61967  
section. 61968

(E)(1) An organization receiving funds under this section 61969  
shall do all of the following: 61970

(a) Use not more than sixty per cent of the funds distributed 61971  
to it for the material needs of pregnant women who are planning to 61972  
place their children for adoption or for infants awaiting 61973  
placement with adoptive parents, including clothing, housing, 61974  
medical care, food, utilities, and transportation; 61975

(b) Use not more than forty per cent of the funds distributed 61976

to it for counseling, training, or advertising; 61977

(c) Not use any of the funds distributed to it for 61978  
administrative expenses, legal expenses, or capital expenditures; 61979

(d) Annually return to the fund created under division (A) of 61980  
this section any unused money that exceeds ten per cent of the 61981  
money distributed to the organization. 61982

(2) The organization annually shall submit to the director an 61983  
audited financial statement verifying its compliance with division 61984  
(E)(1) of this section. 61985

(F) The director, in accordance with Chapter 119. of the 61986  
Revised Code, shall adopt rules to implement this section. 61987

It is not the intent of the general assembly that the 61988  
department create a new position within the department to 61989  
implement and administer this section. It is the intent of the 61990  
general assembly that the implementation and administration of 61991  
this section be accomplished by existing department personnel. 61992

Sec. 3701.70. (A) The director of health shall establish 61993  
guidelines for a state-level review of deaths of children under 61994  
eighteen years of age who, at the time of death, were residents of 61995  
this state. 61996

(B) The purpose of a review conducted pursuant to guidelines 61997  
adopted under this section is to decrease the incidence of 61998  
preventable child deaths by doing all of the following: 61999

(1) Promoting cooperation, collaboration, and communication 62000  
between all groups, professions, agencies, or entities that serve 62001  
families and children; 62002

(2) Maintaining a comprehensive database of child deaths that 62003  
occur in this state in order to develop an understanding of the 62004  
causes and incidence of those deaths; 62005

(3) Recommending and developing plans for implementing state and local service and program changes and changes to the groups, professions, agencies, or entities that serve families and children that might prevent child deaths. 62006  
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(C) The guidelines shall provide that the director may not conduct a review while an investigation of the child's death or prosecution of a person for causing the death is pending, unless the prosecuting attorney agrees to allow the review. At the director's request, the law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney, on the conclusion of the prosecution, shall notify the director of the conclusion. 62010  
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**Sec. 3701.701.** (A)(1) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, public children services agency, private child placing agency, or agency that provides services specifically to individuals or families, law enforcement agency, or other public or private entity that provided services to a child whose death is being reviewed by the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, on the request of the director, shall submit to the director a summary sheet of information. 62018  
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(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the child's medical record created by the health care entity. 62028  
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(b) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the child that the individual or entity develops in the normal course of business. 62032  
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(c) On the request of the director, an individual or entity 62036



may, at the individual's or entity's discretion, make any 62037  
additional information, documents, or reports available to the 62038  
director. 62039

(2) Notwithstanding section 3701.243 and any other section of 62040  
the Revised Code pertaining to confidentiality, in the case of a 62041  
child one year of age or younger whose death is being reviewed by 62042  
the director, on the request of the director, a health care entity 62043  
that provided services to the child's mother shall submit to the 62044  
director a summary sheet of information available and reasonably 62045  
drawn from the mother's medical record created by the health care 62046  
entity. Before submitting the summary sheet, the health care 62047  
entity shall attempt to obtain the mother's consent to do so, but 62048  
lack of consent shall not preclude the entity from submitting the 62049  
summary sheet. 62050

(3) For purposes of the review, the director shall have 62051  
access to confidential information provided to the director under 62052  
this section or division (H)(4) of section 2151.421 of the Revised 62053  
Code, and the director shall preserve the confidentiality of that 62054  
information. 62055

(B) Notwithstanding division (A) of this section, no person, 62056  
entity, law enforcement agency, or prosecuting attorney shall 62057  
provide any information regarding the death of a child to the 62058  
director pursuant to guidelines established under section 3701.70 62059  
of the Revised Code while an investigation of the death or 62060  
prosecution of a person for causing the death is pending, unless 62061  
the prosecuting attorney agrees to allow the review. 62062

**Sec. 3701.702.** (A) An individual or public or private entity 62063  
providing information, documents, or reports to the director of 62064  
health pursuant to guidelines established under section 3701.70 of 62065  
the Revised Code is immune from civil liability for injury, death, 62066  
or loss to person or property that otherwise might be incurred or 62067

imposed as a result of providing the information, document, or reports to the director. 62068  
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(B) Each person participating in a review conducted pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the person's participation in the review. 62070  
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**Sec. 3701.703.** (A) Except as provided in division (B) of this section and sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, all statements made by persons participating in a review conducted pursuant to those guidelines, and all work products of the director are confidential and shall be used by the director only in the exercise of the proper functions of the department of health. 62075  
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(B) The director may disclose the confidential information described in division (A) of this section to a fetal and infant mortality review team. 62084  
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(C) No person shall knowingly permit or encourage the unauthorized dissemination of the confidential information described in division (A) of this section. 62087  
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62089

(D) Whoever violates division (C) of this section is guilty of a misdemeanor of the second degree. 62090  
62091

**Sec. 3701.74.** (A) As used in this section and section 3701.741 of the Revised Code: 62092  
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(1) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory 62094  
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surgical facility, cardiac catheterization facility, diagnostic 62097  
imaging center, extracorporeal shock wave lithotripsy center, home 62098  
health agency, inpatient hospice, birthing center, radiation 62099  
therapy center, emergency facility, and an urgent care center. 62100  
"Ambulatory care facility" does not include the private office of 62101  
a physician or dentist, whether the office is for an individual or 62102  
group practice. 62103

(2) "Chiropractor" means an individual licensed under Chapter 62104  
4734. of the Revised Code to practice chiropractic. 62105

(3) "Emergency facility" means a hospital emergency 62106  
department or any other facility that provides emergency medical 62107  
services. 62108

(4) "Health care practitioner" means all of the following: 62109

(a) A dentist or dental hygienist licensed under Chapter 62110  
4715. of the Revised Code; 62111

(b) A registered or licensed practical nurse licensed under 62112  
Chapter 4723. of the Revised Code; 62113

(c) An optometrist licensed under Chapter 4725. of the 62114  
Revised Code; 62115

(d) A dispensing optician, spectacle dispensing optician, 62116  
contact lens dispensing optician, or spectacle-contact lens 62117  
dispensing optician licensed under Chapter 4725. of the Revised 62118  
Code; 62119

(e) A pharmacist licensed under Chapter 4729. of the Revised 62120  
Code; 62121

(f) A physician; 62122

(g) A physician assistant authorized under Chapter 4730. of 62123  
the Revised Code to practice as a physician assistant; 62124

(h) A practitioner of a limited branch of medicine issued a 62125  
certificate under Chapter 4731. of the Revised Code; 62126

(i) A psychologist licensed under Chapter 4732. of the Revised Code;	62127 62128
(j) A chiropractor;	62129
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	62130 62131
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	62132 62133
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	62134 62135
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	62136 62137
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	62138 62139 62140 62141 62142
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	62143 62144
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	62145 62146
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	62147 62148 62149
<u>(s) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.</u>	62150 62151
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	62152 62153 62154
(6) "Hospital" has the same meaning as in section 3727.01 of	62155

the Revised Code. 62156

(7) "Long-term care facility" means a nursing home, 62157  
residential care facility, or home for the aging, as those terms 62158  
are defined in section 3721.01 of the Revised Code; a residential 62159  
facility licensed under section 5119.34 of the Revised Code that 62160  
provides accommodations, supervision, and personal care services 62161  
for three to sixteen unrelated adults; a nursing facility, as 62162  
defined in section 5165.01 of the Revised Code; a skilled nursing 62163  
facility, as defined in section 5165.01 of the Revised Code; and 62164  
an intermediate care facility for individuals with intellectual 62165  
disabilities, as defined in section 5124.01 of the Revised Code. 62166

(8) "Medical record" means data in any form that pertains to 62167  
a patient's medical history, diagnosis, prognosis, or medical 62168  
condition and that is generated and maintained by a health care 62169  
provider in the process of the patient's health care treatment. 62170

(9) "Medical records company" means a person who stores, 62171  
locates, or copies medical records for a health care provider, or 62172  
is compensated for doing so by a health care provider, and charges 62173  
a fee for providing medical records to a patient or patient's 62174  
representative. 62175

(10) "Patient" means either of the following: 62176

(a) An individual who received health care treatment from a 62177  
health care provider; 62178

(b) A guardian, as defined in section 1337.11 of the Revised 62179  
Code, of an individual described in division (A)(10)(a) of this 62180  
section. 62181

(11) "Patient's personal representative" means a minor 62182  
patient's parent or other person acting in loco parentis, a 62183  
court-appointed guardian, or a person with durable power of 62184  
attorney for health care for a patient, the executor or 62185  
administrator of the patient's estate, or the person responsible 62186

for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division.

(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record.

(B) A patient, a patient's personal representative, or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician, psychologist,

licensed professional clinical counselor, licensed professional 62219  
counselor, independent social worker, social worker, independent 62220  
marriage and family therapist, marriage and family therapist, or 62221  
chiropractor who has treated the patient determines for clearly 62222  
stated treatment reasons that disclosure of the requested record 62223  
is likely to have an adverse effect on the patient, the health 62224  
care provider shall provide the record to a physician, 62225  
psychologist, licensed professional clinical counselor, licensed 62226  
professional counselor, independent social worker, social worker, 62227  
independent marriage and family therapist, marriage and family 62228  
therapist, or chiropractor designated by the patient. The health 62229  
care provider shall take reasonable steps to establish the 62230  
identity of the person making the request to examine or obtain a 62231  
copy of the patient's record. 62232

(C) If a health care provider fails to furnish a medical 62233  
record as required by division (B) of this section, the patient, 62234  
personal representative, or authorized person who requested the 62235  
record may bring a civil action to enforce the patient's right of 62236  
access to the record. 62237

(D)(1) This section does not apply to medical records whose 62238  
release is covered by section 173.20 or 3721.13 of the Revised 62239  
Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 62240  
C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 62241  
Records," or by 42 C.F.R. 483.10. 62242

(2) Nothing in this section is intended to supersede the 62243  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 62244  
and 2305.252 of the Revised Code. 62245

Sec. 3701.834. There is hereby created in the state treasury 62246  
the public health emergency preparedness fund. All federal funds 62247  
the department of health receives to conduct public health 62248  
emergency preparedness and response activities shall be credited 62249

to the fund. The department shall use money in the fund to pay 62250  
expenses related to public health emergency preparedness and 62251  
response activities. 62252

Sec. 3701.95. (A) As used in this section, "government 62253  
program providing public benefits" has the same meaning as in 62254  
section 191.01 of the Revised Code. 62255

(B) The director of health shall identify each government 62256  
program providing benefits, other than the help me grow program 62257  
established by the department of health pursuant to section 62258  
3701.61 of the Revised Code, that has the goal of reducing infant 62259  
mortality and negative birth outcomes or the goal of reducing 62260  
disparities among women who are pregnant or capable of becoming 62261  
pregnant and who belong to a racial or ethnic minority. A program 62262  
shall be identified only if it provides education, training, and 62263  
support services related to those goals to program participants in 62264  
their homes. The director may consult with the Ohio partnership to 62265  
build stronger families for assistance with identifying the 62266  
programs. 62267

(C) An administrator of a program identified under division 62268  
(B) of this section shall report to the director data on program 62269  
performance indicators that are used to assess progress toward 62270  
achieving program goals. The administrator shall report the data 62271  
in the format and within the time frames specified in rules 62272  
adopted under division (D) of this section. Using the data 62273  
reported under this division, the director shall prepare an annual 62274  
report assessing the performance of each government program 62275  
identified pursuant to division (B) of this section during the 62276  
immediately preceding twelve-month period. In addition, the report 62277  
shall summarize and provide an analysis of the information 62278  
contained in the "information for medical and health use only" 62279  
section of the birth records for individuals born during the prior 62280



twelve-month period. 62281

The director shall provide a copy of the report to the 62282  
general assembly and the joint medicaid oversight committee. The 62283  
copy to the general assembly shall be provided in accordance with 62284  
section 101.68 of the Revised Code. 62285

(D) The director shall adopt rules specifying program 62286  
performance indicators on which data must be reported by the 62287  
administrators described in division (C) of this section as well 62288  
as the format and time frames in which the data must be reported. 62289  
To the extent possible, the program performance indicators 62290  
specified in the rules shall be consistent with federal reporting 62291  
requirements for federally funded home visiting services. The 62292  
rules shall be adopted in accordance with Chapter 119. of the 62293  
Revised Code. 62294

**Sec. 3702.304.** (A)(1) The director of health may grant a 62295  
variance from the written transfer agreement requirement of 62296  
section 3702.303 of the Revised Code if the ambulatory surgical 62297  
facility submits to the director a complete variance application, 62298  
prescribed by the director, and the director determines after 62299  
reviewing the application that the facility is capable of 62300  
achieving the purpose of a written transfer agreement in the 62301  
absence of one. The director's determination is final. 62302

(2) Not later than sixty days after receiving a variance 62303  
application from an ambulatory surgical facility, the director 62304  
shall grant or deny the variance. A variance application that has 62305  
not been approved within sixty days is considered denied. 62306

(B) A variance application is complete for purposes of 62307  
division (A)(1) of this section if it contains or includes as 62308  
attachments all of the following: 62309

(1) A statement explaining why application of the requirement 62310

would cause the facility undue hardship and why the variance will 62311  
not jeopardize the health and safety of any patient; 62312

(2) A letter, contract, or memorandum of understanding signed 62313  
by the facility and one or more consulting physicians who have 62314  
admitting privileges at a minimum of one local hospital, 62315  
memorializing the physician or physicians' agreement to provide 62316  
back-up coverage when medical care beyond the level the facility 62317  
can provide is necessary; 62318

(3) For each consulting physician described in division 62319  
(B)(2) of this section: 62320

(a) A signed statement in which the physician attests that 62321  
the physician is familiar with the facility and its operations, 62322  
and agrees to provide notice to the facility of any changes in the 62323  
physician's ability to provide back-up coverage; 62324

(b) The estimated travel time from the physician's main 62325  
residence or office to each local hospital where the physician has 62326  
admitting privileges; 62327

(c) Written verification that the facility has a record of 62328  
the name, telephone numbers, and practice specialties of the 62329  
physician; 62330

(d) Written verification from the state medical board that 62331  
the physician possesses a valid certificate to practice medicine 62332  
and surgery or osteopathic medicine and surgery issued under 62333  
Chapter 4731. of the Revised Code; 62334

(e) Documented verification that each hospital at which the 62335  
physician has admitting privileges has been informed in writing by 62336  
the physician that the physician is a consulting physician for the 62337  
ambulatory surgical facility and has agreed to provide back-up 62338  
coverage for the facility when medical care beyond the care the 62339  
facility can provide is necessary. 62340

(4) A copy of the facility's operating procedures or protocols that, at a minimum, do all of the following:

(a) Address how back-up coverage by consulting physicians is to occur, including how back-up coverage is to occur when consulting physicians are temporarily unavailable;

(b) Specify that each consulting physician is required to notify the facility, without delay, when the physician is unable to expeditiously admit patients to a local hospital and provide for continuity of patient care;

(c) Specify that a patient's medical record maintained by the facility must be transferred contemporaneously with the patient when the patient is transferred from the facility to a hospital.

(5) Any other information the director considers necessary.

(C) The director's decision to grant, refuse, or rescind a variance is final.

(D) The director shall consider each application for a variance independently without regard to any decision the director may have made on a prior occasion to grant or deny a variance to that ambulatory surgical facility or any other facility.

**Sec. 3702.309.** (A) If a variance application is denied under section 3702.304 of the Revised Code, the license of such an ambulatory surgical facility is automatically suspended. The director of health shall reinstate the license if one of the following occurs:

(1) The facility files with the director a copy of a written transfer agreement that meets the requirements of section 3702.303 of the Revised Code.

(2) The director grants the facility a variance pursuant to the requirements and procedures under section 3702.304 of the Revised Code;

(3) The license is required to be reinstated pursuant to an order issued in accordance with sections 119.01 to 119.13 of the Revised Code. 62371  
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(B) If a facility's license remains under suspension pursuant to this section after the expiration date of the license, in order to operate as an ambulatory surgical facility it must apply for a new license under section 3702.30 of the Revised Code. 62374  
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**Sec. 3702.3010.** A local hospital shall not be further than thirty miles from an ambulatory surgical facility: 62378  
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(A) With which the local hospital has a written transfer agreement under section 3702.303 of the Revised Code; or 62380  
62381

(B) Whose consulting physicians under a variance granted under section 3702.304 of the Revised Code have admitting privileges at the local hospital. 62382  
62383  
62384

**Sec. 3702.74.** (A) A primary care physician who has signed a letter of intent under section 3702.73 of the Revised Code and the director of health may enter into a contract for the physician's participation in the physician loan repayment program. The physician's employer or other funding source may also be a party to the contract. 62385  
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(B) The contract shall include all of the following obligations: 62391  
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(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for the number of hours and duration specified in the contract; 62393  
62394  
62395  
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(2) When providing primary care services in the health resource shortage area, the primary care physician agrees to do all of the following: 62397  
62398  
62399

(a) Provide primary care services in an outpatient or ambulatory setting approved by the department of health;	62400 62401
(b) Provide primary care services without regard to a patient's ability to pay;	62402 62403
(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide primary care services to medicaid recipients.	62404 62405 62406
(3) The department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code;	62407 62408 62409 62410 62411 62412 62413
(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B)(1) of this section.	62414 62415 62416 62417 62418
(C) The contract shall include the following terms as agreed upon by the parties:	62419 62420
(1) The primary care physician's required length of service in the health resource shortage area, which must be at least two years;	62421 62422 62423
(2) The number of weekly hours the primary care physician will be engaged in full-time practice or part-time practice in the health resource shortage area;	62424 62425 62426
(3) The maximum amount that the department will repay on behalf of the primary care physician;	62427 62428
(4) The extent to which the primary care physician's teaching	62429

activities will be counted toward the physician's full-time practice or part-time practice hours under the contract.

(D) If the amount specified in division (C)(3) of this section includes federal funds ~~from the bureau of clinician recruitment and service in the United States department of health and human services~~, the amount of state funds repaid on the individual's behalf shall be the same as the amount of those federal funds.

**Sec. 3702.91.** (A) As used in this section:

(1) "Full-time practice" and "part-time practice" have the same meanings as in section 3702.71 of the Revised Code;

(2) "Teaching activities" means ~~supervising~~ providing clinical education to dental students and dental residents and dental health profession students at the service site specified in the ~~letter of intent~~ contract described in division (B) of this section 3702.90 ~~of the Revised Code~~.

(B) An individual who has signed a letter of intent may enter into a contract with the director of health for participation in the dentist loan repayment program. The dentist's employer or other funding source may also be a party to the contract.

(C) The contract shall include all of the following obligations:

(1) The individual agrees to provide dental services in the dental health resource shortage area identified in the letter of intent for the number of hours and duration specified in the contract.

(2) When providing dental services in the dental health resource shortage area, the individual agrees to do all of the following:

(a) Provide dental services in a service site approved by the

department of health;	62460
(b) Provide dental services without regard to a patient's ability to pay;	62461 62462
(c) Meet the requirements for a medicaid provider agreement and enter into the agreement with the department of medicaid to provide dental services to medicaid recipients.	62463 62464 62465
(3) The department of health agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (C)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code.	62466 62467 62468 62469 62470 62471
(4) The individual agrees to pay the department of health an amount established by rules adopted under section 3702.86 of the Revised Code, if the individual fails to complete the service obligation agreed to under division (C)(1) of this section.	62472 62473 62474 62475
(D) The contract shall include the following terms as agreed upon by the parties:	62476 62477
(1) The individual's required length of service in the dental health resource shortage area, which must be at least two years;	62478 62479
(2) The number of weekly hours the individual will be engaged in full-time practice or part-time practice;	62480 62481
(3) The maximum amount that the department will repay on behalf of the individual;	62482 62483
(4) The extent to which the individual's teaching activities will be counted toward the individual's full-time practice or part-time practice hours under the contract.	62484 62485 62486
(E) If the amount specified in division (D)(3) of this section includes <u>federal</u> funds <del>from the bureau of clinician recruitment and service in the United States department of health</del>	62487 62488 62489

and ~~human services~~, the amount of state funds repaid on the 62490  
individual's behalf shall be the same as the amount of those 62491  
federal funds. 62492

**Sec. 3704.05.** (A) No person shall cause, permit, or allow 62493  
emission of an air contaminant in violation of any rule adopted by 62494  
the director of environmental protection under division (E) of 62495  
section 3704.03 of the Revised Code unless the person is the 62496  
holder of a variance that is issued under division (H) of that 62497  
section and consistent with the federal Clean Air Act permitting 62498  
the emission of the contaminant in excess of that permitted by the 62499  
rule or the person is the holder of an operating permit that 62500  
includes a compliance schedule issued pursuant to rules adopted 62501  
under division (G) of section 3704.03 of the Revised Code. 62502

(B) No person who is the holder of a variance issued under 62503  
division (H) of section 3704.03 of the Revised Code shall cause, 62504  
permit, or allow emission of an air contaminant or contaminants 62505  
listed therein in violation of the conditions of the variance or 62506  
fail to obey an order of the director issued under authority of 62507  
that division. 62508

(C) No person who is the holder of a permit issued under 62509  
division (F) or (G) of section 3704.03 of the Revised Code shall 62510  
violate any of its terms or conditions. 62511

(D) No person shall fail to install and maintain monitoring 62512  
devices or to submit reports or other information as may be 62513  
required under division (I) of section 3704.03 of the Revised 62514  
Code. 62515

(E) No person to whom a permit or variance has been issued 62516  
shall refuse entry to an authorized representative of the director 62517  
or the environmental protection agency as provided in division 62518  
~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart 62519  
the person in making an investigation. 62520



(F) No person shall fail to submit plans and specifications as required by section 3704.03 of the Revised Code.	62521 62522
(G) No person shall violate any order, rule, or determination of the director issued, adopted, or made under this chapter.	62523 62524
(H) No person shall do any of the following:	62525
(1) Falsify any plans, specifications, data, reports, records, or other information required to be kept or submitted to the director by this chapter or rules adopted under it;	62526 62527 62528
(2) Make any false material statement, representation, or certification in any form, notice, or report required by the Title V permit program;	62529 62530 62531
(3) Render inaccurate any monitoring device required by a Title V permit.	62532 62533
Violation of division (H)(1), (2), or (3) of this section is not also falsification under section 2921.13 of the Revised Code.	62534 62535
(I) No person shall knowingly falsify an inspection certificate submitted to another under section 3704.14 or Chapter 4503. of Revised Code. Violation of this division is not also falsification under section 2921.13 of the Revised Code.	62536 62537 62538 62539
(J) No person shall do either of the following:	62540
(1) With regard to the Title V permit program, fail to pay any administrative penalty assessed in accordance with rules adopted under division (S) of section 3704.03 of the Revised Code or any fee assessed under section 3745.11 of the Revised Code;	62541 62542 62543 62544
(2) Violate any applicable requirement of a Title V permit or any permit condition, except for an emergency as defined in 40 C.F.R. 70.6 (g), or filing requirement of the Title V permit program, any duty to allow or carry out inspection, entry, or monitoring activities, or any rule adopted or order issued by the director pursuant to the Title V permit program.	62545 62546 62547 62548 62549 62550

(K) On and after the three hundred sixty-sixth day following 62551  
the administrator's final approval of the Title V permit program, 62552  
or on and after the three hundred sixty-sixth day following the 62553  
commencement of operation of a new major source required to comply 62554  
with section 112(g) or part C or D of Title I of the federal Clean 62555  
Air Act, whichever is later, no person shall operate any such 62556  
source that is required to obtain a Title V permit under section 62557  
3704.036 of the Revised Code or rules adopted under it unless such 62558  
a permit has been issued authorizing operation of the source or 62559  
unless a complete and timely application for the issuance, 62560  
renewal, or modification of a Title V permit for the source has 62561  
been submitted to the director under that section. 62562

**Sec. 3704.14.** (A)(1) If the director of environmental 62563  
protection determines that implementation of a motor vehicle 62564  
inspection and maintenance program is necessary for the state to 62565  
effectively comply with the federal Clean Air Act after June 30, 62566  
~~2011~~ 2015, the director may provide for the implementation of the 62567  
program in those counties in this state in which such a program is 62568  
federally mandated. Upon making such a determination, the director 62569  
of environmental protection may request the director of 62570  
administrative services to extend the terms of the contract that 62571  
was entered into under the authority of Am. Sub. H.B. ~~± 153~~ of the 62572  
~~128th~~ 129th general assembly. Upon receiving the request, the 62573  
director of administrative services shall extend the contract, 62574  
beginning on July 1, ~~2011~~ 2015, in accordance with this section. 62575  
The contract shall be extended for a period of up to ~~twelve~~ 62576  
twenty-four months with the contractor who conducted the motor 62577  
vehicle inspection and maintenance program under that contract. 62578

(2) Prior to the expiration of the contract extension that is 62579  
authorized by division (A)(1) of this section, the director of 62580  
environmental protection shall request the director of 62581  
administrative services to enter into a contract with a vendor to 62582

operate a decentralized motor vehicle inspection and maintenance 62583  
program in each county in this state in which such a program is 62584  
federally mandated through June 30, ~~2015~~ 2019, with an option for 62585  
the state to renew the contract for a period of up to twenty-four 62586  
months through June 30, ~~2017~~ 2021. The contract shall ensure that 62587  
the decentralized motor vehicle inspection and maintenance program 62588  
achieves at least the same emission reductions as achieved by the 62589  
program operated under the authority of the contract that was 62590  
extended under division (A)(1) of this section. The director of 62591  
administrative services shall select a vendor through a 62592  
competitive selection process in compliance with Chapter 125. of 62593  
the Revised Code. 62594

(3) Notwithstanding any law to the contrary, the director of 62595  
administrative services shall ensure that a competitive selection 62596  
process regarding a contract to operate a decentralized motor 62597  
vehicle inspection and maintenance program in this state 62598  
incorporates the following, which shall be included in the 62599  
contract: 62600

(a) For purposes of expanding the number of testing locations 62601  
for consumer convenience, a requirement that the vendor utilize 62602  
established local businesses, auto repair facilities, or leased 62603  
properties to operate state-approved inspection and maintenance 62604  
testing facilities; 62605

(b) A requirement that the vendor selected to operate the 62606  
program provide notification of the program's requirements to each 62607  
owner of a motor vehicle that is required to be inspected under 62608  
the program. The contract shall require the notification to be 62609  
provided not later than sixty days prior to the date by which the 62610  
owner of the motor vehicle is required to have the motor vehicle 62611  
inspected. The director of environmental protection and the vendor 62612  
shall jointly agree on the content of the notice. However, the 62613  
notice shall include at a minimum the locations of all inspection 62614

facilities within a specified distance of the address that is 62615  
listed on the owner's motor vehicle registration; 62616

(c) A requirement that the vendor comply with testing 62617  
methodology and supply the required equipment approved by the 62618  
director of environmental protection as specified in the 62619  
competitive selection process in compliance with Chapter 125. of 62620  
the Revised Code. 62621

(4) A decentralized motor vehicle inspection and maintenance 62622  
program operated under this section shall comply with division (B) 62623  
of this section. The director of environmental protection shall 62624  
administer the decentralized motor vehicle inspection and 62625  
maintenance program operated under this section. 62626

(B) The decentralized motor vehicle inspection and 62627  
maintenance program authorized by this section, at a minimum, 62628  
shall do all of the following: 62629

(1) Comply with the federal Clean Air Act; 62630

(2) Provide for the issuance of inspection certificates; 62631

(3) Provide for a new car exemption for motor vehicles four 62632  
years old or newer and provide that a new motor vehicle is exempt 62633  
for four years regardless of whether legal title to the motor 62634  
vehicle is transferred during that period. 62635

(C) The director of environmental protection shall adopt 62636  
rules in accordance with Chapter 119. of the Revised Code that the 62637  
director determines are necessary to implement this section. The 62638  
director may continue to implement and enforce rules pertaining to 62639  
the motor vehicle inspection and maintenance program previously 62640  
implemented under former section 3704.14 of the Revised Code as 62641  
that section existed prior to its repeal and reenactment by Am. 62642  
Sub. H.B. 66 of the 126th general assembly, provided that the 62643  
rules do not conflict with this section. 62644

(D) There is hereby created in the state treasury the auto emissions test fund, which shall consist of money received by the director from any cash transfers, state and local grants, and other contributions that are received for the purpose of funding the program established under this section. The director of environmental protection shall use money in the fund solely for the implementation, supervision, administration, operation, and enforcement of the motor vehicle inspection and maintenance program established under this section. Money in the fund shall not be used for either of the following:

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

**Sec. 3705.08.** (A) The director of health, by rule, shall prescribe the form of records and certificates required by this

chapter. Records and certificates shall include the items and 62676  
information prescribed by the director, including the items 62677  
recommended by the national center for health statistics of the 62678  
United States department of health and human services, subject to 62679  
approval of and modification by the director. 62680

(B) All birth certificates shall include a statement setting 62681  
forth the names of the child's parents and a line for the mother's 62682  
and the father's signature. 62683

(C) All death certificates shall include, in the medical 62684  
certification portion of the certificate, a space to indicate, if 62685  
the deceased individual is female and the manner of death is 62686  
determined to be a suspicious or violent death, whether any of the 62687  
following conditions apply to the individual: 62688

(1) Not pregnant within the past year; 62689

(2) Pregnant at the time of death; 62690

(3) Not pregnant, but had been pregnant within forty-two days 62691  
prior to the time of death; 62692

(4) Not pregnant, but had been pregnant within forty-three 62693  
days to one year prior to the time of death; 62694

(5) Unknown whether pregnant within the past year. 62695

(D)(1) The director shall prescribe methods, forms, and 62696  
blanks and shall furnish necessary postage, forms, and blanks for 62697  
obtaining registration of births, deaths, and other vital 62698  
statistics in each registration district, and for preserving the 62699  
records of the office of vital statistics, and no forms or blanks 62700  
shall be used other than those prescribed by the director. 62701

(2) All birth, fetal death, and death records and 62702  
certificates shall be ~~printed legibly or typewritten in unfading~~ 62703  
~~black ink and~~ signed. Except as provided in division (G) of 62704  
section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, 62705

division (D) of section 3705.15, or section 3705.16 of the Revised Code, ~~a signature required on~~ a birth, fetal death, or death certificate shall be ~~written~~ signed by the person required to sign and ~~a facsimile signature shall not be used~~ the certificate.

(3) All vital records shall contain the date received for registration.

(4) Information and signatures required in certificates, records, or reports authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the director.

Sec. 3705.231. (A) A local registrar shall issue, on receipt of a signed application for a birth or death record and the fee specified in division (B) of this section, a noncertified copy of a birth or death record, and the birth or death record shall contain at least the name, sex, date of birth or death, registration date, and place of birth or death of the person to whose birth or death the record attests and shall attest that the person's birth or death has been registered.

(B) A local registrar may charge a fee for providing a noncertified copy, not to exceed twenty-five cents per page when provided in black and white, or, if a local registrar offers to provide a color copy, a reasonable amount not to exceed the amount the local registrar expends in producing the color copy.

Sec. 3707.57. (A) As used in this section:

(1) "Bloodborne pathogens" means the human immunodeficiency virus (HIV), hepatitis B virus, and hepatitis C virus.

(2) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(3) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 62735  
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(B) If the director of health determines that there is a public health emergency related to the transmission of bloodborne pathogens in one or more areas of the state, a board of health serving a health district that includes one or more of those areas may establish a bloodborne infectious disease prevention program. 62737  
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The cost of the program is the responsibility of the board of health. 62742  
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(C) A board of health that establishes a bloodborne infectious disease prevention program shall determine the manner in which the program is operated and the individuals who are eligible to participate. The program shall do all of the following: 62744  
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(1) If resources are available, provide on-site screening for bloodborne pathogens and make appropriate referrals for care and treatment; 62749  
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(2) Provide education to each program participant regarding exposure to bloodborne pathogens; 62752  
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(3) Encourage each program participant to seek appropriate medical, mental health, drug treatment, or social services; 62754  
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(4) Use a recordkeeping system that ensures that the identity of each program participant remains anonymous; 62756  
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(5) Comply with applicable state and federal laws governing participant confidentiality; 62758  
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(6) Provide each program participant with documentation identifying the individual as an active participant in the program. 62760  
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(D) A bloodborne infectious disease prevention program may collect demographic information about each program participant, 62763  
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including the zip code applicable to the participant's address, 62765  
and the participant's comorbidity diagnosis, if any. The program 62766  
may report the information to the department of mental health and 62767  
addiction services. 62768

(E)(1) Before establishing a bloodborne infectious disease 62769  
prevention program, the board of health shall consult with all of 62770  
the following: 62771

(a) Interested parties from the health district represented 62772  
by the board, including all of the following: 62773

(i) Law enforcement representatives; 62774

(ii) Prosecutors, as defined in section 2935.01 of the 62775  
Revised Code; 62776

(iii) Representatives of community addiction services 62777  
providers certified under section 5119.36 of the Revised Code; 62778

(iv) Persons recovering from substance abuse; 62779

(v) Relevant private, nonprofit organizations, including 62780  
hepatitis C and HIV advocacy organizations; 62781

(vi) Residents of the health district; 62782

(vii) The board of alcohol, drug addiction, and mental health 62783  
services that serves the area in which the health district is 62784  
located. 62785

(b) Representatives selected by the governing authority of 62786  
the city, village, or township in which the program is proposed to 62787  
be established. 62788

(2) If the board of health, after consulting with the 62789  
interested parties and representatives listed in division (D)(1) 62790  
of this section, decides to establish a bloodborne infectious 62791  
disease prevention program, the board shall provide written notice 62792  
of the proposed location to the governing authority of the city, 62793  
village, or township in which the program is to be located. The 62794

<u>governing authority retains all zoning rights.</u>	62795
<u>(F)(1) If carrying out a duty under a component of a</u>	62796
<u>bloodborne infectious disease prevention program would be</u>	62797
<u>considered a violation of any of the following, an employee or</u>	62798
<u>volunteer of the program, when carrying out the duty, is not</u>	62799
<u>subject to criminal prosecution for the violation:</u>	62800
<u>(a) Section 2923.24 of the Revised Code;</u>	62801
<u>(b) Section 2925.12 of the Revised Code;</u>	62802
<u>(c) Division (C)(1) of section 2925.14 of the Revised Code</u>	62803
<u>regarding the prohibition against illegal possession of drug</u>	62804
<u>paraphernalia;</u>	62805
<u>(d) Division (C) or (D) of section 3719.172 of the Revised</u>	62806
<u>Code regarding the prohibition against furnishing a hypodermic</u>	62807
<u>needle to another person.</u>	62808
<u>(2) If participating in a component of a bloodborne</u>	62809
<u>infectious disease prevention program would be considered a</u>	62810
<u>violation of any of the following, a program participant who is</u>	62811
<u>within one thousand feet of a program facility and is in</u>	62812
<u>possession of documentation from the program identifying the</u>	62813
<u>individual as an active participant in the program is not subject</u>	62814
<u>to criminal prosecution for the violation:</u>	62815
<u>(a) Section 2923.24 of the Revised Code;</u>	62816
<u>(b) Section 2925.12 of the Revised Code;</u>	62817
<u>(c) Division (C)(1) of section 2925.14 of the Revised Code</u>	62818
<u>regarding the prohibition against illegal possession of drug</u>	62819
<u>paraphernalia.</u>	62820
<u>(G) A board of health that establishes a bloodborne</u>	62821
<u>infectious disease prevention program shall include details about</u>	62822
<u>the program in its annual report prepared under section 3707.47 of</u>	62823
<u>the Revised Code.</u>	62824

Sec. 3709.03. (A) There is hereby created in each general 62825  
health district a district advisory council. A council shall 62826  
consist of the president of the board of county commissioners, the 62827  
chief executive of each municipal corporation not constituting a 62828  
city health district, and the president of the board of township 62829  
trustees of each township. The board of county commissioners, the 62830  
legislative body of a municipal corporation, and the board of 62831  
township trustees of a township may select an alternate from among 62832  
themselves to serve if the president, the chief executive, or the 62833  
president of the board of township trustees is unable to attend 62834  
any meeting of the district advisory council. When attending a 62835  
meeting on behalf of a council member, the alternate may vote on 62836  
any matter on which the member is authorized to vote. 62837

The council shall organize by selecting a chair and secretary 62838  
from among its members. The council shall adopt bylaws governing 62839  
its meetings, the transaction of business, and voting procedures. 62840

The council shall meet annually in March at a place 62841  
determined by the chair and the health commissioner for the 62842  
purpose of electing the chair and the secretary, making necessary 62843  
appointments to the board of health, receiving and considering the 62844  
annual or special reports from the board of health, and making 62845  
recommendations to the board of health or to the department of 62846  
health in regard to matters for the betterment of health and 62847  
sanitation within the district or for needed legislation. The 62848  
secretary of the council shall notify the district health 62849  
commissioner and the director of health of the proceedings of such 62850  
meeting. 62851

Special meetings of the council shall be held on the order of 62852  
any of the following: 62853

(1) The director of health; 62854

(2) The board of health; 62855

(3) The lesser of five or a majority of district advisory council members. 62856  
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The district health commissioner shall attend all meetings of the council. 62858  
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(B) The district advisory council shall appoint ~~four~~ five members of the board of health, ~~and the remaining member shall be appointed by the~~ unless the board of health has established a health district licensing council ~~established~~ under section 3709.41 of the Revised Code, in which case, the district advisory council shall appoint four members of the board of health, and the health district licensing council shall appoint one member of the board of health. At least one member of the board of health shall be a physician. Appointments shall be made with due regard to equal representation of all parts of the district. 62860  
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(C) If at an annual or special meeting at which a member of the board of health is to be appointed fewer than a majority of the members of the district council are present, the council, by the majority vote of council members present, may organize an executive committee to make the appointment. An executive committee shall consist of five council members, including the president of the board of county commissioners, the council chair, the council secretary, and two additional council members selected by majority affirmative vote of the council members present at the meeting. The additional members selected shall include one representative of municipal corporations in the district that are not city health districts and one representative of townships in the district. If an individual is eligible for more than one position on the executive committee due to holding a particular office, the individual shall fill one position on the committee and the other position shall be filled by a member selected by a majority affirmative vote of the council members present at the meeting. A council member's alternate for annual meetings may 62870  
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serve as the member's alternate at meetings of the executive committee. 62888  
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Not later than thirty days after an executive committee is organized, the committee shall meet and the council chair shall present to the committee the matter of appointing a member of the board of health. The committee shall appoint the board member by majority affirmative vote. In the case of a combined health district, the executive committee shall appoint only members of the board of health that are to be appointed by the district advisory council, unless the contract for administration of health affairs in the combined district provides otherwise. If a majority affirmative vote is not reached within thirty days after the executive committee is organized, the director of health shall appoint the member of the board of health under the authority conferred by section 3709.03 of the Revised Code. 62890  
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If the council fails to meet or appoint a member of the board of health as required by this section or section 3709.02 of the Revised Code, the director of health may appoint the member. 62903  
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**Sec. 3709.05.** (A) Unless an administration of public health different from that specifically provided in this section is established and maintained under authority of its charter, or unless a combined city health district is formed under section 3709.051 of the Revised Code, the legislative authority of each city constituting a city health district shall establish a board of health. The board of health shall be composed of ~~four~~ five members appointed by the mayor and confirmed by the legislative authority ~~and one member appointed by the,~~ unless the board of health has established a health district licensing council established under section 3709.41 of the Revised Code, in which case, the mayor shall appoint four members of the board of health, confirmed by the legislative authority, and the health district 62906  
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licensing council shall appoint one member of the board of health. 62919

(B) Each member of the board shall be paid a sum not to 62920  
exceed eighty dollars a day for the member's attendance at each 62921  
meeting of the board. No member shall receive compensation for 62922  
attendance at more than eighteen meetings in any year. 62923

(C) Each member of the board shall receive travel expenses at 62924  
rates established by the director of budget and management 62925  
pursuant to section 126.31 of the Revised Code to cover the actual 62926  
and necessary travel expenses incurred for travel to and from 62927  
meetings that take place outside the county in which the member 62928  
resides, except that any member may receive travel expenses for 62929  
registration for any conference that takes place inside the county 62930  
in which the member resides. 62931

(D) A majority of the members constitutes a quorum, and the 62932  
mayor shall be president of the board. 62933

(E) The term of office of the members shall be five years 62934  
from the date of appointment, except that of those first 62935  
appointed, one shall serve for five years, one for four years, one 62936  
for three years, one for two years, and one for one year, and 62937  
thereafter one shall be appointed each year. 62938

A vacancy in the membership of the board shall be filled in 62939  
like manner as an original appointment and shall be for the 62940  
unexpired term. 62941

**Sec. 3709.07.** Except as provided in section 3709.071 of the 62942  
Revised Code, when it is proposed that one or more city health 62943  
districts unite with a general health district in the formation of 62944  
a single district, the district advisory council of the general 62945  
health district shall meet and vote on the question of union. It 62946  
shall require a majority affirmative vote of the members of the 62947  
district advisory council to carry the question. The legislative 62948

authority of each city shall likewise vote on the question. A 62949  
majority voting affirmatively shall be required for approval. When 62950  
the majority of the district advisory council and the legislative 62951  
authority have voted affirmatively, the chair of the council and 62952  
the chief executive of each city shall enter into a contract for 62953  
the administration of health affairs in the combined district. 62954  
Such contract shall state the proportion of the expenses of the 62955  
board of health or health department of the combined district to 62956  
be paid by the city or cities and by the original general health 62957  
district. The contract may provide that the administration of the 62958  
combined district shall be taken over by either the board of 62959  
health or health department of one of the cities, by the board of 62960  
health of the general health district, or by a combined board of 62961  
health. Such contract shall prescribe the date on which such 62962  
change of administration shall be made. A copy of such contract 62963  
shall be filed with the director of health. 62964

The combined district shall constitute a general health 62965  
district, and the board of health or health department of the 62966  
city, the board of health of the original general health district, 62967  
or the combined board of health, as may be agreed in the contract, 62968  
shall have, within the combined district, all the powers granted 62969  
to, and perform all the duties required of, the board of health of 62970  
a general health district. 62971

The district advisory council of the combined general health 62972  
district shall consist of the members of the district advisory 62973  
council of the original general health district and the chief 62974  
executive of each city constituting a city health district, each 62975  
member having one vote. 62976

If the contract provides that the administration of the 62977  
combined district shall be taken over by a combined board of 62978  
health, rather than the board of health of the original health 62979  
district, the contract shall set forth the number of members of 62980

such board, their terms of office, and the manner of appointment 62981  
or election of officers. One of the members of such combined board 62982  
of health shall be a physician, and one member shall be an 62983  
individual appointed by the health district licensing council, if 62984  
such council is established under section 3709.41 of the Revised 62985  
Code. The contract may also provide for the representation of 62986  
areas by one or more members and shall, in such event, specify the 62987  
territory to be included in each such area. 62988

The appointment of any member of the combined board who is 62989  
designated by the provisions of the contract to represent a city 62990  
shall be made by the chief executive and approved by the 62991  
legislative authority of such city. If a member is designated by 62992  
the contract to represent more than one city, the member shall be 62993  
appointed by majority vote of the chief executives of all cities 62994  
included in any such area. Except for the member appointed by the 62995  
health district licensing council, if such council is established, 62996  
the appointment of all members of the combined board who are 62997  
designated to represent the balance of the district shall be made 62998  
by the district advisory council. 62999

The service status of any person employed by a city or 63000  
general health district shall not be affected by the creation of a 63001  
combined district. 63002

**Sec. 3709.41.** (A) ~~There is hereby created in~~ The board of 63003  
health of each city and ~~in~~ of each general health district may 63004  
establish a health district licensing council, to be appointed by 63005  
the entity that has responsibility for appointing the board of 63006  
health in the health district. The members of the council shall 63007  
consist of one representative of each business activity for which 63008  
the board of health operates a licensing program. To be appointed 63009  
and remain a member, an individual shall be a resident of the 63010  
health district for which the council was created. 63011



The appointing authority shall make initial appointments to 63012  
the council not later than thirty days after ~~November 21, 2001~~ the 63013  
board of health establishes the council. Of the initial 63014  
appointments to the council, one-third of the members, rounded to 63015  
the nearest whole number, shall serve for a term ending three 63016  
years after ~~November 21, 2001~~ the date of appointment; one-third, 63017  
rounded to the nearest whole number, shall serve for a term ending 63018  
four years after ~~November 21, 2001~~ the date of appointment; and 63019  
the remaining members shall serve for a term ending five years 63020  
after ~~November 21, 2001~~ the date of appointment. Thereafter, terms 63021  
of office shall be five years, with each term ending on the same 63022  
day of the same month as did the term that it succeeds. 63023

Each member shall hold office from the date of the member's 63024  
appointment until the end of the term for which the member was 63025  
appointed. Members may be reappointed. 63026

Vacancies shall be filled in the manner provided for original 63027  
appointments. Any member appointed to fill a vacancy occurring 63028  
prior to the expiration of the term for which the member's 63029  
predecessor was appointed shall hold office as a member for the 63030  
remainder of that term. A member shall continue in office 63031  
subsequent to the expiration date of the member's term until the 63032  
member's successor takes office or until a period of sixty days 63033  
has elapsed, whichever occurs first. 63034

Members shall serve without compensation, except to the 63035  
extent that serving on the council is part of their regular duties 63036  
of employment. 63037

(B) Each health district licensing council shall organize by 63038  
selecting from among its members a chairperson, a secretary, and 63039  
any other officers it considers necessary. Each council shall 63040  
adopt bylaws for the regulation of its affairs and the conduct of 63041  
its business. 63042

Each council shall meet at least annually or at more frequent intervals if specified in its bylaws. In addition to the mandatory meetings, a council shall meet at the call of the chairperson or the request of a majority of the council members.

(C) Pursuant to sections 3709.03, 3709.05, and 3709.07 of the Revised Code, the health district licensing council, if established by the board of health, shall appoint one ~~of its members to serve as~~ a member of the board of health. The council shall appoint one of its members to serve as an alternate board of health member if for any reason the original member is required to abstain from voting on a particular issue being considered by the board of health. While serving on behalf of the original member, the alternate member has the same powers and duties as the original member.

**Sec. 3714.051.** (A)(1) Not later than one hundred eighty days after ~~the effective date of this section~~ December 22, 2005, and in accordance with rules adopted under section 3714.02 of the Revised Code, the director of environmental protection shall establish a program for the issuance of permits to install for new construction and demolition debris facilities.

(2) On and after ~~the effective date of this section~~ December 22, 2005, no person shall establish a new construction and demolition debris facility without first obtaining a permit to install issued by the board of health of the health district in which the facility is or is to be located or from the director if the facility is or is to be located in a health district that is not on the approved list under section 3714.09 of the Revised Code or if a board of health requests the director to issue the permit to install under division (G) of this section.

(B) The director, the director's authorized representative, a board of health, or an authorized representative of the board may

assist an applicant for a permit to install during the permitting 63074  
process by providing guidance and technical assistance. 63075

(C) An applicant for a permit to install shall submit an 63076  
application to a board of health or the director, as applicable, 63077  
on a form that the director prescribes. The applicant shall 63078  
include with the application all of the following: 63079

(1) The name and address of the applicant, of all partners if 63080  
the applicant is a partnership or of all officers and directors if 63081  
the applicant is a corporation, and of any other person who has a 63082  
right to control or in fact controls management of the applicant 63083  
or the selection of officers, directors, or managers of the 63084  
applicant; 63085

(2) The designs and plans for the construction and demolition 63086  
debris facility that include the location or proposed location of 63087  
the facility, design and construction plans and specifications, 63088  
anticipated beginning and ending dates for work performed, and any 63089  
other related information that the director requires by rule; 63090

(3) The information required under section 3714.052 of the 63091  
Revised Code; 63092

(4) An application fee of two thousand dollars. A board of 63093  
health shall deposit money collected under division (C)(4) of this 63094  
section into the special fund of the health district created under 63095  
section 3714.07 of the Revised Code. The director shall transmit 63096  
money collected under division (C)(4) of this section to the 63097  
treasurer of state to be credited to the ~~construction and~~ 63098  
~~demolition debris facility oversight~~ waste management fund created 63099  
in ~~that~~ section 3734.061 of the Revised Code. Not later than six 63100  
months after a facility that is issued a permit to install begins 63101  
accepting construction and demolition debris for disposal, a board 63102  
of health or the director, as applicable, shall refund the 63103  
application fee received under division (C)(4) of this section to 63104

the person that submitted the application for the permit to 63105  
install. 63106

(5) Any other information required by the director in 63107  
accordance with rules adopted under section 3714.02 of the Revised 63108  
Code. 63109

(D) A permit to install may be issued with terms and 63110  
conditions that a board of health or the director, as applicable, 63111  
finds necessary to ensure that the facility will comply with this 63112  
chapter and rules adopted under it and to protect public health 63113  
and safety and the environment. 63114

(E) A permit to install shall expire after a time period 63115  
specified by the director or board of health, as applicable, in 63116  
accordance with rules adopted under section 3714.02 of the Revised 63117  
Code unless the applicant has undertaken a continuing program of 63118  
construction or has entered into a binding contractual obligation 63119  
to undertake and complete a continuing program of construction 63120  
within a reasonable time, in which case the director or board, as 63121  
applicable, may extend the expiration date of a permit to install 63122  
upon request of the applicant. 63123

(F) The director or a board of health, as applicable, may 63124  
issue, deny, modify, suspend, or revoke a permit to install in 63125  
accordance with rules. 63126

(G) A board of health shall notify the director of its 63127  
receipt of an application for a permit to install. A board of 63128  
health, or its authorized representative, may request the director 63129  
to review an application, or part of an application, for a permit 63130  
to install and also may request that the director issue or deny it 63131  
when the board determines that additional expertise is required. 63132  
The director shall comply with such a request. 63133

Upon a board of health's issuance of a permit to install for 63134  
a new construction and demolition debris facility under this 63135

section, the board shall mail a copy of the permit to the director 63136  
together with approved plans, specifications, and information 63137  
regarding the facility. 63138

**Sec. 3714.07.** (A)(1) For the purpose of assisting boards of 63139  
health and the environmental protection agency in administering 63140  
and enforcing this chapter and rules adopted under it, there is 63141  
hereby levied a fee of thirty cents per cubic yard or sixty cents 63142  
per ton, as applicable, on both of the following: 63143

(a) The disposal of construction and demolition debris at a 63144  
construction and demolition debris facility that is licensed under 63145  
this chapter or at a solid waste facility that is licensed under 63146  
Chapter 3734. of the Revised Code; 63147

(b) The disposal of asbestos or asbestos-containing materials 63148  
or products at a construction and demolition debris facility that 63149  
is licensed under this chapter or at a solid waste facility that 63150  
is licensed under Chapter 3734. of the Revised Code. 63151

(2) The owner or operator of a construction and demolition 63152  
debris facility or a solid waste facility shall determine if cubic 63153  
yards or tons will be used as the unit of measurement. If basing 63154  
the fee on cubic yards, the owner or operator shall utilize either 63155  
the maximum cubic yard capacity of the container, or the hauling 63156  
volume of the vehicle, that transports the construction and 63157  
demolition debris to the facility or the cubic yards actually 63158  
logged for disposal by the owner or operator in accordance with 63159  
rules adopted under section 3714.02 of the Revised Code. If basing 63160  
the fee on tonnage, the owner or operator shall use certified 63161  
scales to determine the tonnage of construction and demolition 63162  
debris that is disposed of. 63163

(3) The owner or operator of a construction and demolition 63164  
debris facility or a solid waste facility shall calculate the 63165  
amount of money generated from the fee levied under division 63166

(A)(1) of this section and shall hold that amount as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under section 3714.09 of the Revised Code, or for the state. The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of construction and demolition debris and asbestos or asbestos-containing materials or products disposed of at the facility and the total amount of money generated during that month from the fee levied under division (A)(1) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products. Not later than thirty days after the last day of the month to which the return applies, the owner or operator shall mail to the board of health or the director the return for that month together with the amount of money calculated under division (A)(3) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products during that month or may submit the return and money electronically in a manner approved by the director. The owner or operator may request, in writing, an extension of not more than thirty days after the last day of the month to which the return applies. A request for extension may be denied. If the owner or operator submits the money late, the owner or operator shall pay a penalty of ten per cent of the amount of the money due for each month that it is late.

(4) Of the money that is submitted by a construction and demolition debris facility or a solid waste facility on a per cubic yard or per ton basis under this section, a board of health shall transmit three cents per cubic yard or six cents per ton, as applicable, to the director not later than forty-five days after the receipt of the money. The money retained by a board of health under this section shall be paid into a special fund, which is

hereby created in each health district, and used solely for the 63200  
following purposes: 63201

(a) To administer and enforce this chapter and rules adopted 63202  
under it; 63203

(b) To abate abandoned accumulations of construction and 63204  
demolition debris as provided in section 3714.074 of the Revised 63205  
Code. 63206

The director shall transmit all money received under this 63207  
section to the treasurer of state to be ~~credited~~ deposited in the 63208  
state treasury to the ~~construction and demolition debris facility~~ 63209  
~~oversight~~ credit of the waste management fund, ~~which is hereby~~ 63210  
created in ~~the state treasury~~ section 3734.061 of the Revised 63211  
Code. ~~The fund shall be administered by the director, and money~~ 63212  
~~credited to the fund shall be used exclusively for the~~ 63213  
~~administration and enforcement of this chapter and rules adopted~~ 63214  
~~under it.~~ 63215

(B) The board of health of a health district or the director 63216  
may enter into an agreement with the owner or operator of a 63217  
construction and demolition debris facility or a solid waste 63218  
facility for the quarterly payment of money generated from the 63219  
disposal fee as calculated in division (A)(3) of this section. The 63220  
board of health shall notify the director of any such agreement. 63221  
Not later than forty-five days after receipt of the quarterly 63222  
payment, the board of health shall transmit the amount established 63223  
in division (A)(4) of this section to the director. The money 63224  
retained by the board of health shall be deposited in the special 63225  
fund of the district as required under that division. Upon receipt 63226  
of the money from a board of health, the director shall transmit 63227  
the money to the treasurer of state to be credited to the 63228  
~~construction and demolition debris facility oversight~~ waste 63229  
management fund. 63230

(C) If a construction and demolition debris facility or a solid waste facility is located within the territorial boundaries of a municipal corporation or the unincorporated area of a township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A)(1) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of section 3734.57 of the Revised Code.

The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money generated from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as



appropriate, shall maintain separate records of the money received 63263  
under this division. 63264

The legislative authority of a municipal corporation or 63265  
township may cease appropriating money under this division by 63266  
repealing the ordinance or resolution that was enacted or adopted 63267  
under this division. 63268

The director shall adopt rules in accordance with Chapter 63269  
119. of the Revised Code establishing requirements for prorating 63270  
the amount of the fee that may be appropriated under this division 63271  
by a municipal corporation or township in which only a portion of 63272  
a construction and demolition debris facility is located within 63273  
the territorial boundaries of the municipal corporation or 63274  
township. 63275

(D) The board of county commissioners of a county in which a 63276  
construction and demolition debris facility or a solid waste 63277  
facility is located may appropriate up to three cents per cubic 63278  
yard or up to six cents per ton of the disposal fee required to be 63279  
paid by the facility under division (A)(1) of this section for the 63280  
same purposes that a solid waste management district may levy a 63281  
fee under division (B) of section 3734.57 of the Revised Code. 63282

The board of county commissioners may appropriate the money 63283  
from the fee by adopting a resolution establishing the amount of 63284  
the fee to be appropriated. Upon doing so, the board of county 63285  
commissioners shall mail a certified copy of the resolution to the 63286  
board of health of the health district in which the construction 63287  
and demolition debris facility or the solid waste facility is 63288  
located or, if the facility is located in a health district that 63289  
is not on the approved list under section 3714.09 of the Revised 63290  
Code, to the director. Upon receipt of the copy of the resolution 63291  
and not later than forty-five days after receipt of money 63292  
generated from the fee, the board of health or the director, as 63293  
applicable, shall transmit to the treasurer of the county that 63294

portion of the money generated from the disposal fee by the owner 63295  
or operator of the facility that is required by the resolution to 63296  
be paid to that county. 63297

Money received by a county treasurer under this division 63298  
shall be paid into the general fund of the county. The county 63299  
treasurer shall maintain separate records of the money received 63300  
under this division. 63301

A board of county commissioners may cease appropriating money 63302  
under this division by repealing the resolution that was adopted 63303  
under this division. 63304

(E)(1) This section does not apply to the disposal of 63305  
construction and demolition debris at a solid waste facility that 63306  
is licensed under Chapter 3734. of the Revised Code if there is no 63307  
construction and demolition debris facility licensed under this 63308  
chapter within thirty-five miles of the solid waste facility as 63309  
determined by a facility's property boundaries. 63310

(2) This section does not apply to the disposal of 63311  
construction and demolition debris at a solid waste facility that 63312  
is licensed under Chapter 3734. of the Revised Code if the owner 63313  
or operator of the facility chooses to collect fees on the 63314  
disposal of the construction and demolition debris and asbestos or 63315  
asbestos-containing materials or products that are identical to 63316  
the fees that are collected under Chapters 343. and 3734. of the 63317  
Revised Code on the disposal of solid wastes at that facility. 63318

(3) This section does not apply to the disposal of source 63319  
separated materials that are exclusively composed of reinforced or 63320  
nonreinforced concrete, asphalt, clay tile, building or paving 63321  
brick, or building or paving stone at a construction and 63322  
demolition debris facility that is licensed under this chapter 63323  
when either of the following applies: 63324

(a) The materials are placed within the limits of 63325

construction and demolition debris placement at the facility as 63326  
specified in the license issued to the facility under section 63327  
3714.06 of the Revised Code, are not placed within the unloading 63328  
zone of the facility, and are used as a fire prevention measure in 63329  
accordance with rules adopted by the director under section 63330  
3714.02 of the Revised Code. 63331

(b) The materials are not placed within the unloading zone of 63332  
the facility or within the limits of construction and demolition 63333  
debris placement at the facility as specified in the license 63334  
issued to the facility under section 3714.06 of the Revised Code, 63335  
but are used as fill material, either alone or in conjunction with 63336  
clean soil, sand, gravel, or other clean aggregates, in legitimate 63337  
fill operations for construction purposes at the facility or to 63338  
bring the facility up to a consistent grade. 63339

**Sec. 3714.073.** (A) In addition to the fee levied under 63340  
division (A)(1) of section 3714.07 of the Revised Code, beginning 63341  
July 1, 2005, there is hereby levied on the disposal of 63342  
construction and demolition debris at a construction and 63343  
demolition debris facility that is licensed under this chapter or 63344  
at a solid waste facility that is licensed under Chapter 3734. of 63345  
the Revised Code and on the disposal of asbestos or 63346  
asbestos-containing materials or products at a construction and 63347  
demolition debris facility that is licensed under this chapter or 63348  
at a solid waste facility that is licensed under Chapter 3734. of 63349  
the Revised Code the following fees: 63350

(1) A fee of twelve and one-half cents per cubic yard or 63351  
twenty-five cents per ton, as applicable, the proceeds of which 63352  
shall be deposited in the state treasury to the credit of the soil 63353  
and water conservation district assistance fund created in section 63354  
~~1515.14~~ 940.15 of the Revised Code; 63355

(2) A fee of thirty-seven and one-half cents per cubic yard 63356

or seventy-five cents per ton, as applicable, the proceeds of 63357  
which shall be deposited in the state treasury to the credit of 63358  
the recycling and litter prevention fund created in section 63359  
3736.03 of the Revised Code. 63360

(B) The owner or operator of a construction and demolition 63361  
debris facility or a solid waste facility, as a trustee of the 63362  
state, shall calculate the amount of money generated from the fees 63363  
levied under this section and remit the money from the fees in the 63364  
manner that is established in divisions (A)(2) and (3) of section 63365  
3714.07 of the Revised Code for the fee that is levied under 63366  
division (A)(1) of that section and may enter into an agreement 63367  
for the quarterly payment of money generated from the fees in the 63368  
manner established in division (B) of that section for the 63369  
quarterly payment of money generated from the fee that is levied 63370  
under division (A)(1) of that section. 63371

(C) The amount of money that is calculated by the owner or 63372  
operator of a construction and demolition debris facility or a 63373  
solid waste facility and remitted to a board of health or the 63374  
director of environmental protection, as applicable, pursuant to 63375  
this section shall be transmitted by the board or director to the 63376  
treasurer of state not later than forty-five days after the 63377  
receipt of the money to be credited to the soil and water 63378  
conservation district assistance fund or the recycling and litter 63379  
prevention fund, as applicable. 63380

(D) This section does not apply to the disposal of 63381  
construction and demolition debris at a solid waste facility that 63382  
is licensed under Chapter 3734. of the Revised Code if the owner 63383  
or operator of the facility chooses to collect fees on the 63384  
disposal of the construction and demolition debris and asbestos or 63385  
asbestos-containing materials or products that are identical to 63386  
the fees that are collected under Chapters 343. and 3734. of the 63387  
Revised Code on the disposal of solid wastes at that facility. 63388

(E) This section does not apply to the disposal of source 63389  
separated materials that are exclusively composed of reinforced or 63390  
nonreinforced concrete, asphalt, clay tile, building or paving 63391  
brick, or building or paving stone at a construction and 63392  
demolition debris facility that is licensed under this chapter 63393  
when either of the following applies: 63394

(1) The materials are placed within the limits of 63395  
construction and demolition debris placement at the facility as 63396  
specified in the license issued to the facility under section 63397  
3714.06 of the Revised Code, are not placed within the unloading 63398  
zone of the facility, and are used as a fire prevention measure in 63399  
accordance with rules adopted by the director under section 63400  
3714.02 of the Revised Code. 63401

(2) The materials are not placed within the unloading zone of 63402  
the facility or within the limits of construction and demolition 63403  
debris placement at the facility as specified in the license 63404  
issued to the facility under section 3714.06 of the Revised Code, 63405  
but are used as fill material, either alone or in conjunction with 63406  
clean soil, sand, gravel, or other clean aggregates, in legitimate 63407  
fill operations for construction purposes at the facility or to 63408  
bring the facility up to a consistent grade. 63409

**Sec. 3714.08.** (A) At least annually, the board of health of a 63410  
health district or the director of environmental protection shall 63411  
cause each construction and demolition debris facility for which 63412  
the board or the director, as appropriate, issued a license under 63413  
section 3714.06 of the Revised Code to be inspected and shall 63414  
cause a record to be made of each inspection. The board or the 63415  
director shall require each such facility to be in substantial 63416  
compliance with this chapter and rules adopted under it. 63417

(B) Within thirty days after the issuance of a license, the 63418  
board of health shall certify to the director of environmental 63419

protection that the construction and demolition debris facility 63420  
has been inspected and is in substantial compliance with this 63421  
chapter and rules adopted under it. Each board of health shall 63422  
provide the director with such other information as ~~he~~ the 63423  
director may require from time to time. 63424

(C) The board of health or its authorized representative and 63425  
the director or ~~his~~ the director's authorized representative, upon 63426  
proper identification and upon stating the purpose and necessity 63427  
of an inspection, may enter at reasonable times upon any public or 63428  
private property, real or personal, to inspect or investigate, 63429  
obtain samples, and examine or copy records to determine 63430  
compliance with this chapter and rules adopted under it. The board 63431  
of health or its authorized representative or the director or ~~his~~ 63432  
the director's authorized representative may apply for, and any 63433  
judge of a court of record may issue, an appropriate search 63434  
warrant necessary to achieve the purposes of this chapter and 63435  
rules adopted under it within the court's territorial 63436  
jurisdiction. If entry is refused or inspection or investigation 63437  
is refused, hindered, or thwarted, the board of health or the 63438  
director may suspend or revoke the construction and demolition 63439  
debris facility's license. 63440

(D) If the entry authorized by division (C) of this section 63441  
is refused or if the inspection or investigation so authorized is 63442  
refused, hindered, or thwarted by intimidation or otherwise and if 63443  
the director, the board of health, or authorized representative of 63444  
either applies for and obtains a search warrant under division (C) 63445  
of this section to conduct the inspection or investigation, the 63446  
owner or operator of the premises where entry was refused or 63447  
inspection or investigation was refused, hindered, or thwarted is 63448  
liable to the director or board of health for the reasonable costs 63449  
incurred by either for ~~the~~ all of the following: 63450

(1) The regular salaries and fringe benefit costs of 63451

personnel assigned to conduct the inspection or investigation from 63452  
the time the entry, inspection, or investigation was refused, 63453  
hindered, or thwarted until the search warrant is executed; ~~for~~ 63454  
~~the~~ 63455

(2) The salary, fringe benefits, and travel expenses of the 63456  
attorney general, prosecuting attorney of the county, or city 63457  
director of law, or an authorized assistant, incurred in obtaining 63458  
the search warrant; ~~and for expenses~~ 63459

(3) Expenses necessarily incurred for the assistance of local 63460  
law enforcement officers in executing the search warrant. ~~In~~ 63461

In the application for a search warrant, the director or 63462  
board of health may request and the court, in its order granting 63463  
the search warrant, may order the owner or operator of the 63464  
premises to reimburse the director or board of health for such of 63465  
those costs as the court finds reasonable. From moneys recovered 63466  
under this division, the director shall reimburse the attorney 63467  
general for the costs incurred by ~~him~~ the attorney general or ~~his~~ 63468  
the attorney general's authorized assistant in connection with 63469  
proceedings for obtaining the search warrant, shall reimburse the 63470  
political subdivision in which the premises is located for the 63471  
assistance of its law enforcement officers in executing the search 63472  
warrant, and shall deposit the remainder in the state treasury to 63473  
the credit of the ~~construction and demolition debris facility~~ 63474  
~~oversight~~ waste management fund created in section ~~3714.07~~ 63475  
3734.061 of the Revised Code. From moneys recovered under this 63476  
division, the board of health shall reimburse the prosecuting 63477  
attorney of the county or the city director of law for the costs 63478  
incurred by ~~him~~ the prosecuting attorney or the city director of 63479  
law or ~~his~~ the authorized assistant of the prosecuting attorney or 63480  
the city director of law in connection with proceedings for 63481  
obtaining the search warrant, shall reimburse the political 63482  
subdivision in which the premises is located for the assistance of 63483

its law enforcement officers in executing the search warrant, and 63484  
shall deposit the remainder of any such moneys to the credit of 63485  
the special fund of the health district created in section 3714.07 63486  
of the Revised Code. 63487

**Sec. 3714.09.** (A) The director of environmental protection 63488  
shall place each health district that is on the approved list 63489  
under division (A) or (B) of section 3734.08 of the Revised Code 63490  
on the approved list for the purposes of issuing permits to 63491  
install and licenses under this chapter. Any survey or resurvey of 63492  
any such health district conducted under section 3734.08 of the 63493  
Revised Code shall also determine whether there is substantial 63494  
compliance with this chapter. If the director removes any such 63495  
health district from the approved list under division (B) of that 63496  
section, the director shall also remove the health district from 63497  
the approved list under this division and shall administer and 63498  
enforce this chapter in the health district until the health 63499  
district is placed on the approved list under division (B) of 63500  
section 3734.08 of the Revised Code or division (B)(1) of this 63501  
section. 63502

(B)(1) Upon the request of the board of health of a health 63503  
district that is not on the approved list under division (A) or 63504  
(B) of section 3734.08 of the Revised Code, the director may place 63505  
the board on the approved list for the purpose of permitting and 63506  
licensing construction and demolition debris facilities under this 63507  
chapter if the director determines that the board is both capable 63508  
of and willing to enforce all of the applicable requirements of 63509  
this chapter and rules adopted under it. 63510

(2) The director shall annually survey each health district 63511  
on the approved list under division (B)(1) of this section to 63512  
determine whether there is substantial compliance with this 63513  
chapter and rules adopted under it. Upon determining that there is 63514



substantial compliance, the director shall place the health 63515  
district on the approved list under that division. The director 63516  
shall make a resurvey when in the director's opinion a resurvey is 63517  
necessary and shall remove from the approved list under division 63518  
(B)(1) of this section any health district not substantially 63519  
complying with this chapter and rules adopted under it. 63520

(3) If, after a survey or resurvey is made under division 63521  
(B)(2) of this section, the director determines that a health 63522  
district is not eligible to be placed on the approved list or to 63523  
continue on that list, the director shall certify that fact to the 63524  
board of health of the health district and shall administer and 63525  
enforce this chapter and rules adopted under it in the health 63526  
district until such time as the health district is placed on the 63527  
approved list. 63528

(4) Whenever the director is required to administer and 63529  
enforce this chapter in any health district under division (A) or 63530  
(B)(3) of this section, the director is hereby vested with all of 63531  
the authority and all the duties granted to or imposed upon a 63532  
board of health under this chapter and rules adopted under it 63533  
within the health district. All disposal fees required to be paid 63534  
to a board of health by section 3714.07 of the Revised Code and 63535  
all such previous fees paid to the board, together with any money 63536  
from construction and demolition debris facility license fees that 63537  
were required to be paid to the board under section 3714.07 of the 63538  
Revised Code as that section existed prior to April 15, 2005, that 63539  
have not been expended or encumbered shall be paid to the director 63540  
and deposited by the director in the state treasury to the credit 63541  
of the ~~construction and demolition debris facility oversight~~ waste  
management fund created in section ~~3714.07~~ 3734.061 of the Revised 63542  
Code. 63543  
63544

(C) Nothing in this chapter limits the authority of the 63545  
director to initiate and pursue any administrative remedy or to 63546

request the attorney general, the prosecuting attorney of the 63547  
appropriate county, or the city director of law of the appropriate 63548  
city to initiate and pursue any appropriate judicial remedy 63549  
available under this chapter to enforce any provision of this 63550  
chapter and any rules or terms or conditions of any permit or 63551  
license or order adopted or issued under this chapter with respect 63552  
to any construction and demolition debris facility regardless of 63553  
whether the facility is located in a health district that is on 63554  
the approved list under this section. 63555

**Sec. 3718.03.** (A) There is hereby created the sewage 63556  
treatment system technical advisory committee consisting of the 63557  
director of health or the director's designee and thirteen members 63558  
who are knowledgeable about sewage treatment systems and 63559  
technologies. The director or the director's designee shall serve 63560  
as committee secretary and may vote on actions taken by the 63561  
committee. Of the thirteen members, five shall be appointed by the 63562  
governor, four shall be appointed by the president of the senate, 63563  
and four shall be appointed by the speaker of the house of 63564  
representatives. 63565

(1) Of the members appointed by the governor, one shall 63566  
represent academia and shall be active in teaching or research in 63567  
the area of on-site wastewater treatment, one shall be a 63568  
representative of the public who is not employed by the state or 63569  
any of its political subdivisions and who does not have a 63570  
pecuniary interest in sewage treatment systems, one shall be a 63571  
registered professional engineer employed by the environmental 63572  
protection agency, one shall be selected from among soil 63573  
scientists in the division of soil and water ~~resources~~ 63574  
conservation in the department of ~~natural resources~~ agriculture, 63575  
and one shall be a representative of a statewide organization 63576  
representing townships. 63577

(2) Of the members appointed by the president of the senate, 63578  
one shall be a health commissioner who is a member of and 63579  
recommended by the association of Ohio health commissioners, one 63580  
shall represent the interests of manufacturers of sewage treatment 63581  
systems, one shall represent installers and service providers, and 63582  
one shall be a person with demonstrated experience in the design 63583  
of sewage treatment systems. 63584

(3) Of the members appointed by the speaker of the house of 63585  
representatives, one shall be a health commissioner who is a 63586  
member of and recommended by the association of Ohio health 63587  
commissioners, one shall represent the interests of manufacturers 63588  
of sewage treatment systems, one shall be a sanitarian who is 63589  
registered under Chapter 4736. of the Revised Code and who is a 63590  
member of the Ohio environmental health association, and one shall 63591  
be a registered professional engineer with experience in sewage 63592  
treatment systems. 63593

(B) Terms of members appointed to the committee shall be for 63594  
three years, with each term ending on the same day of the same 63595  
month as did the term that it succeeds. Each member shall serve 63596  
from the date of appointment until the end of the term for which 63597  
the member was appointed. 63598

Members may be reappointed. Vacancies shall be filled in the 63599  
same manner as provided for original appointments. Any member 63600  
appointed to fill a vacancy occurring prior to the expiration date 63601  
of the term for which the member was appointed shall hold office 63602  
for the remainder of that term. A member shall continue to serve 63603  
after the expiration date of the member's term until the member's 63604  
successor is appointed or until a period of sixty days has 63605  
elapsed, whichever occurs first. The applicable appointing 63606  
authority may remove a member from the committee for failure to 63607  
attend two consecutive meetings without showing good cause for the 63608  
absences. 63609

(C) The technical advisory committee annually shall select 63610  
from among its members a chairperson and a vice-chairperson. The 63611  
secretary shall keep a record of its proceedings. A majority vote 63612  
of the members of the full committee is necessary to take action 63613  
on any matter. The committee may adopt bylaws governing its 63614  
operation, including bylaws that establish the frequency of 63615  
meetings. 63616

(D) Serving as a member of the sewage treatment system 63617  
technical advisory committee does not constitute holding a public 63618  
office or position of employment under the laws of this state and 63619  
does not constitute grounds for removal of public officers or 63620  
employees from their offices or positions of employment. Members 63621  
of the committee shall serve without compensation for attending 63622  
committee meetings. 63623

(E) A member of the committee shall not have a conflict of 63624  
interest with the position. For the purposes of this division, 63625  
"conflict of interest" means the taking of any action that 63626  
violates any provision of Chapter 102. or 2921. of the Revised 63627  
Code. 63628

(F) The sewage treatment system technical advisory committee 63629  
shall do all of the following: 63630

(1) Develop with the department of health standards, 63631  
guidelines, and protocols for approving or disapproving a sewage 63632  
treatment system or components of a system under section 3718.04 63633  
of the Revised Code. Any guideline requiring the submission of 63634  
scientific information or testing data shall specify, in writing, 63635  
the protocol and format to be used in submitting the information 63636  
or data. 63637

(2) Develop with the department an application form to be 63638  
submitted to the director by an applicant for approval or 63639  
disapproval of a sewage treatment system or components of a system 63640

and specify the information that must be included with an application form;

(3) Make recommendations to the director regarding the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system;

(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system.

(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the approval of a new sewage treatment system or a component of a system, the number of such systems and components that were approved, any information that the committee considers beneficial to the general assembly, and any other information that the chairperson determines is beneficial to the general assembly. If other members of the committee determine that certain information should be included in the report, they shall submit the information to the chairperson not later than thirty days after the end of the calendar year.

(H) The department shall provide meeting space for the committee. The committee shall be assisted in its duties by the staff of the department.

(I) Sections 101.82 to 101.87 of the Revised Code do not apply to the sewage treatment system technical advisory committee.

Sec. 3734.01. As used in this chapter:	63672
(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.	63673 63674 63675 63676
(B) "Director" means the director of environmental protection.	63677 63678
(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.	63679 63680 63681
(D) "Agency" means the environmental protection agency.	63682
(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, <u>nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural shale and clay products</u> , and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.	63683 63684 63685 63686 63687 63688 63689 63690 63691 63692 63693 63694 63695 63696 63697 63698 63699
(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid	63700 63701

wastes or hazardous waste into or on any land or ground or surface 63702  
water or into the air, except if the disposition or placement 63703  
constitutes storage or treatment or, if the solid wastes consist 63704  
of scrap tires, the disposition or placement constitutes a 63705  
beneficial use or occurs at a scrap tire recovery facility 63706  
licensed under section 3734.81 of the Revised Code. 63707

(G) "Person" includes the state, any political subdivision 63708  
and other state or local body, the United States and any agency or 63709  
instrumentality thereof, and any legal entity defined as a person 63710  
under section 1.59 of the Revised Code. 63711

(H) "Open burning" means the burning of solid wastes in an 63712  
open area or burning of solid wastes in a type of chamber or 63713  
vessel that is not approved or authorized in rules adopted by the 63714  
director under section 3734.02 of the Revised Code or, if the 63715  
solid wastes consist of scrap tires, in rules adopted under 63716  
division (V) of this section or section 3734.73 of the Revised 63717  
Code, or the burning of treated or untreated infectious wastes in 63718  
an open area or in a type of chamber or vessel that is not 63719  
approved in rules adopted by the director under section 3734.021 63720  
of the Revised Code. 63721

(I) "Open dumping" means the depositing of solid wastes into 63722  
a body or stream of water or onto the surface of the ground at a 63723  
site that is not licensed as a solid waste facility under section 63724  
3734.05 of the Revised Code or, if the solid wastes consist of 63725  
scrap tires, as a scrap tire collection, storage, monocell, 63726  
monofill, or recovery facility under section 3734.81 of the 63727  
Revised Code; the depositing of solid wastes that consist of scrap 63728  
tires onto the surface of the ground at a site or in a manner not 63729  
specifically identified in divisions (C)(2) to (5), (7), or (10) 63730  
of section 3734.85 of the Revised Code; the depositing of 63731  
untreated infectious wastes into a body or stream of water or onto 63732  
the surface of the ground; or the depositing of treated infectious 63733

wastes into a body or stream of water or onto the surface of the 63734  
ground at a site that is not licensed as a solid waste facility 63735  
under section 3734.05 of the Revised Code. 63736

(J) "Hazardous waste" means any waste or combination of 63737  
wastes in solid, liquid, semisolid, or contained gaseous form that 63738  
in the determination of the director, because of its quantity, 63739  
concentration, or physical or chemical characteristics, may do 63740  
either of the following: 63741

(1) Cause or significantly contribute to an increase in 63742  
mortality or an increase in serious irreversible or incapacitating 63743  
reversible illness; 63744

(2) Pose a substantial present or potential hazard to human 63745  
health or safety or to the environment when improperly stored, 63746  
treated, transported, disposed of, or otherwise managed. 63747

"Hazardous waste" includes any substance identified by 63748  
regulation as hazardous waste under the "Resource Conservation and 63749  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 63750  
amended, and does not include any substance that is subject to the 63751  
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 63752  
amended. 63753

(K) "Treat" or "treatment," when used in connection with 63754  
hazardous waste, means any method, technique, or process designed 63755  
to change the physical, chemical, or biological characteristics or 63756  
composition of any hazardous waste; to neutralize the waste; to 63757  
recover energy or material resources from the waste; to render the 63758  
waste nonhazardous or less hazardous, safer to transport, store, 63759  
or dispose of, or amenable for recovery, storage, further 63760  
treatment, or disposal; or to reduce the volume of the waste. When 63761  
used in connection with infectious wastes, "treat" or "treatment" 63762  
means any method, technique, or process that renders the wastes 63763  
noninfectious so that it is no longer an infectious waste and is 63764



no longer an infectious substance as defined in applicable federal 63765  
law, including, without limitation, steam sterilization and 63766  
incineration, and, in the instance of wastes identified in 63767  
division (R)(7) of this section, to substantially reduce or 63768  
eliminate the potential for the wastes to cause lacerations or 63769  
puncture wounds. 63770

(L) "Manifest" means the form used for identifying the 63771  
quantity, composition, origin, routing, and destination of 63772  
hazardous waste during its transportation from the point of 63773  
generation to the point of disposal, treatment, or storage. 63774

(M) "Storage," when used in connection with hazardous waste, 63775  
means the holding of hazardous waste for a temporary period in 63776  
such a manner that it remains retrievable and substantially 63777  
unchanged physically and chemically and, at the end of the period, 63778  
is treated; disposed of; stored elsewhere; or reused, recycled, or 63779  
reclaimed in a beneficial manner. When used in connection with 63780  
solid wastes that consist of scrap tires, "storage" means the 63781  
holding of scrap tires for a temporary period in such a manner 63782  
that they remain retrievable and, at the end of that period, are 63783  
beneficially used; stored elsewhere; placed in a scrap tire 63784  
monocell or monofill facility licensed under section 3734.81 of 63785  
the Revised Code; processed at a scrap tire recovery facility 63786  
licensed under that section or a solid waste incineration or 63787  
energy recovery facility subject to regulation under this chapter; 63788  
or transported to a scrap tire monocell, monofill, or recovery 63789  
facility, any other solid waste facility authorized to dispose of 63790  
scrap tires, or a facility that will beneficially use the scrap 63791  
tires, that is located in another state and is operating in 63792  
compliance with the laws of the state in which the facility is 63793  
located. 63794

(N) "Facility" means any site, location, tract of land, 63795  
installation, or building used for incineration, composting, 63796

sanitary landfilling, or other methods of disposal of solid wastes 63797  
or, if the solid wastes consist of scrap tires, for the 63798  
collection, storage, or processing of the solid wastes; for the 63799  
transfer of solid wastes; for the treatment of infectious wastes; 63800  
or for the storage, treatment, or disposal of hazardous waste. 63801

(O) "Closure" means the time at which a hazardous waste 63802  
facility will no longer accept hazardous waste for treatment, 63803  
storage, or disposal, the time at which a solid waste facility 63804  
will no longer accept solid wastes for transfer or disposal or, if 63805  
the solid wastes consist of scrap tires, for storage or 63806  
processing, or the effective date of an order revoking the permit 63807  
for a hazardous waste facility or the registration certificate, 63808  
permit, or license for a solid waste facility, as applicable. 63809  
"Closure" includes measures performed to protect public health or 63810  
safety, to prevent air or water pollution, or to make the facility 63811  
suitable for other uses, if any, including, but not limited to, 63812  
the removal of processing residues resulting from solid wastes 63813  
that consist of scrap tires; the establishment and maintenance of 63814  
a suitable cover of soil and vegetation over cells in which 63815  
hazardous waste or solid wastes are buried; minimization of 63816  
erosion, the infiltration of surface water into such cells, the 63817  
production of leachate, and the accumulation and runoff of 63818  
contaminated surface water; the final construction of facilities 63819  
for the collection and treatment of leachate and contaminated 63820  
surface water runoff, except as otherwise provided in this 63821  
division; the final construction of air and water quality 63822  
monitoring facilities, except as otherwise provided in this 63823  
division; the final construction of methane gas extraction and 63824  
treatment systems; or the removal and proper disposal of hazardous 63825  
waste or solid wastes from a facility when necessary to protect 63826  
public health or safety or to abate or prevent air or water 63827  
pollution. With regard to a solid waste facility that is a scrap 63828  
tire facility, "closure" includes the final construction of 63829

facilities for the collection and treatment of leachate and 63830  
contaminated surface water runoff and the final construction of 63831  
air and water quality monitoring facilities only if those actions 63832  
are determined to be necessary. 63833

(P) "Premises" means either of the following: 63834

(1) Geographically contiguous property owned by a generator; 63835

(2) Noncontiguous property that is owned by a generator and 63836  
connected by a right-of-way that the generator controls and to 63837  
which the public does not have access. Two or more pieces of 63838  
property that are geographically contiguous and divided by public 63839  
or private right-of-way or rights-of-way are a single premises. 63840

(Q) "Post-closure" means that period of time following 63841  
closure during which a hazardous waste facility is required to be 63842  
monitored and maintained under this chapter and rules adopted 63843  
under it, including, without limitation, operation and maintenance 63844  
of methane gas extraction and treatment systems, or the period of 63845  
time after closure during which a scrap tire monocell or monofill 63846  
facility licensed under section 3734.81 of the Revised Code is 63847  
required to be monitored and maintained under this chapter and 63848  
rules adopted under it. 63849

(R) "Infectious wastes" means any wastes or combination of 63850  
wastes that include cultures and stocks of infectious agents and 63851  
associated biologicals, human blood and blood products, and 63852  
substances that were or are likely to have been exposed to or 63853  
contaminated with or are likely to transmit an infectious agent or 63854  
zoonotic agent, including all of the following: 63855

(1) Laboratory wastes; 63856

(2) Pathological wastes; 63857

(3) Animal blood and blood products; 63858

(4) Animal carcasses and parts; 63859

(5) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Such waste materials from the rooms of humans do not include any wastes of patients who have been placed on blood and body fluid precautions under the universal precaution system established by the centers for disease control in the public health service of the United States department of health and human services, except to the extent specific wastes generated under the universal precautions system have been identified as infectious wastes by rules adopted under division (R)(7) of this section.

(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals;

(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents.

As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes.

(S) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings.

(T) "Zoonotic agent" means a type of microorganism, pathogen, 63892  
or virus that causes disease in vertebrate animals, is 63893  
transmissible to human beings, and can cause or significantly 63894  
contribute to disease in or death of human beings. 63895

(U) "Solid waste transfer facility" means any site, location, 63896  
tract of land, installation, or building that is used or intended 63897  
to be used primarily for the purpose of transferring solid wastes 63898  
that were generated off the premises of the facility from vehicles 63899  
or containers into other vehicles for transportation to a solid 63900  
waste disposal facility. "Solid waste transfer facility" does not 63901  
include any facility that consists solely of portable containers 63902  
that have an aggregate volume of fifty cubic yards or less nor any 63903  
facility where legitimate recycling activities are conducted. 63904

(V) "Beneficially use" includes: 63905

(1) With regard to scrap tires, to use a scrap tire in a 63906  
manner that results in a commodity for sale or exchange or in any 63907  
other manner authorized as a beneficial use in rules adopted by 63908  
the director in accordance with Chapter 119. of the Revised Code; 63909

(2) With regard to material from a horizontal well that has 63910  
come in contact with a refined oil-based substance and that is not 63911  
technologically enhanced naturally occurring radioactive material, 63912  
to use the material in any manner authorized as a beneficial use 63913  
in rules adopted by the director under section 3734.125 of the 63914  
Revised Code. 63915

(W) "Commercial car," "commercial tractor," "farm machinery," 63916  
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 63917  
the same meanings as in section 4501.01 of the Revised Code. 63918

(X) "Construction equipment" means road rollers, traction 63919  
engines, power shovels, power cranes, and other equipment used in 63920  
construction work, or in mining or producing or processing 63921  
aggregates, and not designed for or used in general highway 63922

transportation.	63923
(Y) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.	63924 63925
(Z) "Scrap tire" means an unwanted or discarded tire.	63926
(AA) "Scrap tire collection facility" means any facility that meets all of the following qualifications:	63927 63928
(1) The facility is used for the receipt and storage of whole scrap tires from the public prior to their transportation to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap tires will be beneficially used; or a scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state, and that is operating in compliance with the laws of the state in which the facility is located.	63929 63930 63931 63932 63933 63934 63935 63936 63937 63938 63939 63940
(2) The facility exclusively stores scrap tires in portable containers.	63941 63942
(3) The aggregate storage of the portable containers in which the scrap tires are stored does not exceed five thousand cubic feet.	63943 63944 63945
(BB) "Scrap tire monocell facility" means an individual site within a solid waste landfill that is used exclusively for the environmentally sound storage or disposal of whole scrap tires or scrap tires that have been shredded, chipped, or otherwise mechanically processed.	63946 63947 63948 63949 63950
(CC) "Scrap tire monofill facility" means an engineered facility used or intended to be used exclusively for the storage	63951 63952

or disposal of scrap tires, including at least facilities for the 63953  
submergence of whole scrap tires in a body of water. 63954

(DD) "Scrap tire recovery facility" means any facility, or 63955  
portion thereof, for the processing of scrap tires for the purpose 63956  
of extracting or producing usable products, materials, or energy 63957  
from the scrap tires through a controlled combustion process, 63958  
mechanical process, or chemical process. "Scrap tire recovery 63959  
facility" includes any facility that uses the controlled 63960  
combustion of scrap tires in a manufacturing process to produce 63961  
process heat or steam or any facility that produces usable heat or 63962  
electric power through the controlled combustion of scrap tires in 63963  
combination with another fuel, but does not include any solid 63964  
waste incineration or energy recovery facility that is designed, 63965  
constructed, and used for the primary purpose of incinerating 63966  
mixed municipal solid wastes and that burns scrap tires in 63967  
conjunction with mixed municipal solid wastes, or any tire 63968  
retreading business, tire manufacturing finishing center, or tire 63969  
adjustment center having on the premises of the business a single, 63970  
covered scrap tire storage area at which not more than four 63971  
thousand scrap tires are stored. 63972

(EE) "Scrap tire storage facility" means any facility where 63973  
whole scrap tires are stored prior to their transportation to a 63974  
scrap tire monocell, monofill, or recovery facility licensed under 63975  
section 3734.81 of the Revised Code; a solid waste incineration or 63976  
energy recovery facility subject to regulation under this chapter; 63977  
a premises within the state where the scrap tires will be 63978  
beneficially used; or a scrap tire storage, monocell, monofill, or 63979  
recovery facility, any other solid waste disposal facility 63980  
authorized to dispose of scrap tires, or a facility that will 63981  
beneficially use the scrap tires, that is located in another 63982  
state, and that is operating in compliance with the laws of the 63983  
state in which the facility is located. 63984

(FF) "Used oil" means any oil that has been refined from 63985  
crude oil, or any synthetic oil, that has been used and, as a 63986  
result of that use, is contaminated by physical or chemical 63987  
impurities. "Used oil" includes only those substances identified 63988  
as used oil by the United States environmental protection agency 63989  
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 63990  
U.S.C.A. 6901a, as amended. 63991

(GG) "Accumulated speculatively" has the same meaning as in 63992  
rules adopted by the director under section 3734.12 of the Revised 63993  
Code. 63994

(HH) "Horizontal well" has the same meaning as in section 63995  
1509.01 of the Revised Code. 63996

(II) "Technologically enhanced naturally occurring 63997  
radioactive material" has the same meaning as in section 3748.01 63998  
of the Revised Code. 63999

**Sec. 3734.02.** (A) The director of environmental protection, 64000  
in accordance with Chapter 119. of the Revised Code, shall adopt 64001  
and may amend, suspend, or rescind rules having uniform 64002  
application throughout the state governing solid waste facilities 64003  
and the inspections of and issuance of permits and licenses for 64004  
all solid waste facilities in order to ensure that the facilities 64005  
will be located, maintained, and operated, and will undergo 64006  
closure and post-closure care, in a sanitary manner so as not to 64007  
create a nuisance, cause or contribute to water pollution, create 64008  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 64009  
257.3-8, as amended. The rules may include, without limitation, 64010  
financial assurance requirements for closure and post-closure care 64011  
and corrective action and requirements for taking corrective 64012  
action in the event of the surface or subsurface discharge or 64013  
migration of explosive gases or leachate from a solid waste 64014  
facility, or of ground water contamination resulting from the 64015



transfer or disposal of solid wastes at a facility, beyond the 64016  
boundaries of any area within a facility that is operating or is 64017  
undergoing closure or post-closure care where solid wastes were 64018  
disposed of or are being disposed of. The rules shall not concern 64019  
or relate to personnel policies, salaries, wages, fringe benefits, 64020  
or other conditions of employment of employees of persons owning 64021  
or operating solid waste facilities. The director, in accordance 64022  
with Chapter 119. of the Revised Code, shall adopt and may amend, 64023  
suspend, or rescind rules governing the issuance, modification, 64024  
revocation, suspension, or denial of variances from the director's 64025  
solid waste rules, including, without limitation, rules adopted 64026  
under this chapter governing the management of scrap tires. 64027

Variances shall be issued, modified, revoked, suspended, or 64028  
rescinded in accordance with this division, rules adopted under 64029  
it, and Chapter 3745. of the Revised Code. The director may order 64030  
the person to whom a variance is issued to take such action within 64031  
such time as the director may determine to be appropriate and 64032  
reasonable to prevent the creation of a nuisance or a hazard to 64033  
the public health or safety or the environment. Applications for 64034  
variances shall contain such detail plans, specifications, and 64035  
information regarding objectives, procedures, controls, and other 64036  
pertinent data as the director may require. The director shall 64037  
grant a variance only if the applicant demonstrates to the 64038  
director's satisfaction that construction and operation of the 64039  
solid waste facility in the manner allowed by the variance and any 64040  
terms or conditions imposed as part of the variance will not 64041  
create a nuisance or a hazard to the public health or safety or 64042  
the environment. In granting any variance, the director shall 64043  
state the specific provision or provisions whose terms are to be 64044  
varied and also shall state specific terms or conditions imposed 64045  
upon the applicant in place of the provision or provisions. ~~The~~ 64046

The director may hold a public hearing on an application for 64047

a variance or renewal of a variance at a location in the county 64048  
where the operations that are the subject of the application for 64049  
the variance are conducted. The director shall give not less than 64050  
twenty days' notice of the hearing to the applicant by certified 64051  
mail or by another type of mail accompanied by a receipt and shall 64052  
publish at least one notice of the hearing in a newspaper with 64053  
general circulation in the county where the hearing is to be held. 64054  
The director shall make available for public inspection at the 64055  
principal office of the environmental protection agency a current 64056  
list of pending applications for variances and a current schedule 64057  
of pending variance hearings. The director shall make a complete 64058  
stenographic record of testimony and other evidence submitted at 64059  
the hearing. Within 64060

Within ten days after the hearing, the director shall make a 64061  
written determination to issue, renew, or deny the variance and 64062  
shall enter the determination and the basis for it into the record 64063  
of the hearing. The director shall issue, renew, or deny an 64064  
application for a variance or renewal of a variance within six 64065  
months of the date upon which the director receives a complete 64066  
application with all pertinent information and data required. No 64067  
variance shall be issued, revoked, modified, or denied until the 64068  
director has considered the relative interests of the applicant, 64069  
other persons and property affected by the variance, and the 64070  
general public. Any variance granted under this division shall be 64071  
for a period specified by the director and may be renewed from 64072  
time to time on such terms and for such periods as the director 64073  
determines to be appropriate. No application shall be denied and 64074  
no variance shall be revoked or modified without a written order 64075  
stating the findings upon which the denial, revocation, or 64076  
modification is based. A copy of the order shall be sent to the 64077  
applicant or variance holder by certified mail or by another type 64078  
of mail accompanied by a receipt. 64079

(B) The director shall prescribe and furnish the forms 64080  
necessary to administer and enforce this chapter. The director may 64081  
cooperate with and enter into agreements with other state, local, 64082  
or federal agencies to carry out the purposes of this chapter. The 64083  
director may exercise all incidental powers necessary to carry out 64084  
the purposes of this chapter. 64085

~~The director may use moneys in the infectious waste 64086  
management fund created in section 3734.021 of the Revised Code 64087  
exclusively for administering and enforcing the provisions of this 64088  
chapter governing the management of infectious wastes. 64089~~

(C) Except as provided in this division and divisions (N)(2) 64090  
and (3) of this section, no person shall establish a new solid 64091  
waste facility or infectious waste treatment facility, or modify 64092  
an existing solid waste facility or infectious waste treatment 64093  
facility, without submitting an application for a permit with 64094  
accompanying detail plans, specifications, and information 64095  
regarding the facility and method of operation and receiving a 64096  
permit issued by the director, except that no permit shall be 64097  
required under this division to install or operate a solid waste 64098  
facility for sewage sludge treatment or disposal when the 64099  
treatment or disposal is authorized by a current permit issued 64100  
under Chapter 3704. or 6111. of the Revised Code. 64101

No person shall continue to operate a solid waste facility 64102  
for which the director has denied a permit for which an 64103  
application was required under division (A)(3) of section 3734.05 64104  
of the Revised Code, or for which the director has disapproved 64105  
plans and specifications required to be filed by an order issued 64106  
under division (A)(5) of that section, after the date prescribed 64107  
for commencement of closure of the facility in the order issued 64108  
under division (A)(6) of section 3734.05 of the Revised Code 64109  
denying the permit application or approval. 64110

On and after the effective date of the rules adopted under 64111

division (A) of this section and division (D) of section 3734.12 64112  
of the Revised Code governing solid waste transfer facilities, no 64113  
person shall establish a new, or modify an existing, solid waste 64114  
transfer facility without first submitting an application for a 64115  
permit with accompanying engineering detail plans, specifications, 64116  
and information regarding the facility and its method of operation 64117  
to the director and receiving a permit issued by the director. 64118

No person shall establish a new compost facility or continue 64119  
to operate an existing compost facility that accepts exclusively 64120  
source separated yard wastes without submitting a completed 64121  
registration for the facility to the director in accordance with 64122  
rules adopted under divisions (A) and (N)(3) of this section. 64123

This division does not apply to a generator of infectious 64124  
wastes that does any of the following: 64125

(1) Treats, by methods, techniques, and practices established 64126  
by rules adopted under division (B)(2)(a) of section 3734.021 of 64127  
the Revised Code, any of the following: 64128

(a) Infectious wastes that are generated on any premises that 64129  
are owned or operated by the generator; 64130

(b) Infectious wastes that are generated by a generator who 64131  
has staff privileges at a hospital as defined in section 3727.01 64132  
of the Revised Code; 64133

(c) Infectious wastes that are generated in providing care to 64134  
a patient by an emergency medical services organization as defined 64135  
in section 4765.01 of the Revised Code. 64136

(2) Holds a license or renewal of a license to operate a 64137  
crematory facility issued under Chapter 4717. and a permit issued 64138  
under Chapter 3704. of the Revised Code; 64139

(3) Treats or disposes of dead animals or parts thereof, or 64140  
the blood of animals, and is subject to any of the following: 64141

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;	64142 64143
(b) Chapter 918. of the Revised Code;	64144
(c) Chapter 953. of the Revised Code.	64145
(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.	64146 64147 64148 64149 64150 64151 64152 64153 64154 64155 64156 64157 64158 64159 64160 64161 64162
(E)(1) As used in this division:	64163
(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.	64164 64165 64166
(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.	64167 64168 64169 64170
(c) "Satellite facility" means any of the following:	64171

(i) An on-site facility that also receives hazardous waste 64172  
from other premises owned by the same person who generates the 64173  
waste on the facility premises; 64174

(ii) An off-site facility operated so that all of the 64175  
hazardous waste it receives is generated on one or more premises 64176  
owned by the person who owns the facility; 64177

(iii) An on-site facility that also receives hazardous waste 64178  
that is transported uninterruptedly and directly to the facility 64179  
through a pipeline from a generator who is not the owner of the 64180  
facility. 64181

(2) Except as provided in division (E)(3) of this section, no 64182  
person shall establish or operate a hazardous waste facility, or 64183  
use a solid waste facility for the storage, treatment, or disposal 64184  
of any hazardous waste, without a hazardous waste facility 64185  
installation and operation permit issued in accordance with 64186  
section 3734.05 of the Revised Code and subject to the payment of 64187  
an application fee not to exceed one thousand five hundred 64188  
dollars, payable upon application for a hazardous waste facility 64189  
installation and operation permit and upon application for a 64190  
renewal permit issued under division (H) of section 3734.05 of the 64191  
Revised Code, to be credited to the hazardous waste facility 64192  
management fund created in section 3734.18 of the Revised Code. 64193  
The term of a hazardous waste facility installation and operation 64194  
permit shall not exceed ten years. 64195

In addition to the application fee, there is hereby levied an 64196  
annual permit fee to be paid by the permit holder upon the 64197  
anniversaries of the date of issuance of the hazardous waste 64198  
facility installation and operation permit and of any subsequent 64199  
renewal permits and to be credited to the hazardous waste facility 64200  
management fund. Annual permit fees totaling forty thousand 64201  
dollars or more for any one facility may be paid on a quarterly 64202  
basis with the first quarterly payment each year being due on the 64203

anniversary of the date of issuance of the hazardous waste			64204
facility installation and operation permit and of any subsequent			64205
renewal permits. The annual permit fee shall be determined for			64206
each permit holder by the director in accordance with the			64207
following schedule:			64208
TYPE OF BASIC			64209
MANAGEMENT UNIT	TYPE OF FACILITY	FEE	64210
Storage facility using:			64211
Containers	On-site, off-site, and		64212
	satellite	\$ 500	64213
Tanks	On-site, off-site, and		64214
	satellite	500	64215
Waste pile	On-site, off-site, and		64216
	satellite	3,000	64217
Surface impoundment	On-site and satellite	8,000	64218
	Off-site	10,000	64219
Disposal facility using:			64220
Deep well injection	On-site and satellite	15,000	64221
	Off-site	25,000	64222
Landfill	On-site and satellite	25,000	64223
	Off-site	40,000	64224
Land application	On-site and satellite	2,500	64225
	Off-site	5,000	64226
Surface impoundment	On-site and satellite	10,000	64227
	Off-site	20,000	64228
Treatment facility using:			64229
Tanks	On-site, off-site, and		64230
	satellite	700	64231
Surface impoundment	On-site and satellite	8,000	64232
	Off-site	10,000	64233
Incinerator	On-site and satellite	5,000	64234
	Off-site	10,000	64235
Other forms			64236





hazardous waste facility without a hazardous waste facility 64269  
installation and operation permit does not apply to either of the 64270  
following: 64271

(a) A facility that is operating in accordance with a permit 64272  
renewal issued under division (H) of section 3734.05 of the 64273  
Revised Code, a revision issued under division (I) of that section 64274  
as it existed prior to August 20, 1996, or a modification issued 64275  
by the director under division (I) of that section on and after 64276  
August 20, 1996; 64277

(b) Except as provided in division (J) of section 3734.05 of 64278  
the Revised Code, a facility that will operate or is operating in 64279  
accordance with a permit by rule, or that is not subject to permit 64280  
requirements, under rules adopted by the director. In accordance 64281  
with Chapter 119. of the Revised Code, the director shall adopt, 64282  
and subsequently may amend, suspend, or rescind, rules for the 64283  
purposes of division (E)(3)(b) of this section. Any rules so 64284  
adopted shall be consistent with and equivalent to regulations 64285  
pertaining to interim status adopted under the "Resource 64286  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 64287  
6921, as amended, except as otherwise provided in this chapter. 64288

If a modification is requested or proposed for a facility 64289  
described in division (E)(3)(a) or (b) of this section, division 64290  
(I)(7) of section 3734.05 of the Revised Code applies. 64291

(F) No person shall store, treat, or dispose of hazardous 64292  
waste identified or listed under this chapter and rules adopted 64293  
under it, regardless of whether generated on or off the premises 64294  
where the waste is stored, treated, or disposed of, or transport 64295  
or cause to be transported any hazardous waste identified or 64296  
listed under this chapter and rules adopted under it to any other 64297  
premises, except at or to any of the following: 64298

(1) A hazardous waste facility operating under a permit 64299

issued in accordance with this chapter; 64300

(2) A facility in another state operating under a license or 64301  
permit issued in accordance with the "Resource Conservation and 64302  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 64303  
amended; 64304

(3) A facility in another nation operating in accordance with 64305  
the laws of that nation; 64306

(4) A facility holding a permit issued pursuant to Title I of 64307  
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 64308  
Stat. 1052, 33 U.S.C.A. 1401, as amended; 64309

(5) A hazardous waste facility as described in division 64310  
(E)(3)(a) or (b) of this section. 64311

(G) The director, by order, may exempt any person generating, 64312  
collecting, storing, treating, disposing of, or transporting solid 64313  
wastes, infectious wastes, or hazardous waste, or processing solid 64314  
wastes that consist of scrap tires, in such quantities or under 64315  
such circumstances that, in the determination of the director, are 64316  
unlikely to adversely affect the public health or safety or the 64317  
environment from any requirement to obtain a registration 64318  
certificate, permit, or license or comply with the manifest system 64319  
or other requirements of this chapter. Such an exemption shall be 64320  
consistent with and equivalent to any regulations adopted by the 64321  
administrator of the United States environmental protection agency 64322  
under the "Resource Conservation and Recovery Act of 1976," 90 64323  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 64324  
provided in this chapter. 64325

(H) No person shall engage in filling, grading, excavating, 64326  
building, drilling, or mining on land where a hazardous waste 64327  
facility, or a solid waste facility, was operated without prior 64328  
authorization from the director, who shall establish the procedure 64329  
for granting such authorization by rules adopted in accordance 64330

with Chapter 119. of the Revised Code. 64331

A public utility that has main or distribution lines above or 64332  
below the land surface located on an easement or right-of-way 64333  
across land where a solid waste facility was operated may engage 64334  
in any such activity within the easement or right-of-way without 64335  
prior authorization from the director for purposes of performing 64336  
emergency repair or emergency replacement of its lines; of the 64337  
poles, towers, foundations, or other structures supporting or 64338  
sustaining any such lines; or of the appurtenances to those 64339  
structures, necessary to restore or maintain existing public 64340  
utility service. A public utility may enter upon any such easement 64341  
or right-of-way without prior authorization from the director for 64342  
purposes of performing necessary or routine maintenance of those 64343  
portions of its existing lines; of the existing poles, towers, 64344  
foundations, or other structures sustaining or supporting its 64345  
lines; or of the appurtenances to any such supporting or 64346  
sustaining structure, located on or above the land surface on any 64347  
such easement or right-of-way. Within twenty-four hours after 64348  
commencing any such emergency repair, replacement, or maintenance 64349  
work, the public utility shall notify the director or the 64350  
director's authorized representative of those activities and shall 64351  
provide such information regarding those activities as the 64352  
director or the director's representative may request. Upon 64353  
completion of the emergency repair, replacement, or maintenance 64354  
activities, the public utility shall restore any land of the solid 64355  
waste facility disturbed by those activities to the condition 64356  
existing prior to the commencement of those activities. 64357

(I) No owner or operator of a hazardous waste facility, in 64358  
the operation of the facility, shall cause, permit, or allow the 64359  
emission therefrom of any particulate matter, dust, fumes, gas, 64360  
mist, smoke, vapor, or odorous substance that, in the opinion of 64361  
the director, unreasonably interferes with the comfortable 64362

enjoyment of life or property by persons living or working in the 64363  
vicinity of the facility, or that is injurious to public health. 64364  
Any such action is hereby declared to be a public nuisance. 64365

(J) Notwithstanding any other provision of this chapter, in 64366  
the event the director finds an imminent and substantial danger to 64367  
public health or safety or the environment that creates an 64368  
emergency situation requiring the immediate treatment, storage, or 64369  
disposal of hazardous waste, the director may issue a temporary 64370  
emergency permit to allow the treatment, storage, or disposal of 64371  
the hazardous waste at a facility that is not otherwise authorized 64372  
by a hazardous waste facility installation and operation permit to 64373  
treat, store, or dispose of the waste. The emergency permit shall 64374  
not exceed ninety days in duration and shall not be renewed. The 64375  
director shall adopt, and may amend, suspend, or rescind, rules in 64376  
accordance with Chapter 119. of the Revised Code governing the 64377  
issuance, modification, revocation, and denial of emergency 64378  
permits. 64379

(K) Except for infectious wastes generated by a person who 64380  
produces fewer than fifty pounds of infectious wastes at a 64381  
premises during any one month, no owner or operator of a sanitary 64382  
landfill shall knowingly accept for disposal, or dispose of, any 64383  
infectious wastes that have not been treated to render them 64384  
noninfectious. 64385

(L) The director, in accordance with Chapter 119. of the 64386  
Revised Code, shall adopt, and may amend, suspend, or rescind, 64387  
rules having uniform application throughout the state establishing 64388  
a training and certification program that shall be required for 64389  
employees of boards of health who are responsible for enforcing 64390  
the solid waste and infectious waste provisions of this chapter 64391  
and rules adopted under them and for persons who are responsible 64392  
for the operation of solid waste facilities or infectious waste 64393  
treatment facilities. The rules shall provide all of the 64394

following, without limitation: 64395

(1) The program shall be administered by the director and 64396  
shall consist of a course on new solid waste and infectious waste 64397  
technologies, enforcement procedures, and rules; 64398

(2) The course shall be offered on an annual basis; 64399

(3) Those persons who are required to take the course under 64400  
division (L) of this section shall do so triennially; 64401

(4) Persons who successfully complete the course shall be 64402  
certified by the director; 64403

(5) Certification shall be required for all employees of 64404  
boards of health who are responsible for enforcing the solid waste 64405  
or infectious waste provisions of this chapter and rules adopted 64406  
under them and for all persons who are responsible for the 64407  
operation of solid waste facilities or infectious waste treatment 64408  
facilities; 64409

(6)(a) All employees of a board of health who, on the 64410  
effective date of the rules adopted under this division, are 64411  
responsible for enforcing the solid waste or infectious waste 64412  
provisions of this chapter and the rules adopted under them shall 64413  
complete the course and be certified by the director not later 64414  
than January 1, 1995; 64415

(b) All employees of a board of health who, after the 64416  
effective date of the rules adopted under division (L) of this 64417  
section, become responsible for enforcing the solid waste or 64418  
infectious waste provisions of this chapter and rules adopted 64419  
under them and who do not hold a current and valid certification 64420  
from the director at that time shall complete the course and be 64421  
certified by the director within two years after becoming 64422  
responsible for performing those activities. 64423

No person shall fail to obtain the certification required 64424

under this division. 64425

(M) The director shall not issue a permit under section 64426  
3734.05 of the Revised Code to establish a solid waste facility, 64427  
or to modify a solid waste facility operating on December 21, 64428  
1988, in a manner that expands the disposal capacity or geographic 64429  
area covered by the facility, that is or is to be located within 64430  
the boundaries of a state park established or dedicated under 64431  
Chapter 1541. of the Revised Code, a state park purchase area 64432  
established under section 1541.02 of the Revised Code, any unit of 64433  
the national park system, or any property that lies within the 64434  
boundaries of a national park or recreation area, but that has not 64435  
been acquired or is not administered by the secretary of the 64436  
United States department of the interior, located in this state, 64437  
or any candidate area located in this state and identified for 64438  
potential inclusion in the national park system in the edition of 64439  
the "national park system plan" submitted under paragraph (b) of 64440  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 64441  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 64442  
application for the permit, unless the facility or proposed 64443  
facility is or is to be used exclusively for the disposal of solid 64444  
wastes generated within the park or recreation area and the 64445  
director determines that the facility or proposed facility will 64446  
not degrade any of the natural or cultural resources of the park 64447  
or recreation area. The director shall not issue a variance under 64448  
division (A) of this section and rules adopted under it, or issue 64449  
an exemption order under division (G) of this section, that would 64450  
authorize any such establishment or expansion of a solid waste 64451  
facility within the boundaries of any such park or recreation 64452  
area, state park purchase area, or candidate area, other than a 64453  
solid waste facility exclusively for the disposal of solid wastes 64454  
generated within the park or recreation area when the director 64455  
determines that the facility will not degrade any of the natural 64456  
or cultural resources of the park or recreation area. 64457

(N)(1) The rules adopted under division (A) of this section, 64458  
other than those governing variances, do not apply to scrap tire 64459  
collection, storage, monocell, monofill, and recovery facilities. 64460  
Those facilities are subject to and governed by rules adopted 64461  
under sections 3734.70 to 3734.73 of the Revised Code, as 64462  
applicable. 64463

(2) Division (C) of this section does not apply to scrap tire 64464  
collection, storage, monocell, monofill, and recovery facilities. 64465  
The establishment and modification of those facilities are subject 64466  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 64467  
Code, as applicable. 64468

(3) The director may adopt, amend, suspend, or rescind rules 64469  
under division (A) of this section creating an alternative system 64470  
for authorizing the establishment, operation, or modification of a 64471  
solid waste compost facility in lieu of the requirement that a 64472  
person seeking to establish, operate, or modify a solid waste 64473  
compost facility apply for and receive a permit under division (C) 64474  
of this section and section 3734.05 of the Revised Code and a 64475  
license under division (A)(1) of that section. The rules may 64476  
include requirements governing, without limitation, the 64477  
classification of solid waste compost facilities, the submittal of 64478  
operating records for solid waste compost facilities, and the 64479  
creation of a registration or notification system in lieu of the 64480  
issuance of permits and licenses for solid waste compost 64481  
facilities. The rules shall specify the applicability of divisions 64482  
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 64483  
Code to a solid waste compost facility. 64484

(O)(1) As used in this division, "secondary aluminum waste" 64485  
means waste material or byproducts, when disposed of, containing 64486  
aluminum generated from secondary aluminum smelting operations and 64487  
consisting of dross, salt cake, baghouse dust associated with 64488  
aluminum recycling furnace operations, or dry-milled wastes. 64489

(2) The owner or operator of a sanitary landfill shall not dispose of municipal solid waste that has been commingled with secondary aluminum waste.

(3) The owner or operator of a sanitary landfill may dispose of secondary aluminum waste, but only in a monocell or monofill that has been permitted for that purpose in accordance with this chapter and rules adopted under it.

(P)(1) As used in divisions (P) and (Q) of this section:

(a) "Natural background" means two picocuries per gram or the actual number of picocuries per gram as measured at an individual solid waste facility, subject to verification by the director of health.

(b) "Drilling operation" includes a production operation as defined in section 1509.01 of the Revised Code.

(2) The owner or operator of a solid waste facility shall not accept for transfer or disposal technologically enhanced naturally occurring radioactive material if that material contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(3) The owner or operator of a solid waste facility may receive and process for purposes other than transfer or disposal technologically enhanced naturally occurring radioactive material that contains or is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background, provided that the owner or operator has obtained and maintains all other necessary authorizations, including any authorization required by rules adopted by the director of health under section 3748.04 of the Revised Code.

(4) The director of environmental protection may adopt rules



in accordance with Chapter 119. of the Revised Code governing the 64521  
receipt, acceptance, processing, handling, management, and 64522  
disposal by solid waste facilities of material that contains or is 64523  
contaminated with radioactive material, including, without 64524  
limitation, technologically enhanced naturally occurring 64525  
radioactive material that contains or is contaminated with 64526  
radium-226, radium-228, or any combination of radium-226 and 64527  
radium-228 at concentrations less than five picocuries per gram 64528  
above natural background. Rules adopted by the director may 64529  
include at a minimum both of the following: 64530

(a) Requirements in accordance with which the owner or 64531  
operator of a solid waste facility must monitor leachate and 64532  
ground water for radium-226, radium-228, and other radionuclides; 64533

(b) Requirements in accordance with which the owner or 64534  
operator of a solid waste facility must develop procedures to 64535  
ensure that technologically enhanced naturally occurring 64536  
radioactive material accepted at the facility neither contains nor 64537  
is contaminated with radium-226, radium-228, or any combination of 64538  
radium-226 and radium-228 at concentrations equal to or greater 64539  
than five picocuries per gram above natural background. 64540

(Q) Notwithstanding any other provision of this section, the 64541  
owner or operator of a solid waste facility shall not receive, 64542  
accept, process, handle, manage, or dispose of technologically 64543  
enhanced naturally occurring radioactive material associated with 64544  
drilling operations without first obtaining representative 64545  
analytical results to determine compliance with divisions (P)(2) 64546  
and (3) of this section and rules adopted under it. 64547

**Sec. 3734.021.** (A) Infectious wastes shall be segregated, 64548  
managed, treated, and disposed of in accordance with rules adopted 64549  
under this section. 64550

(B) The director of environmental protection, in accordance 64551

with Chapter 119. of the Revised Code, shall adopt rules necessary 64552  
or appropriate to protect human health or safety or the 64553  
environment that do both of the following: 64554

(1) Establish standards for generators of infectious wastes 64555  
that include, without limitation, the following requirements and 64556  
authorizations that: 64557

(a) All generators of infectious wastes: 64558

(i) Either treat all specimen cultures and cultures of viable 64559  
infectious agents on the premises where they are generated to 64560  
render them noninfectious by methods, techniques, or practices 64561  
prescribed by rules adopted under division (B)(2)(a) of this 64562  
section before they are transported off that premises for disposal 64563  
or ensure that such wastes are treated to render them 64564  
noninfectious at an infectious waste treatment facility off that 64565  
premises prior to disposal of the wastes; 64566

(ii) Transport and dispose of infectious wastes, if a 64567  
generator produces fewer than fifty pounds of infectious wastes 64568  
during any one month that are subject to and packaged and labeled 64569  
in accordance with federal requirements, in the same manner as 64570  
solid wastes. Such generators who treat specimen cultures and 64571  
cultures of viable infectious agents on the premises where they 64572  
are generated shall not be considered treatment facilities as 64573  
"treatment" and "facility" are defined in section 3734.01 of the 64574  
Revised Code. 64575

(iii) Dispose of infectious wastes subject to and treated in 64576  
accordance with rules adopted under division (B)(1)(a)(i) of this 64577  
section in the same manner as solid wastes; 64578

(iv) May take wastes generated in providing care to a patient 64579  
by an emergency medical services organization, as defined in 64580  
section 4765.01 of the Revised Code, to and leave them at a 64581  
hospital, as defined in section 3727.01 of the Revised Code, for 64582

treatment at a treatment facility owned or operated by the 64583  
hospital or, in conjunction with infectious wastes generated by 64584  
the hospital, at another treatment facility regardless of whether 64585  
the wastes were generated in providing care to the patient at the 64586  
scene of an emergency or during the transportation of the patient 64587  
to a hospital; 64588

(v) May take wastes generated by an individual for purposes 64589  
of the individual's own care or treatment to and leave them at a 64590  
hospital, as defined in section 3727.01 of the Revised Code, for 64591  
treatment at a treatment facility owned or operated by the 64592  
hospital or, in conjunction with infectious wastes generated by 64593  
the hospital, at another treatment facility. 64594

(b) Each generator of fifty pounds or more of infectious 64595  
wastes during any one month: 64596

(i) Register with the environmental protection agency as a 64597  
generator of infectious wastes and obtain a registration 64598  
certificate. The fee for issuance of a generator registration 64599  
certificate is one hundred forty dollars payable at the time of 64600  
application. The registration certificate applies to all the 64601  
premises owned or operated by the generator in this state where 64602  
infectious wastes are generated and shall list the address of each 64603  
such premises. If a generator owns or operates facilities for the 64604  
treatment of infectious wastes it generates, the certificate shall 64605  
list the address and method of treatment used at each such 64606  
facility. 64607

A generator registration certificate is valid for three years 64608  
from the date of issuance and shall be renewed for a term of three 64609  
years upon the generator's submission of an application for 64610  
renewal and payment of a one hundred forty dollar renewal fee. 64611

The rules may establish a system of staggered renewal dates 64612  
with approximately one-third of such certificates subject to 64613

renewal each year. The applicable renewal date shall be prescribed 64614  
on each registration certificate. Registration fees shall be 64615  
prorated according to the time remaining in the registration cycle 64616  
to the nearest year. 64617

The registration and renewal fees collected under division 64618  
(B)(1)(b)(i) of this section shall be ~~credited~~ deposited in the 64619  
state treasury to the ~~infectious wastes management~~ credit of the 64620  
waste management fund, ~~hereby~~ created in the ~~state treasury~~ 64621  
section 3734.061 of the Revised Code. 64622

(ii) Segregate infectious wastes from other wastes at the 64623  
point of generation. Nothing in this section and rules adopted 64624  
under it prohibits a generator of infectious wastes from 64625  
designating and managing any wastes, in addition to those defined 64626  
as infectious wastes under section 3734.01 of the Revised Code, as 64627  
infectious wastes. After designating any such other wastes as 64628  
infectious, the generator shall manage those wastes in compliance 64629  
with the requirements of this chapter and rules adopted under it 64630  
applicable to the management of infectious wastes. 64631

(iii) Either treat the infectious wastes that it generates at 64632  
a facility owned or operated by the generator by methods, 64633  
techniques, or practices prescribed by rules adopted under 64634  
division (B)(2)(a) of this section to render them noninfectious, 64635  
or designate the wastes for treatment off that premises at an 64636  
infectious waste treatment facility holding a license issued under 64637  
division (B) of section 3734.05 of the Revised Code, at an 64638  
infectious waste treatment facility that is located in another 64639  
state that is in compliance with applicable state and federal 64640  
laws, or at a treatment facility authorized by rules adopted under 64641  
division (B)(2)(d) of this section, prior to disposal of the 64642  
wastes. After being treated to render them noninfectious, the 64643  
wastes shall be disposed of at a solid waste disposal facility 64644  
holding a license issued under division (A) of section 3734.05 of 64645

the Revised Code or at a disposal facility in another state that 64646  
is in compliance with applicable state and federal laws. 64647

(iv) Not compact or grind any type of infectious wastes prior 64648  
to treatment in accordance with rules adopted under division 64649  
(B)(2)(a) of this section; 64650

(v) May discharge untreated liquid or semiliquid infectious 64651  
wastes consisting of blood, blood products, body fluids, and 64652  
excreta into a disposal system, as defined in section 6111.01 of 64653  
the Revised Code, unless the discharge of those wastes into a 64654  
disposal system is inconsistent with the terms and conditions of 64655  
the permit for the system issued under Chapter 6111. of the 64656  
Revised Code; 64657

(vi) May transport or cause to be transported infectious 64658  
wastes that have been treated to render them noninfectious in the 64659  
same manner as solid wastes are transported. 64660

(2) Establish standards for owners and operators of 64661  
infectious waste treatment facilities that include, without 64662  
limitation, the following requirements and authorizations that: 64663

(a) Require treatment of all wastes received to be performed 64664  
in accordance with methods, techniques, and practices approved by 64665  
the director; 64666

(b) Govern the location, design, construction, and operation 64667  
of infectious waste treatment facilities. The rules adopted under 64668  
division (B)(2)(b) of this section shall require that a new 64669  
infectious waste incineration facility be located so that the 64670  
incinerator unit and all areas where infectious wastes are handled 64671  
on the premises where the facility is proposed to be located are 64672  
at least three hundred feet inside the property line of the tract 64673  
of land on which the facility is proposed to be located and are at 64674  
least one thousand feet from any domicile, school, prison, or jail 64675  
that is in existence on the date on which the application for the 64676

permit to establish the incinerator is submitted under division 64677  
(B)(2)(b) of section 3734.05 of the Revised Code. 64678

(c) Establish quality control and testing procedures to 64679  
ensure compliance with the rules adopted under division (B)(2)(b) 64680  
of this section; 64681

(d) Authorize infectious wastes to be treated at a facility 64682  
that holds a license or renewal of a license to operate a 64683  
crematory facility issued under Chapter 4717., and a permit issued 64684  
under Chapter 3704., of the Revised Code to the extent that the 64685  
treatment of those wastes is consistent with that permit and its 64686  
terms and conditions. The rules adopted under divisions (B)(2)(b) 64687  
and (c) of this section do not apply to a facility holding such a 64688  
license and permit. 64689

In adopting the rules required by divisions (B)(2)(a) to (d) 64690  
of this section, the director shall consider and, to the maximum 64691  
feasible extent, utilize existing standards and guidelines 64692  
established by professional and governmental organizations having 64693  
expertise in the fields of infection control and infectious wastes 64694  
management. 64695

(e) Require shipping papers to accompany shipments of wastes 64696  
that have been treated to render them noninfectious. The shipping 64697  
papers shall include only the following elements: 64698

(i) The name of the owner or operator of the facility where 64699  
the wastes were treated and the address of the treatment facility; 64700  
64701

(ii) A certification by the owner or operator of the 64702  
treatment facility where the wastes were treated indicating that 64703  
the wastes have been treated by the methods, techniques, and 64704  
practices prescribed in rules adopted under division (B)(2)(a) of 64705  
this section. 64706

(C) This section and rules adopted under it do not apply to the treatment or disposal of wastes consisting of dead animals or parts thereof, or the blood of animals:

(1) By the owner of the animal after slaughter by the owner on the owner's premises to obtain meat for consumption by the owner and the members of the owner's household;

(2) In accordance with Chapter 941. of the Revised Code; or

(3) By persons who are subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(D) As used in this section, "generator" means a person who produces infectious wastes at a specific premises.

(E) Rules adopted under this section shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating infectious waste treatment facilities.

(F)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the issuance, modification, revocation, suspension, and denial of variances from the rules adopted under division (B) of this section. Variances shall be issued, modified, revoked, suspended, or denied in accordance with division (F) of this section, rules adopted under it, and Chapter 3745. of the Revised Code.

(2) A person who desires to obtain a variance or renew a variance from the rules adopted under division (B) of this section shall submit to the director an application as prescribed by the director. The application shall contain detail plans, specifications, and information regarding objectives, procedures,

controls, and any other information that the director may require. 64737  
The director shall issue, renew, or deny a variance or renewal of 64738  
a variance within six months of the date on which the director 64739  
receives a complete application with all required information and 64740  
data. 64741

(3) The director may hold a public hearing on an application 64742  
submitted under division (F) of this section for a variance at a 64743  
location in the county in which the operations that are the 64744  
subject of the application for a variance or renewal of variance 64745  
are conducted. Not less than twenty days before the hearing, the 64746  
director shall provide to the applicant notice of the hearing by 64747  
certified mail or by another type of mail that is accompanied by a 64748  
receipt and shall publish notice of the hearing at least one time 64749  
in a newspaper of general circulation in the county in which the 64750  
hearing is to be held. The director shall make a complete 64751  
stenographic record of testimony and other evidence submitted at 64752  
the hearing. Not later than ten days after the hearing, the 64753  
director shall make a written determination to issue, renew, or 64754  
deny the variance and shall enter the determination and the basis 64755  
for it into the record of the hearing. 64756

(4) A variance shall not be issued, modified, revoked, or 64757  
denied under division (F) of this section until the director has 64758  
considered the relative interests of the applicant, other persons 64759  
and property that will be affected by the variance, and the 64760  
general public. The director shall grant a variance only if the 64761  
applicant demonstrates to the director's satisfaction that the 64762  
requested action will not create a nuisance or a hazard to the 64763  
health or safety of the public or to the environment. In granting 64764  
a variance, the director shall state the specific provision or 64765  
provisions whose terms are to be varied and also shall state 64766  
specific terms or conditions imposed on the applicant in place of 64767  
the provision or provisions. 64768



(5) A variance granted under division (F) of this section shall be for a period specified by the director and may be renewed from time to time on terms and for periods that the director determines to be appropriate. The director may order the person to whom a variance has been issued to take action within the time that the director determines to be appropriate and reasonable to prevent the creation of a nuisance or a hazard to the health or safety of the public or to the environment.

(6) An application submitted under division (F) of this section shall not be denied and a variance shall not be revoked or modified under that division without a written order of the director stating the findings on which the denial, revocation, or modification is based. A copy of the order shall be sent to the applicant or holder of a variance by certified mail or by another type of mail that is accompanied by a receipt.

(7) The director shall make available for public inspection at the principal office of the environmental protection agency a current list of pending applications for variances submitted under division (F) of this section and a current schedule of pending variance hearings under it.

**Sec. 3734.029.** (A)(1) Except as otherwise provided in division (A)(2) of this section, the standards of quality for compost products established in rules adopted under division (A) of section 3734.028 of the Revised Code apply to compost products produced by a facility composting dead animals that is subject to section ~~1511.022~~ 939.04 of the Revised Code in addition to compost products produced by facilities subject to this chapter.

(2) The standards of quality established in rules adopted under division (A) of section 3734.028 of the Revised Code do not apply to the use, distribution for use, or giving away of the compost products produced by a composting facility subject to

section ~~1511.022~~ 939.04 of the Revised Code when either of the 64800  
following applies: 64801

(a) The composting is conducted by the person who raises the 64802  
animals and the compost product is used in agricultural operations 64803  
owned or operated by that person, regardless of whether the person 64804  
owns the animals; 64805

(b) The composting is conducted by the person who owns the 64806  
animals, but does not raise them and the compost product is used 64807  
in agricultural operations either by a person who raises the 64808  
animals or by a person who raises grain that is used to feed them 64809  
and that is supplied by the owner of the animals. 64810

(B) No owner or operator of a composting facility that is 64811  
subject to regulation under section ~~1511.022~~ 939.04 of the Revised 64812  
Code shall sell or offer for sale at retail or wholesale, 64813  
distribute for use, or give away any compost product that does not 64814  
comply with the standard of quality applicable under division (A) 64815  
of this section for the use for which the product is being sold, 64816  
offered for sale, distributed, or given away. 64817

No person shall violate this division. 64818

**Sec. 3734.061.** (A) There is hereby created in the state 64819  
treasury the waste management fund. The fund shall consist of 64820  
money credited to it under division (C)(4) of section 3714.051, 64821  
divisions (A)(4) and (B) of section 3714.07, division (D) of 64822  
section 3714.08, division (B)(4) of section 3714.09, division (B) 64823  
of section 3734.021, division (D)(4) of section 3734.07, division 64824  
(B) of section 3734.551, and division (A)(2) of section 3734.57 of 64825  
the Revised Code. 64826

(B) The director of environmental protection shall use money 64827  
in the fund as follows: 64828

(1) Money credited to the fund under division (C)(4) of 64829

section 3714.051, divisions (A)(4) and (B) of section 3714.07, 64830  
division (D) of section 3714.08, and division (B)(4) of section 64831  
3714.09 of the Revised Code exclusively for the administration and 64832  
enforcement of Chapter 3714. of the Revised Code and rules adopted 64833  
under it; 64834

(2) Money credited to the fund under division (B) of section 64835  
3734.551 and division (A)(2) of section 3734.57 of the Revised 64836  
Code exclusively to pay the costs of administering and enforcing 64837  
the laws pertaining to solid wastes, infectious wastes, and 64838  
construction and demolition debris, including ground water 64839  
evaluations related to solid wastes, infectious wastes, and 64840  
construction and demolition debris, under this chapter and Chapter 64841  
3714. of the Revised Code and any rules adopted under those 64842  
chapters and addressing violations of Chapters 3704. and 6111. of 64843  
the Revised Code at facilities; 64844

(3) Money credited to the fund under division (B) of section 64845  
3734.021 and division (D)(4) of section 3734.07 of the Revised 64846  
Code exclusively for the administration and enforcement of the 64847  
provisions of this chapter governing the management of infectious 64848  
wastes and rules adopted under them. 64849

**Sec. 3734.07.** (A) Before a license is initially issued and 64850  
annually thereafter, or more often if necessary, the board of 64851  
health shall cause each solid waste facility and infectious waste 64852  
treatment facility to be inspected and a record to be made of each 64853  
inspection and shall require each solid waste facility and 64854  
infectious waste treatment facility in the health district to be 64855  
in substantial compliance with this chapter and the rules adopted 64856  
under it. 64857

(B) Within thirty days after the issuance of a license, the 64858  
board of health shall certify to the director of environmental 64859  
protection that the solid waste facility or infectious waste 64860

treatment facility has been inspected and is in substantial 64861  
compliance with this chapter and the rules adopted under it. Each 64862  
board of health shall provide the director with such other 64863  
information as he may require from time to time. 64864

(C) The board of health or its authorized representative and 64865  
the director or ~~his~~ the director's authorized representative, upon 64866  
proper identification and upon stating the purpose and necessity 64867  
of an inspection, may enter at reasonable times upon any private 64868  
or public property, real or personal, to inspect or investigate, 64869  
obtain samples, and examine or copy any records to determine 64870  
compliance with this chapter and the rules adopted under it. The 64871  
board of health or its authorized representative or the director 64872  
or ~~his~~ the director's authorized representative may apply for, and 64873  
any judge of a court of record may issue, an appropriate search 64874  
warrant necessary to achieve the purposes of this chapter and the 64875  
rules adopted under it within the court's territorial 64876  
jurisdiction. If entry is refused or inspection or investigation 64877  
is refused, hindered, or thwarted, the board of health may suspend 64878  
or revoke the operating license of the solid waste facility or 64879  
infectious waste treatment facility that refused entry, or the 64880  
director may suspend or revoke the license or permit of the solid 64881  
waste facility, hazardous waste facility, or infectious waste 64882  
treatment facility that refused entry. 64883

(D) If the entry authorized by division (C) of this section 64884  
is refused or if the inspection or investigation so authorized is 64885  
refused, hindered, or thwarted by intimidation or otherwise and 64886  
the director, board of health, or authorized representative of 64887  
either applies for and obtains a search warrant under division (C) 64888  
of this section to conduct the inspection or investigation, the 64889  
owner or operator of the premises where entry was refused or 64890  
inspection or investigation was refused, hindered, or thwarted is 64891  
liable to the director or board of health for the reasonable costs 64892

incurred by either for the regular salaries and fringe benefit 64893  
costs of personnel assigned to conduct the inspection or 64894  
investigation from the time the entry, inspection, or 64895  
investigation was refused, hindered, or thwarted until the search 64896  
warrant is executed; for the salary, fringe benefits, and travel 64897  
expenses of the attorney general, prosecuting attorney of the 64898  
county, or city director of law, or an authorized assistant, 64899  
incurred in obtaining the search warrant; and for expenses 64900  
necessarily incurred for the assistance of local law enforcement 64901  
officers in executing the search warrant. In the application for 64902  
the search warrant, the director or board of health may request 64903  
and the court, in its order granting the search warrant, may order 64904  
the owner or operator of the premises to reimburse the director or 64905  
board of health for such of those costs as the court finds 64906  
reasonable. ~~From~~ 64907

From moneys recovered under this division, the director shall 64908  
reimburse the attorney general for the costs incurred by ~~him~~ the 64909  
attorney general or ~~his~~ the attorney general's authorized 64910  
assistant in connection with proceedings for obtaining the search 64911  
warrant; shall reimburse the political subdivision in which the 64912  
premises is located for the assistance of its law enforcement 64913  
officers in executing the search warrant; and shall deposit the 64914  
remainder of any such moneys to the credit of the following, as 64915  
applicable: 64916

(1) The hazardous waste facility management fund created in 64917  
section 3734.18 of the Revised Code if the inspection or 64918  
investigation pertained to compliance with the hazardous waste 64919  
provisions of this chapter or a rule, order, or term or condition 64920  
of a permit adopted or issued under them or with a rule adopted 64921  
under section 3734.121 of the Revised Code ~~to the credit of the~~ 64922

(2) The general revenue fund if the inspection or 64923  
investigation pertained to compliance with the solid waste 64924

provisions of this chapter or rules, orders, or terms and 64925  
conditions of a permit, license, or variance adopted or issued 64926  
under them, other than the provisions governing solid wastes that 64927  
consist of scrap tires; ~~to the credit of the~~ 64928

(3) The scrap tire management fund created in section 3734.82 64929  
of the Revised Code if the inspection or investigation pertained 64930  
to compliance with the provisions of this chapter governing solid 64931  
wastes that consist of scrap tires or rules, orders, or terms and 64932  
conditions of a permit, license, or variance adopted or issued 64933  
under them; ~~or to the credit of the infectious~~ 64934

(4) The waste management fund created in section ~~3734.021~~ 64935  
3734.061 of the Revised Code if the inspection or investigation 64936  
pertained to compliance with the infectious waste provisions of 64937  
this chapter or rules, orders, or terms and conditions of a permit 64938  
or license issued under them. ~~From~~ 64939

From moneys recovered under this division, the board of 64940  
health shall reimburse the prosecuting attorney of the county or 64941  
city director of law for the costs incurred by ~~him~~ the prosecuting 64942  
attorney or city director of law or an authorized assistant in 64943  
connection with proceedings for obtaining the search warrant; 64944  
shall reimburse the political subdivision in which the premises is 64945  
located for the assistance of its law enforcement officers in 64946  
executing the search warrant; and shall deposit the remainder of 64947  
any such moneys to the special infectious waste fund of the health 64948  
district created under division (C) of section 3734.06 of the 64949  
Revised Code if the inspection or investigation pertained to 64950  
compliance with the infectious waste provisions of this chapter or 64951  
rules, orders, or terms and conditions of a permit or license 64952  
issued under them; to the credit of the special fund of the health 64953  
district created under division (B) of section 3734.06 of the 64954  
Revised Code if the inspection or investigation pertained to 64955  
compliance with the solid waste provisions of this chapter or 64956

rules, orders, or terms and conditions of a permit, license, or 64957  
variance adopted or issued under them, other than the provisions 64958  
governing solid wastes that consist of scrap tires; or to the 64959  
credit of the special fund of the health district created under 64960  
division (F) of section 3734.82 of the Revised Code if the 64961  
inspection or investigation pertained to compliance with the 64962  
provisions of this chapter governing solid wastes that consist of 64963  
scrap tires or rules, orders, or terms and conditions of a permit, 64964  
license, or variance adopted or issued under them. 64965

Sec. 3734.49. (A) There is hereby created within the 64966  
environmental protection agency the materials management advisory 64967  
council consisting of the following thirteen members who shall be 64968  
appointed by the governor with the advice and consent of the 64969  
senate: 64970

(1) One member who is an employee of a health district whose 64971  
duties include enforcement of the solid waste provisions of this 64972  
chapter; 64973

(2) One member representing the interests of counties; 64974

(3) One member representing the interests of municipal 64975  
corporations; 64976

(4) One member representing the interests of townships; 64977

(5) One member representing the interests of solid waste 64978  
management districts; 64979

(6) One member representing a statewide environmental 64980  
advocacy organization; 64981

(7) One member representing the public; 64982

(8) Six members, representing private industry, with 64983  
knowledge of or experience in waste management, recycling, or 64984  
litter prevention programs. Those members also shall represent a 64985  
broad range of interests, including manufacturing, wholesale, 64986

retail, labor, raw materials, commercial recycling, and solid waste management. 64987  
64988

(B)(1) The governor shall make initial appointments to the advisory council not later than forty-five days after the effective date of this section. 64989  
64990  
64991

(2) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2016: 64992  
64993

(a) The member representing the interests of counties; 64994

(b) The member representing the interests of solid waste management districts; 64995  
64996

(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs. 64997  
64998

(3) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2017: 64999  
65000

(a) The member who is an employee of a health district whose duties include enforcement of the solid waste provisions of this chapter; 65001  
65002  
65003

(b) The member representing the interests of municipal corporations; 65004  
65005

(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs. 65006  
65007

(4) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2018: 65008  
65009

(a) The member representing the interests of townships; 65010

(b) The member representing a statewide environmental advocacy organization; 65011  
65012

(c) The member representing the public. 65013

Thereafter, terms of office shall be for three years. Each member shall hold office from the date of the member's appointment 65014  
65015



until the end of the term for which the member was appointed. In 65016  
the event of death, removal, resignation, or incapacity of a 65017  
member, the governor, with the advice and consent of the senate, 65018  
shall appoint a successor who shall hold office for the remainder 65019  
of the term for which the successor's predecessor was appointed. A 65020  
member shall continue in office subsequent to the expiration date 65021  
of the member's term until the member's successor takes office or 65022  
until a period of sixty days has elapsed, whichever occurs first. 65023  
Members may be reappointed. The governor at any time may remove a 65024  
member for misfeasance, nonfeasance, or malfeasance in office. 65025

(C) The advisory council shall hold at least two meetings 65026  
each year. Special meetings may be held at the request of the 65027  
chairperson or a majority of the members. The director of 65028  
environmental protection shall select from among the advisory 65029  
council's members a chairperson. The advisory council annually 65030  
shall select from among its members a vice-chairperson and a 65031  
secretary to keep a record of its proceedings. Not later than two 65032  
hundred days after the selection of the first chairperson of the 65033  
advisory council, the advisory council shall adopt bylaws 65034  
governing its procedural operations. A majority vote of the 65035  
members of the advisory council is necessary to take action on any 65036  
matter. 65037

(D) Membership on the advisory council does not constitute 65038  
holding a public office or position of employment under the laws 65039  
of this state and does not constitute grounds for removal of 65040  
public officers or employees from their offices or positions of 65041  
employment. 65042

(E) A member of the advisory council shall serve without 65043  
compensation for attending advisory council meetings, but shall be 65044  
reimbursed for all ordinary and necessary expenses incurred in the 65045  
performance of duties as a member. 65046

(F) The advisory council shall do all of the following: 65047

<u>(1) Advise and assist the director with preparation of the state solid waste management plan and periodic revisions to the plan under section 3734.50 of the Revised Code;</u>	65048 65049 65050
<u>(2) Approve or disapprove the draft state solid waste management plan and periodic revisions prior to adoption of the plan under section 3734.50 of the Revised Code;</u>	65051 65052 65053
<u>(3) Annually review implementation of the state solid waste management plan;</u>	65054 65055
<u>(4) Prepare and submit an annual report to the general assembly on the state's solid waste management system and efforts towards achieving the goals, restrictions, and objectives established under divisions (A) to (C) of section 3734.50 of the Revised Code. The report may recommend legislative action.</u>	65056 65057 65058 65059 65060
<u>(5) Triennially advise the director in conducting a review of the progress made toward achieving the objectives, restrictions, and goals established under divisions (A) to (C) of section 3734.50 of the Revised Code;</u>	65061 65062 65063 65064
<u>(6) With the approval of the director, establish criteria by which to certify, and certify, agencies of the state and political subdivisions for receipt of grants for activities or projects that are intended to accomplish the purposes of any of the programs established under section 3736.02 or 3736.05 of the Revised Code;</u>	65065 65066 65067 65068 65069
<u>(7) Advise the director on establishing and implementing statewide source reduction, recycling, recycling market development, and litter prevention programs;</u>	65070 65071 65072
<u>(8) Research and respond to questions posed to the advisory council by the director;</u>	65073 65074
<u>(9) Establish and develop formal and informal partnerships with other entities that foster a productive marketplace for the collection and use of recycled materials.</u>	65075 65076 65077

Sec. 3734.50. The director of environmental protection, with 65078  
the advice of the ~~solid waste~~ materials management advisory 65079  
council created in section ~~3734.51~~ 3734.49 of the Revised Code, 65080  
shall prepare a state solid waste management plan to do all of the 65081  
following: 65082

(A) Reduce reliance on the use of landfills for management of 65083  
solid wastes; 65084

(B) Establish objectives for solid waste reduction, 65085  
recycling, reuse, and minimization and a schedule for implementing 65086  
those objectives; 65087

(C) Establish restrictions on the types of solid wastes 65088  
disposed of by landfilling for which alternative management 65089  
methods are available, such as yard wastes, and a schedule for 65090  
implementing those restrictions. The objectives under division (B) 65091  
of this section and restrictions under this division need not be 65092  
of uniform application throughout the state or as to categories of 65093  
solid waste generators. Rather, in establishing those objectives 65094  
and restrictions, the director shall take into consideration the 65095  
feasibility of waste reduction, recycling, reuse, and minimization 65096  
measures and landfilling restrictions in urban, suburban, and 65097  
rural areas and also shall take into consideration the extent to 65098  
which those measures have been implemented by specific categories 65099  
of solid waste generators and political subdivisions prior to June 65100  
24, 1988. 65101

(D) Establish revised general criteria for the location of 65102  
solid waste facilities; 65103

(E) Examine alternative methods for disposal of fly ash and 65104  
bottom ash resulting from the burning of mixed municipal solid 65105  
wastes; 65106

(F) Establish a statewide strategy for managing scrap tires, 65107

which shall include identification of locations within the state 65108  
that qualify as scrap tire facilities and accumulations. In 65109  
developing the strategy, the director shall examine the 65110  
feasibility of recycling or recovering materials or energy from 65111  
scrap tires and landfilling scrap tires in abandoned coal strip 65112  
mines as well as other methods for managing scrap tires. 65113

(G) Establish a strategy that contains specific 65114  
recommendations for legislative and administrative action to 65115  
promote markets for products containing recycled materials 65116  
generally and for promoting the use by state government of 65117  
products containing recycled materials; 65118

(H) Establish a program for the proper separation and 65119  
disposal of hazardous waste generated by households. 65120

The director shall adopt the state solid waste management 65121  
plan within one year after June 24, 1988. After completion of a 65122  
draft plan, the director shall hold a public hearing on the draft 65123  
plan at each of five different locations within the state. After 65124  
receiving public comments on the draft plan, the director may make 65125  
such revisions to it as ~~he~~ the director considers appropriate 65126  
based on the comments received and shall submit the draft plan 65127  
with any revisions to the advisory council for approval. If the 65128  
advisory council approves the draft plan, the director shall adopt 65129  
it as the state solid waste management plan. If the advisory 65130  
council disapproves the draft plan, the director, with the advice 65131  
of the advisory council, shall prepare a new draft plan and 65132  
proceed in the same manner as for the initial draft plan to hold 65133  
hearings on, revise, and submit the new draft plan to the advisory 65134  
council for approval, and adopt the new draft plan. 65135

Not later than one year after adoption of the plan, the 65136  
director shall adopt rules in accordance with Chapter 119. of the 65137  
Revised Code establishing the objectives and restrictions of the 65138  
state plan, and schedules for implementing them, under divisions 65139

(B) and (C) of this section as mandatory elements of the solid waste management plans of county and joint solid waste management districts under division (A) of section 3734.53 of the Revised Code. Within one year after adoption of the plan, the director shall adopt rules in accordance with Chapter 119. of the Revised Code, which rules are hereby deemed to constitute rules adopted under division (A) of section 3734.02 of the Revised Code, establishing revised general location criteria for solid waste facilities, other than solid waste transfer facilities, and standards for the disposal of fly ash and bottom ash resulting from the burning of mixed municipal solid waste.

Triennially the director, with the advice of the advisory council, shall conduct a thorough review of the progress made toward achieving the goals set forth in divisions (A) to (H) of this section. Based upon the findings of ~~his~~ the review, the director, in accordance with the procedures of this section, may prepare and adopt a revised state solid waste management plan. If the revised plan modifies any of the objectives, restrictions, or implementation schedules established under division (B) or (C) of this section, the director, not later than one year after adoption of the revised plan, shall amend the existing rules adopted under this section in a manner consistent with those revisions.

If any revision to the plan or enactment or amendment of a statute by the general assembly that takes effect on or after April 16, 1993, establishes a restriction on the landfilling or burning or other thermal processing in an incinerator or energy recovery facility of any type of solid waste with mixed municipal solid waste, or prescribes for a type of solid waste a management method alternative to landfilling or thermal processing with mixed municipal solid waste, the estimated reduction in the quantity of solid wastes being disposed of by landfilling or thermal processing that results from the implementation of the restriction

or alternative management method within a county or joint solid waste management district constitutes a reduction in solid waste generation within the district for purposes of determining the district's compliance with the waste reduction objective established under division (C) of this section and any revisions thereof and the rules and amendments thereto adopted under this section to implement that objective.

**Sec. 3734.551.** (A) The board of county commissioners of a county or board of directors of a joint solid waste management district that is ordered to implement an initial or amended solid waste management plan prepared by the director of environmental protection under section 3734.521, 3734.55, or 3734.56 of the Revised Code and that is levying fees under division (A) or (B) of section 3734.574 of the Revised Code shall reimburse the director from moneys in the special fund of the district created in division (G) of section 3734.57 of the Revised Code for the expenses incurred by the director in preparing and ordering the implementation of the plan or amended plan for all of the following purposes, as applicable:

- (1) Postage;
- (2) Copying and duplicating;
- (3) Notices published in newspapers;
- (4) A court reporter to record testimony at public hearings and transcribe the record of those hearings;
- (5) Facility rental for holding public information sessions or public hearings;
- (6) Conducting a survey of industrial solid waste generators within the district and other primary data collection activities when the necessary data are not available from the district, including, without limitation, the costs of conducting the survey

or data collection by contract; 65202

(7) Fuel, meals, and lodging for the staff of the 65203  
environmental protection agency when travel to the district is 65204  
necessary to conduct data collection and other plan preparation 65205  
activities; 65206

(8) Necessary long-distance telephone calls. 65207

(B) Upon ordering a district to implement a plan or amended 65208  
plan under section 3734.521, 3734.55, or 3734.56 of the Revised 65209  
Code, the director shall send to the board of county commissioners 65210  
or directors an itemized demand for the expenses enumerated in 65211  
division (A) of this section that were incurred by the director in 65212  
preparing and ordering the implementation of the plan or amended 65213  
plan. The board of county commissioners or directors shall pay to 65214  
the director the amount stated in the demand within sixty days 65215  
after receiving it. Moneys received by the director under this 65216  
division shall be deposited in the state treasury to the credit of 65217  
the ~~solid waste~~ management fund created in ~~division (A) of~~ section 65218  
~~3734.57~~ 3734.061 of the Revised Code. 65219

**Sec. 3734.57.** (A) The following fees are hereby levied on the 65220  
transfer or disposal of solid wastes in this state: 65221

(1) ~~One dollar~~ Ninety cents per ton through June 30, ~~2016~~ 65222  
2018, ~~thirty per cent~~ twenty cents of the proceeds of which shall 65223  
be deposited in the state treasury to the credit of the hazardous 65224  
waste facility management fund created in section 3734.18 of the 65225  
Revised Code and ~~seventy per cent~~ cents of the proceeds of which 65226  
shall be deposited in the state treasury to the credit of the 65227  
hazardous waste clean-up fund created in section 3734.28 of the 65228  
Revised Code; 65229

(2) An additional ~~one dollar~~ seventy-five cents per ton 65230  
through June 30, ~~2016~~ 2018, the proceeds of which shall be 65231

deposited in the state treasury to the credit of the ~~solid waste~~ 65232  
~~management fund, which is hereby~~ created in section 3734.061 of 65233  
the Revised Code. ~~The environmental protection agency shall use~~ 65234  
~~money in the solid waste fund to pay the costs of administering~~ 65235  
~~and enforcing the laws pertaining to solid wastes, infectious~~ 65236  
~~wastes, and construction and demolition debris, including, without~~ 65237  
~~limitation, ground water evaluations related to solid wastes,~~ 65238  
~~infectious wastes, and construction and demolition debris, under~~ 65239  
~~this chapter and Chapter 3714. of the Revised Code and any rules~~ 65240  
~~adopted under them, providing compliance assistance to small~~ 65241  
~~businesses, and paying a share of the administrative costs of the~~ 65242  
~~environmental protection agency pursuant to section 3745.014 of~~ 65243  
~~the Revised Code.~~ 65244

(3) An additional two dollars and ~~fifty~~ eighty-five cents per 65245  
ton through June 30, ~~2016~~ 2018, the proceeds of which shall be 65246  
deposited in the state treasury to the credit of the environmental 65247  
protection fund created in section 3745.015 of the Revised Code; 65248

(4) An additional twenty-five cents per ton through June 30, 65249  
~~2016~~ 2018, the proceeds of which shall be deposited in the state 65250  
treasury to the credit of the soil and water conservation district 65251  
assistance fund created in section ~~1515.14~~ 940.15 of the Revised 65252  
Code. 65253

In the case of solid wastes that are taken to a solid waste 65254  
transfer facility located in this state prior to being transported 65255  
for disposal at a solid waste disposal facility located in this 65256  
state or outside of this state, the fees levied under this 65257  
division shall be collected by the owner or operator of the 65258  
transfer facility as a trustee for the state. The amount of fees 65259  
required to be collected under this division at such a transfer 65260  
facility shall equal the total tonnage of solid wastes received at 65261  
the facility multiplied by the fees levied under this division. In 65262  
the case of solid wastes that are not taken to a solid waste 65263



transfer facility located in this state prior to being transported 65264  
to a solid waste disposal facility, the fees shall be collected by 65265  
the owner or operator of the solid waste disposal facility as a 65266  
trustee for the state. The amount of fees required to be collected 65267  
under this division at such a disposal facility shall equal the 65268  
total tonnage of solid wastes received at the facility that was 65269  
not previously taken to a solid waste transfer facility located in 65270  
this state multiplied by the fees levied under this division. Fees 65271  
levied under this division do not apply to materials separated 65272  
from a mixed waste stream for recycling by a generator or 65273  
materials removed from the solid waste stream through recycling, 65274  
as "recycling" is defined in rules adopted under section 3734.02 65275  
of the Revised Code. 65276

The owner or operator of a solid waste transfer facility or 65277  
disposal facility, as applicable, shall prepare and file with the 65278  
director of environmental protection each month a return 65279  
indicating the total tonnage of solid wastes received at the 65280  
facility during that month and the total amount of the fees 65281  
required to be collected under this division during that month. In 65282  
addition, the owner or operator of a solid waste disposal facility 65283  
shall indicate on the return the total tonnage of solid wastes 65284  
received from transfer facilities located in this state during 65285  
that month for which the fees were required to be collected by the 65286  
transfer facilities. The monthly returns shall be filed on a form 65287  
prescribed by the director. Not later than thirty days after the 65288  
last day of the month to which a return applies, the owner or 65289  
operator shall mail to the director the return for that month 65290  
together with the fees required to be collected under this 65291  
division during that month as indicated on the return or may 65292  
submit the return and fees electronically in a manner approved by 65293  
the director. If the return is filed and the amount of the fees 65294  
due is paid in a timely manner as required in this division, the 65295  
owner or operator may retain a discount of three-fourths of one 65296

per cent of the total amount of the fees that are required to be 65297  
paid as indicated on the return. 65298

The owner or operator may request an extension of not more 65299  
than thirty days for filing the return and remitting the fees, 65300  
provided that the owner or operator has submitted such a request 65301  
in writing to the director together with a detailed description of 65302  
why the extension is requested, the director has received the 65303  
request not later than the day on which the return is required to 65304  
be filed, and the director has approved the request. If the fees 65305  
are not remitted within thirty days after the last day of the 65306  
month to which the return applies or are not remitted by the last 65307  
day of an extension approved by the director, the owner or 65308  
operator shall not retain the three-fourths of one per cent 65309  
discount and shall pay an additional ten per cent of the amount of 65310  
the fees for each month that they are late. For purposes of 65311  
calculating the late fee, the first month in which fees are late 65312  
begins on the first day after the deadline has passed for timely 65313  
submitting the return and fees, and one additional month shall be 65314  
counted every thirty days thereafter. 65315

The owner or operator of a solid waste facility may request a 65316  
refund or credit of fees levied under this division and remitted 65317  
to the director that have not been paid to the owner or operator. 65318  
Such a request shall be made only if the fees have not been 65319  
collected by the owner or operator, have become a debt that has 65320  
become worthless or uncollectable for a period of six months or 65321  
more, and may be claimed as a deduction, including a deduction 65322  
claimed if the owner or operator keeps accounts on an accrual 65323  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 65324  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 65325  
making a request for a refund or credit, an owner or operator 65326  
shall make reasonable efforts to collect the applicable fees. A 65327  
request for a refund or credit shall not include any costs 65328

resulting from those efforts to collect unpaid fees. 65329

A request for a refund or credit of fees shall be made in 65330  
writing, on a form prescribed by the director, and shall be 65331  
supported by evidence that may be required in rules adopted by the 65332  
director under this chapter. After reviewing the request, and if 65333  
the request and evidence submitted with the request indicate that 65334  
a refund or credit is warranted, the director shall grant a refund 65335  
to the owner or operator or shall permit a credit to be taken by 65336  
the owner or operator on a subsequent monthly return submitted by 65337  
the owner or operator. The amount of a refund or credit shall not 65338  
exceed an amount that is equal to ninety days' worth of fees owed 65339  
to an owner or operator by a particular debtor of the owner or 65340  
operator. A refund or credit shall not be granted by the director 65341  
to an owner or operator more than once in any twelve-month period 65342  
for fees owed to the owner or operator by a particular debtor. 65343

If, after receiving a refund or credit from the director, an 65344  
owner or operator receives payment of all or part of the fees, the 65345  
owner or operator shall remit the fees with the next monthly 65346  
return submitted to the director together with a written 65347  
explanation of the reason for the submittal. 65348

For purposes of computing the fees levied under this division 65349  
or division (B) of this section, any solid waste transfer or 65350  
disposal facility that does not use scales as a means of 65351  
determining gate receipts shall use a conversion factor of three 65352  
cubic yards per ton of solid waste or one cubic yard per ton for 65353  
baled waste, as applicable. 65354

The fees levied under this division and divisions (B) and (C) 65355  
of this section are in addition to all other applicable fees and 65356  
taxes and shall be paid by the customer or a political subdivision 65357  
to the owner or operator of a solid waste transfer or disposal 65358  
facility. In the alternative, the fees shall be paid by a customer 65359  
or political subdivision to a transporter of waste who 65360

subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after October 16, 2009. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located in the district of solid wastes generated within the district;

(2) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of the district, but inside this state;

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the

basis of cubic yards shall do so in accordance with division (A) 65392  
of this section. 65393

The fee levied under division (B)(1) of this section shall be 65394  
not less than one dollar per ton nor more than two dollars per 65395  
ton, the fee levied under division (B)(2) of this section shall be 65396  
not less than two dollars per ton nor more than four dollars per 65397  
ton, and the fee levied under division (B)(3) of this section 65398  
shall be not more than the fee levied under division (B)(1) of 65399  
this section. 65400

Prior to the approval of the solid waste management plan of a 65401  
district under section 3734.55 of the Revised Code, the solid 65402  
waste management policy committee of a district may levy fees 65403  
under this division by adopting a resolution establishing the 65404  
proposed amount of the fees. Upon adopting the resolution, the 65405  
committee shall deliver a copy of the resolution to the board of 65406  
county commissioners of each county forming the district and to 65407  
the legislative authority of each municipal corporation and 65408  
township under the jurisdiction of the district and shall prepare 65409  
and publish the resolution and a notice of the time and location 65410  
where a public hearing on the fees will be held. Upon adopting the 65411  
resolution, the committee shall deliver written notice of the 65412  
adoption of the resolution; of the amount of the proposed fees; 65413  
and of the date, time, and location of the public hearing to the 65414  
director and to the fifty industrial, commercial, or institutional 65415  
generators of solid wastes within the district that generate the 65416  
largest quantities of solid wastes, as determined by the 65417  
committee, and to their local trade associations. The committee 65418  
shall make good faith efforts to identify those generators within 65419  
the district and their local trade associations, but the 65420  
nonprovision of notice under this division to a particular 65421  
generator or local trade association does not invalidate the 65422  
proceedings under this division. The publication shall occur at 65423

least thirty days before the hearing. After the hearing, the 65424  
committee may make such revisions to the proposed fees as it 65425  
considers appropriate and thereafter, by resolution, shall adopt 65426  
the revised fee schedule. Upon adopting the revised fee schedule, 65427  
the committee shall deliver a copy of the resolution doing so to 65428  
the board of county commissioners of each county forming the 65429  
district and to the legislative authority of each municipal 65430  
corporation and township under the jurisdiction of the district. 65431  
Within sixty days after the delivery of a copy of the resolution 65432  
adopting the proposed revised fees by the policy committee, each 65433  
such board and legislative authority, by ordinance or resolution, 65434  
shall approve or disapprove the revised fees and deliver a copy of 65435  
the ordinance or resolution to the committee. If any such board or 65436  
legislative authority fails to adopt and deliver to the policy 65437  
committee an ordinance or resolution approving or disapproving the 65438  
revised fees within sixty days after the policy committee 65439  
delivered its resolution adopting the proposed revised fees, it 65440  
shall be conclusively presumed that the board or legislative 65441  
authority has approved the proposed revised fees. The committee 65442  
shall determine if the resolution has been ratified in the same 65443  
manner in which it determines if a draft solid waste management 65444  
plan has been ratified under division (B) of section 3734.55 of 65445  
the Revised Code. 65446

The committee may amend the schedule of fees levied pursuant 65447  
to a resolution adopted and ratified under this division by 65448  
adopting a resolution establishing the proposed amount of the 65449  
amended fees. The committee may repeal the fees levied pursuant to 65450  
such a resolution by adopting a resolution proposing to repeal 65451  
them. Upon adopting such a resolution, the committee shall proceed 65452  
to obtain ratification of the resolution in accordance with this 65453  
division. 65454

Not later than fourteen days after declaring the new fees to 65455

be ratified or the fees to be repealed under this division, the 65456  
committee shall notify by certified mail the owner or operator of 65457  
each solid waste disposal facility that is required to collect the 65458  
fees of the ratification and the amount of the fees or of the 65459  
repeal of the fees. Collection of any fees shall commence or 65460  
collection of repealed fees shall cease on the first day of the 65461  
second month following the month in which notification is sent to 65462  
the owner or operator. 65463

Fees levied under this division also may be established, 65464  
amended, or repealed by a solid waste management policy committee 65465  
through the adoption of a new district solid waste management 65466  
plan, the adoption of an amended plan, or the amendment of the 65467  
plan or amended plan in accordance with sections 3734.55 and 65468  
3734.56 of the Revised Code or the adoption or amendment of a 65469  
district plan in connection with a change in district composition 65470  
under section 3734.521 of the Revised Code. 65471

Not later than fourteen days after the director issues an 65472  
order approving a district's solid waste management plan, amended 65473  
plan, or amendment to a plan or amended plan that establishes, 65474  
amends, or repeals a schedule of fees levied by the district, the 65475  
committee shall notify by certified mail the owner or operator of 65476  
each solid waste disposal facility that is required to collect the 65477  
fees of the approval of the plan or amended plan, or the amendment 65478  
to the plan, as appropriate, and the amount of the fees, if any. 65479  
In the case of an initial or amended plan approved under section 65480  
3734.521 of the Revised Code in connection with a change in 65481  
district composition, other than one involving the withdrawal of a 65482  
county from a joint district, the committee, within fourteen days 65483  
after the change takes effect pursuant to division (G) of that 65484  
section, shall notify by certified mail the owner or operator of 65485  
each solid waste disposal facility that is required to collect the 65486  
fees that the change has taken effect and of the amount of the 65487

fees, if any. Collection of any fees shall commence or collection 65488  
of repealed fees shall cease on the first day of the second month 65489  
following the month in which notification is sent to the owner or 65490  
operator. 65491

If, in the case of a change in district composition involving 65492  
the withdrawal of a county from a joint district, the director 65493  
completes the actions required under division (G)(1) or (3) of 65494  
section 3734.521 of the Revised Code, as appropriate, forty-five 65495  
days or more before the beginning of a calendar year, the policy 65496  
committee of each of the districts resulting from the change that 65497  
obtained the director's approval of an initial or amended plan in 65498  
connection with the change, within fourteen days after the 65499  
director's completion of the required actions, shall notify by 65500  
certified mail the owner or operator of each solid waste disposal 65501  
facility that is required to collect the district's fees that the 65502  
change is to take effect on the first day of January immediately 65503  
following the issuance of the notice and of the amount of the fees 65504  
or amended fees levied under divisions (B)(1) to (3) of this 65505  
section pursuant to the district's initial or amended plan as so 65506  
approved or, if appropriate, the repeal of the district's fees by 65507  
that initial or amended plan. Collection of any fees set forth in 65508  
such a plan or amended plan shall commence on the first day of 65509  
January immediately following the issuance of the notice. If such 65510  
an initial or amended plan repeals a schedule of fees, collection 65511  
of the fees shall cease on that first day of January. 65512

If, in the case of a change in district composition involving 65513  
the withdrawal of a county from a joint district, the director 65514  
completes the actions required under division (G)(1) or (3) of 65515  
section 3734.521 of the Revised Code, as appropriate, less than 65516  
forty-five days before the beginning of a calendar year, the 65517  
director, on behalf of each of the districts resulting from the 65518  
change that obtained the director's approval of an initial or 65519



amended plan in connection with the change proceedings, shall 65520  
notify by certified mail the owner or operator of each solid waste 65521  
disposal facility that is required to collect the district's fees 65522  
that the change is to take effect on the first day of January 65523  
immediately following the mailing of the notice and of the amount 65524  
of the fees or amended fees levied under divisions (B)(1) to (3) 65525  
of this section pursuant to the district's initial or amended plan 65526  
as so approved or, if appropriate, the repeal of the district's 65527  
fees by that initial or amended plan. Collection of any fees set 65528  
forth in such a plan or amended plan shall commence on the first 65529  
day of the second month following the month in which notification 65530  
is sent to the owner or operator. If such an initial or amended 65531  
plan repeals a schedule of fees, collection of the fees shall 65532  
cease on the first day of the second month following the month in 65533  
which notification is sent to the owner or operator. 65534

If the schedule of fees that a solid waste management 65535  
district is levying under divisions (B)(1) to (3) of this section 65536  
is amended or repealed, the fees in effect immediately prior to 65537  
the amendment or repeal shall continue to be collected until 65538  
collection of the amended fees commences or collection of the 65539  
repealed fees ceases, as applicable, as specified in this 65540  
division. In the case of a change in district composition, money 65541  
so received from the collection of the fees of the former 65542  
districts shall be divided among the resulting districts in 65543  
accordance with division (B) of section 343.012 of the Revised 65544  
Code and the agreements entered into under division (B) of section 65545  
343.01 of the Revised Code to establish the former and resulting 65546  
districts and any amendments to those agreements. 65547

For the purposes of the provisions of division (B) of this 65548  
section establishing the times when newly established or amended 65549  
fees levied by a district are required to commence and the 65550  
collection of fees that have been amended or repealed is required 65551

to cease, "fees" or "schedule of fees" includes, in addition to 65552  
fees levied under divisions (B)(1) to (3) of this section, those 65553  
levied under section 3734.573 or 3734.574 of the Revised Code. 65554

(C) For the purposes of defraying the added costs to a 65555  
municipal corporation or township of maintaining roads and other 65556  
public facilities and of providing emergency and other public 65557  
services, and compensating a municipal corporation or township for 65558  
reductions in real property tax revenues due to reductions in real 65559  
property valuations resulting from the location and operation of a 65560  
solid waste disposal facility within the municipal corporation or 65561  
township, a municipal corporation or township in which such a 65562  
solid waste disposal facility is located may levy a fee of not 65563  
more than twenty-five cents per ton on the disposal of solid 65564  
wastes at a solid waste disposal facility located within the 65565  
boundaries of the municipal corporation or township regardless of 65566  
where the wastes were generated. 65567

The legislative authority of a municipal corporation or 65568  
township may levy fees under this division by enacting an 65569  
ordinance or adopting a resolution establishing the amount of the 65570  
fees. Upon so doing the legislative authority shall mail a 65571  
certified copy of the ordinance or resolution to the board of 65572  
county commissioners or directors of the county or joint solid 65573  
waste management district in which the municipal corporation or 65574  
township is located or, if a regional solid waste management 65575  
authority has been formed under section 343.011 of the Revised 65576  
Code, to the board of trustees of that regional authority, the 65577  
owner or operator of each solid waste disposal facility in the 65578  
municipal corporation or township that is required to collect the 65579  
fee by the ordinance or resolution, and the director of 65580  
environmental protection. Although the fees levied under this 65581  
division are levied on the basis of tons as the unit of 65582  
measurement, the legislative authority, in its ordinance or 65583

resolution levying the fees under this division, may direct that 65584  
the fees be levied on the basis of cubic yards as the unit of 65585  
measurement based upon a conversion factor of three cubic yards 65586  
per ton generally or one cubic yard per ton for baled wastes. 65587

Not later than five days after enacting an ordinance or 65588  
adopting a resolution under this division, the legislative 65589  
authority shall so notify by certified mail the owner or operator 65590  
of each solid waste disposal facility that is required to collect 65591  
the fee. Collection of any fee levied on or after March 24, 1992, 65592  
shall commence on the first day of the second month following the 65593  
month in which notification is sent to the owner or operator. 65594

(D)(1) The fees levied under divisions (A), (B), and (C) of 65595  
this section do not apply to the disposal of solid wastes that: 65596

(a) Are disposed of at a facility owned by the generator of 65597  
the wastes when the solid waste facility exclusively disposes of 65598  
solid wastes generated at one or more premises owned by the 65599  
generator regardless of whether the facility is located on a 65600  
premises where the wastes are generated; 65601

(b) Are generated from the combustion of coal, or from the 65602  
combustion of primarily coal, regardless of whether the disposal 65603  
facility is located on the premises where the wastes are 65604  
generated; 65605

(c) Are asbestos or asbestos-containing materials or products 65606  
disposed of at a construction and demolition debris facility that 65607  
is licensed under Chapter 3714. of the Revised Code or at a solid 65608  
waste facility that is licensed under this chapter. 65609

(2) Except as provided in section 3734.571 of the Revised 65610  
Code, any fees levied under division (B)(1) of this section apply 65611  
to solid wastes originating outside the boundaries of a county or 65612  
joint district that are covered by an agreement for the joint use 65613  
of solid waste facilities entered into under section 343.02 of the 65614

Revised Code by the board of county commissioners or board of 65615  
directors of the county or joint district where the wastes are 65616  
generated and disposed of. 65617

(3) When solid wastes, other than solid wastes that consist 65618  
of scrap tires, are burned in a disposal facility that is an 65619  
incinerator or energy recovery facility, the fees levied under 65620  
divisions (A), (B), and (C) of this section shall be levied upon 65621  
the disposal of the fly ash and bottom ash remaining after burning 65622  
of the solid wastes and shall be collected by the owner or 65623  
operator of the sanitary landfill where the ash is disposed of. 65624

(4) When solid wastes are delivered to a solid waste transfer 65625  
facility, the fees levied under divisions (B) and (C) of this 65626  
section shall be levied upon the disposal of solid wastes 65627  
transported off the premises of the transfer facility for disposal 65628  
and shall be collected by the owner or operator of the solid waste 65629  
disposal facility where the wastes are disposed of. 65630

(5) The fees levied under divisions (A), (B), and (C) of this 65631  
section do not apply to sewage sludge that is generated by a waste 65632  
water treatment facility holding a national pollutant discharge 65633  
elimination system permit and that is disposed of through 65634  
incineration, land application, or composting or at another 65635  
resource recovery or disposal facility that is not a landfill. 65636

(6) The fees levied under divisions (A), (B), and (C) of this 65637  
section do not apply to solid wastes delivered to a solid waste 65638  
composting facility for processing. When any unprocessed solid 65639  
waste or compost product is transported off the premises of a 65640  
composting facility and disposed of at a landfill, the fees levied 65641  
under divisions (A), (B), and (C) of this section shall be 65642  
collected by the owner or operator of the landfill where the 65643  
unprocessed waste or compost product is disposed of. 65644

(7) When solid wastes that consist of scrap tires are 65645

processed at a scrap tire recovery facility, the fees levied under 65646  
divisions (A), (B), and (C) of this section shall be levied upon 65647  
the disposal of the fly ash and bottom ash or other solid wastes 65648  
remaining after the processing of the scrap tires and shall be 65649  
collected by the owner or operator of the solid waste disposal 65650  
facility where the ash or other solid wastes are disposed of. 65651

(8) The director of environmental protection may issue an 65652  
order exempting from the fees levied under this section solid 65653  
wastes, including, but not limited to, scrap tires, that are 65654  
generated, transferred, or disposed of as a result of a contract 65655  
providing for the expenditure of public funds entered into by the 65656  
administrator or regional administrator of the United States 65657  
environmental protection agency, the director of environmental 65658  
protection, or the director of administrative services on behalf 65659  
of the director of environmental protection for the purpose of 65660  
remediating conditions at a hazardous waste facility, solid waste 65661  
facility, or other location at which the administrator or regional 65662  
administrator or the director of environmental protection has 65663  
reason to believe that there is a substantial threat to public 65664  
health or safety or the environment or that the conditions are 65665  
causing or contributing to air or water pollution or soil 65666  
contamination. An order issued by the director of environmental 65667  
protection under division (D)(8) of this section shall include a 65668  
determination that the amount of the fees not received by a solid 65669  
waste management district as a result of the order will not 65670  
adversely impact the implementation and financing of the 65671  
district's approved solid waste management plan and any approved 65672  
amendments to the plan. Such an order is a final action of the 65673  
director of environmental protection. 65674

(E) The fees levied under divisions (B) and (C) of this 65675  
section shall be collected by the owner or operator of the solid 65676  
waste disposal facility where the wastes are disposed of as a 65677

trustee for the county or joint district and municipal corporation 65678  
or township where the wastes are disposed of. Moneys from the fees 65679  
levied under division (B) of this section shall be forwarded to 65680  
the board of county commissioners or board of directors of the 65681  
district in accordance with rules adopted under division (H) of 65682  
this section. Moneys from the fees levied under division (C) of 65683  
this section shall be forwarded to the treasurer or such other 65684  
officer of the municipal corporation as, by virtue of the charter, 65685  
has the duties of the treasurer or to the fiscal officer of the 65686  
township, as appropriate, in accordance with those rules. 65687

(F) Moneys received by the treasurer or other officer of the 65688  
municipal corporation under division (E) of this section shall be 65689  
paid into the general fund of the municipal corporation. Moneys 65690  
received by the fiscal officer of the township under that division 65691  
shall be paid into the general fund of the township. The treasurer 65692  
or other officer of the municipal corporation or the township 65693  
fiscal officer, as appropriate, shall maintain separate records of 65694  
the moneys received from the fees levied under division (C) of 65695  
this section. 65696

(G) Moneys received by the board of county commissioners or 65697  
board of directors under division (E) of this section or section 65698  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 65699  
shall be paid to the county treasurer, or other official acting in 65700  
a similar capacity under a county charter, in a county district or 65701  
to the county treasurer or other official designated by the board 65702  
of directors in a joint district and kept in a separate and 65703  
distinct fund to the credit of the district. If a regional solid 65704  
waste management authority has been formed under section 343.011 65705  
of the Revised Code, moneys received by the board of trustees of 65706  
that regional authority under division (E) of this section shall 65707  
be kept by the board in a separate and distinct fund to the credit 65708  
of the district. Moneys in the special fund of the county or joint 65709

district arising from the fees levied under division (B) of this 65710  
section and the fee levied under division (A) of section 3734.573 65711  
of the Revised Code shall be expended by the board of county 65712  
commissioners or directors of the district in accordance with the 65713  
district's solid waste management plan or amended plan approved 65714  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 65715  
exclusively for the following purposes: 65716

(1) Preparation of the solid waste management plan of the 65717  
district under section 3734.54 of the Revised Code, monitoring 65718  
implementation of the plan, and conducting the periodic review and 65719  
amendment of the plan required by section 3734.56 of the Revised 65720  
Code by the solid waste management policy committee; 65721

(2) Implementation of the approved solid waste management 65722  
plan or amended plan of the district, including, without 65723  
limitation, the development and implementation of solid waste 65724  
recycling or reduction programs; 65725

(3) Providing financial assistance to boards of health within 65726  
the district, if solid waste facilities are located within the 65727  
district, for enforcement of this chapter and rules, orders, and 65728  
terms and conditions of permits, licenses, and variances adopted 65729  
or issued under it, other than the hazardous waste provisions of 65730  
this chapter and rules adopted and orders and terms and conditions 65731  
of permits issued under those provisions; 65732

(4) Providing financial assistance to each county within the 65733  
district to defray the added costs of maintaining roads and other 65734  
public facilities and of providing emergency and other public 65735  
services resulting from the location and operation of a solid 65736  
waste facility within the county under the district's approved 65737  
solid waste management plan or amended plan; 65738

(5) Pursuant to contracts entered into with boards of health 65739  
within the district, if solid waste facilities contained in the 65740

district's approved plan or amended plan are located within the 65741  
district, for paying the costs incurred by those boards of health 65742  
for collecting and analyzing samples from public or private water 65743  
wells on lands adjacent to those facilities; 65744

(6) Developing and implementing a program for the inspection 65745  
of solid wastes generated outside the boundaries of this state 65746  
that are disposed of at solid waste facilities included in the 65747  
district's approved solid waste management plan or amended plan; 65748

(7) Providing financial assistance to boards of health within 65749  
the district for the enforcement of section 3734.03 of the Revised 65750  
Code or to local law enforcement agencies having jurisdiction 65751  
within the district for enforcing anti-littering laws and 65752  
ordinances; 65753

(8) Providing financial assistance to boards of health of 65754  
health districts within the district that are on the approved list 65755  
under section 3734.08 of the Revised Code to defray the costs to 65756  
the health districts for the participation of their employees 65757  
responsible for enforcement of the solid waste provisions of this 65758  
chapter and rules adopted and orders and terms and conditions of 65759  
permits, licenses, and variances issued under those provisions in 65760  
the training and certification program as required by rules 65761  
adopted under division (L) of section 3734.02 of the Revised Code; 65762

(9) Providing financial assistance to individual municipal 65763  
corporations and townships within the district to defray their 65764  
added costs of maintaining roads and other public facilities and 65765  
of providing emergency and other public services resulting from 65766  
the location and operation within their boundaries of a 65767  
composting, energy or resource recovery, incineration, or 65768  
recycling facility that either is owned by the district or is 65769  
furnishing solid waste management facility or recycling services 65770  
to the district pursuant to a contract or agreement with the board 65771  
of county commissioners or directors of the district; 65772



(10) Payment of any expenses that are agreed to, awarded, or 65773  
ordered to be paid under section 3734.35 of the Revised Code and 65774  
of any administrative costs incurred pursuant to that section. In 65775  
the case of a joint solid waste management district, if the board 65776  
of county commissioners of one of the counties in the district is 65777  
negotiating on behalf of affected communities, as defined in that 65778  
section, in that county, the board shall obtain the approval of 65779  
the board of directors of the district in order to expend moneys 65780  
for administrative costs incurred. 65781

Prior to the approval of the district's solid waste 65782  
management plan under section 3734.55 of the Revised Code, moneys 65783  
in the special fund of the district arising from the fees shall be 65784  
expended for those purposes in the manner prescribed by the solid 65785  
waste management policy committee by resolution. 65786

Notwithstanding division (G)(6) of this section as it existed 65787  
prior to October 29, 1993, or any provision in a district's solid 65788  
waste management plan prepared in accordance with division 65789  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 65790  
prior to that date, any moneys arising from the fees levied under 65791  
division (B)(3) of this section prior to January 1, 1994, may be 65792  
expended for any of the purposes authorized in divisions (G)(1) to 65793  
(10) of this section. 65794

(H) The director shall adopt rules in accordance with Chapter 65795  
119. of the Revised Code prescribing procedures for collecting and 65796  
forwarding the fees levied under divisions (B) and (C) of this 65797  
section to the boards of county commissioners or directors of 65798  
county or joint solid waste management districts and to the 65799  
treasurers or other officers of municipal corporations and the 65800  
fiscal officers of townships. The rules also shall prescribe the 65801  
dates for forwarding the fees to the boards and officials and may 65802  
prescribe any other requirements the director considers necessary 65803  
or appropriate to implement and administer divisions (A), (B), and 65804

(C) of this section. 65805

**Sec. 3734.822.** (A) There is hereby created in the state 65806  
treasury the scrap tire grant fund, consisting of moneys 65807  
transferred to the fund under section 3734.82 of the Revised Code. 65808  
The director of environmental protection may make grants from the 65809  
fund for the following purposes: 65810

(1) Supporting market development activities for scrap tires 65811  
and synthetic rubber from tire manufacturing processes and tire 65812  
recycling processes; 65813

(2) Supporting scrap tire amnesty and cleanup events 65814  
sponsored by solid waste management districts. 65815

Grants awarded under division (A)(1) of this section may be 65816  
awarded to individuals, businesses, and entities certified under 65817  
division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code. 65818

(B) Projects and activities that are eligible for grants 65819  
under division (A)(1) of this section shall be evaluated for 65820  
funding using, at a minimum, the following criteria: 65821

(1) The degree to which a proposed project contributes to the 65822  
increased use of scrap tires generated in this state; 65823

(2) The degree of local financial support for a proposed 65824  
project; 65825

(3) The technical merit and quality of a proposed project. 65826

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 65827  
defray the cost of administering and enforcing the scrap tire 65828  
provisions of this chapter, rules adopted under those provisions, 65829  
and terms and conditions of orders, variances, and licenses issued 65830  
under those provisions; to abate accumulations of scrap tires; to 65831  
make grants supporting market development activities for scrap 65832  
tires and synthetic rubber from tire manufacturing processes and 65833

tire recycling processes and to support scrap tire amnesty and 65834  
cleanup events; to make loans to promote the recycling or recovery 65835  
of energy from scrap tires; and to defray the costs of 65836  
administering and enforcing sections 3734.90 to 3734.9014 of the 65837  
Revised Code, a fee of fifty cents per tire is hereby levied on 65838  
the sale of tires. The proceeds of the fee shall be deposited in 65839  
the state treasury to the credit of the scrap tire management fund 65840  
created in section 3734.82 of the Revised Code. The fee is levied 65841  
from the first day of the calendar month that begins next after 65842  
thirty days from October 29, 1993, through June 30, ~~2016~~ 2018. 65843

(2) Beginning on July 1, 2011, and ending on June 30, ~~2016~~ 65844  
2018, there is hereby levied an additional fee of fifty cents per 65845  
tire on the sale of tires the proceeds of which shall be deposited 65846  
in the state treasury to the credit of the soil and water 65847  
conservation district assistance fund created in section ~~1515.14~~ 65848  
940.15 of the Revised Code. 65849

(B) Only one sale of the same article shall be used in 65850  
computing the amount of the fee due. 65851

**Sec. 3736.03.** (A) There is hereby created in the state 65852  
treasury the recycling and litter prevention fund, consisting of 65853  
moneys distributed to it from fees, including the fee levied under 65854  
division (A)(2) of section 3714.073 of the Revised Code, gifts, 65855  
donations, grants, reimbursements, and other sources, including 65856  
investment earnings. 65857

(B) The director of environmental protection shall do all of 65858  
the following: 65859

(1) Use moneys credited to the fund exclusively for the 65860  
purposes set forth in sections 3734.49, 3736.02, ~~3736.04~~, 3736.05, 65861  
and 3745.014 of the Revised Code, with particular emphasis on 65862  
programs relating to recycling; 65863

(2) Require recipients of grants under section 3736.05 of the Revised Code, as a condition of receiving and retaining them, to do all of the following:

(a) Create a separate account for the grants and any cash donations received that qualify for the donor credit allowed by section 5733.064 of the Revised Code;

(b) Make expenditures from the account exclusively for the purposes for which the grants were received;

(c) Use any auditing and accounting practices the director considers necessary regarding the account;

(d) Report to the director information regarding the amount and donor of cash donations received as described by section 5733.064 of the Revised Code;

(e) Use grants received to supplement and not to replace any existing funding for such purposes.

(3) Report to the tax commissioner information the director receives pursuant to division (B)(2)(d) of this section.

**Sec. 3736.05.** (A) The director of environmental protection, pursuant to division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code, may make grants from the recycling and litter prevention fund created in section 3736.03 of the Revised Code to accomplish the purposes of the programs established under section 3736.02 of the Revised Code.

(B) Except as provided in division (C) of this section, the director may require any eligible applicant certified by the ~~recycling and litter prevention~~ materials management advisory council under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code that applies for a grant for an activity or project that is intended to further the purposes of any program established under division (A)(1), (2), or (4) of section 3736.02

of the Revised Code to provide a matching contribution of not more than fifty per cent of the grant.

(C) Notwithstanding division (B) of this section, any grant awarded under division (A) of this section to foster cooperative research and development regarding recycling or the cooperative establishment or expansion of private recycling facilities or programs shall be made in conjunction with a contribution to the project by a cooperating enterprise that maintains or proposes to maintain a relevant research and development or recycling facility or program in this state or by an agency of the state, provided that funding provided by a state agency shall not be provided from general revenue funds appropriated by the general assembly. No grant made under division (A) of this section for the purposes described in this division shall exceed the contribution made by the cooperating enterprise or state agency. The director may consider cooperating contributions in the form of state of the art new equipment or in other forms if the director determines that the contribution is essential to the successful implementation of the project.

Grants made under division (A) of this section for the purposes described in this division shall be made in such form and conditioned on such terms as the director considers to be appropriate.

(D)(1) The director may require any eligible applicant certified by the ~~recycling and litter prevention~~ advisory council under division ~~(A)~~(F)(6) of section ~~3736.04~~ 3734.49 of the Revised Code that applies for a grant that is intended to further the purposes of the program established under division (A)(3) of section 3736.02 of the Revised Code, except any eligible applicant that is or is located in a county that has a per capita income equal to or below ninety per cent of the median county per capita income of the state as determined by the director using the most

recently available figures from the United States census bureau, 65926  
to provide a matching contribution as follows: 65927

(a) Up to ten per cent of the grant from any eligible 65928  
applicant that is or is located in a county that has a per capita 65929  
income above ninety per cent of the median county per capita 65930  
income of the state, but equal to or below one hundred per cent of 65931  
the median county per capita income of the state; 65932

(b) Up to twenty per cent of the grant from any eligible 65933  
applicant that is or is located in a county that has a per capita 65934  
income above the median county per capita income of the state. 65935

(2) If the eligible applicant is a joint solid waste 65936  
management district or is filing a joint application on behalf of 65937  
two or more counties, the matching contribution required under 65938  
division (D)(1) of this section shall be the average of the 65939  
matching contributions of all of the counties covered by the 65940  
application as determined in accordance with that division. The 65941  
matching contribution of a county that has a per capita income 65942  
equal to or below ninety per cent of the median county per capita 65943  
income of the state shall be included as zero in calculating the 65944  
average matching contribution. 65945

(E) The director shall ensure that not less than fifty per 65946  
cent of the moneys distributed as grants under this section shall 65947  
be expended for the purposes of recycling and recycling market 65948  
development. 65949

(F) No information that is submitted to, acquired by, or 65950  
exchanged with employees of the environmental protection agency 65951  
who administer or provide services under this section and that is 65952  
submitted, acquired, or exchanged in order to obtain a grant 65953  
pursuant to division (A) of this section shall be used in any 65954  
manner for the purpose of the enforcement of any requirement 65955  
established in an environmental law or used as evidence in any 65956

judicial or administrative enforcement proceeding unless that 65957  
information reveals a clear and immediate danger to the 65958  
environment or to the health, safety, or welfare of the public. 65959

(G) Nothing in this section confers immunity on persons from 65960  
enforcement that is based on information that is obtained by the 65961  
director or the director's authorized representatives who are not 65962  
employees of the agency who administer or provide services under 65963  
this section. 65964

(H) As used in this section, "environmental law" means a law 65965  
that is administered by the environmental protection agency. 65966

**Sec. 3736.06.** (A) Agencies of the state certified pursuant to 65967  
section ~~3736.04~~ 3734.49 of the Revised Code as eligible to receive 65968  
a grant shall designate an employee as the liaison with the 65969  
director of environmental protection to cooperate with the 65970  
director in carrying out the director's duties under this chapter. 65971

(B) The executive and legislative authorities of municipal 65972  
corporations, counties, and townships and the boards of park 65973  
commissioners of township park districts created under section 65974  
511.18 of the Revised Code, boards of park commissioners of park 65975  
districts created under section 1545.04 of the Revised Code, and 65976  
boards of education of city, exempted village, local, and joint 65977  
vocational school districts may participate in the programs 65978  
established under section 3736.02 of the Revised Code. 65979

**Sec. 3737.17.** (A) As used in this section, a "qualifying 65980  
small government" means any of the following: 65981

(1) A township that has a population of not more than five 65982  
thousand or, regardless of its population, is located in a county 65983  
that has a population of less than one hundred thousand; 65984

(2) A municipal corporation that has a population of not more 65985  
than seven thousand five hundred; 65986

(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section.

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes:

(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services;

(2) To expedite projects for the construction or renovation of fire department buildings.

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than twenty years. A qualifying small government is not eligible to receive a loan for a project or purchase under the program unless the qualifying small government contributes to the project or purchase an amount equal to at least five per cent of the loan amount.

(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the qualifying small government shall explain how it qualifies for the loan, describe the project or purchase for which it is requesting a loan, state the amount of the loan it requests, and state the amount it is prepared to contribute to the project or purchase. The qualifying small government shall provide additional information to support its application for a loan under the program as requested by the state fire marshal.

(D) The state fire marshal, in accordance with Chapter 119.



of the Revised Code, shall adopt rules for the administration of 66018  
the small government fire department services revolving loan 66019  
program. 66020

(E) There is hereby created in the state treasury the small 66021  
government fire department services revolving loan fund, into 66022  
which shall be deposited repayments by qualifying small 66023  
governments of loans authorized under this section. The fund also 66024  
shall consist of appropriated money. Investment earnings on money 66025  
in the fund shall be credited to the fund. The state fire marshal 66026  
shall use the money credited to the fund to make loans to 66027  
qualifying small governments as described in this section. The 66028  
state fire marshal may loan money from repaid loans credited to 66029  
the fund at any time to qualifying small governments in accordance 66030  
with this section. 66031

**Sec. 3737.84.** (A) The state fire code adopted pursuant to 66032  
sections 3737.82 and 3737.83 of the Revised Code shall not contain 66033  
any provision as follows: 66034

(1) Relating to the organization or structure of a municipal 66035  
or township fire department; 66036

(2) Relating to structural building requirements covered by 66037  
the Ohio building code; 66038

(3) That would cause an employer, in complying with it, to be 66039  
in violation of the "Occupational Safety and Health Act of 1970," 66040  
84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product Safety 66041  
Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051; 66042

(4) Regulating manufacturers or manufacturing facilities with 66043  
respect to occupational hazards where they are subject to 66044  
regulation by the federal occupational safety and health 66045  
administration; 66046

(5) That is inconsistent with, or in conflict with, 66047

regulations of the federal occupational safety and health 66048  
administration or the hazardous materials regulations of the 66049  
hazardous materials regulations board of the federal highway 66050  
administration, United States department of transportation, or the 66051  
public utilities commission; 66052

(6) That establishes a minimum standard of flammability for 66053  
consumer goods in any area where the "Flammable Fabrics Act," 81 66054  
Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government 66055  
or any department or agency of the federal government to establish 66056  
national standards of flammability for consumer goods; 66057

(7) That establishes a health or safety standard for the use 66058  
of explosives in mining, for which the federal government through 66059  
its authorized agency sets health or safety standards pursuant to 66060  
section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 66061  
1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 of the "Federal 66062  
Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 66063  
U.S.C.A. 811; 66064

(8) That is inconsistent with, or in conflict with, section 66065  
3737.73 or Chapter 3743. of the Revised Code, or the rules adopted 66066  
pursuant to that chapter; 66067

(9)(a) Restricting the dispensing of diesel fuel at a 66068  
terminal or bulk plant into a motor vehicle that is transporting 66069  
petroleum products or equipment essential to the operation of the 66070  
terminal or bulk plant, provided that the motor vehicle is owned 66071  
or leased by or operated under a contract with a person who has 66072  
been issued a motor fuel dealer's license under section 5735.02 of 66073  
the Revised Code; 66074

(b) Authorizing the dispensing of any petroleum products at a 66075  
terminal or bulk plant from an ~~above-ground~~ aboveground storage 66076  
tank at the terminal or bulk plant to a motor vehicle other than a 66077  
motor vehicle that is described in division (A)(9)(a) of this 66078

section or to a member of the general public. 66079

As used in division (A)(9) of this section, "terminal or bulk 66080  
plant" means that portion of a property where petroleum products 66081  
are received by tank vessels, pipelines, tank cars, or tank 66082  
vehicles and are stored or blended in bulk for the purpose of 66083  
distributing the petroleum products via tank vessel, pipeline, 66084  
tank car, tank vehicle, portable tank, or container. 66085

(10) That prohibits the use of a device described in section 66086  
3381.106 of the Revised Code and used in accordance with rules 66087  
adopted pursuant to that section. 66088

(B) No penalty shall be imposed by the fire marshal on any 66089  
person for a violation of the state fire code if a penalty has 66090  
been imposed or an order issued by the federal government for a 66091  
violation of a similar provision contained in or adopted pursuant 66092  
to the federal acts referred to in this section, where the facts 66093  
that constitute the violation of the state fire code are the same 66094  
as those that constitute the violation or alleged violation of the 66095  
federal act. 66096

**Sec. 3743.07.** ~~(A)~~ Licensed manufacturers of fireworks shall 66097  
keep complete records of all fireworks in their inventory. 66098

~~(B) Licensed manufacturers of fireworks shall keep the 66099  
following records with respect to fireworks sold at wholesale or 66100  
retail for a period of three years after the date of their sale:~~ 66101

~~(1) In the case of a wholesale sale, the name and address of 66102  
the purchaser; the destination to which the fireworks will be 66103  
transported; if applicable, the number of the purchaser's 66104  
wholesale license; the date of purchase; when the fireworks are to 66105  
be shipped directly out of this state by a manufacturer to a 66106  
purchaser, the manner in which the fireworks were shipped to the 66107  
purchaser; and such other information as the fire marshal may 66108~~

~~require.~~ 66109

~~(2) In the case of a retail sale, the name and address of the purchaser; the destination to which the fireworks will be transported; if applicable, the number of the purchaser's exhibitor's license and the number and political subdivision designation of the purchaser's permit for a fireworks exhibition; the date of purchase; when the fireworks are shipped directly out of this state by a manufacturer to a purchaser, the manner in which the fireworks were shipped to the purchaser; and such other information as the fire marshal may require.~~ 66110  
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~~(C) The seller shall require each purchaser described in division (B) of this section to complete a purchaser's form, which shall be prescribed by the fire marshal and furnished by the seller. On this form the purchaser shall include the information described in division (B) of this section and the purchaser's signature. Each purchaser's form shall contain a statement printed in bold letters indicating that knowingly making a false statement on the form is falsification under section 2921.13 of the Revised Code and is a misdemeanor of the first degree. Each seller shall keep each purchaser's form for a period of three years after the date of the purchase, and such forms shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~ 66119  
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~~(D) A licensed manufacturer of fireworks shall keep its wholesale sale and retail sale records in separate books. These records and the inventory records shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~ 66131  
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**Sec. 3743.20.** ~~(A)~~ Licensed wholesalers of fireworks shall keep complete records of all fireworks in their inventory. 66135  
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~~(B) Licensed wholesalers of fireworks shall keep the following records with respect to fireworks sold at wholesale or retail for a period of three years after the date of their sale:~~ 66137  
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~~(1) In the case of a wholesale sale, the name and address of the purchaser; the destination to which the fireworks will be transported; if applicable, the number of the purchaser's wholesale license; the date of the purchase; when the fireworks are to be shipped directly out of this state by a wholesaler to a purchaser, the manner in which the fireworks were shipped to the purchaser; and such other information as the fire marshal may require;~~

~~(2) In the case of a retail sale, the name and address of the purchaser; the destination to which the fireworks will be transported; if applicable, the number of the purchaser's exhibitor's license and the number and political subdivision designation of the purchaser's permit for a fireworks exhibition; the date of purchase; when the fireworks are shipped directly out of this state by a wholesaler to a purchaser, the manner in which the fireworks were shipped to the purchaser; and such other information as the fire marshal may require.~~

~~(C) The seller shall require each purchaser described in division (B) of this section to complete a purchaser's form, which shall be prescribed by the fire marshal and furnished by the seller. On this form the purchaser shall include the information described in division (B) of this section and the purchaser's signature. Each purchaser's form shall contain a statement printed in bold letters indicating that knowingly making a false statement on the form is falsification under section 2921.13 of the Revised Code and is a misdemeanor of the first degree. Each seller shall keep each purchaser's form for a period of three years after the date of the purchase, and such forms shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

~~(D) A licensed wholesaler of fireworks shall keep its wholesale sale and retail sale records in separate books. These records and the inventory records shall be open to inspection by~~

~~the fire marshal or the fire marshal's designated authority.~~ 66172

**Sec. 3743.44.** (A) Any person who resides in another state and 66173  
who intends to obtain possession in this state of fireworks 66174  
purchased in this state shall obtain possession of the fireworks 66175  
only from a licensed manufacturer or licensed wholesaler and only 66176  
possess the fireworks in this state while in the course of 66177  
directly transporting them out of this state. ~~No~~ 66178

No licensed manufacturer or licensed wholesaler shall sell 66179  
1.3G fireworks to a person who resides in another state unless 66180  
that person has been issued a license or permit in the state of 66181  
the person's residence that authorizes the person to engage in the 66182  
manufacture, wholesale sale, or retail sale of 1.3G fireworks or 66183  
that authorizes the person to conduct 1.3G fireworks exhibitions 66184  
in that state and that person presents a certified copy of the 66185  
license. ~~No~~ 66186

No licensed manufacturer or licensed wholesaler shall sell 66187  
fireworks to a person who resides in another state unless that 66188  
person has been issued a license or permit in the state of the 66189  
person's residence that authorizes the person to engage in the 66190  
manufacture, wholesale sale, or retail sale of fireworks in that 66191  
state or that authorizes the person to conduct fireworks 66192  
exhibitions in that state and that person presents a certified 66193  
copy of the license, or, if that person does not possess a license 66194  
or permit of that nature, only if the person presents a current 66195  
valid motor vehicle operator's license issued to the person in the 66196  
person's state of residence, or, if that person does not possess a 66197  
motor vehicle operator's license issued in that state, an 66198  
identification card issued to the person by a governmental agency 66199  
in the person's state of residence indicating that the person is a 66200  
resident of that state. If a person who is required to present a 66201  
motor vehicle operator's license or other identification card 66202

intends to transport the fireworks purchased directly out of this state by a motor vehicle and the person will not also be the operator of that motor vehicle while so transporting the fireworks, the operator of the motor vehicle also shall present the operator's motor vehicle operator's license.

~~(B) A licensed manufacturer or licensed wholesaler selling fireworks under this section shall require the purchaser to complete a purchaser's form. The fire marshal shall prescribe the form, and the licensed manufacturer or licensed wholesaler shall furnish the form. On this form the purchaser shall include the purchaser's name and address; the date of the purchase; a statement that the purchaser acknowledges that the purchaser is responsible for any illegal use of the fireworks, including any damages caused by improper use; the number of the purchaser's license or permit authorizing the purchaser to manufacture, sell at wholesale, or sell at retail fireworks or to conduct fireworks exhibitions, or the number of the purchaser's motor vehicle operator's license or other identification card, as applicable; such other information as the fire marshal may require; and the purchaser's signature. Each purchaser's form shall contain a statement printed in bold letters indicating that knowingly making a false statement on the form is falsification under section 2921.13 of the Revised Code and is a misdemeanor of the first degree.~~

~~Each licensed manufacturer and licensed wholesaler shall keep each purchaser's form for a period of three years after the date of the purchase, and such forms shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

~~(C) Each purchaser of fireworks under this section shall transport the fireworks so purchased directly out of this state within forty-eight hours after the time of their purchase.~~

This section regulates wholesale sales and retail sales of

fireworks in this state only insofar as purchasers of fireworks 66235  
are residents of other states and will be obtaining possession in 66236  
this state of purchased fireworks. This section does not prohibit 66237  
licensed manufacturers or wholesalers from selling fireworks, in 66238  
accordance with section 3743.04 or sections 3743.17 and 3743.25 of 66239  
the Revised Code, to a resident of another state and from shipping 66240  
the purchased fireworks directly out of this state to the 66241  
purchaser. 66242

**Sec. 3743.45.** (A) Any person who resides in this state and 66243  
who intends to obtain possession in this state of 1.4G fireworks 66244  
purchased in this state shall obtain possession of the 1.4G 66245  
fireworks only from a licensed manufacturer or licensed 66246  
wholesaler. 66247

~~A licensed manufacturer or licensed wholesaler selling 1.4G 66248  
fireworks under this division shall require the purchaser to 66249  
complete a purchaser's form, which shall be prescribed by the 66250  
state fire marshal and furnished by the licensed manufacturer or 66251  
licensed wholesaler. On this form the purchaser shall include the 66252  
purchaser's name and address; the date of the purchase; a 66253  
statement that the purchaser acknowledges that the purchaser is 66254  
responsible for any illegal use of the fireworks, including any 66255  
damages caused by improper use; such other information as the fire 66256  
marshal may require; and the purchaser's signature. Each 66257  
purchaser's form shall contain a statement printed in bold letters 66258  
indicating that knowingly making a false statement on the form is 66259  
falsification under section 2921.13 of the Revised Code and is a 66260  
misdemeanor of the first degree. 66261~~

~~Each licensed manufacturer and licensed wholesaler shall keep 66262  
each purchaser's form for a period of three years after the date 66263  
of the purchase, and such forms shall be open to inspection by the 66264  
fire marshal or the fire marshal's designated authority. 66265~~



Each purchaser of 1.4G fireworks under this division shall 66266  
transport the fireworks so purchased directly out of this state 66267  
within forty-eight hours after the time of their purchase. 66268

This division does not apply to a person who resides in this 66269  
state and who is also a licensed manufacturer, licensed 66270  
wholesaler, or licensed exhibitor of fireworks in this state. 66271

(B) No licensed manufacturer or licensed wholesaler shall 66272  
sell 1.3G fireworks to a person who resides in this state unless 66273  
that person is a licensed manufacturer, licensed wholesaler, or 66274  
licensed exhibitor of fireworks in this state. 66275

**Sec. 3743.63.** (A) No person who resides in another state and 66276  
purchases fireworks in this state shall obtain possession of the 66277  
fireworks in this state unless the person complies with section 66278  
3743.44 of the Revised Code, ~~provided that knowingly making a~~ 66279  
~~false statement on the fireworks purchaser form is not a violation~~ 66280  
~~of this section but is a violation of section 2921.13 of the~~ 66281  
~~Revised Code.~~ 66282

(B) No person who resides in another state and who purchases 66283  
fireworks in this state shall obtain possession of fireworks in 66284  
this state other than from a licensed manufacturer or wholesaler, 66285  
or fail, when transporting ~~the~~ 1.3G fireworks, to transport them 66286  
directly out of this state within seventy-two hours after the time 66287  
of their purchase. No such person shall give or sell to any other 66288  
person in this state fireworks that the person has acquired in 66289  
this state. 66290

(C) No person who resides in this state and purchases 66291  
fireworks in this state shall obtain possession of the fireworks 66292  
in this state unless the person complies with section 3743.45 of 66293  
the Revised Code, ~~provided that knowingly making a false statement~~ 66294  
~~on the fireworks purchaser form is not a violation of this section~~ 66295  
~~but is a violation of section 2921.13 of the Revised Code.~~ 66296

(D) No person who resides in this state and who purchases fireworks in this state under section 3743.45 of the Revised Code shall obtain possession of fireworks in this state other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of this state within forty-eight hours after the time of their purchase. No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.

**Sec. 3743.65.** (A) No person shall possess fireworks in this state or shall possess for sale or sell fireworks in this state, except a licensed manufacturer of fireworks as authorized by sections 3743.02 to 3743.08 of the Revised Code, a licensed wholesaler of fireworks as authorized by sections 3743.15 to 3743.21 of the Revised Code, a shipping permit holder as authorized by section 3743.40 of the Revised Code, an out-of-state resident as authorized by section 3743.44 of the Revised Code, a resident of this state as authorized by section 3743.45 of the Revised Code, or a licensed exhibitor of fireworks as authorized by sections 3743.50 to 3743.55 of the Revised Code, and except as provided in section 3743.80 of the Revised Code.

(B) Except as provided in section 3743.80 of the Revised Code and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to sections 3743.50 to 3743.55 of the Revised Code, no person shall discharge, ignite, or explode any fireworks in this state.

(C) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(D) No person shall sell fireworks of any kind to a person under eighteen years of age. No person under eighteen years of age shall enter a fireworks sales showroom unless that person is

accompanied by a parent, legal guardian, or other responsible 66328  
adult. No person under eighteen years of age shall touch or 66329  
possess fireworks on a licensed premises without the consent of 66330  
the licensee. A licensee may eject any person from a licensed 66331  
premises that is in any way disruptive to the safe operation of 66332  
the premises. 66333

(E) ~~No~~ Except as otherwise provided in section 3743.44 of the 66334  
Revised Code, no person, other than a licensed manufacturer, 66335  
licensed wholesaler, licensed exhibitor, or shipping permit 66336  
holder, shall possess 1.3G fireworks in this state. 66337

(F) Except as otherwise provided in division (J) of section 66338  
3743.06 and division (K) of section 3743.19 of the Revised Code, 66339  
no person shall knowingly disable a fire suppression system as 66340  
defined in section 3781.108 of the Revised Code on the premises of 66341  
a fireworks plant of a licensed manufacturer of fireworks or on 66342  
the premises of the business operations of a licensed wholesaler 66343  
of fireworks. 66344

**Sec. 3743.75.** (A) During the period beginning on June 29, 66345  
2001, and ending on December 15, ~~2015~~ 2017, the state fire marshal 66346  
shall not do any of the following: 66347

(1) Issue a license as a manufacturer of fireworks under 66348  
sections 3743.02 and 3743.03 of the Revised Code to a person for a 66349  
particular fireworks plant unless that person possessed such a 66350  
license for that fireworks plant immediately prior to June 29, 66351  
2001; 66352

(2) Issue a license as a wholesaler of fireworks under 66353  
sections 3743.15 and 3743.16 of the Revised Code to a person for a 66354  
particular location unless that person possessed such a license 66355  
for that location immediately prior to June 29, 2001; 66356

(3) Except as provided in division (B) of this section, 66357

approve the geographic transfer of a license as a manufacturer or 66358  
wholesaler of fireworks issued under this chapter to any location 66359  
other than a location for which a license was issued under this 66360  
chapter immediately prior to June 29, 2001. 66361

(B) Division (A)(3) of this section does not apply to a 66362  
transfer that the state fire marshal approves under division (F) 66363  
of section 3743.17 of the Revised Code. 66364

(C) Notwithstanding section 3743.59 of the Revised Code, the 66365  
prohibited activities established in divisions (A)(1) and (2) of 66366  
this section, geographic transfers approved pursuant to division 66367  
(F) of section 3743.17 of the Revised Code, and storage locations 66368  
allowed pursuant to division (I) of section 3743.04 of the Revised 66369  
Code or division (G) of section 3743.17 of the Revised Code are 66370  
not subject to any variance, waiver, or exclusion. 66371

(D) As used in division (A) of this section: 66372

(1) "Person" includes any person or entity, in whatever form 66373  
or name, that acquires possession of a manufacturer or wholesaler 66374  
of fireworks license issued pursuant to this chapter by transfer 66375  
of possession of a license, whether that transfer occurs by 66376  
purchase, assignment, inheritance, bequest, stock transfer, or any 66377  
other type of transfer, on the condition that the transfer is in 66378  
accordance with division (D) of section 3743.04 of the Revised 66379  
Code or division (D) of section 3743.17 of the Revised Code and is 66380  
approved by the fire marshal. 66381

(2) "Particular location" includes a licensed premises and, 66382  
regardless of when approved, any storage location approved in 66383  
accordance with section 3743.04 or 3743.17 of the Revised Code. 66384

(3) "Such a license" includes a wholesaler of fireworks 66385  
license that was issued in place of a manufacturer of fireworks 66386  
license that existed prior to June 29, 2001, and was requested to 66387  
be canceled by the license holder pursuant to division (D) of 66388

section 3743.03 of the Revised Code. 66389

**Sec. 3745.015.** There is hereby created in the state treasury 66390  
the environmental protection fund consisting of money credited to 66391  
the fund under division (A)(3) of section 3734.57 of the Revised 66392  
Code. The environmental protection agency shall use money in the 66393  
fund to pay the agency's costs associated with administering and 66394  
enforcing, or otherwise conducting activities under, this chapter 66395  
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 66396  
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 66397  
6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 66398  
the Revised Code, including providing compliance assistance to 66399  
small businesses. 66400

**Sec. 3745.11.** (A) Applicants for and holders of permits, 66401  
licenses, variances, plan approvals, and certifications issued by 66402  
the director of environmental protection pursuant to Chapters 66403  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 66404  
to the environmental protection agency for each such issuance and 66405  
each application for an issuance as provided by this section. No 66406  
fee shall be charged for any issuance for which no application has 66407  
been submitted to the director. 66408

(B) Except as otherwise provided in division (C)(2) of this 66409  
section, beginning July 1, 1994, each person who owns or operates 66410  
an air contaminant source and who is required to apply for and 66411  
obtain a Title V permit under section 3704.036 of the Revised Code 66412  
shall pay the fees set forth in this division. For the purposes of 66413  
this division, total emissions of air contaminants may be 66414  
calculated using engineering calculations, emissions factors, 66415  
material balance calculations, or performance testing procedures, 66416  
as authorized by the director. 66417

The following fees shall be assessed on the total actual 66418

emissions from a source in tons per year of the regulated 66419  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 66420  
organic compounds, and lead: 66421

(1) Fifteen dollars per ton on the total actual emissions of 66422  
each such regulated pollutant during the period July through 66423  
December 1993, to be collected no sooner than July 1, 1994; 66424

(2) Twenty dollars per ton on the total actual emissions of 66425  
each such regulated pollutant during calendar year 1994, to be 66426  
collected no sooner than April 15, 1995; 66427

(3) Twenty-five dollars per ton on the total actual emissions 66428  
of each such regulated pollutant in calendar year 1995, and each 66429  
subsequent calendar year, to be collected no sooner than the 66430  
fifteenth day of April of the year next succeeding the calendar 66431  
year in which the emissions occurred. 66432

The fees levied under this division do not apply to that 66433  
portion of the emissions of a regulated pollutant at a facility 66434  
that exceed four thousand tons during a calendar year. 66435

(C)(1) The fees assessed under division (B) of this section 66436  
are for the purpose of providing funding for the Title V permit 66437  
program. 66438

(2) The fees assessed under division (B) of this section do 66439  
not apply to emissions from any electric generating unit 66440  
designated as a Phase I unit under Title IV of the federal Clean 66441  
Air Act prior to calendar year 2000. Those fees shall be assessed 66442  
on the emissions from such a generating unit commencing in 66443  
calendar year 2001 based upon the total actual emissions from the 66444  
generating unit during calendar year 2000 and shall continue to be 66445  
assessed each subsequent calendar year based on the total actual 66446  
emissions from the generating unit during the preceding calendar 66447  
year. 66448

(3) The director shall issue invoices to owners or operators 66449

of air contaminant sources who are required to pay a fee assessed 66450  
under division (B) or (D) of this section. Any such invoice shall 66451  
be issued no sooner than the applicable date when the fee first 66452  
may be collected in a year under the applicable division, shall 66453  
identify the nature and amount of the fee assessed, and shall 66454  
indicate that the fee is required to be paid within thirty days 66455  
after the issuance of the invoice. 66456

(D)(1) Except as provided in division (D)(3) of this section, 66457  
from January 1, 1994, through December 31, 2003, each person who 66458  
owns or operates an air contaminant source; who is required to 66459  
apply for a permit to operate pursuant to rules adopted under 66460  
division (G), or a variance pursuant to division (H), of section 66461  
3704.03 of the Revised Code; and who is not required to apply for 66462  
and obtain a Title V permit under section 3704.036 of the Revised 66463  
Code shall pay a single fee based upon the sum of the actual 66464  
annual emissions from the facility of the regulated pollutants 66465  
particulate matter, sulfur dioxide, nitrogen oxides, organic 66466  
compounds, and lead in accordance with the following schedule: 66467

Total tons per year of regulated pollutants emitted	Annual fee per facility	66468 66469 66470
More than 0, but less than 50	\$ 75	66471
50 or more, but less than 100	300	66472
100 or more	700	66473

(2) Except as provided in division (D)(3) of this section, 66474  
beginning January 1, 2004, each person who owns or operates an air 66475  
contaminant source; who is required to apply for a permit to 66476  
operate pursuant to rules adopted under division (G), or a 66477  
variance pursuant to division (H), of section 3704.03 of the 66478  
Revised Code; and who is not required to apply for and obtain a 66479  
Title V permit under section 3704.03 of the Revised Code shall pay 66480  
a single fee based upon the sum of the actual annual emissions 66481

from the facility of the regulated pollutants particulate matter, 66482  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 66483  
accordance with the following schedule: 66484

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	66485
10 or more, but less than 50	200	66486
50 or more, but less than 100	300	66487
100 or more	700	66488

(3)(a) As used in division (D) of this section, "synthetic 66492  
minor facility" means a facility for which one or more permits to 66493  
install or permits to operate have been issued for the air 66494  
contaminant sources at the facility that include terms and 66495  
conditions that lower the facility's potential to emit air 66496  
contaminants below the major source thresholds established in 66497  
rules adopted under section 3704.036 of the Revised Code. 66498

(b) Beginning January 1, 2000, through June 30, ~~2016~~ 2018, 66499  
each person who owns or operates a synthetic minor facility shall 66500  
pay an annual fee based on the sum of the actual annual emissions 66501  
from the facility of particulate matter, sulfur dioxide, nitrogen 66502  
dioxide, organic compounds, and lead in accordance with the 66503  
following schedule: 66504

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	66505
10 or more, but less than 20	340	66506
20 or more, but less than 30	670	66507
30 or more, but less than 40	1,010	66508
40 or more, but less than 50	1,340	66509
50 or more, but less than 60	1,680	66510



60 or more, but less than 70	2,010	66514
70 or more, but less than 80	2,350	66515
80 or more, but less than 90	2,680	66516
90 or more, but less than 100	3,020	66517
100 or more	3,350	66518

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section: 66547

(a) The consumer price index for any year is the average of 66548  
the consumer price index for all urban consumers published by the 66549  
United States department of labor as of the close of the 66550  
twelve-month period ending on the thirty-first day of August of 66551  
that year. 66552

(b) If the 1989 consumer price index is revised, the director 66553  
shall use the revision of the consumer price index that is most 66554  
consistent with that for calendar year 1989. 66555

(F) Each person who is issued a permit to install pursuant to 66556  
rules adopted under division (F) of section 3704.03 of the Revised 66557  
Code on or after July 1, 2003, shall pay the fees specified in the 66558  
following schedules: 66559

(1) Fuel-burning equipment (boilers, furnaces, or process 66560  
heaters used in the process of burning fuel for the primary 66561  
purpose of producing heat or power by indirect heat transfer) 66562  
Input capacity (maximum) 66563  
(million British thermal units per hour) Permit to install 66564

Greater than 0, but less than 10	\$ 200	66565
10 or more, but less than 100	400	66566
100 or more, but less than 300	1000	66567
300 or more, but less than 500	2250	66568
500 or more, but less than 1000	3750	66569
1000 or more, but less than 5000	6000	66570
5000 or more	9000	66571

Units burning exclusively natural gas, number two fuel oil, 66572  
or both shall be assessed a fee that is one-half the applicable 66573  
amount shown in division (F)(1) of this section. 66574

(2) Combustion turbines and stationary internal combustion 66575  
engines designed to generate electricity 66576  
Generating capacity (mega watts) Permit to install 66577

0 or more, but less than 10	\$ 25	66578
10 or more, but less than 25	150	66579
25 or more, but less than 50	300	66580
50 or more, but less than 100	500	66581
100 or more, but less than 250	1000	66582
250 or more	2000	66583

(3) Incinerators 66584

Input capacity (pounds per hour)	Permit to install	66585
0 to 100	\$ 100	66586
101 to 500	500	66587
501 to 2000	1000	66588
2001 to 20,000	1500	66589
more than 20,000	3750	66590

(4)(a) Process 66591

Process weight rate (pounds per hour)	Permit to install	66592
0 to 1000	\$ 200	66593
1001 to 5000	500	66594
5001 to 10,000	750	66595
10,001 to 50,000	1000	66596
more than 50,000	1250	66597

In any process where process weight rate cannot be 66598  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 66599  
combustion turbine, stationary internal combustion engine, or 66600  
process heater designed to provide direct heat or power to a 66601  
process not designed to generate electricity shall be assessed a 66602  
fee established in division (F)(4)(a) of this section. A 66603  
combustion turbine or stationary internal combustion engine 66604  
designed to generate electricity shall be assessed a fee 66605  
established in division (F)(2) of this section. 66606

(b) Notwithstanding division (F)(4)(a) of this section, any 66607  
person issued a permit to install pursuant to rules adopted under 66608  
division (F) of section 3704.03 of the Revised Code shall pay the 66609

fees set forth in division (F)(4)(c) of this section for a process 66610  
used in any of the following industries, as identified by the 66611  
applicable two-digit, three-digit, or four-digit standard 66612  
industrial classification code according to the Standard 66613  
Industrial Classification Manual published by the United States 66614  
office of management and budget in the executive office of the 66615  
president, 1987, as revised: 66616

Major group 10, metal mining; 66617

Major group 12, coal mining; 66618

Major group 14, mining and quarrying of nonmetallic minerals; 66619

Industry group 204, grain mill products; 66620

2873 Nitrogen fertilizers; 66621

2874 Phosphatic fertilizers; 66622

3281 Cut stone and stone products; 66623

3295 Minerals and earth, ground or otherwise treated; 66624

4221 Grain elevators (storage only); 66625

5159 Farm related raw materials; 66626

5261 Retail nurseries and lawn and garden supply stores. 66627

(c) The fees set forth in the following schedule apply to the 66628  
issuance of a permit to install pursuant to rules adopted under 66629  
division (F) of section 3704.03 of the Revised Code for a process 66630  
identified in division (F)(4)(b) of this section: 66631

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	66633
10,001 to 50,000	400	66634
50,001 to 100,000	500	66635
100,001 to 200,000	600	66636
200,001 to 400,000	750	66637

400,001 or more	900	66638
(5) Storage tanks		66639
Gallons (maximum useful capacity)	Permit to install	66640
0 to 20,000	\$ 100	66641
20,001 to 40,000	150	66642
40,001 to 100,000	250	66643
100,001 to 500,000	400	66644
500,001 or greater	750	66645
(6) Gasoline/fuel dispensing facilities		66646
For each gasoline/fuel		66647
dispensing facility (includes all	Permit to install	66648
units at the facility)	\$ 100	66649
(7) Dry cleaning facilities		66650
For each dry cleaning		66651
facility (includes all units	Permit to install	66652
at the facility)	\$ 100	66653
(8) Registration status		66654
For each source covered	Permit to install	66655
by registration status	\$ 75	66656
(G) An owner or operator who is responsible for an asbestos		66657
demolition or renovation project pursuant to rules adopted under		66658
section 3704.03 of the Revised Code shall pay the fees set forth		66659
in the following schedule:		66660
Action	Fee	66661
Each notification	\$75	66662
Asbestos removal	\$3/unit	66663
Asbestos cleanup	\$4/cubic yard	66664
For purposes of this division, "unit" means any combination of		66665
linear feet or square feet equal to fifty.		66666
(H) A person who is issued an extension of time for a permit		66667
to install an air contaminant source pursuant to rules adopted		66668

under division (F) of section 3704.03 of the Revised Code shall 66669  
pay a fee equal to one-half the fee originally assessed for the 66670  
permit to install under this section, except that the fee for such 66671  
an extension shall not exceed two hundred dollars. 66672

(I) A person who is issued a modification to a permit to 66673  
install an air contaminant source pursuant to rules adopted under 66674  
section 3704.03 of the Revised Code shall pay a fee equal to 66675  
one-half of the fee that would be assessed under this section to 66676  
obtain a permit to install the source. The fee assessed by this 66677  
division only applies to modifications that are initiated by the 66678  
owner or operator of the source and shall not exceed two thousand 66679  
dollars. 66680

(J) Notwithstanding division (F) of this section, a person 66681  
who applies for or obtains a permit to install pursuant to rules 66682  
adopted under division (F) of section 3704.03 of the Revised Code 66683  
after the date actual construction of the source began shall pay a 66684  
fee for the permit to install that is equal to twice the fee that 66685  
otherwise would be assessed under the applicable division unless 66686  
the applicant received authorization to begin construction under 66687  
division (W) of section 3704.03 of the Revised Code. This division 66688  
only applies to sources for which actual construction of the 66689  
source begins on or after July 1, 1993. The imposition or payment 66690  
of the fee established in this division does not preclude the 66691  
director from taking any administrative or judicial enforcement 66692  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 66693  
of the Revised Code, or a rule adopted under any of them, in 66694  
connection with a violation of rules adopted under division (F) of 66695  
section 3704.03 of the Revised Code. 66696

As used in this division, "actual construction of the source" 66697  
means the initiation of physical on-site construction activities 66698  
in connection with improvements to the source that are permanent 66699  
in nature, including, without limitation, the installation of 66700

building supports and foundations and the laying of underground 66701  
pipework. 66702

(K)(1) Money received under division (B) of this section 66703  
shall be deposited in the state treasury to the credit of the 66704  
Title V clean air fund created in section 3704.035 of the Revised 66705  
Code. Annually, fifty cents per ton of each fee assessed under 66706  
division (B) of this section on actual emissions from a source and 66707  
received by the environmental protection agency pursuant to that 66708  
division shall be transferred using an interstate transfer voucher 66709  
to the state treasury to the credit of the small business 66710  
assistance fund created in section 3706.19 of the Revised Code. In 66711  
addition, annually, the amount of money necessary for the 66712  
operation of the office of ombudsperson as determined under 66713  
division (B) of that section shall be transferred to the state 66714  
treasury to the credit of the small business ombudsperson fund 66715  
created by that section. 66716

(2) Money received by the agency pursuant to divisions (D), 66717  
(F), (G), (H), (I), and (J) of this section shall be deposited in 66718  
the state treasury to the credit of the non-Title V clean air fund 66719  
created in section 3704.035 of the Revised Code. 66720

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 66721  
or (c) of this section, a person issued a water discharge permit 66722  
or renewal of a water discharge permit pursuant to Chapter 6111. 66723  
of the Revised Code shall pay a fee based on each point source to 66724  
which the issuance is applicable in accordance with the following 66725  
schedule: 66726

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	66728
1,001 to 5000	100	66729
5,001 to 50,000	200	66730
50,001 to 100,000	300	66731
100,001 to 300,000	525	66732

over 300,000 750 66733

(b) Notwithstanding the fee schedule specified in division 66734  
(L)(1)(a) of this section, the fee for a water discharge permit 66735  
that is applicable to coal mining operations regulated under 66736  
Chapter 1513. of the Revised Code shall be two hundred fifty 66737  
dollars per mine. 66738

(c) Notwithstanding the fee schedule specified in division 66739  
(L)(1)(a) of this section, the fee for a water discharge permit 66740  
for a public discharger identified by I in the third character of 66741  
the permittee's NPDES permit number shall not exceed seven hundred 66742  
fifty dollars. 66743

(2) A person applying for a plan approval for a wastewater 66744  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 66745  
of the Revised Code shall pay a fee of one hundred dollars plus 66746  
sixty-five one-hundredths of one per cent of the estimated project 66747  
cost through June 30, ~~2016~~ 2018, and one hundred dollars plus 66748  
two-tenths of one per cent of the estimated project cost on and 66749  
after July 1, ~~2016~~ 2018, except that the total fee shall not 66750  
exceed fifteen thousand dollars through June 30, ~~2016~~ 2018, and 66751  
five thousand dollars on and after July 1, ~~2016~~ 2018. The fee 66752  
shall be paid at the time the application is submitted. 66753

(3) A person issued a modification of a water discharge 66754  
permit shall pay a fee equal to one-half the fee that otherwise 66755  
would be charged for a water discharge permit, except that the fee 66756  
for the modification shall not exceed four hundred dollars. 66757

(4) A person who has entered into an agreement with the 66758  
director under section 6111.14 of the Revised Code shall pay an 66759  
administrative service fee for each plan submitted under that 66760  
section for approval that shall not exceed the minimum amount 66761  
necessary to pay administrative costs directly attributable to 66762  
processing plan approvals. The director annually shall calculate 66763  
the fee and shall notify all persons who have entered into 66764



agreements under that section, or who have applied for agreements, 66765  
of the amount of the fee. 66766

(5)(a)(i) Not later than January 30, ~~2014~~ 2016, and January 66767  
30, ~~2015~~ 2017, a person holding an NPDES discharge permit issued 66768  
pursuant to Chapter 6111. of the Revised Code with an average 66769  
daily discharge flow of five thousand gallons or more shall pay a 66770  
nonrefundable annual discharge fee. Any person who fails to pay 66771  
the fee at that time shall pay an additional amount that equals 66772  
ten per cent of the required annual discharge fee. 66773

(ii) The billing year for the annual discharge fee 66774  
established in division (L)(5)(a)(i) of this section shall consist 66775  
of a twelve-month period beginning on the first day of January of 66776  
the year preceding the date when the annual discharge fee is due. 66777  
In the case of an existing source that permanently ceases to 66778  
discharge during a billing year, the director shall reduce the 66779  
annual discharge fee, including the surcharge applicable to 66780  
certain industrial facilities pursuant to division (L)(5)(c) of 66781  
this section, by one-twelfth for each full month during the 66782  
billing year that the source was not discharging, but only if the 66783  
person holding the NPDES discharge permit for the source notifies 66784  
the director in writing, not later than the first day of October 66785  
of the billing year, of the circumstances causing the cessation of 66786  
discharge. 66787

(iii) The annual discharge fee established in division 66788  
(L)(5)(a)(i) of this section, except for the surcharge applicable 66789  
to certain industrial facilities pursuant to division (L)(5)(c) of 66790  
this section, shall be based upon the average daily discharge flow 66791  
in gallons per day calculated using first day of May through 66792  
thirty-first day of October flow data for the period two years 66793  
prior to the date on which the fee is due. In the case of NPDES 66794  
discharge permits for new sources, the fee shall be calculated 66795  
using the average daily design flow of the facility until actual 66796

average daily discharge flow values are available for the time 66797  
period specified in division (L)(5)(a)(iii) of this section. The 66798  
annual discharge fee may be prorated for a new source as described 66799  
in division (L)(5)(a)(ii) of this section. 66800

(b) An NPDES permit holder that is a public discharger shall 66801  
pay the fee specified in the following schedule: 66802

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2014</del> <u>2016</u> , and	
	January 30, <del>2015</del>	
	<u>2017</u>	
5,000 to 49,999	\$ 200	66807
50,000 to 100,000	500	66808
100,001 to 250,000	1,050	66809
250,001 to 1,000,000	2,600	66810
1,000,001 to 5,000,000	5,200	66811
5,000,001 to 10,000,000	10,350	66812
10,000,001 to 20,000,000	15,550	66813
20,000,001 to 50,000,000	25,900	66814
50,000,001 to 100,000,000	41,400	66815
100,000,001 or more	62,100	66816

Public dischargers owning or operating two or more publicly 66817  
owned treatment works serving the same political subdivision, as 66818  
"treatment works" is defined in section 6111.01 of the Revised 66819  
Code, and that serve exclusively political subdivisions having a 66820  
population of fewer than one hundred thousand shall pay an annual 66821  
discharge fee under division (L)(5)(b) of this section that is 66822  
based on the combined average daily discharge flow of the 66823  
treatment works. 66824

(c) An NPDES permit holder that is an industrial discharger, 66825  
other than a coal mining operator identified by P in the third 66826  
character of the permittee's NPDES permit number, shall pay the 66827

fee specified in the following schedule:		66828
Average daily	Fee due by	66829
discharge flow	January 30,	66830
	<del>2014</del> <u>2016</u> , and	66831
	January 30, <del>2015</del>	66832
	<u>2017</u>	
5,000 to 49,999	\$ 250	66833
50,000 to 250,000	1,200	66834
250,001 to 1,000,000	2,950	66835
1,000,001 to 5,000,000	5,850	66836
5,000,001 to 10,000,000	8,800	66837
10,000,001 to 20,000,000	11,700	66838
20,000,001 to 100,000,000	14,050	66839
100,000,001 to 250,000,000	16,400	66840
250,000,001 or more	18,700	66841

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the fee at that time

shall pay an additional amount that equals ten per cent of the 66859  
required fee. 66860

(6) Each person obtaining a national pollutant discharge 66861  
elimination system general or individual permit for municipal 66862  
storm water discharge shall pay a nonrefundable storm water 66863  
discharge fee of one hundred dollars per square mile of area 66864  
permitted. The fee shall not exceed ten thousand dollars and shall 66865  
be payable on or before January 30, 2004, and the thirtieth day of 66866  
January of each year thereafter. Any person who fails to pay the 66867  
fee on the date specified in division (L)(6) of this section shall 66868  
pay an additional amount per year equal to ten per cent of the 66869  
annual fee that is unpaid. 66870

(7) The director shall transmit all moneys collected under 66871  
division (L) of this section to the treasurer of state for deposit 66872  
into the state treasury to the credit of the surface water 66873  
protection fund created in section 6111.038 of the Revised Code. 66874

(8) As used in division (L) of this section: 66875

(a) "NPDES" means the federally approved national pollutant 66876  
discharge elimination system program for issuing, modifying, 66877  
revoking, reissuing, terminating, monitoring, and enforcing 66878  
permits and imposing and enforcing pretreatment requirements under 66879  
Chapter 6111. of the Revised Code and rules adopted under it. 66880

(b) "Public discharger" means any holder of an NPDES permit 66881  
identified by P in the second character of the NPDES permit number 66882  
assigned by the director. 66883

(c) "Industrial discharger" means any holder of an NPDES 66884  
permit identified by I in the second character of the NPDES permit 66885  
number assigned by the director. 66886

(d) "Major discharger" means any holder of an NPDES permit 66887  
classified as major by the regional administrator of the United 66888  
States environmental protection agency in conjunction with the 66889

director. 66890

(M) Through June 30, ~~2016~~ 2018, a person applying for a 66891  
license or license renewal to operate a public water system under 66892  
section 6109.21 of the Revised Code shall pay the appropriate fee 66893  
established under this division at the time of application to the 66894  
director. Any person who fails to pay the fee at that time shall 66895  
pay an additional amount that equals ten per cent of the required 66896  
fee. The director shall transmit all moneys collected under this 66897  
division to the treasurer of state for deposit into the drinking 66898  
water protection fund created in section 6109.30 of the Revised 66899  
Code. 66900

Except as provided in divisions (M)(4) and (5) of this 66901  
section, fees required under this division shall be calculated and 66902  
paid in accordance with the following schedule: 66903

(1) For the initial license required under section 6109.21 of 66904  
the Revised Code for any public water system that is a community 66905  
water system as defined in section 6109.01 of the Revised Code, 66906  
and for each license renewal required for such a system prior to 66907  
January 31, ~~2016~~ 2018, the fee is: 66908

Number of service connections	Fee amount	
Not more than 49	\$ 112	66910
50 to 99	176	66911
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	66913
2,500 to 4,999	1.48	66914
5,000 to 7,499	1.42	66915
7,500 to 9,999	1.34	66916
10,000 to 14,999	1.16	66917
15,000 to 24,999	1.10	66918
25,000 to 49,999	1.04	66919
50,000 to 99,999	.92	66920
100,000 to 149,999	.86	66921

150,000 to 199,999	.80	66922
200,000 or more	.76	66923

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	66938
150 to 299	176	66939
300 to 749	384	66940
750 to 1,499	628	66941
1,500 to 2,999	1,268	66942
3,000 to 7,499	2,816	66943
7,500 to 14,999	5,510	66944
15,000 to 22,499	9,048	66945
22,500 to 29,999	12,430	66946
30,000 or more	16,820	66947

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	66959
2	112	66960
3	176	66961
4	278	66962
5	568	66963
System designated as using a surface water source	792	66964

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2016~~ 2018, and fifteen thousand dollars on and

after July 1, ~~2016~~ 2018. The fee shall be paid at the time the application is submitted. 66985  
66986

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee. 66987  
66988  
66989  
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(3) Through June 30, ~~2016~~ 2018, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water: 66996  
66997  
66998  
66999  
67000

microbiological		67001
MMO-MUG	\$2,000	67002
MF	2,100	67003
MMO-MUG and MF	2,550	67004
organic chemical	5,400	67005
trace metals	5,400	67006
standard chemistry	2,800	67007
limited chemistry	1,550	67008

On and after July 1, ~~2016~~ 2018, the following fee, on a per survey basis, shall be charged any such person: 67009  
67010  
67011

microbiological	\$ 1,650	67012
organic chemicals	3,500	67013
trace metals	3,500	67014
standard chemistry	1,800	67015
limited chemistry	1,000	67016



The fee for those services shall be paid at the time the request 67017  
for the survey is made. Through June 30, ~~2016~~ 2018, an individual 67018  
laboratory shall not be assessed a fee under this division more 67019  
than once in any three-year period unless the person requests the 67020  
addition of analytical methods or analysts, in which case the 67021  
person shall pay eighteen hundred dollars for each additional 67022  
survey requested. 67023

As used in division (N)(3) of this section: 67024

(a) "MF" means microfiltration. 67025

(b) "MMO" means minimal medium ONPG. 67026

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 67027

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 67028

The director shall transmit all moneys collected under this 67029  
division to the treasurer of state for deposit into the drinking 67030  
water protection fund created in section 6109.30 of the Revised 67031  
Code. 67032

(O) Any person applying to the director to take an 67033  
examination for certification as an operator of a water supply 67034  
system or wastewater system under Chapter 6109. or 6111. of the 67035  
Revised Code that is administered by the director, at the time the 67036  
application is submitted, shall pay a fee in accordance with the 67037  
following schedule through November 30, ~~2016~~ 2018: 67038

Class A operator	\$ 80	67039
Class I operator	105	67040
Class II operator	120	67041
Class III operator	130	67042
Class IV operator	145	67043

On and after December 1, ~~2016~~ 2018, the applicant shall pay a 67044  
fee in accordance with the following schedule: 67045

Class A operator	\$ 50	67046
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Class I operator	70	67047
Class II operator	80	67048
Class III operator	90	67049
Class IV operator	100	67050

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	67059
Class I operator	35	67060
Class II operator	45	67061
Class III operator	55	67062
Class IV operator	65	67063

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	67069
Class I operator	55	67070
Class II operator	65	67071
Class III operator	75	67072
Class IV operator	85	67073

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a

water supply system or wastewater treatment system examination 67079  
provider shall pay an annual fee that is equal to ten per cent of 67080  
the fees that the provider assesses and collects for administering 67081  
water supply system or wastewater treatment system certification 67082  
examinations in this state for the calendar year. The fee shall be 67083  
paid not later than forty-five days after the end of a calendar 67084  
year. 67085

The director shall transmit all moneys collected under this 67086  
division to the treasurer of state for deposit into the drinking 67087  
water protection fund created in section 6109.30 of the Revised 67088  
Code. 67089

(P) Any person submitting an application for an industrial 67090  
water pollution control certificate under section 6111.31 of the 67091  
Revised Code, as that section existed before its repeal by H.B. 95 67092  
of the 125th general assembly, shall pay a nonrefundable fee of 67093  
five hundred dollars at the time the application is submitted. The 67094  
director shall transmit all moneys collected under this division 67095  
to the treasurer of state for deposit into the surface water 67096  
protection fund created in section 6111.038 of the Revised Code. A 67097  
person paying a certificate fee under this division shall not pay 67098  
an application fee under division (S)(1) of this section. On and 67099  
after June 26, 2003, persons shall file such applications and pay 67100  
the fee as required under sections 5709.20 to 5709.27 of the 67101  
Revised Code, and proceeds from the fee shall be credited as 67102  
provided in section 5709.212 of the Revised Code. 67103

(Q) Except as otherwise provided in division (R) of this 67104  
section, a person issued a permit by the director for a new solid 67105  
waste disposal facility other than an incineration or composting 67106  
facility, a new infectious waste treatment facility other than an 67107  
incineration facility, or a modification of such an existing 67108  
facility that includes an increase in the total disposal or 67109  
treatment capacity of the facility pursuant to Chapter 3734. of 67110

the Revised Code shall pay a fee of ten dollars per thousand cubic 67111  
yards of disposal or treatment capacity, or one thousand dollars, 67112  
whichever is greater, except that the total fee for any such 67113  
permit shall not exceed eighty thousand dollars. A person issued a 67114  
modification of a permit for a solid waste disposal facility or an 67115  
infectious waste treatment facility that does not involve an 67116  
increase in the total disposal or treatment capacity of the 67117  
facility shall pay a fee of one thousand dollars. A person issued 67118  
a permit to install a new, or modify an existing, solid waste 67119  
transfer facility under that chapter shall pay a fee of two 67120  
thousand five hundred dollars. A person issued a permit to install 67121  
a new or to modify an existing solid waste incineration or 67122  
composting facility, or an existing infectious waste treatment 67123  
facility using incineration as its principal method of treatment, 67124  
under that chapter shall pay a fee of one thousand dollars. The 67125  
increases in the permit fees under this division resulting from 67126  
the amendments made by Amended Substitute House Bill 592 of the 67127  
117th general assembly do not apply to any person who submitted an 67128  
application for a permit to install a new, or modify an existing, 67129  
solid waste disposal facility under that chapter prior to 67130  
September 1, 1987; any such person shall pay the permit fee 67131  
established in this division as it existed prior to June 24, 1988. 67132  
In addition to the applicable permit fee under this division, a 67133  
person issued a permit to install or modify a solid waste facility 67134  
or an infectious waste treatment facility under that chapter who 67135  
fails to pay the permit fee to the director in compliance with 67136  
division (V) of this section shall pay an additional ten per cent 67137  
of the amount of the fee for each week that the permit fee is 67138  
late. 67139

Permit and late payment fees paid to the director under this 67140  
division shall be credited to the general revenue fund. 67141

(R)(1) A person issued a registration certificate for a scrap 67142

tire collection facility under section 3734.75 of the Revised Code 67143  
shall pay a fee of two hundred dollars, except that if the 67144  
facility is owned or operated by a motor vehicle salvage dealer 67145  
licensed under Chapter 4738. of the Revised Code, the person shall 67146  
pay a fee of twenty-five dollars. 67147

(2) A person issued a registration certificate for a new 67148  
scrap tire storage facility under section 3734.76 of the Revised 67149  
Code shall pay a fee of three hundred dollars, except that if the 67150  
facility is owned or operated by a motor vehicle salvage dealer 67151  
licensed under Chapter 4738. of the Revised Code, the person shall 67152  
pay a fee of twenty-five dollars. 67153

(3) A person issued a permit for a scrap tire storage 67154  
facility under section 3734.76 of the Revised Code shall pay a fee 67155  
of one thousand dollars, except that if the facility is owned or 67156  
operated by a motor vehicle salvage dealer licensed under Chapter 67157  
4738. of the Revised Code, the person shall pay a fee of fifty 67158  
dollars. 67159

(4) A person issued a permit for a scrap tire monocell or 67160  
monofill facility under section 3734.77 of the Revised Code shall 67161  
pay a fee of ten dollars per thousand cubic yards of disposal 67162  
capacity or one thousand dollars, whichever is greater, except 67163  
that the total fee for any such permit shall not exceed eighty 67164  
thousand dollars. 67165

(5) A person issued a registration certificate for a scrap 67166  
tire recovery facility under section 3734.78 of the Revised Code 67167  
shall pay a fee of one hundred dollars. 67168

(6) A person issued a permit for a scrap tire recovery 67169  
facility under section 3734.78 of the Revised Code shall pay a fee 67170  
of one thousand dollars. 67171

(7) In addition to the applicable registration certificate or 67172  
permit fee under divisions (R)(1) to (6) of this section, a person 67173

issued a registration certificate or permit for any such scrap 67174  
tire facility who fails to pay the registration certificate or 67175  
permit fee to the director in compliance with division (V) of this 67176  
section shall pay an additional ten per cent of the amount of the 67177  
fee for each week that the fee is late. 67178

(8) The registration certificate, permit, and late payment 67179  
fees paid to the director under divisions (R)(1) to (7) of this 67180  
section shall be credited to the scrap tire management fund 67181  
created in section 3734.82 of the Revised Code. 67182

(S)(1) Except as provided by divisions (L), (M), (N), (O), 67183  
(P), and (S)(2) of this section, division (A)(2) of section 67184  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 67185  
and rules adopted under division (T)(1) of this section, any 67186  
person applying for a registration certificate under section 67187  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 67188  
variance, or plan approval under Chapter 3734. of the Revised Code 67189  
shall pay a nonrefundable fee of fifteen dollars at the time the 67190  
application is submitted. 67191

Except as otherwise provided, any person applying for a 67192  
permit, variance, or plan approval under Chapter 6109. or 6111. of 67193  
the Revised Code shall pay a nonrefundable fee of one hundred 67194  
dollars at the time the application is submitted through June 30, 67195  
~~2016~~ 2018, and a nonrefundable fee of fifteen dollars at the time 67196  
the application is submitted on and after July 1, ~~2016~~ 2018. 67197  
Except as provided in division (S)(3) of this section, through 67198  
June 30, ~~2016~~ 2018, any person applying for a national pollutant 67199  
discharge elimination system permit under Chapter 6111. of the 67200  
Revised Code shall pay a nonrefundable fee of two hundred dollars 67201  
at the time of application for the permit. On and after July 1, 67202  
~~2016~~ 2018, such a person shall pay a nonrefundable fee of fifteen 67203  
dollars at the time of application. 67204

In addition to the application fee established under division 67205

(S)(1) of this section, any person applying for a national  
pollutant discharge elimination system general storm water  
construction permit shall pay a nonrefundable fee of twenty  
dollars per acre for each acre that is permitted above five acres  
at the time the application is submitted. However, the per acreage  
fee shall not exceed three hundred dollars. In addition, any  
person applying for a national pollutant discharge elimination  
system general storm water industrial permit shall pay a  
nonrefundable fee of one hundred fifty dollars at the time the  
application is submitted.

The director shall transmit all moneys collected under  
division (S)(1) of this section pursuant to Chapter 6109. of the  
Revised Code to the treasurer of state for deposit into the  
drinking water protection fund created in section 6109.30 of the  
Revised Code.

The director shall transmit all moneys collected under  
division (S)(1) of this section pursuant to Chapter 6111. of the  
Revised Code and under division (S)(3) of this section to the  
treasurer of state for deposit into the surface water protection  
fund created in section 6111.038 of the Revised Code.

If a registration certificate is issued under section  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of  
the application fee paid shall be deducted from the amount of the  
registration certificate fee due under division (R)(1), (2), or  
(5) of this section, as applicable.

If a person submits an electronic application for a  
registration certificate, permit, variance, or plan approval for  
which an application fee is established under division (S)(1) of  
this section, the person shall pay the applicable application fee  
as expeditiously as possible after the submission of the  
electronic application. An application for a registration  
certificate, permit, variance, or plan approval for which an

application fee is established under division (S)(1) of this 67238  
section shall not be reviewed or processed until the applicable 67239  
application fee, and any other fees established under this 67240  
division, are paid. 67241

(2) Division (S)(1) of this section does not apply to an 67242  
application for a registration certificate for a scrap tire 67243  
collection or storage facility submitted under section 3734.75 or 67244  
3734.76 of the Revised Code, as applicable, if the owner or 67245  
operator of the facility or proposed facility is a motor vehicle 67246  
salvage dealer licensed under Chapter 4738. of the Revised Code. 67247

(3) A person applying for coverage under a national pollutant 67248  
discharge elimination system general discharge permit for 67249  
household sewage treatment systems shall pay the following fees: 67250

(a) A nonrefundable fee of two hundred dollars at the time of 67251  
application for initial permit coverage; 67252

(b) A nonrefundable fee of one hundred dollars at the time of 67253  
application for a renewal of permit coverage. 67254

(T) The director may adopt, amend, and rescind rules in 67255  
accordance with Chapter 119. of the Revised Code that do all of 67256  
the following: 67257

(1) Prescribe fees to be paid by applicants for and holders 67258  
of any license, permit, variance, plan approval, or certification 67259  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 67260  
the Revised Code that are not specifically established in this 67261  
section. The fees shall be designed to defray the cost of 67262  
processing, issuing, revoking, modifying, denying, and enforcing 67263  
the licenses, permits, variances, plan approvals, and 67264  
certifications. 67265

The director shall transmit all moneys collected under rules 67266  
adopted under division (T)(1) of this section pursuant to Chapter 67267  
6109. of the Revised Code to the treasurer of state for deposit 67268



into the drinking water protection fund created in section 6109.30 67269  
of the Revised Code. 67270

The director shall transmit all moneys collected under rules 67271  
adopted under division (T)(1) of this section pursuant to Chapter 67272  
6111. of the Revised Code to the treasurer of state for deposit 67273  
into the surface water protection fund created in section 6111.038 67274  
of the Revised Code. 67275

(2) Exempt the state and political subdivisions thereof, 67276  
including education facilities or medical facilities owned by the 67277  
state or a political subdivision, or any person exempted from 67278  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 67279  
any fee required by this section; 67280

(3) Provide for the waiver of any fee, or any part thereof, 67281  
otherwise required by this section whenever the director 67282  
determines that the imposition of the fee would constitute an 67283  
unreasonable cost of doing business for any applicant, class of 67284  
applicants, or other person subject to the fee; 67285

(4) Prescribe measures that the director considers necessary 67286  
to carry out this section. 67287

(U) When the director reasonably demonstrates that the direct 67288  
cost to the state associated with the issuance of a permit to 67289  
install, license, variance, plan approval, or certification 67290  
exceeds the fee for the issuance or review specified by this 67291  
section, the director may condition the issuance or review on the 67292  
payment by the person receiving the issuance or review of, in 67293  
addition to the fee specified by this section, the amount, or any 67294  
portion thereof, in excess of the fee specified under this 67295  
section. The director shall not so condition issuances for which a 67296  
fee is prescribed in division (L)(1)(b) of this section. 67297

(V) Except as provided in divisions (L), (M), and (P) of this 67298  
section or unless otherwise prescribed by a rule of the director 67299

adopted pursuant to Chapter 119. of the Revised Code, all fees 67300  
required by this section are payable within thirty days after the 67301  
issuance of an invoice for the fee by the director or the 67302  
effective date of the issuance of the license, permit, variance, 67303  
plan approval, or certification. If payment is late, the person 67304  
responsible for payment of the fee shall pay an additional ten per 67305  
cent of the amount due for each month that it is late. 67306

(W) As used in this section, "fuel-burning equipment," 67307  
"fuel-burning equipment input capacity," "incinerator," 67308  
"incinerator input capacity," "process," "process weight rate," 67309  
"storage tank," "gasoline dispensing facility," "dry cleaning 67310  
facility," "design flow discharge," and "new source treatment 67311  
works" have the meanings ascribed to those terms by applicable 67312  
rules or standards adopted by the director under Chapter 3704. or 67313  
6111. of the Revised Code. 67314

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 67315  
(J) of this section, and in any other provision of this section 67316  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 67317  
Code: 67318

(1) "Facility," "federal Clean Air Act," "person," and "Title 67319  
V permit" have the same meanings as in section 3704.01 of the 67320  
Revised Code. 67321

(2) "Title V permit program" means the following activities 67322  
as necessary to meet the requirements of Title V of the federal 67323  
Clean Air Act and 40 C.F.R. part 70, including at least: 67324

(a) Preparing and adopting, if applicable, generally 67325  
applicable rules or guidance regarding the permit program or its 67326  
implementation or enforcement; 67327

(b) Reviewing and acting on any application for a Title V 67328  
permit, permit revision, or permit renewal, including the 67329  
development of an applicable requirement as part of the processing 67330

of a permit, permit revision, or permit renewal; 67331

(c) Administering the permit program, including the 67332  
supporting and tracking of permit applications, compliance 67333  
certification, and related data entry; 67334

(d) Determining which sources are subject to the program and 67335  
implementing and enforcing the terms of any Title V permit, not 67336  
including any court actions or other formal enforcement actions; 67337

(e) Emission and ambient monitoring; 67338

(f) Modeling, analyses, or demonstrations; 67339

(g) Preparing inventories and tracking emissions; 67340

(h) Providing direct and indirect support to small business 67341  
stationary sources to determine and meet their obligations under 67342  
the federal Clean Air Act pursuant to the small business 67343  
stationary source technical and environmental compliance 67344  
assistance program required by section 507 of that act and 67345  
established in sections 3704.18, 3704.19, and 3706.19 of the 67346  
Revised Code. 67347

(3) "Organic compound" means any chemical compound of carbon, 67348  
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 67349  
carbides or carbonates, and ammonium carbonate. 67350

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 67351  
of this section, each sewage sludge facility shall pay a 67352  
nonrefundable annual sludge fee equal to three dollars and fifty 67353  
cents per dry ton of sewage sludge, including the dry tons of 67354  
sewage sludge in materials derived from sewage sludge, that the 67355  
sewage sludge facility treats or disposes of in this state. The 67356  
annual volume of sewage sludge treated or disposed of by a sewage 67357  
sludge facility shall be calculated using the first day of January 67358  
through the thirty-first day of December of the calendar year 67359  
preceding the date on which payment of the fee is due. 67360

(2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars.

(b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following exceptions:

(i) Except as provided in division (Y)(2)(d) of this section, a sewage sludge facility that treats or disposes of exceptional quality sludge shall pay a minimum annual sewage sludge fee of one hundred dollars.

(ii) A sewage sludge facility that treats or disposes of exceptional quality sludge shall not be required to pay the annual sludge fee for treatment or disposal in this state of exceptional quality sludge generated outside of this state and contained in bags or other containers not greater than one hundred pounds in capacity.

A thirty-five per cent reduction for exceptional quality sludge applies to the maximum annual fees established under division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a)

of this section. 67423

(b) In the case of an entity that generates sewage sludge and 67424  
transfers the sewage sludge to a landfill for disposal or to a 67425  
sewage sludge facility for land reclamation or surface disposal, 67426  
the entity generating the sewage sludge, and not the landfill or 67427  
sewage sludge facility, shall pay the annual sludge fee for the 67428  
tons of sewage sludge that are transferred. 67429

(5) Not later than the first day of April of the calendar 67430  
year following March 17, 2000, and each first day of April 67431  
thereafter, the director shall issue invoices to persons who are 67432  
required to pay the annual sludge fee. The invoice shall identify 67433  
the nature and amount of the annual sludge fee assessed and state 67434  
the first day of May as the deadline for receipt by the director 67435  
of objections regarding the amount of the fee and the first day of 67436  
July as the deadline for payment of the fee. 67437

Not later than the first day of May following receipt of an 67438  
invoice, a person required to pay the annual sludge fee may submit 67439  
objections to the director concerning the accuracy of information 67440  
regarding the number of dry tons of sewage sludge used to 67441  
calculate the amount of the annual sludge fee or regarding whether 67442  
the sewage sludge qualifies for the exceptional quality sludge 67443  
discount established in division (Y)(2)(b) of this section. The 67444  
director may consider the objections and adjust the amount of the 67445  
fee to ensure that it is accurate. 67446

If the director does not adjust the amount of the annual 67447  
sludge fee in response to a person's objections, the person may 67448  
appeal the director's determination in accordance with Chapter 67449  
119. of the Revised Code. 67450

Not later than the first day of June, the director shall 67451  
notify the objecting person regarding whether the director has 67452  
found the objections to be valid and the reasons for the finding. 67453

If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded six hundred thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will not exceed six hundred thousand dollars in any fiscal year.

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the

director, after review of the fee structure and consultation with 67486  
affected persons, may issue an order increasing the amount of the 67487  
fees levied under division (Y) of this section so that the 67488  
estimated amount of moneys resulting from the fees will be 67489  
approximately six hundred thousand dollars. Fees shall never be 67490  
increased to an amount exceeding the amount specified in division 67491  
(Y)(7) of this section. 67492

Notwithstanding section 119.06 of the Revised Code, the 67493  
director may issue an order under division (Y)(7) of this section 67494  
without the necessity to hold an adjudicatory hearing in 67495  
connection with the order. The issuance of an order under this 67496  
division is not an act or action for purposes of section 3745.04 67497  
of the Revised Code. 67498

(8) As used in division (Y) of this section: 67499

(a) "Sewage sludge facility" means an entity that performs 67500  
treatment on or is responsible for the disposal of sewage sludge. 67501

(b) "Sewage sludge" means a solid, semi-solid, or liquid 67502  
residue generated during the treatment of domestic sewage in a 67503  
treatment works as defined in section 6111.01 of the Revised Code. 67504  
"Sewage sludge" includes, but is not limited to, scum or solids 67505  
removed in primary, secondary, or advanced wastewater treatment 67506  
processes. "Sewage sludge" does not include ash generated during 67507  
the firing of sewage sludge in a sewage sludge incinerator, grit 67508  
and screenings generated during preliminary treatment of domestic 67509  
sewage in a treatment works, animal manure, residue generated 67510  
during treatment of animal manure, or domestic septage. 67511

(c) "Exceptional quality sludge" means sewage sludge that 67512  
meets all of the following qualifications: 67513

(i) Satisfies the class A pathogen standards in 40 C.F.R. 67514  
503.32(a); 67515

(ii) Satisfies one of the vector attraction reduction 67516



requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 67517

(iii) Does not exceed the ceiling concentration limitations 67518  
for metals listed in table one of 40 C.F.R. 503.13; 67519

(iv) Does not exceed the concentration limitations for metals 67520  
listed in table three of 40 C.F.R. 503.13. 67521

(d) "Treatment" means the preparation of sewage sludge for 67522  
final use or disposal and includes, but is not limited to, 67523  
thickening, stabilization, and dewatering of sewage sludge. 67524

(e) "Disposal" means the final use of sewage sludge, 67525  
including, but not limited to, land application, land reclamation, 67526  
surface disposal, or disposal in a landfill or an incinerator. 67527

(f) "Land application" means the spraying or spreading of 67528  
sewage sludge onto the land surface, the injection of sewage 67529  
sludge below the land surface, or the incorporation of sewage 67530  
sludge into the soil for the purposes of conditioning the soil or 67531  
fertilizing crops or vegetation grown in the soil. 67532

(g) "Land reclamation" means the returning of disturbed land 67533  
to productive use. 67534

(h) "Surface disposal" means the placement of sludge on an 67535  
area of land for disposal, including, but not limited to, 67536  
monofills, surface impoundments, lagoons, waste piles, or 67537  
dedicated disposal sites. 67538

(i) "Incinerator" means an entity that disposes of sewage 67539  
sludge through the combustion of organic matter and inorganic 67540  
matter in sewage sludge by high temperatures in an enclosed 67541  
device. 67542

(j) "Incineration facility" includes all incinerators owned 67543  
or operated by the same entity and located on a contiguous tract 67544  
of land. Areas of land are considered to be contiguous even if 67545  
they are separated by a public road or highway. 67546

(k) "Annual sludge fee" means the fee assessed under division 67547  
(Y)(1) of this section. 67548

(l) "Landfill" means a sanitary landfill facility, as defined 67549  
in rules adopted under section 3734.02 of the Revised Code, that 67550  
is licensed under section 3734.05 of the Revised Code. 67551

(m) "Preexisting land reclamation project" means a 67552  
property-specific land reclamation project that has been in 67553  
continuous operation for not less than five years pursuant to 67554  
approval of the activity by the director and includes the 67555  
implementation of a community outreach program concerning the 67556  
activity. 67557

**Sec. 3745.70.** As used in sections 3745.70 to 3745.73 of the 67558  
Revised Code: 67559

(A) "Environmental audit" means a voluntary, thorough, and 67560  
discrete self-evaluation of one or more activities at one or more 67561  
facilities or properties that is documented; is designed to 67562  
improve compliance, or identify, correct, or prevent 67563  
noncompliance, with environmental laws; and is conducted by the 67564  
owner or operator of a facility or property or the owner's or 67565  
operator's employee or independent contractor. An environmental 67566  
audit may be conducted by the owner or operator of a facility or 67567  
property, the owner's or operator's employees, or independent 67568  
contractors. Once initiated, an audit shall be completed within a 67569  
reasonable time, not to exceed six months, unless a written 67570  
request for an extension is approved by the head officer of the 67571  
governmental agency, or division or office thereof, with 67572  
jurisdiction over the activities being audited based on a showing 67573  
of reasonable grounds. An audit shall not be considered to be 67574  
initiated until the owner or operator or the owner's or operator's 67575  
employee or independent contractor actively has begun the 67576  
self-evaluation of environmental compliance. 67577

(B) "Activity" means any process, procedure, or function that is subject to environmental laws. 67578  
67579

(C) "Voluntary" means, with respect to an environmental audit of a particular activity, that both of the following apply when the audit of that activity commences: 67580  
67581  
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(1) The audit is not required by law, prior litigation, or an order by a court or a government agency; 67583  
67584

(2) The owner or operator who conducts the audit does not know or have reason to know that a government agency has commenced an investigation or enforcement action that concerns a violation of environmental laws involving the activity or that such an investigation or enforcement action is imminent. 67585  
67586  
67587  
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(D) "Environmental audit report" means interim or final data, documents, records, or plans that are necessary to an environmental audit and are collected, developed, made, and maintained in good faith as part of the audit, and may include, without limitation: 67590  
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67592  
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(1) Analytical data, laboratory reports, field notes and records of observations, findings, opinions, suggestions, conclusions, drafts, memoranda, drawings, photographs, computer-generated or electronically recorded information, maps, charts, graphs, and surveys; 67595  
67596  
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(2) Reports that describe the scope, objectives, and methods of the environmental audit, audit management policies, the information gained by the environmental audit, and conclusions and recommendations together with exhibits and appendices; 67600  
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(3) Memoranda, documents, records, and plans analyzing the environmental audit report or discussing implementation, prevention, compliance, and remediation issues associated with the environmental audit. 67604  
67605  
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67607

"Environmental audit report" does not mean corrective or remedial action taken pursuant to an environmental audit. 67608  
67609

(E) "Environmental laws" means sections ~~1511.02~~ 939.02 and 67610  
1531.29, Chapters 3704., 3734., 3745., 3746., 3750., 3751., 3752., 67611  
6109., and 6111. of the Revised Code, and any other sections or 67612  
chapters of the Revised Code the principal purpose of which is 67613  
environmental protection; any federal or local counterparts or 67614  
extensions of those sections or chapters; rules adopted under any 67615  
such sections, chapters, counterparts, or extensions; and terms 67616  
and conditions of orders, permits, licenses, license renewals, 67617  
variances, exemptions, or plan approvals issued under such 67618  
sections, chapters, counterparts, or extensions. 67619

**Sec. 3750.081.** (A) Notwithstanding any provision in this 67620  
chapter to the contrary, an owner or operator of a facility that 67621  
is regulated under Chapter 1509. of the Revised Code ~~who has filed~~ 67622  
~~a log in accordance with section 1509.10 of the Revised Code and a~~ 67623  
~~production statement in accordance with section 1509.11 of the~~ 67624  
~~Revised Code~~ shall be deemed to have satisfied all of the 67625  
inventory, notification, listing, and other submission and filing 67626  
requirements established under this chapter, except for the 67627  
release reporting requirements established under section 3750.06 67628  
of the Revised Code, by complying with the requirements 67629  
established in section 1509.231 of the Revised Code. 67630

(B) The emergency response commission and every local 67631  
emergency planning committee and fire department in this state 67632  
shall establish a means by which to access, view, and retrieve 67633  
information, ~~through the use of the internet or a computer disk,~~ 67634  
from the electronic database maintained by the division of oil and 67635  
gas resources management in the department of natural resources in 67636  
accordance with section ~~1509.23~~ 1509.231 of the Revised Code. With 67637  
respect to facilities regulated under Chapter 1509. of the Revised 67638

Code, the database shall be the means of providing and receiving 67639  
the information described in division (A) of this section. 67640

**Sec. 3750.13.** (A)(1) Except as provided in division (A)(3) or 67641  
(4) of this section, the owner or operator of a facility required 67642  
to annually file an emergency and hazardous chemical inventory 67643  
form under section 3750.08 of the Revised Code shall submit with 67644  
the inventory form a filing fee of one hundred fifty dollars. In 67645  
addition to the filing fee, the owner or operator shall submit 67646  
with the inventory form the following additional fees for 67647  
reporting inventories of the individual hazardous chemicals and 67648  
extremely hazardous substances produced, used, or stored at the 67649  
facility: 67650

(a) Except as provided in division (A)(1)(b) of this section, 67651  
an additional fee of twenty dollars per hazardous chemical 67652  
enumerated on the inventory form; 67653

(b) An additional fee of one hundred fifty dollars per 67654  
extremely hazardous substance enumerated on the inventory form. 67655  
The fee established in division (A)(1)(a) of this section does not 67656  
apply to the reporting of the inventory of a hazardous chemical 67657  
that is also an extremely hazardous substance to which the 67658  
inventory reporting fee established in division (A)(1)(b) of this 67659  
section applies. 67660

The total fees required to accompany any inventory form shall 67661  
not exceed twenty-five hundred dollars. 67662

(2) An owner or operator of a facility who fails to submit 67663  
such an inventory form within thirty days after the applicable 67664  
filing date prescribed in section 3750.08 of the Revised Code 67665  
shall submit with the inventory form a late filing fee in the 67666  
amount of ten per cent per year of the total fees due under 67667  
division (A)(1) or (4) of this section, in addition to the fees 67668  
due under division (A)(1) or (4) of this section. 67669

(3) The owner or operator of a facility who, during the preceding year, was required to pay a fee to a municipal corporation pursuant to an ordinance, rule, or requirement that was in effect on the effective date of this section for the reporting or providing of the names or amounts of extremely hazardous substances or hazardous chemicals produced, used, or stored at the facility may claim a credit against the fees due under division (A)(1) or (4) of this section for the fees paid to the municipal corporation pursuant to its reporting requirement. The amount of the credit claimed in any reporting year shall not exceed the amount of the fees due under division (A)(1) or (4) of this section during that reporting year, and no unused portion of the credit shall be carried over to subsequent years. In order to claim a credit under this division, the owner or operator shall submit with the emergency and hazardous chemical inventory form a receipt issued by the municipal corporation or other documentation acceptable to the commission indicating the amount of the fee paid to the municipal corporation and the date on which the fee was paid.

(4) An owner or operator who is regulated under Chapter 1509. of the Revised Code and who submits information under section ~~1509.11~~ 1509.231 of the Revised Code for not more than twenty-five facilities shall submit to the emergency response commission on or before the first day of March a flat fee of fifty dollars if the facilities meet all of the following conditions:

(a) The facility exclusively stores crude oil or liquid hydrocarbons or other fluids resulting, obtained, or produced in connection with the production or storage of crude oil or natural gas.

(b) The crude oil, liquid hydrocarbons, or other fluids stored at the facility are conveyed directly to it through piping or tubing.

(c) The facility is located on the same site as, or on a site adjacent to, the well from which the crude oil, liquid hydrocarbons, or other fluids are produced or obtained.

(d) The facility is used for the storage of the crude oil, liquid hydrocarbons, or other fluids prior to their transportation off the premises of the facility for sale, use, or disposal.

An owner or operator who submits information for more than twenty-five facilities that meet all of the conditions prescribed in divisions (A)(4)(a) to (d) of this section shall submit to the commission a base fee of fifty dollars and an additional filing fee of ten dollars for each facility reported in excess of twenty-five, but not exceeding a total fee of nine hundred dollars.

As used in division (A)(4) of this section, "owner or operator" means the person who actually owns or operates any such facility and any other person who controls, is controlled by, or is under common control with the person who actually owns or operates the facility.

(B) The emergency response commission and the local emergency planning committee of an emergency planning district may establish fees to be paid by persons, other than public officers or employees, obtaining copies of documents or information submitted to the commission or a committee under this chapter. The fees shall be established at a level calculated to defray the costs to the commission or committee for copying the documents or information, but shall not exceed the maximum fees established in rules adopted under division (B)(8) of section 3750.02 of the Revised Code.

(C) Except as provided in this division and division (B) of this section, and except for fees authorized by section 3737.22 of the Revised Code or rules adopted under sections 3737.82 to

3737.882 of the Revised Code and collected exclusively for either 67733  
of those purposes, no committee or political subdivision shall 67734  
levy any fee, tax, excise, or other charge to carry out the 67735  
purposes of this chapter. A committee may charge the actual costs 67736  
involved in accessing any computerized data base established by 67737  
the commission under this chapter or by the United States 67738  
environmental protection agency under the "Emergency Planning and 67739  
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 67740  
11001. 67741

(D) Moneys collected by the commission under this section 67742  
shall be credited to the emergency planning and community 67743  
right-to-know fund created in section 3750.14 of the Revised Code. 67744

**Sec. 3769.03.** The state racing commission shall prescribe the 67745  
rules and conditions under which horse racing may be conducted and 67746  
may issue, deny, suspend, diminish, or revoke permits to conduct 67747  
horse racing as authorized by sections 3769.01 to 3769.14 of the 67748  
Revised Code. The commission may impose, in addition to any other 67749  
penalty imposed by the commission, fines in an amount not to 67750  
exceed ten thousand dollars on any permit holder or any other 67751  
person who violates the rules or orders of the commission. The 67752  
commission may prescribe the forms of wagering that are 67753  
permissible, the number of races, the procedures on wagering, and 67754  
the wagering information to be provided to the public. 67755

The commission may require totalizator equipment to display 67756  
the amount of wagering in each wagering pool. The commission shall 67757  
initiate safeguards as necessary to account for the amount of 67758  
money wagered at each track in each wagering pool. It may require 67759  
permit holders to install equipment that will provide a complete 67760  
check and analysis of the functioning of any computers and require 67761  
safeguards on their performance. The commission shall require all 67762  
permit holders, except those holding state fair, county fair, or 67763



other fair permits, to provide a photographic recording, approved 67764  
by the commission, of the entire running of all races conducted by 67765  
the permit holder. 67766

The state racing commission may issue, deny, suspend, or 67767  
revoke licenses to those persons engaged in racing and to those 67768  
employees of permit holders as is in the public interest for the 67769  
purpose of maintaining a proper control over horse-racing 67770  
meetings. The commission, as is in the public interest for the 67771  
purpose of maintaining proper control over horse-racing meetings, 67772  
also may rule any person off a permit holder's premises. License 67773  
fees shall include registration fees and shall be set by the 67774  
commission. Each license issued by the commission, unless revoked 67775  
for cause, shall be for the period of one year from the first day 67776  
of January of the year in which it is issued, except as otherwise 67777  
provided in section 3769.07 of the Revised Code. Applicants for 67778  
licenses issued by the commission shall submit their fingerprints 67779  
to the commission, and the commission may forward the fingerprints 67780  
to the federal bureau of investigation or to any other agency, or 67781  
to both, for examination. 67782

There is hereby created in the state treasury the state 67783  
racing commission operating fund. All license fees established and 67784  
collected by the commission pursuant to this section, and the 67785  
amounts specified in divisions (B) and (C) of section 3769.08 and 67786  
division (A)~~(6)~~(5) of section 3769.087 of the Revised Code, shall 67787  
be paid into the state treasury to the credit of the fund. Moneys 67788  
in the fund shall be expended by the commission to defray its 67789  
operating costs, salaries and expenses, and the cost of 67790  
administering and enforcing this chapter. 67791

The commission may deny a permit to any permit holder that 67792  
has defaulted in payments to the public, employees, or the 67793  
horsemen and may deny a permit to any successor purchaser of a 67794  
track for as long as any of those defaults have not been satisfied 67795

by either the seller or purchaser. 67796

The commission shall deny a permit to any permit holder that 67797  
has defaulted in payments to the state or has defaulted in 67798  
payments required under section 3769.089 or 3769.0810 of the 67799  
Revised Code and shall deny a permit to any successor purchaser of 67800  
a track for as long as those defaults have not been satisfied by 67801  
either the seller or purchaser. 67802

Any violation of this chapter, of any rule of racing adopted 67803  
by the commission, or of any law or rule with respect to racing in 67804  
any jurisdiction shall be sufficient reason for a refusal to issue 67805  
a license, or a suspension or revocation of any license issued, 67806  
pursuant to this section. 67807

With respect to the issuance, denial, suspension, or 67808  
revocation of a license to a participant in horse racing, the 67809  
action of the commission shall be subject to Chapter 119. of the 67810  
Revised Code. 67811

The commission may sue and be sued in its own name. Any 67812  
action against the commission shall be brought in the court of 67813  
common pleas of Franklin county. Any appeal from a determination 67814  
or decision of the commission rendered in the exercise of its 67815  
powers and duties under this chapter shall be brought in the court 67816  
of common pleas of Franklin county. 67817

The commission, biennially, shall make a full report to the 67818  
governor of its proceedings for the two-year period ending with 67819  
the thirty-first day of December preceding the convening of the 67820  
general assembly and shall include its recommendations in the 67821  
report. The commission, semiannually, on the thirtieth day of June 67822  
and on the thirty-first day of December of each year, shall make a 67823  
report and accounting to the governor. 67824

**Sec. 3769.08.** (A) Any person holding a permit to conduct a 67825

horse-racing meeting may provide a place in the race meeting 67826  
grounds or enclosure at which the permit holder may conduct and 67827  
supervise the pari-mutuel system of wagering by patrons of legal 67828  
age on the live racing programs and simulcast racing programs 67829  
conducted by the permit holder. 67830

The pari-mutuel method of wagering upon the live racing 67831  
programs and simulcast racing programs held at or conducted within 67832  
such race track, and at the time of such horse-racing meeting, or 67833  
at other times authorized by the state racing commission, shall 67834  
not be unlawful. No other place, except that provided and 67835  
designated by the permit holder and except as provided in section 67836  
3769.26 of the Revised Code, nor any other method or system of 67837  
betting or wagering on live racing programs and simulcast racing 67838  
programs, except the pari-mutuel system, shall be used or 67839  
permitted by the permit holder; nor, except as provided in section 67840  
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 67841  
system of wagering be conducted by the permit holder on any races 67842  
except the races at the race track, grounds, or enclosure for 67843  
which the person holds a permit. Each permit holder may retain as 67844  
a commission an amount not to exceed eighteen per cent of the 67845  
total of all moneys wagered on live racing programs and simulcast 67846  
racing programs. 67847

The pari-mutuel wagering authorized by this section is 67848  
subject to sections 3769.25 to 3769.28 of the Revised Code. 67849

(B) At the close of each racing day, each permit holder 67850  
authorized to conduct thoroughbred racing, out of the amount 67851  
retained on that day by the permit holder, shall pay in the manner 67852  
prescribed under section 3769.103 of the Revised Code, as a tax, a 67853  
sum equal to the following percentages of the total of all moneys 67854  
wagered on live racing programs on that day and shall separately 67855  
compute and pay in the manner prescribed under section 3769.103 of 67856

the Revised Code, as a tax, a sum equal to the following 67857  
percentages of the total of all money wagered on simulcast racing 67858  
programs on that day: 67859

(1) One per cent of the first two hundred thousand dollars 67860  
wagered, or any part of that amount; 67861

(2) Two per cent of the next one hundred thousand dollars 67862  
wagered, or any part of that amount; 67863

(3) Three per cent of the next one hundred thousand dollars 67864  
wagered, or any part of that amount; 67865

(4) Four per cent of all sums over four hundred thousand 67866  
dollars wagered. 67867

Except as otherwise provided in section 3769.089 of the 67868  
Revised Code, each permit holder authorized to conduct 67869  
thoroughbred racing shall use for purse money a sum equal to fifty 67870  
per cent of the pari-mutuel revenues retained by the permit holder 67871  
as a commission after payment of the state tax. This fifty per 67872  
cent payment shall be in addition to the purse distribution from 67873  
breakage specified in this section. 67874

Subject to division (M) of this section, from the moneys paid 67875  
to the tax commissioner by thoroughbred racing permit holders, 67876  
one-half of one per cent of the total of all moneys so wagered on 67877  
a racing day shall be paid into the Ohio fairs fund created by 67878  
section 3769.082 of the Revised Code, one and one-eighth per cent 67879  
of the total of all moneys so wagered on a racing day shall be 67880  
paid into the Ohio thoroughbred race fund created by section 67881  
3769.083 of the Revised Code, and one-quarter of one per cent of 67882  
the total of all moneys wagered on a racing day by each permit 67883  
holder shall be paid into the state racing commission operating 67884  
fund created by section 3769.03 of the Revised Code. The required 67885  
payment to the state racing commission operating fund does not 67886  
apply to county and independent fairs and agricultural societies. 67887

The remaining moneys may be retained by the permit holder, except 67888  
as provided in this section with respect to the odd cents 67889  
redistribution. Amounts paid into the nursing home franchise 67890  
permit fee fund pursuant to this section and section 3769.26 of 67891  
the Revised Code shall be used solely for the support of the 67892  
PASSPORT program as determined in appropriations made by the 67893  
general assembly. If the PASSPORT program is abolished, the amount 67894  
that would have been paid to the nursing home franchise permit fee 67895  
fund under this chapter shall be paid to the general revenue fund 67896  
of the state. As used in this chapter, "PASSPORT program" has the 67897  
same meaning as in section 173.51 of the Revised Code. 67898

The total amount paid to the Ohio thoroughbred race fund 67899  
under this section and division (A) of section 3769.087 of the 67900  
Revised Code shall not exceed by more than six per cent the total 67901  
amount paid to this fund under this section and division (A) of 67902  
that section during the immediately preceding calendar year. 67903

Each year, the total amount calculated for payment into the 67904  
Ohio fairs fund under this division, division (C) of this section, 67905  
and division (A) of section 3769.087 of the Revised Code shall be 67906  
an amount calculated using the percentages specified in this 67907  
division, division (C) of this section, and division (A) of 67908  
section 3769.087 of the Revised Code. 67909

A permit holder may contract with a thoroughbred horsemen's 67910  
organization for the organization to act as a representative of 67911  
all thoroughbred owners and trainers participating in a 67912  
horse-racing meeting conducted by the permit holder. A 67913  
"thoroughbred horsemen's organization" is any corporation or 67914  
association that represents, through membership or otherwise, more 67915  
than one-half of the aggregate of all thoroughbred owners and 67916  
trainers who were licensed and actively participated in racing 67917  
within this state during the preceding calendar year. Except as 67918  
otherwise provided in this paragraph, any moneys received by a 67919

thoroughbred horsemen's organization shall be used exclusively for 67920  
the benefit of thoroughbred owners and trainers racing in this 67921  
state through the administrative purposes of the organization, 67922  
benevolent activities on behalf of the horsemen, promotion of the 67923  
horsemen's rights and interests, and promotion of equine research. 67924  
A thoroughbred horsemen's organization may expend not more than an 67925  
aggregate of five per cent of its annual gross receipts, or a 67926  
larger amount as approved by the organization, for dues, 67927  
assessments, and other payments to all other local, national, or 67928  
international organizations having as their primary purposes the 67929  
promotion of thoroughbred horse racing, thoroughbred horsemen's 67930  
rights, and equine research. 67931

(C) Except as otherwise provided in division (B) of this 67932  
section, at the close of each racing day, each permit holder 67933  
authorized to conduct harness or quarter horse racing, out of the 67934  
amount retained that day by the permit holder, shall pay in the 67935  
manner prescribed under section 3769.103 of the Revised Code, as a 67936  
tax, a sum equal to the following percentages of the total of all 67937  
moneys wagered on live racing programs and shall separately 67938  
compute and pay in the manner prescribed under section 3769.103 of 67939  
the Revised Code, as a tax, a sum equal to the following 67940  
percentages of the total of all money wagered on simulcast racing 67941  
programs on that day: 67942

(1) One per cent of the first two hundred thousand dollars 67943  
wagered, or any part of that amount; 67944

(2) Two per cent of the next one hundred thousand dollars 67945  
wagered, or any part of that amount; 67946

(3) Three per cent of the next one hundred thousand dollars 67947  
wagered, or any part of that amount; 67948

(4) Four per cent of all sums over four hundred thousand 67949  
dollars wagered. 67950

Except as otherwise provided in division (B) and subject to 67951  
division (M) of this section, from the moneys paid to the tax 67952  
commissioner by permit holders authorized to conduct harness or 67953  
quarter horse racing, one-half of one per cent of all moneys 67954  
wagered on that racing day shall be paid into the Ohio fairs fund; 67955  
from the moneys paid to the tax commissioner by permit holders 67956  
authorized to conduct harness racing, five-eighths of one per cent 67957  
of all moneys wagered on that racing day shall be paid into the 67958  
Ohio standardbred development fund; and from the moneys paid to 67959  
the tax commissioner by permit holders authorized to conduct 67960  
quarter horse racing, five-eighths of one per cent of all moneys 67961  
wagered on that racing day shall be paid into the Ohio 67962  
thoroughbred race fund to support quarter horse development ~~fund~~ 67963  
and purses. 67964

(D) In addition, subject to division (M) of this section, 67965  
beginning on January 1, 1996, from the money paid to the tax 67966  
commissioner as a tax under this section and division (A) of 67967  
section 3769.087 of the Revised Code by harness horse permit 67968  
holders, one-half of one per cent of the amount wagered on a 67969  
racing day shall be paid into the Ohio standardbred development 67970  
fund. Beginning January 1, 1998, the payment to the Ohio 67971  
standardbred development fund required under this division does 67972  
not apply to county agricultural societies or independent 67973  
agricultural societies. 67974

The total amount paid to the Ohio standardbred development 67975  
fund under this division, division (C) of this section, and 67976  
division (A) of section 3769.087 of the Revised Code and the total 67977  
amount paid to the Ohio thoroughbred race fund to support quarter 67978  
horse development ~~fund~~ and purses under this division and division 67979  
(A) of that section shall not exceed by more than six per cent the 67980  
total amount paid into the fund under this division, division (C) 67981  
of this section, and division (A) of section 3769.087 of the 67982

Revised Code in the immediately preceding calendar year. 67983

(E) Subject to division (M) of this section, from the money 67984  
paid as a tax under this chapter by harness and quarter horse 67985  
permit holders, one-quarter of one per cent of the total of all 67986  
moneys wagered on a racing day by each permit holder shall be paid 67987  
into the state racing commission operating fund created by section 67988  
3769.03 of the Revised Code. This division does not apply to 67989  
county and independent fairs and agricultural societies. 67990

(F) Except as otherwise provided in section 3769.089 of the 67991  
Revised Code, each permit holder authorized to conduct harness 67992  
racing shall pay to the harness horsemen's purse pool a sum equal 67993  
to fifty per cent of the pari-mutuel revenues retained by the 67994  
permit holder as a commission after payment of the state tax. This 67995  
fifty per cent payment is to be in addition to the purse 67996  
distribution from breakage specified in this section. 67997

(G) In addition, each permit holder authorized to conduct 67998  
harness racing shall be allowed to retain the odd cents of all 67999  
redistribution to be made on all mutual contributions exceeding a 68000  
sum equal to the next lowest multiple of ten. 68001

Forty per cent of that portion of that total sum of such odd 68002  
cents shall be used by the permit holder for purse money for Ohio 68003  
sired, bred, and owned colts, for purse money for Ohio bred 68004  
horses, and for increased purse money for horse races. Upon the 68005  
formation of the corporation described in section 3769.21 of the 68006  
Revised Code to establish a harness horsemen's health and 68007  
retirement fund, twenty-five per cent of that portion of that 68008  
total sum of odd cents shall be paid at the close of each racing 68009  
day by the permit holder to that corporation to establish and fund 68010  
the health and retirement fund. Until that corporation is formed, 68011  
that twenty-five per cent shall be paid at the close of each 68012  
racing day by the permit holder to the tax commissioner or the tax 68013  
commissioner's agent in the county seat of the county in which the 68014



permit holder operates race meetings. The remaining thirty-five 68015  
per cent of that portion of that total sum of odd cents shall be 68016  
retained by the permit holder. 68017

(H) In addition, each permit holder authorized to conduct 68018  
thoroughbred racing shall be allowed to retain the odd cents of 68019  
all redistribution to be made on all mutuel contributions 68020  
exceeding a sum equal to the next lowest multiple of ten. Twenty 68021  
per cent of that portion of that total sum of such odd cents shall 68022  
be used by the permit holder for increased purse money for horse 68023  
races. Upon the formation of the corporation described in section 68024  
3769.21 of the Revised Code to establish a thoroughbred horsemen's 68025  
health and retirement fund, forty-five per cent of that portion of 68026  
that total sum of odd cents shall be paid at the close of each 68027  
racing day by the permit holder to that corporation to establish 68028  
and fund the health and retirement fund. Until that corporation is 68029  
formed, that forty-five per cent shall be paid by the permit 68030  
holder to the tax commissioner or the tax commissioner's agent in 68031  
the county seat of the county in which the permit holder operates 68032  
race meetings, at the close of each racing day. The remaining 68033  
thirty-five per cent of that portion of that total sum of odd 68034  
cents shall be retained by the permit holder. 68035

(I) In addition, each permit holder authorized to conduct 68036  
quarter horse racing shall be allowed to retain the odd cents of 68037  
all redistribution to be made on all mutuel contributions 68038  
exceeding a sum equal to the next lowest multiple of ten, subject 68039  
to a tax of twenty-five per cent on that portion of the total sum 68040  
of such odd cents that is in excess of two thousand dollars during 68041  
a calendar year, which tax shall be paid at the close of each 68042  
racing day by the permit holder to the tax commissioner or the tax 68043  
commissioner's agent in the county seat of the county within which 68044  
the permit holder operates race meetings. Forty per cent of that 68045  
portion of that total sum of such odd cents shall be used by the 68046

permit holder for increased purse money for horse races. The 68047  
remaining thirty-five per cent of that portion of that total sum 68048  
of odd cents shall be retained by the permit holder. 68049

(J)(1) To encourage the improvement of racing facilities for 68050  
the benefit of the public, breeders, and horse owners, and to 68051  
increase the revenue to the state from the increase in pari-mutuel 68052  
wagering resulting from those improvements, the taxes paid by a 68053  
permit holder to the state as provided for in this chapter shall 68054  
be reduced by three-fourths of one per cent of the total amount 68055  
wagered for those permit holders who make capital improvements to 68056  
existing race tracks or construct new race tracks. The percentage 68057  
of the reduction that may be taken each racing day shall equal 68058  
seventy-five per cent of the taxes levied under divisions (B) and 68059  
(C) of this section and section 3769.087 of the Revised Code, and 68060  
division (F)(2) of section 3769.26 of the Revised Code, as 68061  
applicable, divided by the calculated amount each fund should 68062  
receive under divisions (B) and (C) of this section and section 68063  
3769.087 of the Revised Code, and division (F)(2) of section 68064  
3769.26 of the Revised Code and the reduction provided for in this 68065  
division. If the resulting percentage is less than one, that 68066  
percentage shall be multiplied by the amount of the reduction 68067  
provided for in this division. Otherwise, the permit holder shall 68068  
receive the full reduction provided for in this division. The 68069  
amount of the allowable reduction not received shall be carried 68070  
forward and applied against future tax liability. After any 68071  
reductions expire, any reduction carried forward shall be treated 68072  
as a reduction as provided for in this division. 68073

If more than one permit holder is authorized to conduct 68074  
racing at the facility that is being built or improved, the cost 68075  
of the new race track or capital improvement shall be allocated 68076  
between or among all the permit holders in the ratio that the 68077  
permit holders' number of racing days bears to the total number of 68078

racing days conducted at the facility. 68079

A reduction for a new race track or a capital improvement 68080  
shall start from the day racing is first conducted following the 68081  
date actual construction of the new race track or each capital 68082  
improvement is completed and the construction cost has been 68083  
approved by the racing commission, unless otherwise provided in 68084  
this section. A reduction for a new race track or a capital 68085  
improvement shall continue for a period of twenty-five years for 68086  
new race tracks and for fifteen years for capital improvements if 68087  
the construction of the capital improvement or new race track 68088  
commenced prior to March 29, 1988, and for a period of ten years 68089  
for new race tracks or capital improvements if the construction of 68090  
the capital improvement or new race track commenced on or after 68091  
March 29, 1988, but before June 6, 2001, or until the total tax 68092  
reduction reaches seventy per cent of the approved cost of the new 68093  
race track or capital improvement, as allocated to each permit 68094  
holder, whichever occurs first. A reduction for a new race track 68095  
or a capital improvement approved after June 6, 2001, shall 68096  
continue until the total tax reduction reaches one hundred per 68097  
cent of the approved cost of the new race track or capital 68098  
improvement, as allocated to each permit holder. 68099

A reduction granted for a new race track or a capital 68100  
improvement, the application for which was approved by the racing 68101  
commission after March 29, 1988, but before June 6, 2001, shall 68102  
not commence nor shall the ten-year period begin to run until all 68103  
prior tax reductions with respect to the same race track have 68104  
ended. The total tax reduction because of capital improvements 68105  
shall not during any one year exceed for all permit holders using 68106  
any one track three-fourths of one per cent of the total amount 68107  
wagered, regardless of the number of capital improvements made. 68108  
Several capital improvements to a race track may be consolidated 68109  
in an application if the racing commission approved the 68110

application prior to March 29, 1988. No permit holder may receive 68111  
a tax reduction for a capital improvement approved by the racing 68112  
commission on or after March 29, 1988, at a race track until all 68113  
tax reductions have ended for all prior capital improvements 68114  
approved by the racing commission under this section or section 68115  
3769.20 of the Revised Code at that race track. If there are two 68116  
or more permit holders operating meetings at the same track, they 68117  
may consolidate their applications. The racing commission shall 68118  
notify the tax commissioner when the reduction of tax begins and 68119  
when it ends. 68120

Each fiscal year the racing commission shall submit a report 68121  
to the tax commissioner, the office of budget and management, and 68122  
the legislative service commission. The report shall identify each 68123  
capital improvement project undertaken under this division and in 68124  
progress at each race track, indicate the total cost of each 68125  
project, state the tax reduction that resulted from each project 68126  
during the immediately preceding fiscal year, estimate the tax 68127  
reduction that will result from each project during the current 68128  
fiscal year, state the total tax reduction that resulted from all 68129  
such projects at all race tracks during the immediately preceding 68130  
fiscal year, and estimate the total tax reduction that will result 68131  
from all such projects at all race tracks during the current 68132  
fiscal year. 68133

(2) In order to qualify for the reduction in tax, a permit 68134  
holder shall apply to the racing commission in such form as the 68135  
commission may require and shall provide full details of the new 68136  
race track or capital improvement, including a schedule for its 68137  
construction and completion, and set forth the costs and expenses 68138  
incurred in connection with it. The racing commission shall not 68139  
approve an application unless the permit holder shows that a 68140  
contract for the new race track or capital improvement has been 68141  
let under an unrestricted competitive bidding procedure, unless 68142

the contract is exempted by the controlling board because of its 68143  
unusual nature. In determining whether to approve an application, 68144  
the racing commission shall consider whether the new race track or 68145  
capital improvement will promote the safety, convenience, and 68146  
comfort of the racing public and horse owners and generally tend 68147  
towards the improvement of racing in this state. 68148

(3) If a new race track or capital improvement is approved by 68149  
the racing commission and construction has started, the tax 68150  
reduction may be authorized by the commission upon presentation of 68151  
copies of paid bills in excess of one hundred thousand dollars or 68152  
ten per cent of the approved cost, whichever is greater. After the 68153  
initial authorization, the permit holder shall present copies of 68154  
paid bills. If the permit holder is in substantial compliance with 68155  
the schedule for construction and completion of the new race track 68156  
or capital improvement, the racing commission may authorize the 68157  
continuation of the tax reduction upon the presentation of the 68158  
additional paid bills. The total amount of the tax reduction 68159  
authorized shall not exceed the percentage of the approved cost of 68160  
the new race track or capital improvement specified in division 68161  
(J)(1) of this section. The racing commission may terminate any 68162  
tax reduction immediately if a permit holder fails to complete the 68163  
new race track or capital improvement, or to substantially comply 68164  
with the schedule for construction and completion of the new race 68165  
track or capital improvement. If a permit holder fails to complete 68166  
a new race track or capital improvement, the racing commission 68167  
shall order the permit holder to repay to the state the total 68168  
amount of tax reduced. The normal tax paid by the permit holder 68169  
shall be increased by three-fourths of one per cent of the total 68170  
amount wagered until the total amount of the additional tax 68171  
collected equals the total amount of tax reduced. 68172

(4) As used in this section: 68173

(a) "Capital improvement" means an addition, replacement, or 68174

remodeling of a structural unit of a race track facility costing 68175  
at least one hundred thousand dollars, including, but not limited 68176  
to, the construction of barns used exclusively for the race track 68177  
facility, backstretch facilities for horsemen, paddock facilities, 68178  
new pari-mutuel and totalizator equipment and appurtenances to 68179  
that equipment purchased by the track, new access roads, new 68180  
parking areas, the complete reconstruction, reshaping, and 68181  
leveling of the racing surface and appurtenances, the installation 68182  
of permanent new heating or air conditioning, roof replacement or 68183  
restoration, installations of a permanent nature forming a part of 68184  
the track structure, and construction of buildings that are 68185  
located on a permit holder's premises. "Capital improvement" does 68186  
not include the cost of replacement of equipment that is not 68187  
permanently installed, ordinary repairs, painting, and maintenance 68188  
required to keep a race track facility in ordinary operating 68189  
condition. 68190

(b) "New race track" includes the reconstruction of a race 68191  
track damaged by fire or other cause that has been declared by the 68192  
racing commission, as a result of the damage, to be an inadequate 68193  
facility for the safe operation of horse racing. 68194

(c) "Approved cost" includes all debt service and interest 68195  
costs that are associated with a capital improvement or new race 68196  
track and that the racing commission approves for a tax reduction 68197  
under division (J) of this section. 68198

(5) The racing commission shall not approve an application 68199  
for a tax reduction under this section if it has reasonable cause 68200  
to believe that the actions or negligence of the permit holder 68201  
substantially contributed to the damage suffered by the track due 68202  
to fire or other cause. The racing commission shall obtain any 68203  
data or information available from a fire marshal, law enforcement 68204  
official, or insurance company concerning any fire or other damage 68205  
suffered by a track, prior to approving an application for a tax 68206

reduction. 68207

(6) The approved cost to which a tax reduction applies shall 68208  
be determined by generally accepted accounting principles and 68209  
verified by an audit of the permit holder's records upon 68210  
completion of the project by the racing commission, or by an 68211  
independent certified public accountant selected by the permit 68212  
holder and approved by the commission. 68213

(K) No other license or excise tax or fee, except as provided 68214  
in sections 3769.01 to 3769.14 of the Revised Code, shall be 68215  
assessed or collected from such licensee by any county, township, 68216  
district, municipal corporation, or other body having power to 68217  
assess or collect a tax or fee. That portion of the tax paid under 68218  
this section by permit holders for racing conducted at and during 68219  
the course of an agricultural exposition or fair, and that portion 68220  
of the tax that would have been paid by eligible permit holders 68221  
into the nursing home franchise permit fee fund as a result of 68222  
racing conducted at and during the course of an agricultural 68223  
exposition or fair, shall be deposited into the state treasury to 68224  
the credit of the horse racing tax fund, which is hereby created 68225  
for the use of the agricultural societies of the several counties 68226  
in which the taxes originate. The state racing commission shall 68227  
determine eligible permit holders for purposes of the preceding 68228  
sentence, taking into account the breed of horse, the racing 68229  
dates, the geographic proximity to the fair, and the best 68230  
interests of Ohio racing. On the first day of any month on which 68231  
there is money in the fund, the tax commissioner shall provide for 68232  
payment to the treasurer of each agricultural society the amount 68233  
of the taxes collected under this section upon racing conducted at 68234  
and during the course of any exposition or fair conducted by the 68235  
society. 68236

(L) From the tax paid under this section by harness track 68237  
permit holders, the tax commissioner shall pay into the Ohio 68238

thoroughbred race fund a sum equal to a percentage of the amount 68239  
wagered upon which the tax is paid. The percentage shall be 68240  
determined by the tax commissioner and shall be rounded to the 68241  
nearest one-hundredth. The percentage shall be such that, when 68242  
multiplied by the amount wagered upon which tax was paid by the 68243  
harness track permit holders in the most recent year for which 68244  
final figures are available, it results in a sum that 68245  
substantially equals the same amount of tax paid by the tax 68246  
commissioner during that year into the Ohio fairs fund from taxes 68247  
paid by thoroughbred permit holders. This division does not apply 68248  
to county and independent fairs and agricultural societies. 68249

(M) Twenty-five per cent of the taxes levied on thoroughbred 68250  
racing permit holders, harness racing permit holders, and quarter 68251  
horse racing permit holders under this section, division (A) of 68252  
section 3769.087 of the Revised Code, and division (F)(2) of 68253  
section 3769.26 of the Revised Code shall be paid into the nursing 68254  
home franchise permit fee fund. The tax commissioner shall pay any 68255  
money remaining, after the payment into the nursing home franchise 68256  
permit fee fund and the reductions provided for in division (J) of 68257  
this section and in section 3769.20 of the Revised Code, into the 68258  
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred 68259  
development fund, ~~Ohio quarter horse fund~~, and state racing 68260  
commission operating fund as prescribed in this section and 68261  
division (A) of section 3769.087 of the Revised Code. The tax 68262  
commissioner shall thereafter use and apply the balance of the 68263  
money paid as a tax by any permit holder to cover any shortage in 68264  
the accounts of such funds resulting from an insufficient payment 68265  
as a tax by any other permit holder. Subject to section 3769.101 68266  
of the Revised Code, the moneys received by the tax commissioner 68267  
shall be deposited monthly and paid by the tax commissioner into 68268  
the funds to cover the total aggregate amount due from all permit 68269  
holders to the funds, as calculated under this section and 68270  
division (A) of section 3769.087 of the Revised Code, as 68271



applicable. If, after the payment into the nursing home franchise 68272  
permit fee fund, sufficient funds are not available from the tax 68273  
deposited by the tax commissioner to pay the required amounts into 68274  
the Ohio fairs fund, Ohio standardbred development fund, Ohio 68275  
thoroughbred race fund, ~~Ohio quarter horse fund~~, and the state 68276  
racing commission operating fund, the tax commissioner shall 68277  
prorate on a proportional basis the amount paid to each of the 68278  
funds. Any shortage to the funds as a result of a proration shall 68279  
be applied against future deposits for the same calendar year when 68280  
funds are available. After this application, the tax commissioner 68281  
shall pay any remaining money paid as a tax by all permit holders 68282  
into the nursing home franchise permit fee fund. This division 68283  
does not apply to permit holders conducting racing at the course 68284  
of an agricultural exposition or fair as described in division (K) 68285  
of this section. 68286

**Sec. 3769.083.** (A) As used in this section: 68287

(1) An "accredited Ohio thoroughbred horse" means a horse 68288  
conceived in this state and born in this state which is both of 68289  
the following: 68290

(a) Born of a mare that is domiciled in this state at the 68291  
time of the horse's conception, that remains continuously in the 68292  
state through the date on which the horse is born, and that is 68293  
registered as required by the rules of the state racing 68294  
commission; 68295

(b) By a stallion that stands for breeding purposes only in 68296  
this state in the year in which the horse is conceived, and that 68297  
is registered as required by the rules of the commission. 68298

(2) An "Ohio foaled horse" means a horse registered as 68299  
required by the rules of the state racing commission which is 68300  
either of the following: 68301

(a) A horse born of a mare that enters this state before foaling and remains continuously in this state until the horse is born;

(b) A thoroughbred foal produced within the state by any broodmare shipped into the state to foal and be bred to a registered Ohio stallion. To qualify this foal as an Ohio foaled horse, the broodmare shall remain in this state one year continuously after foaling or continuously through foaling to the cover of the Ohio stallion, whichever is sooner. All horses previously registered as Ohio conceived and foaled shall be considered as Ohio foaled horses effective January 1, 1976.

Any thoroughbred mare may leave this state for periods of time for purposes of activities such as veterinary treatment or surgery, sales purposes, breeding purposes, racing purposes, and similar activities if permission is granted by the state racing commission and the mare is returned to this state immediately upon the conclusion of the requested activity.

(3) "Horse," "stallion," "mare," or "foal" means a horse of the thoroughbred breed as distinguished from a horse of the standard breed or any other breed, and "race" means a race for thoroughbred horses conducted by a permit holder of the state racing commission.

(4) "Horse" includes animals of all ages and of both sexes.

(B) There is hereby created in the state treasury the Ohio thoroughbred race fund, to consist of moneys paid into it pursuant to sections 3769.08 and 3769.087 of the Revised Code. All investment earnings on the cash balances in the fund shall be credited to it. Moneys to the credit of the fund shall be distributed on order of the state racing commission. The commission, with the advice and assistance of the Ohio thoroughbred racing advisory committee, shall use the fund, except

as provided in divisions (C)(2) and (3) and (D) of this section, 68333  
to promote races and provide purses for races for horses in the 68334  
following classes: 68335

(1) Accredited Ohio thoroughbred horses; 68336

(2) Ohio foaled horses. 68337

Not less than ten nor more than twenty-five per cent of the 68338  
total money to be paid from the fund for all types of races shall 68339  
be allocated to races restricted to accredited Ohio thoroughbred 68340  
horses. The commission may combine the classes of horses described 68341  
in divisions (B)(1) and (2) of this section in one race, except in 68342  
stakes races. 68343

(C)(1) Each permit holder conducting thoroughbred races shall 68344  
schedule races each week for horses in the classes named in 68345  
division (B) of this section; the number of the races shall be 68346  
prescribed by the state racing commission. The commission, 68347  
pursuant to division (B) of this section, shall prescribe the 68348  
class or classes of the races to be held by each permit holder 68349  
and, with the advice of the Ohio thoroughbred racing advisory 68350  
committee, shall fix the dates and conditions of the races and the 68351  
amount of moneys to be paid from the Ohio thoroughbred race fund 68352  
to be added in each race to the minimum purse established by the 68353  
permit holder for the class of race held. 68354

(2) The commission, with the advice of the Ohio thoroughbred 68355  
racing advisory committee, may provide for stakes races to be run 68356  
each year, and fix the number of stakes races and the time, place, 68357  
and conditions under which each shall be run. The commission shall 68358  
fix the amount of moneys to be paid from the Ohio thoroughbred 68359  
race fund to be added to the purse provided for each stakes race 68360  
by the permit holder, except that, in at least four stakes races 68361  
each year, the commission shall require, if four stakes races can 68362  
be arranged, that the permit holder conducting the stakes race 68363

provide no less than fifteen thousand dollars for the purse for 68364  
the stakes race, and the commission shall provide moneys from the 68365  
fund to be added to the purse in an amount equal to or greater 68366  
than the amount provided by the permit holder. The commission may 68367  
require a nominating, sustaining, and entry fee not to exceed one 68368  
per cent of the money added from the fund for each horse in any 68369  
stakes race, which fee shall be added to the purse for the race. 68370

Stakes races where money is added from the Ohio thoroughbred 68371  
race fund shall be open only to accredited Ohio thoroughbred 68372  
horses and Ohio foaled horses. Twenty-five per cent of the total 68373  
moneys to be paid from the fund for stakes races shall be 68374  
allocated to races for only accredited Ohio thoroughbred horses. 68375  
The commission may require a nominating, sustaining, and entry 68376  
fee, not to exceed one per cent of the money added from the fund, 68377  
for each horse in any of these stakes races. These fees shall be 68378  
accumulated by the commission and shall be paid out by the 68379  
commission at its discretion as part of the purse money for 68380  
additional races. 68381

(3) The commission may pay from the Ohio thoroughbred race 68382  
fund to the breeder of a horse of class (1) or (2) of division (B) 68383  
of this section winning first, second, or third prize money of a 68384  
purse for a thoroughbred race an amount not to exceed fifteen per 68385  
cent of the first, second, or third prize money of the purse. For 68386  
the purposes of this division, the term "breeder" shall be defined 68387  
by rule of the commission. 68388

The commission also may provide for stallion owners' awards 68389  
in an amount equal to not less than three nor more than ten per 68390  
cent of the first, second, or third place share of the purse. The 68391  
award shall be paid to the owner of the stallion, provided that 68392  
the stallion was standing in this state as provided in division 68393  
(A)(1)(b) of this section at the time the horse placing first, 68394  
second, or third was conceived. 68395

(D) The state racing commission may provide for the 68396  
expenditure of moneys from the Ohio thoroughbred race fund in an 68397  
amount not to exceed in any one calendar year ten per cent of the 68398  
total amount received in the account that year to provide for 68399  
research projects directed toward improving the breeding, raising, 68400  
racing, and health and soundness of thoroughbred horses in the 68401  
state and toward education or promotion of the industry. Research 68402  
for which the moneys from the fund may be used may include, but 68403  
shall not be limited to, studies of pre-race blood testing, 68404  
post-race testing, improvement of the breed, and nutrition. 68405

(E) The state racing commission shall appoint qualified 68406  
personnel as may be required to supervise registration of horses 68407  
under the terms of this section, to determine the eligibility of 68408  
horses for accredited Ohio thoroughbred races, Ohio foaled races, 68409  
and the stakes races authorized by division (C)(2) of this 68410  
section, and to assist the Ohio thoroughbred racing advisory 68411  
committee and the commission in determining the conditions, class, 68412  
and quality of the race program to be established under this 68413  
section so as to carry out the purposes of this section. The 68414  
personnel shall serve at the pleasure of the commission, and 68415  
compensation shall be fixed by the commission. The compensation of 68416  
the personnel and necessary expenses shall be paid out of the Ohio 68417  
thoroughbred race fund. 68418

The commission shall adopt rules as are necessary to carry 68419  
out this section and shall administer the stakes race program and 68420  
other races supported by the Ohio thoroughbred race fund in a 68421  
manner best designed to aid in the development of the thoroughbred 68422  
horse industry in the state, to upgrade the quality of horse 68423  
racing in the state, and to improve the quality of horses 68424  
conceived and foaled in the state. 68425

(F) The state racing commission shall adopt rules regarding 68426  
the maintenance and use of money collected for quarter horse 68427

development and purses under division (C) of section 3769.08 and 68428  
division (A) of section 3769.087 of the Revised Code. 68429

**Sec. 3769.087.** (A) In addition to the commission of eighteen 68430  
per cent retained by each permit holder as provided in section 68431  
3769.08 of the Revised Code, each permit holder shall retain an 68432  
additional amount equal to four per cent of the total of all 68433  
moneys wagered on each racing day on all wagering pools other than 68434  
win, place, and show, of which amount retained an amount equal to 68435  
three per cent of the total of all moneys wagered on each racing 68436  
day on those pools shall be paid in the manner prescribed under 68437  
section 3769.103 of the Revised Code, as a tax. Subject to the 68438  
restrictions contained in divisions (B), (C), and (M) of section 68439  
3769.08 of the Revised Code, from such additional moneys paid to 68440  
the tax commissioner: 68441

(1) Four-sixths shall be allocated to fund distribution as 68442  
provided in division (M) of section 3769.08 of the Revised Code. 68443

(2) One-twelfth shall be paid into the Ohio fairs fund 68444  
created by section 3769.082 of the Revised Code. 68445

(3) ~~One-twelfth~~ One-sixth of the additional moneys paid to 68446  
the tax commissioner by thoroughbred racing permit holders shall 68447  
be paid into the Ohio thoroughbred race fund created by section 68448  
3769.083 of the Revised Code. 68449

(4) One-twelfth of the additional moneys paid to the tax 68450  
commissioner by harness horse racing permit holders shall be paid 68451  
to the Ohio standardbred development fund created by section 68452  
3769.085 of the Revised Code. 68453

(5) ~~One-twelfth of the additional moneys paid to the tax~~ 68454  
~~commissioner by quarter horse racing permit holders shall be paid~~ 68455  
~~to the Ohio quarter horse development fund created by section~~ 68456  
~~3769.086 of the Revised Code.~~ 68457

~~(6)~~ One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code. 68458  
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The remaining one per cent that is retained of the total of all moneys wagered on each racing day on all pools other than win, place, and show, shall be retained by racing permit holders, and, except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half. 68460  
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(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder shall retain an additional amount equal to one-half of one per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show. The additional amount retained under this division shall be paid in the manner prescribed under section 3769.103 of the Revised Code, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code. 68466  
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(C) Unless otherwise agreed to by the video lottery sales agent and the applicable horsemen's association recognized by the state racing commission to represent such persons, within ninety days after ~~the effective date of this amendment~~ September 29, 2013, for video lottery sales agents operating as such on ~~the effective date of this amendment~~ September 29, 2013, or within six months after the date a video lottery sales agent begins operating as such for video lottery sales agents not operating as such on ~~the effective date of this amendment~~ September 29, 2013, the state racing commission shall direct through rule that a percentage of the lottery sales agent's commission as determined by the state lottery commission for conducting video lottery terminal gaming on 68478  
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behalf of the state be paid to the state racing commission for the 68490  
benefit of breeding and racing in this state. The percentage so 68491  
determined shall not be less than nine per cent or more than 68492  
eleven per cent of the video lottery terminal income, and shall be 68493  
a sliding scale based upon capital expenditures necessary to build 68494  
the video lottery sales agent's facility. The aggregate of one 68495  
hundred per cent of video lottery terminal income minus the 68496  
lottery sales agent's commission percentage as determined by the 68497  
state lottery commission plus the percentage of the lottery sale 68498  
agent's commission, as determined by the state racing commission 68499  
or otherwise agreed to by the video lottery sales agent and the 68500  
applicable horsemen's association recognized by the state racing 68501  
commission to represent such persons, for the benefit of breeding 68502  
and racing in this state shall not exceed forty-five per cent of 68503  
the video lottery terminal income. In addition, beginning July 1, 68504  
2013, the state lottery commission shall adopt a rule to require 68505  
the lottery sales agent conducting video lottery terminal gaming 68506  
on behalf of the state to disperse to the state lottery commission 68507  
one-half of one per cent of such a lottery sales agent's 68508  
commission for the purpose of providing funding support to 68509  
appropriate state agencies for programs that provide for gambling 68510  
addiction and other related addiction services. The state lottery 68511  
commission's rule also may require the lottery sales agent 68512  
conducting video lottery terminal gaming on behalf of the state to 68513  
disperse to the state lottery commission an additional amount up 68514  
to one-half of one per cent of such a lottery sales agent's 68515  
commission for that purpose. 68516

**Sec. 3769.089.** (A) As used in this chapter: 68517

(1) "Racing day" means any day authorized under a permit 68518  
holder's permit on which, at a simulcast host, either a live 68519  
racing program is conducted as authorized under section 3769.07 of 68520  
the Revised Code or a simulcast racing program is conducted as 68521



authorized under this section. 68522

(2) "Live racing day" means a racing day on which a live 68523  
racing program is conducted by the permit holder along with 68524  
simulcasts of all other available racing programs from within this 68525  
state and simulcast racing programs from outside this state as 68526  
authorized under this section. 68527

(3) "Live racing program" means a racing program consisting 68528  
of no fewer than seven live horse races at thoroughbred tracks and 68529  
nine live races at standardbred tracks and additional horse races 68530  
simulcast from other facilities located either inside or outside 68531  
this state, in which not more than two horse races on which 68532  
pari-mutuel wagering is conducted are simulcast from facilities 68533  
located outside this state. If only one racing meeting of a 68534  
particular breed of horse is being held, no fewer than nine live 68535  
horse races shall be held on a live racing day. If, during the 68536  
course of a racing meeting at a standardbred track, the racing 68537  
secretary of the permit holder determines that there is an 68538  
insufficient number of entries to have a full field of eight 68539  
horses for each of nine races on a live racing program, then the 68540  
racing secretary of the permit holder, after consultation with the 68541  
Ohio harness horsemens association, may reduce the number of live 68542  
races on that live racing program, as the racing secretary may 68543  
determine. The racing secretary shall not reduce the live racing 68544  
program to less than seven live races. If during the course of a 68545  
meeting at a thoroughbred track, the racing secretary of a permit 68546  
holder determines that there is an insufficient number of entries 68547  
to have a full field of eight horses for each of nine races on a 68548  
live racing program, then the racing secretary of the permit 68549  
holder, with the consent of the thoroughbred horsemens 68550  
association, may reduce the number of live races on that live 68551  
racing program, as the racing secretary may determine. The racing 68552  
secretary shall not reduce the live racing program to less than 68553

seven live races. No more than seventeen races on which 68554  
pari-mutuel wagering is conducted, including both live races and 68555  
races simulcast from other facilities located either inside or 68556  
outside this state, shall be part of a live racing program. 68557

(4) "Simulcast host" means a track or enclosure in this state 68558  
where, on a racing day, a permit holder is doing one or both of 68559  
the following: 68560

(a) Conducting a live racing program and offering this 68561  
program for simulcasting to one or more simulcast guests and 68562  
satellite facilities in this state; 68563

(b) Receiving a simulcast racing program for simulcasting to 68564  
one or more simulcast guests and satellite facilities in this 68565  
state. 68566

(5) "Simulcast guest" means any track or enclosure that is 68567  
receiving from a simulcast host, on a day other than a racing day, 68568  
a live racing program or a simulcast racing program. 68569

(6) "Simulcast racing program" means all simulcasts of horse 68570  
races to a simulcast host or simulcast guest on a racing day or on 68571  
any other day on which pari-mutuel wagering is conducted, but does 68572  
not include any simulcast horse races from inside or outside this 68573  
state that are included in a simulcast host's live racing program. 68574

(7) "Satellite facility" has the same meaning as in section 68575  
3769.25 of the Revised Code. 68576

(8) "Collection and settlement agent" has the same meaning as 68577  
in section 3769.0810 of the Revised Code. 68578

(9) "Special racing event" means individual races in live 68579  
racing programs or simulcast racing programs, and simulcast racing 68580  
programs on special event days under division (C) of this section, 68581  
conducted at facilities located outside this state for which the 68582  
track, racing association, or state regulatory agency conducting 68583

such races charges a simulcast host a fee for the privilege of 68584  
receiving a simulcast of such races into this state that is higher 68585  
than the customary and regular fee charged for simulcast races 68586  
because of the status or popularity of such races. 68587

(B)(1)(a) The state racing commission shall, upon request by 68588  
any permit holder, permit electronically televised simulcasts of 68589  
horse races at the permit holder's track or enclosure on racing 68590  
days authorized by the permit holder's permit. Except as provided 68591  
in division (B) of this section, the commission shall not permit 68592  
the simulcast of any simulcast racing program conducted at tracks 68593  
or facilities located outside this state unless the out-of-state 68594  
simulcast racing program is available at the same signal rate to 68595  
all permit holders, whether serving as simulcast hosts or 68596  
simulcast guests, and all satellite facilities, in this state open 68597  
and operating on that day. A permit holder or satellite facility 68598  
may inform the commission that it waives the right to receive the 68599  
simulcast of a simulcast racing program or a race in a simulcast 68600  
racing program on that day and in this event the simulcast racing 68601  
program or simulcast race shall be available to all other 68602  
simulcast hosts, simulcast guests, and satellite facilities open 68603  
and operating in this state on that day. 68604

(b) In order for a permit holder to offer simulcasts of horse 68605  
races conducted at facilities located outside this state, the 68606  
permit holder shall have conducted live racing programs during the 68607  
immediately preceding calendar year on a number of days that is 68608  
not less than the number of regular live racing days it conducted 68609  
in calendar year 1991, not including additional racing days 68610  
conducted in calendar year 1991 by the permit holder at a 68611  
winterized facility under a permit issued under section 3769.07 of 68612  
the Revised Code, as certified by the commission. In satisfying 68613  
the foregoing requirement for live racing days during the 68614  
immediately preceding calendar year, a permit holder may include 68615

the number of days on which live racing programs were conducted 68616  
under a permit issued under section 3769.07 of the Revised Code 68617  
for additional racing days at a winterized facility. In addition, 68618  
in order for a permit holder to offer simulcasts of horse races 68619  
conducted at facilities located outside this state, the permit 68620  
holder shall offer all simulcasts of horse races conducted in this 68621  
state made available to it. 68622

In order for a permit holder to offer simulcasts of races 68623  
conducted at race tracks located outside this state at the same 68624  
time and during the hours in which the live races of a live racing 68625  
program are being conducted at its track, a permit holder 68626  
conducting a thoroughbred live racing program shall obtain the 68627  
consent of the thoroughbred horsemens association and a permit 68628  
holder conducting a harness live racing program shall obtain the 68629  
consent of the Ohio harness horsemens association. The consent of 68630  
the horsemen's organization shall not be unreasonably withheld, 68631  
and shall be consistent with the interest of preserving live 68632  
racing in this state. If a horsemen's organization withholds its 68633  
consent, the permit holder may file an objection with the 68634  
commission, which shall promptly consider the objection and 68635  
determine whether the horsemen's organization's action in 68636  
withholding consent is without substantial merit and, if the 68637  
commission so determines, shall authorize the permit holder to 68638  
simulcast the simulcast racing programs. The determination of the 68639  
commission is final. A permit holder, as a simulcast host, may 68640  
offer simulcast racing programs at its track or enclosure of races 68641  
conducted at tracks and facilities located outside this state 68642  
prior to the commencement of, and following the conclusion of, its 68643  
live races without obtaining the consent of a horsemen's 68644  
organization under this division. 68645

(c) Division (B)(1)(b) of this section remains in effect for 68646  
each permit holder until the calendar year after that permit 68647

holder first receives a commission as a lottery sales agent for 68648  
conducting video lottery terminal gaming on behalf of the state. 68649

(2) Notwithstanding section 3769.07 of the Revised Code and 68650  
unless otherwise agreed to by the applicable horsemen's 68651  
association and the permit holder, beginning in the calendar year 68652  
after the permit holder first receives video lottery terminal 68653  
income, one of the following applies as determined on a yearly 68654  
basis: 68655

(a) If eleven per cent of the gross gaming revenue from video 68656  
lottery terminals at the permit holder's facilities (either 68657  
existing or relocated) in the previous calendar year exceeds 68658  
fifteen million dollars, a permit holder shall conduct a minimum 68659  
of one hundred twenty-five live racing days. 68660

(b) If eleven per cent of the gross gaming revenue from video 68661  
lottery terminals at the permit holder's facilities (either 68662  
existing or relocated) in the previous calendar year exceeds 68663  
eleven million dollars, but is less than or equal to fifteen 68664  
million dollars, a permit holder shall conduct a minimum of one 68665  
hundred live racing days or the number of racing days applied for 68666  
by the permit holder in calendar year 2012, whichever is greater. 68667

(c) If eleven per cent of the gross gaming revenue from video 68668  
lottery terminals at the permit holder's facilities (either 68669  
existing or relocated) in the previous calendar year is less than 68670  
or equal to eleven million dollars, a permit holder shall conduct 68671  
a minimum of seventy-five racing days or the number of racing days 68672  
applied for by the permit holder for calendar year 2012, whichever 68673  
is greater. 68674

In no case shall the minimum number of racing days for any 68675  
permit holder exceed one hundred twenty-five racing days ~~or the~~ 68676  
~~maximum number of racing days for any permit holder exceed two~~ 68677  
~~hundred ten racing days.~~ 68678

(3) For the purposes of division (B)(2) of this section, for 68679  
live racing conducted at a track with more than one permit, the 68680  
minimum ~~and maximum~~ live racing days shall apply to those permits 68681  
collectively and not as a single permit. 68682

(4) In addition to the required live racing days, a permit 68683  
holder shall simulcast a simulcast racing program on a minimum of 68684  
three hundred sixty days each calendar year. The permit holder 68685  
shall simulcast all simulcast racing programs conducted in this 68686  
state and made available to the permit holder and simulcast racing 68687  
programs conducted outside this state. 68688

(5) The commission may make exception to the required minimum 68689  
number of live racing days or simulcast racing program days in 68690  
instances of natural disaster or other unexpected circumstances as 68691  
defined by the commission, in its sole discretion. For any 68692  
calendar year, the horsemen's association at each track may 68693  
negotiate an agreement with the permit holder for that track to 68694  
reduce the number of live racing days at that track to less than 68695  
the minimum live racing days required by division (B)(2)(a), (b), 68696  
or (c) of this section, as applicable, ~~or to increase the number~~ 68697  
~~of live racing days at that track to a number that is greater than~~ 68698  
~~the maximum live racing days permitted by division (B)(2)(c) of~~ 68699  
~~this section~~, subject to the approval of the commission. These 68700  
negotiations shall not reduce the number of live racing days to 68701  
less than fifty days per calendar year. 68702

(6) To satisfy the requirement of live racing days, a permit 68703  
holder may include the number of days on which live racing 68704  
programs were conducted under a permit issued under section 68705  
3769.07 of the Revised Code for racing days authorized at a 68706  
winterized facility. 68707

(C) The commission shall allocate to each track one racing 68708  
day for each permit holder during each calendar year for the 68709  
conduct of a live racing program on which a permit holder may 68710

conduct as few as one live horse race, with the remainder of the 68711  
horse races on that racing day on which pari-mutuel wagering is 68712  
conducted as part of the live racing program being simulcast from 68713  
other tracks and facilities located either inside or outside this 68714  
state. In addition, the commission may allocate to each permit 68715  
holder racing days on which it may as part of a live racing 68716  
program simulcast more than two horse races from facilities 68717  
located outside this state if the horse races involve a national 68718  
wagering pool and pari-mutuel wagering is conducted on the 68719  
national wagering pool, but on such a racing day there shall in no 68720  
event be more than two horse races simulcast from facilities 68721  
located outside this state included in a live racing program on 68722  
which separate pari-mutuel wagering is conducted. As used in this 68723  
division, "national wagering pool" means an interstate or 68724  
intrastate common pari-mutuel wagering pool involving two or more 68725  
selections covering two or more horse races conducted at tracks 68726  
located inside or outside this state. 68727

In emergency situations, the commission may authorize a live 68728  
racing day at a track in which all horse races on that racing day 68729  
on which pari-mutuel wagering is conducted are simulcast from 68730  
tracks and facilities located either inside or outside this state 68731  
with the consent of the thoroughbred horsemens association for a 68732  
track conducting a thoroughbred live racing program and with the 68733  
consent of the Ohio harness horsemens association for a track 68734  
conducting a harness live racing program. If a horsemen's 68735  
organization withholds its consent, the permit holder may file an 68736  
objection with the commission, which shall promptly consider the 68737  
objection and determine whether the horsemen's organization's 68738  
action in withholding consent is without substantial merit and, if 68739  
the commission so determines, shall authorize the permit holder to 68740  
simulcast the simulcast racing programs. The determination of the 68741  
commission is final. 68742

(D) On any day that a racing day has been applied for at any track in this state, each track in this state may operate as either a simulcast host or a simulcast guest and may conduct, with the approval of the state racing commission, pari-mutuel wagering on all simulcasts of races conducted inside this state made available to it plus all simulcasts of races conducted at facilities located outside this state as determined by the simulcast hosts. Except as otherwise provided in this section, any simulcast host or simulcast guest may receive and conduct simulcast racing programs that feature any breed of horse at any time of day, as authorized by the commission. Those persons holding state fair, county fair, or other fair permits shall not receive a simulcast racing program on which pari-mutuel wagering is conducted, except that a holder of a permit issued under section 3769.07 of the Revised Code that has been authorized by the commission to conduct races of the state fair, a county fair, or other fair at a commercial track may receive and conduct simulcast racing programs as a simulcast host or simulcast guest at the same time in conjunction with the live racing program of the state fair, county fair, or other fair permit holder conducted at its track.

The simulcast hosts, with the approval of the state racing commission, shall determine which simulcast racing programs offered by race tracks located outside this state will be simulcast at their tracks and at all simulcast hosts, simulcast guests, and satellite facilities in this state that are open and operating during the hours that the simulcast hosts are operating. Simulcast guests and satellite facilities shall receive all approved simulcast racing programs offered by simulcast hosts. In addition, a simulcast host and simulcast guest, with the approval of the commission, may also receive simulcast horse races and simulcast racing programs not agreed to by simulcast hosts.



A simulcast host that normally operates during the day only 68775  
may serve as a simulcast host for only day-simulcast racing 68776  
programs, which include all simulcast racing programs that 68777  
commence at a track located outside this state on or before four 68778  
p.m. A simulcast host that normally operates during the evening 68779  
only may serve as a simulcast host for only evening-simulcast 68780  
racing programs, which include all simulcast racing programs that 68781  
commence at a track located outside this state on or after three 68782  
p.m. A simulcast host that normally operates during the evening, 68783  
but that under its permit conducts live racing programs during the 68784  
day, may serve as a simulcast host for day-simulcast racing 68785  
programs. A permit holder that is offering at its track simulcast 68786  
racing programs that commence at a track located outside this 68787  
state on or before four p.m. and simulcast racing programs that 68788  
commence at a track located outside this state on or after three 68789  
p.m. may serve as a simulcast host for both the day-simulcast 68790  
racing program and the evening-simulcast racing program only if no 68791  
other permit holder is serving as a simulcast host for the other 68792  
simulcast racing programs. The times listed in this and the 68793  
immediately following paragraphs are standard time as described in 68794  
section 1.04 of the Revised Code and in the "Uniform Time Act of 68795  
1966," 80 Stat. 107, 15 U.S.C. 260 to 265. 68796

~~If a simulcast host is conducting a racing program that 68797  
features thoroughbred or quarter horses on the same day that 68798  
another simulcast host is conducting a live racing program that 68799  
features harness horses at a track located in the same county as, 68800  
or within twenty miles of, the track of the first simulcast host, 68801  
the first simulcast host shall not conduct pari mutuel wagering on 68802  
simulcast racing programs that commence after four p.m. on that 68803  
day and the second simulcast host shall not conduct wagering on 68804  
simulcast racing programs that commence before three p.m. on that 68805  
day. 68806~~

A simulcast host that is conducting a live racing program and 68807  
is simulcasting that program to other simulcast hosts and 68808  
simulcast guests in this state shall receive from each simulcast 68809  
host and each simulcast guest receiving the simulcast an 68810  
intrastate simulcast fee of one and three-eighths per cent of the 68811  
amounts wagered on such simulcast racing program at its 68812  
facilities. The simulcast hosts and simulcast guests receiving 68813  
such simulcast racing program shall pay the intrastate simulcast 68814  
fee to the collection and settlement agent, and the fee shall be 68815  
disbursed by the agent, at the time and in the manner provided in 68816  
section 3769.0810 of the Revised Code. 68817

(E)(1) The moneys wagered on simulcast racing programs on a 68818  
racing day shall be separated from the moneys wagered on the live 68819  
racing program on that racing day. From the moneys wagered on the 68820  
simulcast races, each permit holder may retain as a commission the 68821  
percentage of the amount wagered as specified in sections 3769.08 68822  
and 3769.087 of the Revised Code, as applicable, and shall pay, in 68823  
the manner prescribed under section 3769.103 of the Revised Code, 68824  
as a tax, the tax specified in sections 3769.08 and 3769.087 of 68825  
the Revised Code, as applicable. From the tax collected, the tax 68826  
commissioner shall make the distributions to the respective funds, 68827  
and in the proper amounts, as required by sections 3769.08 and 68828  
3769.087 of the Revised Code, as applicable. Except as provided in 68829  
division (E)(2) of this section, from the amount remaining after 68830  
the payment of state taxes on the moneys wagered on live racing 68831  
programs and on the moneys wagered on simulcast racing programs, a 68832  
permit holder shall retain an amount equal to two and 68833  
three-eighths per cent of the amount wagered on live racing 68834  
programs and on intrastate and interstate simulcast racing 68835  
programs simulcast at its track and on the amount wagered on the 68836  
live racing programs and simulcast racing programs at a satellite 68837  
facility allocated to it under section 3769.26 of the Revised 68838  
Code, as a fee to pay for those costs associated with the 68839

reception and transmission of simulcasts and the administrative 68840  
cost of the conduct of live racing programs and simulcast racing 68841  
programs. From the remaining balance, one-half shall be retained 68842  
by the permit holder for purses. On a day when a permit holder 68843  
conducts a live racing program, all purse money generated from 68844  
wagering on live racing programs and on simulcast racing programs 68845  
at its track shall be used for that permit holder's purse account. 68846  
On a day when a permit holder operates as a simulcast host with no 68847  
live racing program, or operates as a simulcast guest, all purse 68848  
money generated from wagering on intrastate and interstate 68849  
simulcast racing programs shall be paid to the state racing 68850  
commission for deposit into the Ohio combined simulcast horse 68851  
racing purse fund created under this section. In addition, on a 68852  
day when a permit holder serves as a simulcast host for a 68853  
satellite facility, all purse money generated from amounts wagered 68854  
at the satellite facility allocated to the permit holder under 68855  
section 3769.26 of the Revised Code shall be paid to the 68856  
commission for deposit into the Ohio simulcast horse racing purse 68857  
fund. 68858

(2) If there are not four satellite facilities in operation 68859  
in this state within one year after September 19, 1996, or if 68860  
there are not seven satellite facilities in operation in this 68861  
state within two years after September 19, 1996, or if there are 68862  
not ten satellite facilities in operation in this state within 68863  
three years after September 19, 1996, then in any such event the 68864  
amount to be retained as a fee by the permit holder under division 68865  
(E)(1) of this section shall be one and seven-eighths per cent 68866  
until such time as the number of satellite facilities specified in 68867  
division (E)(2) of this section are in operation. For good cause 68868  
shown, the thoroughbred horsemens association and Ohio harness 68869  
horsemens association may waive the requirements of division 68870  
(E)(2) of this section or extend the date for compliance as to any 68871  
year by filing a written notification with the state racing 68872

commission. 68873

(3) If a simulcast racing program simulcast by a simulcast 68874  
host at its track or enclosure and to other simulcast hosts, 68875  
simulcast guests, and satellite facilities in this state is a 68876  
special racing event, the permit holder offering the special 68877  
racing event and other simulcast hosts, simulcast guests, and 68878  
satellite facilities receiving the special racing event shall not 68879  
retain the fee provided under division (E)(1) or (2) of this 68880  
section but shall retain from the moneys wagered on the special 68881  
racing event an amount equal to the fee charged by the track, 68882  
racing association, or state regulatory agency simulcasting the 68883  
special racing event to the simulcast host. From the remaining 68884  
balance, one-half shall be retained by the permit holder for 68885  
purses in the manner provided in division (E)(1) of this section. 68886

A permit holder proposing to simulcast a special racing event 68887  
as a simulcast host shall advise its horsemen's organization of 68888  
the proposed schedule of the special racing event and obtain its 68889  
consent to this schedule. The consent of the horsemen's 68890  
organization shall not be unreasonably withheld and shall be 68891  
consistent with the interest of preserving live racing in this 68892  
state. If the horsemen's organization withholds its consent, the 68893  
permit holder may file an objection with the state racing 68894  
commission, which shall promptly consider the objection and 68895  
determine whether the organization's action in withholding consent 68896  
is without substantial merit and, if the commission so determines, 68897  
shall authorize the permit holder to simulcast the special racing 68898  
event. The determination of the commission is final. 68899

(F) There is hereby created in the state treasury the Ohio 68900  
combined simulcast horse racing purse fund, to consist of moneys 68901  
paid into it by permit holders pursuant to division (E) of this 68902  
section and by satellite facilities pursuant to division (F) of 68903  
section 3769.26 of the Revised Code. Moneys to the credit of the 68904

fund, including interest earned thereon, may be used by the 68905  
commission for the costs of administering this division and the 68906  
balance shall be distributed among permit holders no less 68907  
frequently than monthly to each permit holder's purse account on 68908  
order of the commission. 68909

For each calendar year, permit holders at each track shall 68910  
receive a share of each distribution of the Ohio combined 68911  
simulcast horse racing purse fund in the same percentage, rounded 68912  
to the nearest one-hundredth of the amount of each distribution, 68913  
as the average total amount wagered at the track on racing days at 68914  
which live racing programs were conducted, including the amount 68915  
allocated to the track under section 3769.26 of the Revised Code 68916  
for live races, during the five calendar years immediately 68917  
preceding the year for which the distribution is made bears to the 68918  
average annual total amount wagered at all tracks in the state 68919  
operating under permits issued by the state racing commission 68920  
under section 3769.07, 3769.071, or 3769.072 of the Revised Code 68921  
on all racing days at which live racing programs were conducted, 68922  
including the amount allocated to the tracks under section 3769.26 68923  
of the Revised Code for live races, during the five calendar years 68924  
immediately preceding the year for which the distribution is made. 68925  
By the thirty-first day of January of each year the commission 68926  
shall calculate the share of the permit holders at each track for 68927  
that year, shall enter the share percentages in its official 68928  
records, and shall notify all permit holders of the share 68929  
percentages of all tracks for that calendar year. 68930

The permit holders at each track, with the approval of the 68931  
commission, shall allocate their share of the fund as distributed 68932  
to the purse account of each permit holder for each race meeting. 68933

The commission shall cause to be kept accurate records of its 68934  
administration of the fund, including all administrative expenses 68935  
incurred by it and charged to the fund, and of distributions to 68936

permit holders. These records are public records available for 68937  
inspection at any time during the regular business hours of the 68938  
commission by any permit holder or horsemen's organization, by an 68939  
authorized agent of the permit holder or horsemen's organization, 68940  
or by any other person. 68941

(G) Upon the approval of the commission, a permit holder 68942  
conducting live racing programs may transmit electronically 68943  
televised simulcasts of horse races conducted at the permit 68944  
holder's track to racing associations, tracks, and facilities 68945  
located outside this state for the conduct of pari-mutuel wagering 68946  
thereon, at the times, on the terms, and for the fee agreed upon 68947  
by the permit holder and the receiving racing association, track, 68948  
or facility. From the fees paid to the permit holder for such 68949  
simulcasts, a permit holder shall retain for the costs of 68950  
administration a fee in an amount equal to one per cent of the 68951  
amount wagered on the races simulcast by the permit holder. From 68952  
the remaining balance of the fee, one-half shall be retained by 68953  
the permit holder for purses, except that notwithstanding the fee 68954  
arrangement between the permit holder and the receiving racing 68955  
association, track, or facility, the permit holder shall deposit 68956  
into its purse account not less than an amount equal to 68957  
three-fourths of one per cent of the amount wagered at racing 68958  
associations, tracks, and facilities located outside the state on 68959  
the races simulcast by the permit holder. 68960

All televised simulcasts of horse races conducted in this 68961  
state to racing associations, tracks, and facilities located 68962  
outside this state shall comply with the "Interstate Horse Racing 68963  
Act of 1978," 92 Stat. 1811, 15 U.S.C.A. 3001 to 3007. The consent 68964  
of the horsemen's organization at the track of the permit holder 68965  
applying to the commission to simulcast horse races conducted at 68966  
the permit holder's track to racing associations, tracks, and 68967  
facilities located outside this state shall be consistent with the 68968

interest of preserving live racing. 68969

(H)(1) The state racing commission may authorize any permit 68970  
holder that is authorized to conduct live horse racing on racing 68971  
days and that conducts pari-mutuel wagering on simulcasts of horse 68972  
races under this section that are conducted at race tracks either 68973  
inside or outside this state to conduct, supervise, and 68974  
participate in interstate and intrastate common pari-mutuel 68975  
wagering pools on those races in the manner provided in division 68976  
(H) of this section. Except as otherwise expressly provided in 68977  
division (H) of this section or in the rules of the state racing 68978  
commission, the provisions of this chapter that govern pari-mutuel 68979  
wagering apply to interstate or intrastate common pari-mutuel 68980  
wagering pools. 68981

(2) Subject to the approval of the state racing commission, 68982  
the types of wagering, calculation of the commission retained by 68983  
the permit holder, tax rates, distribution of winnings, and rules 68984  
of racing in effect for pari-mutuel wagering pools at the host 68985  
track may govern wagers placed at a receiving track in this state 68986  
and merged into an interstate or intrastate common pari-mutuel 68987  
wagering pool. Breakage from interstate or intrastate common 68988  
pari-mutuel wagering pools shall be calculated in accordance with 68989  
the rules that govern the host track and shall be distributed 68990  
among the tracks participating in the interstate or intrastate 68991  
common wagering pool in a manner agreed to by the participating 68992  
tracks and the host track. An interstate common pari-mutuel 68993  
wagering pool formed under division (H)(3) of this section is 68994  
subject to that division rather than to division (H)(2) of this 68995  
section. 68996

(3) Subject to the approval of the state racing commission, 68997  
an interstate common pari-mutuel wagering pool may be formed 68998  
between a permit holder and one or more receiving tracks located 68999  
in states other than the state in which the host track is located. 69000

The commission may approve types of wagering, calculation of the commission retained by the permit holder, tax rates, distribution of winnings, rules of racing, and calculation of breakage for such an interstate common pari-mutuel wagering pool that differ from those that would otherwise be applied in this state under this chapter but that are consistent for all tracks participating in the interstate common pari-mutuel wagering pool formed under division (H)(3) of this section.

(4) As used in division (H) of this section:

(a) "Host track" means a track where live horse races are conducted and offered for simulcasting to receiving tracks.

(b) "Receiving track" means a track where simulcasts of races from a host track are displayed and wagered on.

(I) Each permit holder is responsible for paying all costs associated with the up-link for, and reception of, simulcasts, and the conduct and operation of simulcast racing programs, for all fees and costs associated with serving as a simulcast host or simulcast guest, and for any required fees payable to the tracks, racing associations, or state regulatory agencies where simulcast racing is conducted at tracks located outside this state.

(J) No license, fee, or excise tax, other than as specified in division (E) of this section, shall be assessed upon or collected from a permit holder or the owners of a permit holder in connection with, or pertaining to, the operation and conduct of simulcast racing programs in this state, by any county, township, municipal corporation, district, or other body having the authority to assess or collect a tax or fee.

(K)(1) Permit holders operating tracks within the same county or adjacent counties that are conducting simulcast racing programs under this section may enter into agreements regarding the conduct of simulcast racing programs at their respective tracks and the



sharing of the retained commissions therefrom, for such periods of 69032  
time, upon such terms and conditions, and subject to such rights 69033  
and obligations, as the contracting permit holders consider 69034  
appropriate under the circumstances. Permit holders shall notify 69035  
the state racing commission of their entry into an agreement 69036  
pursuant to this division, the names of the permit holders that 69037  
are parties to the agreement, and the length of time the agreement 69038  
shall be in effect. 69039

(2) Permit holders and the thoroughbred horsemens association 69040  
and Ohio harness horsemens association may agree to do any of the 69041  
following: 69042

(a) Increase or reduce the fees and amounts to be retained by 69043  
the permit holders under this section; 69044

(b) Increase or reduce the fees and amounts to be allocated 69045  
to the purse accounts of permit holders under this section; 69046

(c) Increase or reduce the fees to be paid between and among 69047  
simulcast hosts and simulcast guests under this section and under 69048  
division (C) of section 3769.0810 of the Revised Code; 69049

(d) Modify, suspend, or waive the requirements set forth in 69050  
division (B) of this section as to any permit holder or as to all 69051  
permit holders. 69052

All permit holders and both horsemen's organizations shall 69053  
approve such agreement. Any agreement entered into under division 69054  
(K)(2) of this section shall set forth the effective date of any 69055  
such increase or reduction, and the terms and provisions of the 69056  
agreement, and a copy of the agreement shall be filed with the 69057  
state racing commission. 69058

**Sec. 3769.101.** (A) For the purposes of receiving, 69059  
distributing, and accounting for revenue received from the taxes 69060  
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 69061

Code, there is hereby created in the state treasury the 69062  
horse-racing tax revenue fund. 69063

(B) All moneys collected from the taxes imposed by sections 69064  
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 69065  
deposited into the horse-racing tax revenue fund. 69066

(C) On or before the fifteenth day of each month, the tax 69067  
commissioner shall pay into the nursing home franchise permit fee 69068  
fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 69069  
standardbred development fund, ~~Ohio quarter horse fund~~, and state 69070  
racing commission operating fund created under this chapter the 69071  
amounts required by sections 3769.08, 3769.087, and 3769.26 of the 69072  
Revised Code based on amounts received in the preceding month. 69073

**Sec. 3770.01.** (A) There is hereby created the state lottery 69074  
commission consisting of nine members appointed by the governor 69075  
with the advice and consent of the senate. No more than five 69076  
members of the commission shall be members of the same political 69077  
party. Of the additional and new appointments made to the 69078  
commission pursuant to the amendment of August 1, 1980, three 69079  
shall be for terms ending August 1, 1981, three shall be for terms 69080  
ending August 1, 1982, and three shall be for terms ending August 69081  
1, 1983. Thereafter, terms of office shall be for three years, 69082  
each term ending on the same day of the same month of the year as 69083  
did the term which it succeeds. 69084

(B) Each member shall hold office from the date of 69085  
appointment until the end of the term for which the member was 69086  
appointed. Any member appointed to fill a vacancy occurring prior 69087  
to the expiration of the term for which the member's predecessor 69088  
was appointed shall hold office for the remainder of that term. 69089  
Any member shall continue in office subsequent to the expiration 69090  
date of the member's term until the member's successor takes 69091

office, or until a period of sixty days has elapsed, whichever  
occurs first.

(C) All members of the commission shall be citizens of the  
United States and residents of this state. The members of the  
commission shall represent the various geographic regions of the  
state. No member of the commission shall have any pecuniary  
interest in any contract or license awarded by the commission. One  
person appointed as a member of the commission shall ~~represent an  
organization that deals with~~ have experience or training in the  
area of problem gambling and assists or other addictions and in  
assistance to recovering gambling or other addicts. Each person  
appointed as a member of the commission, except the member  
appointed as a ~~representative of an organization that deals with~~  
having experience or training in the area of problem gambling and  
assists recovering gambling addicts or other addictions and in  
assistance to recovering gambling or other addicts, shall have  
prior experience or education in business administration,  
management, sales, marketing, or advertising.

(D) The commission shall elect annually one of its members to  
serve as chairperson for a term of one year. Election as  
chairperson shall not extend a member's appointive term. Each  
member of the commission shall receive an annual salary of five  
thousand dollars, payable in monthly installments. Each member of  
the commission also shall receive the member's actual and  
necessary expenses incurred in the discharge of the member's  
official duties.

(E) Each member of the commission, before entering upon the  
discharge of the member's official duties, shall give a bond,  
payable to the treasurer of state, in the sum of ten thousand  
dollars with sufficient sureties to be approved by the treasurer  
of state, which bond shall be filed with the secretary of state.

(F) The governor may remove any member of the commission for

malfeasance, misfeasance, or nonfeasance in office, giving the 69124  
member a copy of the charges against the member and affording the 69125  
member an opportunity to be publicly heard in person or by counsel 69126  
in the member's own defense upon not less than ten days' notice. 69127  
If the member is removed, the governor shall file in the office of 69128  
the secretary of state a complete statement of all charges made 69129  
against the member and the governor's finding on the charges, 69130  
together with a complete report of the proceedings, and the 69131  
governor's decision on the charges is final. 69132

(G) The commission shall maintain offices at locations in the 69133  
state as it may consider necessary for the efficient performance 69134  
of its functions. The director shall maintain an office in 69135  
Columbus to coordinate the activities of the state lottery 69136  
commission with other state departments. 69137

**Sec. 3770.03.** (A) The state lottery commission shall 69138  
promulgate rules under which a statewide lottery may be conducted, 69139  
which includes, and since the original enactment of this section 69140  
has included, the authority for the commission to operate video 69141  
lottery terminal games. Any reference in this chapter to tickets 69142  
shall not be construed to in any way limit the authority of the 69143  
commission to operate video lottery terminal games. Nothing in 69144  
this chapter shall restrict the authority of the commission to 69145  
promulgate rules related to the operation of games utilizing video 69146  
lottery terminals as described in section 3770.21 of the Revised 69147  
Code. The rules shall be promulgated pursuant to Chapter 119. of 69148  
the Revised Code, except that instant game rules shall be 69149  
promulgated pursuant to section 111.15 of the Revised Code but are 69150  
not subject to division (D) of that section. Subjects covered in 69151  
these rules shall include, but need not be limited to, the 69152  
following: 69153

(1) The type of lottery to be conducted; 69154

(2) The prices of tickets in the lottery;	69155
(3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.	69156 69157 69158
(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following:	69159 69160 69161 69162 69163 69164
(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 et seq.	69165 69166 69167 69168 69169 69170 69171 69172 69173 69174 69175 69176 69177 69178 69179
(2) The manner in which lottery sales revenues are to be collected, including authorization for the director to impose penalties for failure by lottery sales agents to transfer revenues to the commission in a timely manner;	69180 69181 69182 69183
(3) The amount of compensation to be paid licensed lottery sales agents;	69184 69185

(4) The substantive criteria for the licensing of lottery sales agents consistent with section 3770.05 of the Revised Code, and procedures for revoking or suspending their licenses consistent with Chapter 119. of the Revised Code. If circumstances, such as the nonpayment of funds owed by a lottery sales agent, or other circumstances related to the public safety, convenience, or trust, require immediate action, the director may suspend a license without affording an opportunity for a prior hearing under section 119.07 of the Revised Code.

(5) Special game rules to implement any agreements signed by the governor that the director enters into with other lottery jurisdictions under division (J) of section 3770.02 of the Revised Code to conduct statewide joint lottery games. The rules shall require that the entire net proceeds of those games that remain, after associated operating expenses, prize disbursements, lottery sales agent bonuses, commissions, and reimbursements, and any other expenses necessary to comply with the agreements or the rules are deducted from the gross proceeds of those games, be transferred to the lottery profits education fund under division (B) of section 3770.06 of the Revised Code.

(6) Making EZPlay keno and EZPlay lucky numbers bingo self-service terminal-generated instant-win style lottery games available to licensed lottery sales agents, with at least the following criteria:

(a) EZPlay keno shall consist of and contain the ability to be played at multiple ticket prices as established by the commission, and shall be available as an instant play style lottery game on the interactive format self-service terminal and other lottery terminals and devices.

(b) EZPlay lucky numbers bingo shall consist of and contain the ability to be played at multiple ticket prices as established by the commission, and shall be available as both instant play and

draw style lottery games on the interactive format self-service terminal and other lottery terminals and devices. 69218  
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(c) The games shall be made available using either a clerk-facing lottery terminal or a self-service lottery terminal, which shall not be a video lottery terminal, as available from the commission's gaming systems vendor. 69220  
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(d) The games shall be available for play in graphical, paperless, and interactive formats. "Interactive format" means the ability of a player to initiate, play, and view the game, including the reveal of a result, on the self-service terminal from which the game is purchased. 69224  
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(e) The player shall have the option to receive a paper pay voucher to be redeemed by a licensed lottery sales agent or credited through a self-service lottery terminal. 69229  
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(f) These interactive format self-service terminals shall only be made available to a licensed lottery sales agent that is also a holder of a D-1, D-2, D-2x, D-3, D-3x, D-3a, or D-5 liquor permit issued under Chapter 4303. of the Revised Code. 69232  
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(g) The commission shall acquire and make available at least three thousand interactive format self-service terminals before March 1, 2016, one thousand five hundred of which shall be acquired, deployed, and in operation before January 1, 2016. 69236  
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Any other subjects the commission determines are necessary for the operation of video lottery terminal games, including the establishment of any fees, fines, or payment schedules. 69240  
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(C) Chapter 2915. of the Revised Code does not apply to, affect, or prohibit lotteries conducted pursuant to this chapter. 69243  
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(D) The commission may promulgate rules, in addition to those described in divisions (A) and (B) of this section, that establish standards governing the display of advertising and celebrity 69245  
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images on lottery tickets and on other items that are used in the 69248  
conduct of, or to promote, the statewide lottery and statewide 69249  
joint lottery games. Any revenue derived from the sale of 69250  
advertising displayed on lottery tickets and on those other items 69251  
shall be considered, for purposes of section 3770.06 of the 69252  
Revised Code, to be related proceeds in connection with the 69253  
statewide lottery or gross proceeds from statewide joint lottery 69254  
games, as applicable. 69255

(E)(1) The commission shall meet with the director at least 69256  
once each month and shall convene other meetings at the request of 69257  
the chairperson or any five of the members. No action taken by the 69258  
commission shall be binding unless at least five of the members 69259  
present vote in favor of the action. A written record shall be 69260  
made of the proceedings of each meeting and shall be transmitted 69261  
forthwith to the governor, the president of the senate, the senate 69262  
minority leader, the speaker of the house of representatives, and 69263  
the house minority leader. 69264

(2) The director shall present to the commission a report 69265  
each month, showing the total revenues, prize disbursements, and 69266  
operating expenses of the state lottery for the preceding month. 69267  
As soon as practicable after the end of each fiscal year, the 69268  
commission shall prepare and transmit to the governor and the 69269  
general assembly a report of lottery revenues, prize 69270  
disbursements, and operating expenses for the preceding fiscal 69271  
year and any recommendations for legislation considered necessary 69272  
by the commission. 69273

**Sec. 3770.05.** (A) As used in this section, "person" means any 69274  
~~person~~ individual, association, corporation, limited liability 69275  
company, partnership, club, trust, estate, society, receiver, 69276  
trustee, person acting in a fiduciary or representative capacity, 69277  
instrumentality of the state or any of its political subdivisions, 69278



or any other business entity or combination of individuals meeting 69279  
the requirements set forth in this section or established by rule 69280  
or order of the state lottery commission. 69281

(B) The director of the state lottery commission may license 69282  
any person as a lottery sales agent. ~~No license shall be issued to~~ 69283  
~~any person or group of persons to engage in the sale of lottery~~ 69284  
~~tickets as the person's or group's sole occupation or business.~~ 69285

Before issuing any license to a lottery sales agent, the 69286  
director shall consider all of the following: 69287

(1) The financial responsibility and security of the 69288  
applicant and the applicant's business or activity; 69289

(2) The accessibility of the applicant's place of business or 69290  
activity to the public; 69291

(3) The sufficiency of existing licensed agents to serve the 69292  
public interest; 69293

(4) The volume of expected sales by the applicant; 69294

(5) Any other factors pertaining to the public interest, 69295  
convenience, or trust. 69296

(C) Except as otherwise provided in division (F) of this 69297  
section, the director of the state lottery commission ~~shall~~ may 69298  
refuse to grant, or ~~shall~~ may suspend or revoke, a license if the 69299  
applicant or licensee: 69300

(1) Has been convicted of a felony or has been convicted of a 69301  
crime involving moral turpitude; 69302

(2) Has been convicted of an offense that involves illegal 69303  
gambling; 69304

(3) Has been found guilty of fraud or misrepresentation in 69305  
any connection; 69306

(4) Has been found to have violated any rule or order of the 69307

commission; or 69308

(5) Has been convicted of illegal trafficking in supplemental 69309  
nutrition assistance program benefits. 69310

(D) Except as otherwise provided in division (F) of this 69311  
section, the director of the state lottery commission ~~shall~~ may 69312  
refuse to grant, or ~~shall~~ may suspend or revoke, a license if the 69313  
applicant or licensee is a corporation or other business entity, 69314  
and any of the following applies: 69315

(1) Any of the ~~corporation's~~ directors, officers, managers, 69316  
or controlling shareholders has been found guilty of any of the 69317  
activities specified in divisions (C)(1) to (5) of this section; 69318

(2) It appears to the director of the state lottery 69319  
commission that, due to the experience, character, or general 69320  
fitness of any director, officer, manager, or controlling 69321  
shareholder ~~of the corporation~~, the granting of a license as a 69322  
lottery sales agent would be inconsistent with the public 69323  
interest, convenience, or trust; 69324

(3) The corporation or other business entity is not the owner 69325  
or lessee of the business at which it would conduct a lottery 69326  
sales agency pursuant to the license applied for; 69327

(4) Any person, firm, association, or corporation other than 69328  
the applicant or licensee shares or will share in the profits of 69329  
the applicant or licensee, other than receiving dividends or 69330  
distributions as a shareholder, or participates or will 69331  
participate in the management of the affairs of the applicant or 69332  
licensee. 69333

(E)(1) The director of the state lottery commission shall 69334  
refuse to grant a license to an applicant for a lottery sales 69335  
agent license and shall revoke a lottery sales agent license if 69336  
the applicant or licensee is or has been convicted of a violation 69337  
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 69338

(2) The director shall refuse to grant a license to an applicant for a lottery sales agent license that is a corporation and shall revoke the lottery sales agent license of a corporation if the corporation is or has been convicted of a violation of division (A) or (C)(1) of section 2913.46 of the Revised Code.

(F) The director of the state lottery commission shall request the bureau of criminal identification and investigation, the department of public safety, or any other state, local, or federal agency to supply the director with the criminal records of any applicant for a lottery sales agent license, and may periodically request the criminal records of any person to whom a lottery sales agent license has been issued. At or prior to the time of making such a request, the director shall require an applicant or licensee to obtain fingerprint impressions on fingerprint cards prescribed by the superintendent of the bureau of criminal identification and investigation at a qualified law enforcement agency, and the director shall cause those fingerprint cards to be forwarded to the bureau of criminal identification and investigation, to the federal bureau of investigation, or to both bureaus. The commission shall assume the cost of obtaining the fingerprint cards.

The director shall pay to each agency supplying criminal records for each investigation a reasonable fee, as determined by the agency.

The commission may adopt uniform rules specifying time periods after which the persons described in divisions (C)(1) to (5) and (D)(1) to (4) of this section may be issued a license and establishing requirements for those persons to seek a court order to have records sealed in accordance with law.

(G)(1) Each applicant for a lottery sales agent license shall do both of the following:

(a) Pay fees to the state lottery commission, if required by 69370  
rule adopted by the director under Chapter 119. of the Revised 69371  
Code and the controlling board approves the fees; 69372

(b) Prior to approval of the application, obtain a surety 69373  
bond in an amount the director determines by rule adopted under 69374  
Chapter 119. of the Revised Code or, alternatively, with the 69375  
director's approval, deposit the same amount into a dedicated 69376  
account for the benefit of the state lottery. The director also 69377  
may approve the obtaining of a surety bond to cover part of the 69378  
amount required, together with a dedicated account deposit to 69379  
cover the remainder of the amount required. The director also may 69380  
establish an alternative program or policy, with the approval of 69381  
the commission by rule adopted under Chapter 119. of the Revised 69382  
Code, that otherwise ensures the lottery's financial interests are 69383  
adequately protected. If such an alternative program or policy is 69384  
established, an applicant or lottery sales agent, subject to the 69385  
director's approval, may be permitted to participate in the 69386  
program or proceed under that policy in lieu of providing a surety 69387  
bond or dedicated amount. 69388

A surety bond may be with any company that complies with the 69389  
bonding and surety laws of this state and the requirements 69390  
established by rules of the commission pursuant to this chapter. A 69391  
dedicated account deposit shall be conducted in accordance with 69392  
policies and procedures the director establishes. 69393

A surety bond, dedicated account, other established program 69394  
or policy, or any combination of these resources, as applicable, 69395  
may be used to pay for the lottery sales agent's failure to make 69396  
prompt and accurate payments for lottery ticket sales, for missing 69397  
or stolen lottery tickets, for damage to equipment or materials 69398  
issued to the lottery sales agent, or to pay for expenses the 69399  
commission incurs in connection with the lottery sales agent's 69400  
license. 69401

(2) A lottery sales agent license is effective for at least 69402  
one year, but not more than three years. 69403

A licensed lottery sales agent, on or before the date 69404  
established by the director, shall renew the agent's license and 69405  
provide at that time evidence to the director that the surety 69406  
bond, dedicated account deposit, or both, required under division 69407  
(G)(1)(b) of this section has been renewed or is active, whichever 69408  
applies. 69409

Before the commission renews a lottery sales agent license, 69410  
the lottery sales agent shall submit a renewal fee to the 69411  
commission, if one is required by rule adopted by the director 69412  
under Chapter 119. of the Revised Code and the controlling board 69413  
approves the renewal fee. The renewal fee shall not exceed the 69414  
actual cost of administering the license renewal and processing 69415  
changes reflected in the renewal application. The renewal of the 69416  
license is effective for at least one year, but not more than 69417  
three years. 69418

(3) A lottery sales agent license shall be complete, 69419  
accurate, and current at all times during the term of the license. 69420  
Any changes to an original license application or a renewal 69421  
application may subject the applicant or lottery sales agent, as 69422  
applicable, to paying an administrative fee that shall be in an 69423  
amount that the director determines by rule adopted under Chapter 69424  
119. of the Revised Code, and that the controlling board approves, 69425  
and that shall not exceed the actual cost of administering and 69426  
processing the changes to an application. 69427

(4) The relationship between the commission and a lottery 69428  
sales agent is one of trust. A lottery sales agent collects funds 69429  
on behalf of the commission through the sale of lottery tickets 69430  
for which the agent receives a compensation. 69431

(H) Pending a final resolution of any question arising under 69432

this section, the director of the state lottery commission may 69433  
issue a temporary lottery sales agent license, subject to the 69434  
terms and conditions the director considers appropriate. 69435

(I) If a lottery sales agent's rental payments for the 69436  
lottery sales agent's premises are determined, in whole or in 69437  
part, by the amount of retail sales the lottery sales agent makes, 69438  
and if the rental agreement does not expressly provide that the 69439  
amount of those retail sales includes the amounts the lottery 69440  
sales agent receives from lottery ticket sales, only the amounts 69441  
the lottery sales agent receives as compensation from the state 69442  
lottery commission for selling lottery tickets shall be considered 69443  
to be amounts the lottery sales agent receives from the retail 69444  
sales the lottery sales agent makes, for the purpose of computing 69445  
the lottery sales agent's rental payments. 69446

**Sec. 3770.07.** (A)(1) Except as provided in division (A)(2) of 69447  
this section, lottery prize awards shall be claimed by the holder 69448  
of the winning lottery product, or by the executor or 69449  
administrator, or the trustee of a trust, of the estate of a 69450  
deceased holder of a winning lottery product, in a manner to be 69451  
determined by the state lottery commission, within one hundred 69452  
eighty days after the date on which the prize award was announced 69453  
if the lottery game is an online game, and within one hundred 69454  
eighty days after the close of the game if the lottery game is an 69455  
instant game. 69456

Any lottery prize award with a value that meets or exceeds 69457  
the reportable winnings amounts set by 26 U.S.C. 6041, or a 69458  
subsequent analogous section of the Internal Revenue Code, shall 69459  
not be claimed by or paid to any person, as defined in section 69460  
1.59 of the Revised Code or as defined by rule or order of the 69461  
state lottery commission, until the name, address, and social 69462  
security number of each beneficial owner of the prize award are 69463

documented for the commission. Except when a beneficial owner 69464  
otherwise consents in writing, in the case of a claim for a 69465  
lottery prize award made by one or more beneficial owners using a 69466  
trust, the name, address, and social security number of each such 69467  
beneficial owner in the commission's records as a result of such a 69468  
disclosure are confidential and shall not be subject to inspection 69469  
or copying under section 149.43 of the Revised Code as a public 69470  
record. 69471

Except as otherwise provided in division (A)(1) of this 69472  
section or as otherwise provided by law, the name and address of 69473  
any individual claiming a lottery prize award are subject to 69474  
inspection or copying under section 149.43 of the Revised Code as 69475  
a public record. 69476

(2) An eligible person serving on active military duty in any 69477  
branch of the United States armed forces during a war or national 69478  
emergency declared in accordance with federal law may submit a 69479  
delayed claim for a lottery prize award. The eligible person shall 69480  
do so by notifying the state lottery commission about the claim 69481  
not later than the five hundred fortieth day after the date on 69482  
which the prize award was announced if the lottery game is an 69483  
online game or after the date on which the lottery game closed if 69484  
the lottery game is an instant game. 69485

(3) If no valid claim to a lottery prize award is made within 69486  
the prescribed period, the prize money, the cost of goods and 69487  
services awarded as prizes, or, if goods or services awarded as 69488  
prizes are resold by the state lottery commission, the proceeds 69489  
from their sale shall be returned to the state lottery fund and 69490  
distributed in accordance with section 3770.06 of the Revised 69491  
Code. 69492

(4) The state lottery commission may share with other 69493  
governmental agencies the name, address, and social security 69494  
number of a beneficial owner disclosed to the commission under 69495

division (A)(1) of this section, as authorized under sections 69496  
3770.071 and 3770.073 of the Revised Code. Any shared information 69497  
as disclosed pursuant to those sections that is made confidential 69498  
by division (A)(1) of this section remains confidential and shall 69499  
not be subject to inspection or copying under section 149.43 of 69500  
the Revised Code as a public record unless the applicable 69501  
beneficial owner otherwise provides written consent. 69502

(5) As used in this division: 69503

(a) "Eligible person" means a person who is entitled to a 69504  
lottery prize award and who falls into either of the following 69505  
categories: 69506

(i) While on active military duty in this state, the person, 69507  
as the result of a war or national emergency declared in 69508  
accordance with federal law, is transferred out of this state 69509  
before the one hundred eightieth day after the date on which the 69510  
winner of the lottery prize award is selected. 69511

(ii) While serving in the reserve forces in this state, the 69512  
person, as the result of a war or national emergency declared in 69513  
accordance with federal law, is placed on active military duty and 69514  
is transferred out of this state before the expiration of the one 69515  
hundred eightieth day after the date on which the prize drawing 69516  
occurs for an online game or before the expiration of the one 69517  
hundred eightieth day following the close of an instant game as 69518  
determined by the commission. 69519

(b) "Active military duty" means that a person is covered by 69520  
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 69521  
U.S.C. 501 et seq., as amended, or the "Uniformed Services 69522  
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 69523  
38 U.S.C. 4301 et seq., as amended. 69524

(c) "Each beneficial owner" means the ultimate recipient or, 69525  
if there is more than one, each ultimate recipient of a lottery 69526



prize award. 69527

(B) If a prize winner, as defined in section 3770.10 of the Revised Code, is under eighteen years of age, or is under some other legal disability, and the prize money or the cost of goods or services awarded as a prize exceeds one thousand dollars, the director of the state lottery commission shall order that payment be made to the order of the legal guardian of that prize winner. If the amount of the prize money or the cost of goods or services awarded as a prize is one thousand dollars or less, the director may order that payment be made to the order of the adult member, if any, of that prize winner's family legally responsible for the care of that prize winner. 69528  
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(C) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be the subject of a security interest or used as collateral. 69539  
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(D)(1) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be assignable except as follows: when the payment is to be made to the executor or administrator, or the trustee of a trust, of the estate of a prize winner; when the award of a prize is disputed, any person may be awarded a prize award to which another has claimed title, pursuant to the order of a court of competent jurisdiction; when a person is awarded a prize award to which another has claimed title, pursuant to the order of a federal bankruptcy court under Title 11 of the United States Code; or as provided in sections 3770.10 to 3770.14 of the Revised Code. 69542  
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(2)(a) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with a remaining unpaid balance of less than one hundred thousand dollars shall be subject to garnishment, attachment, execution, withholding, or deduction except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code or when the 69553  
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director is to make a payment pursuant to section 3770.071 or 3770.073 of the Revised Code. 69559  
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(b) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award with an unpaid balance of one hundred thousand dollars or more shall be subject to garnishment, attachment, execution, withholding, or deduction except as follows: as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code; when the director is to make a payment pursuant to section 3770.071 or 3770.073 of the Revised Code; or pursuant to the order of a court of competent jurisdiction located in this state in a proceeding in which the state lottery commission is a named party, in which case the garnishment, attachment, execution, withholding, or deduction pursuant to the order shall be subordinate to any payments to be made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 3770.071, or 3770.073 of the Revised Code. 69561  
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(3) The state lottery commission may adopt and amend rules pursuant to Chapter 119. of the Revised Code as necessary to implement division (D) of this section, to provide for payments from prize awards subject to garnishment, attachment, execution, withholding, or deduction, and to comply with any applicable requirements of federal law. 69575  
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(4) Upon making payments from a prize award as required by division (D) of this section, the director and the state lottery commission are discharged from all further liability for those payments, whether they are made to an executor, administrator, trustee, judgment creditor, or another person, or to the prize winner, as defined in section 3770.10 of the Revised Code. 69581  
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(5) The state lottery commission shall adopt rules pursuant to section 3770.03 of the Revised Code concerning the payment of prize awards upon the death of a prize winner, as defined in section 3770.10 of the Revised Code. Upon the death of a prize 69587  
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winner, the remainder of the prize winner's prize award, to the extent it is not subject to a transfer agreement under sections 3770.10 to 3770.14 of the Revised Code, may be paid to the executor, administrator, or trustee in the form of a discounted lump sum cash settlement.

(E) No lottery prize award shall be awarded to or for any officer or employee of the state lottery commission, any officer or employee of the auditor of state actively auditing, coordinating, or ~~certifying~~ observing commission drawings, or any blood relative or spouse of such an officer or employee of the commission or auditor of state living as a member of the officer's or employee's household, nor shall any such officer, employee, blood relative, or spouse attempt to claim a lottery prize award.

(F) The director may prohibit vendors to the state lottery commission and their employees from being awarded a lottery prize award.

(G) Upon the payment of prize awards pursuant to a provision of this section, other than a provision of division (D) of this section, the director and the state lottery commission are discharged from all further liability for their payment. Installment payments of lottery prize awards shall be paid by official check or warrant, and they shall be sent by mail delivery to the prize winner's address within the United States or by electronic funds transfer to an established bank account located within the United States, or the prize winner may pick them up at an office of the commission.

**Sec. 3772.02.** (A) There is hereby created the Ohio casino control commission described in Section 6(C)(1) of Article XV, Ohio Constitution.

(B) The commission shall consist of seven members appointed within one month of September 10, 2010, by the governor with the

advice and consent of the senate. The governor shall forward all 69622  
appointments to the senate within twenty-four hours. 69623

(1) Each commission member is eligible for reappointment at 69624  
the discretion of the governor. No commission member shall be 69625  
appointed for more than three terms in total. 69626

(2) Each commission member shall be a resident of Ohio. 69627

(3) At least one commission member shall be experienced in 69628  
law enforcement and criminal investigation. 69629

(4) At least one commission member shall be a certified 69630  
public accountant experienced in accounting and auditing. 69631

(5) At least one commission member shall be an attorney 69632  
admitted to the practice of law in Ohio. 69633

(6) At least one commission member shall be a resident of a 69634  
county where one of the casino facilities is located. 69635

(7) Not more than four commission members shall be of the 69636  
same political party. 69637

(8) No commission member shall have any affiliation with an 69638  
Ohio casino operator or facility. 69639

(C) Commission members shall serve four-year terms, except 69640  
that when the governor makes initial appointments to the 69641  
commission under this chapter, the governor shall appoint three 69642  
members to serve four-year terms with not more than two such 69643  
members from the same political party, two members to serve 69644  
three-year terms with such members not being from the same 69645  
political party, and two members to serve two-year terms with such 69646  
members not being from the same political party. 69647

(D) Each commission member shall hold office from the date of 69648  
appointment until the end of the term for which the member was 69649  
appointed. Any member appointed to fill a vacancy occurring before 69650  
the expiration of the term for which the member's predecessor was 69651

appointed shall hold office for the remainder of the unexpired 69652  
term. Any member shall continue in office after the expiration 69653  
date of the member's term until the member's successor takes 69654  
office, or until a period of sixty days has elapsed, whichever 69655  
occurs first. A vacancy in the commission membership shall be 69656  
filled in the same manner as the original appointment. 69657

(E) The governor shall select one member to serve as 69658  
chairperson and the commission members shall select one member 69659  
from a different party than the chairperson to serve as 69660  
vice-chairperson. The governor may remove and replace the 69661  
chairperson at any time. No such member shall serve as chairperson 69662  
for more than six successive years. The vice-chairperson shall 69663  
assume the duties of the chairperson in the absence of the 69664  
chairperson. The chairperson and vice-chairperson shall perform 69665  
but shall not be limited to additional duties as are prescribed by 69666  
commission rule. 69667

(F) A commission member is not required to devote the 69668  
member's full time to membership on the commission. ~~Each~~ Beginning 69669  
on the effective date of this amendment, each member of the 69670  
commission shall receive compensation of ~~thirty~~ fifty thousand 69671  
dollars per year, ~~payable in monthly installments.~~ Beginning July 69672  
1, 2016, each member of the commission shall receive compensation 69673  
of forty thousand dollars per year. Beginning July 1, 2017, each 69674  
member of the commission shall receive compensation of thirty 69675  
thousand dollars per year. Each member shall receive the member's 69676  
actual and necessary expenses incurred in the discharge of the 69677  
member's official duties. 69678

(G) The governor shall not appoint an individual to the 69679  
commission, and an individual shall not serve on the commission, 69680  
if the individual has been convicted of or pleaded guilty or no 69681  
contest to a disqualifying offense as defined in section 3772.07 69682  
of the Revised Code. Members coming under indictment or bill of 69683

information of a disqualifying offense shall resign from the 69684  
commission immediately upon indictment. 69685

(H) At least five commission members shall be present for the 69686  
commission to meet. The concurrence of four members is necessary 69687  
for the commission to take any action. All members shall vote on 69688  
the adoption of rules, and the approval of, and the suspension or 69689  
revocation of, the licenses of casino operators or management 69690  
companies, unless a member has a written leave of absence filed 69691  
with and approved by the chairperson. 69692

(I) A commission member may be removed or suspended from 69693  
office in accordance with section 3.04 of the Revised Code. 69694

(J) Each commission member, before entering upon the 69695  
discharge of the member's official duties, shall make an oath to 69696  
uphold the Ohio Constitution and laws of the state of Ohio and 69697  
shall give a bond, payable by the commission, to the treasurer of 69698  
state, in the sum of ten thousand dollars with sufficient sureties 69699  
to be approved by the treasurer of state, which bond shall be 69700  
filed with the secretary of state. 69701

(K) The commission shall hold one regular meeting each month 69702  
and shall convene other meetings at the request of the chairperson 69703  
or a majority of the members. A member who fails to attend at 69704  
least three-fifths of the regular and special meetings of the 69705  
commission during any two-year period forfeits membership on the 69706  
commission. All meetings of the commission shall be open meetings 69707  
under section 121.22 of the Revised Code except as otherwise 69708  
allowed by law. 69709

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 69710  
the commission shall have authority to complete the functions of 69711  
licensing, regulating, investigating, and penalizing casino 69712  
operators, management companies, holding companies, key employees, 69713  
casino gaming employees, and gaming-related vendors. The 69714

commission also shall have jurisdiction over all persons 69715  
participating in casino gaming authorized by Section 6(C) of 69716  
Article XV, Ohio Constitution, and this chapter. 69717

(B) All rules adopted by the commission under this chapter 69718  
shall be adopted under procedures established in Chapter 119. of 69719  
the Revised Code. The commission may contract for the services of 69720  
experts and consultants to assist the commission in carrying out 69721  
its duties under this section. 69722

(C) ~~Within six months of September 10, 2010, the~~ The 69723  
commission shall adopt ~~initial~~ rules as are necessary for 69724  
completing the functions stated in division (A) of this section 69725  
and for addressing the subjects enumerated in division (D) of this 69726  
section. 69727

(D) The commission shall adopt, and as advisable and 69728  
necessary shall amend or repeal, rules that include all of the 69729  
following: 69730

(1) The prevention of practices detrimental to the public 69731  
interest; 69732

(2) Prescribing the method of applying, and the form of 69733  
application, that an applicant for a license under this chapter 69734  
must follow as otherwise described in this chapter; 69735

(3) Prescribing the information to be furnished by an 69736  
applicant or licensee as described in section 3772.11 of the 69737  
Revised Code; 69738

(4) Describing the certification standards and duties of an 69739  
independent testing laboratory certified under section 3772.31 of 69740  
the Revised Code and the relationship between the commission, the 69741  
laboratory, the gaming-related vendor, and the casino operator; 69742

(5) The minimum amount of insurance that must be maintained 69743  
by a casino operator, management company, holding company, or 69744

gaming-related vendor;	69745
(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;	69746 69747 69748
(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;	69749 69750
(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;	69751 69752 69753 69754 69755 69756 69757
(9) Tournament play in any casino facility;	69758
(10) Establishing and implementing a voluntary exclusion program that provides all of the following:	69759 69760
(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.	69761 69762 69763
(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.	69764 69765 69766
(c) Except as provided by commission rule, no person who participates in the program shall petition the commission for admittance into a casino facility.	69767 69768 69769
(d) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to a casino operator and the agents and employees of the casino operator for purposes of enforcement and to other entities, upon request of the	69770 69771 69772 69773 69774



participant and agreement by the commission. 69775

(e) A casino operator shall make all reasonable attempts as 69776  
determined by the commission to cease all direct marketing efforts 69777  
to a person participating in the program. 69778

(f) A casino operator shall not cash the check of a person 69779  
participating in the program or extend credit to the person in any 69780  
manner. However, the program shall not exclude a casino operator 69781  
from seeking the payment of a debt accrued by a person before 69782  
participating in the program. 69783

(g) Any and all locations at which a person may register as a 69784  
participant in the program shall be published. 69785

(11) Requiring the commission to adopt standards regarding 69786  
the marketing materials of a licensed casino operator, including 69787  
allowing the commission to prohibit marketing materials that are 69788  
contrary to the adopted standards; 69789

(12) Requiring that the records, including financial 69790  
statements, of any casino operator, management company, holding 69791  
company, and gaming-related vendor be maintained in the manner 69792  
prescribed by the commission and made available for inspection 69793  
upon demand by the commission, but shall be subject to section 69794  
3772.16 of the Revised Code; 69795

(13) Permitting a licensed casino operator, management 69796  
company, key employee, or casino gaming employee to question a 69797  
person suspected of violating this chapter; 69798

(14) The chips, tokens, tickets, electronic cards, or similar 69799  
objects that may be purchased by means of an agreement under which 69800  
credit is extended to a wagerer by a casino operator; 69801

(15) Establishing standards for provisional key employee 69802  
licenses for a person who is required to be licensed as a key 69803  
employee and is in exigent circumstances and standards for 69804

provisional licenses for casino gaming employees who submit 69805  
complete applications and are compliant under an instant 69806  
background check. A provisional license shall be valid not longer 69807  
than three months. A provisional license may be renewed one time, 69808  
at the commission's discretion, for an additional three months. In 69809  
establishing standards with regard to instant background checks 69810  
the commission shall take notice of criminal records checks as 69811  
they are conducted under section 311.41 of the Revised Code using 69812  
electronic fingerprint reading devices. 69813

(16) Establishing approval procedures for third-party 69814  
engineering or accounting firms, as described in section 3772.09 69815  
of the Revised Code; 69816

(17) Prescribing the manner in which winnings, compensation 69817  
from casino gaming, and gross revenue must be computed and 69818  
reported by a licensee as described in Chapter 5753. of the 69819  
Revised Code; 69820

(18) Prescribing conditions under which a licensee's license 69821  
may be suspended or revoked as described in section 3772.04 of the 69822  
Revised Code; 69823

(19) Prescribing the manner and procedure of all hearings to 69824  
be conducted by the commission or by any hearing examiner; 69825

(20) Prescribing technical standards and requirements that 69826  
are to be met by security and surveillance equipment that is used 69827  
at and standards and requirements to be met by personnel who are 69828  
employed at casino facilities, and standards and requirements for 69829  
the provision of security at and surveillance of casino 69830  
facilities; 69831

(21) Prescribing requirements for a casino operator to 69832  
provide unarmed security services at a casino facility by licensed 69833  
casino employees, and the training that shall be completed by 69834  
these employees; 69835

(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code;

(23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering;

(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government;

(25) Establishing standards for the repair of casino gaming equipment;

(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code;

(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional investment status;

(28) Providing for any other thing necessary and proper for successful and efficient regulation of casino gaming under this chapter.

(E) The commission shall employ and assign gaming agents as necessary to assist the commission in carrying out the duties of

this chapter and Chapter 2915. of the Revised Code. In order to 69867  
maintain employment as a gaming agent, the gaming agent shall 69868  
successfully complete all continuing training programs required by 69869  
the commission and shall not have been convicted of or pleaded 69870  
guilty or no contest to a disqualifying offense as defined in 69871  
section 3772.07 of the Revised Code. 69872

(F) The commission, as a law enforcement agency, and its 69873  
gaming agents, as law enforcement officers as defined in section 69874  
2901.01 of the Revised Code, shall have authority with regard to 69875  
the detection and investigation of, the seizure of evidence 69876  
allegedly relating to, and the apprehension and arrest of persons 69877  
allegedly committing gaming violations of this chapter or gambling 69878  
offenses as defined in section 2915.01 of the Revised Code or 69879  
violations of any other law of this state that may affect the 69880  
integrity of casino gaming or the operation of skill-based 69881  
amusement machines, and shall have access to casino facilities and 69882  
skill-based amusement machine facilities to carry out the 69883  
requirements of this chapter. 69884

(G) The commission may eject or exclude or authorize the 69885  
ejection or exclusion of and a gaming agent may eject a person 69886  
from a casino facility for any of the following reasons: 69887

(1) The person's name is on the list of persons voluntarily 69888  
excluding themselves from all casinos in a program established 69889  
according to rules adopted by the commission; 69890

(2) The person violates or conspires to violate this chapter 69891  
or a rule adopted thereunder; or 69892

(3) The commission determines that the person's conduct or 69893  
reputation is such that the person's presence within a casino 69894  
facility may call into question the honesty and integrity of the 69895  
casino gaming operations or interfere with the orderly conduct of 69896  
the casino gaming operations. 69897

(H) A person, other than a person participating in a voluntary exclusion program, may petition the commission for a public hearing on the person's ejection or exclusion under this chapter.

(I) A casino operator or management company shall have the same authority to eject or exclude a person from the management company's casino facilities as authorized in division (G) of this section. The licensee shall immediately notify the commission of an ejection or exclusion.

(J) The commission shall submit a written annual report with the governor, president and minority leader of the senate, speaker and minority leader of the house of representatives, and joint committee on gaming and wagering before the first day of September each year. The annual report shall cover the previous fiscal year and shall include all of the following:

(1) A statement describing the receipts and disbursements of the commission;

(2) Relevant financial data regarding casino gaming, including gross revenues and disbursements made under this chapter;

(3) Actions taken by the commission;

(4) An update on casino operators', management companies', and holding companies' compulsive and problem gambling plans and the voluntary exclusion program and list;

(5) Information regarding prosecutions for conduct described in division (H) of section 3772.99 of the Revised Code, including, but not limited to, the total number of prosecutions commenced and the name of each person prosecuted;

(6) Any additional information that the commission considers useful or that the governor, president or minority leader of the

senate, speaker or minority leader of the house of 69928  
representatives, or joint committee on gaming and wagering 69929  
requests. 69930

(K) ~~Notwithstanding any law to the contrary, beginning on~~ 69931  
~~July 1, 2011, the~~ To ensure the integrity of skill-based amusement 69932  
machine operations, the commission shall ~~assume~~ have jurisdiction 69933  
over ~~and oversee the regulation of~~ all persons conducting or 69934  
participating in the conduct of skill-based amusement ~~machines as~~ 69935  
~~is provided in the law of this state~~ machine operations authorized 69936  
by this chapter and Chapter 2915. of the Revised Code, including 69937  
the authority to complete the functions of licensing, regulating, 69938  
investigating, and penalizing those persons in a manner that is 69939  
consistent with the commission's authority to do the same with 69940  
respect to casino gaming. To carry out this division, the 69941  
commission may adopt rules under Chapter 119. of the Revised Code, 69942  
including rules establishing fees and penalties related to the 69943  
operation of skill-based amusement machines. 69944

**Sec. 3772.99.** (A) The commission shall levy and collect 69945  
penalties for noncriminal violations of this chapter. Noncriminal 69946  
violations include using the term "casino" in any advertisement in 69947  
regard to a facility operating video lottery terminals, as defined 69948  
in section 3770.21 of the Revised Code, in this state. Moneys 69949  
collected from such penalty levies shall be credited to the 69950  
general revenue fund. 69951

(B) If a licensed casino operator, management company, 69952  
holding company, gaming-related vendor, or key employee violates 69953  
this chapter or engages in a fraudulent act, the commission may 69954  
suspend or revoke the license and may do either or both of the 69955  
following: 69956

(1) Suspend, revoke, or restrict the casino gaming operations 69957  
of a casino operator; 69958

(2) Require the removal of a management company, key employee, or discontinuance of services from a gaming-related vendor. 69959  
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(C) The commission shall impose civil penalties against a person who violates this chapter under the penalties adopted by commission rule and reviewed by the joint committee on gaming and wagering. 69962  
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(D) A person who purposely or knowingly ~~or intentionally~~ does any of the following commits a misdemeanor of the first degree on the first offense and a felony of the fifth degree for a subsequent offense: 69966  
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(1) Makes a false statement on an application submitted under this chapter; 69970  
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(2) Permits a person less than twenty-one years of age to make a wager at a casino facility; 69972  
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(3) Aids, induces, or causes a person less than twenty-one years of age who is not an employee of the casino gaming operation to enter or attempt to enter a casino facility; 69974  
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(4) Enters or attempts to enter a casino facility while under twenty-one years of age, unless the person enters a designated area as described in section 3772.24 of the Revised Code; 69977  
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(5) Is a casino operator or employee and participates in casino gaming other than as part of operation or employment. 69980  
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(E) A person who purposely or knowingly ~~or intentionally~~ does any of the following commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense. 69982  
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(1) Uses or possesses with the intent to use a device to 69988

assist in projecting the outcome of the casino game, keeping track 69989  
of the cards played, analyzing the probability of the occurrence 69990  
of an event relating to the casino game, or analyzing the strategy 69991  
for playing or betting to be used in the casino game, except as 69992  
permitted by the commission; 69993

(2) Cheats at a casino game; 69994

(3) Manufactures, sells, or distributes any cards, chips, 69995  
dice, game, or device that is intended to be used to violate this 69996  
chapter; 69997

(4) Alters or misrepresents the outcome of a casino game on 69998  
which wagers have been made after the outcome is made sure but 69999  
before the outcome is revealed to the players; 70000

(5) Places, increases, or decreases a wager on the outcome of 70001  
a casino game after acquiring knowledge that is not available to 70002  
all players and concerns the outcome of the casino game that is 70003  
the subject of the wager; 70004

(6) Aids a person in acquiring the knowledge described in 70005  
division (E)(5) of this section for the purpose of placing, 70006  
increasing, or decreasing a wager contingent on the outcome of a 70007  
casino game; 70008

(7) Claims, collects, takes, or attempts to claim, collect, 70009  
or take money or anything of value in or from a casino game with 70010  
the intent to defraud or without having made a wager contingent on 70011  
winning a casino game; 70012

(8) Claims, collects, or takes an amount of money or thing of 70013  
value of greater value than the amount won in a casino game; 70014

(9) Uses or possesses counterfeit chips, tokens, or cashless 70015  
wagering instruments in or for use in a casino game; 70016

(10) Possesses a key or device designed for opening, 70017  
entering, or affecting the operation of a casino game, drop box, 70018



or an electronic or a mechanical device connected with the casino 70019  
game or removing coins, tokens, chips, or other contents of a 70020  
casino game. This division does not apply to a casino operator, 70021  
management company, or gaming-related vendor or their agents and 70022  
employees in the course of agency or employment. 70023

(11) Possesses materials used to manufacture a device 70024  
intended to be used in a manner that violates this chapter; 70025

(12) Operates a casino gaming operation in which wagering is 70026  
conducted or is to be conducted in a manner other than the manner 70027  
required under this chapter or a skill-based amusement machine 70028  
operation in a manner other than the manner required under Chapter 70029  
2915. of the Revised Code. 70030

(F) The possession of more than one of the devices described 70031  
in division (E)(9), (10), or (11) of this section creates a 70032  
rebuttable presumption that the possessor intended to use the 70033  
devices for cheating. 70034

(G) A person who purposely or knowingly ~~or intentionally~~ does 70035  
any of the following commits a felony of the third degree. If the 70036  
person is a licensee under this chapter, the commission shall 70037  
revoke the person's license after the first offense. A public 70038  
servant or party official who is convicted under this division is 70039  
forever disqualified from holding any public office, employment, 70040  
or position of trust in this state. 70041

(1) Offers, promises, or gives anything of value or benefit 70042  
to a person who is connected with the casino operator, management 70043  
company, holding company, or gaming-related vendor, including 70044  
their officers and employees, under an agreement to influence or 70045  
with the intent to influence the actions of the person to whom the 70046  
offer, promise, or gift was made in order to affect or attempt to 70047  
affect the outcome of a casino game or an official action of a 70048  
commission member, agent, or employee; 70049

(2) Solicits, accepts, or receives a promise of anything of value or benefit while the person is connected with a casino, including an officer or employee of a casino operator, management company, or gaming-related vendor, under an agreement to influence or with the intent to influence the actions of the person to affect or attempt to affect the outcome of a casino game or an official action of a commission member, agent, or employee;

(H) A person who knowingly or intentionally does any of the following while participating in casino gaming or otherwise transacting with a casino facility as permitted by Chapter 3772. of the Revised Code commits a felony of the fifth degree on a first offense and a felony of the fourth degree for a subsequent offense:

(1) Causes or attempts to cause a casino facility to fail to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, or to fail to file a report or maintain a record required by an order issued under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508;

(2) Causes or attempts to cause a casino facility to file a report required under 31 U.S.C. 5313(a) or 5325 or any regulation prescribed thereunder or section 1315.53 of the Revised Code, to file a report or to maintain a record required by any order issued under 31 U.S.C. 5326, or to maintain a record required under any regulation prescribed under section 21 of the "Federal Deposit Insurance Act" or section 123 of Pub. L. No. 91-508 that contains a material omission or misstatement of fact;

(3) With one or more casino facilities, structures a transaction, is complicit in structuring a transaction, attempts to structure a transaction, or is complicit in an attempt to structure a transaction.

(I) A person who is convicted of a felony described in this chapter may be barred for life from entering a casino facility by the commission. 70081  
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(J) As used in division (H) of this section: 70084

(1) To be "complicit" means to engage in any conduct of a type described in divisions (A)(1) to (4) of section 2923.03 of the Revised Code. 70085  
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(2) "Structure a transaction" has the same meaning as in section 1315.51 of the Revised Code. 70088  
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(K) Premises used or occupied in violation of division (E)(12) of this section constitute a nuisance subject to abatement under Chapter 3767. of the Revised Code. 70090  
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**Sec. 3773.33.** (A) There is hereby created the Ohio athletic commission. The commission shall consist of five voting members appointed by the governor with the advice and consent of the senate, not more than three of whom shall be of the same political party, and two nonvoting members, one of whom shall be a member of the senate appointed by and to serve at the pleasure of the president of the senate and one of whom shall be a member of the house of representatives appointed by and to serve at the pleasure of the speaker of the house of representatives. To be eligible for appointment as a voting member, a person shall be a qualified elector and a resident of the state for not less than five years immediately preceding the person's appointment. Two voting members shall be knowledgeable in boxing, ~~at least one voting member shall be knowledgeable and experienced in high school athletics, one voting member shall be knowledgeable and experienced in professional athletics, and at least one voting member shall be knowledgeable and experienced in collegiate athletics and mixed martial arts.~~ One commission member shall hold the degree of doctor of medicine or doctor of osteopathy. 70093  
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(B) No person shall be appointed to the commission or be an employee of the commission who is licensed, registered, or regulated by the commission. No member shall have any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in any person who is licensed, registered, or regulated by the commission or who participates in prize fights or public boxing or wrestling matches or exhibitions. No member shall participate in any fight, match, or exhibition other than in the member's official capacity as a member of the commission, or as an inspector as authorized in section 3773.52 of the Revised Code.

(C) The governor shall appoint the voting members to the commission. Of the initial appointments, two shall be for terms ending one year after September 3, 1996, two shall be for terms ending two years after September 3, 1996, and one shall be for a term ending three years after September 3, 1996. Thereafter, terms of office shall be for three years, each term ending the same day of the same month of the year as did the term which it succeeds. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, ~~or until a period of sixty days has elapsed, whichever occurs first.~~

The governor shall name one voting member as chairperson of the commission at the time of making the appointment of any member for a full term. Three voting members shall constitute a quorum, and the affirmative vote of ~~three~~ the majority of voting members shall be necessary for any action taken by the commission. No vacancy on the commission impairs the authority of the remaining members to exercise all powers of the commission.

Voting members, when engaged in commission duties, shall 70144  
receive a per diem compensation determined in accordance with 70145  
division (J) of section 124.15 of the Revised Code, and all 70146  
members shall receive their actual and necessary expenses incurred 70147  
in the performance of their official duties. 70148

Each voting member, before entering upon the discharge of the 70149  
member's duties, shall file a surety bond payable to the treasurer 70150  
of state in the sum of ten thousand dollars. Each surety bond 70151  
shall be conditioned upon the faithful performance of the duties 70152  
of the office, executed by a surety company authorized to transact 70153  
business in this state, and filed in the office of the secretary 70154  
of state. 70155

The governor may remove any voting member for malfeasance, 70156  
misfeasance, or nonfeasance in office after giving the member a 70157  
copy of the charges against the member and affording the member an 70158  
opportunity for a public hearing, at which the member may be 70159  
represented by counsel, upon not less than ten days' notice. If 70160  
the member is removed, the governor shall file a complete 70161  
statement of all charges made against the member and the 70162  
governor's finding on the charges in the office of the secretary 70163  
of state, together with a complete report of the proceedings. The 70164  
governor's decision shall be final. 70165

**Sec. 3773.41.** Any person who desires to participate in a 70166  
public boxing match ~~or exhibition~~, mixed martial arts event, or 70167  
any other unarmed combat sport regulated by the Ohio athletic 70168  
commission as a referee, judge, matchmaker, timekeeper, or 70169  
contestant, or as a manager, trainer, or second of a contestant, 70170  
shall apply for a license from the Ohio athletic commission. The 70171  
application shall be on forms provided by the commission. Each 70172  
application shall be accompanied by the application fee prescribed 70173  
in section 3773.43 of the Revised Code. The applicant shall verify 70174

the application under oath. 70175

The commission shall prescribe the form of the application 70176  
for a participant's license. The application shall include the 70177  
correct and ring or assumed name, if any, of the applicant, the 70178  
applicant's address, the applicant's date and place of birth, the 70179  
applicant's occupation, and a copy of the applicant's win and loss 70180  
record as a contestant, if applicable. 70181

~~An application for a contestant's license shall also include 70182  
a certified copy of the results of a physical examination of the 70183  
applicant that a licensed physician, physician assistant, clinical 70184  
nurse specialist, certified nurse practitioner, or certified 70185  
nurse midwife conducted not more than sixty days prior to the 70186  
filing of the application. 70187~~

**Sec. 3773.42.** Upon the proper filing of an application for a 70188  
referee's, judge's, matchmaker's, timekeeper's, manager's, 70189  
trainer's, contestant's, or second's license and payment of the 70190  
applicable application fee, the Ohio athletic commission shall 70191  
issue the license to the applicant if it determines that the 70192  
applicant is of good moral character, is not likely to engage in 70193  
acts detrimental to the fair and honest conduct of public boxing 70194  
matches or exhibitions, mixed martial arts events, or any other 70195  
unarmed combat sports regulated by the commission, and is 70196  
qualified to hold such a license by reason of the applicant's 70197  
knowledge and experience. 70198

A person shall not be determined to possess the knowledge and 70199  
experience necessary to qualify that person to hold a referee's 70200  
license unless all of the following conditions are met: 70201

(A) The person has completed such referee training 70202  
requirements as the commission prescribes by rule. 70203

(B) The person possesses such experience requirements as the 70204

commission prescribes by rule+ 70205

~~(C) The person has obtained a passing grade on an examination 70206  
administered by the commission and designed to test the examinee's 70207  
knowledge of the rules of the particular sport that the person 70208  
seeks to referee, the commission's rules applicable to the conduct 70209  
of matches and exhibitions in the particular sport that the person 70210  
seeks to referee, and such other aspects of officiating as the 70211  
commission determines appropriate to its determination as to 70212  
whether the applicant possesses the qualifications and 70213  
capabilities to act as a referee. 70214~~

The commission shall issue a referee's license to each person 70215  
who meets the requirements of divisions (A) ~~to (C)~~ and (B) of this 70216  
section. 70217

If upon the proper filing of an application for a 70218  
contestant's license the commission determines that the applicant 70219  
is of good moral character, is not likely to engage in acts 70220  
detrimental to the conduct of public boxing matches ~~or~~ 70221  
~~exhibitions, mixed martial arts events, or any other unarmed~~ 70222  
combat sports regulated by the commission, and possesses 70223  
sufficient knowledge and experience ~~and, in the opinion of the~~ 70224  
~~licensed physician, physician assistant, clinical nurse~~ 70225  
~~specialist, certified nurse practitioner, or certified~~ 70226  
~~nurse midwife who examined the applicant pursuant to section~~ 70227  
~~3773.41 of the Revised Code, is physically fit to engage in public~~ 70228  
~~boxing matches or exhibitions,~~ the commission shall issue the 70229  
license to the applicant. 70230

Each license issued pursuant to this section shall bear the 70231  
correct name ~~and ring,~~ or assumed name, if any, of the licensee, 70232  
the address of the licensee, the date of issue, and a serial 70233  
number designated by the commission, ~~the seal of the commission,~~ 70234  
~~and the signature of the commission chairperson.~~ 70235

A license issued pursuant to this section shall expire twelve months after its date of issue unless renewed. Upon application for renewal and payment of the renewal fee prescribed in section 3773.43 of the Revised Code, the commission shall renew the license unless it denies the application for one or more reasons stated in section 3123.47 or 3773.53 of the Revised Code. ~~If the application is for renewal of a contestant's license, the commission shall also require the applicant to submit the results of a physical examination that a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse midwife conducted not more than sixty days prior to the date of the application.~~

**Sec. 3781.10.** (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or



regulation differ from the state residential building code unless 70268  
that code or regulation addresses subject matter not addressed by 70269  
the state residential building code or is adopted pursuant to 70270  
section 3781.01 of the Revised Code. 70271

(3) The rules adopted pursuant to this section are complete, 70272  
lawful alternatives to any requirements specified for buildings or 70273  
industrialized units in any section of the Revised Code. Except as 70274  
otherwise provided in division (I) of this section, the board 70275  
shall, on its own motion or on application made under sections 70276  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 70277  
adopt, modify, amend, or repeal the rules to the extent necessary 70278  
or desirable to effectuate the purposes of sections 3781.06 to 70279  
3781.18 of the Revised Code. 70280

(B) The board shall report to the general assembly proposals 70281  
for amendments to existing statutes relating to the purposes 70282  
declared in section 3781.06 of the Revised Code that public health 70283  
and safety and the development of the arts require and shall 70284  
recommend any additional legislation to assist in carrying out 70285  
fully, in statutory form, the purposes declared in that section. 70286  
The board shall prepare and submit to the general assembly a 70287  
summary report of the number, nature, and disposition of the 70288  
petitions filed under sections 3781.13 and 3781.14 of the Revised 70289  
Code. 70290

(C) On its own motion or on application made under sections 70291  
3781.12 and 3781.13 of the Revised Code, and after thorough 70292  
testing and evaluation, the board shall determine by rule that any 70293  
particular fixture, device, material, process of manufacture, 70294  
manufactured unit or component, method of manufacture, system, or 70295  
method of construction complies with performance standards adopted 70296  
pursuant to section 3781.11 of the Revised Code. The board shall 70297  
make its determination with regard to adaptability for safe and 70298  
sanitary erection, use, or construction, to that described in any 70299

section of the Revised Code, wherever the use of a fixture, 70300  
device, material, method of manufacture, system, or method of 70301  
construction described in that section of the Revised Code is 70302  
permitted by law. The board shall amend or annul any rule or issue 70303  
an authorization for the use of a new material or manufactured 70304  
unit on any like application. No department, officer, board, or 70305  
commission of the state other than the board of building standards 70306  
or the board of building appeals shall permit the use of any 70307  
fixture, device, material, method of manufacture, newly designed 70308  
product, system, or method of construction at variance with what 70309  
is described in any rule the board of building standards adopts or 70310  
issues or that is authorized by any section of the Revised Code. 70311  
Nothing in this section shall be construed as requiring approval, 70312  
by rule, of plans for an industrialized unit that conforms with 70313  
the rules the board of building standards adopts pursuant to 70314  
section 3781.11 of the Revised Code. 70315

(D) The board shall recommend rules, codes, and standards to 70316  
help carry out the purposes of section 3781.06 of the Revised Code 70317  
and to help secure uniformity of state administrative rulings and 70318  
local legislation and administrative action to the bureau of 70319  
workers' compensation, the director of commerce, any other 70320  
department, officer, board, or commission of the state, and to 70321  
legislative authorities and building departments of counties, 70322  
townships, and municipal corporations, and shall recommend that 70323  
they audit those recommended rules, codes, and standards by any 70324  
appropriate action that they are allowed pursuant to law or the 70325  
constitution. 70326

(E)(1) The board shall certify municipal, township, and 70327  
county building departments and the personnel of those building 70328  
departments, and persons and employees of individuals, firms, or 70329  
corporations as described in division (E)(7) of this section to 70330  
exercise enforcement authority, to accept and approve plans and 70331

specifications, and to make inspections, pursuant to sections 70332  
3781.03, 3791.04, and 4104.43 of the Revised Code. 70333

(2) The board shall certify departments, personnel, and 70334  
persons to enforce the state residential building code, to enforce 70335  
the nonresidential building code, or to enforce both the 70336  
residential and the nonresidential building codes. Any department, 70337  
personnel, or person may enforce only the type of building code 70338  
for which certified. 70339

(3) The board shall not require a building department, its 70340  
personnel, or any persons that it employs to be certified for 70341  
residential building code enforcement if that building department 70342  
does not enforce the state residential building code. The board 70343  
shall specify, in rules adopted pursuant to Chapter 119. of the 70344  
Revised Code, the requirements for certification for residential 70345  
and nonresidential building code enforcement, which shall be 70346  
consistent with this division. The requirements for residential 70347  
and nonresidential certification may differ. Except as otherwise 70348  
provided in this division, the requirements shall include, but are 70349  
not limited to, the satisfactory completion of an initial 70350  
examination and, to remain certified, the completion of a 70351  
specified number of hours of continuing building code education 70352  
within each three-year period following the date of certification 70353  
which shall be not less than thirty hours. The rules shall provide 70354  
that continuing education credits and certification issued by the 70355  
council of American building officials, national model code 70356  
organizations, and agencies or entities the board recognizes are 70357  
acceptable for purposes of this division. The rules shall specify 70358  
requirements that are consistent with the provisions of section 70359  
5903.12 of the Revised Code relating to active duty military 70360  
service and are compatible, to the extent possible, with 70361  
requirements the council of American building officials and 70362  
national model code organizations establish. 70363

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services.

(8) Municipal, township, and county building departments have

jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

~~(10)~~(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

~~(11)~~(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

~~(12)~~(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised

Code or boards of township trustees under Chapter 505. of the 70457  
Revised Code. 70458

(F) In addition to hearings sections 3781.06 to 3781.18 and 70459  
3791.04 of the Revised Code require, the board of building 70460  
standards shall make investigations and tests, and require from 70461  
other state departments, officers, boards, and commissions 70462  
information the board considers necessary or desirable to assist 70463  
it in the discharge of any duty or the exercise of any power 70464  
mentioned in this section or in sections 3781.06 to 3781.18, 70465  
3791.04, and 4104.43 of the Revised Code. 70466

(G) The board shall adopt rules and establish reasonable fees 70467  
for the review of all applications submitted where the applicant 70468  
applies for authority to use a new material, assembly, or product 70469  
of a manufacturing process. The fee shall bear some reasonable 70470  
relationship to the cost of the review or testing of the 70471  
materials, assembly, or products and for the notification of 70472  
approval or disapproval as provided in section 3781.12 of the 70473  
Revised Code. 70474

(H) The residential construction advisory committee shall 70475  
provide the board with a proposal for a state residential building 70476  
code that the committee recommends pursuant to division (D)(1) of 70477  
section 4740.14 of the Revised Code. Upon receiving a 70478  
recommendation from the committee that is acceptable to the board, 70479  
the board shall adopt rules establishing that code as the state 70480  
residential building code. 70481

(I)(1) The committee may provide the board with proposed 70482  
rules to update or amend the state residential building code that 70483  
the committee recommends pursuant to division (E) of section 70484  
4740.14 of the Revised Code. 70485

(2) If the board receives a proposed rule to update or amend 70486  
the state residential building code as provided in division (I)(1) 70487

of this section, the board either may accept or reject the 70488  
proposed rule for incorporation into the residential building 70489  
code. If the board does not act to either accept or reject the 70490  
proposed rule within ninety days after receiving the proposed rule 70491  
from the committee as described in division (I)(1) of this 70492  
section, the proposed rule shall become part of the residential 70493  
building code. 70494

(J) The board shall cooperate with the director of job and 70495  
family services when the director promulgates rules pursuant to 70496  
section 5104.05 of the Revised Code regarding safety and 70497  
sanitation in type A family day-care homes. 70498

(K) The board shall adopt rules to implement the requirements 70499  
of section 3781.108 of the Revised Code. 70500

Sec. 3781.106. (A) The board of building standards shall 70501  
adopt rules, in accordance with Chapter 119. of the Revised Code, 70502  
for the use of a device by a staff member of a public or private 70503  
school or institution of higher education that prevents both 70504  
ingress and egress through a door in a school building, for a 70505  
finite period of time, in an emergency situation, and during 70506  
active shooter drills. The rules shall provide that the use of a 70507  
device is permissible only if the device requires minimal steps to 70508  
remove it after it is engaged. 70509

The rules shall provide that the administrative authority of 70510  
a building notify the police chief, or equivalent, of the law 70511  
enforcement agency that has jurisdiction over the building, and 70512  
the fire chief, or equivalent, of the fire department that serves 70513  
the political subdivision in which the building is located, prior 70514  
to the use of such devices in a building. 70515

The rules may require that the device be visible from the 70516  
exterior of the door. 70517



(B) The device described in division (A) of this section shall not be permanently mounted to the door. 70518  
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(C) Each public and private school and institution of higher education shall provide its staff members in-service training on the use of the device described in division (A) of this section. The school shall maintain a record verifying this training on file. 70520  
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(D) In consultation with the state board of education and the chancellor of higher education, the board shall determine and include in the rules a definition of "emergency situation." These rules shall apply to both existing and new school buildings. 70525  
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(E) As used in this section: 70529

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code. 70530  
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(2) "Private school" means a chartered nonpublic school or a nonchartered nonpublic school. 70539  
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(3) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, and any college-preparatory boarding school established under Chapter 3328. of the Revised Code. 70541  
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(4) "School building" means a structure used for the instruction of students by a public or private school or 70547  
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institution of higher education. 70549

**Sec. 3901.052.** The superintendent of insurance shall apply to 70550  
the United States secretary of health and human services and the 70551  
United States secretary of the treasury for an innovative waiver 70552  
regarding health insurance coverage in this state as authorized by 70553  
section 1332 of the "Patient Protection and Affordable Care Act," 70554  
42 U.S.C. 18052. The superintendent shall include in the 70555  
application a request for waivers of the employer and individual 70556  
mandates in sections 4980H and 5000A of the "Internal Revenue Code 70557  
of 1986," 26 U.S.C. 4980H and 5000A. The application shall provide 70558  
for the establishment of a system that provides access to 70559  
affordable health insurance coverage for the residents of this 70560  
state. 70561

**Sec. 3903.81.** As used in sections 3903.81 to 3903.93 of the 70562  
Revised Code: 70563

(A) "Adjusted RBC report" means an RBC report that has been 70564  
adjusted by the superintendent of insurance in accordance with 70565  
division (C) of section 3903.82 of the Revised Code. 70566

(B) "Authorized control level RBC" means the number 70567  
determined under the risk-based capital formula in accordance with 70568  
the RBC instructions. 70569

(C) "Company action level RBC" means the product of 2.0 and 70570  
an insurer's authorized control level RBC. 70571

(D) "Corrective order" means an order issued by the 70572  
superintendent of insurance in accordance with division (B)(3) of 70573  
section 3903.84 of the Revised Code specifying corrective actions 70574  
that the superintendent has determined are required. 70575

(E) "Domestic insurer" means any insurance company organized 70576  
under Chapter 3907. or 3925. of the Revised Code. 70577

- (F) "Foreign insurer" means any insurance company licensed under section 3909.01 or 3927.01 of the Revised Code. 70578  
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- (G) "Life or health insurer" means any insurance company licensed under section 3907.08 or 3909.01 of the Revised Code, a company possessing a certificate of authority pursuant to section 3929.01 of the Revised Code that writes only accident and health insurance, ~~or~~ a fraternal benefit society licensed under Chapter 3921. of the Revised Code, or a multiple employer welfare arrangement issued a certificate of authority under Chapter 1739. of the Revised Code. 70580  
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- (H) "Mandatory control level RBC" means the product of .70 and an insurer's authorized control level RBC. 70588  
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- (I) "NAIC" means the national association of insurance commissioners. 70590  
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- (J) "Negative trend" means a negative trend over a period of time for a life or health insurer as determined in accordance with the trend test calculation included in the RBC instructions. 70592  
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- (K) "Property and casualty insurer" means any insurance company that has a certificate of authority pursuant to section 3929.01 of the Revised Code. "Property and casualty insurer" does not include monoline mortgage guarantee insurers, financial guarantee insurers, or title insurers. 70595  
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- (L) "RBC" means risk-based capital. 70600
- (M) "RBC instructions" means the RBC report, including risk-based capital instructions, as adopted by the NAIC and as amended by the NAIC from time to time in accordance with the procedures adopted by the NAIC. "RBC instructions" shall also include any modifications adopted by the superintendent, as the superintendent considers to be necessary. 70601  
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- (N) "RBC level" means an insurer's company action level RBC, 70607

regulatory action level RBC, authorized control level RBC, or 70608  
mandatory control level RBC. 70609

(O) "RBC plan" means a comprehensive financial plan 70610  
containing the elements specified in division (B) of section 70611  
3903.83 of the Revised Code. 70612

(P) "Revised RBC plan" means an RBC plan rejected by the 70613  
superintendent of insurance and then revised by an insurer with or 70614  
without incorporating the superintendent of insurance's 70615  
recommendation. 70616

(Q) "RBC report" means the report required by section 3903.82 70617  
of the Revised Code. 70618

(R) "Regulatory action level RBC" means the product of 1.5 70619  
and an insurer's authorized control level RBC. 70620

(S) "Total adjusted capital" means the sum of both of the 70621  
following: 70622

(1) An insurer's statutory capital and surplus as determined 70623  
in accordance with the statutory accounting applicable to the 70624  
annual statements prepared on a form adopted under section 3901.77 70625  
of the Revised Code, as required to be filed by sections 3907.19, 70626  
3909.06, and 3929.30 of the Revised Code; 70627

(2) Such other items, if any, as the RBC instructions may 70628  
provide. 70629

**Sec. 3905.33.** (A) No person licensed under section 3905.30 of 70630  
the Revised Code shall solicit, procure an application for, bind, 70631  
issue, renew, or deliver a policy with any insurer that is not 70632  
eligible to write insurance on an unauthorized basis in this 70633  
state. 70634

Pursuant to the "Nonadmitted and Reinsurance Reform Act of 70635  
2010," 15 U.S.C. 8201 et seq., 124 Stat. 1589, or any successor or 70636  
replacement law, where this state is the home state of the 70637

insured, an insurer shall be considered eligible to write 70638  
insurance on an unauthorized basis in this state if either of the 70639  
following are true: 70640

(1) The insurer meets the requirements and criteria in 70641  
sections 5A(2) and 5C(2)(a) of the ~~non-admitted~~ nonadmitted 70642  
insurance model act adopted by the national association of 70643  
insurance commissioners, or alternative nationwide uniform 70644  
eligibility requirements adopted by this state through 70645  
participation in a compact or other nationwide system pursuant to 70646  
15 U.S.C. 8201 et seq., 124 Stat. 1589. 70647

(2) For unauthorized insurance placed with, or procured from 70648  
an unauthorized insurer domiciled outside the United States, the 70649  
insurer is listed on the quarterly listing of alien insurers 70650  
maintained by the international insurers department of the 70651  
national association of insurance commissioners. 70652

(B)(1) No surplus lines broker shall solicit, procure, place, 70653  
or renew any insurance with an unauthorized insurer unless an 70654  
agent or the surplus lines broker has complied with the due 70655  
diligence requirements of this section and is unable to procure 70656  
the requested insurance from an authorized insurer. 70657

Due diligence requires an agent to contact at least five of 70658  
the authorized insurers the agent represents, or as many insurers 70659  
as the agent represents, that customarily write the kind of 70660  
insurance required by the insured. Due diligence is presumed if 70661  
declinations are received from each authorized insurer contacted. 70662  
If any authorized insurer fails to respond within ten days after 70663  
the initial contact, the agent may assume the insurer has declined 70664  
to accept the risk. 70665

(2) Due diligence shall only be performed by an agent 70666  
licensed in this state that holds an active property and casualty 70667  
insurance agent license. 70668

(3) An insurance agent or surplus lines broker is exempt from 70669  
the due diligence requirements of this section if the agent or 70670  
surplus lines broker is procuring insurance from a risk purchasing 70671  
group or risk retention group as provided in Chapter 3960. of the 70672  
Revised Code. 70673

(4) An insurance agent or surplus lines broker is exempt from 70674  
the due diligence requirements of this section if the agent or 70675  
surplus lines broker is seeking to procure or place unauthorized 70676  
insurance for a person that qualifies as an exempt commercial 70677  
purchaser under section 3905.331 of the Revised Code and both of 70678  
the following are true: 70679

(a) The surplus lines broker procuring or placing the surplus 70680  
lines insurance has disclosed to the exempt commercial purchaser 70681  
that the insurance may or may not be available from the authorized 70682  
market that may provide greater protection with more regulatory 70683  
oversight. 70684

(b) After receipt of the disclosure required under division 70685  
(B)(4)(a) of this section, the exempt commercial purchaser has 70686  
requested in writing that the insurance agent or broker procure or 70687  
place the insurance from an unauthorized insurer. 70688

(C) Except when exempt from due diligence requirements under 70689  
division (B) of this section, an insurance agent who procures or 70690  
places insurance through a surplus lines broker shall obtain ~~an~~ 70691  
~~affidavit~~ a signed statement from the insured acknowledging that 70692  
the insurance policy is to be placed with a company or insurer not 70693  
authorized to do business in this state and acknowledging that, in 70694  
the event of the insolvency of the insurer, the insured is not 70695  
entitled to any benefits or proceeds from the Ohio insurance 70696  
guaranty association. The ~~affidavit~~ statement must be on a form 70697  
prescribed by the superintendent and need not be notarized. The 70698  
agent shall submit the ~~originally executed affidavit~~ original 70699  
signed statement to the surplus lines broker within thirty days 70700

after the effective date of the policy. If no other agent is 70701  
involved, the surplus lines broker shall obtain the ~~affidavit~~ 70702  
statement from the insured. 70703

The surplus lines broker shall maintain the ~~originally~~ 70704  
~~executed affidavit~~ original signed statement or a copy of the 70705  
~~affidavit~~ statement, and the originating agent shall keep a copy 70706  
of the ~~affidavit~~ statement, for at least five years after the 70707  
effective date of the policy to which the ~~affidavit~~ statement 70708  
pertains. A copy of the ~~affidavit~~ signed statement shall be given 70709  
to the insured at the time the insurance is bound or a policy is 70710  
delivered. 70711

(D) For the purpose of carrying out the "Nonadmitted and 70712  
Reinsurance Reform Act of 2010," 124 Stat. 1589, 15 U.S.C. 8201 et 70713  
seq., or any successor or replacement law, the superintendent 70714  
shall conduct a fiscal analysis of the impact of entering into a 70715  
~~multi-state~~ multistate agreement or compact for determining 70716  
eligibility for placement of unauthorized insurance and for 70717  
payment, reporting, collection, and allocation of the tax on 70718  
unauthorized insurance. If the fiscal analysis indicates that 70719  
entering into a ~~multi-state~~ multistate agreement or compact is 70720  
advantageous to this state, the superintendent may enter into the 70721  
surplus lines insurance ~~multi-state~~ multistate compliance compact 70722  
adopted by the national conference of insurance legislators and 70723  
known as "SLIMPACT," as amended on December 21, 2010, and 70724  
including any subsequent amendment; or, if it is in this state's 70725  
financial best interest, the superintendent shall request that the 70726  
general assembly authorize the superintendent to enter into a 70727  
different ~~multi-state~~ multistate agreement or compact. 70728

(E) The superintendent may adopt rules in accordance with 70729  
Chapter 119. of the Revised Code to carry out the purposes of 70730  
sections 3905.30 to 3905.38 of the Revised Code. 70731

**Sec. 3905.481.** Each individual who is issued a resident insurance agent license shall complete at least twenty-four hours of continuing education ~~in~~ for each license renewal period. The continuing education shall be offered in a course or program of study approved by the superintendent of insurance in consultation with the insurance agent education advisory council and shall include at least three hours of approved ethics training.

This section does not apply to any person or class of persons, as determined by the superintendent in consultation with the council.

**Sec. 3929.86.** (A) No insurance company doing business in this state shall pay a claim of a named insured for fire damage to a structure located within a municipal corporation or township in this state where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars, unless the company is furnished with a certificate pursuant to division (B) of this section, and unless there is compliance with the procedures set forth in divisions (C) and (D) of this section.

(B)(1) The county treasurer, upon the written request of the named insured specifying the tax description of the property and the date agreed upon by the insurance company and the named insured as the date of the receipt of a proof of loss of the claim, shall furnish the named insured, to be supplied by the named insured to the company, either:

(a) A certificate to the effect that, as of the date specified in the request, there are no delinquent taxes, assessments, penalties, or charges against the property and that, as of the date of the treasurer's certificate, no municipal corporation or township has certified to the auditor any amount as total costs incurred by the municipal corporation or township for



removal, repair, or securing of buildings or structures on the 70762  
property pursuant to section 715.261 or 505.86 of the Revised 70763  
Code; 70764

(b) A certificate and bill showing the amount of delinquent 70765  
taxes, assessments, penalties, and charges against the property as 70766  
of the date specified in the request that have not been paid as of 70767  
the date of the certificate and also showing, as of the date of 70768  
the treasurer's certificate, the amount of the total costs, if 70769  
any, incurred by a municipal corporation or township for removal, 70770  
repair, or securing of buildings or structures on the property 70771  
that have been certified to the county auditor under section 70772  
715.261 or 505.86 of the Revised Code. The county auditor shall, 70773  
for the purposes of division (B) of this section, certify to the 70774  
treasurer the total amount, if any, of such costs certified to the 70775  
auditor by the municipal corporation or township. 70776

(2)(a) Upon the receipt of a certificate pursuant to division 70777  
(B)(1)(a) of this section, the insurance company shall pay the 70778  
claim of the named insured in accordance with the policy terms, 70779  
unless the loss agreed to between the named insured or insureds 70780  
and the company or companies equals or exceeds sixty per cent of 70781  
the aggregate limits of liability on all fire policies covering 70782  
the building or structure. In the case of such a loss, the 70783  
insurance company, the insured property owner, and the municipal 70784  
corporation or township shall follow the procedures set forth in 70785  
divisions (C) and (D) of this section. 70786

(b) Upon the receipt of a certificate and bill pursuant to 70787  
division (B)(1)(b) of this section, the insurance company shall 70788  
return the bill to the treasurer and transfer to the county 70789  
treasurer an amount from the insurance proceeds necessary to pay 70790  
such taxes, assessments, penalties, charges, and costs as shown on 70791  
the bill. Notwithstanding section 323.15 of the Revised Code, the 70792  
treasurer shall receive such amount and apply or credit it to 70793

payment of the items shown in the bill. 70794

(C) When the loss agreed to between the named insured or 70795  
insureds and the company or companies equals or exceeds sixty per 70796  
cent of the aggregate limits of liability on all fire policies 70797  
covering the building or structure, the insurance company or 70798  
companies, in accordance with division (F) of section 715.26 or 70799  
division ~~(D)~~(G) of section 505.86 of the Revised Code, shall 70800  
transfer from the insurance proceeds to the designated officer of 70801  
the municipal corporation or township in the aggregate two 70802  
thousand dollars for each fifteen thousand dollars, and each 70803  
fraction of that amount, of a claim, or, if, at the time of a 70804  
proof of loss agreed to between the named insured or insureds and 70805  
the insurance company or companies, the named insured or insureds 70806  
have submitted a contractor's signed estimate of the costs of 70807  
removing, repairing, or securing the building or other structure, 70808  
shall transfer from the insurance proceeds the amount specified in 70809  
the estimate. 70810

The transfer of proceeds shall be on a pro rata basis by all 70811  
companies insuring the building or other structure. Policy 70812  
proceeds remaining after the transfer to the municipal corporation 70813  
or township shall be disbursed in accordance with the policy 70814  
terms. 70815

The named insured or insureds may submit a contractor's 70816  
signed estimate of the costs of removing, repairing, or securing 70817  
the building or other structure after the transfer, and the 70818  
designated officer shall return the amount of the fund in excess 70819  
of the estimate to the named insured or insureds, provided that 70820  
the municipal corporation or township has not commenced to remove, 70821  
repair, or secure the building or other structure. 70822

This division only applies to municipal corporations or 70823  
townships that have adopted a resolution, ordinance, or regulation 70824  
authorizing the procedure described in divisions (C) and (D) of 70825

this section and have filed a certified copy of the resolution, 70826  
ordinance, or regulation for public record with the superintendent 70827  
of insurance, and applies only to fire losses that occur after the 70828  
filing of the certified copy. The resolution, ordinance, or 70829  
regulation shall designate the officer authorized to carry out the 70830  
duties of this section. 70831

(D) Upon receipt of proceeds by the municipal corporation or 70832  
township as authorized by this section, the designated officer 70833  
shall place the proceeds in a separate fund to be used solely as 70834  
security against the total cost of removing, repairing, or 70835  
securing incurred by the municipal corporation or township 70836  
pursuant to section 715.261 or 505.86 of the Revised Code. 70837

When transferring the funds as required in division (C) of 70838  
this section, an insurance company shall provide the municipal 70839  
corporation or township with the name and address of the named 70840  
insured or insureds, whereupon the municipal corporation or 70841  
township shall contact the named insured or insureds, certify that 70842  
the proceeds have been received by the municipal corporation or 70843  
township, and notify them that the following procedures will be 70844  
followed: 70845

The fund shall be returned to the named insured or insureds 70846  
when repairs, removal, or securing of the building or other 70847  
structure have been completed and the required proof has been 70848  
received by the designated officer, if the municipal corporation 70849  
or township has not incurred any costs for the repairs, removal, 70850  
or securing. However, the fund shall be returned to the named 70851  
insured or insureds no later than sixty days after the designated 70852  
officer receives the required proof. If the municipal corporation 70853  
or township has incurred any costs for repairs, removal, or 70854  
securing of the building or other structure, the costs shall be 70855  
paid from the fund, and if excess funds remain, the municipal 70856  
corporation or township shall transfer, no later than sixty days 70857

after all such costs have been paid, the remaining funds to the 70858  
named insured or insureds. Nothing in this section shall be 70859  
construed to limit the ability of a municipal corporation or 70860  
township to recover any deficiency under section 715.261 or 505.86 70861  
of the Revised Code. 70862

Nothing in this division shall be construed to prohibit the 70863  
municipal corporation or township and the named insured or 70864  
insureds from entering into an agreement that permits the transfer 70865  
of funds to the named insured or insureds if some other reasonable 70866  
disposition of the damaged property has been negotiated. 70867

(E) Proof of payment by the company or companies of proceeds 70868  
under a policy in accordance with division (C) of this section is 70869  
conclusive evidence of the discharge of its obligation to the 70870  
insured under the policy to the extent of the payment and of 70871  
compliance by the company or companies with division (C) of this 70872  
section. 70873

(F) Nothing in this section shall be construed to make an 70874  
insurance company liable for any amount in excess of proceeds 70875  
payable under its insurance policy or for any other act performed 70876  
pursuant to this section, or to make a municipal corporation, 70877  
township, or public official an insured under a policy of 70878  
insurance, or to create an obligation to pay delinquent property 70879  
taxes or unpaid removal liens or expenses other than as provided 70880  
in this section. 70881

(G) An insurance company making payment of policy proceeds 70882  
under this section for delinquent taxes or structure removal liens 70883  
or removal expenses incurred by a municipal corporation or 70884  
township shall have the full benefit of such payment including all 70885  
rights of subrogation and of assignment. 70886

(H) As used in this section and section 3929.87 of the 70887  
Revised Code, "insurance company" or "insurer" includes the Ohio 70888

fair plan underwriting association as established in section 70889  
3929.43 of the Revised Code. 70890

(I) This section shall be liberally construed to accomplish 70891  
its purpose to deter the commission of arson and related crimes, 70892  
to discourage the abandonment of property, and to prevent urban 70893  
blight and deterioration. 70894

**Sec. 3959.01.** (A) "Administration fees" means any amount 70895  
charged a covered person for services rendered. "Administration 70896  
fees" includes commissions earned or paid by any person relative 70897  
to services performed by an administrator. 70898

(B) "Administrator" means any person who adjusts or settles 70899  
claims on, residents of this state in connection with life, 70900  
dental, health, prescription drugs, or disability insurance or 70901  
self-insurance programs. "Administrator" includes a pharmacy 70902  
benefit manager. "Administrator" does not include any of the 70903  
following: 70904

(1) An insurance agent or solicitor licensed in this state 70905  
whose activities are limited exclusively to the sale of insurance 70906  
and who does not provide any administrative services; 70907

(2) Any person who administers or operates the workers' 70908  
compensation program of a self-insuring employer under Chapter 70909  
4123. of the Revised Code; 70910

(3) Any person who administers pension plans for the benefit 70911  
of the person's own members or employees or administers pension 70912  
plans for the benefit of the members or employees of any other 70913  
person; 70914

(4) Any person that administers an insured plan or a 70915  
self-insured plan that provides life, dental, health, or 70916  
disability benefits exclusively for the person's own members or 70917  
employees; 70918

(5) Any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code or an insurance company that is authorized to write life or sickness and accident insurance in this state. 70919  
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(C) "Aggregate excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of all covered persons under the plan or trust which exceed a stated deductible amount and subject to a stated maximum. 70923  
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(D) "Contracted pharmacy" or "pharmacy" means a pharmacy located in this state participating in either the network of a pharmacy benefit manager or in a health care or pharmacy benefit plan through a direct contract or through a contract with a pharmacy services administration organization, group purchasing organization, or another contracting agent. 70928  
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(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and contracts of insurance. 70934  
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~~(E)~~(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee. 70938  
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(G) "Fiduciary" has the meaning set forth in section 1002(21)(A) of the "Employee Retirement Income Security Act of 1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 70942  
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~~(F)~~(H) "Fiscal year" means the twelve-month accounting period commencing on the date the plan is established and ending twelve months following that date, and each corresponding twelve-month accounting period thereafter as provided for in the summary plan description. 70945  
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~~(G)~~(I) "Insurer" means an entity authorized to do the business of insurance in this state or, for the purposes of this section, a health insuring corporation authorized to issue health care plans in this state. 70950  
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(J) "Managed care organization" means an entity that provides medical management and cost containment services and includes a medicaid managed care organization, as defined in section 5167.01 of the Revised Code. 70954  
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(K) "Maximum allowable cost" means a maximum drug product reimbursement for an individual drug or for a group of therapeutically and pharmaceutically equivalent multiple source drugs that are listed in the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, commonly referred to as the orange book. 70958  
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(L) "Maximum allowable cost list" means a list of the drugs for which a pharmacy benefit manager imposes a maximum allowable cost. 70964  
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(M) "Multiple employer welfare arrangement" has the same meaning as in section 1739.01 of the Revised Code. 70967  
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(N) "Pharmacy benefit manager" means an entity that contracts with pharmacies on behalf of an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer to provide pharmacy health benefit services or administration. 70969  
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(O) "Plan" means any arrangement in written form for the payment of life, dental, health, or disability benefits to covered persons defined by the summary plan description. 70974  
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~~(H)~~(P) "Plan sponsor" means the person who establishes the plan. "Plan sponsor" includes, with regard to a prescription drug plan, an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care 70977  
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organization, or other third-party payer that facilitates a health benefit plan that provides a drug benefit that is administered by a pharmacy benefit manager. 70981  
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~~(I)~~(O) "Self-insurance program" means a program whereby an employer provides a plan of benefits for its employees without involving an intermediate insurance carrier to assume risk or pay claims. "Self-insurance program" includes but is not limited to employer programs that pay claims up to a prearranged limit beyond which they purchase insurance coverage to protect against unpredictable or catastrophic losses. 70984  
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~~(J)~~(R) "Specific excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of a covered person in excess of a stated deductible amount and subject to a stated maximum. 70991  
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~~(K)~~(S) "Summary plan description" means the written document adopted by the plan sponsor which outlines the plan of benefits, conditions, limitations, exclusions, and other pertinent details relative to the benefits provided to covered persons thereunder. 70996  
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(T) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 71000  
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**Sec. 3959.111.** (A)(1) In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy shall be given the right to obtain from the pharmacy benefit manager, within ten days after any request, a current list of the sources used to determine maximum allowable cost pricing. In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy benefit manager shall be obligated to update and implement the pricing information at least every seven days and provide a means by which contracted pharmacies may promptly review pricing updates in a format that is readily available and accessible. 71002  
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(2) A pharmacy benefit manager shall maintain a written procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing in a timely manner in order to remain consistent with pricing changes in the marketplace. 71012  
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(B) In each contract between a pharmacy benefit manager and a pharmacy, a pharmacy benefit manager shall be obligated to ensure that all of the following conditions are met prior to placing a prescription drug on a maximum allowable cost list: 71016  
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(1) The drug is listed as "A" or "B" rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, or has an "NR" or "NA" rating or similar rating by nationally recognized reference. 71020  
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(2) The drug is generally available for purchase by pharmacies in this state from a national or regional wholesaler and is not obsolete. 71025  
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(C) Each contract between a pharmacy benefit manager and a pharmacy shall include a process to appeal, investigate, and resolve disputes regarding maximum allowable cost pricing that includes all of the following: 71028  
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(1) A twenty-one-day limit on the right to appeal following the initial claim; 71032  
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(2) A requirement that the appeal be investigated and resolved within twenty-one days after the appeal; 71034  
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(3) A telephone number at which the pharmacy may contact the pharmacy benefit manager to speak to a person responsible for processing appeals; 71036  
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(4) A requirement that a pharmacy benefit manager provide a reason for any appeal denial and the identification of the national drug code of a drug that may be purchased in this state 71039  
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by the pharmacy in this state from a national or regional 71042  
wholesaler at a price at or below the benchmark price determined 71043  
by the pharmacy benefit manager; 71044

(5) A requirement that a pharmacy benefit manager make an 71045  
adjustment to a date related to a claim not later than one day 71046  
after the date related to a claim and not later than one day after 71047  
the date of determination of the appeal. The adjustment shall be 71048  
retroactive to the date the appeal was made and shall apply to all 71049  
situated pharmacies as determined by the pharmacy benefit manager. 71050  
This requirement does not prohibit a pharmacy benefit manager from 71051  
retroactively adjusting a claim for the appealing pharmacy or for 71052  
any other similarly situated pharmacies. 71053

(D) Notwithstanding division (B)(5) of section 3959.01 of the 71054  
Revised Code, a health insuring corporation or a sickness and 71055  
accident insurer shall comply with the requirements of this 71056  
section if the corporation or insurer is a pharmacy benefit 71057  
manager, as defined in section 3959.01 of the Revised Code. 71058

**Sec. 4113.81.** The state shall not engage in collective 71059  
bargaining with individuals who are excluded from coverage under 71060  
Chapter 4117. of the Revised Code and the "National Labor 71061  
Relations Act of 1935," 49 Stat. 449, 29 U.S.C. 151, as amended. 71062  
This section does not apply with respect to individuals who are 71063  
exempt from Chapter 4117. of the Revised Code pursuant to division 71064  
(C) of section 4117.01 of the Revised Code but with whom the state 71065  
may collectively bargain pursuant to division (C) of section 71066  
4117.03 of the Revised Code. 71067

**Sec. 4115.03.** As used in sections 4115.03 to 4115.16 of the 71068  
Revised Code: 71069

(A) "Public authority" means any officer, board, or 71070  
commission of the state, or any political subdivision of the 71071

state, authorized to enter into a contract for the construction of 71072  
a public improvement or to construct the same by the direct 71073  
employment of labor, or any institution supported in whole or in 71074  
part by public funds and said sections apply to expenditures of 71075  
such institutions made in whole or in part from public funds. 71076

(B) "Construction" means any of the following: 71077

(1) Except as provided in division (B)(3) of this section, 71078  
any new construction of a public improvement, the total overall 71079  
project cost of which is fairly estimated to be more than the 71080  
following amounts and performed by other than full-time employees 71081  
who have completed their probationary periods in the classified 71082  
service of a public authority: 71083

(a) One hundred twenty-five thousand dollars, beginning on 71084  
~~the effective date of this amendment~~ September 29, 2011, and 71085  
continuing for one year thereafter; 71086

(b) Two hundred thousand dollars, beginning when the time 71087  
period described in division (B)(1)(a) of this section expires and 71088  
continuing for one year thereafter; 71089

(c) Two hundred fifty thousand dollars, beginning when the 71090  
time period described in division (B)(1)(b) of this section 71091  
expires. 71092

(2) Except as provided in division (B)(4) of this section, 71093  
any reconstruction, enlargement, alteration, repair, remodeling, 71094  
renovation, or painting of a public improvement, the total overall 71095  
project cost of which is fairly estimated to be more than the 71096  
following amounts and performed by other than full-time employees 71097  
who have completed their probationary period in the classified 71098  
civil service of a public authority: 71099

(a) Thirty-eight thousand dollars, beginning on ~~the effective~~ 71100  
~~date of this amendment~~ September 29, 2011, and continuing for one 71101  
year thereafter; 71102

(b) Sixty thousand dollars, beginning when the time period 71103  
described in division (B)(2)(a) of this section expires and 71104  
continuing for one year thereafter; 71105

(c) Seventy-five thousand dollars, beginning when the time 71106  
period described in division (B)(2)(b) of this section expires. 71107

(3) Any new construction of a public improvement that 71108  
involves roads, streets, alleys, sewers, ditches, and other works 71109  
connected to road or bridge construction, the total overall 71110  
project cost of which is fairly estimated to be more than 71111  
seventy-eight thousand two hundred fifty-eight dollars adjusted 71112  
biennially by the director of commerce pursuant to section 71113  
4115.034 of the Revised Code and performed by other than full-time 71114  
employees who have completed their probationary periods in the 71115  
classified service of a public authority; 71116

(4) Any reconstruction, enlargement, alteration, repair, 71117  
remodeling, renovation, or painting of a public improvement that 71118  
involves roads, streets, alleys, sewers, ditches, and other works 71119  
connected to road or bridge construction, the total overall 71120  
project cost of which is fairly estimated to be more than 71121  
twenty-three thousand four hundred forty-seven dollars adjusted 71122  
biennially by the director of commerce pursuant to section 71123  
4115.034 of the Revised ~~code~~ Code and performed by other than 71124  
full-time employees who have completed their probationary periods 71125  
in the classified service of a public authority. 71126

(C) "Public improvement" includes all buildings, roads, 71127  
streets, alleys, sewers, ditches, sewage disposal plants, water 71128  
works, and all other structures or works constructed by a public 71129  
authority of the state or any political subdivision thereof or by 71130  
any person who, pursuant to a contract with a public authority, 71131  
constructs any structure for a public authority of the state or a 71132  
political subdivision thereof. When a public authority rents or 71133  
leases a newly constructed structure within six months after 71134

completion of such construction, all work performed on such 71135  
structure to suit it for occupancy by a public authority is a 71136  
"public improvement." "Public improvement" does not include an 71137  
improvement authorized by section ~~1515.08~~ 940.06 of the Revised 71138  
Code that is constructed pursuant to a contract with a soil and 71139  
water conservation district, as defined in section ~~1515.01~~ 940.01 71140  
of the Revised Code, or performed as a result of a petition filed 71141  
pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, 71142  
wherein no less than seventy-five per cent of the project is 71143  
located on private land and no less than seventy-five per cent of 71144  
the cost of the improvement is paid for by private property owners 71145  
pursuant to Chapter ~~1515.~~ 940., 6131., 6133., or 6135. of the 71146  
Revised Code. 71147

(D) "Locality" means the county wherein the physical work 71148  
upon any public improvement is being performed. 71149

(E) "Prevailing wages" means the sum of the following: 71150

(1) The basic hourly rate of pay; 71151

(2) The rate of contribution irrevocably made by a contractor 71152  
or subcontractor to a trustee or to a third person pursuant to a 71153  
fund, plan, or program; 71154

(3) The rate of costs to the contractor or subcontractor 71155  
which may be reasonably anticipated in providing the following 71156  
fringe benefits to laborers and mechanics pursuant to an 71157  
enforceable commitment to carry out a financially responsible plan 71158  
or program which was communicated in writing to the laborers and 71159  
mechanics affected: 71160

(a) Medical or hospital care or insurance to provide such; 71161

(b) Pensions on retirement or death or insurance to provide 71162  
such; 71163

(c) Compensation for injuries or illnesses resulting from 71164

occupational activities if it is in addition to that coverage	71165
required by Chapters 4121. and 4123. of the Revised Code;	71166
(d) Supplemental unemployment benefits that are in addition	71167
to those required by Chapter 4141. of the Revised Code;	71168
(e) Life insurance;	71169
(f) Disability and sickness insurance;	71170
(g) Accident insurance;	71171
(h) Vacation and holiday pay;	71172
(i) Defraying of costs for apprenticeship or other similar	71173
training programs which are beneficial only to the laborers and	71174
mechanics affected;	71175
(j) Other bona fide fringe benefits.	71176
None of the benefits enumerated in division (E)(3) of this	71177
section may be considered in the determination of prevailing wages	71178
if federal, state, or local law requires contractors or	71179
subcontractors to provide any of such benefits.	71180
(F) "Interested party," with respect to a particular contract	71181
for construction of a public improvement, means:	71182
(1) Any person who submits a bid for the purpose of securing	71183
the award of the contract;	71184
(2) Any person acting as a subcontractor of a person	71185
described in division (F)(1) of this section;	71186
(3) Any bona fide organization of labor which has as members	71187
or is authorized to represent employees of a person described in	71188
division (F)(1) or (2) of this section and which exists, in whole	71189
or in part, for the purpose of negotiating with employers	71190
concerning the wages, hours, or terms and conditions of employment	71191
of employees;	71192
(4) Any association having as members any of the persons	71193

described in division (F)(1) or (2) of this section. 71194

(G) Except as used in division (A) of this section, "officer" 71195  
means an individual who has an ownership interest or holds an 71196  
office of trust, command, or authority in a corporation, business 71197  
trust, partnership, or association. 71198

**Sec. 4117.01.** As used in this chapter: 71199

(A) "Person," in addition to those included in division (C) 71200  
of section 1.59 of the Revised Code, includes employee 71201  
organizations, public employees, and public employers. 71202

(B) "Public employer" means the state or any political 71203  
subdivision of the state located entirely within the state, 71204  
including, without limitation, any municipal corporation with a 71205  
population of at least five thousand according to the most recent 71206  
federal decennial census; county; township with a population of at 71207  
least five thousand in the unincorporated area of the township 71208  
according to the most recent federal decennial census; school 71209  
district; governing authority of a community school established 71210  
under Chapter 3314. of the Revised Code; college preparatory 71211  
boarding school established under Chapter 3328. of the Revised 71212  
Code or its operator; state institution of higher learning; public 71213  
or special district; state agency, authority, commission, or 71214  
board; or other branch of public employment. "Public employer" 71215  
does not include the nonprofit corporation formed under section 71216  
187.01 of the Revised Code. 71217

(C) "Public employee" means any person holding a position by 71218  
appointment or employment in the service of a public employer, 71219  
including any person working pursuant to a contract between a 71220  
public employer and a private employer and over whom the national 71221  
labor relations board has declined jurisdiction on the basis that 71222  
the involved employees are employees of a public employer, except: 71223

(1) Persons holding elective office;	71224
(2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body;	71225 71226 71227 71228
(3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive;	71229 71230 71231 71232
(4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code;	71233 71234 71235
(5) Employees of the state employment relations board, including those employees of the state employment relations board utilized by the state personnel board of review in the exercise of the powers and the performance of the duties and functions of the state personnel board of review;	71236 71237 71238 71239 71240
(6) Confidential employees;	71241
(7) Management level employees;	71242
(8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	71243 71244 71245
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	71246 71247 71248
(10) Supervisors;	71249
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining	71250 71251 71252 71253



unit;	71254
(12) Employees of county boards of election;	71255
(13) Seasonal and casual employees as determined by the state employment relations board;	71256 71257
(14) Part-time faculty members of an institution of higher education;	71258 71259
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	71260 71261 71262 71263 71264 71265
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	71266 71267 71268
(17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code <del>who are not subject to a collective bargaining agreement on June 1, 2005.</del>	71269 71270 71271 71272
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	71273 71274 71275 71276 71277
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	71278 71279 71280
(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline	71281 71282 71283

other public employees; to responsibly direct them; to adjust 71284  
their grievances; or to effectively recommend such action, if the 71285  
exercise of that authority is not of a merely routine or clerical 71286  
nature, but requires the use of independent judgment, provided 71287  
that: 71288

(1) Employees of school districts who are department 71289  
chairpersons or consulting teachers shall not be deemed 71290  
supervisors. 71291

(2) With respect to members of a police or fire department, 71292  
no person shall be deemed a supervisor except the chief of the 71293  
department or those individuals who, in the absence of the chief, 71294  
are authorized to exercise the authority and perform the duties of 71295  
the chief of the department. Where prior to June 1, 1982, a public 71296  
employer pursuant to a judicial decision, rendered in litigation 71297  
to which the public employer was a party, has declined to engage 71298  
in collective bargaining with members of a police or fire 71299  
department on the basis that those members are supervisors, those 71300  
members of a police or fire department do not have the rights 71301  
specified in this chapter for the purposes of future collective 71302  
bargaining. The state employment relations board shall decide all 71303  
disputes concerning the application of division (F)(2) of this 71304  
section. 71305

(3) With respect to faculty members of a state institution of 71306  
higher education, heads of departments or divisions are 71307  
supervisors; however, no other faculty member or group of faculty 71308  
members is a supervisor solely because the faculty member or group 71309  
of faculty members participate in decisions with respect to 71310  
courses, curriculum, personnel, or other matters of academic 71311  
policy. 71312

(4) No teacher as defined in section 3319.09 of the Revised 71313  
Code shall be designated as a supervisor or a management level 71314  
employee unless the teacher is employed under a contract governed 71315

by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 71316  
is assigned to a position for which a license deemed to be for 71317  
administrators under state board rules is required pursuant to 71318  
section 3319.22 of the Revised Code. 71319

(G) "To bargain collectively" means to perform the mutual 71320  
obligation of the public employer, by its representatives, and the 71321  
representatives of its employees to negotiate in good faith at 71322  
reasonable times and places with respect to wages, hours, terms, 71323  
and other conditions of employment and the continuation, 71324  
modification, or deletion of an existing provision of a collective 71325  
bargaining agreement, with the intention of reaching an agreement, 71326  
or to resolve questions arising under the agreement. "To bargain 71327  
collectively" includes executing a written contract incorporating 71328  
the terms of any agreement reached. The obligation to bargain 71329  
collectively does not mean that either party is compelled to agree 71330  
to a proposal nor does it require the making of a concession. 71331

(H) "Strike" means continuous concerted action in failing to 71332  
report to duty; willful absence from one's position; or stoppage 71333  
of work in whole from the full, faithful, and proper performance 71334  
of the duties of employment, for the purpose of inducing, 71335  
influencing, or coercing a change in wages, hours, terms, and 71336  
other conditions of employment. "Strike" does not include a 71337  
stoppage of work by employees in good faith because of dangerous 71338  
or unhealthful working conditions at the place of employment that 71339  
are abnormal to the place of employment. 71340

(I) "Unauthorized strike" includes, but is not limited to, 71341  
concerted action during the term or extended term of a collective 71342  
bargaining agreement or during the pendency of the settlement 71343  
procedures set forth in section 4117.14 of the Revised Code in 71344  
failing to report to duty; willful absence from one's position; 71345  
stoppage of work; slowdown, or abstinence in whole or in part from 71346  
the full, faithful, and proper performance of the duties of 71347

employment for the purpose of inducing, influencing, or coercing a 71348  
change in wages, hours, terms, and other conditions of employment. 71349  
"Unauthorized strike" includes any such action, absence, stoppage, 71350  
slowdown, or abstinence when done partially or intermittently, 71351  
whether during or after the expiration of the term or extended 71352  
term of a collective bargaining agreement or during or after the 71353  
pendency of the settlement procedures set forth in section 4117.14 71354  
of the Revised Code. 71355

(J) "Professional employee" means any employee engaged in 71356  
work that is predominantly intellectual, involving the consistent 71357  
exercise of discretion and judgment in its performance and 71358  
requiring knowledge of an advanced type in a field of science or 71359  
learning customarily acquired by a prolonged course in an 71360  
institution of higher learning or a hospital, as distinguished 71361  
from a general academic education or from an apprenticeship; or an 71362  
employee who has completed the courses of specialized intellectual 71363  
instruction and is performing related work under the supervision 71364  
of a professional person to become qualified as a professional 71365  
employee. 71366

(K) "Confidential employee" means any employee who works in 71367  
the personnel offices of a public employer and deals with 71368  
information to be used by the public employer in collective 71369  
bargaining; or any employee who works in a close continuing 71370  
relationship with public officers or representatives directly 71371  
participating in collective bargaining on behalf of the employer. 71372

(L) "Management level employee" means an individual who 71373  
formulates policy on behalf of the public employer, who 71374  
responsibly directs the implementation of policy, or who may 71375  
reasonably be required on behalf of the public employer to assist 71376  
in the preparation for the conduct of collective negotiations, 71377  
administer collectively negotiated agreements, or have a major 71378  
role in personnel administration. Assistant superintendents, 71379

principals, and assistant principals whose employment is governed 71380  
by section 3319.02 of the Revised Code are management level 71381  
employees. With respect to members of a faculty of a state 71382  
institution of higher education, no person is a management level 71383  
employee because of the person's involvement in the formulation or 71384  
implementation of academic or institution policy. 71385

(M) "Wages" means hourly rates of pay, salaries, or other 71386  
forms of compensation for services rendered. 71387

(N) "Member of a police department" means a person who is in 71388  
the employ of a police department of a municipal corporation as a 71389  
full-time regular police officer as the result of an appointment 71390  
from a duly established civil service eligibility list or under 71391  
section 737.15 or 737.16 of the Revised Code, a full-time deputy 71392  
sheriff appointed under section 311.04 of the Revised Code, a 71393  
township constable appointed under section 509.01 of the Revised 71394  
Code, or a member of a township or joint police district police 71395  
department appointed under section 505.49 of the Revised Code. 71396

(O) "Members of the state highway patrol" means highway 71397  
patrol troopers and radio operators appointed under section 71398  
5503.01 of the Revised Code. 71399

(P) "Member of a fire department" means a person who is in 71400  
the employ of a fire department of a municipal corporation or a 71401  
township as a fire cadet, full-time regular firefighter, or 71402  
promoted rank as the result of an appointment from a duly 71403  
established civil service eligibility list or under section 71404  
505.38, 709.012, or 737.22 of the Revised Code. 71405

(Q) "Day" means calendar day. 71406

**Sec. 4117.10.** (A) An agreement between a public employer and 71407  
an exclusive representative entered into pursuant to this chapter 71408  
governs the wages, hours, and terms and conditions of public 71409

employment covered by the agreement. If the agreement provides for 71410  
a final and binding arbitration of grievances, public employers, 71411  
employees, and employee organizations are subject solely to that 71412  
grievance procedure and the state personnel board of review or 71413  
civil service commissions have no jurisdiction to receive and 71414  
determine any appeals relating to matters that were the subject of 71415  
a final and binding grievance procedure. Where no agreement exists 71416  
or where an agreement makes no specification about a matter, the 71417  
public employer and public employees are subject to all applicable 71418  
state or local laws or ordinances pertaining to the wages, hours, 71419  
and terms and conditions of employment for public employees. ~~Laws~~ 71420  
All of the following prevail over conflicting provisions of 71421  
agreements between employee organizations and public employers: 71422

(1) Laws pertaining to ~~civil~~ any of the following subjects: 71423

(a) Civil rights, ~~affirmative~~; 71424

(b) Affirmative action, ~~unemployment~~; 71425

(c) Unemployment compensation, ~~workers'~~; 71426

(d) Workers' compensation, ~~the~~; 71427

(e) The retirement of public employees, ~~and residency~~; 71428

(f) Residency requirements, ~~the~~; 71429

(g) The minimum educational requirements contained in the 71430  
Revised Code pertaining to public education including the 71431  
requirement of a certificate by the fiscal officer of a school 71432  
district pursuant to section 5705.41 of the Revised Code, ~~the~~; 71433

(h) The provisions of division (A) of section 124.34 of the 71434  
Revised Code governing the disciplining of officers and employees 71435  
who have been convicted of a felony, ~~and the~~; 71436

(i) The minimum standards promulgated by the state board of 71437  
education pursuant to division (D) of section 3301.07 of the 71438  
Revised Code ~~prevail over conflicting provisions of agreements~~ 71439

~~between employee organizations and public employers.~~ 71440

(2) The law pertaining to the leave of absence and 71441  
compensation provided under section 5923.05 of the Revised Code 71442  
~~prevails over any conflicting provisions of such agreements,~~ if 71443  
the terms of the agreement contain benefits which are less than 71444  
those contained in that section or the agreement contains no such 71445  
terms and the public authority is the state or any agency, 71446  
authority, commission, or board of the state or if the public 71447  
authority is another entity listed in division (B) of section 71448  
4117.01 of the Revised Code that elects to provide leave of 71449  
absence and compensation as provided in section 5923.05 of the 71450  
Revised Code. i 71451

(3) The law pertaining to the leave established under section 71452  
5906.02 of the Revised Code ~~prevails over any conflicting~~ 71453  
~~provision of an agreement between an employee organization and~~ 71454  
~~public employer,~~ if the terms of the agreement contain benefits 71455  
that are less than those contained in section 5906.02 of the 71456  
Revised Code. i 71457

(4) The law pertaining to excess benefits prohibited under 71458  
section 3345.311 of the Revised Code with respect to an agreement 71459  
between an employee organization and a public employer entered 71460  
into on or after the effective date of this amendment. Except 71461

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 71462  
the Revised Code and arrangements entered into thereunder, and 71463  
section 4981.21 of the Revised Code as necessary to comply with 71464  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 71465  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 71466  
entered into thereunder, this chapter prevails over any and all 71467  
other conflicting laws, resolutions, provisions, present or 71468  
future, except as otherwise specified in this chapter or as 71469  
otherwise specified by the general assembly. Nothing in this 71470  
section prohibits or shall be construed to invalidate the 71471

provisions of an agreement establishing supplemental workers' 71472  
compensation or unemployment compensation benefits or exceeding 71473  
minimum requirements contained in the Revised Code pertaining to 71474  
public education or the minimum standards promulgated by the state 71475  
board of education pursuant to division (D) of section 3301.07 of 71476  
the Revised Code. 71477

(B) The public employer shall submit a request for funds 71478  
necessary to implement an agreement and for approval of any other 71479  
matter requiring the approval of the appropriate legislative body 71480  
to the legislative body within fourteen days of the date on which 71481  
the parties finalize the agreement, unless otherwise specified, 71482  
but if the appropriate legislative body is not in session at the 71483  
time, then within fourteen days after it convenes. The legislative 71484  
body must approve or reject the submission as a whole, and the 71485  
submission is deemed approved if the legislative body fails to act 71486  
within thirty days after the public employer submits the 71487  
agreement. The parties may specify that those provisions of the 71488  
agreement not requiring action by a legislative body are effective 71489  
and operative in accordance with the terms of the agreement, 71490  
provided there has been compliance with division (C) of this 71491  
section. If the legislative body rejects the submission of the 71492  
public employer, either party may reopen all or part of the entire 71493  
agreement. 71494

As used in this section, "legislative body" includes the 71495  
governing board of a municipal corporation, school district, 71496  
college or university, village, township, or board of county 71497  
commissioners or any other body that has authority to approve the 71498  
budget of their public jurisdiction and, with regard to the state, 71499  
"legislative body" means the controlling board. 71500

(C) The chief executive officer, or the chief executive 71501  
officer's representative, of each municipal corporation, the 71502  
designated representative of the board of education of each school 71503



district, college or university, or any other body that has 71504  
authority to approve the budget of their public jurisdiction, the 71505  
designated representative of the board of county commissioners and 71506  
of each elected officeholder of the county whose employees are 71507  
covered by the collective negotiations, and the designated 71508  
representative of the village or the board of township trustees of 71509  
each township is responsible for negotiations in the collective 71510  
bargaining process; except that the legislative body may accept or 71511  
reject a proposed collective bargaining agreement. When the 71512  
matters about which there is agreement are reduced to writing and 71513  
approved by the employee organization and the legislative body, 71514  
the agreement is binding upon the legislative body, the employer, 71515  
and the employee organization and employees covered by the 71516  
agreement. 71517

(D) There is hereby established an office of collective 71518  
bargaining in the department of administrative services for the 71519  
purpose of negotiating with and entering into written agreements 71520  
between state agencies, departments, boards, and commissions and 71521  
the exclusive representative on matters of wages, hours, terms and 71522  
other conditions of employment and the continuation, modification, 71523  
or deletion of an existing provision of a collective bargaining 71524  
agreement. Nothing in any provision of law to the contrary shall 71525  
be interpreted as excluding the bureau of workers' compensation 71526  
and the industrial commission from the preceding sentence. This 71527  
office shall not negotiate on behalf of other statewide elected 71528  
officials or boards of trustees of state institutions of higher 71529  
education who shall be considered as separate public employers for 71530  
the purposes of this chapter; however, the office may negotiate on 71531  
behalf of these officials or trustees where authorized by the 71532  
officials or trustees. The staff of the office of collective 71533  
bargaining are in the unclassified service. The director of 71534  
administrative services shall fix the compensation of the staff. 71535

The office of collective bargaining shall:	71536
(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;	71537 71538 71539
(2) Conduct negotiations with the exclusive representatives of each employee organization;	71540 71541
(3) Coordinate the state's resources in all mediation, fact-finding, and arbitration cases as well as in all labor disputes;	71542 71543 71544
(4) Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;	71545 71546
(5) Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;	71547 71548
(6) Prepare and submit an annual report and other reports as requested to the governor and the general assembly on the implementation of this chapter and its impact upon state government.	71549 71550 71551 71552
<b>Sec. 4121.03.</b> (A) The governor shall appoint from among the members of the industrial commission the chairperson of the industrial commission. The chairperson shall serve as chairperson at the pleasure of the governor. The chairperson is the head of the commission and its chief executive officer.	71553 71554 71555 71556 71557
(B) The chairperson shall appoint, after consultation with other commission members and obtaining the approval of at least one other commission member, an executive director of the commission. The executive director shall serve at the pleasure of the chairperson. The executive director, under the direction of the chairperson, shall perform all of the following duties:	71558 71559 71560 71561 71562 71563
(1) Act as chief administrative officer for the commission;	71564

(2) Ensure that all commission personnel follow the rules of the commission; 71565  
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(3) Ensure that all orders, awards, and determinations are properly heard and signed, prior to attesting to the documents; 71567  
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(4) Coordinate, to the fullest extent possible, commission activities with the bureau of workers' compensation activities; 71569  
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(5) Do all things necessary for the efficient and effective implementation of the duties of the commission. 71571  
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The responsibilities assigned to the executive director of the commission do not relieve the chairperson from final responsibility for the proper performance of the acts specified in this division. 71573  
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(C) The chairperson shall do all of the following: 71577

(1) Except as otherwise provided in this division, employ, promote, supervise, remove, and establish the compensation of all employees as needed in connection with the performance of the commission's duties under this chapter and Chapters 4123., 4127., and 4131. of the Revised Code and may assign to them their duties to the extent necessary to achieve the most efficient performance of its functions, and to that end may establish, change, or abolish positions, and assign and reassign duties and responsibilities of every employee of the commission. The civil service status of any person employed by the commission prior to November 3, 1989, is not affected by this section. Personnel employed by the bureau or the commission who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter as it presently exists or is hereafter amended and nothing in this chapter or Chapter 4123. of the Revised Code shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits conferred under that chapter to public 71578  
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employees or to any bargaining unit. 71596

(2) Hire district and staff hearing officers after 71597  
consultation with other commission members and obtaining the 71598  
approval of at least one other commission member; 71599

(3) Hire staff and district hearing officers when the 71600  
chairperson finds appropriate after obtaining the approval of at 71601  
least one other commission member; 71602

(4) Maintain the office for the commission in Columbus; 71603

(5) To the maximum extent possible, use electronic data 71604  
processing equipment for the issuance of orders immediately 71605  
following a hearing, scheduling of hearings and medical 71606  
examinations, tracking of claims, retrieval of information, and 71607  
any other matter within the commission's jurisdiction, and shall 71608  
provide and input information into the electronic data processing 71609  
equipment as necessary to effect the success of the claims 71610  
tracking system established pursuant to division (B)~~(15)~~(14) of 71611  
section 4121.121 of the Revised Code; 71612

(6) Exercise all administrative and nonadjudicatory powers 71613  
and duties conferred upon the commission by Chapters 4121., 4123., 71614  
4127., and 4131. of the Revised Code; 71615

(7) Approve all contracts for special services. 71616

(D) The chairperson is responsible for all administrative 71617  
matters and may secure for the commission facilities, equipment, 71618  
and supplies necessary to house the commission, any employees, and 71619  
files and records under the commission's control and to discharge 71620  
any duty imposed upon the commission by law, the expense thereof 71621  
to be audited and paid in the same manner as other state expenses. 71622  
For that purpose, the chairperson, separately from the budget 71623  
prepared by the administrator of workers' compensation, shall 71624  
prepare and submit to the office of budget and management a budget 71625  
for each biennium according to sections 101.532 and 107.03 of the 71626

Revised Code. The budget submitted shall cover the costs of the 71627  
commission and staff and district hearing officers in the 71628  
discharge of any duty imposed upon the chairperson, the 71629  
commission, and hearing officers by law. 71630

(E) A majority of the commission constitutes a quorum to 71631  
transact business. No vacancy impairs the rights of the remaining 71632  
members to exercise all of the powers of the commission, so long 71633  
as a majority remains. Any investigation, inquiry, or hearing that 71634  
the commission may hold or undertake may be held or undertaken by 71635  
or before any one member of the commission, or before one of the 71636  
deputies of the commission, except as otherwise provided in this 71637  
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 71638  
Every order made by a member, or by a deputy, when approved and 71639  
confirmed by a majority of the members, and so shown on its record 71640  
of proceedings, is the order of the commission. The commission may 71641  
hold sessions at any place within the state. The commission is 71642  
responsible for all of the following: 71643

(1) Establishing the overall adjudicatory policy and 71644  
management of the commission under this chapter and Chapters 71645  
4123., 4127., and 4131. of the Revised Code, except for those 71646  
administrative matters within the jurisdiction of the chairperson, 71647  
bureau of workers' compensation, and the administrator of workers' 71648  
compensation under those chapters; 71649

(2) Hearing appeals and reconsiderations under this chapter 71650  
and Chapters 4123., 4127., and 4131. of the Revised Code; 71651

(3) Engaging in rulemaking where required by this chapter or 71652  
Chapter 4123., 4127., or 4131. of the Revised Code. 71653

**Sec. 4121.121.** (A) There is hereby created the bureau of 71654  
workers' compensation, which shall be administered by the 71655  
administrator of workers' compensation. A person appointed to the 71656  
position of administrator shall possess significant management 71657

experience in effectively managing an organization or 71658  
organizations of substantial size and complexity. A person 71659  
appointed to the position of administrator also shall possess a 71660  
minimum of five years of experience in the field of workers' 71661  
compensation insurance or in another insurance industry, except as 71662  
otherwise provided when the conditions specified in division (C) 71663  
of this section are satisfied. The governor shall appoint the 71664  
administrator as provided in section 121.03 of the Revised Code, 71665  
and the administrator shall serve at the pleasure of the governor. 71666  
The governor shall fix the administrator's salary on the basis of 71667  
the administrator's experience and the administrator's 71668  
responsibilities and duties under this chapter and Chapters 4123., 71669  
4125., 4127., 4131., and 4167. of the Revised Code. The governor 71670  
shall not appoint to the position of administrator any person who 71671  
has, or whose spouse has, given a contribution to the campaign 71672  
committee of the governor in an amount greater than one thousand 71673  
dollars during the two-year period immediately preceding the date 71674  
of the appointment of the administrator. 71675

The administrator shall hold no other public office and shall 71676  
devote full time to the duties of administrator. Before entering 71677  
upon the duties of the office, the administrator shall take an 71678  
oath of office as required by sections 3.22 and 3.23 of the 71679  
Revised Code, and shall file in the office of the secretary of 71680  
state, a bond signed by the administrator and by surety approved 71681  
by the governor, for the sum of fifty thousand dollars payable to 71682  
the state, conditioned upon the faithful performance of the 71683  
administrator's duties. 71684

(B) The administrator is responsible for the management of 71685  
the bureau and for the discharge of all administrative duties 71686  
imposed upon the administrator in this chapter and Chapters 4123., 71687  
4125., 4127., 4131., and 4167. of the Revised Code, and in the 71688  
discharge thereof shall do all of the following: 71689

(1) Perform all acts and exercise all authorities and powers, 71690  
discretionary and otherwise that are required of or vested in the 71691  
bureau or any of its employees in this chapter and Chapters 4123., 71692  
4125., 4127., 4131., and 4167. of the Revised Code, except the 71693  
acts and the exercise of authority and power that is required of 71694  
and vested in the bureau of workers' compensation board of 71695  
directors or the industrial commission pursuant to those chapters. 71696  
The treasurer of state shall honor all warrants signed by the 71697  
administrator, or by one or more of the administrator's employees, 71698  
authorized by the administrator in writing, or bearing the 71699  
facsimile signature of the administrator or such employee under 71700  
sections 4123.42 and 4123.44 of the Revised Code. 71701

(2) Employ, direct, and supervise all employees required in 71702  
connection with the performance of the duties assigned to the 71703  
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 71704  
and 4167. of the Revised Code, including an actuary, and may 71705  
establish job classification plans and compensation for all 71706  
employees of the bureau provided that this grant of authority 71707  
shall not be construed as affecting any employee for whom the 71708  
state employment relations board has established an appropriate 71709  
bargaining unit under section 4117.06 of the Revised Code. All 71710  
positions of employment in the bureau are in the classified civil 71711  
service except those employees the administrator may appoint to 71712  
serve at the administrator's pleasure in the unclassified civil 71713  
service pursuant to section 124.11 of the Revised Code. The 71714  
administrator shall fix the salaries of employees the 71715  
administrator appoints to serve at the administrator's pleasure, 71716  
including the chief operating officer, staff physicians, and other 71717  
senior management personnel of the bureau and shall establish the 71718  
compensation of staff attorneys of the bureau's legal section and 71719  
their immediate supervisors, and take whatever steps are necessary 71720  
to provide adequate compensation for other staff attorneys. 71721

The administrator may appoint a person who holds a certified 71722  
position in the classified service within the bureau to a position 71723  
in the unclassified service within the bureau. A person appointed 71724  
pursuant to this division to a position in the unclassified 71725  
service shall retain the right to resume the position and status 71726  
held by the person in the classified service immediately prior to 71727  
the person's appointment in the unclassified service, regardless 71728  
of the number of positions the person held in the unclassified 71729  
service. An employee's right to resume a position in the 71730  
classified service may only be exercised when the administrator 71731  
demotes the employee to a pay range lower than the employee's 71732  
current pay range or revokes the employee's appointment to the 71733  
unclassified service. An employee forfeits the right to resume a 71734  
position in the classified service when the employee is removed 71735  
from the position in the unclassified service due to incompetence, 71736  
inefficiency, dishonesty, drunkenness, immoral conduct, 71737  
insubordination, discourteous treatment of the public, neglect of 71738  
duty, violation of this chapter or Chapter 124., 4123., 4125., 71739  
4127., 4131., or 4167. of the Revised Code, violation of the rules 71740  
of the director of administrative services or the administrator, 71741  
any other failure of good behavior, any other acts of misfeasance, 71742  
malfeasance, or nonfeasance in office, or conviction of a felony. 71743  
An employee also forfeits the right to resume a position in the 71744  
classified service upon transfer to a different agency. 71745

Reinstatement to a position in the classified service shall 71746  
be to a position substantially equal to that position in the 71747  
classified service held previously, as certified by the department 71748  
of administrative services. If the position the person previously 71749  
held in the classified service has been placed in the unclassified 71750  
service or is otherwise unavailable, the person shall be appointed 71751  
to a position in the classified service within the bureau that the 71752  
director of administrative services certifies is comparable in 71753  
compensation to the position the person previously held in the 71754



classified service. Service in the position in the unclassified 71755  
service shall be counted as service in the position in the 71756  
classified service held by the person immediately prior to the 71757  
person's appointment in the unclassified service. When a person is 71758  
reinstated to a position in the classified service as provided in 71759  
this division, the person is entitled to all rights, status, and 71760  
benefits accruing to the position during the person's time of 71761  
service in the position in the unclassified service. 71762

(3) Reorganize the work of the bureau, its sections, 71763  
departments, and offices to the extent necessary to achieve the 71764  
most efficient performance of its functions and to that end may 71765  
establish, change, or abolish positions and assign and reassign 71766  
duties and responsibilities of every employee of the bureau. All 71767  
persons employed by the commission in positions that, after 71768  
November 3, 1989, are supervised and directed by the administrator 71769  
under this section are transferred to the bureau in their 71770  
respective classifications but subject to reassignment and 71771  
reclassification of position and compensation as the administrator 71772  
determines to be in the interest of efficient administration. The 71773  
civil service status of any person employed by the commission is 71774  
not affected by this section. Personnel employed by the bureau or 71775  
the commission who are subject to Chapter 4117. of the Revised 71776  
Code shall retain all of their rights and benefits conferred 71777  
pursuant to that chapter as it presently exists or is hereafter 71778  
amended and nothing in this chapter or Chapter 4123. of the 71779  
Revised Code shall be construed as eliminating or interfering with 71780  
Chapter 4117. of the Revised Code or the rights and benefits 71781  
conferred under that chapter to public employees or to any 71782  
bargaining unit. 71783

(4) Provide offices, equipment, supplies, and other 71784  
facilities for the bureau. 71785

(5) Prepare and submit to the board information the 71786

administrator considers pertinent or the board requires, together 71787  
with the administrator's recommendations, in the form of 71788  
administrative rules, for the advice and consent of the board, for 71789  
classifications of occupations or industries, for premium rates 71790  
and contributions, for the amount to be credited to the surplus 71791  
fund, for rules and systems of rating, rate revisions, and merit 71792  
rating. The administrator shall obtain, prepare, and submit any 71793  
other information the board requires for the prompt and efficient 71794  
discharge of its duties. 71795

(6) Keep the accounts required by division (A) of section 71796  
4123.34 of the Revised Code and all other accounts and records 71797  
necessary to the collection, administration, and distribution of 71798  
the workers' compensation funds and shall obtain the statistical 71799  
and other information required by section 4123.19 of the Revised 71800  
Code. 71801

(7) Exercise the investment powers vested in the 71802  
administrator by section 4123.44 of the Revised Code in accordance 71803  
with the investment policy approved by the board pursuant to 71804  
section 4121.12 of the Revised Code and in consultation with the 71805  
chief investment officer of the bureau of workers' compensation. 71806  
The administrator shall not engage in any prohibited investment 71807  
activity specified by the board pursuant to division (F)(9) of 71808  
section 4121.12 of the Revised Code and shall not invest in any 71809  
type of investment specified in divisions (B)(1) to (10) of 71810  
section 4123.442 of the Revised Code. All business shall be 71811  
transacted, all funds invested, all warrants for money drawn and 71812  
payments made, and all cash and securities and other property 71813  
held, in the name of the bureau, or in the name of its nominee, 71814  
provided that nominees are authorized by the administrator solely 71815  
for the purpose of facilitating the transfer of securities, and 71816  
restricted to the administrator and designated employees. 71817

(8) ~~Make contracts for and supervise the construction of any~~ 71818

~~project or improvement or the construction or repair of buildings~~ 71819  
~~under the control of the bureau.~~ 71820

~~(9) Purchase~~ In accordance with Chapter 125. of the Revised 71821  
Code, purchase supplies, materials, equipment, and services; ~~make~~ 71822  
~~contracts for, operate, and superintend the telephone, other~~ 71823  
~~telecommunication, and computer services for the use of the~~ 71824  
~~bureau; and make contracts in connection with office reproduction,~~ 71825  
~~forms management, printing, and other services. Notwithstanding~~ 71826  
~~sections 125.12 to 125.14 of the Revised Code, the administrator~~ 71827  
~~may transfer surplus computers and computer equipment directly to~~ 71828  
~~an accredited public school within the state. The computers and~~ 71829  
~~computer equipment may be repaired or refurbished prior to the~~ 71830  
~~transfer.~~ 71831

~~(10)~~(9) Prepare and submit to the board an annual budget for 71832  
internal operating purposes for the board's approval. The 71833  
administrator also shall, separately from the budget the 71834  
industrial commission submits, prepare and submit to the director 71835  
of budget and management a budget for each biennium. The budgets 71836  
submitted to the board and the director shall include estimates of 71837  
the costs and necessary expenditures of the bureau in the 71838  
discharge of any duty imposed by law. 71839

~~(11)~~(10) As promptly as possible in the course of efficient 71840  
administration, decentralize and relocate such of the personnel 71841  
and activities of the bureau as is appropriate to the end that the 71842  
receipt, investigation, determination, and payment of claims may 71843  
be undertaken at or near the place of injury or the residence of 71844  
the claimant and for that purpose establish regional offices, in 71845  
such places as the administrator considers proper, capable of 71846  
discharging as many of the functions of the bureau as is 71847  
practicable so as to promote prompt and efficient administration 71848  
in the processing of claims. All active and inactive lost-time 71849  
claims files shall be held at the service office responsible for 71850

the claim. A claimant, at the claimant's request, shall be 71851  
provided with information by telephone as to the location of the 71852  
file pertaining to the claimant's claim. The administrator shall 71853  
ensure that all service office employees report directly to the 71854  
director for their service office. 71855

~~(12)~~(11) Provide a written binder on new coverage where the 71856  
administrator considers it to be in the best interest of the risk. 71857  
The administrator, or any other person authorized by the 71858  
administrator, shall grant the binder upon submission of a request 71859  
for coverage by the employer. A binder is effective for a period 71860  
of thirty days from date of issuance and is nonrenewable. Payroll 71861  
reports and premium charges shall coincide with the effective date 71862  
of the binder. 71863

~~(13)~~(12) Set standards for the reasonable and maximum 71864  
handling time of claims payment functions, ensure, by rules, the 71865  
impartial and prompt treatment of all claims and employer risk 71866  
accounts, and establish a secure, accurate method of time stamping 71867  
all incoming mail and documents hand delivered to bureau 71868  
employees. 71869

~~(14)~~(13) Ensure that all employees of the bureau follow the 71870  
orders and rules of the commission as such orders and rules relate 71871  
to the commission's overall adjudicatory policy-making and 71872  
management duties under this chapter and Chapters 4123., 4127., 71873  
and 4131. of the Revised Code. 71874

~~(15)~~(14) Manage and operate a data processing system with a 71875  
common data base for the use of both the bureau and the commission 71876  
and, in consultation with the commission, using electronic data 71877  
processing equipment, shall develop a claims tracking system that 71878  
is sufficient to monitor the status of a claim at any time and 71879  
that lists appeals that have been filed and orders or 71880  
determinations that have been issued pursuant to section 4123.511 71881  
or 4123.512 of the Revised Code, including the dates of such 71882

filings and issuances. 71883

~~(16)~~(15) Establish and maintain a medical section within the 71884  
bureau. The medical section shall do all of the following: 71885

(a) Assist the administrator in establishing standard medical 71886  
fees, approving medical procedures, and determining eligibility 71887  
and reasonableness of the compensation payments for medical, 71888  
hospital, and nursing services, and in establishing guidelines for 71889  
payment policies which recognize usual, customary, and reasonable 71890  
methods of payment for covered services; 71891

(b) Provide a resource to respond to questions from claims 71892  
examiners for employees of the bureau; 71893

(c) Audit fee bill payments; 71894

(d) Implement a program to utilize, to the maximum extent 71895  
possible, electronic data processing equipment for storage of 71896  
information to facilitate authorizations of compensation payments 71897  
for medical, hospital, drug, and nursing services; 71898

(e) Perform other duties assigned to it by the administrator. 71899

~~(17)~~(16) Appoint, as the administrator determines necessary, 71900  
panels to review and advise the administrator on disputes arising 71901  
over a determination that a health care service or supply provided 71902  
to a claimant is not covered under this chapter or Chapter 4123., 71903  
4127., or 4131. of the Revised Code or is medically unnecessary. 71904  
If an individual health care provider is involved in the dispute, 71905  
the panel shall consist of individuals licensed pursuant to the 71906  
same section of the Revised Code as such health care provider. 71907

~~(18)~~(17) Pursuant to section 4123.65 of the Revised Code, 71908  
approve applications for the final settlement of claims for 71909  
compensation or benefits under this chapter and Chapters 4123., 71910  
4127., and 4131. of the Revised Code as the administrator 71911  
determines appropriate, except in regard to the applications of 71912

self-insuring employers and their employees. 71913

~~(19)~~(18) Comply with section 3517.13 of the Revised Code, and 71914  
except in regard to contracts entered into pursuant to the 71915  
authority contained in section 4121.44 of the Revised Code, comply 71916  
with the competitive bidding procedures set forth in the Revised 71917  
Code for all contracts into which the administrator enters 71918  
provided that those contracts fall within the type of contracts 71919  
and dollar amounts specified in the Revised Code for competitive 71920  
bidding and further provided that those contracts are not 71921  
otherwise specifically exempt from the competitive bidding 71922  
procedures contained in the Revised Code. 71923

~~(20)~~(19) Adopt, with the advice and consent of the board, 71924  
rules for the operation of the bureau. 71925

~~(21)~~(20) Prepare and submit to the board information the 71926  
administrator considers pertinent or the board requires, together 71927  
with the administrator's recommendations, in the form of 71928  
administrative rules, for the advice and consent of the board, for 71929  
the health partnership program and the qualified health plan 71930  
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 71931  
the Revised Code. 71932

(C) The administrator, with the advice and consent of the 71933  
senate, shall appoint a chief operating officer who has a minimum 71934  
of five years of experience in the field of workers' compensation 71935  
insurance or in another similar insurance industry if the 71936  
administrator does not possess such experience. The chief 71937  
operating officer shall not commence the chief operating officer's 71938  
duties until after the senate consents to the chief operating 71939  
officer's appointment. The chief operating officer shall serve in 71940  
the unclassified civil service of the state. 71941

**Sec. 4123.01.** As used in this chapter: 71942

(A)(1) "Employee" means: 71943

(a) Every person in the service of the state, or of any 71944  
county, municipal corporation, township, or school district 71945  
therein, including regular members of lawfully constituted police 71946  
and fire departments of municipal corporations and townships, 71947  
whether paid or volunteer, and wherever serving within the state 71948  
or on temporary assignment outside thereof, and executive officers 71949  
of boards of education, under any appointment or contract of hire, 71950  
express or implied, oral or written, including any elected 71951  
official of the state, or of any county, municipal corporation, or 71952  
township, or members of boards of education. 71953

As used in division (A)(1)(a) of this section, the term 71954  
"employee" includes the following persons when responding to an 71955  
inherently dangerous situation that calls for an immediate 71956  
response on the part of the person, regardless of whether the 71957  
person is within the limits of the jurisdiction of the person's 71958  
regular employment or voluntary service when responding, on the 71959  
condition that the person responds to the situation as the person 71960  
otherwise would if the person were on duty in the person's 71961  
jurisdiction: 71962

(i) ~~Off-duty peace officers. As used in division (A)(1)(a)(i)~~ 71963  
~~of this section, "peace officer" has the same meaning as in~~ 71964  
~~section 2935.01 of the Revised Code.~~ 71965

(ii) ~~Off-duty firefighters, whether paid or volunteer, of a~~ 71966  
~~lawfully constituted fire department.~~ 71967

(iii) ~~Off-duty first responders, emergency medical~~ 71968  
~~technicians basic, emergency medical technicians intermediate, or~~ 71969  
~~emergency medical technicians paramedic, whether paid or~~ 71970  
~~volunteer, emergency medical workers of an ambulance service~~ 71971  
~~organization or emergency medical service organization pursuant to~~ 71972  
~~Chapter 4765. of the Revised Code.~~ 71973

(b) Every person in the service of any person, firm, or private corporation, including any public service corporation, that (i) employs one or more persons regularly in the same business or in or about the same establishment under any contract of hire, express or implied, oral or written, including aliens and minors, household workers who earn one hundred sixty dollars or more in cash in any calendar quarter from a single household and casual workers who earn one hundred sixty dollars or more in cash in any calendar quarter from a single employer, or (ii) is bound by any such contract of hire or by any other written contract, to pay into the state insurance fund the premiums provided by this chapter.

(c) Every person who performs labor or provides services pursuant to a construction contract, as defined in section 4123.79 of the Revised Code, if at least ten of the following criteria apply:

(i) The person is required to comply with instructions from the other contracting party regarding the manner or method of performing services;

(ii) The person is required by the other contracting party to have particular training;

(iii) The person's services are integrated into the regular functioning of the other contracting party;

(iv) The person is required to perform the work personally;

(v) The person is hired, supervised, or paid by the other contracting party;

(vi) A continuing relationship exists between the person and the other contracting party that contemplates continuing or recurring work even if the work is not full time;

(vii) The person's hours of work are established by the other



contracting party;	72004
(viii) The person is required to devote full time to the business of the other contracting party;	72005 72006
(ix) The person is required to perform the work on the premises of the other contracting party;	72007 72008
(x) The person is required to follow the order of work set by the other contracting party;	72009 72010
(xi) The person is required to make oral or written reports of progress to the other contracting party;	72011 72012
(xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly;	72013 72014
(xiii) The person's expenses are paid for by the other contracting party;	72015 72016
(xiv) The person's tools and materials are furnished by the other contracting party;	72017 72018
(xv) The person is provided with the facilities used to perform services;	72019 72020
(xvi) The person does not realize a profit or suffer a loss as a result of the services provided;	72021 72022
(xvii) The person is not performing services for a number of employers at the same time;	72023 72024
(xviii) The person does not make the same services available to the general public;	72025 72026
(xix) The other contracting party has a right to discharge the person;	72027 72028
(xx) The person has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	72029 72030 72031
Every person in the service of any independent contractor or	72032

subcontractor who has failed to pay into the state insurance fund 72033  
the amount of premium determined and fixed by the administrator of 72034  
workers' compensation for the person's employment or occupation or 72035  
if a self-insuring employer has failed to pay compensation and 72036  
benefits directly to the employer's injured and to the dependents 72037  
of the employer's killed employees as required by section 4123.35 72038  
of the Revised Code, shall be considered as the employee of the 72039  
person who has entered into a contract, whether written or verbal, 72040  
with such independent contractor unless such employees or their 72041  
legal representatives or beneficiaries elect, after injury or 72042  
death, to regard such independent contractor as the employer. 72043

(2) "Employee" does not mean: 72044

(a) A duly ordained, commissioned, or licensed minister or 72045  
assistant or associate minister of a church in the exercise of 72046  
ministry; 72047

(b) Any officer of a family farm corporation; 72048

(c) An individual incorporated as a corporation; or 72049

(d) An individual who otherwise is an employee of an employer 72050  
but who signs the waiver and affidavit specified in section 72051  
4123.15 of the Revised Code on the condition that the 72052  
administrator has granted a waiver and exception to the 72053  
individual's employer under section 4123.15 of the Revised Code. 72054

Any employer may elect to include as an "employee" within 72055  
this chapter, any person excluded from the definition of 72056  
"employee" pursuant to division (A)(2) of this section. If an 72057  
employer is a partnership, sole proprietorship, individual 72058  
incorporated as a corporation, or family farm corporation, such 72059  
employer may elect to include as an "employee" within this 72060  
chapter, any member of such partnership, the owner of the sole 72061  
proprietorship, the individual incorporated as a corporation, or 72062  
the officers of the family farm corporation. In the event of an 72063

election, the employer shall serve upon the bureau of workers' 72064  
compensation written notice naming the persons to be covered, 72065  
include such employee's remuneration for premium purposes in all 72066  
future payroll reports, and no person excluded from the definition 72067  
of "employee" pursuant to division (A)(2) of this section, 72068  
proprietor, individual incorporated as a corporation, or partner 72069  
shall be deemed an employee within this division until the 72070  
employer has served such notice. 72071

For informational purposes only, the bureau shall prescribe 72072  
such language as it considers appropriate, on such of its forms as 72073  
it considers appropriate, to advise employers of their right to 72074  
elect to include as an "employee" within this chapter a sole 72075  
proprietor, any member of a partnership, an individual 72076  
incorporated as a corporation, the officers of a family farm 72077  
corporation, or a person excluded from the definition of 72078  
"employee" under division (A)(2) of this section, that they should 72079  
check any health and disability insurance policy, or other form of 72080  
health and disability plan or contract, presently covering them, 72081  
or the purchase of which they may be considering, to determine 72082  
whether such policy, plan, or contract excludes benefits for 72083  
illness or injury that they might have elected to have covered by 72084  
workers' compensation. 72085

(B) "Employer" means: 72086

(1) The state, including state hospitals, each county, 72087  
municipal corporation, township, school district, and hospital 72088  
owned by a political subdivision or subdivisions other than the 72089  
state; 72090

(2) Every person, firm, professional employer organization, 72091  
and private corporation, including any public service corporation, 72092  
that (a) has in service one or more employees or shared employees 72093  
regularly in the same business or in or about the same 72094  
establishment under any contract of hire, express or implied, oral 72095

or written, or (b) is bound by any such contract of hire or by any other written contract, to pay into the insurance fund the premiums provided by this chapter.

All such employers are subject to this chapter. Any member of a firm or association, who regularly performs manual labor in or about a mine, factory, or other establishment, including a household establishment, shall be considered an employee in determining whether such person, firm, or private corporation, or public service corporation, has in its service, one or more employees and the employer shall report the income derived from such labor to the bureau as part of the payroll of such employer, and such member shall thereupon be entitled to all the benefits of an employee.

(C) "Injury" includes any injury, whether caused by external accidental means or accidental in character and result, received in the course of, and arising out of, the injured employee's employment. "Injury" does not include:

(1) Psychiatric conditions except ~~where~~ as follows:

(a) Where the claimant's psychiatric conditions have arisen from an injury or occupational disease sustained by that claimant ~~or where;~~

(b) Where the claimant's psychiatric conditions have arisen from sexual conduct in which the claimant was forced by threat of physical harm to engage or participate;

(c) Where the claimant is a peace officer, firefighter, or emergency medical worker and is diagnosed with post-traumatic stress disorder that has been received in the course of, and has arisen out of, the claimant's employment as a peace officer, firefighter, or emergency medical worker.

(2) Injury or disability caused primarily by the natural deterioration of tissue, an organ, or part of the body;

(3) Injury or disability incurred in voluntary participation 72127  
in an employer-sponsored recreation or fitness activity if the 72128  
employee signs a waiver of the employee's right to compensation or 72129  
benefits under this chapter prior to engaging in the recreation or 72130  
fitness activity; 72131

(4) A condition that pre-existed an injury unless that 72132  
pre-existing condition is substantially aggravated by the injury. 72133  
Such a substantial aggravation must be documented by objective 72134  
diagnostic findings, objective clinical findings, or objective 72135  
test results. Subjective complaints may be evidence of such a 72136  
substantial aggravation. However, subjective complaints without 72137  
objective diagnostic findings, objective clinical findings, or 72138  
objective test results are insufficient to substantiate a 72139  
substantial aggravation. 72140

(D) "Child" includes a posthumous child and a child legally 72141  
adopted prior to the injury. 72142

(E) "Family farm corporation" means a corporation founded for 72143  
the purpose of farming agricultural land in which the majority of 72144  
the voting stock is held by and the majority of the stockholders 72145  
are persons or the spouse of persons related to each other within 72146  
the fourth degree of kinship, according to the rules of the civil 72147  
law, and at least one of the related persons is residing on or 72148  
actively operating the farm, and none of whose stockholders are a 72149  
corporation. A family farm corporation does not cease to qualify 72150  
under this division where, by reason of any devise, bequest, or 72151  
the operation of the laws of descent or distribution, the 72152  
ownership of shares of voting stock is transferred to another 72153  
person, as long as that person is within the degree of kinship 72154  
stipulated in this division. 72155

(F) "Occupational disease" means a disease contracted in the 72156  
course of employment, which by its causes and the characteristics 72157  
of its manifestation or the condition of the employment results in 72158

a hazard which distinguishes the employment in character from 72159  
employment generally, and the employment creates a risk of 72160  
contracting the disease in greater degree and in a different 72161  
manner from the public in general. 72162

(G) "Self-insuring employer" means an employer who is granted 72163  
the privilege of paying compensation and benefits directly under 72164  
section 4123.35 of the Revised Code, including a board of county 72165  
commissioners for the sole purpose of constructing a sports 72166  
facility as defined in section 307.696 of the Revised Code, 72167  
provided that the electors of the county in which the sports 72168  
facility is to be built have approved construction of a sports 72169  
facility by ballot election no later than November 6, 1997. 72170

(H) "Private employer" means an employer as defined in 72171  
division (B)(2) of this section. 72172

(I) "Professional employer organization" has the same meaning 72173  
as in section 4125.01 of the Revised Code. 72174

(J) "Public employer" means an employer as defined in 72175  
division (B)(1) of this section. 72176

(K) "Sexual conduct" means vaginal intercourse between a male 72177  
and female; anal intercourse, fellatio, and cunnilingus between 72178  
persons regardless of gender; and, without privilege to do so, the 72179  
insertion, however slight, of any part of the body or any 72180  
instrument, apparatus, or other object into the vaginal or anal 72181  
cavity of another. Penetration, however slight, is sufficient to 72182  
complete vaginal or anal intercourse. 72183

(L) "Other-states' insurer" means an insurance company that 72184  
is authorized to provide workers' compensation insurance coverage 72185  
in any of the states that permit employers to obtain insurance for 72186  
workers' compensation claims through insurance companies. 72187

(M) "Other-states' coverage" means both of the following: 72188

(1) Insurance coverage secured by an eligible employer for workers' compensation claims of employees who are in employment relationships localized in a state other than this state or those employees' dependents;

(2) Insurance coverage secured by an eligible employer for workers' compensation claims that arise in a state other than this state where an employer elects to obtain coverage through either the administrator or an other-states' insurer.

(N) "Limited other-states coverage" means insurance coverage provided by the administrator to an eligible employer for workers' compensation claims of employees who are in an employment relationship localized in this state but are temporarily working in a state other than this state, or those employees' dependents.

(O) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(P) "Firefighter" means a firefighter, whether paid or volunteer, of a lawfully constituted fire department.

(Q) "Emergency medical worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, certified under Chapter 4765. of the Revised Code, whether paid or volunteer.

**Sec. 4123.026.** ~~(A)~~ The administrator of workers' compensation, or a self-insuring public employer for the peace officers, firefighters, and emergency medical workers employed by or volunteering for that self-insuring public employer, shall pay the costs of conducting post-exposure medical diagnostic services, consistent with the standards of medical care existing at the time of the exposure, to investigate whether an injury or occupational disease was sustained by a peace officer, firefighter, or

emergency medical worker when coming into contact with the blood 72219  
or other body fluid of another person in the course of and arising 72220  
out of the peace officer's, firefighter's, or emergency medical 72221  
worker's employment, or when responding to an inherently dangerous 72222  
situation in the manner described in, and in accordance with the 72223  
conditions specified under, division (A)(1)(a) of section 4123.01 72224  
of the Revised Code, through any of the following means: 72225

~~(1)(A)~~ Splash or spatter in the eye or mouth, including when 72226  
received in the course of conducting mouth-to-mouth resuscitation; 72227

~~(2)(B)~~ A puncture in the skin; 72228

~~(3)(C)~~ A cut in the skin or another opening in the skin such 72229  
as an open sore, wound, lesion, abrasion, or ulcer. 72230

~~(B) As used in this section:~~ 72231

~~(1) "Peace officer" has the same meaning as in section 72232  
2935.01 of the Revised Code. 72233~~

~~(2) "Firefighter" means a firefighter, whether paid or 72234  
volunteer, of a lawfully constituted fire department. 72235~~

~~(3) "Emergency medical worker" means a first responder, 72236  
emergency medical technician basic, emergency medical 72237  
technician intermediate, or emergency medical 72238  
technician paramedic, certified under Chapter 4765. of the Revised 72239  
Code, whether paid or volunteer. 72240~~

**Sec. 4123.322.** (A) The administrator of workers' 72241  
compensation, with the advice and consent of the bureau of 72242  
workers' compensation board of directors, shall adopt rules 72243  
establishing a prospective payment system, which shall include all 72244  
of the following: 72245

(1) A requirement that upon an initial application for 72246  
coverage, a private employer shall file with the application an 72247  
estimate of the employer's payroll for the period the 72248



administrator determines pursuant to rules the administrator 72249  
adopts, and shall pay the amount the administrator determines by 72250  
rule in order to establish coverage for the employer as described 72251  
in division (B)(12) of section 4121.121 of the Revised Code; 72252

(2) A requirement that upon an initial application for 72253  
coverage, a public employer, except for a state agency or state 72254  
university or college, shall file with the application an estimate 72255  
of the employer's payroll for the period the administrator 72256  
determines pursuant to rules the administrator adopts, and shall 72257  
pay the amount the administrator determines by rule in order to 72258  
establish coverage for the employer as described in division 72259  
(B)~~(12)~~(11) of section 4121.121 of the Revised Code; 72260

(3) A requirement that an employer complete periodic payroll 72261  
reports of actual expenditures for previous coverage periods for 72262  
reconciliation with estimated payroll reports; 72263

(4) The assessment of a penalty for late payroll 72264  
reconciliation reports and for late payment of any reconciliation 72265  
premium; 72266

(5) The establishment of a transition period during which 72267  
time the bureau shall determine the adequacy of existing premium 72268  
security deposits of employers, the establishment of provisions 72269  
for additional premium payments during that transition, the 72270  
provision of a credit of those deposits toward the first premium 72271  
due from an employer under the rules adopted under divisions 72272  
(A)(1) to (4) of this section, and the establishment of penalties 72273  
for late payment or failure to comply with the rules. 72274

(B) For purposes of division (A)(3) of this section, an 72275  
employer shall make timely payment of any premium owed when actual 72276  
payroll expenditures exceeded estimated payroll, and the employer 72277  
shall receive premium credit when the estimated payroll exceeded 72278  
the actual payroll. 72279

(C) For purposes of division (A)(4) of this section, if the employer's actual payroll substantially exceeds the estimated payroll, the administrator may assess additional penalties specified in rules the administrator adopts on the reconciliation premium.

(D) As used in this section, "state university or college" has the same meaning as in section 4123.32 of the Revised Code.

**Sec. 4123.46.** (A)(1) Except as provided in division (A)(2) of this section, the bureau of workers' compensation shall disburse the state insurance fund to employees of employers who have paid into the fund the premiums applicable to the classes to which they belong when the employees have been injured in the course of their employment, wherever the injuries have occurred, and provided the injuries have not been purposely self-inflicted, or to the dependents of the employees in case death has ensued.

(2) As long as injuries have not been purposely self-inflicted, the bureau shall disburse the surplus fund created under section 4123.34 of the Revised Code to off-duty peace officers, firefighters, and emergency medical technicians, ~~and first responders~~ workers, or to their dependents if death ensues, who are injured while responding to inherently dangerous situations that call for an immediate response on the part of the person, regardless of whether the person was within the limits of the person's jurisdiction when responding, on the condition that the person responds to the situation as the person otherwise would if the person were on duty in the person's jurisdiction.

~~As used in division (A)(2) of this section, "peace officer," "firefighter," "emergency medical technician," "first responder," and "jurisdiction" have the same meanings as in section 4123.01 of the Revised Code.~~

(B) All self-insuring employers, in compliance with this

chapter, shall pay the compensation to injured employees, or to 72311  
the dependents of employees who have been killed in the course of 72312  
their employment, unless the injury or death of the employee was 72313  
purposely self-inflicted, and shall furnish the medical, surgical, 72314  
nurse, and hospital care and attention or funeral expenses as 72315  
would have been paid and furnished by virtue of this chapter under 72316  
a similar state of facts by the bureau out of the state insurance 72317  
fund if the employer had paid the premium into the fund. 72318

If any rule or regulation of a self-insuring employer 72319  
provides for or authorizes the payment of greater compensation or 72320  
more complete or extended medical care, nursing, surgical, and 72321  
hospital attention, or funeral expenses to the injured employees, 72322  
or to the dependents of the employees as may be killed, the 72323  
employer shall pay to the employees, or to the dependents of 72324  
employees killed, the amount of compensation and furnish the 72325  
medical care, nursing, surgical, and hospital attention or funeral 72326  
expenses provided by the self-insuring employer's rules and 72327  
regulations. 72328

(C) Payment to injured employees, or to their dependents in 72329  
case death has ensued, is in lieu of any and all rights of action 72330  
against the employer of the injured or killed employees. 72331

Sec. 4123.86. (A) Notwithstanding any provision in section 72332  
4123.52, 4123.54, 4123.55, 4123.56, 4123.57, 4123.58, 4123.59, 72333  
4123.60, or 4123.66 of the Revised Code to the contrary, in the 72334  
case of disability due to an injury described in division 72335  
(C)(1)(c) of section 4123.01 of the Revised Code: 72336

(1) Any entitlement of a claimant to compensation as a result 72337  
of any order issued under this chapter or Chapter 4121., 4127., or 72338  
4131. of the Revised Code regarding that injury shall cease not 72339  
later than one year after the date those payments commence under 72340  
division (H) of section 4123.511 of the Revised Code. 72341

(2) Any entitlement of a claimant to medical benefits under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code regarding that injury shall cease not later than one year after those payments commence under division (I) of section 4123.511 of the Revised Code. 72342  
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(B) No claimant shall be entitled to compensation or benefits under this chapter or Chapter 4121., 4127., or 4131., of the Revised Code for an injury described in division (C)(1)(c) of section 4123.01 of the Revised Code while the claimant receives a disability benefit or disability retirement from the public employees retirement system, the Ohio police and fire pension fund, the school employees retirement system, or the state highway patrol retirement system. 72347  
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(C) If the administrator receives notice under section 145.364, 742.391, 3309.402, or 5505.182 of the Revised Code that a claimant who is employed by a self-insuring employer is receiving a disability benefit from the public employees retirement system, the Ohio police and fire pension fund, the school employees retirement system, or the state highway patrol retirement system, the administrator shall notify the claimant's self-insuring employer of this fact. 72355  
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(D) If a claimant receives an award of compensation or benefits under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code for an injury described in division (C)(1)(c) of section 4123.01 of the Revised Code, the administrator or the applicable self-insuring employer shall terminate the claimant's compensation and benefits upon the claimant's receiving a disability benefit or disability retirement from the public employees retirement system, the Ohio police and fire pension fund, the school employees retirement system, or the state highway patrol retirement system. 72363  
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Sec. 4301.12. The division of liquor control shall provide 72373  
for the custody, safekeeping, and deposit of all moneys, checks, 72374  
and drafts received by it or any of its employees or agents prior 72375  
to paying them to the treasurer of state as provided by section 72376  
113.08 of the Revised Code. 72377

A sum equal to three dollars and thirty-eight cents for each 72378  
gallon of spirituous liquor sold by the division, JobsOhio, or a 72379  
designee of JobsOhio during the period covered by the payment 72380  
shall be paid into the state treasury to the credit of the general 72381  
revenue fund. All moneys received from permit fees, except B-2a 72382  
and S permit fees from B-2a and S permit holders who do not also 72383  
hold A-2 permits, shall be paid to the credit of the undivided 72384  
liquor permit fund established by section 4301.30 of the Revised 72385  
Code. 72386

Except as otherwise provided by law, the division shall 72387  
deposit all moneys collected under Chapters 4301. and 4303. of the 72388  
Revised Code ~~shall be paid by the division~~ into the state treasury 72389  
to the credit of the ~~liquor control fund, which is hereby created~~  
state liquor regulatory fund created in section 4301.30 of the 72390  
Revised Code. In addition, revenue resulting from any contracts 72391  
with the department of commerce pertaining to the responsibilities 72392  
and operations described in this chapter may be credited to the 72393  
fund. ~~Amounts in the liquor control fund may be used to pay the~~ 72394  
~~operating expenses of the liquor control commission.~~ 72395  
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Whenever, in the judgment of the director of budget and 72397  
management, the amount in the liquor control fund is in excess of 72398  
that needed to meet the maturing obligations of the division, as 72399  
working capital for its further operations, to pay the operating 72400  
expenses of the commission, and for the alcohol testing program 72401  
under section 3701.143 of the Revised Code, the director shall 72402  
transfer the excess to the credit of the general revenue fund. If 72403

the director determines that the amount in the liquor control fund 72404  
is insufficient, the director may transfer money from the general 72405  
revenue fund to the liquor control fund. 72406

Sec. 4301.243. (A) Notwithstanding any other provision of 72407  
this chapter or Chapter 4303. of the Revised Code, a manufacturer, 72408  
supplier, or solicitor registered pursuant to section 4303.25 of 72409  
the Revised Code, or an agent or employee of a manufacturer or 72410  
supplier, excluding a distributor or retail permit holder, may 72411  
give merchandise or another thing of value to a personal consumer 72412  
in connection with the purchase of an alcoholic beverage if both 72413  
of the following apply: 72414

(1) The value of the merchandise or other thing of value does 72415  
not meet or exceed the retail price of the alcoholic beverage 72416  
purchased by the personal consumer; 72417

(2) The merchandise or other thing of value is not made by or 72418  
awarded through a distributor or retail permit holder. 72419

(B) As used in this section, "personal consumer" means an 72420  
individual who is at least twenty-one years of age, does not hold 72421  
a permit issued under chapter 4303. of the Revised Code, and 72422  
intends to use a purchased alcoholic beverage for personal 72423  
consumption only and not for resale or other commercial purposes. 72424

**Sec. 4301.43. (A)** As used in sections 4301.43 to 4301.50 of 72425  
the Revised Code: 72426

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 72427  
fluid ounces. 72428

(2) "Sale" or "sell" includes exchange, barter, gift, 72429  
distribution, and, except with respect to A-4 permit holders, 72430  
offer for sale. 72431

(B) For the purposes of providing revenues for the support of 72432

the state and encouraging the grape industries in the state, a tax 72433  
is hereby levied on the sale or distribution of wine in Ohio, 72434  
except for known sacramental purposes, at the rate of thirty cents 72435  
per wine gallon for wine containing not less than four per cent of 72436  
alcohol by volume and not more than fourteen per cent of alcohol 72437  
by volume, ninety-eight cents per wine gallon for wine containing 72438  
more than fourteen per cent but not more than twenty-one per cent 72439  
of alcohol by volume, one dollar and eight cents per wine gallon 72440  
for vermouth, and one dollar and forty-eight cents per wine gallon 72441  
for sparkling and carbonated wine and champagne, the tax to be 72442  
paid by the holders of A-2 and B-5 permits or by any other person 72443  
selling or distributing wine upon which no tax has been paid. From 72444  
the tax paid under this section on wine, vermouth, and sparkling 72445  
and carbonated wine and champagne, the treasurer of state shall 72446  
credit to the Ohio grape industries fund created under section 72447  
924.54 of the Revised Code a sum equal to one cent per gallon for 72448  
each gallon upon which the tax is paid. 72449

(C) For the purpose of providing revenues for the support of 72450  
the state, there is hereby levied a tax on prepared and bottled 72451  
highballs, cocktails, cordials, and other mixed beverages at the 72452  
rate of one dollar and twenty cents per wine gallon to be paid by 72453  
holders of A-4 permits or by any other person selling or 72454  
distributing those products upon which no tax has been paid. Only 72455  
one sale of the same article shall be used in computing the amount 72456  
of tax due. The tax on mixed beverages to be paid by holders of 72457  
A-4 permits under this section shall not attach until the 72458  
ownership of the mixed beverage is transferred for valuable 72459  
consideration to a wholesaler or retailer, and no payment of the 72460  
tax shall be required prior to that time. 72461

(D) During the period of July 1, ~~2013~~ 2015, through June 30, 72462  
~~2015~~ 2017, from the tax paid under this section on wine, vermouth, 72463  
and sparkling and carbonated wine and champagne, the treasurer of 72464

state shall credit to the Ohio grape industries fund created under 72465  
section 924.54 of the Revised Code a sum equal to two cents per 72466  
gallon upon which the tax is paid. The amount credited under this 72467  
division is in addition to the amount credited to the Ohio grape 72468  
industries fund under division (B) of this section. 72469

(E) For the purpose of providing revenues for the support of 72470  
the state, there is hereby levied a tax on cider at the rate of 72471  
twenty-four cents per wine gallon to be paid by the holders of A-2 72472  
and B-5 permits or by any other person selling or distributing 72473  
cider upon which no tax has been paid. Only one sale of the same 72474  
article shall be used in computing the amount of the tax due. 72475

**Sec. 4301.61.** (A) As used in this section and section 72476  
4301.611 of the Revised Code: 72477

(1) "Card holder" means any person who presents a driver's or 72478  
commercial driver's license or an identification card to a permit 72479  
holder, or an agent or employee of a permit holder, for either of 72480  
the purposes listed in division (A)(4)(a) or (b) of this section. 72481

(2) "Identification card" means an identification card issued 72482  
under sections 4507.50 to 4507.52 of the Revised Code or an 72483  
equivalent identification card issued by another state. 72484

(3) "Permit holder" means the holder of a permit issued under 72485  
Chapter 4303. of the Revised Code. 72486

(4) "Transaction scan" means the process by which a permit 72487  
holder or an agent or employee of a permit holder checks, by means 72488  
of a transaction scan device, the validity of a driver's or 72489  
commercial driver's license or an identification card that is 72490  
presented as a condition for doing either of the following: 72491

(a) Purchasing any beer, intoxicating liquor, or low-alcohol 72492  
beverage; 72493

(b) Gaining admission to a premises that has been issued a 72494



liquor permit authorizing the sale of beer or intoxicating liquor 72495  
for consumption on the premises where sold, and where admission is 72496  
restricted to persons twenty-one years of age or older. 72497

(5) "Transaction scan device" means any commercial device or 72498  
combination of devices used at a point of sale that is capable of 72499  
deciphering in an electronically readable format the information 72500  
encoded on the magnetic strip or bar code of a driver's or 72501  
commercial driver's license or an identification card. 72502

(B)(1) A permit holder or an agent or employee of a permit 72503  
holder may perform a transaction scan by means of a transaction 72504  
scan device to check the validity of a driver's or commercial 72505  
driver's license or identification card presented by a card holder 72506  
for either of the purposes listed in division (A)(4)(a) or (b) of 72507  
this section. 72508

(2) If the information deciphered by the transaction scan 72509  
performed under division (B)(1) of this section fails to match the 72510  
information printed on the driver's or commercial driver's license 72511  
or identification card presented by the card holder, or if the 72512  
transaction scan indicates that the information so printed is 72513  
false or fraudulent, neither the permit holder nor any agent or 72514  
employee of the permit holder shall sell any beer, intoxicating 72515  
liquor, or low-alcohol beverage to the card holder. 72516

(3) Division (B)(1) of this section does not preclude a 72517  
permit holder or an agent or employee of a permit holder from 72518  
using a transaction scan device to check the validity of a 72519  
document other than a driver's or commercial driver's license or 72520  
an identification card, if the document includes a bar code or 72521  
magnetic strip that may be scanned by the device, as a condition 72522  
of a sale of beer, intoxicating liquor, or a low-alcohol beverage 72523  
or of granting admission to a premises described in division 72524  
(A)(4) of this section. 72525

(C) The registrar of motor vehicles, with the approval of the liquor control commission, shall adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code that do both of the following:

(1) Govern the recording and maintenance of information described in divisions (D)(1)(a) and (b) of this section, divisions (D)(1)(a) and (b) of section 2927.021 of the Revised Code, and divisions (D)(1)(a) and (b) of section 2925.57 of the Revised Code;

(2) Ensure quality control in the use of transaction scan devices under this section and sections 2927.021, 2927.022, 2925.57, 2925.58, and 4301.611 of the Revised Code.

(D)(1) No permit holder or agent or employee of a permit holder shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following:

(a) The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder;

(b) The expiration date and identification number of the driver's or commercial driver's license or identification card presented by a card holder.

(2) No permit holder or agent or employee of a permit holder shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained by division (D)(1) of this section, except for purposes of section 4301.611 of the Revised Code.

(3) No permit holder or agent or employee of a permit holder shall use a transaction scan device for a purpose other than a purpose listed in division (A)(4)(a) or (b) of this section.

(4) No permit holder or agent or employee of a permit holder

shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a permit holder or agent or employee of a permit holder may release that information pursuant to a court order or as specifically authorized by section 4301.611 or another section of the Revised Code.

(E) Nothing in this section or section 4301.611 of the Revised Code relieves a permit holder or an agent or employee of a permit holder of any responsibility to comply with any other applicable state or federal laws or rules governing the sale of beer, intoxicating liquor, or low-alcohol beverages.

(F) Whoever violates division (B)(2) or (D) of this section is guilty of an illegal liquor transaction scan, and the court may impose upon the offender a civil penalty of up to one thousand dollars for each violation. The clerk of the court shall pay each collected civil penalty to the county treasurer for deposit into the county treasury.

**Sec. 4301.639.** (A) No permit holder, agent or employee of a permit holder, or any other person may be found guilty of a violation of any section of this chapter or any rule of the liquor control commission in which age is an element of the offense, if the liquor control commission or any court of record finds all of the following:

(1) That the person buying, at the time of so doing, exhibited to the permit holder, the agent or employee of the permit holder, or the other person a driver's or commercial driver's license, an identification card ~~issued under sections 4507.50 to 4507.52~~ as defined in section 4301.61 of the Revised Code, ~~or~~ a military identification card issued by the United

States department of defense, or a United States or foreign 72587  
passport, that displays a picture of the individual for whom the 72588  
license ~~or~~, card, or passport was issued and shows that the person 72589  
buying was then at least twenty-one years of age, if the person 72590  
was buying beer as defined in section 4301.01 of the Revised Code 72591  
or intoxicating liquor, or that the person was then at least 72592  
eighteen years of age, if the person was buying any low-alcohol 72593  
beverage; 72594

(2) That the permit holder, the agent or employee of the 72595  
permit holder, or the other person made a bona fide effort to 72596  
ascertain the true age of the person buying by checking the 72597  
identification presented, at the time of the purchase, to 72598  
ascertain that the description on the identification compared with 72599  
the appearance of the buyer and that the identification presented 72600  
had not been altered in any way; 72601

(3) That the permit holder, the agent or employee of the 72602  
permit holder, or the other person had reason to believe that the 72603  
person buying was of legal age. 72604

(B) In any hearing before the liquor control commission and 72605  
in any action or proceeding before a court of record in which a 72606  
defense is raised under division (A) of this section, the 72607  
registrar of motor vehicles or deputy registrar who issued an 72608  
identification card under sections 4507.50 to 4507.52 of the 72609  
Revised Code shall be permitted to submit certified copies of the 72610  
records, in the registrar's or deputy's possession, of that 72611  
issuance in lieu of the testimony of the personnel of or 72612  
contractors with the bureau of motor vehicles at the hearing, 72613  
action, or proceeding. 72614

(C) The defense provided by division (A) of this section is 72615  
in addition to the affirmative defense provided by section 72616  
4301.611 of the Revised Code. 72617

Sec. 4301.83. (A) As used in this section: 72618

(1) "Qualified permit holder" means a person to which both of 72619  
the following apply: 72620

(a) The person is the holder of an A-1, A-1-A, A-1c, A-2, or 72621  
D permit issued under Chapter 4303. of the Revised Code. 72622

(b) The location of the premises for which the person has 72623  
been issued a permit specified in division (A)(1)(a) of this 72624  
section is in a county in which a major event will occur or in a 72625  
county contiguous to the county in which a major event will occur. 72626

(2) "Major event" means an event that meets all of the 72627  
following conditions: 72628

(a) It is scheduled to occur in a municipal corporation with 72629  
a population of three hundred fifty thousand or more on or after 72630  
the effective date of this section. 72631

(b) It is expected to attract not less than three thousand 72632  
visitors. 72633

(c) It is scheduled to have a duration of not less than one 72634  
day and not more than ten days. 72635

(B) Notwithstanding any provision of law to the contrary and 72636  
upon issuance of a waiver by the division of liquor control under 72637  
this section, a qualified permit holder may serve beer, 72638  
intoxicating liquor, or both between five thirty a.m. and four 72639  
a.m. the following day during a major event. 72640

(C) Not later than one hundred twenty days prior to the 72641  
commencement of a major event, a qualified permit holder may file 72642  
an application for a waiver with the chief executive officer of 72643  
the municipal corporation in which the permit holder's premises is 72644  
located or the fiscal officer of the township in which the permit 72645  
holder's premises is located. The qualified permit holder shall 72646  
include in the application both of the following: 72647

- (1) The name and address of the qualified permit holder; 72648
- (2) The name and address of the premises that is the subject of the application. 72649  
72650
- (D)(1) Not later than ninety days prior to the commencement of the major event, the chief executive officer of the municipal corporation or the fiscal officer of the township that receives an application under division (C) of this section shall review all applications received under division (C) of this section and compile a list of the applicants. 72651  
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- (2) In compiling the list under division (D)(1) of this section, the chief executive officer or fiscal officer shall consult with the chief law enforcement officer of the municipal corporation or township, as applicable, to determine whether to retain each applicant on the list. 72657  
72658  
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- (E)(1) Not later than sixty days prior to the commencement of the major event, the chief executive officer of the municipal corporation or the fiscal officer of the township that compiles a list of qualified permit holders under division (D) of this section shall submit the list to the division. 72662  
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72666
- (2) The division shall review the list and determine whether to retain each qualified permit holder on the list. The division may remove the name of a permit holder from the list for good cause. After review, the division shall certify the list. 72667  
72668  
72669  
72670
- (F) Not later than thirty days prior to the commencement of the major event, the division shall do both of the following: 72671  
72672
- (1) Return the list certified under division (E) of this section to the chief executive officer of the municipal corporation or the fiscal officer of the township that submitted the original list under division (E) of this section; 72673  
72674  
72675  
72676
- (2) Issue a waiver to each permit holder on the list that 72677

allows the permit holder to serve beer, intoxicating liquor, or 72678  
both between five thirty a.m. and four a.m. the following day 72679  
during the major event. 72680

(G) The division shall establish the form of the application 72681  
to be used under this section and shall make it available for use 72682  
by qualified permit holders. 72683

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 72684  
owner or operator of a hotel or motel that is required to be 72685  
licensed under section 3731.03 of the Revised Code, that contains 72686  
at least fifty rooms for registered transient guests or is owned 72687  
by a state institution of higher education as defined in section 72688  
3345.011 of the Revised Code or a private college or university, 72689  
and that qualifies under the other requirements of this section, 72690  
or to the owner or operator of a restaurant specified under this 72691  
section, to sell beer and any intoxicating liquor at retail, only 72692  
by the individual drink in glass and from the container, for 72693  
consumption on the premises where sold, and to registered guests 72694  
in their rooms, which may be sold by means of a controlled access 72695  
alcohol and beverage cabinet in accordance with division (B) of 72696  
section 4301.21 of the Revised Code; and to sell the same products 72697  
in the same manner and amounts not for consumption on the premises 72698  
as may be sold by holders of D-1 and D-2 permits. The premises of 72699  
the hotel or motel shall include a retail food establishment or a 72700  
food service operation licensed pursuant to Chapter 3717. of the 72701  
Revised Code that operates as a restaurant for purposes of this 72702  
chapter and that is affiliated with the hotel or motel and within 72703  
or contiguous to the hotel or motel, and that serves food within 72704  
the hotel or motel, but the principal business of the owner or 72705  
operator of the hotel or motel shall be the accommodation of 72706  
transient guests. In addition to the privileges authorized in this 72707  
division, the holder of a D-5a permit may exercise the same 72708  
privileges as the holder of a D-5 permit. 72709

The owner or operator of a hotel, motel, or restaurant who 72710  
qualified for and held a D-5a permit on August 4, 1976, may, if 72711  
the owner or operator held another permit before holding a D-5a 72712  
permit, either retain a D-5a permit or apply for the permit 72713  
formerly held, and the division of liquor control shall issue the 72714  
permit for which the owner or operator applies and formerly held, 72715  
notwithstanding any quota. 72716

A D-5a permit shall not be transferred to another location. 72717  
No quota restriction shall be placed on the number of D-5a permits 72718  
that may be issued. 72719

The fee for this permit is two thousand three hundred 72720  
forty-four dollars. 72721

(B) Permit D-5b may be issued to the owner, operator, tenant, 72722  
lessee, or occupant of an enclosed shopping center to sell beer 72723  
and intoxicating liquor at retail, only by the individual drink in 72724  
glass and from the container, for consumption on the premises 72725  
where sold; and to sell the same products in the same manner and 72726  
amount not for consumption on the premises as may be sold by 72727  
holders of D-1 and D-2 permits. In addition to the privileges 72728  
authorized in this division, the holder of a D-5b permit may 72729  
exercise the same privileges as a holder of a D-5 permit. 72730

A D-5b permit shall not be transferred to another location. 72731

One D-5b permit may be issued at an enclosed shopping center 72732  
containing at least two hundred twenty-five thousand, but less 72733  
than four hundred thousand, square feet of floor area. 72734

Two D-5b permits may be issued at an enclosed shopping center 72735  
containing at least four hundred thousand square feet of floor 72736  
area. No more than one D-5b permit may be issued at an enclosed 72737  
shopping center for each additional two hundred thousand square 72738  
feet of floor area or fraction of that floor area, up to a maximum 72739  
of five D-5b permits for each enclosed shopping center. The number 72740



of D-5b permits that may be issued at an enclosed shopping center 72741  
shall be determined by subtracting the number of D-3 and D-5 72742  
permits issued in the enclosed shopping center from the number of 72743  
D-5b permits that otherwise may be issued at the enclosed shopping 72744  
center under the formulas provided in this division. Except as 72745  
provided in this section, no quota shall be placed on the number 72746  
of D-5b permits that may be issued. Notwithstanding any quota 72747  
provided in this section, the holder of any D-5b permit first 72748  
issued in accordance with this section is entitled to its renewal 72749  
in accordance with section 4303.271 of the Revised Code. 72750

The holder of a D-5b permit issued before April 4, 1984, 72751  
whose tenancy is terminated for a cause other than nonpayment of 72752  
rent, may return the D-5b permit to the division of liquor 72753  
control, and the division shall cancel that permit. Upon 72754  
cancellation of that permit and upon the permit holder's payment 72755  
of taxes, contributions, premiums, assessments, and other debts 72756  
owing or accrued upon the date of cancellation to this state and 72757  
its political subdivisions and a filing with the division of a 72758  
certification of that payment, the division shall issue to that 72759  
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 72760  
that person requests. The division shall issue the D-5 permit, or 72761  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 72762  
D-3, or D-5 permits currently issued in the municipal corporation 72763  
or in the unincorporated area of the township where that person's 72764  
proposed premises is located equals or exceeds the maximum number 72765  
of such permits that can be issued in that municipal corporation 72766  
or in the unincorporated area of that township under the 72767  
population quota restrictions contained in section 4303.29 of the 72768  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 72769  
be transferred to another location. If a D-5b permit is canceled 72770  
under the provisions of this paragraph, the number of D-5b permits 72771  
that may be issued at the enclosed shopping center for which the 72772  
D-5b permit was issued, under the formula provided in this 72773

division, shall be reduced by one if the enclosed shopping center 72774  
was entitled to more than one D-5b permit under the formula. 72775

The fee for this permit is two thousand three hundred 72776  
forty-four dollars. 72777

(C) Permit D-5c may be issued to the owner or operator of a 72778  
retail food establishment or a food service operation licensed 72779  
pursuant to Chapter 3717. of the Revised Code that operates as a 72780  
restaurant for purposes of this chapter and that qualifies under 72781  
the other requirements of this section to sell beer and any 72782  
intoxicating liquor at retail, only by the individual drink in 72783  
glass and from the container, for consumption on the premises 72784  
where sold, and to sell the same products in the same manner and 72785  
amounts not for consumption on the premises as may be sold by 72786  
holders of D-1 and D-2 permits. In addition to the privileges 72787  
authorized in this division, the holder of a D-5c permit may 72788  
exercise the same privileges as the holder of a D-5 permit. 72789

To qualify for a D-5c permit, the owner or operator of a 72790  
retail food establishment or a food service operation licensed 72791  
pursuant to Chapter 3717. of the Revised Code that operates as a 72792  
restaurant for purposes of this chapter, shall have operated the 72793  
restaurant at the proposed premises for not less than twenty-four 72794  
consecutive months immediately preceding the filing of the 72795  
application for the permit, have applied for a D-5 permit no later 72796  
than December 31, 1988, and appear on the division's quota waiting 72797  
list for not less than six months immediately preceding the filing 72798  
of the application for the permit. In addition to these 72799  
requirements, the proposed D-5c permit premises shall be located 72800  
within a municipal corporation and further within an election 72801  
precinct that, at the time of the application, has no more than 72802  
twenty-five per cent of its total land area zoned for residential 72803  
use. 72804

A D-5c permit shall not be transferred to another location. 72805

No quota restriction shall be placed on the number of such permits 72806  
that may be issued. 72807

Any person who has held a D-5c permit for at least two years 72808  
may apply for a D-5 permit, and the division of liquor control 72809  
shall issue the D-5 permit notwithstanding the quota restrictions 72810  
contained in section 4303.29 of the Revised Code or in any rule of 72811  
the liquor control commission. 72812

The fee for this permit is one thousand five hundred 72813  
sixty-three dollars. 72814

(D) Permit D-5d may be issued to the owner or operator of a 72815  
retail food establishment or a food service operation licensed 72816  
pursuant to Chapter 3717. of the Revised Code that operates as a 72817  
restaurant for purposes of this chapter and that is located at an 72818  
airport operated by a board of county commissioners pursuant to 72819  
section 307.20 of the Revised Code, at an airport operated by a 72820  
port authority pursuant to Chapter 4582. of the Revised Code, or 72821  
at an airport operated by a regional airport authority pursuant to 72822  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 72823  
sell beer and any intoxicating liquor at retail, only by the 72824  
individual drink in glass and from the container, for consumption 72825  
on the premises where sold, and may sell the same products in the 72826  
same manner and amounts not for consumption on the premises where 72827  
sold as may be sold by the holders of D-1 and D-2 permits. In 72828  
addition to the privileges authorized in this division, the holder 72829  
of a D-5d permit may exercise the same privileges as the holder of 72830  
a D-5 permit. 72831

A D-5d permit shall not be transferred to another location. 72832  
No quota restrictions shall be placed on the number of such 72833  
permits that may be issued. 72834

The fee for this permit is two thousand three hundred 72835  
forty-four dollars. 72836

(E) Permit D-5e may be issued to any nonprofit organization 72837  
that is exempt from federal income taxation under the "Internal 72838  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 72839  
amended, or that is a charitable organization under any chapter of 72840  
the Revised Code, and that owns or operates a riverboat that meets 72841  
all of the following: 72842

(1) Is permanently docked at one location; 72843

(2) Is designated as an historical riverboat by the Ohio 72844  
historical society; 72845

(3) Contains not less than fifteen hundred square feet of 72846  
floor area; 72847

(4) Has a seating capacity of fifty or more persons. 72848

The holder of a D-5e permit may sell beer and intoxicating 72849  
liquor at retail, only by the individual drink in glass and from 72850  
the container, for consumption on the premises where sold. 72851

A D-5e permit shall not be transferred to another location. 72852  
No quota restriction shall be placed on the number of such permits 72853  
that may be issued. The population quota restrictions contained in 72854  
section 4303.29 of the Revised Code or in any rule of the liquor 72855  
control commission shall not apply to this division, and the 72856  
division shall issue a D-5e permit to any applicant who meets the 72857  
requirements of this division. However, the division shall not 72858  
issue a D-5e permit if the permit premises or proposed permit 72859  
premises are located within an area in which the sale of 72860  
spirituous liquor by the glass is prohibited. 72861

The fee for this permit is one thousand two hundred nineteen 72862  
dollars. 72863

(F) Permit D-5f may be issued to the owner or operator of a 72864  
retail food establishment or a food service operation licensed 72865  
under Chapter 3717. of the Revised Code that operates as a 72866

restaurant for purposes of this chapter and that meets all of the 72867  
following: 72868

(1) It contains not less than twenty-five hundred square feet 72869  
of floor area. 72870

(2) It is located on or in, or immediately adjacent to, the 72871  
shoreline of, a navigable river. 72872

(3) It provides docking space for twenty-five boats. 72873

(4) It provides entertainment and recreation, provided that 72874  
not less than fifty per cent of the business on the permit 72875  
premises shall be preparing and serving meals for a consideration. 72876

In addition, each application for a D-5f permit shall be 72877  
accompanied by a certification from the local legislative 72878  
authority that the issuance of the D-5f permit is not inconsistent 72879  
with that political subdivision's comprehensive development plan 72880  
or other economic development goal as officially established by 72881  
the local legislative authority. 72882

The holder of a D-5f permit may sell beer and intoxicating 72883  
liquor at retail, only by the individual drink in glass and from 72884  
the container, for consumption on the premises where sold. 72885

A D-5f permit shall not be transferred to another location. 72886

The division of liquor control shall not issue a D-5f permit 72887  
if the permit premises or proposed permit premises are located 72888  
within an area in which the sale of spirituous liquor by the glass 72889  
is prohibited. 72890

A fee for this permit is two thousand three hundred 72891  
forty-four dollars. 72892

As used in this division, "navigable river" means a river 72893  
that is also a "navigable water" as defined in the "Federal Power 72894  
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 72895

(G) Permit D-5g may be issued to a nonprofit corporation that 72896

is either the owner or the operator of a national professional 72897  
sports museum. The holder of a D-5g permit may sell beer and any 72898  
intoxicating liquor at retail, only by the individual drink in 72899  
glass and from the container, for consumption on the premises 72900  
where sold. The holder of a D-5g permit shall sell no beer or 72901  
intoxicating liquor for consumption on the premises where sold 72902  
after two-thirty a.m. A D-5g permit shall not be transferred to 72903  
another location. No quota restrictions shall be placed on the 72904  
number of D-5g permits that may be issued. The fee for this permit 72905  
is one thousand eight hundred seventy-five dollars. 72906

(H)(1) Permit D-5h may be issued to any nonprofit 72907  
organization that is exempt from federal income taxation under the 72908  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 72909  
501(c)(3), as amended, that owns or operates any of the following: 72910

(a) A fine arts museum, provided that the nonprofit 72911  
organization has no less than one thousand five hundred bona fide 72912  
members possessing full membership privileges; 72913

(b) A community arts center. As used in division (H)(1)(b) of 72914  
this section, "community arts center" means a facility that 72915  
provides arts programming to the community in more than one arts 72916  
discipline, including, but not limited to, exhibits of works of 72917  
art and performances by both professional and amateur artists. 72918

(c) A community theater, provided that the nonprofit 72919  
organization is a member of the Ohio arts council and the American 72920  
community theatre association and has been in existence for not 72921  
less than ten years. As used in division (H)(1)(c) of this 72922  
section, "community theater" means a facility that contains at 72923  
least one hundred fifty seats and has a primary function of 72924  
presenting live theatrical performances and providing recreational 72925  
opportunities to the community. 72926

(2) The holder of a D-5h permit may sell beer and any 72927

intoxicating liquor at retail, only by the individual drink in 72928  
glass and from the container, for consumption on the premises 72929  
where sold. The holder of a D-5h permit shall sell no beer or 72930  
intoxicating liquor for consumption on the premises where sold 72931  
after one a.m. A D-5h permit shall not be transferred to another 72932  
location. No quota restrictions shall be placed on the number of 72933  
D-5h permits that may be issued. 72934

(3) The fee for a D-5h permit is one thousand eight hundred 72935  
seventy-five dollars. 72936

(I) Permit D-5i may be issued to the owner or operator of a 72937  
retail food establishment or a food service operation licensed 72938  
under Chapter 3717. of the Revised Code that operates as a 72939  
restaurant for purposes of this chapter and that meets all of the 72940  
following requirements: 72941

(1) It is located in a municipal corporation or a township 72942  
with a population of one hundred thousand or less. 72943

(2) It has inside seating capacity for at least one hundred 72944  
forty persons. 72945

(3) It has at least four thousand square feet of floor area. 72946

(4) It offers full-course meals, appetizers, and sandwiches. 72947

(5) Its receipts from beer and liquor sales, excluding wine 72948  
sales, do not exceed twenty-five per cent of its total gross 72949  
receipts. 72950

(6) It has at least one of the following characteristics: 72951

(a) The value of its real and personal property exceeds seven 72952  
hundred twenty-five thousand dollars. 72953

(b) It is located on property that is owned or leased by the 72954  
state or a state agency, and its owner or operator has 72955  
authorization from the state or the state agency that owns or 72956  
leases the property to obtain a D-5i permit. 72957

The holder of a D-5i permit may sell beer and any 72958  
intoxicating liquor at retail, only by the individual drink in 72959  
glass and from the container, for consumption on the premises 72960  
where sold, and may sell the same products in the same manner and 72961  
amounts not for consumption on the premises where sold as may be 72962  
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 72963  
permit shall sell no beer or intoxicating liquor for consumption 72964  
on the premises where sold after two-thirty a.m. In addition to 72965  
the privileges authorized in this division, the holder of a D-5i 72966  
permit may exercise the same privileges as the holder of a D-5 72967  
permit. 72968

A D-5i permit shall not be transferred to another location. 72969  
The division of liquor control shall not renew a D-5i permit 72970  
unless the retail food establishment or food service operation for 72971  
which it is issued continues to meet the requirements described in 72972  
divisions (I)(1) to (6) of this section. No quota restrictions 72973  
shall be placed on the number of D-5i permits that may be issued. 72974  
The fee for the D-5i permit is two thousand three hundred 72975  
forty-four dollars. 72976

(J) Permit D-5j may be issued to the owner or the operator of 72977  
a retail food establishment or a food service operation licensed 72978  
under Chapter 3717. of the Revised Code to sell beer and 72979  
intoxicating liquor at retail, only by the individual drink in 72980  
glass and from the container, for consumption on the premises 72981  
where sold and to sell beer and intoxicating liquor in the same 72982  
manner and amounts not for consumption on the premises where sold 72983  
as may be sold by the holders of D-1 and D-2 permits. The holder 72984  
of a D-5j permit may exercise the same privileges, and shall 72985  
observe the same hours of operation, as the holder of a D-5 72986  
permit. 72987

The D-5j permit shall be issued only within a community 72988  
entertainment district that is designated under section 4301.80 of 72989



the Revised Code. The permit shall not be issued to a community 72990  
entertainment district that is designated under divisions (B) and 72991  
(C) of section 4301.80 of the Revised Code if the district does 72992  
not meet one of the following qualifications: 72993

(1) It is located in a municipal corporation with a 72994  
population of at least one hundred thousand. 72995

(2) It is located in a municipal corporation with a 72996  
population of at least twenty thousand, and either of the 72997  
following applies: 72998

(a) It contains an amusement park the rides of which have 72999  
been issued a permit by the department of agriculture under 73000  
Chapter 1711. of the Revised Code. 73001

(b) Not less than fifty million dollars will be invested in 73002  
development and construction in the community entertainment 73003  
district's area located in the municipal corporation. 73004

(3) It is located in a township with a population of at least 73005  
forty thousand. 73006

(4) It is located in a township with a population of at least 73007  
twenty thousand, and not less than seventy million dollars will be 73008  
invested in development and construction in the community 73009  
entertainment district's area located in the township. 73010

(5) It is located in a municipal corporation with a 73011  
population between ~~ten~~ seven thousand and twenty thousand, and 73012  
both of the following apply: 73013

(a) The municipal corporation was incorporated as a village 73014  
prior to calendar year 1860 and currently has a historic downtown 73015  
business district. 73016

(b) The municipal corporation is located in the same county 73017  
as another municipal corporation with at least one community 73018  
entertainment district. 73019

(6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.

(7) It is located in a municipal corporation with a population of at least five thousand, and not less than one hundred million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation.

(8) It is located in a municipal corporation with a population of less than three thousand and all of the following apply:

(a) The municipal corporation was incorporated as a village prior to calendar year 1812 and currently has a historic district of at least forty acres.

(b) The municipal corporation is located in a county that does not have a municipal corporation with a population of more than seven thousand five hundred.

(c) The municipal corporation currently is not the county seat, but was the county seat prior to 1860.

For purposes of division (J)(8) of this section, the population of a municipal corporation is considered to be the population shown by the most recent regular federal decennial census.

The location of a D-5j permit may be transferred only within the geographic boundaries of the community entertainment district in which it was issued and shall not be transferred outside the geographic boundaries of that district.

Not more than one D-5j permit shall be issued within each

community entertainment district for each five acres of land 73050  
located within the district. Not more than fifteen D-5j permits 73051  
may be issued within a single community entertainment district. 73052  
Except as otherwise provided in division (J)(4) of this section, 73053  
no quota restrictions shall be placed upon the number of D-5j 73054  
permits that may be issued. 73055

The fee for a D-5j permit is two thousand three hundred 73056  
forty-four dollars. 73057

(K)(1) Permit D-5k may be issued to any nonprofit 73058  
organization that is exempt from federal income taxation under the 73059  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 73060  
501(c)(3), as amended, that is the owner or operator of a 73061  
botanical garden recognized by the American association of 73062  
botanical gardens and arboreta, and that has not less than 73063  
twenty-five hundred bona fide members. 73064

(2) The holder of a D-5k permit may sell beer and any 73065  
intoxicating liquor at retail, only by the individual drink in 73066  
glass and from the container, on the premises where sold. 73067

(3) The holder of a D-5k permit shall sell no beer or 73068  
intoxicating liquor for consumption on the premises where sold 73069  
after one a.m. 73070

(4) A D-5k permit shall not be transferred to another 73071  
location. 73072

(5) No quota restrictions shall be placed on the number of 73073  
D-5k permits that may be issued. 73074

(6) The fee for the D-5k permit is one thousand eight hundred 73075  
seventy-five dollars. 73076

(L)(1) Permit D-5l may be issued to the owner or the operator 73077  
of a retail food establishment or a food service operation 73078  
licensed under Chapter 3717. of the Revised Code to sell beer and 73079

intoxicating liquor at retail, only by the individual drink in 73080  
glass and from the container, for consumption on the premises 73081  
where sold and to sell beer and intoxicating liquor in the same 73082  
manner and amounts not for consumption on the premises where sold 73083  
as may be sold by the holders of D-1 and D-2 permits. The holder 73084  
of a D-51 permit may exercise the same privileges, and shall 73085  
observe the same hours of operation, as the holder of a D-5 73086  
permit. 73087

(2) The D-51 permit shall be issued only to a premises to 73088  
which all of the following apply: 73089

(a) The premises has gross annual receipts from the sale of 73090  
food and meals that constitute not less than seventy-five per cent 73091  
of its total gross annual receipts. 73092

(b) The premises is located within a revitalization district 73093  
that is designated under section 4301.81 of the Revised Code. 73094

(c) The premises is located in a municipal corporation or 73095  
township in which the number of D-5 permits issued equals or 73096  
exceeds the number of those permits that may be issued in that 73097  
municipal corporation or township under section 4303.29 of the 73098  
Revised Code. 73099

(d) The premises meets any of the following qualifications: 73100

(i) It is located in a county with a population of one 73101  
hundred twenty-five thousand or less according to the population 73102  
estimates certified by the development services agency for 73103  
calendar year 2006. 73104

(ii) It is located in the municipal corporation that has the 73105  
largest population in a county when the county has a population 73106  
between two hundred fifteen thousand and two hundred twenty-five 73107  
thousand according to the population estimates certified by the 73108  
development services agency for calendar year 2006. Division 73109  
(L)(2)(d)(ii) of this section applies only to a municipal 73110

corporation that is wholly located in a county. 73111

(iii) It is located in the municipal corporation that has the 73112  
largest population in a county when the county has a population 73113  
between one hundred forty thousand and one hundred forty-one 73114  
thousand according to the population estimates certified by the 73115  
development services agency for calendar year 2006. Division 73116  
(L)(2)(d)(iii) of this section applies only to a municipal 73117  
corporation that is wholly located in a county. 73118

(iv) It is located in a township with a population density of 73119  
less than four hundred fifty people per square mile. For purposes 73120  
of division (L)(2)(d)(iv) of this section, the population of a 73121  
township is considered to be the population shown by the most 73122  
recent regular federal decennial census. 73123

(3) The location of a D-51 permit may be transferred only 73124  
within the geographic boundaries of the revitalization district in 73125  
which it was issued and shall not be transferred outside the 73126  
geographic boundaries of that district. 73127

(4) Not more than one D-51 permit shall be issued within each 73128  
revitalization district for each five acres of land located within 73129  
the district. Not more than fifteen D-51 permits may be issued 73130  
within a single revitalization district. Except as otherwise 73131  
provided in division (L)(4) of this section, no quota restrictions 73132  
shall be placed upon the number of D-51 permits that may be 73133  
issued. 73134

(5) No D-51 permit shall be issued to an adult entertainment 73135  
establishment as defined in section 2907.39 of the Revised Code. 73136

(6) The fee for a D-51 permit is two thousand three hundred 73137  
forty-four dollars. 73138

(M) Permit D-5m may be issued to either the owner or the 73139  
operator of a retail food establishment or food service operation 73140  
licensed under Chapter 3717. of the Revised Code that operates as 73141

a restaurant for purposes of this chapter and that is located in, 73142  
or affiliated with, a center for the preservation of wild animals 73143  
as defined in section 4301.404 of the Revised Code, to sell beer 73144  
and any intoxicating liquor at retail, only by the glass and from 73145  
the container, for consumption on the premises where sold, and to 73146  
sell the same products in the same manner and amounts not for 73147  
consumption on the premises as may be sold by the holders of D-1 73148  
and D-2 permits. In addition to the privileges authorized by this 73149  
division, the holder of a D-5m permit may exercise the same 73150  
privileges as the holder of a D-5 permit. 73151

A D-5m permit shall not be transferred to another location. 73152  
No quota restrictions shall be placed on the number of D-5m 73153  
permits that may be issued. The fee for a permit D-5m is two 73154  
thousand three hundred forty-four dollars. 73155

(N) Permit D-5n shall be issued to either a casino operator 73156  
or a casino management company licensed under Chapter 3772. of the 73157  
Revised Code that operates a casino facility under that chapter, 73158  
to sell beer and any intoxicating liquor at retail, only by the 73159  
individual drink in glass and from the container, for consumption 73160  
on the premises where sold, and to sell the same products in the 73161  
same manner and amounts not for consumption on the premises as may 73162  
be sold by the holders of D-1 and D-2 permits. In addition to the 73163  
privileges authorized by this division, the holder of a D-5n 73164  
permit may exercise the same privileges as the holder of a D-5 73165  
permit. A D-5n permit shall not be transferred to another 73166  
location. Only one D-5n permit may be issued per casino facility 73167  
and not more than four D-5n permits shall be issued in this state. 73168  
The fee for a permit D-5n shall be twenty thousand dollars. The 73169  
holder of a D-5n permit may conduct casino gaming on the permit 73170  
premises notwithstanding any provision of the Revised Code or 73171  
Administrative Code. 73172

(O) Permit D-5o may be issued to the owner or operator of a 73173

retail food establishment or a food service operation licensed 73174  
under Chapter 3717. of the Revised Code that operates as a 73175  
restaurant for purposes of this chapter and that is located within 73176  
a casino facility for which a D-5n permit has been issued. The 73177  
holder of a D-5o permit may sell beer and any intoxicating liquor 73178  
at retail, only by the individual drink in glass and from the 73179  
container, for consumption on the premises where sold, and may 73180  
sell the same products in the same manner and amounts not for 73181  
consumption on the premises where sold as may be sold by the 73182  
holders of D-1 and D-2 permits. In addition to the privileges 73183  
authorized by this division, the holder of a D-5o permit may 73184  
exercise the same privileges as the holder of a D-5 permit. A D-5o 73185  
permit shall not be transferred to another location. No quota 73186  
restrictions shall be placed on the number of such permits that 73187  
may be issued. The fee for this permit is two thousand three 73188  
hundred forty-four dollars. 73189

**Sec. 4303.182.** (A) Except as otherwise provided in divisions 73190  
(B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the 73191  
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 73192  
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 73193  
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 73194  
that permit as follows: 73195

(1) Between the hours of ten a.m. and midnight on Sunday if 73196  
sale during those hours has been approved under question (C)(1), 73197  
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 73198  
under question (B)(2) of section 4301.355 of the Revised Code, or 73199  
under section 4301.356 of the Revised Code and has been authorized 73200  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 73201  
Revised Code, under the restrictions of that authorization; 73202

(2) Between the hours of eleven a.m. and midnight on Sunday, 73203  
if sale during those hours has been approved on or after ~~the~~ 73204

~~effective date of this amendment October 16, 2009,~~ under question 73205  
(B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 73206  
Code, under question (B)(2) of section 4301.355 of the Revised 73207  
Code, or under section 4301.356 of the Revised Code and has been 73208  
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 73209  
of the Revised Code, under the restrictions of that authorization; 73210

(3) Between the hours of eleven a.m. and midnight on Sunday 73211  
if sale between the hours of one p.m. and midnight was approved 73212  
~~before the effective date of this amendment October 16, 2009,~~ 73213  
under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 73214  
of the Revised Code, under question (B)(2) of section 4301.355 of 73215  
the Revised Code, or under section 4301.356 of the Revised Code 73216  
and has been authorized under section 4301.361, 4301.364, 73217  
4301.365, or 4301.366 of the Revised Code, under the other 73218  
restrictions of that authorization. 73219

(B) Permit D-6 shall be issued to the holder of any permit, 73220  
including a D-4a and D-5d permit, authorizing the sale of 73221  
intoxicating liquor issued for a premises located at any publicly 73222  
owned airport, as defined in section 4563.01 of the Revised Code, 73223  
at which commercial airline companies operate regularly scheduled 73224  
flights on which space is available to the public, to allow sale 73225  
under such permit between the hours of ten a.m. and midnight on 73226  
Sunday, whether or not that sale has been authorized under section 73227  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73228

(C) Permit D-6 shall be issued to the holder of a D-5a 73229  
permit, and to the holder of a D-3 or D-3a permit who is the owner 73230  
or operator of a hotel or motel that is required to be licensed 73231  
under section 3731.03 of the Revised Code, that contains at least 73232  
fifty rooms for registered transient guests, and that has on its 73233  
premises a retail food establishment or a food service operation 73234  
licensed pursuant to Chapter 3717. of the Revised Code that 73235  
operates as a restaurant for purposes of this chapter and is 73236



affiliated with the hotel or motel and within or contiguous to the 73237  
hotel or motel and serving food within the hotel or motel, to 73238  
allow sale under such permit between the hours of ten a.m. and 73239  
midnight on Sunday, whether or not that sale has been authorized 73240  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 73241  
Revised Code. 73242

(D) The holder of a D-6 permit that is issued to a sports 73243  
facility may make sales under the permit between the hours of 73244  
eleven a.m. and midnight on any Sunday on which a professional 73245  
baseball, basketball, football, hockey, or soccer game is being 73246  
played at the sports facility. As used in this division, "sports 73247  
facility" means a stadium or arena that has a seating capacity of 73248  
at least four thousand and that is owned or leased by a 73249  
professional baseball, basketball, football, hockey, or soccer 73250  
franchise or any combination of those franchises. 73251

(E) Permit D-6 shall be issued to the holder of any permit 73252  
that authorizes the sale of beer or intoxicating liquor and that 73253  
is issued to a premises located in or at the Ohio historical 73254  
society area or the state fairgrounds, as defined in division (B) 73255  
of section 4301.40 of the Revised Code, to allow sale under that 73256  
permit between the hours of ten a.m. and midnight on Sunday, 73257  
whether or not that sale has been authorized under section 73258  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73259

(F) Permit D-6 shall be issued to the holder of any permit 73260  
that authorizes the sale of intoxicating liquor and that is issued 73261  
to an outdoor performing arts center to allow sale under that 73262  
permit between the hours of one p.m. and midnight on Sunday, 73263  
whether or not that sale has been authorized under section 73264  
4301.361 of the Revised Code. A D-6 permit issued under this 73265  
division is subject to the results of an election, held after the 73266  
D-6 permit is issued, on question (B)(4) as set forth in section 73267  
4301.351 of the Revised Code. Following the end of the period 73268

during which an election may be held on question (B)(4) as set 73269  
forth in that section, sales of intoxicating liquor may continue 73270  
at an outdoor performing arts center under a D-6 permit issued 73271  
under this division, unless an election on that question is held 73272  
during the permitted period and a majority of the voters voting in 73273  
the precinct on that question vote "no." 73274

As used in this division, "outdoor performing arts center" 73275  
means an outdoor performing arts center that is located on not 73276  
less than eight hundred acres of land and that is open for 73277  
performances from the first day of April to the last day of 73278  
October of each year. 73279

(G) Permit D-6 shall be issued to the holder of any permit 73280  
that authorizes the sale of beer or intoxicating liquor and that 73281  
is issued to a golf course owned by the state, a conservancy 73282  
district, a park district created under Chapter 1545. of the 73283  
Revised Code, or another political subdivision to allow sale under 73284  
that permit between the hours of ten a.m. and midnight on Sunday, 73285  
whether or not that sale has been authorized under section 73286  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73287

(H) Permit D-6 shall be issued to the holder of a D-5g permit 73288  
to allow sale under that permit between the hours of ten a.m. and 73289  
midnight on Sunday, whether or not that sale has been authorized 73290  
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 73291  
Revised Code. 73292

(I) Permit D-6 shall be issued to the holder of any D permit 73293  
for a premises that is licensed under Chapter 3717. of the Revised 73294  
Code and that is located at a ski area to allow sale under the D-6 73295  
permit between the hours of ten a.m. and midnight on Sunday, 73296  
whether or not that sale has been authorized under section 73297  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73298

As used in this division, "ski area" means a ski area as 73299

defined in section 4169.01 of the Revised Code, provided that the 73300  
passenger tramway operator at that area is registered under 73301  
section 4169.03 of the Revised Code. 73302

(J) Permit D-6 shall be issued to the holder of any permit 73303  
that is described in division (A) of this section for a permit 73304  
premises that is located in a community entertainment district, as 73305  
defined in section 4301.80 of the Revised Code, that was approved 73306  
by the legislative authority of a municipal corporation under that 73307  
section between October 1 and October 15, 2005, to allow sale 73308  
under the permit between the hours of ten a.m. and midnight on 73309  
Sunday, whether or not that sale has been authorized under section 73310  
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73311

(K) A D-6 permit shall be issued to the holder of any D 73312  
permit for a premises that is licensed under Chapter 3717. of the 73313  
Revised Code and that is located in a state park to allow sales 73314  
under the D-6 permit between the hours of ten a.m. and midnight on 73315  
Sunday, whether or not those sales have been authorized under 73316  
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 73317  
Code. 73318

As used in this division, "state park" means a state park 73319  
that is established or dedicated under Chapter 1541. of the 73320  
Revised Code and that has a working farm on its property. 73321

(L) If the restriction to licensed premises where the sale of 73322  
food and other goods and services exceeds fifty per cent of the 73323  
total gross receipts of the permit holder at the premises is 73324  
applicable, the division of liquor control may accept an affidavit 73325  
from the permit holder to show the proportion of the permit 73326  
holder's gross receipts derived from the sale of food and other 73327  
goods and services. If the liquor control commission determines 73328  
that affidavit to have been false, it shall revoke the permits of 73329  
the permit holder at the premises concerned. 73330

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars 73331  
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, 73332  
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 73333  
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The 73334  
fee for the D-6 permit is four hundred dollars when it is issued 73335  
to the holder of a C-2 permit. 73336

**Sec. 4303.184.** (A) Subject to division (B) of this section, a 73337  
D-8 permit may be issued to ~~either~~ any of the following: 73338

(1) An agency store; 73339

(2) The holder of a C-1, C-2, or C-2x permit issued to a 73340  
retail store that has any of the following characteristics: 73341

(a) The store has at least five thousand five hundred square 73342  
feet of floor area, and it generates more than sixty per cent of 73343  
its sales in general merchandise items and food for consumption 73344  
off the premises where sold. 73345

(b) The store is located in a municipal corporation or 73346  
township with a population of five thousand or less, has at least 73347  
four thousand five hundred square feet of floor area, and 73348  
generates more than sixty per cent of its sales in general 73349  
merchandise items and food for consumption off the premises where 73350  
sold. 73351

(c) Wine constitutes at least sixty per cent of the value of 73352  
the store's inventory. 73353

(3) The holder of both a C-1 and C-2 permit, or the holder of 73354  
a C-2x permit, issued to a retail store that is located within a 73355  
municipal corporation or township with a population of fifteen 73356  
thousand or less. 73357

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 73358  
or C-2x permit only if the premises of the permit holder are 73359  
located in a precinct, or at a particular location in a precinct, 73360

in which the sale of beer, wine, or mixed beverages is permitted 73361  
for consumption off the premises where sold. Sales under a D-8 73362  
permit are not affected by whether sales for consumption on the 73363  
premises where sold are permitted in the precinct or at the 73364  
particular location where the D-8 premises are located. 73365

(C)(1) The holder of a D-8 permit described in division 73366  
(A)(2) or (3) of this section may sell tasting samples of beer, 73367  
wine, and mixed beverages, but not spirituous liquor, at retail, 73368  
for consumption on the premises where sold in an amount not to 73369  
exceed two ounces or another amount designated by rule of the 73370  
liquor control commission. A tasting sample shall not be sold for 73371  
general consumption. 73372

(2) The holder of a D-8 permit described in division (A)(1) 73373  
of this section may allow the sale of tasting samples of 73374  
spirituous liquor in accordance with section 4301.171 of the 73375  
Revised Code. 73376

(3) No D-8 permit holder described in division (A)(2) or (3) 73377  
of this section shall allow any authorized purchaser to consume 73378  
more than four tasting samples of beer, wine, or mixed beverages, 73379  
or any combination of beer, wine, or mixed beverages, per day. 73380

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of the 73381  
Revised Code, the holder of a D-8 permit described in division 73382  
(A)(2) or (3) of this section may sell beer that is dispensed from 73383  
containers that have a capacity equal to or greater than five and 73384  
one-sixth gallons if all of the following conditions are met: 73385

(a) A product registration fee for the beer has been paid as 73386  
required in division (A)(8)(b) of section 4301.10 of the Revised 73387  
Code. 73388

(b) The beer is dispensed only in glass containers whose 73389  
capacity does not exceed one gallon and not for consumption on the 73390  
premises where sold. 73391

(c) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code. 73392  
73393  
73394

(d) The containers have been cleaned immediately before being filled in accordance with rule 4301:1-1-28 of the Administrative Code. 73395  
73396  
73397

(2) Beer that is sold and dispensed under division (D)(1) of this section is subject to both of the following: 73398  
73399

(a) All applicable rules adopted by the liquor control commission, including, but not limited to, rule 4301:1-1-27 and rule 4301:1-1-72 of the Administrative Code; 73400  
73401  
73402

(b) All applicable federal laws and regulations. 73403

(E) The privileges authorized for the holder of a D-8 permit described in division (A)(2) or (3) of this section may only be exercised in conjunction with and during the hours of operation authorized by a C-1, C-2, C-2x, or D-6 permit. 73404  
73405  
73406  
73407

(F) A D-8 permit shall not be transferred to another location. 73408  
73409

(G) The fee for the D-8 permit is five hundred dollars. 73410

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided: 73411  
73412  
73413

(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire department, or volunteer fire department, or that are used by such a department in the discharge of its functions. 73414  
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(B) "Motor vehicle" means any vehicle, including mobile homes 73421  
and recreational vehicles, that is propelled or drawn by power 73422  
other than muscular power or power collected from overhead 73423  
electric trolley wires. "Motor vehicle" does not include utility 73424  
vehicles as defined in division (VV) of this section, motorized 73425  
bicycles, road rollers, traction engines, power shovels, power 73426  
cranes, and other equipment used in construction work and not 73427  
designed for or employed in general highway transportation, 73428  
well-drilling machinery, ditch-digging machinery, farm machinery, 73429  
and trailers that are designed and used exclusively to transport a 73430  
boat between a place of storage and a marina, or in and around a 73431  
marina, when drawn or towed on a public road or highway for a 73432  
distance of no more than ten miles and at a speed of twenty-five 73433  
miles per hour or less. 73434

(C) "Agricultural tractor" and "traction engine" mean any 73435  
self-propelling vehicle that is designed or used for drawing other 73436  
vehicles or wheeled machinery, but has no provisions for carrying 73437  
loads independently of such other vehicles, and that is used 73438  
principally for agricultural purposes. 73439

(D) "Commercial tractor," except as defined in division (C) 73440  
of this section, means any motor vehicle that has motive power and 73441  
either is designed or used for drawing other motor vehicles, or is 73442  
designed or used for drawing another motor vehicle while carrying 73443  
a portion of the other motor vehicle or its load, or both. 73444

(E) "Passenger car" means any motor vehicle that is designed 73445  
and used for carrying not more than nine persons and includes any 73446  
motor vehicle that is designed and used for carrying not more than 73447  
fifteen persons in a ridesharing arrangement. 73448

(F) "Collector's vehicle" means any motor vehicle or 73449  
agricultural tractor or traction engine that is of special 73450  
interest, that has a fair market value of one hundred dollars or 73451  
more, whether operable or not, and that is owned, operated, 73452

collected, preserved, restored, maintained, or used essentially as 73453  
a collector's item, leisure pursuit, or investment, but not as the 73454  
owner's principal means of transportation. "Licensed collector's 73455  
vehicle" means a collector's vehicle, other than an agricultural 73456  
tractor or traction engine, that displays current, valid license 73457  
tags issued under section 4503.45 of the Revised Code, or a 73458  
similar type of motor vehicle that displays current, valid license 73459  
tags issued under substantially equivalent provisions in the laws 73460  
of other states. 73461

(G) "Historical motor vehicle" means any motor vehicle that 73462  
is over twenty-five years old and is owned solely as a collector's 73463  
item and for participation in club activities, exhibitions, tours, 73464  
parades, and similar uses, but that in no event is used for 73465  
general transportation. 73466

(H) "Noncommercial motor vehicle" means any motor vehicle, 73467  
including a farm truck as defined in section 4503.04 of the 73468  
Revised Code, that is designed by the manufacturer to carry a load 73469  
of no more than one ton and is used exclusively for purposes other 73470  
than engaging in business for profit. 73471

(I) "Bus" means any motor vehicle that has motor power and is 73472  
designed and used for carrying more than nine passengers, except 73473  
any motor vehicle that is designed and used for carrying not more 73474  
than fifteen passengers in a ridesharing arrangement. 73475

(J) "Commercial car" or "truck" means any motor vehicle that 73476  
has motor power and is designed and used for carrying merchandise 73477  
or freight, or that is used as a commercial tractor. 73478

(K) "Bicycle" means every device, other than a device that is 73479  
designed solely for use as a play vehicle by a child, that is 73480  
propelled solely by human power upon which a person may ride, and 73481  
that has two or more wheels, any of which is more than fourteen 73482  
inches in diameter. 73483



(L) "Motorized bicycle" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

(M) "Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. "Trailer" does not include a manufactured home or travel trailer.

(N) "Noncommercial trailer" means any trailer, except a travel trailer or trailer that is used to transport a boat as described in division (B) of this section, but, where applicable, includes a vehicle that is used to transport a boat as described in division (M) of this section, that has a gross weight of no more than ten thousand pounds, and that is used exclusively for purposes other than engaging in business for a profit, such as the transportation of personal items for personal or recreational purposes.

(O) "Mobile home" means a building unit or assembly of closed

construction that is fabricated in an off-site facility, is more 73516  
than thirty-five body feet in length or, when erected on site, is 73517  
three hundred twenty or more square feet, is built on a permanent 73518  
chassis, is transportable in one or more sections, and does not 73519  
qualify as a manufactured home as defined in division (C)(4) of 73520  
section 3781.06 of the Revised Code or as an industrialized unit 73521  
as defined in division (C)(3) of section 3781.06 of the Revised 73522  
Code. 73523

(P) "Semitrailer" means any vehicle of the trailer type that 73524  
does not have motive power and is so designed or used with another 73525  
and separate motor vehicle that in operation a part of its own 73526  
weight or that of its load, or both, rests upon and is carried by 73527  
the other vehicle furnishing the motive power for propelling 73528  
itself and the vehicle referred to in this division, and includes, 73529  
for the purpose only of registration and taxation under those 73530  
chapters, any vehicle of the dolly type, such as a trailer dolly, 73531  
that is designed or used for the conversion of a semitrailer into 73532  
a trailer. 73533

(Q) "Recreational vehicle" means a vehicular portable 73534  
structure that meets all of the following conditions: 73535

(1) It is designed for the sole purpose of recreational 73536  
travel. 73537

(2) It is not used for the purpose of engaging in business 73538  
for profit. 73539

(3) It is not used for the purpose of engaging in intrastate 73540  
commerce. 73541

(4) It is not used for the purpose of commerce as defined in 73542  
49 C.F.R. 383.5, as amended. 73543

(5) It is not regulated by the public utilities commission 73544  
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 73545

- (6) It is classed as one of the following: 73546
- (a) "Travel trailer" means a nonself-propelled recreational 73547  
vehicle that does not exceed an overall length of thirty-five 73548  
feet, exclusive of bumper and tongue or coupling, and contains 73549  
less than three hundred twenty square feet of space when erected 73550  
on site. "Travel trailer" includes a tent-type fold-out camping 73551  
trailer as defined in section 4517.01 of the Revised Code. 73552
- (b) "Motor home" means a self-propelled recreational vehicle 73553  
that has no fifth wheel and is constructed with permanently 73554  
installed facilities for cold storage, cooking and consuming of 73555  
food, and for sleeping. 73556
- (c) "Truck camper" means a nonself-propelled recreational 73557  
vehicle that does not have wheels for road use and is designed to 73558  
be placed upon and attached to a motor vehicle. "Truck camper" 73559  
does not include truck covers that consist of walls and a roof, 73560  
but do not have floors and facilities enabling them to be used as 73561  
a dwelling. 73562
- (d) "Fifth wheel trailer" means a vehicle that is of such 73563  
size and weight as to be movable without a special highway permit, 73564  
that has a gross trailer area of four hundred square feet or less, 73565  
that is constructed with a raised forward section that allows a 73566  
bi-level floor plan, and that is designed to be towed by a vehicle 73567  
equipped with a fifth-wheel hitch ordinarily installed in the bed 73568  
of a truck. 73569
- (e) "Park trailer" means a vehicle that is commonly known as 73570  
a park model recreational vehicle, meets the American national 73571  
standard institute standard A119.5 (1988) for park trailers, is 73572  
built on a single chassis, has a gross trailer area of four 73573  
hundred square feet or less when set up, is designed for seasonal 73574  
or temporary living quarters, and may be connected to utilities 73575  
necessary for the operation of installed features and appliances. 73576

(R) "Pneumatic tires" means tires of rubber and fabric or  
tires of similar material, that are inflated with air. 73577  
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(S) "Solid tires" means tires of rubber or similar elastic  
material that are not dependent upon confined air for support of  
the load. 73579  
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(T) "Solid tire vehicle" means any vehicle that is equipped  
with two or more solid tires. 73582  
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(U) "Farm machinery" means all machines and tools that are  
used in the production, harvesting, and care of farm products, and  
includes trailers that are used to transport agricultural produce  
or agricultural production materials between a local place of  
storage or supply and the farm, agricultural tractors, threshing  
machinery, hay-baling machinery, corn shellers, hammermills, and  
machinery used in the production of horticultural, agricultural,  
and vegetable products. 73584  
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(V) "Owner" includes any person or firm, other than a  
manufacturer or dealer, that has title to a motor vehicle, except  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner"  
includes in addition manufacturers and dealers. 73592  
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(W) "Manufacturer" and "dealer" include all persons and firms  
that are regularly engaged in the business of manufacturing,  
selling, displaying, offering for sale, or dealing in motor  
vehicles, at an established place of business that is used  
exclusively for the purpose of manufacturing, selling, displaying,  
offering for sale, or dealing in motor vehicles. A place of  
business that is used for manufacturing, selling, displaying,  
offering for sale, or dealing in motor vehicles shall be deemed to  
be used exclusively for those purposes even though snowmobiles or  
all-purpose vehicles are sold or displayed for sale thereat, even  
though farm machinery is sold or displayed for sale thereat, or  
even though repair, accessory, gasoline and oil, storage, parts,  
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service, or paint departments are maintained thereat, or, in any 73608  
county having a population of less than seventy-five thousand at 73609  
the last federal census, even though a department in a place of 73610  
business is used to dismantle, salvage, or rebuild motor vehicles 73611  
by means of used parts, if such departments are operated for the 73612  
purpose of furthering and assisting in the business of 73613  
manufacturing, selling, displaying, offering for sale, or dealing 73614  
in motor vehicles. Places of business or departments in a place of 73615  
business used to dismantle, salvage, or rebuild motor vehicles by 73616  
means of using used parts are not considered as being maintained 73617  
for the purpose of assisting or furthering the manufacturing, 73618  
selling, displaying, and offering for sale or dealing in motor 73619  
vehicles. 73620

(X) "Operator" includes any person who drives or operates a 73621  
motor vehicle upon the public highways. 73622

(Y) "Chauffeur" means any operator who operates a motor 73623  
vehicle, other than a taxicab, as an employee for hire; or any 73624  
operator whether or not the owner of a motor vehicle, other than a 73625  
taxicab, who operates such vehicle for transporting, for gain, 73626  
compensation, or profit, either persons or property owned by 73627  
another. Any operator of a motor vehicle who is voluntarily 73628  
involved in a ridesharing arrangement is not considered an 73629  
employee for hire or operating such vehicle for gain, 73630  
compensation, or profit. 73631

(Z) "State" includes the territories and federal districts of 73632  
the United States, and the provinces of Canada. 73633

(AA) "Public roads and highways" for vehicles includes all 73634  
public thoroughfares, bridges, and culverts. 73635

(BB) "Manufacturer's number" means the manufacturer's 73636  
original serial number that is affixed to or imprinted upon the 73637  
chassis or other part of the motor vehicle. 73638

(CC) "Motor number" means the manufacturer's original number 73639  
that is affixed to or imprinted upon the engine or motor of the 73640  
vehicle. 73641

(DD) "Distributor" means any person who is authorized by a 73642  
motor vehicle manufacturer to distribute new motor vehicles to 73643  
licensed motor vehicle dealers at an established place of business 73644  
that is used exclusively for the purpose of distributing new motor 73645  
vehicles to licensed motor vehicle dealers, except when the 73646  
distributor also is a new motor vehicle dealer, in which case the 73647  
distributor may distribute at the location of the distributor's 73648  
licensed dealership. 73649

(EE) "Ridesharing arrangement" means the transportation of 73650  
persons in a motor vehicle where the transportation is incidental 73651  
to another purpose of a volunteer driver and includes ridesharing 73652  
arrangements known as carpools, vanpools, and buspools. 73653

(FF) "Apportionable vehicle" means any vehicle that is used 73654  
or intended for use in two or more international registration plan 73655  
member jurisdictions that allocate or proportionally register 73656  
vehicles, that is used for the transportation of persons for hire 73657  
or designed, used, or maintained primarily for the transportation 73658  
of property, and that meets any of the following qualifications: 73659

(1) Is a power unit having a gross vehicle weight in excess 73660  
of twenty-six thousand pounds; 73661

(2) Is a power unit having three or more axles, regardless of 73662  
the gross vehicle weight; 73663

(3) Is a combination vehicle with a gross vehicle weight in 73664  
excess of twenty-six thousand pounds. 73665

"Apportionable vehicle" does not include recreational 73666  
vehicles, vehicles displaying restricted plates, city pick-up and 73667  
delivery vehicles, ~~buses used for the transportation of chartered~~ 73668  
~~parties~~, or vehicles owned and operated by the United States, this 73669

state, or any political subdivisions thereof. 73670

(GG) "Chartered party" means a group of persons who contract 73671  
as a group to acquire the exclusive use of a passenger-carrying 73672  
motor vehicle at a fixed charge for the vehicle in accordance with 73673  
the carrier's tariff, lawfully on file with the United States 73674  
department of transportation, for the purpose of group travel to a 73675  
specified destination or for a particular itinerary, either agreed 73676  
upon in advance or modified by the chartered group after having 73677  
left the place of origin. 73678

(HH) "International registration plan" means a reciprocal 73679  
agreement of member jurisdictions that is endorsed by the American 73680  
association of motor vehicle administrators, and that promotes and 73681  
encourages the fullest possible use of the highway system by 73682  
authorizing apportioned registration of fleets of vehicles and 73683  
recognizing registration of vehicles apportioned in member 73684  
jurisdictions. 73685

(II) "Restricted plate" means a license plate that has a 73686  
restriction of time, geographic area, mileage, or commodity, and 73687  
includes license plates issued to farm trucks under division (J) 73688  
of section 4503.04 of the Revised Code. 73689

(JJ) "Gross vehicle weight," with regard to any commercial 73690  
car, trailer, semitrailer, or bus that is taxed at the rates 73691  
established under section 4503.042 or 4503.65 of the Revised Code, 73692  
means the unladen weight of the vehicle fully equipped plus the 73693  
maximum weight of the load to be carried on the vehicle. 73694

(KK) "Combined gross vehicle weight" with regard to any 73695  
combination of a commercial car, trailer, and semitrailer, that is 73696  
taxed at the rates established under section 4503.042 or 4503.65 73697  
of the Revised Code, means the total unladen weight of the 73698  
combination of vehicles fully equipped plus the maximum weight of 73699  
the load to be carried on that combination of vehicles. 73700

(LL) "Chauffeured limousine" means a motor vehicle that is 73701  
designed to carry nine or fewer passengers and is operated for 73702  
hire pursuant to a prearranged contract for the transportation of 73703  
passengers on public roads and highways along a route under the 73704  
control of the person hiring the vehicle and not over a defined 73705  
and regular route. "Prearranged contract" means an agreement, made 73706  
in advance of boarding, to provide transportation from a specific 73707  
location in a chauffeured limousine. "Chauffeured limousine" does 73708  
not include any vehicle that is used exclusively in the business 73709  
of funeral directing. 73710

(MM) "Manufactured home" has the same meaning as in division 73711  
(C)(4) of section 3781.06 of the Revised Code. 73712

(NN) "Acquired situs," with respect to a manufactured home or 73713  
a mobile home, means to become located in this state by the 73714  
placement of the home on real property, but does not include the 73715  
placement of a manufactured home or a mobile home in the inventory 73716  
of a new motor vehicle dealer or the inventory of a manufacturer, 73717  
remanufacturer, or distributor of manufactured or mobile homes. 73718

(OO) "Electronic" includes electrical, digital, magnetic, 73719  
optical, electromagnetic, or any other form of technology that 73720  
entails capabilities similar to these technologies. 73721

(PP) "Electronic record" means a record generated, 73722  
communicated, received, or stored by electronic means for use in 73723  
an information system or for transmission from one information 73724  
system to another. 73725

(QQ) "Electronic signature" means a signature in electronic 73726  
form attached to or logically associated with an electronic 73727  
record. 73728

(RR) "Financial transaction device" has the same meaning as 73729  
in division (A) of section 113.40 of the Revised Code. 73730

(SS) "Electronic motor vehicle dealer" means a motor vehicle 73731



dealer licensed under Chapter 4517. of the Revised Code whom the 73732  
registrar of motor vehicles determines meets the criteria 73733  
designated in section 4503.035 of the Revised Code for electronic 73734  
motor vehicle dealers and designates as an electronic motor 73735  
vehicle dealer under that section. 73736

(TT) "Electric personal assistive mobility device" means a 73737  
self-balancing two non-tandem wheeled device that is designed to 73738  
transport only one person, has an electric propulsion system of an 73739  
average of seven hundred fifty watts, and when ridden on a paved 73740  
level surface by an operator who weighs one hundred seventy pounds 73741  
has a maximum speed of less than twenty miles per hour. 73742

(UU) "Limited driving privileges" means the privilege to 73743  
operate a motor vehicle that a court grants under section 4510.021 73744  
of the Revised Code to a person whose driver's or commercial 73745  
driver's license or permit or nonresident operating privilege has 73746  
been suspended. 73747

(VV) "Utility vehicle" means a self-propelled vehicle 73748  
designed with a bed, principally for the purpose of transporting 73749  
material or cargo in connection with construction, agricultural, 73750  
forestry, grounds maintenance, lawn and garden, materials 73751  
handling, or similar activities. "Utility vehicle" includes a 73752  
vehicle with a maximum attainable speed of twenty miles per hour 73753  
or less that is used exclusively within the boundaries of state 73754  
parks by state park employees or volunteers for the operation or 73755  
maintenance of state park facilities. 73756

**Sec. 4501.21.** (A) There is hereby created in the state 73757  
treasury the license plate contribution fund. The fund shall 73758  
consist of all contributions paid by motor vehicle registrants and 73759  
collected by the registrar of motor vehicles pursuant to sections 73760  
4503.491, 4503.492, 4503.493, 4503.494, 4503.496, 4503.498, 73761  
4503.499, 4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 73762

4503.522, 4503.523, 4503.524, 4503.525, 4503.526, 4503.531, 73763  
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 73764  
4503.554, 4503.561, 4503.562, 4503.564, 4503.576, 4503.591, 73765  
4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 73766  
4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 4503.751, 73767  
4503.85, 4503.86, 4503.89, 4503.90, 4503.92, and 4503.94 of the 73768  
Revised Code. 73769

(B) The registrar shall pay the contributions the registrar 73770  
collects in the fund as follows: 73771

The registrar shall pay the contributions received pursuant 73772  
to section 4503.491 of the Revised Code to the breast cancer fund 73773  
of Ohio, which shall use that money only to pay for programs that 73774  
provide assistance and education to Ohio breast cancer patients 73775  
and that improve access for such patients to quality health care 73776  
and clinical trials and shall not use any of the money for 73777  
abortion information, counseling, services, or other 73778  
abortion-related activities. 73779

The registrar shall pay the contributions the registrar 73780  
receives pursuant to section 4503.492 of the Revised Code to the 73781  
organization cancer support community central Ohio, which shall 73782  
deposit the money into the Sheryl L. Kraner Fund of that 73783  
organization. Cancer support community central Ohio shall expend 73784  
the money it receives pursuant to this division only in the same 73785  
manner and for the same purposes as that organization expends 73786  
other money in that fund. 73787

The registrar shall pay the contributions received pursuant 73788  
to section 4503.493 of the Revised Code to the autism society of 73789  
Ohio, which shall use the contributions for programs and autism 73790  
awareness efforts throughout the state. 73791

The registrar shall pay the contributions the registrar 73792  
receives pursuant to section 4503.494 of the Revised Code to the 73793

national multiple sclerosis society for distribution in equal 73794  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 73795  
chapters of the national multiple sclerosis society. These 73796  
chapters shall use the money they receive under this section to 73797  
assist in paying the expenses they incur in providing services 73798  
directly to their clients. 73799

The registrar shall pay the contributions the registrar 73800  
receives pursuant to section 4503.496 of the Revised Code to the 73801  
Ohio sickle cell and health association, which shall use the 73802  
contributions to help support educational, clinical, and social 73803  
support services for adults who have sickle cell disease. 73804

The registrar shall pay the contributions the registrar 73805  
receives pursuant to section 4503.498 of the Revised Code to 73806  
special olympics Ohio, inc., which shall use the contributions for 73807  
its programs, charitable efforts, and other activities. 73808

The registrar shall pay the contributions the registrar 73809  
receives pursuant to section 4503.499 of the Revised Code to the 73810  
children's glioma cancer foundation, which shall use the 73811  
contributions for its research and other programs. 73812

The registrar shall pay the contributions the registrar 73813  
receives pursuant to section 4503.50 of the Revised Code to the 73814  
future farmers of America foundation, which shall deposit the 73815  
contributions into its general account to be used for educational 73816  
and scholarship purposes of the future farmers of America 73817  
foundation. 73818

The registrar shall pay the contributions the registrar 73819  
receives pursuant to section 4503.501 of the Revised Code to the 73820  
4-H youth development program of the Ohio state university 73821  
extension program, which shall use those contributions to pay the 73822  
expenses it incurs in conducting its educational activities. 73823

The registrar shall pay the contributions received pursuant 73824

to section 4503.502 of the Revised Code to the Ohio cattlemen's 73825  
foundation, which shall use those contributions for scholarships 73826  
and other educational activities. 73827

The registrar shall pay the contributions received pursuant 73828  
to section 4503.505 of the Revised Code to the organization Ohio 73829  
region phi theta kappa, which shall use those contributions for 73830  
scholarships for students who are members of that organization. 73831

The registrar shall pay each contribution the registrar 73832  
receives pursuant to section 4503.51 of the Revised Code to the 73833  
university or college whose name or marking or design appears on 73834  
collegiate license plates that are issued to a person under that 73835  
section. A university or college that receives contributions from 73836  
the fund shall deposit the contributions into its general 73837  
scholarship fund. 73838

The registrar shall pay the contributions the registrar 73839  
receives pursuant to section 4503.522 of the Revised Code to the 73840  
"friends of Perry's victory and international peace memorial, 73841  
incorporated," a nonprofit corporation organized under the laws of 73842  
this state, to assist that organization in paying the expenses it 73843  
incurs in sponsoring or holding charitable, educational, and 73844  
cultural events at the monument. 73845

The registrar shall pay the contributions the registrar 73846  
receives pursuant to section 4503.523 of the Revised Code to the 73847  
fairport lights foundation, which shall use the money to pay for 73848  
the restoration, maintenance, and preservation of the lighthouses 73849  
of fairport harbor. 73850

The registrar shall pay the contributions the registrar 73851  
receives pursuant to section 4503.524 of the Revised Code to the 73852  
Massillon tiger football booster club, which shall use the 73853  
contributions only to promote and support the football team of 73854  
Washington high school of the Massillon city school district. 73855

The registrar shall pay the contributions the registrar receives pursuant to section 4503.525 of the Revised Code to the United States power squadron districts seven, eleven, twenty-four, and twenty-nine in equal amounts. Each power squadron district shall use the money it receives under this section to pay for the educational boating programs each district holds or sponsors within this state.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.526 of the Revised Code to the Ohio district Kiwanis foundation of the Ohio district of Kiwanis international, which shall use the money it receives under this section to pay the costs of its educational and humanitarian activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay the contributions that are paid to 73887  
the registrar pursuant to section 4503.545 of the Revised Code to 73888  
the national rifle association foundation, which shall use the 73889  
money to pay the costs of the educational activities and programs 73890  
the foundation holds or sponsors in this state. 73891

The registrar shall pay to the Ohio pet fund the 73892  
contributions the registrar receives pursuant to section 4503.551 73893  
of the Revised Code and any other money from any other source, 73894  
including donations, gifts, and grants, that is designated by the 73895  
source to be paid to the Ohio pet fund. The Ohio pet fund shall 73896  
use the moneys it receives under this section to support programs 73897  
for the sterilization of dogs and cats and for educational 73898  
programs concerning the proper veterinary care of those animals, 73899  
and for expenses of the Ohio pet fund that are reasonably 73900  
necessary for it to obtain and maintain its tax-exempt status and 73901  
to perform its duties. 73902

The registrar shall pay the contributions the registrar 73903  
receives pursuant to section 4503.552 of the Revised Code to the 73904  
rock and roll hall of fame and museum, incorporated. 73905

The registrar shall pay the contributions the registrar 73906  
receives pursuant to section 4503.553 of the Revised Code to the 73907  
Ohio coalition for animals, incorporated, a nonprofit corporation. 73908  
Except as provided in division (B) of this section, the coalition 73909  
shall distribute the money to its members, and the members shall 73910  
use the money only to pay for educational, charitable, and other 73911  
programs of each coalition member that provide care for unwanted, 73912  
abused, and neglected horses. The Ohio coalition for animals may 73913  
use a portion of the money to pay for reasonable marketing costs 73914  
incurred in the design and promotion of the license plate and for 73915  
administrative costs incurred in the disbursement and management 73916  
of funds received under this section. 73917

The registrar shall pay the contributions the registrar 73918

receives pursuant to section 4503.554 of the Revised Code to the 73919  
Ohio state council of the knights of Columbus, which shall use the 73920  
contributions to pay for its charitable activities and programs. 73921

The registrar shall pay the contributions the registrar 73922  
receives pursuant to section 4503.561 of the Revised Code to the 73923  
state of Ohio chapter of ducks unlimited, inc., which shall 73924  
deposit the contributions into a special bank account that it 73925  
establishes. The special bank account shall be separate and 73926  
distinct from any other account the state of Ohio chapter of ducks 73927  
unlimited, inc., maintains and shall be used exclusively for the 73928  
purpose of protecting, enhancing, restoring, and managing wetlands 73929  
and conserving wildlife habitat. The state of Ohio chapter of 73930  
ducks unlimited, inc., annually shall notify the registrar in 73931  
writing of the name, address, and account to which such payments 73932  
are to be made. 73933

The registrar shall pay the contributions the registrar 73934  
receives pursuant to section 4503.562 of the Revised Code to the 73935  
Mahoning river consortium, which shall use the money to pay the 73936  
expenses it incurs in restoring and maintaining the Mahoning river 73937  
watershed. 73938

The registrar shall pay the contributions the registrar 73939  
receives pursuant to section 4503.564 of the Revised Code to 73940  
Antioch college for the use of the Glen Helen ecology institute to 73941  
pay expenses related to the Glen Helen nature preserve. 73942

The registrar shall pay the contributions the registrar 73943  
receives pursuant to section 4503.576 of the Revised Code to the 73944  
Ohio state beekeepers association, which shall use those 73945  
contributions to promote beekeeping, provide educational 73946  
information about beekeeping, and to support other state and local 73947  
beekeeping programs. 73948

The registrar shall pay to a sports commission created 73949

pursuant to section 4503.591 of the Revised Code each contribution 73950  
the registrar receives under that section that an applicant pays 73951  
to obtain license plates that bear the logo of a professional 73952  
sports team located in the county of that sports commission and 73953  
that is participating in the license plate program pursuant to 73954  
division (E) of that section, irrespective of the county of 73955  
residence of an applicant. 73956

The registrar shall pay to a community charity each 73957  
contribution the registrar receives under section 4503.591 of the 73958  
Revised Code that an applicant pays to obtain license plates that 73959  
bear the logo of a professional sports team that is participating 73960  
in the license plate program pursuant to division (G) of that 73961  
section. 73962

The registrar shall pay the contributions the registrar 73963  
receives pursuant to section 4503.67 of the Revised Code to the 73964  
Dan Beard council of the boy scouts of America. The council shall 73965  
distribute all contributions in an equitable manner throughout the 73966  
state to regional councils of the boy scouts. 73967

The registrar shall pay the contributions the registrar 73968  
receives pursuant to section 4503.68 of the Revised Code to the 73969  
great river council of the girl scouts of the United States of 73970  
America. The council shall distribute all contributions in an 73971  
equitable manner throughout the state to regional councils of the 73972  
girl scouts. 73973

The registrar shall pay the contributions the registrar 73974  
receives pursuant to section 4503.69 of the Revised Code to the 73975  
Dan Beard council of the boy scouts of America. The council shall 73976  
distribute all contributions in an equitable manner throughout the 73977  
state to regional councils of the boy scouts. 73978

The registrar shall pay the contributions the registrar 73979  
receives pursuant to section 4503.701 of the Revised Code to the 73980



Prince Hall grand lodge of free and accepted masons of Ohio, which 73981  
shall use the contributions for scholarship purposes. 73982

The registrar shall pay the contributions the registrar 73983  
receives pursuant to section 4503.71 of the Revised Code to the 73984  
fraternal order of police of Ohio, incorporated, which shall 73985  
deposit the fees into its general account to be used for purposes 73986  
of the fraternal order of police of Ohio, incorporated. 73987

The registrar shall pay the contributions the registrar 73988  
receives pursuant to section 4503.711 of the Revised Code to the 73989  
fraternal order of police of Ohio, incorporated, which shall 73990  
deposit the contributions into an account that it creates to be 73991  
used for the purpose of advancing and protecting the law 73992  
enforcement profession, promoting improved law enforcement 73993  
methods, and teaching respect for law and order. 73994

The registrar shall pay the contributions received pursuant 73995  
to section 4503.712 of the Revised Code to Ohio concerns of police 73996  
survivors, which shall use those contributions to provide whatever 73997  
assistance may be appropriate to the families of Ohio law 73998  
enforcement officers who are killed in the line of duty. 73999

The registrar shall pay the contributions received pursuant 74000  
to section 4503.713 of the Revised Code to the greater Cleveland 74001  
peace officers memorial society, which shall use those 74002  
contributions to honor law enforcement officers who have died in 74003  
the line of duty and support its charitable purposes. 74004

The registrar shall pay the contributions the registrar 74005  
receives pursuant to section 4503.72 of the Revised Code to the 74006  
organization known on March 31, 2003, as the Ohio CASA/GAL 74007  
association, a private, nonprofit corporation organized under 74008  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 74009  
shall use these contributions to pay the expenses it incurs in 74010  
administering a program to secure the proper representation in the 74011

courts of this state of abused, neglected, and dependent children, 74012  
and for the training and supervision of persons participating in 74013  
that program. 74014

The registrar shall pay the contributions the registrar 74015  
receives pursuant to section 4503.73 of the Revised Code to Wright 74016  
B. Flyer, incorporated, which shall deposit the contributions into 74017  
its general account to be used for purposes of Wright B. Flyer, 74018  
incorporated. 74019

The registrar shall pay the contributions the registrar 74020  
receives pursuant to section 4503.732 of the Revised Code to the 74021  
Siegel & Shuster society, a nonprofit organization dedicated to 74022  
commemorating and celebrating the creation of Superman in 74023  
Cleveland, Ohio. 74024

The registrar shall pay the contributions the registrar 74025  
receives pursuant to section 4503.74 of the Revised Code to the 74026  
Columbus zoological park association, which shall disburse the 74027  
moneys to Ohio's major metropolitan zoos, as defined in section 74028  
4503.74 of the Revised Code, in accordance with a written 74029  
agreement entered into by the major metropolitan zoos. 74030

The registrar shall pay the contributions the registrar 74031  
receives pursuant to section 4503.75 of the Revised Code to the 74032  
rotary foundation, located on March 31, 2003, in Evanston, 74033  
Illinois, to be placed in a fund known as the permanent fund and 74034  
used to endow educational and humanitarian programs of the rotary 74035  
foundation. 74036

The registrar shall pay the contributions the registrar 74037  
receives pursuant to section 4503.751 of the Revised Code to the 74038  
Ohio association of realtors, which shall deposit the 74039  
contributions into a property disaster relief fund maintained 74040  
under the Ohio realtors charitable and education foundation. 74041

The registrar shall pay the contributions the registrar 74042

receives pursuant to section 4503.85 of the Revised Code to the 74043  
Ohio sea grant college program to be used for Lake Erie area 74044  
research projects. 74045

The registrar shall pay the contributions the registrar 74046  
receives pursuant to section 4503.86 of the Revised Code to the 74047  
Ohio Lincoln highway historic byway, which shall use those 74048  
contributions solely to promote and support the historical 74049  
preservation and advertisement of the Lincoln highway in this 74050  
state. 74051

The registrar shall pay the contributions the registrar 74052  
receives pursuant to section 4503.89 of the Revised Code to the 74053  
American red cross of greater Columbus on behalf of the Ohio 74054  
chapters of the American red cross, which shall use the 74055  
contributions for disaster readiness, preparedness, and response 74056  
programs on a statewide basis. 74057

The registrar shall pay the contributions the registrar 74058  
receives pursuant to section 4503.90 of the Revised Code to the 74059  
nationwide children's hospital foundation. 74060

The registrar shall pay the contributions received pursuant 74061  
to section 4503.92 of the Revised Code to support our troops, 74062  
incorporated, a national nonprofit corporation, which shall use 74063  
those contributions in accordance with its articles of 74064  
incorporation and for the benefit of servicemembers of the armed 74065  
forces of the United States and their families when they are in 74066  
financial need. 74067

The registrar shall pay the contributions the registrar 74068  
receives pursuant to section 4503.94 of the Revised Code to the 74069  
Michelle's leading star foundation, which shall use the money 74070  
solely to fund the rental, lease, or purchase of the simulated 74071  
driving curriculum of the Michelle's leading star foundation by 74072  
boards of education of city, exempted village, local, and joint 74073

vocational school districts. 74074

(C) All investment earnings of the license plate contribution 74075  
fund shall be credited to the fund. Not later than the first day 74076  
of May of every year, the registrar shall distribute to each 74077  
entity described in division (B) of this section the investment 74078  
income the fund earned the previous calendar year. The amount of 74079  
such a distribution paid to an entity shall be proportionate to 74080  
the amount of money the entity received from the fund during the 74081  
previous calendar year. 74082

**Sec. 4503.535.** (A) The owner or lessee of any passenger car, 74083  
noncommercial motor vehicle, recreational vehicle, motorcycle, 74084  
motorized bicycle or moped, trailer, or other vehicle of a class 74085  
approved by the registrar of motor vehicles, and, effective 74086  
January 1, 2017, the owner or lessee of any motor-driven cycle or 74087  
motor scooter or cab-enclosed motorcycle, may apply to the 74088  
registrar for the registration of the vehicle and issuance of 74089  
POW/MIA awareness license plates. The application for POW/MIA 74090  
awareness license plates may be combined with a request for a 74091  
special reserved license plate under section 4503.40 or 4503.42 of 74092  
the Revised Code. Upon receipt of the completed application and 74093  
compliance with division (B) of this section, the registrar shall 74094  
issue to the applicant the appropriate vehicle registration and a 74095  
set of POW/MIA awareness license plates with a validation sticker, 74096  
or a validation sticker alone when required by section 4503.191 of 74097  
the Revised Code. 74098

In addition to the letters and numbers ordinarily inscribed 74099  
thereon, POW/MIA awareness license plates shall bear the markings 74100  
designed by rolling thunder, inc., chapter 1 Ohio. POW/MIA 74101  
awareness license plates, except for motorcycle, motorized 74102  
bicycle, or moped license plates, also shall bear the words "not 74103  
forgotten." The registrar shall approve the final design. POW/MIA 74104

awareness license plates shall bear county identification stickers 74105  
that identify the county of registration by name or number. 74106

(B) POW/MIA awareness license plates and validation stickers 74107  
shall be issued upon payment of the regular license tax as 74108  
prescribed under section 4503.04 of the Revised Code, any 74109  
applicable motor vehicle tax levied under Chapter 4504. of the 74110  
Revised Code, a bureau of motor vehicles administrative fee of ten 74111  
dollars, the contribution specified in division (C) of this 74112  
section, and compliance with all other applicable laws relating to 74113  
the registration of motor vehicles. If the application for POW/MIA 74114  
awareness license plates is combined with a request for a special 74115  
reserved license plate under section 4503.40 or 4503.42 of the 74116  
Revised Code, the license plates and validation sticker shall be 74117  
issued upon payment of the contribution, fees, and taxes contained 74118  
in this division and the additional fee prescribed under section 74119  
4503.40 or 4503.42 of the Revised Code. 74120

(C) For each application for registration and registration 74121  
renewal submitted under this section, the registrar shall collect 74122  
a contribution of twenty-five dollars. The registrar shall pay 74123  
this contribution into the state treasury to the credit of the 74124  
military injury relief fund created in section ~~5101.98~~ 5902.05 of 74125  
the Revised Code. 74126

The registrar shall pay the ten-dollar bureau administrative 74127  
fee, the purpose of which is to compensate the bureau for 74128  
additional services required in issuing POW/MIA awareness license 74129  
plates, into the state treasury to the credit of the state bureau 74130  
of motor vehicles fund created in section 4501.25 of the Revised 74131  
Code. 74132

**Sec. 4503.77.** (A) As used in this section: 74133

(1) "Nonstandard license plate" means all of the following: 74134

(a) A license plate issued under sections 4503.52, 4503.55, 74135  
4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the 74136  
Revised Code; 74137

(b) A license plate issued under a program that is 74138  
reestablished under division (D) of this section and that meets 74139  
the requirements contained in division (B) of section 4503.78 of 74140  
the Revised Code; 74141

(c) Except as may otherwise be specifically provided by law, 74142  
any license plate created after August 21, 1997. 74143

(2) For purposes of license plates issued under sections 74144  
4503.503 and 4503.504 of the Revised Code, "sponsor" includes the 74145  
Ohio agriculture license plate scholarship fund board created in 74146  
section 901.90 of the Revised Code and the director of 74147  
agriculture. 74148

(B)(1) If, during any calendar year ~~commencing with 1998~~, the 74149  
total number of motor vehicle registrations involving a particular 74150  
type of nonstandard license plate is less than ~~five hundred~~ 74151  
twenty-five, including both new registrations and registration 74152  
renewals, the registrar of motor vehicles, on or after the first 74153  
day of January, but not later than the fifteenth day of January of 74154  
the following year, shall send a written notice to the sponsor of 74155  
that type of nonstandard license plate, if a sponsor exists, 74156  
informing the sponsor of this fact. The registrar also shall 74157  
inform the sponsor that if, during the calendar year in which the 74158  
written notice is sent, the total number of motor vehicle 74159  
registrations involving the sponsor's nonstandard license plate 74160  
again is less than ~~five hundred~~ twenty-five, the program involving 74161  
that type of nonstandard license plate will be terminated on the 74162  
thirty-first day of December of the calendar year in which the 74163  
written notice is sent and, except as provided in division (C) of 74164  
this section, no motor vehicle registration application involving 74165  
either the actual issuance of that type of nonstandard license 74166

plate or the registration renewal of a motor vehicle displaying 74167  
that type of nonstandard license plate will be accepted by the 74168  
registrar or a deputy registrar beginning the first day of January 74169  
of the next calendar year. The registrar also shall inform the 74170  
sponsor that if the program involving the sponsor's nonstandard 74171  
license plate is terminated under this section, it may be 74172  
reestablished pursuant to division (D) of this section. 74173

(2) If, during any calendar year ~~commencing with 1998~~, the 74174  
total number of motor vehicle registrations involving a particular 74175  
type of nonstandard license plate is less than ~~five hundred~~ 74176  
twenty-five, including both new registrations and registration 74177  
renewals, and no sponsor exists for that license plate, the 74178  
registrar shall issue a public notice on or after the first day of 74179  
January, but not later than the fifteenth day of January of the 74180  
following year, stating that fact. The notice also shall inform 74181  
the public that if, during the calendar year in which the 74182  
registrar issues the public notice, the total number of motor 74183  
vehicle registrations for that type of nonstandard license plate, 74184  
including both new registrations and registration renewals, again 74185  
is less than ~~five hundred~~ twenty-five, the program involving that 74186  
type of nonstandard license plate will be terminated on the 74187  
thirty-first day of December of the calendar year in which the 74188  
registrar issues the public notice and, except as provided in 74189  
division (C) of this section, no motor vehicle registration 74190  
application involving either the actual issuance of that type of 74191  
nonstandard license plate or the registration renewal of a motor 74192  
vehicle displaying that type of nonstandard license plate will be 74193  
accepted by the registrar or a deputy registrar beginning on the 74194  
first day of January of the next calendar year. 74195

(C) If the program involving a type of nonstandard license 74196  
plate is terminated under division (B) of this section, the 74197  
registration of any motor vehicle displaying that type of 74198

nonstandard license plate at the time of termination may be 74199  
renewed so long as the nonstandard license plates remain 74200  
serviceable. If the nonstandard license plates of such a motor 74201  
vehicle become unfit for service, the owner of the motor vehicle 74202  
may apply for the issuance of nonstandard license plates of that 74203  
same type, but the registrar or deputy registrar shall issue such 74204  
nonstandard license plates only if at the time of application the 74205  
stock of the bureau contains license plates of that type of 74206  
nonstandard license plate. If, at the time of such application, 74207  
the stock of the bureau does not contain license plates of that 74208  
type of nonstandard license plate, the registrar or deputy 74209  
registrar shall inform the owner of that fact, and the application 74210  
shall be refused. 74211

If the program involving a type of nonstandard license plate 74212  
is terminated under division (B) of this section and the 74213  
registration of motor vehicles displaying such license plates 74214  
continues as permitted by this division, the registrar, for as 74215  
long as such registrations continue to be issued, shall continue 74216  
to collect and distribute any contribution that was required to be 74217  
collected and distributed prior to the termination of that 74218  
program. 74219

(D) If the program involving a nonstandard license plate is 74220  
terminated under division (B)(1) of this section, the sponsor of 74221  
that license plate may apply to the registrar for the 74222  
reestablishment of the program. If the program involving that 74223  
nonstandard license plate is reestablished, the reestablishment is 74224  
subject to division (B) of section 4503.78 of the Revised Code. 74225

Sec. 4503.771. (A) The sponsor of a nonstandard license 74226  
plate, as defined in section 4503.77 of the Revised Code, shall 74227  
verify the contact information for that sponsor by the first day 74228  
of December of each year on a form established by the registrar of 74229



motor vehicles. If the sponsor fails to verify such contact 74230  
information by the thirty-first day of December of any year, the 74231  
registrar, beginning the first day of January of the following 74232  
year, shall transmit the contribution for each registration 74233  
involving that nonstandard license plate to the treasurer of state 74234  
for deposit into the general revenue fund, instead of for deposit 74235  
in the license plate contribution fund created in section 4501.21 74236  
of the Revised Code. The registrar also immediately shall send a 74237  
notice to the sponsor that no additional funds will be deposited 74238  
into the license plate contribution fund until the contact 74239  
information form is received by the registrar. Upon receiving the 74240  
contact information form, the registrar shall resume transmitting 74241  
the contributions received for that license plate to the treasurer 74242  
of state for deposit into the license plate contribution fund and 74243  
later distribution to the sponsor. 74244

(B) If the sponsor of a nonstandard license plate ceases to 74245  
exist, the registrar shall deposit the contributions for the 74246  
associated license plate into the general revenue fund. If that 74247  
sponsor is later reestablished, the sponsor shall submit to the 74248  
registrar written confirmation of the sponsor's reestablishment 74249  
along with the contact information form. Upon receipt of the 74250  
confirmation and form, the registrar shall resume transmitting all 74251  
contributions received for the associated license plate into the 74252  
license plate contribution fund for later distribution to the 74253  
sponsor. 74254

**Sec. 4503.78.** (A) Except as may otherwise be specifically 74255  
provided by law, ~~after the effective date of this section,~~ the 74256  
registrar of motor vehicles ~~shall~~ is not be required to implement 74257  
any legislation that creates a license plate and provides for its 74258  
issuance until the registrar receives written statements from not 74259  
less than ~~five~~ one hundred fifty persons, indicating that they 74260  
intend to apply for and obtain such license plates for their motor 74261

vehicles. The registrar may require such statements to be made on 74262  
a form the registrar provides. 74263

(B) If a program involving a nonstandard license plate is 74264  
terminated under division (B)(1) of section 4503.77 of the Revised 74265  
Code, the sponsor of that license plate may apply to the registrar 74266  
for the reestablishment of that program, as permitted by division 74267  
(D) of that section. The registrar shall not reestablish the 74268  
program involving that nonstandard license plate until the 74269  
registrar receives written statements from not less than ~~five~~ 74270  
~~hundred~~ twenty-five persons, indicating that they intend to apply 74271  
for and obtain such license plates for their motor vehicles. The 74272  
registrar may require such statements to be made on a form 74273  
approved by the registrar. 74274

In determining whether ~~five hundred~~ twenty-five persons have 74275  
so indicated their intentions, the registrar shall include in the 74276  
total the number of motor vehicles that continue to display the 74277  
nonstandard license plate of the terminated program, as permitted 74278  
by division (C) of section 4503.77 of the Revised Code. 74279

Sec. 4503.86. (A) The owner or lessee of any passenger car, 74280  
noncommercial motor vehicle, recreational vehicle, or other 74281  
vehicle of a class approved by the registrar of motor vehicles may 74282  
apply to the registrar for the registration of the vehicle and the 74283  
issuance of "Lincoln highway" license plates. An application made 74284  
under this section may be combined with a request for a special 74285  
reserved license plate under section 4503.40 or 4503.42 of the 74286  
Revised Code. Upon receipt of the completed application and 74287  
compliance by the applicant with divisions (B) and (C) of this 74288  
section, the registrar shall issue to the applicant the 74289  
appropriate vehicle registration and a set of "Lincoln highway" 74290  
license plates and a validation sticker, or a validation sticker 74291  
alone when required by section 4503.191 of the Revised Code. 74292

In addition to the letters and numbers ordinarily inscribed on the license plates, "Lincoln highway" license plates shall be inscribed with identifying words or markings that are designed by the Ohio Lincoln highway historic byway, and approved by the registrar. "Lincoln highway" license plates shall display county identification stickers that identify the county of registration by name or number.

(B) "Lincoln highway" license plates and a validation sticker, or validation sticker alone, shall be issued upon receipt of a contribution as provided in division (C)(1) of this section and upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle license tax levied under Chapter 4504. of the Revised Code, any applicable additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code, a bureau of motor vehicles administrative fee of ten dollars, and compliance with all other applicable laws relating to the registration of motor vehicles.

(C)(1) For each application for registration and registration renewal notice the registrar receives under this section, the registrar shall collect a contribution of twenty dollars. The registrar shall deposit this contribution into the state treasury to the credit of the license plate contribution fund created in section 4501.21 of the Revised Code.

(2) The registrar shall deposit the bureau administrative fee of ten dollars, the purpose of which is to compensate the bureau for additional services required in the issuing of "Lincoln highway" license plates, into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

**Sec. 4505.06.** (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor

vehicles and shall be sworn to before a notary public or other 74324  
officer empowered to administer oaths. The application shall be 74325  
filed with the clerk of any court of common pleas. An application 74326  
for a certificate of title may be filed electronically by any 74327  
electronic means approved by the registrar in any county with the 74328  
clerk of the court of common pleas of that county. Any payments 74329  
required by this chapter shall be considered as accompanying any 74330  
electronically transmitted application when payment actually is 74331  
received by the clerk. Payment of any fee or taxes may be made by 74332  
electronic transfer of funds. 74333

(2) The application for a certificate of title shall be 74334  
accompanied by the fee prescribed in section 4505.09 of the 74335  
Revised Code. The fee shall be retained by the clerk who issues 74336  
the certificate of title and shall be distributed in accordance 74337  
with that section. If a clerk of a court of common pleas, other 74338  
than the clerk of the court of common pleas of an applicant's 74339  
county of residence, issues a certificate of title to the 74340  
applicant, the clerk shall transmit data related to the 74341  
transaction to the automated title processing system. 74342

(3) If a certificate of title previously has been issued for 74343  
a motor vehicle in this state, the application for a certificate 74344  
of title also shall be accompanied by that certificate of title 74345  
duly assigned, unless otherwise provided in this chapter. If a 74346  
certificate of title previously has not been issued for the motor 74347  
vehicle in this state, the application, unless otherwise provided 74348  
in this chapter, shall be accompanied by a manufacturer's or 74349  
importer's certificate or by a certificate of title of another 74350  
state from which the motor vehicle was brought into this state. If 74351  
the application refers to a motor vehicle last previously 74352  
registered in another state, the application also shall be 74353  
accompanied by the physical inspection certificate required by 74354  
section 4505.061 of the Revised Code. If the application is made 74355

by two persons regarding a motor vehicle in which they wish to 74356  
establish joint ownership with right of survivorship, they may do 74357  
so as provided in section 2131.12 of the Revised Code. If the 74358  
applicant requests a designation of the motor vehicle in 74359  
beneficiary form so that upon the death of the owner of the motor 74360  
vehicle, ownership of the motor vehicle will pass to a designated 74361  
transfer-on-death beneficiary or beneficiaries, the applicant may 74362  
do so as provided in section 2131.13 of the Revised Code. A person 74363  
who establishes ownership of a motor vehicle that is transferable 74364  
on death in accordance with section 2131.13 of the Revised Code 74365  
may terminate that type of ownership or change the designation of 74366  
the transfer-on-death beneficiary or beneficiaries by applying for 74367  
a certificate of title pursuant to this section. The clerk shall 74368  
retain the evidence of title presented by the applicant and on 74369  
which the certificate of title is issued, except that, if an 74370  
application for a certificate of title is filed electronically by 74371  
an electronic motor vehicle dealer on behalf of the purchaser of a 74372  
motor vehicle, the clerk shall retain the completed electronic 74373  
record to which the dealer converted the certificate of title 74374  
application and other required documents. The registrar, after 74375  
consultation with the attorney general, shall adopt rules that 74376  
govern the location at which, and the manner in which, are stored 74377  
the actual application and all other documents relating to the 74378  
sale of a motor vehicle when an electronic motor vehicle dealer 74379  
files the application for a certificate of title electronically on 74380  
behalf of the purchaser. Not later than December 31, 2011, the 74381  
registrar shall enable all electronic motor vehicle dealers to 74382  
file applications for certificates of title on behalf of 74383  
purchasers of motor vehicles electronically directly with the 74384  
registrar and not through a third party. 74385

The clerk shall use reasonable diligence in ascertaining 74386  
whether or not the facts in the application for a certificate of 74387  
title are true by checking the application and documents 74388

accompanying it or the electronic record to which a dealer 74389  
converted the application and accompanying documents with the 74390  
records of motor vehicles in the clerk's office. If the clerk is 74391  
satisfied that the applicant is the owner of the motor vehicle and 74392  
that the application is in the proper form, the clerk, within five 74393  
business days after the application is filed and except as 74394  
provided in section 4505.021 of the Revised Code, shall issue a 74395  
physical certificate of title over the clerk's signature and 74396  
sealed with the clerk's seal, unless the applicant specifically 74397  
requests the clerk not to issue a physical certificate of title 74398  
and instead to issue an electronic certificate of title. For 74399  
purposes of the transfer of a certificate of title, if the clerk 74400  
is satisfied that the secured party has duly discharged a lien 74401  
notation but has not canceled the lien notation with a clerk, the 74402  
clerk may cancel the lien notation on the automated title 74403  
processing system and notify the clerk of the county of origin. 74404

(4) In the case of the sale of a motor vehicle to a general 74405  
buyer or user by a dealer, by a motor vehicle leasing dealer 74406  
selling the motor vehicle to the lessee or, in a case in which the 74407  
leasing dealer subleased the motor vehicle, the sublessee, at the 74408  
end of the lease agreement or sublease agreement, or by a 74409  
manufactured housing broker, the certificate of title shall be 74410  
obtained in the name of the buyer by the dealer, leasing dealer, 74411  
or manufactured housing broker, as the case may be, upon 74412  
application signed by the buyer. The certificate of title shall be 74413  
issued, or the process of entering the certificate of title 74414  
application information into the automated title processing system 74415  
if a physical certificate of title is not to be issued shall be 74416  
completed, within five business days after the application for 74417  
title is filed with the clerk. If the buyer of the motor vehicle 74418  
previously leased the motor vehicle and is buying the motor 74419  
vehicle at the end of the lease pursuant to that lease, the 74420  
certificate of title shall be obtained in the name of the buyer by 74421

the motor vehicle leasing dealer who previously leased the motor 74422  
vehicle to the buyer or by the motor vehicle leasing dealer who 74423  
subleased the motor vehicle to the buyer under a sublease 74424  
agreement. 74425

In all other cases, except as provided in section 4505.032 74426  
and division (D)(2) of section 4505.11 of the Revised Code, such 74427  
certificates shall be obtained by the buyer. 74428

(5)(a)(i) If the certificate of title is being obtained in 74429  
the name of the buyer by a motor vehicle dealer or motor vehicle 74430  
leasing dealer and there is a security interest to be noted on the 74431  
certificate of title, the dealer or leasing dealer shall submit 74432  
the application for the certificate of title and, if required by 74433  
division (B)(5) of this section, payment of the applicable tax, to 74434  
a clerk within seven business days after the later of the delivery 74435  
of the motor vehicle to the buyer or the date the dealer or 74436  
leasing dealer obtains the manufacturer's or importer's 74437  
certificate, or certificate of title issued in the name of the 74438  
dealer or leasing dealer, for the motor vehicle. Submission of the 74439  
application for the certificate of title and payment, if required, 74440  
of the applicable tax within the required seven business days may 74441  
be indicated by postmark or receipt by a clerk within that period. 74442

(ii) Upon receipt of the certificate of title with the 74443  
security interest noted on its face, the dealer or leasing dealer 74444  
shall forward the certificate of title to the secured party at the 74445  
location noted in the financing documents or otherwise specified 74446  
by the secured party. 74447

(iii) A motor vehicle dealer or motor vehicle leasing dealer 74448  
is liable to a secured party for a late fee of ten dollars per day 74449  
for each certificate of title application and, if required by 74450  
division (B)(5) of this section, payment of the applicable tax 74451  
~~that is,~~ submitted to a clerk more than seven business days but 74452  
less than twenty-one days after the later of the delivery of the 74453

motor vehicle to the buyer or the date the dealer or leasing 74454  
dealer obtains the manufacturer's or importer's certificate, or 74455  
certificate of title issued in the name of the dealer or leasing 74456  
dealer, for the motor vehicle and, from then on, twenty-five 74457  
dollars per day until the application and any applicable tax are 74458  
submitted to a clerk. 74459

(b) In all cases of transfer of a motor vehicle except the 74460  
transfer of a manufactured home or mobile home, the application 74461  
for certificate of title shall be filed within thirty days after 74462  
the assignment or delivery of the motor vehicle. 74463

(c) An application for a certificate of title for a new 74464  
manufactured home shall be filed within thirty days after the 74465  
delivery of the new manufactured home to the purchaser. The date 74466  
of the delivery shall be the date on which an occupancy permit for 74467  
the manufactured home is delivered to the purchaser of the home by 74468  
the appropriate legal authority. 74469

(d) An application for a certificate of title for a used 74470  
manufactured home or a used mobile home shall be filed as follows: 74471

(i) If a certificate of title for the used manufactured home 74472  
or used mobile home was issued to the motor vehicle dealer prior 74473  
to the sale of the manufactured or mobile home to the purchaser, 74474  
the application for certificate of title shall be filed within 74475  
thirty days after the date on which an occupancy permit for the 74476  
manufactured or mobile home is delivered to the purchaser by the 74477  
appropriate legal authority. 74478

(ii) If the motor vehicle dealer has been designated by a 74479  
secured party to display the manufactured or mobile home for sale, 74480  
or to sell the manufactured or mobile home under section 4505.20 74481  
of the Revised Code, but the certificate of title has not been 74482  
transferred by the secured party to the motor vehicle dealer, and 74483  
the dealer has complied with the requirements of division (A) of 74484



section 4505.181 of the Revised Code, the application for 74485  
certificate of title shall be filed within thirty days after the 74486  
date on which the motor vehicle dealer obtains the certificate of 74487  
title for the home from the secured party or the date on which an 74488  
occupancy permit for the manufactured or mobile home is delivered 74489  
to the purchaser by the appropriate legal authority, whichever 74490  
occurs later. 74491

(6) If an application for a certificate of title is not filed 74492  
within the period specified in division (A)(5)(b), (c), or (d) of 74493  
this section, the clerk shall collect a fee of five dollars for 74494  
the issuance of the certificate, except that no such fee shall be 74495  
required from a motor vehicle salvage dealer, as defined in 74496  
division (A) of section 4738.01 of the Revised Code, who 74497  
immediately surrenders the certificate of title for cancellation. 74498  
The fee shall be in addition to all other fees established by this 74499  
chapter, and shall be retained by the clerk. The registrar shall 74500  
provide, on the certificate of title form prescribed by section 74501  
4505.07 of the Revised Code, language necessary to give evidence 74502  
of the date on which the assignment or delivery of the motor 74503  
vehicle was made. 74504

(7) As used in division (A) of this section, "lease 74505  
agreement," "lessee," and "sublease agreement" have the same 74506  
meanings as in section 4505.04 of the Revised Code and "new 74507  
manufactured home," "used manufactured home," and "used mobile 74508  
home" have the same meanings as in section 5739.0210 of the 74509  
Revised Code. 74510

(B)(1) The clerk, except as otherwise provided in this 74511  
section, shall refuse to accept for filing any application for a 74512  
certificate of title and shall refuse to issue a certificate of 74513  
title unless the dealer or the applicant, in cases in which the 74514  
certificate shall be obtained by the buyer, submits with the 74515  
application payment of the tax levied by or pursuant to Chapters 74516

5739. and 5741. of the Revised Code based on the purchaser's 74517  
county of residence. Upon payment of the tax in accordance with 74518  
division (E) of this section, the clerk shall issue a receipt 74519  
prescribed by the registrar and agreed upon by the tax 74520  
commissioner showing payment of the tax or a receipt issued by the 74521  
commissioner showing the payment of the tax. When submitting 74522  
payment of the tax to the clerk, a dealer shall retain any 74523  
discount to which the dealer is entitled under section 5739.12 of 74524  
the Revised Code. 74525

(2) For receiving and disbursing such taxes paid to the clerk 74526  
by a resident of the clerk's county, the clerk may retain a 74527  
poundage fee of one and one one-hundredth per cent, and the clerk 74528  
shall pay the poundage fee into the certificate of title 74529  
administration fund created by section 325.33 of the Revised Code. 74530  
The clerk shall not retain a poundage fee from payments of taxes 74531  
by persons who do not reside in the clerk's county. 74532

A clerk, however, may retain from the taxes paid to the clerk 74533  
an amount equal to the poundage fees associated with certificates 74534  
of title issued by other clerks of courts of common pleas to 74535  
applicants who reside in the first clerk's county. The registrar, 74536  
in consultation with the tax commissioner and the clerks of the 74537  
courts of common pleas, shall develop a report from the automated 74538  
title processing system that informs each clerk of the amount of 74539  
the poundage fees that the clerk is permitted to retain from those 74540  
taxes because of certificates of title issued by the clerks of 74541  
other counties to applicants who reside in the first clerk's 74542  
county. 74543

(3) In the case of casual sales of motor vehicles, as defined 74544  
in section 4517.01 of the Revised Code, the price for the purpose 74545  
of determining the tax shall be the purchase price on the assigned 74546  
certificate of title executed by the seller and filed with the 74547  
clerk by the buyer on a form to be prescribed by the registrar, 74548

which shall be prima-facie evidence of the amount for the 74549  
determination of the tax. 74550

(4) Each county clerk shall forward to the treasurer of state 74551  
all sales and use tax collections resulting from sales of motor 74552  
vehicles, off-highway motorcycles, and all-purpose vehicles during 74553  
a calendar week on or before the Friday following the close of 74554  
that week. If, on any Friday, the offices of the clerk of courts 74555  
or the state are not open for business, the tax shall be forwarded 74556  
to the treasurer of state on or before the next day on which the 74557  
offices are open. Every remittance of tax under division (B)(4) of 74558  
this section shall be accompanied by a remittance report in such 74559  
form as the tax commissioner prescribes. Upon receipt of a tax 74560  
remittance and remittance report, the treasurer of state shall 74561  
date stamp the report and forward it to the tax commissioner. If 74562  
the tax due for any week is not remitted by a clerk of courts as 74563  
required under division (B)(4) of this section, the commissioner 74564  
may require the clerk to forfeit the poundage fees for the sales 74565  
made during that week. The treasurer of state may require the 74566  
clerks of courts to transmit tax collections and remittance 74567  
reports electronically. 74568

(5) A new or used motor vehicle dealer licensed in this 74569  
state, in lieu of remitting the tax levied by or pursuant to 74570  
Chapters 5739. and 5741. of the Revised Code to the clerk under 74571  
this section, may elect to submit to the clerk a certificate 74572  
acknowledging the sale or lease of the motor vehicle, stating the 74573  
purchaser's county of residence, and pledging that the dealer will 74574  
report and remit the tax due as required by section 5739.12 or 74575  
5741.12 of the Revised Code, whichever is applicable. For each 74576  
dealer that makes an election under this section, the tax 74577  
commissioner shall deposit into the certificate of title 74578  
administration fund created under section 325.33 of the Revised 74579  
Code an amount equal to the poundage fees that the clerk would be 74580

entitled to retain if the dealer had remitted the tax due to the 74581  
clerk under division (A)(5)(a) of this section. The registrar, in 74582  
consultation with the commissioner and the clerks of courts of 74583  
common pleas, shall develop a report from the automated title 74584  
processing system that informs each clerk and the commissioner of 74585  
the amount of the poundage fees that each clerk is permitted to 74586  
receive from taxes collected by the commissioner because of the 74587  
certificates of title issued by the clerks. A motor vehicle dealer 74588  
that does not report and remit the tax due pursuant to an election 74589  
under division (B)(5) of this section shall pay the tax to the 74590  
clerk of courts as provided in division (A)(5)(a) of this section. 74591

(C)(1) If the transferor indicates on the certificate of 74592  
title that the odometer reflects mileage in excess of the designed 74593  
mechanical limit of the odometer, the clerk shall enter the phrase 74594  
"exceeds mechanical limits" following the mileage designation. If 74595  
the transferor indicates on the certificate of title that the 74596  
odometer reading is not the actual mileage, the clerk shall enter 74597  
the phrase "nonactual: warning - odometer discrepancy" following 74598  
the mileage designation. The clerk shall use reasonable care in 74599  
transferring the information supplied by the transferor, but is 74600  
not liable for any errors or omissions of the clerk or those of 74601  
the clerk's deputies in the performance of the clerk's duties 74602  
created by this chapter. 74603

The registrar shall prescribe an affidavit in which the 74604  
transferor shall swear to the true selling price and, except as 74605  
provided in this division, the true odometer reading of the motor 74606  
vehicle. The registrar may prescribe an affidavit in which the 74607  
seller and buyer provide information pertaining to the odometer 74608  
reading of the motor vehicle in addition to that required by this 74609  
section, as such information may be required by the United States 74610  
secretary of transportation by rule prescribed under authority of 74611  
subchapter IV of the "Motor Vehicle Information and Cost Savings 74612

Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 74613

(2) Division (C)(1) of this section does not require the 74614  
giving of information concerning the odometer and odometer reading 74615  
of a motor vehicle when ownership of a motor vehicle is being 74616  
transferred as a result of a bequest, under the laws of intestate 74617  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 74618  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 74619  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 74620  
connection with the creation of a security interest or for a 74621  
vehicle with a gross vehicle weight rating of more than sixteen 74622  
thousand pounds. 74623

(D) When the transfer to the applicant was made in some other 74624  
state or in interstate commerce, the clerk, except as provided in 74625  
this section, shall refuse to issue any certificate of title 74626  
unless the tax imposed by or pursuant to Chapter 5741. of the 74627  
Revised Code based on the purchaser's county of residence has been 74628  
paid as evidenced by a receipt issued by the tax commissioner, or 74629  
unless the applicant submits with the application payment of the 74630  
tax. Upon payment of the tax in accordance with division (E) of 74631  
this section, the clerk shall issue a receipt prescribed by the 74632  
registrar and agreed upon by the tax commissioner, showing payment 74633  
of the tax. 74634

For receiving and disbursing such taxes paid to the clerk by 74635  
a resident of the clerk's county, the clerk may retain a poundage 74636  
fee of one and one one-hundredth per cent. The clerk shall not 74637  
retain a poundage fee from payments of taxes by persons who do not 74638  
reside in the clerk's county. 74639

A clerk, however, may retain from the taxes paid to the clerk 74640  
an amount equal to the poundage fees associated with certificates 74641  
of title issued by other clerks of courts of common pleas to 74642  
applicants who reside in the first clerk's county. The registrar, 74643  
in consultation with the tax commissioner and the clerks of the 74644

courts of common pleas, shall develop a report from the automated 74645  
title processing system that informs each clerk of the amount of 74646  
the poundage fees that the clerk is permitted to retain from those 74647  
taxes because of certificates of title issued by the clerks of 74648  
other counties to applicants who reside in the first clerk's 74649  
county. 74650

When the vendor is not regularly engaged in the business of 74651  
selling motor vehicles, the vendor shall not be required to 74652  
purchase a vendor's license or make reports concerning those 74653  
sales. 74654

(E) The clerk shall accept any payment of a tax in cash, or 74655  
by cashier's check, certified check, draft, money order, or teller 74656  
check issued by any insured financial institution payable to the 74657  
clerk and submitted with an application for a certificate of title 74658  
under division (B) or (D) of this section. The clerk also may 74659  
accept payment of the tax by corporate, business, or personal 74660  
check, credit card, electronic transfer or wire transfer, debit 74661  
card, or any other accepted form of payment made payable to the 74662  
clerk. The clerk may require bonds, guarantees, or letters of 74663  
credit to ensure the collection of corporate, business, or 74664  
personal checks. Any service fee charged by a third party to a 74665  
clerk for the use of any form of payment may be paid by the clerk 74666  
from the certificate of title administration fund created in 74667  
section 325.33 of the Revised Code, or may be assessed by the 74668  
clerk upon the applicant as an additional fee. Upon collection, 74669  
the additional fees shall be paid by the clerk into that 74670  
certificate of title administration fund. 74671

The clerk shall make a good faith effort to collect any 74672  
payment of taxes due but not made because the payment was returned 74673  
or dishonored, but the clerk is not personally liable for the 74674  
payment of uncollected taxes or uncollected fees. The clerk shall 74675  
notify the tax commissioner of any such payment of taxes that is 74676

due but not made and shall furnish the information to the 74677  
commissioner that the commissioner requires. The clerk shall 74678  
deduct the amount of taxes due but not paid from the clerk's 74679  
periodic remittance of tax payments, in accordance with procedures 74680  
agreed upon by the tax commissioner. The commissioner may collect 74681  
taxes due by assessment in the manner provided in section 5739.13 74682  
of the Revised Code. 74683

Any person who presents payment that is returned or 74684  
dishonored for any reason is liable to the clerk for payment of a 74685  
penalty over and above the amount of the taxes due. The clerk 74686  
shall determine the amount of the penalty, and the penalty shall 74687  
be no greater than that amount necessary to compensate the clerk 74688  
for banking charges, legal fees, or other expenses incurred by the 74689  
clerk in collecting the returned or dishonored payment. The 74690  
remedies and procedures provided in this section are in addition 74691  
to any other available civil or criminal remedies. Subsequently 74692  
collected penalties, poundage fees, and title fees, less any title 74693  
fee due the state, from returned or dishonored payments collected 74694  
by the clerk shall be paid into the certificate of title 74695  
administration fund. Subsequently collected taxes, less poundage 74696  
fees, shall be sent by the clerk to the treasurer of state at the 74697  
next scheduled periodic remittance of tax payments, with 74698  
information as the commissioner may require. The clerk may abate 74699  
all or any part of any penalty assessed under this division. 74700

(F) In the following cases, the clerk shall accept for filing 74701  
an application and shall issue a certificate of title without 74702  
requiring payment or evidence of payment of the tax: 74703

(1) When the purchaser is this state or any of its political 74704  
subdivisions, a church, or an organization whose purchases are 74705  
exempted by section 5739.02 of the Revised Code; 74706

(2) When the transaction in this state is not a retail sale 74707  
as defined by section 5739.01 of the Revised Code; 74708

- (3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code; 74709  
74710  
74711
- (4) When the purchaser is the federal government; 74712
- (5) When the motor vehicle was purchased outside this state for use outside this state; 74713  
74714
- (6) When the motor vehicle is purchased by a nonresident under the circumstances described in division (B)(1) of section 5739.029 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code; 74715  
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- (7) When the applicant is a new or used motor vehicle dealer that makes an election and submits a certificate under division (B)(5) of this section. 74721  
74722  
74723
- (G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due." 74724  
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- (H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home 74736  
74737  
74738  
74739



without requiring payment of any tax pursuant to section 5739.02, 74740  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 74741  
issued by the tax commissioner showing payment of the tax. For 74742  
sales of manufactured homes or mobile homes occurring on or after 74743  
January 1, 2000, the applicant shall pay to the clerk an 74744  
additional fee of five dollars for each certificate of title 74745  
issued by the clerk for a manufactured or mobile home pursuant to 74746  
division (H) of section 4505.11 of the Revised Code and for each 74747  
certificate of title issued upon transfer of ownership of the 74748  
home. The clerk shall credit the fee to the county certificate of 74749  
title administration fund, and the fee shall be used to pay the 74750  
expenses of archiving those certificates pursuant to division (A) 74751  
of section 4505.08 and division (H)(3) of section 4505.11 of the 74752  
Revised Code. The tax commissioner shall administer any tax on a 74753  
manufactured or mobile home pursuant to Chapters 5739. and 5741. 74754  
of the Revised Code. 74755

(I) Every clerk shall have the capability to transact by 74756  
electronic means all procedures and transactions relating to the 74757  
issuance of motor vehicle certificates of title that are described 74758  
in the Revised Code as being accomplished by electronic means. 74759

**Sec. 4505.101.** (A)(1) The owner of any repair garage or place 74760  
of storage in which a motor vehicle with a value of less than 74761  
three thousand five hundred dollars has been left unclaimed for 74762  
fifteen days or more following completion of the requested repair 74763  
or the agreed term of storage shall send by certified mail, return 74764  
receipt requested, to the last known address of any owner and any 74765  
lienholder of the motor vehicle a notice to remove the motor 74766  
vehicle. In order to identify any owner or lienholder, prior to 74767  
sending a notice, the repair garage or place of storage shall 74768  
cause a search to be made of the records of the bureau of motor 74769  
vehicles. Any notice to a lienholder shall state where the motor 74770  
vehicle is located and the value of the vehicle. 74771

If the motor vehicle remains unclaimed by any owner or lienholder for fifteen days after the mailing of all required notices, and for each notice the person on whose property the vehicle has been abandoned either has received the signed receipt from the certified mail or has been notified that the delivery was not possible, the person may obtain a certificate of title to the motor vehicle in the person's name in the manner provided in this section. Unless the lienholder claims the motor vehicle within fifteen days from the mailing of the notice, the lienholder's lien is invalid.

(2) The owner of the repair garage or place of storage that mailed the notice shall execute an affidavit, in a form established by the registrar of motor vehicles by rule, affirming that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the motor vehicle have been met. The affidavit shall set forth an itemized statement of the value of the motor vehicle; the length of time that the motor vehicle has remained unclaimed; that a notice to remove the vehicle has been mailed to any titled owner or lienholder by certified mail, return receipt requested; and that a search of the records of the bureau of motor vehicles has been made in accordance with division (A)(1) of this section.

(B) The owner of a towing service or storage facility that is in possession of a vehicle may obtain a certificate of title to the vehicle as provided in division (C) of this section if all of the following apply:

(1) The vehicle was towed under division (B) of section 4513.601 of the Revised Code.

(2) The vehicle has a value of less than three thousand five hundred dollars.

(3) The vehicle has been left unclaimed for sixty days after

the date the earliest notice required by division (F)(1) of 74803  
section 4513.601 of the Revised Code is received, as evidenced by 74804  
a receipt signed by any person, or the towing service or storage 74805  
facility has been notified that the delivery was not possible. 74806

(4) The owner of the towing service or storage facility 74807  
executes an affidavit, in a form established by the registrar of 74808  
motor vehicles by rule, affirming that all of the requirements of 74809  
this section necessary to authorize the issuance of a certificate 74810  
of title for the motor vehicle have been met. The affidavit shall 74811  
set forth an itemized statement of the value of the motor vehicle; 74812  
that notices to remove the vehicle have been mailed to the owner 74813  
and any lienholder as required under division (F) of section 74814  
4513.601 of the Revised Code; the length of time that the motor 74815  
vehicle has remained unclaimed after the date the earliest notice 74816  
required under division (F) of section 4513.601 of the Revised 74817  
Code was received or the towing service or storage facility was 74818  
notified that delivery was not possible; and that a search of the 74819  
records of the bureau of motor vehicles has been made for 74820  
outstanding liens on the motor vehicle. 74821

(C) The clerk of courts shall issue a certificate of title, 74822  
free and clear of all liens and encumbrances as follows: 74823

(1) To a repair garage or place of storage that presents an 74824  
affidavit that complies with all of the requirements of division 74825  
(A) of this section; 74826

(2) To a towing service or storage facility that presents an 74827  
affidavit in compliance with division (B) of this section. 74828

Upon receipt of the certificate of title, a repair garage or 74829  
place of storage, or a towing service or storage facility, shall 74830  
pay to the clerk of courts the value of the motor vehicle for 74831  
deposit into the county general fund. 74832

(D) Whoever violates this section shall be fined not more 74833

than two hundred dollars, imprisoned not more than ninety days, or 74834  
both. 74835

(E) As used in this section: 74836

(1) "Repair garage or place of storage" means any business 74837  
with which a person entered into an agreement for the repair of a 74838  
motor vehicle or any business with which a person entered into an 74839  
agreement for the storage of a motor vehicle. 74840

(2) "Towing service or storage facility" means any for-hire 74841  
motor carrier that removes a motor vehicle under the authority of 74842  
section 4513.601 of the Revised Code and any place to which such a 74843  
for-hire motor carrier delivers a motor vehicle towed under that 74844  
section. 74845

(3) "Value" means the wholesale value for that make and model 74846  
of motor vehicle at the time an affidavit is submitted under 74847  
division (C) of this section, as provided in a vehicle valuation 74848  
guide that is generally available and recognized by the motor 74849  
vehicle industry, minus ~~both~~ all of the following: 74850

(a) The estimated cost of repairs to restore the motor 74851  
vehicle to the wholesale value for that make and model of motor 74852  
vehicle; 74853

(b) The cost of any agreed-upon repairs; 74854

(c) A towing fee, if applicable. 74855

**Sec. 4507.21.** (A) Each applicant for a driver's license shall 74856  
file an application in the office of the registrar of motor 74857  
vehicles or of a deputy registrar. 74858

(B)(1) Each person under eighteen years of age applying for a 74859  
driver's license issued in this state shall present satisfactory 74860  
evidence of having successfully completed any one of the 74861  
following: 74862

(a) A driver education course approved by the state 74863  
department of education prior to December 31, 2003. 74864

(b) A driver training course approved by the director of 74865  
public safety. 74866

(c) A driver training course comparable to a driver education 74867  
or driver training course described in division (B)(1)(a) or (b) 74868  
of this section and administered by a branch of the armed forces 74869  
of the United States and completed by the applicant while residing 74870  
outside this state for the purpose of being with or near any 74871  
person serving in the armed forces of the United States. 74872

(2) Each person under eighteen years of age applying for a 74873  
driver's license also shall present, on a form prescribed by the 74874  
registrar, an affidavit signed by an eligible adult attesting that 74875  
the person has acquired at least fifty hours of actual driving 74876  
experience, with at least ten of those hours being at night. 74877

(C) ~~Each~~ Commencing one year after the effective date of the 74878  
rules adopted pursuant to division (F) of section 4508.02 of the 74879  
Revised Code that govern the abbreviated driver training course, 74880  
each applicant for an initial driver's license who is eighteen 74881  
years of age or older and who failed the road or maneuverability 74882  
test required under division (A)(2) of section 4507.11 of the 74883  
Revised Code shall present satisfactory evidence of having 74884  
successfully completed ~~an~~ the abbreviated driver training course 74885  
for adults, approved by the director of public safety, prior to 74886  
attempting the test a second or subsequent time. 74887

(D) If the registrar or deputy registrar determines that the 74888  
applicant is entitled to the driver's license, it shall be issued. 74889  
If the application shows that the applicant's license has been 74890  
previously canceled or suspended, the deputy registrar shall 74891  
forward the application to the registrar, who shall determine 74892  
whether the license shall be granted. 74893

(E) An applicant shall file an application in duplicate, and 74894  
the deputy registrar issuing the license shall immediately forward 74895  
to the office of the registrar the original copy of the 74896  
application, together with the duplicate copy of any certificate 74897  
of completion if issued for purposes of division (B) of this 74898  
section. The registrar shall prescribe rules as to the manner in 74899  
which the deputy registrar files and maintains the applications 74900  
and other records. The registrar shall file every application for 74901  
a driver's or commercial driver's license and index them by name 74902  
and number, and shall maintain a suitable record of all licenses 74903  
issued, all convictions and bond forfeitures, all applications for 74904  
licenses denied, and all licenses that have been suspended or 74905  
canceled. 74906

(F) For purposes of section 2313.06 of the Revised Code, the 74907  
registrar shall maintain accurate and current lists of the 74908  
residents of each county who are eighteen years of age or older, 74909  
have been issued, on and after January 1, 1984, driver's or 74910  
commercial driver's licenses that are valid and current, and would 74911  
be electors if they were registered to vote, regardless of whether 74912  
they actually are registered to vote. The lists shall contain the 74913  
names, addresses, dates of birth, duration of residence in this 74914  
state, citizenship status, and social security numbers, if the 74915  
numbers are available, of the licensees, and may contain any other 74916  
information that the registrar considers suitable. 74917

(G) Each person under eighteen years of age applying for a 74918  
motorcycle operator's endorsement or a restricted license enabling 74919  
the applicant to operate a motorcycle shall present satisfactory 74920  
evidence of having completed the courses of instruction in the 74921  
motorcycle safety and education program described in section 74922  
4508.08 of the Revised Code or a comparable course of instruction 74923  
administered by a branch of the armed forces of the United States 74924  
and completed by the applicant while residing outside this state 74925

for the purpose of being with or near any person serving in the 74926  
armed forces of the United States. If the registrar or deputy 74927  
registrar then determines that the applicant is entitled to the 74928  
endorsement or restricted license, it shall be issued. 74929

(H) No person shall knowingly make a false statement in an 74930  
affidavit presented in accordance with division (B)(2) of this 74931  
section. 74932

(I) As used in this section, "eligible adult" means any of 74933  
the following persons: 74934

(1) A parent, guardian, or custodian of the applicant; 74935

(2) A person over the age of twenty-one who acts in loco 74936  
parentis of the applicant and who maintains proof of financial 74937  
responsibility with respect to the operation of a motor vehicle 74938  
owned by the applicant or with respect to the applicant's 74939  
operation of any motor vehicle. 74940

(J) Whoever violates division (H) of this section is guilty 74941  
of a minor misdemeanor and shall be fined one hundred dollars. 74942

Sec. 4511.0915. (A) On or before July 31, 2015, any local 74943  
authority that has operated a traffic law photo-monitoring device 74944  
between March 23, 2015, and June 30, 2015, shall file either a 74945  
report or statement of compliance with the auditor of state as 74946  
follows: 74947

(1) If the local authority operated any traffic law 74948  
photo-monitoring device without fully complying with sections 74949  
4511.092 to 4511.0914 of the Revised Code, the local authority 74950  
shall file a report that includes a detailed statement of the 74951  
civil fines the local authority has billed to drivers for any 74952  
violation of any municipal ordinance that is based upon evidence 74953  
recorded by a traffic law photo-monitoring device, including the 74954  
gross amount of fines that have been billed. 74955

(2) If the local authority has fully complied with sections 4511.092 to 4511.0914 of the Revised Code, in lieu of a report, the local authority shall submit a signed statement affirming compliance with all requirements of those sections. 74956  
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(B) Beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015, and for each three-month period thereafter, during which a local authority has operated a traffic law photo-monitoring device, the local authority shall file either a report or a signed statement of compliance with the auditor of state in the same manner as described in division (A) of this section. The local authority shall file the report or statement not later than thirty days after the end of the applicable three-month period. 74960  
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(C) The auditor of state shall do all of the following: 74969

(1) Immediately forward a copy of each report or signed statement of compliance received under this section to the tax commissioner for purposes of calculating payments under section 5747.50 of the Revised Code; 74970  
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(2) Notify the commissioner of each subdivision required to file a report or signed statement that did not do so; 74974  
74975

(3) Notify the commissioner when a subdivision that is the subject of a notification under division (C)(2) of this section files all reports or signed statements the subdivision is required to file. 74976  
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**Sec. 4511.191.** (A)(1) As used in this section: 74980

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code. 74981  
74982

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an 74983  
74984  
74985



ignition interlock device that is constantly available to monitor 74986  
the concentration of alcohol in a person's system, or any other 74987  
device that provides for the automatic testing and periodic 74988  
reporting of alcohol consumption by a person and that a court 74989  
orders a person to use as a sanction imposed as a result of the 74990  
person's conviction of or plea of guilty to an offense. 74991

(c) "Community addiction services provider" has the same 74992  
meaning as in section 5119.01 of the Revised Code. 74993

(2) Any person who operates a vehicle, streetcar, or 74994  
trackless trolley upon a highway or any public or private property 74995  
used by the public for vehicular travel or parking within this 74996  
state or who is in physical control of a vehicle, streetcar, or 74997  
trackless trolley shall be deemed to have given consent to a 74998  
chemical test or tests of the person's whole blood, blood serum or 74999  
plasma, breath, or urine to determine the alcohol, drug of abuse, 75000  
controlled substance, metabolite of a controlled substance, or 75001  
combination content of the person's whole blood, blood serum or 75002  
plasma, breath, or urine if arrested for a violation of division 75003  
(A) or (B) of section 4511.19 of the Revised Code, section 75004  
4511.194 of the Revised Code or a substantially equivalent 75005  
municipal ordinance, or a municipal OVI ordinance. 75006

(3) The chemical test or tests under division (A)(2) of this 75007  
section shall be administered at the request of a law enforcement 75008  
officer having reasonable grounds to believe the person was 75009  
operating or in physical control of a vehicle, streetcar, or 75010  
trackless trolley in violation of a division, section, or 75011  
ordinance identified in division (A)(2) of this section. The law 75012  
enforcement agency by which the officer is employed shall 75013  
designate which of the tests shall be administered. 75014

(4) Any person who is dead or unconscious, or who otherwise 75015  
is in a condition rendering the person incapable of refusal, shall 75016  
be deemed to have consented as provided in division (A)(2) of this 75017

section, and the test or tests may be administered, subject to 75018  
sections 313.12 to 313.16 of the Revised Code. 75019

(5)(a) If a law enforcement officer arrests a person for a 75020  
violation of division (A) or (B) of section 4511.19 of the Revised 75021  
Code, section 4511.194 of the Revised Code or a substantially 75022  
equivalent municipal ordinance, or a municipal OVI ordinance and 75023  
if the person if convicted would be required to be sentenced under 75024  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 75025  
Code, the law enforcement officer shall request the person to 75026  
submit, and the person shall submit, to a chemical test or tests 75027  
of the person's whole blood, blood serum or plasma, breath, or 75028  
urine for the purpose of determining the alcohol, drug of abuse, 75029  
controlled substance, metabolite of a controlled substance, or 75030  
combination content of the person's whole blood, blood serum or 75031  
plasma, breath, or urine. A law enforcement officer who makes a 75032  
request pursuant to this division that a person submit to a 75033  
chemical test or tests is not required to advise the person of the 75034  
consequences of submitting to, or refusing to submit to, the test 75035  
or tests and is not required to give the person the form described 75036  
in division (B) of section 4511.192 of the Revised Code, but the 75037  
officer shall advise the person at the time of the arrest that if 75038  
the person refuses to take a chemical test the officer may employ 75039  
whatever reasonable means are necessary to ensure that the person 75040  
submits to a chemical test of the person's whole blood or blood 75041  
serum or plasma. The officer shall also advise the person at the 75042  
time of the arrest that the person may have an independent 75043  
chemical test taken at the person's own expense. Divisions (A)(3) 75044  
and (4) of this section apply to the administration of a chemical 75045  
test or tests pursuant to this division. 75046

(b) If a person refuses to submit to a chemical test upon a 75047  
request made pursuant to division (A)(5)(a) of this section, the 75048  
law enforcement officer who made the request may employ whatever 75049

reasonable means are necessary to ensure that the person submits 75050  
to a chemical test of the person's whole blood or blood serum or 75051  
plasma. A law enforcement officer who acts pursuant to this 75052  
division to ensure that a person submits to a chemical test of the 75053  
person's whole blood or blood serum or plasma is immune from 75054  
criminal and civil liability based upon a claim for assault and 75055  
battery or any other claim for the acts, unless the officer so 75056  
acted with malicious purpose, in bad faith, or in a wanton or 75057  
reckless manner. 75058

(B)(1) Upon receipt of the sworn report of a law enforcement 75059  
officer who arrested a person for a violation of division (A) or 75060  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 75061  
the Revised Code or a substantially equivalent municipal 75062  
ordinance, or a municipal OVI ordinance that was completed and 75063  
sent to the registrar of motor vehicles and a court pursuant to 75064  
section 4511.192 of the Revised Code in regard to a person who 75065  
refused to take the designated chemical test, the registrar shall 75066  
enter into the registrar's records the fact that the person's 75067  
driver's or commercial driver's license or permit or nonresident 75068  
operating privilege was suspended by the arresting officer under 75069  
this division and that section and the period of the suspension, 75070  
as determined under this section. The suspension shall be subject 75071  
to appeal as provided in section 4511.197 of the Revised Code. The 75072  
suspension shall be for whichever of the following periods 75073  
applies: 75074

(a) Except when division (B)(1)(b), (c), or (d) of this 75075  
section applies and specifies a different class or length of 75076  
suspension, the suspension shall be a class C suspension for the 75077  
period of time specified in division (B)(3) of section 4510.02 of 75078  
the Revised Code. 75079

(b) If the arrested person, within six years of the date on 75080  
which the person refused the request to consent to the chemical 75081

test, had refused one previous request to consent to a chemical 75082  
test or had been convicted of or pleaded guilty to one violation 75083  
of division (A) or (B) of section 4511.19 of the Revised Code or 75084  
one other equivalent offense, the suspension shall be a class B 75085  
suspension imposed for the period of time specified in division 75086  
(B)(2) of section 4510.02 of the Revised Code. 75087

(c) If the arrested person, within six years of the date on 75088  
which the person refused the request to consent to the chemical 75089  
test, had refused two previous requests to consent to a chemical 75090  
test, had been convicted of or pleaded guilty to two violations of 75091  
division (A) or (B) of section 4511.19 of the Revised Code or 75092  
other equivalent offenses, or had refused one previous request to 75093  
consent to a chemical test and also had been convicted of or 75094  
pleaded guilty to one violation of division (A) or (B) of section 75095  
4511.19 of the Revised Code or other equivalent offenses, which 75096  
violation or offense arose from an incident other than the 75097  
incident that led to the refusal, the suspension shall be a class 75098  
A suspension imposed for the period of time specified in division 75099  
(B)(1) of section 4510.02 of the Revised Code. 75100

(d) If the arrested person, within six years of the date on 75101  
which the person refused the request to consent to the chemical 75102  
test, had refused three or more previous requests to consent to a 75103  
chemical test, had been convicted of or pleaded guilty to three or 75104  
more violations of division (A) or (B) of section 4511.19 of the 75105  
Revised Code or other equivalent offenses, or had refused a number 75106  
of previous requests to consent to a chemical test and also had 75107  
been convicted of or pleaded guilty to a number of violations of 75108  
division (A) or (B) of section 4511.19 of the Revised Code or 75109  
other equivalent offenses that cumulatively total three or more 75110  
such refusals, convictions, and guilty pleas, the suspension shall 75111  
be for five years. 75112

(2) The registrar shall terminate a suspension of the 75113

driver's or commercial driver's license or permit of a resident or 75114  
of the operating privilege of a nonresident, or a denial of a 75115  
driver's or commercial driver's license or permit, imposed 75116  
pursuant to division (B)(1) of this section upon receipt of notice 75117  
that the person has entered a plea of guilty to, or that the 75118  
person has been convicted after entering a plea of no contest to, 75119  
operating a vehicle in violation of section 4511.19 of the Revised 75120  
Code or in violation of a municipal OVI ordinance, if the offense 75121  
for which the conviction is had or the plea is entered arose from 75122  
the same incident that led to the suspension or denial. 75123

The registrar shall credit against any judicial suspension of 75124  
a person's driver's or commercial driver's license or permit or 75125  
nonresident operating privilege imposed pursuant to section 75126  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 75127  
Revised Code for a violation of a municipal OVI ordinance, any 75128  
time during which the person serves a related suspension imposed 75129  
pursuant to division (B)(1) of this section. 75130

(C)(1) Upon receipt of the sworn report of the law 75131  
enforcement officer who arrested a person for a violation of 75132  
division (A) or (B) of section 4511.19 of the Revised Code or a 75133  
municipal OVI ordinance that was completed and sent to the 75134  
registrar and a court pursuant to section 4511.192 of the Revised 75135  
Code in regard to a person whose test results indicate that the 75136  
person's whole blood, blood serum or plasma, breath, or urine 75137  
contained at least the concentration of alcohol specified in 75138  
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 75139  
Revised Code or at least the concentration of a listed controlled 75140  
substance or a listed metabolite of a controlled substance 75141  
specified in division (A)(1)(j) of section 4511.19 of the Revised 75142  
Code, the registrar shall enter into the registrar's records the 75143  
fact that the person's driver's or commercial driver's license or 75144  
permit or nonresident operating privilege was suspended by the 75145

arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

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

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

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

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

(B)(1) of section 4510.02 of the Revised Code. 75178

(2) The registrar shall terminate a suspension of the 75179  
driver's or commercial driver's license or permit of a resident or 75180  
of the operating privilege of a nonresident, or a denial of a 75181  
driver's or commercial driver's license or permit, imposed 75182  
pursuant to division (C)(1) of this section upon receipt of notice 75183  
that the person has entered a plea of guilty to, or that the 75184  
person has been convicted after entering a plea of no contest to, 75185  
operating a vehicle in violation of section 4511.19 of the Revised 75186  
Code or in violation of a municipal OVI ordinance, if the offense 75187  
for which the conviction is had or the plea is entered arose from 75188  
the same incident that led to the suspension or denial. 75189

The registrar shall credit against any judicial suspension of 75190  
a person's driver's or commercial driver's license or permit or 75191  
nonresident operating privilege imposed pursuant to section 75192  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 75193  
Revised Code for a violation of a municipal OVI ordinance, any 75194  
time during which the person serves a related suspension imposed 75195  
pursuant to division (C)(1) of this section. 75196

(D)(1) A suspension of a person's driver's or commercial 75197  
driver's license or permit or nonresident operating privilege 75198  
under this section for the time described in division (B) or (C) 75199  
of this section is effective immediately from the time at which 75200  
the arresting officer serves the notice of suspension upon the 75201  
arrested person. Any subsequent finding that the person is not 75202  
guilty of the charge that resulted in the person being requested 75203  
to take the chemical test or tests under division (A) of this 75204  
section does not affect the suspension. 75205

(2) If a person is arrested for operating a vehicle, 75206  
streetcar, or trackless trolley in violation of division (A) or 75207  
(B) of section 4511.19 of the Revised Code or a municipal OVI 75208  
ordinance, or for being in physical control of a vehicle, 75209

streetcar, or trackless trolley in violation of section 4511.194 75210  
of the Revised Code or a substantially equivalent municipal 75211  
ordinance, regardless of whether the person's driver's or 75212  
commercial driver's license or permit or nonresident operating 75213  
privilege is or is not suspended under division (B) or (C) of this 75214  
section or Chapter 4510. of the Revised Code, the person's initial 75215  
appearance on the charge resulting from the arrest shall be held 75216  
within five days of the person's arrest or the issuance of the 75217  
citation to the person, subject to any continuance granted by the 75218  
court pursuant to section 4511.197 of the Revised Code regarding 75219  
the issues specified in that division. 75220

(E) When it finally has been determined under the procedures 75221  
of this section and sections 4511.192 to 4511.197 of the Revised 75222  
Code that a nonresident's privilege to operate a vehicle within 75223  
this state has been suspended, the registrar shall give 75224  
information in writing of the action taken to the motor vehicle 75225  
administrator of the state of the person's residence and of any 75226  
state in which the person has a license. 75227

(F) At the end of a suspension period under this section, 75228  
under section 4511.194, section 4511.196, or division (G) of 75229  
section 4511.19 of the Revised Code, or under section 4510.07 of 75230  
the Revised Code for a violation of a municipal OVI ordinance and 75231  
upon the request of the person whose driver's or commercial 75232  
driver's license or permit was suspended and who is not otherwise 75233  
subject to suspension, cancellation, or disqualification, the 75234  
registrar shall return the driver's or commercial driver's license 75235  
or permit to the person upon the occurrence of all of the 75236  
conditions specified in divisions (F)(1) and (2) of this section: 75237

(1) A showing that the person has proof of financial 75238  
responsibility, a policy of liability insurance in effect that 75239  
meets the minimum standards set forth in section 4509.51 of the 75240  
Revised Code, or proof, to the satisfaction of the registrar, that 75241



the person is able to respond in damages in an amount at least 75242  
equal to the minimum amounts specified in section 4509.51 of the 75243  
Revised Code. 75244

(2) Subject to the limitation contained in division (F)(3) of 75245  
this section, payment by the person to the registrar or an 75246  
eligible deputy registrar of a license reinstatement fee of four 75247  
hundred seventy-five dollars, which fee shall be deposited in the 75248  
state treasury and credited as follows: 75249

(a) One hundred twelve dollars and fifty cents shall be 75250  
credited to the statewide treatment and prevention fund created by 75251  
section 4301.30 of the Revised Code. Money credited to the fund 75252  
under this section shall be used for purposes identified under 75253  
section 5119.22 of the Revised Code. 75254

(b) Seventy-five dollars shall be credited to the reparations 75255  
fund created by section 2743.191 of the Revised Code. 75256

(c) Thirty-seven dollars and fifty cents shall be credited to 75257  
the indigent drivers alcohol treatment fund, which is hereby 75258  
established in the state treasury. The department of mental health 75259  
and addiction services shall distribute the moneys in that fund to 75260  
the county indigent drivers alcohol treatment funds, the county 75261  
juvenile indigent drivers alcohol treatment funds, and the 75262  
municipal indigent drivers alcohol treatment funds that are 75263  
required to be established by counties and municipal corporations 75264  
pursuant to division (H) of this section to be used only as 75265  
provided in division (H)(3) of this section. Moneys in the fund 75266  
that are not distributed to a county indigent drivers alcohol 75267  
treatment fund, a county juvenile indigent drivers alcohol 75268  
treatment fund, or a municipal indigent drivers alcohol treatment 75269  
fund under division (H) of this section because the director of 75270  
mental health and addiction services does not have the information 75271  
necessary to identify the county or municipal corporation where 75272  
the offender or juvenile offender was arrested may be transferred 75273

by the director of budget and management to the statewide 75274  
treatment and prevention fund created by section 4301.30 of the 75275  
Revised Code, upon certification of the amount by the director of 75276  
mental health and addiction services. 75277

(d) Seventy-five dollars shall be credited to the 75278  
opportunities for Ohioans with disabilities agency established by 75279  
section 3304.15 of the Revised Code, to the services for 75280  
rehabilitation fund, which is hereby established. The fund shall 75281  
be used to match available federal matching funds where 75282  
appropriate, and for any other purpose or program of the agency to 75283  
rehabilitate persons with disabilities to help them become 75284  
employed and independent. 75285

(e) Seventy-five dollars shall be deposited into the state 75286  
treasury and credited to the drug abuse resistance education 75287  
programs fund, which is hereby established, to be used by the 75288  
attorney general for the purposes specified in division (F)(4) of 75289  
this section. 75290

(f) Thirty dollars shall be credited to the state bureau of 75291  
motor vehicles fund created by section 4501.25 of the Revised 75292  
Code. 75293

(g) Twenty dollars shall be credited to the trauma and 75294  
emergency medical services fund created by section 4513.263 of the 75295  
Revised Code. 75296

(h) Fifty dollars shall be credited to the indigent drivers 75297  
interlock and alcohol monitoring fund, which is hereby established 75298  
in the state treasury. Moneys in the fund shall be distributed by 75299  
the department of public safety to the county indigent drivers 75300  
interlock and alcohol monitoring funds, the county juvenile 75301  
indigent drivers interlock and alcohol monitoring funds, and the 75302  
municipal indigent drivers interlock and alcohol monitoring funds 75303  
that are required to be established by counties and municipal 75304

corporations pursuant to this section, and shall be used only to 75305  
pay the cost of an immobilizing or disabling device, including a 75306  
certified ignition interlock device, or an alcohol monitoring 75307  
device used by an offender or juvenile offender who is ordered to 75308  
use the device by a county, juvenile, or municipal court judge and 75309  
who is determined by the county, juvenile, or municipal court 75310  
judge not to have the means to pay for the person's use of the 75311  
device. 75312

(3) If a person's driver's or commercial driver's license or 75313  
permit is suspended under this section, under section 4511.196 or 75314  
division (G) of section 4511.19 of the Revised Code, under section 75315  
4510.07 of the Revised Code for a violation of a municipal OVI 75316  
ordinance or under any combination of the suspensions described in 75317  
division (F)(3) of this section, and if the suspensions arise from 75318  
a single incident or a single set of facts and circumstances, the 75319  
person is liable for payment of, and shall be required to pay to 75320  
the registrar or an eligible deputy registrar, only one 75321  
reinstatement fee of four hundred seventy-five dollars. The 75322  
reinstatement fee shall be distributed by the bureau in accordance 75323  
with division (F)(2) of this section. 75324

(4) The attorney general shall use amounts in the drug abuse 75325  
resistance education programs fund to award grants to law 75326  
enforcement agencies to establish and implement drug abuse 75327  
resistance education programs in public schools. Grants awarded to 75328  
a law enforcement agency under this section shall be used by the 75329  
agency to pay for not more than fifty per cent of the amount of 75330  
the salaries of law enforcement officers who conduct drug abuse 75331  
resistance education programs in public schools. The attorney 75332  
general shall not use more than six per cent of the amounts the 75333  
attorney general's office receives under division (F)(2)(e) of 75334  
this section to pay the costs it incurs in administering the grant 75335  
program established by division (F)(2)(e) of this section and in 75336

providing training and materials relating to drug abuse resistance 75337  
education programs. 75338

The attorney general shall report to the governor and the 75339  
general assembly each fiscal year on the progress made in 75340  
establishing and implementing drug abuse resistance education 75341  
programs. These reports shall include an evaluation of the 75342  
effectiveness of these programs. 75343

(5) In addition to the reinstatement fee under this section, 75344  
if the person pays the reinstatement fee to a deputy registrar, 75345  
the deputy registrar shall collect a service fee of ten dollars to 75346  
compensate the deputy registrar for services performed under this 75347  
section. The deputy registrar shall retain eight dollars of the 75348  
service fee and shall transmit the reinstatement fee, plus two 75349  
dollars of the service fee, to the registrar in the manner the 75350  
registrar shall determine. 75351

(G) Suspension of a commercial driver's license under 75352  
division (B) or (C) of this section shall be concurrent with any 75353  
period of disqualification under section 3123.611 or 4506.16 of 75354  
the Revised Code or any period of suspension under section 3123.58 75355  
of the Revised Code. No person who is disqualified for life from 75356  
holding a commercial driver's license under section 4506.16 of the 75357  
Revised Code shall be issued a driver's license under Chapter 75358  
4507. of the Revised Code during the period for which the 75359  
commercial driver's license was suspended under division (B) or 75360  
(C) of this section. No person whose commercial driver's license 75361  
is suspended under division (B) or (C) of this section shall be 75362  
issued a driver's license under Chapter 4507. of the Revised Code 75363  
during the period of the suspension. 75364

(H)(1) Each county shall establish an indigent drivers 75365  
alcohol treatment fund and a juvenile indigent drivers alcohol 75366  
treatment fund. Each municipal corporation in which there is a 75367  
municipal court shall establish an indigent drivers alcohol 75368

treatment fund. All revenue that the general assembly appropriates 75369  
to the indigent drivers alcohol treatment fund for transfer to a 75370  
county indigent drivers alcohol treatment fund, a county juvenile 75371  
indigent drivers alcohol treatment fund, or a municipal indigent 75372  
drivers alcohol treatment fund, all portions of fees that are paid 75373  
under division (F) of this section and that are credited under 75374  
that division to the indigent drivers alcohol treatment fund in 75375  
the state treasury for a county indigent drivers alcohol treatment 75376  
fund, a county juvenile indigent drivers alcohol treatment fund, 75377  
or a municipal indigent drivers alcohol treatment fund, all 75378  
portions of additional costs imposed under section 2949.094 of the 75379  
Revised Code that are specified for deposit into a county, county 75380  
juvenile, or municipal indigent drivers alcohol treatment fund by 75381  
that section, and all portions of fines that are specified for 75382  
deposit into a county or municipal indigent drivers alcohol 75383  
treatment fund by section 4511.193 of the Revised Code shall be 75384  
deposited into that county indigent drivers alcohol treatment 75385  
fund, county juvenile indigent drivers alcohol treatment fund, or 75386  
municipal indigent drivers alcohol treatment fund. The portions of 75387  
the fees paid under division (F) of this section that are to be so 75388  
deposited shall be determined in accordance with division (H)(2) 75389  
of this section. Additionally, all portions of fines that are paid 75390  
for a violation of section 4511.19 of the Revised Code or of any 75391  
prohibition contained in Chapter 4510. of the Revised Code, and 75392  
that are required under section 4511.19 or any provision of 75393  
Chapter 4510. of the Revised Code to be deposited into a county 75394  
indigent drivers alcohol treatment fund or municipal indigent 75395  
drivers alcohol treatment fund shall be deposited into the 75396  
appropriate fund in accordance with the applicable division of the 75397  
section or provision. 75398

(2) That portion of the license reinstatement fee that is 75399  
paid under division (F) of this section and that is credited under 75400  
that division to the indigent drivers alcohol treatment fund shall 75401

be deposited into a county indigent drivers alcohol treatment 75402  
fund, a county juvenile indigent drivers alcohol treatment fund, 75403  
or a municipal indigent drivers alcohol treatment fund as follows: 75404

(a) Regarding a suspension imposed under this section, that 75405  
portion of the fee shall be deposited as follows: 75406

(i) If the fee is paid by a person who was charged in a 75407  
county court with the violation that resulted in the suspension or 75408  
in the imposition of the court costs, the portion shall be 75409  
deposited into the county indigent drivers alcohol treatment fund 75410  
under the control of that court; 75411

(ii) If the fee is paid by a person who was charged in a 75412  
juvenile court with the violation that resulted in the suspension 75413  
or in the imposition of the court costs, the portion shall be 75414  
deposited into the county juvenile indigent drivers alcohol 75415  
treatment fund established in the county served by the court; 75416

(iii) If the fee is paid by a person who was charged in a 75417  
municipal court with the violation that resulted in the suspension 75418  
or in the imposition of the court costs, the portion shall be 75419  
deposited into the municipal indigent drivers alcohol treatment 75420  
fund under the control of that court. 75421

(b) Regarding a suspension imposed under section 4511.19 of 75422  
the Revised Code or under section 4510.07 of the Revised Code for 75423  
a violation of a municipal OVI ordinance, that portion of the fee 75424  
shall be deposited as follows: 75425

(i) If the fee is paid by a person whose license or permit 75426  
was suspended by a county court, the portion shall be deposited 75427  
into the county indigent drivers alcohol treatment fund under the 75428  
control of that court; 75429

(ii) If the fee is paid by a person whose license or permit 75430  
was suspended by a municipal court, the portion shall be deposited 75431  
into the municipal indigent drivers alcohol treatment fund under 75432

the control of that court. 75433

(3)(a) As used in division (H)(3) of this section, "indigent 75434  
person" means a person who is convicted of a violation of division 75435  
(A) or (B) of section 4511.19 of the Revised Code or a 75436  
substantially similar municipal ordinance or found to be a 75437  
juvenile traffic offender by reason of a violation of division (A) 75438  
or (B) of section 4511.19 of the Revised Code or a substantially 75439  
similar municipal ordinance, who is ordered by the court to attend 75440  
an alcohol and drug addiction treatment program, and who is 75441  
determined by the court under division (H)(5) of this section to 75442  
be unable to pay the cost of the assessment or the cost of 75443  
attendance at the treatment program. 75444

(b) A county, juvenile, or municipal court judge, by order, 75445  
may make expenditures from a county indigent drivers alcohol 75446  
treatment fund, a county juvenile indigent drivers alcohol 75447  
treatment fund, or a municipal indigent drivers alcohol treatment 75448  
fund with respect to an indigent person for any of the following: 75449

(i) To pay the cost of an assessment that is conducted by an 75450  
appropriately licensed clinician at either a driver intervention 75451  
program that is certified under section 5119.38 of the Revised 75452  
Code or at a community addiction services provider that is 75453  
certified under section 5119.36 of the Revised Code; 75454

(ii) To pay the cost of alcohol addiction services, drug 75455  
addiction services, or integrated alcohol and drug addiction 75456  
services at a community addiction services provider that is 75457  
certified under section 5119.36 of the Revised Code; 75458

(iii) To pay the cost of transportation to attend an 75459  
assessment as provided under division (H)(3)(b)(i) of this section 75460  
or addiction services as provided under division (H)(3)(b)(ii) of 75461  
this section. 75462

The alcohol and drug addiction services board or the board of 75463

alcohol, drug addiction, and mental health services established 75464  
pursuant to section 340.02 or 340.021 of the Revised Code and 75465  
serving the alcohol, drug addiction, and mental health service 75466  
district in which the court is located shall administer the 75467  
indigent drivers alcohol treatment program of the court. When a 75468  
court orders an offender or juvenile traffic offender to obtain an 75469  
assessment or attend an alcohol and drug addiction treatment 75470  
program, the board shall determine which program is suitable to 75471  
meet the needs of the offender or juvenile traffic offender, and 75472  
when a suitable program is located and space is available at the 75473  
program, the offender or juvenile traffic offender shall attend 75474  
the program designated by the board. A reasonable amount not to 75475  
exceed five per cent of the amounts credited to and deposited into 75476  
the county indigent drivers alcohol treatment fund, the county 75477  
juvenile indigent drivers alcohol treatment fund, or the municipal 75478  
indigent drivers alcohol treatment fund serving every court whose 75479  
program is administered by that board shall be paid to the board 75480  
to cover the costs it incurs in administering those indigent 75481  
drivers alcohol treatment programs. 75482

(c) Upon exhaustion of moneys in the indigent drivers 75483  
interlock and alcohol monitoring fund for the use of an alcohol 75484  
monitoring device, a county, juvenile, or municipal court judge 75485  
may use moneys in the county indigent drivers alcohol treatment 75486  
fund, county juvenile indigent drivers alcohol treatment fund, or 75487  
municipal indigent drivers alcohol treatment fund in either of the 75488  
following manners: 75489

(i) If the source of the moneys was an appropriation of the 75490  
general assembly, a portion of a fee that was paid under division 75491  
(F) of this section, a portion of a fine that was specified for 75492  
deposit into the fund by section 4511.193 of the Revised Code, or 75493  
a portion of a fine that was paid for a violation of section 75494  
4511.19 of the Revised Code or of a provision contained in Chapter 75495



4510. of the Revised Code that was required to be deposited into 75496  
the fund, to pay for the continued use of an alcohol monitoring 75497  
device by an offender or juvenile traffic offender, in conjunction 75498  
with a treatment program approved by the department of mental 75499  
health and addiction services, when such use is determined 75500  
clinically necessary by the treatment program and when the court 75501  
determines that the offender or juvenile traffic offender is 75502  
unable to pay all or part of the daily monitoring or cost of the 75503  
device; 75504

(ii) If the source of the moneys was a portion of an 75505  
additional court cost imposed under section 2949.094 of the 75506  
Revised Code, to pay for the continued use of an alcohol 75507  
monitoring device by an offender or juvenile traffic offender when 75508  
the court determines that the offender or juvenile traffic 75509  
offender is unable to pay all or part of the daily monitoring or 75510  
cost of the device. The moneys may be used for a device as 75511  
described in this division if the use of the device is in 75512  
conjunction with a treatment program approved by the department of 75513  
mental health and addiction services, when the use of the device 75514  
is determined clinically necessary by the treatment program, but 75515  
the use of a device is not required to be in conjunction with a 75516  
treatment program approved by the department in order for the 75517  
moneys to be used for the device as described in this division. 75518

(4) If a county, juvenile, or municipal court determines, in 75519  
consultation with the alcohol and drug addiction services board or 75520  
the board of alcohol, drug addiction, and mental health services 75521  
established pursuant to section 340.02 or 340.021 of the Revised 75522  
Code and serving the alcohol, drug addiction, and mental health 75523  
district in which the court is located, that the funds in the 75524  
county indigent drivers alcohol treatment fund, the county 75525  
juvenile indigent drivers alcohol treatment fund, or the municipal 75526  
indigent drivers alcohol treatment fund under the control of the 75527

court are more than sufficient to satisfy the purpose for which 75528  
the fund was established, as specified in divisions (H)(1) to (3) 75529  
of this section, the court may declare a surplus in the fund. If 75530  
the court declares a surplus in the fund, the court may take any 75531  
of the following actions with regard to the amount of the surplus 75532  
in the fund: 75533

(a) Expend any of the surplus amount for alcohol and drug 75534  
abuse assessment and treatment, and for the cost of transportation 75535  
related to assessment and treatment, of persons who are charged in 75536  
the court with committing a criminal offense or with being a 75537  
delinquent child or juvenile traffic offender and in relation to 75538  
whom both of the following apply: 75539

(i) The court determines that substance abuse was a 75540  
contributing factor leading to the criminal or delinquent activity 75541  
or the juvenile traffic offense with which the person is charged. 75542

(ii) The court determines that the person is unable to pay 75543  
the cost of the alcohol and drug abuse assessment and treatment 75544  
for which the surplus money will be used. 75545

(b) Expend any of the surplus amount to pay all or part of 75546  
the cost of purchasing alcohol monitoring devices to be used in 75547  
conjunction with division (H)(3)(c) of this section, upon 75548  
exhaustion of moneys in the indigent drivers interlock and alcohol 75549  
monitoring fund for the use of an alcohol monitoring device. 75550

(c) Transfer to another court in the same county any of the 75551  
surplus amount to be utilized in a manner consistent with division 75552  
(H)(3) of this section. If surplus funds are transferred to 75553  
another court, the court that transfers the funds shall notify the 75554  
alcohol and drug addiction services board or the board of alcohol, 75555  
drug addiction, and mental health services that serves the 75556  
alcohol, drug addiction, and mental health service district in 75557  
which that court is located. 75558

(d) Transfer to the alcohol and drug addiction services board 75559  
or the board of alcohol, drug addiction, and mental health 75560  
services that serves the alcohol, drug addiction, and mental 75561  
health service district in which the court is located any of the 75562  
surplus amount to be utilized in a manner consistent with division 75563  
(H)(3) of this section or for board contracted recovery support 75564  
services. 75565

(5) In order to determine if an offender does not have the 75566  
means to pay for the offender's attendance at an alcohol and drug 75567  
addiction treatment program for purposes of division (H)(3) of 75568  
this section or if an alleged offender or delinquent child is 75569  
unable to pay the costs specified in division (H)(4) of this 75570  
section, the court shall use the indigent client eligibility 75571  
guidelines and the standards of indigency established by the state 75572  
public defender to make the determination. 75573

(6) The court shall identify and refer any community 75574  
addiction services provider that ~~is~~ intends to provide addiction 75575  
services and has not had its addiction services certified under 75576  
section 5119.36 of the Revised Code and that is interested in 75577  
receiving amounts from the surplus in the fund declared under 75578  
division (H)(4) of this section to the department of mental health 75579  
and addiction services in order for the community addiction 75580  
services provider to ~~become a certified community addiction~~ 75581  
~~services provider~~ have its addiction services certified by the 75582  
department. The department shall keep a record of applicant 75583  
referrals received pursuant to this division and shall submit a 75584  
report on the referrals each year to the general assembly. If a 75585  
community addiction services provider interested in ~~becoming~~ 75586  
having its addiction services certified makes an application ~~to~~ 75587  
~~become certified~~ pursuant to section 5119.36 of the Revised Code, 75588  
the community addiction services provider is eligible to receive 75589  
surplus funds as long as the application is pending with the 75590

department. The department of mental health and addiction services 75591  
must offer technical assistance to the applicant. If the 75592  
interested community addiction services provider withdraws the 75593  
certification application, the department must notify the court, 75594  
and the court shall not provide the interested community addiction 75595  
services provider with any further surplus funds. 75596

(7)(a) Each alcohol and drug addiction services board and 75597  
board of alcohol, drug addiction, and mental health services 75598  
established pursuant to section 340.02 or 340.021 of the Revised 75599  
Code shall submit to the department of mental health and addiction 75600  
services an annual report for each indigent drivers alcohol 75601  
treatment fund in that board's area. 75602

(b) The report, which shall be submitted not later than sixty 75603  
days after the end of the state fiscal year, shall provide the 75604  
total payment that was made from the fund, including the number of 75605  
indigent consumers that received treatment services and the number 75606  
of indigent consumers that received an alcohol monitoring device. 75607  
The report shall identify the treatment program and expenditure 75608  
for an alcohol monitoring device for which that payment was made. 75609  
The report shall include the fiscal year balance of each indigent 75610  
drivers alcohol treatment fund located in that board's area. In 75611  
the event that a surplus is declared in the fund pursuant to 75612  
division (H)(4) of this section, the report also shall provide the 75613  
total payment that was made from the surplus moneys and identify 75614  
the authorized purpose for which that payment was made. 75615

(c) If a board is unable to obtain adequate information to 75616  
develop the report to submit to the department for a particular 75617  
indigent drivers alcohol treatment fund, the board shall submit a 75618  
report detailing the effort made in obtaining the information. 75619

(I)(1) Each county shall establish an indigent drivers 75620  
interlock and alcohol monitoring fund and a juvenile indigent 75621  
drivers interlock and alcohol treatment fund. Each municipal 75622

corporation in which there is a municipal court shall establish an indigent drivers interlock and alcohol monitoring fund. All revenue that the general assembly appropriates to the indigent drivers interlock and alcohol monitoring fund for transfer to a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund, all portions of license reinstatement fees that are paid under division (F)(2) of this section and that are credited under that division to the indigent drivers interlock and alcohol monitoring fund in the state treasury, and all portions of fines that are paid under division (G) of section 4511.19 of the Revised Code and that are credited by division (G)(5)(e) of that section to the indigent drivers interlock and alcohol monitoring fund in the state treasury shall be deposited in the appropriate fund in accordance with division (I)(2) of this section.

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

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

(b) If the fee or fine is paid by a person who was charged in a juvenile court with the violation that resulted in the

suspension or fine, the portion shall be deposited into the county juvenile indigent drivers interlock and alcohol monitoring fund established in the county served by the court.

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

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol monitoring fund, the county juvenile indigent drivers interlock and alcohol monitoring fund, or the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court are more than sufficient to satisfy the purpose for which the fund was established as specified in division (F)(2)(h) of this section, the court may declare a surplus in the fund. The court then may order the transfer of a specified amount into the county indigent drivers alcohol treatment fund, the county juvenile indigent drivers alcohol treatment fund, or the municipal indigent drivers alcohol treatment fund under the control of that court to be utilized in accordance with division (H) of this section.

**Sec. 4513.611.** (A) A vehicle owner may bring a civil action against a towing service or storage facility that violates section 4513.60, 4513.601, or 4513.68 of the Revised Code. If a court determines that the towing service or storage facility committed the violation, the court shall award the vehicle owner the following:

(1) If it is a first violation If the towing service or storage facility has not committed any prior violations within one year of the violation, one thousand dollars;

(2) ~~If it is a second violation~~ If the towing service or storage facility has committed one prior violation within one year of the violation, two thousand five hundred dollars; 75686  
75687  
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(3) ~~If it is a third or subsequent violation~~ If the towing service or storage facility has committed two prior violations within one year of the violation, two thousand five hundred dollars. In addition, the court shall order the public utilities commission to revoke the towing service's or storage facility's certificate of public convenience and necessity for six months. The commission shall comply with the order. 75689  
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(B) Upon expiration of the six-month revocation under division (A)(3) of this section, a court shall not consider any violation committed by the towing service or storage facility prior to the revocation for purposes of a civil action initiated after the expiration of the six-month revocation. 75696  
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(C) In addition to an award made under division (A) of this section, if a court determines that a towing service or storage facility committed a violation that caused actual damages, the court shall award the vehicle owner three times the actual damages and reasonable attorney's fees. 75701  
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**Sec. 4513.67.** (A) As used in this section, "towing service" means any for-hire motor carrier that is engaged on an intrastate basis anywhere in this state in the business of towing a motor vehicle over any public highway in this state. 75706  
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(B) No person shall operate a towing vehicle for a towing service and no person who owns a towing vehicle used by a towing service or has supervisory responsibility over a towing vehicle used by a towing service, shall permit the operation of a towing vehicle used by a towing service, unless both of the following apply: 75710  
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(1) The towing service holds a valid certificate of public convenience and necessity as required by Chapter 4921. of the Revised Code; and

(2) The certificate number and business telephone number is visibly displayed on both the left and right ~~front doors~~ sides of the towing vehicle.

(C)(1) No towing service shall do either of the following:

~~(1)~~(a) Fail to make its current certificate of public convenience and necessity available for public inspection during normal business hours;

~~(2)~~(b) Fail to include its certificate number on all ~~advertising,~~ written estimates, contracts, ~~and invoices, and,~~ subject to division (C)(2) of this section, advertising.

(2) The public utilities commission, by rule, may exempt from the requirements of division (C)(1) of this section any type of advertising where the size or nature of the advertisement makes it unreasonable to add a certificate number.

**Sec. 4519.10.** (A) The purchaser of an off-highway motorcycle or all-purpose vehicle, upon application and proof of purchase, may obtain a temporary license placard for it. The application for such a placard shall be signed by the purchaser of the off-highway motorcycle or all-purpose vehicle. The temporary license placard shall be issued only for the applicant's use of the off-highway motorcycle or all-purpose vehicle to enable the applicant to operate it legally while proper title and a registration sticker or license plate and validation sticker are being obtained and shall be displayed on no other off-highway motorcycle or all-purpose vehicle. A temporary license placard issued under this section shall be in a form prescribed by the registrar of motor vehicles, shall differ in some distinctive manner from a placard



issued under section 4503.182 of the Revised Code, shall be valid 75746  
for a period of ~~thirty~~ forty-five days from the date of issuance, 75747  
and shall not be transferable or renewable. The placard either 75748  
shall consist of or be coated with such material as will enable it 75749  
to remain legible and relatively intact despite the environmental 75750  
conditions to which the placard is likely to be exposed during the 75751  
~~thirty-day~~ forty-five-day period for which it is valid. The 75752  
purchaser of an off-highway motorcycle or all-purpose vehicle 75753  
shall attach the temporary license placard to it, in a manner 75754  
prescribed by rules the registrar shall adopt, so that the placard 75755  
numerals or letters are clearly visible. 75756

The fee for a temporary license placard issued under this 75757  
section shall be two dollars. If the placard is issued by a deputy 75758  
registrar, the deputy registrar shall charge an additional fee of 75759  
three dollars and fifty cents, which the deputy registrar shall 75760  
retain. The deputy registrar shall transmit each two-dollar fee 75761  
received by the deputy registrar under this section to the 75762  
registrar, who shall pay the two dollars to the treasurer of state 75763  
for deposit into the state bureau of motor vehicles fund 75764  
established by section 4501.25 of the Revised Code. 75765

(B) The registrar may issue temporary license placards to a 75766  
dealer to be issued to purchasers for use on vehicles sold by the 75767  
dealer, in accordance with rules prescribed by the registrar. The 75768  
dealer shall notify the registrar within forty-eight hours of 75769  
proof of issuance on a form prescribed by the registrar. 75770

The fee for each such placard issued by the registrar to a 75771  
dealer shall be two dollars plus a fee of three dollars and fifty 75772  
cents. 75773

**Sec. 4582.56.** (A) As used in this section: 75774

(1) "Eligible county" means a county whose territory includes 75775  
a part of Lake Erie the shoreline of which represents at least 75776

fifty per cent of the linear length of the county's border with 75777  
other counties of this state. 75778

(2) "Lakeshore improvement project" means construction of a 75779  
port authority facility within one mile of the Lake Erie shoreline 75780  
in an eligible county. 75781

(B) The board of directors of a port authority may enter into 75782  
an agreement with the board of county commissioners of an eligible 75783  
county that created the port authority providing for all of the 75784  
following, and any other terms mutually agreeable to the boards: 75785

(1) The board of county commissioners levies an excise tax 75786  
under division (M) of section 5739.09 of the Revised Code and 75787  
pledges all the revenue from the tax to the port authority for the 75788  
purpose of financing lakeshore improvement projects including the 75789  
payment of debt charges on any securities issued under division 75790  
(C) of this section. 75791

(2) The port authority constructs or finances the 75792  
construction of lakeshore improvements and pays the costs of such 75793  
projects with revenue from the tax pledged under the agreement. 75794  
Such construction or financing is an authorized purpose for the 75795  
purposes of division (B) of section 4582.21 of this section. 75796

(3) The port authority may not enter into any contract or 75797  
other obligation regarding a lakeshore improvement project before 75798  
obtaining the approval for the project by the board of county 75799  
commissioners by a resolution of the board. 75800

(C) The board of directors of a port authority that enters 75801  
into an agreement under this section may issue port authority 75802  
special obligation bonds, and notes anticipating the proceeds of 75803  
the bonds, in the principal amount that, in the opinion of the 75804  
board, are necessary for the purpose of paying the costs of one or 75805  
more lakeshore improvement projects or parts of one or more 75806  
projects and interest on the bonds payable over the term of the 75807

issue. The board may refund any special obligation bonds by the 75808  
issuance of special obligation refunding bonds regardless of 75809  
whether the bonds to be refunded have or have not matured. The 75810  
refunding bonds shall be sold, and the proceeds needed for such 75811  
purpose applied, in the manner provided in the bond proceedings. 75812

Every issue of special obligation bonds issued under this 75813  
section shall be payable from the revenue from the tax levied 75814  
under division (M) of section 5739.09 of the Revised Code and 75815  
pledged for such payment under the agreement. The pledge shall be 75816  
valid and binding from the time the pledge is made, and the 75817  
revenue so pledged and received by the port authority shall be 75818  
subject to the lien of the pledge without any physical delivery of 75819  
the revenue or any further act. The lien of any pledge is valid 75820  
and binding as against all parties having claims of any kind in 75821  
tort, contract, or otherwise against the port authority, whether 75822  
or not such parties have notice of the lien. Neither the 75823  
resolution nor any trust agreement by which a pledge is created 75824  
need be filed or recorded except in the port authority's records. 75825

Whether or not the bonds are of such form and character as to 75826  
be negotiable instruments under Title XIII of the Revised Code, 75827  
the bonds shall have all the qualities and incidents of negotiable 75828  
instruments, subject only to their provisions for registration, if 75829  
any. 75830

Bonds issued under this section shall bear such date or 75831  
dates, and shall mature at such time or times not exceeding thirty 75832  
years from the date of issue of the original bonds and shall be 75833  
executed in the manner that the resolution authorizing the bonds 75834  
may provide. The bonds shall bear interest at such rates, or at 75835  
variable rate or rates changing from time to time, in accordance 75836  
with provisions provided in the authorizing resolution, shall be 75837  
in such denominations and form, either coupon or registered, shall 75838  
carry such registration privileges, shall be payable in such 75839

medium of payment and at such place or places, and be subject to 75840  
such terms of redemption, as the board of directors of the port 75841  
authority may authorize or provide. The bonds may be sold at 75842  
public or private sale, and at, or at not less than, the price or 75843  
prices as the board determines. If any officer whose signature or 75844  
a facsimile of whose signature appears on any bonds or coupons 75845  
ceases to be such officer before delivery of the bonds, the 75846  
signature or facsimile shall nevertheless be sufficient for all 75847  
purposes as if the officer had remained in office until delivery 75848  
of the bonds, and in case the seal of the authority has been 75849  
changed after a facsimile has been imprinted on the bonds, the 75850  
facsimile seal will continue to be sufficient for all purposes. 75851

Any resolution authorizing bonds under this section may 75852  
contain provisions governing the use and disposition of revenue 75853  
pledged under the agreement under division (B) of this section; 75854  
the crediting of the proceeds of the sale of the bonds to and 75855  
among the funds referred to or provided for in the resolution; 75856  
limitations on the purpose to which the proceeds of sale of the 75857  
bonds may be applied and the pledging of portions of such proceeds 75858  
to secure payment of the bonds; the issuance of notes in 75859  
anticipation of the issuance of bonds; the terms upon which 75860  
additional bonds may be issued and secured; the refunding of 75861  
outstanding bonds; the procedure, if any, by which the terms of 75862  
any contract with bondholders may be amended, the amount of bonds 75863  
the holders of which must consent thereto, and the manner in which 75864  
such consent may be given; securing any bonds by a trust agreement 75865  
in accordance with division (D) of this section; and any other 75866  
matters that may affect the security or protection of the bonds. 75867  
The taxes anticipated by the bonds are not subject to diminution 75868  
by initiative or referendum or by law while the bonds or notes 75869  
remain outstanding in accordance with their terms, unless 75870  
provision is made by law or by the board of county commissioners 75871  
and board of directors of the port authority for an adequate 75872

substitute therefor reasonably satisfactory to the trustee, if a 75873  
trust agreement secures the bonds. 75874

Neither the members of the board of directors of the port 75875  
authority nor any person executing the bonds shall be liable 75876  
personally on the bonds or be subject to any personal liability or 75877  
accountability by reason of the issuance. 75878

(D) In the discretion of the board of directors, the bonds 75879  
issued under this section may be secured by a trust agreement 75880  
between the board of directors on behalf of the port authority and 75881  
a corporate trustee, which may be any trust company or bank having 75882  
powers of a trust company, within or outside the state. 75883

The trust agreement may provide for the pledge or assignment 75884  
of the tax revenue to be received under the agreement entered into 75885  
under division (B) of this section, but shall not pledge the 75886  
general credit or other taxing power of the county or the general 75887  
credit or taxing power of the port authority. The trust agreement 75888  
or the resolution providing for the issuance of the bonds may set 75889  
forth the rights and remedies of the bondholders and trustee, and 75890  
may contain other provisions for protecting and enforcing their 75891  
rights and remedies that are determined in the discretion of the 75892  
board of directors to be reasonable and proper. 75893

**Sec. 4707.02.** (A) No person shall act as an auction firm, 75894  
auctioneer, apprentice auctioneer, or special auctioneer within 75895  
this state without a license issued by the department of 75896  
agriculture. No auction shall be conducted in this state except by 75897  
an auctioneer licensed by the department. 75898

The department shall not issue or renew a license if the 75899  
applicant or licensee has been convicted of a felony or crime 75900  
involving fraud or theft in this or another state at any time 75901  
during the ten years immediately preceding application or renewal. 75902

(B) Division (A) of this section does not apply to any of the following: 75903  
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(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority; 75905  
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(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale; 75908  
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(3) An auction mediation company; 75911

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer; 75912  
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(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction; ~~or~~ 75916  
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(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other 75925  
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than participation in a charitable event, or a financial benefit. 75934

(c) Sales at an auction sponsored by an organization that is 75935  
tax exempt under subsection 501(c)(6) of the Internal Revenue Code 75936  
and that is a part of a national, regional, or state convention or 75937  
conference that advances or promotes the auction profession in 75938  
this state when the property to be sold is donated to or is the 75939  
property of the organization and the proceeds remain within the 75940  
organization or are donated to a charitable organization that is 75941  
tax exempt under subsection 501(c)(3) of the Internal Revenue 75942  
Code. 75943

(6) A person licensed as a livestock dealer under Chapter 75944  
943. of the Revised Code who exclusively sells livestock and uses 75945  
an auctioneer who is licensed under this chapter to conduct the 75946  
auction; 75947

(7) A person licensed as a motor vehicle auction owner under 75948  
Chapter 4517. of the Revised Code who exclusively sells motor 75949  
vehicles to a person licensed under Chapter 4517. of the Revised 75950  
Code and who uses an auctioneer who is licensed under this chapter 75951  
to conduct the auction; 75952

(8) A person who sells real or personal property by means of 75953  
the internet; 75954

(9) A bid calling contest that is approved by the commission 75955  
and that is conducted for the purposes of the advancement or 75956  
promotion of the auction profession in this state, ~~provided that~~ 75957  
~~no compensation is paid to the sponsor of or participants in the~~ 75958  
~~contest other than a prize or award for winning the contest;~~ 75959

(10) An auction at which the champion of a national or 75960  
international bid calling contest appears, provided that both of 75961  
the following apply: 75962

(a) The champion is not paid a commission. 75963

(b) The auction is conducted under the direct supervision of 75964  
an auctioneer licensed under this chapter in order to ensure that 75965  
the champion complies with this chapter and rules adopted under 75966  
it. 75967

(C)(1) No person shall advertise or hold oneself out as an 75968  
auction firm, auctioneer, apprentice auctioneer, or special 75969  
auctioneer without a license issued by the department of 75970  
agriculture. 75971

(2) Division (C)(1) of this section does not apply to an 75972  
individual who is the subject of an advertisement regarding an 75973  
auction conducted under division (B)(5)(b) of this section. 75974

**Sec. 4709.02.** Except as provided in this chapter, no person 75975  
shall do any of the following: 75976

(A) Engage in or attempt to engage in the practice of 75977  
barbering, hold themselves out as a practicing barber, or 75978  
advertise in a manner that indicates they are a barber, without a 75979  
barber license issued pursuant to this chapter; 75980

(B) Operate or attempt to operate a barber shop without a 75981  
barber shop license issued pursuant to this chapter; 75982

(C) Engage in or attempt to engage in the teaching of or 75983  
assist in the teaching of the practice of barbering without a 75984  
barber teacher or assistant barber teacher license issued pursuant 75985  
to this chapter; 75986

(D) Advertise barbering services unless the establishment and 75987  
personnel employed therein are licensed pursuant to this chapter; 75988

(E) Use or display a barber pole for the purpose of offering 75989  
barber services to the consuming public without a barber shop 75990  
license issued pursuant to this chapter; 75991

(F) Operate or attempt to operate a barber school without a 75992  
barber school license issued pursuant to this chapter; 75993



(G) Teach or attempt to teach any phase of barbering for pay, 75994  
free, or otherwise without approval from the ~~barber state~~ board of 75995  
barbers and cosmetology; 75996

(H) Being a barber, knowingly continue the practice of 75997  
barbering, or being a student, knowingly continue as a student in 75998  
any barber school, while such person has an infectious, 75999  
contagious, or communicable disease; 76000

(I) Obtain or attempt to obtain a license by fraudulent 76001  
misrepresentation for money, other than the required fee, or any 76002  
other thing of value; 76003

(J) Practice or attempt to practice barbering by fraudulent 76004  
misrepresentation; 76005

(K) Employ another person to perform or himself perform the 76006  
practice of barbering in a licensed barber shop unless that person 76007  
is licensed as a barber under this chapter; 76008

(L) Use any room or place for barbering which is also used 76009  
for residential or other business purposes, unless it is separated 76010  
by a substantial ceiling-high partition. This does not exclude 76011  
hair care products used and sold in barber shops or the sale of 76012  
clothing and related accessories as authorized by division (F) of 76013  
section 4709.09 of the Revised Code. 76014

(M) Violate any rule adopted by the board or department of 76015  
health for barber shops or barber schools. 76016

**Sec. 4709.05.** In addition to any other duty imposed on the 76017  
~~barber state~~ board of barbers and cosmetology under this or any 76018  
other chapter, the board shall do all of the following: 76019

~~(A) Organize by electing a chairperson from its members to~~ 76020  
~~serve a one year term;~~ 76021

~~(B) Hold regular meetings, at the times and places as it~~ 76022  
~~determines for the purpose of conducting the examinations required~~ 76023

~~under this chapter, and hold additional meetings for the~~ 76024  
~~transaction of necessary business;~~ 76025

~~(C) Provide for suitable quarters, in the city of Columbus,~~ 76026  
~~for the conduct of its business and the maintenance of its~~ 76027  
~~records;~~ 76028

~~(D) Adopt a common seal for the authentication of its orders,~~ 76029  
~~communications, and records;~~ 76030

~~(E)~~ Maintain a record of its proceedings under this chapter 76031  
and a register of persons licensed as barbers. The register shall 76032  
include each licensee's name, place of business, residence, and 76033  
licensure date and number, and a record of all licenses issued, 76034  
refused, renewed, suspended, or revoked. The records are open to 76035  
public inspection at all reasonable times. 76036

~~(F)~~(B) Annually, on or before the first day of January, make 76037  
a report to the governor of all its official acts during the 76038  
preceding year, its receipts and disbursements, recommendations it 76039  
determines appropriate, and an evaluation of board activities 76040  
intended to aid or protect consumers of barber services; 76041

~~(G) Employ an executive director who shall do all things~~ 76042  
~~requested by the board for the administration and enforcement of~~ 76043  
~~this chapter. The executive director shall employ inspectors,~~ 76044  
~~clerks, and other assistants as the executive director determines~~ 76045  
~~necessary.~~ 76046

~~(H)~~(C) Ensure that the practice of barbering is conducted 76047  
only in a licensed barber shop, except when the practice of 76048  
barbering is performed on a person whose physical or mental 76049  
disability prevents that person from going to a licensed barber 76050  
shop; 76051

~~(I)~~(D) Conduct or have conducted the examination for 76052  
applicants to practice as licensed barbers at least four times per 76053  
year at the times and places the board determines; 76054

~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and which cover all of the following:

(1) Sanitary standards for the operation of barber shops and barber schools that conform to guidelines established by the department of health;

(2) The content of the examination required of an applicant for a barber license. The examination shall include a practical demonstration and a written test, shall relate only to the practice of barbering, and shall require the applicant to demonstrate that the applicant has a thorough knowledge of and competence in the proper techniques in the safe use of chemicals used in the practice of barbering.

(3) Continuing education requirements for persons licensed pursuant to this chapter. The board may impose continuing education requirements upon a licensee for a violation of this chapter or the rules adopted pursuant thereto or if the board determines that the requirements are necessary to preserve the health, safety, or welfare of the public.

(4) Requirements for the licensure of barber schools, barber teachers, and assistant barber teachers;

(5) Requirements for students of barber schools;

(6) Any other area the board determines appropriate to administer or enforce this chapter.

~~(K) Annually review the rules adopted pursuant to division (J) of this section in order to compare those rules with the rules adopted by the state board of cosmetology pursuant to section 4713.08 of the Revised Code. If the barber board determines that the rules adopted by the state board of cosmetology, including, but not limited to, rules concerning using career technical schools, would be beneficial to the barbering profession, the~~

~~barber board shall adopt rules similar to those it determines~~ 76086  
~~would be beneficial for barbers.~~ 76087

~~(L)~~(F) Prior to adopting any rule under this chapter, 76088  
indicate at a formal hearing the reasons why the rule is necessary 76089  
as a protection of the persons who use barber services or as an 76090  
improvement of the professional standing of barbers in this state; 76091

~~(M)~~(G) Furnish each owner or manager of a barber shop and 76092  
barber school with a copy of all sanitary rules adopted pursuant 76093  
to division ~~(J)~~(E) of this section; 76094

~~(N)~~(H) Conduct such investigations and inspections of persons 76095  
and establishments licensed or unlicensed pursuant to this chapter 76096  
and for that purpose, any member of the board or any of its 76097  
authorized agents may enter and inspect any place of business of a 76098  
licensee or a person suspected of violating this chapter or the 76099  
rules adopted pursuant thereto, during normal business hours; 76100

~~(O)~~(I) Upon the written request of an applicant and the 76101  
payment of the appropriate fee, provide to the applicant licensure 76102  
information concerning the applicant; 76103

~~(P)~~(J) Do all things necessary for the proper administration 76104  
and enforcement of this chapter. 76105

**Sec. 4709.07.** (A) Each person who desires to obtain an 76106  
initial license to practice barbering shall apply to the ~~barber~~ 76107  
state board of barbers and cosmetology, on forms provided by the 76108  
board. The application form shall include the name of the person 76109  
applying for the license and evidence that the applicant meets all 76110  
of the requirements of division (B) of this section. The 76111  
application shall be accompanied by two signed current photographs 76112  
of the applicant, in the size determined by the board, that show 76113  
only the head and shoulders of the applicant, and the examination 76114  
application fee. 76115

(B) In order to take the required barber examination and to 76116  
qualify for licensure as a barber, an applicant must demonstrate 76117  
that the applicant meets all of the following: 76118

(1) Is of good moral character; 76119

(2) Is at least eighteen years of age; 76120

(3) Has an eighth grade education or an equivalent education 76121  
as determined by the state board of education in the state where 76122  
the applicant resides; 76123

(4) Has graduated with at least eighteen hundred hours of 76124  
training from a board-approved barber school or has graduated with 76125  
at least one thousand hours of training from a board-approved 76126  
barber school in this state and has a current cosmetology or hair 76127  
designer license issued pursuant to Chapter 4713. of the Revised 76128  
Code. No hours of instruction earned by an applicant five or more 76129  
years prior to the examination apply to the hours of study 76130  
required by this division. 76131

(C) Any applicant who meets all of the requirements of 76132  
divisions (A) and (B) of this section may take the barber 76133  
examination at the time and place specified by the board. If the 76134  
applicant fails to attain at least a seventy-five per cent pass 76135  
rate on each part of the examination, the applicant is ineligible 76136  
for licensure; however, the applicant may reapply for examination 76137  
within ninety days after the date of the release of the 76138  
examination scores by paying the required reexamination fee. An 76139  
applicant is only required to take that part or parts of the 76140  
examination on which the applicant did not receive a score of 76141  
seventy-five per cent or higher. If the applicant fails to reapply 76142  
for examination within ninety days or fails the second 76143  
examination, in order to reapply for examination for licensure the 76144  
applicant shall complete an additional course of study of not less 76145  
than two hundred hours, in a board-approved barber school. The 76146

board shall provide to an applicant, upon request, a report which 76147  
explains the reasons for the applicant's failure to pass the 76148  
examination. 76149

(D) The board shall issue a license to practice barbering to 76150  
any applicant who, to the satisfaction of the board, meets the 76151  
requirements of divisions (A) and (B) of this section, who passes 76152  
the required examination, and pays the initial licensure fee. 76153  
Every licensed barber shall display the certificate of licensure 76154  
in a conspicuous place adjacent to or near the licensed barber's 76155  
work chair, along with a signed current photograph, in the size 76156  
determined by the board, showing head and shoulders only. 76157

**Sec. 4709.08.** Any person who holds a current license or 76158  
registration to practice as a barber in any other state or 76159  
district of the United States or country whose requirements for 76160  
licensure or registration of barbers are substantially equivalent 76161  
to the requirements of this chapter and rules adopted under it and 76162  
that extends similar reciprocity to persons licensed as barbers in 76163  
this state may apply to the barber state board of barbers and 76164  
cosmetology for a barber license. The board shall, without 76165  
examination, unless the board determines to require an 76166  
examination, issue a license to practice as a licensed barber in 76167  
this state if the person meets the requirements of this section, 76168  
is at least eighteen years of age and of good moral character, and 76169  
pays the required fees. The board may waive any of the 76170  
requirements of this section. 76171

**Sec. 4709.09.** (A) Each person who desires to obtain a barber 76172  
shop license shall apply to the barber state board of barbers and 76173  
cosmetology, on forms provided by the board. The board shall issue 76174  
a barber shop license to a person if the board determines that the 76175  
person meets all of the requirements of division (B) of this 76176  
section and pays the required license and inspection fees. 76177

(B) In order for a person to qualify for a license to operate a barber shop, the barber shop shall meet all of the following requirements:

(1) Be in the charge and under the immediate supervision of a licensed barber;

(2) Be equipped to provide running hot and cold water and proper drainage;

(3) Sanitize and maintain in a sanitary condition, all instruments and supplies;

(4) Keep towels and linens clean and sanitary and in a dry, dust-proof container;

(5) Display the shop license and a copy of the board's sanitary rules in a conspicuous place in the working area.

(C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain a license to operate a barber shop pursuant to this section.

(D) A shop license is not transferable from one owner to another and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the board within ten days of the cessation of services.

(E)(1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.

(2) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.

(F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the

facility as a barber shop. 76208

**Sec. 4709.10.** (A) Each person who desires to obtain a license 76209  
to operate a barber school shall apply to the ~~barber state~~ board 76210  
of barbers and cosmetology, on forms provided by the board. The 76211  
board shall issue a barber school license to a person if the board 76212  
determines that the person meets and will comply with all of the 76213  
requirements of division (B) of this section and pays the required 76214  
licensure and inspection fees. 76215

(B) In order for a person to qualify for a license to operate 76216  
a barber school, the barber school to be operated by the person 76217  
must meet all of the following requirements: 76218

(1) Have a training facility sufficient to meet the required 76219  
educational curriculum established by the board, including enough 76220  
space to accommodate all the facilities and equipment required by 76221  
rule by the board; 76222

(2) Provide sufficient licensed teaching personnel to meet 76223  
the minimum pupil-teacher ratio established by rule of the board; 76224

(3) Have established and provide to the board proof that it 76225  
has met all of the board requirements to operate a barber school, 76226  
as adopted by rule of the board; 76227

(4) File with the board a program of its curriculum, 76228  
accounting for not less than eighteen hundred hours of instruction 76229  
in the courses of theory and practical demonstration required by 76230  
rule of the board; 76231

(5) File with the board a surety bond in the amount of ten 76232  
thousand dollars issued by a bonding company licensed to do 76233  
business in this state. The bond shall be in the form prescribed 76234  
by the board and conditioned upon the barber school's continued 76235  
instruction in the theory and practice of barbering. The bond 76236  
shall continue in effect until notice of its termination is 76237



provided to the board. In no event, however, shall the bond be 76238  
terminated while the barber school is in operation. Any student 76239  
who is injured or damaged by reason of a barber school's failure 76240  
to continue instruction in the theory and practice of barbering 76241  
may maintain an action on the bond against the barber school or 76242  
the surety, or both, for the recovery of any money or tuition paid 76243  
in advance for instruction in the theory and practice of barbering 76244  
which was not received. The aggregate liability of the surety to 76245  
all students shall not exceed the sum of the bond. 76246

(6) Maintain adequate record keeping to ensure that it has 76247  
met the requirements for records of student progress as required 76248  
by board rule; 76249

(7) Establish minimum standards for acceptance of student 76250  
applicants for admission to the barber school. The barber school 76251  
may establish entrance requirements which are more stringent than 76252  
those prescribed by the board, but the requirements must at a 76253  
minimum require the applicant to meet all of the following: 76254

(a) Be at least seventeen years of age; 76255

(b) Be of good moral character; 76256

(c) Have an eighth grade education, or an equivalent 76257  
education as determined by the state board of education; 76258

(d) Submit two signed current photographs of ~~himself~~ the 76259  
applicant, in the size determined by the board. 76260

(8) Have a procedure to submit every student applicant's 76261  
admission application to the board for the board's review and 76262  
approval prior to the applicant's admission to the barber school; 76263

(9) Operate in a manner which reflects credit upon the 76264  
barbering profession; 76265

(10) Offer a curriculum of study which covers all aspects of 76266  
the scientific fundamentals of barbering as specified by rule of 76267

the board; 76268

(11) Employ no more than two licensed assistant barber 76269  
teachers for each licensed barber teacher employed or fewer than 76270  
two licensed teachers or one licensed teacher and one licensed 76271  
assistant teacher at each facility. 76272

(C) Each person who desires to obtain a barber teacher or 76273  
assistant barber teacher license shall apply to the ~~barber state~~ 76274  
board of barbers and cosmetology, on forms provided by the ~~barber~~ 76275  
board. The board shall only issue a barber teacher license to a 76276  
person who meets all of the following requirements: 76277

(1) Holds a current barber license issued pursuant to this 76278  
chapter and has at least eighteen months of work experience in a 76279  
licensed barber shop or has been employed as an assistant barber 76280  
teacher under the supervision of a licensed barber teacher for at 76281  
least one year, unless, for good cause, the board waives this 76282  
requirement; 76283

(2) Meets such other requirements as adopted by rule by the 76284  
board; 76285

(3) Passes the required examination; and 76286

(4) Pays the required fees. If an applicant fails to pass the 76287  
examination, ~~he~~ the applicant may reapply for the examination and 76288  
licensure no earlier than one year after the failure to pass and 76289  
provided that during that period, ~~he~~ the applicant remains 76290  
employed as an assistant barber teacher. 76291

The board shall only issue an assistant barber teacher 76292  
license to a person who holds a current barber license issued 76293  
pursuant to this chapter and pays the required fees. 76294

(D) Any person who meets the qualifications of an assistant 76295  
teacher pursuant to division (C) of this section, may be employed 76296  
as an assistant teacher, provided that within five days after the 76297

commencement of the employment the barber school submits to the 76298  
board, on forms provided by the board, the applicant's 76299  
qualifications. 76300

**Sec. 4709.12.** (A) The ~~barber~~ state board of barbers and 76301  
cosmetology shall charge and collect the following fees: 76302

(1) For the application to take the barber examination, 76303  
ninety dollars; 76304

(2) For an application to retake any part of the barber 76305  
examination, forty-five dollars; 76306

(3) For the initial issuance of a license to practice as a 76307  
barber, thirty dollars; 76308

(4) For the biennial renewal of the license to practice as a 76309  
barber, one hundred ten dollars; 76310

(5) For the restoration of an expired barber license, one 76311  
hundred dollars, and seventy-five dollars for each lapsed year, 76312  
provided that the total fee shall not exceed six hundred ninety 76313  
dollars; 76314

(6) For the issuance of a duplicate barber or shop license, 76315  
forty-five dollars; 76316

(7) For the inspection of a new barber shop, change of 76317  
ownership, or reopening of premises or facilities formerly 76318  
operated as a barber shop, and issuance of a shop license, one 76319  
hundred ten dollars; 76320

(8) For the biennial renewal of a barber shop license, 76321  
seventy-five dollars; 76322

(9) For the restoration of a barber shop license, one hundred 76323  
ten dollars; 76324

(10) For each inspection of premises for location of a new 76325  
barber school, or each inspection of premises for relocation of a 76326

currently licensed barber school, seven hundred fifty dollars; 76327

(11) For the initial barber school license, one thousand 76328  
dollars, and one thousand dollars for the renewal of the license; 76329

(12) For the restoration of a barber school license, one 76330  
thousand dollars; 76331

(13) For the issuance of a student registration, forty 76332  
dollars; 76333

(14) For the examination and issuance of a biennial teacher 76334  
license, one hundred eighty-five dollars; 76335

(15) For the renewal of a biennial teacher license, one 76336  
hundred fifty dollars; 76337

(16) For the restoration of an expired teacher license, two 76338  
hundred twenty-five dollars, and sixty dollars for each lapsed 76339  
year, provided that the total fee shall not exceed four hundred 76340  
fifty dollars; 76341

(17) For the issuance of a barber license by reciprocity 76342  
pursuant to section 4709.08 of the Revised Code, three hundred 76343  
dollars; 76344

(18) For providing licensure information concerning an 76345  
applicant, upon written request of the applicant, forty dollars. 76346

(B) The board, subject to the approval of the controlling 76347  
board, may establish fees in excess of the amounts provided in 76348  
this section, provided that the fees do not exceed the amounts 76349  
permitted by this section by more than fifty per cent. 76350

(C) In addition to any other fee charged and collected under 76351  
this section, the ~~barber~~ state board of barbers and cosmetology 76352  
shall ask each person renewing a license to practice as a barber 76353  
whether the person wishes to make a two-dollar voluntary 76354  
contribution to the Ed Jeffers barber museum. The board shall 76355  
transmit any contributions to the treasurer of state for deposit 76356

into the occupational licensing fund. 76357

**Sec. 4709.13.** (A) The ~~barber~~ state board of barbers and 76358  
cosmetology may refuse to issue or renew or may suspend or revoke 76359  
or impose conditions upon any license issued pursuant to this 76360  
chapter for any one or more of the following causes: 76361

(1) Advertising by means of knowingly false or deceptive 76362  
statements; 76363

(2) Habitual drunkenness or possession of or addiction to the 76364  
use of any controlled drug prohibited by state or federal law; 76365

(3) Immoral or unprofessional conduct; 76366

(4) Continuing to be employed in a barber shop wherein rules 76367  
of the board or department of health are violated; 76368

(5) Employing any person who does not have a current Ohio 76369  
license to perform the practice of barbering; 76370

(6) Owning, managing, operating, or controlling any barber 76371  
school or portion thereof, wherein the practice of barbering is 76372  
carried on, whether in the same building or not, without 76373  
displaying a sign at all entrances to the places where the 76374  
barbering is carried on, indicating that the work therein is done 76375  
by students exclusively; 76376

(7) Owning, managing, operating, or controlling any barber 76377  
shop, unless it displays a recognizable sign or barber pole 76378  
indicating that it is a barber shop, and the sign or pole is 76379  
clearly visible at the main entrance to the shop; 76380

(8) Violating any sanitary rules approved by the department 76381  
of health or the board; 76382

(9) Employing another person to perform or personally perform 76383  
the practice of barbering in a licensed barber shop unless that 76384  
person is licensed as a barber under this chapter; 76385

(10) Gross incompetence. 76386

(B)(1) The board may refuse to renew or may suspend or revoke 76387  
or impose conditions upon any license issued pursuant to this 76388  
chapter for conviction of or plea of guilty to a felony committed 76389  
after the person has been issued a license under this chapter, 76390  
shown by a certified copy of the record of the court in which the 76391  
person was convicted or pleaded guilty. 76392

(2) A conviction or plea of guilty to a felony committed 76393  
prior to being issued a license under this chapter shall not 76394  
disqualify a person from being issued an initial license under 76395  
this chapter. 76396

(C) Prior to taking any action under division (A) or (B) of 76397  
this section, the board shall provide the person with a statement 76398  
of the charges against the person and notice of the time and place 76399  
of a hearing on the charges. The board shall conduct the hearing 76400  
according to Chapter 119. of the Revised Code. Any person 76401  
dissatisfied with a decision of the board may appeal the board's 76402  
decision to the court of common pleas in Franklin county. 76403

(D) The board may adopt rules in accordance with Chapter 119. 76404  
of the Revised Code, specifying additional grounds upon which the 76405  
board may take action under division (A) of this section. 76406

**Sec. 4709.14.** (A) If the ~~barber~~ state board of barbers and 76407  
cosmetology determines that any person is violating or threatening 76408  
to violate any provision of this chapter or the rules adopted 76409  
pursuant thereto and such violation or threatened violation is a 76410  
threat to the health or safety of persons who use barber services, 76411  
the board may apply to a court of competent jurisdiction in the 76412  
county in which the violation or threatened violation occurred or 76413  
will occur for injunctive relief and such other relief to prevent 76414  
further violations. The attorney general shall, at the board's 76415  
request, represent the board in any such action. 76416

(B) If the board determines, after a hearing conducted in accordance with Chapter 119. of the Revised Code, that any person has violated any provision of this chapter or the rules adopted pursuant thereto, the board may, in addition to any other action it may take or any other penalty imposed pursuant to this chapter, impose one or more fines upon the person. In no event, however, shall the fines imposed under this division exceed five hundred dollars for a first offense or one thousand dollars for each subsequent offense.

(C) A person who allegedly has violated a provision of this chapter for which the board proposes to impose a fine may pay the board the amount of the fine and waive the right to an adjudicatory hearing conducted under Chapter 119. of the Revised Code and described in division (B) of this section.

**Sec. 4709.23.** No phase of barbering shall be taught for pay, free, or otherwise, without approval from the ~~barber~~ state board of barbers and cosmetology.

**Sec. 4709.26.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~barber~~ state board of barbers and cosmetology shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

**Sec. 4713.01.** As used in this chapter:

"Apprentice instructor" means a person holding a practicing license issued by the state board of barbers and cosmetology who is engaged in learning or acquiring knowledge of the occupation of an instructor of a branch of cosmetology at a school of cosmetology.

"Beauty salon" means any premises, building, or part of a building in which a person is authorized to engage in all branches of cosmetology. "Beauty salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code in which a person engages in the practice of manicuring.

"Biennial licensing period" means the two-year period beginning on the first day of February of an odd-numbered year and ending on the last day of January of the next odd-numbered year.

"Braiding" means intertwinning the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

"Branch of cosmetology" means the practice of cosmetology, practice of esthetics, practice of hair design, practice of manicuring, or practice of natural hair styling.

"Cosmetic therapy" has the same meaning as in section 4731.15 of the Revised Code.

"Cosmetologist" means a person authorized to engage in all branches of cosmetology.

"Cosmetology instructor" means a person authorized to teach the theory and practice of all branches of cosmetology at a school of cosmetology.

"Esthetician" means a person who engages in the practice of esthetics but no other branch of cosmetology.

"Esthetics instructor" means a person who teaches the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.

"Esthetics salon" means any premises, building, or part of a building in which a person engages in the practice of esthetics



but no other branch of cosmetology. 76476

"Hair designer" means a person who engages in the practice of hair design but no other branch of cosmetology. 76477  
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"Hair design instructor" means a person who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology. 76479  
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"Hair design salon" means any premises, building, or part of a building in which a person engages in the practice of hair design but no other branch of cosmetology. 76482  
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"Independent contractor license" means a license to practice a branch of cosmetology at a salon in which the license holder rents booth space. 76485  
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"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology. 76488  
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"Managing cosmetologist" means a person authorized to manage a beauty salon and engage in all branches of cosmetology. 76490  
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"Managing esthetician" means a person authorized to manage an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology. 76492  
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"Managing hair designer" means a person authorized to manage a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology. 76495  
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"Managing license" means a license to manage a salon and practice the branch of cosmetology practiced at the salon. 76498  
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"Managing manicurist" means a person authorized to manage a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology. 76500  
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"Managing natural hair stylist" means a person authorized to manage a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other 76503  
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branch of cosmetology.	76506
"Manicurist" means a person who engages in the practice of manicuring but no other branch of cosmetology.	76507 76508
"Manicurist instructor" means a person who teaches the theory and practice of manicuring, but no other branch of cosmetology, at a school of cosmetology.	76509 76510 76511
"Nail salon" means any premises, building, or part of a building in which a person engages in the practice of manicuring but no other branch of cosmetology. "Nail salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code in which a person engages in the practice of manicuring.	76512 76513 76514 76515 76516
"Natural hair stylist" means a person who engages in the practice of natural hair styling but no other branch of cosmetology.	76517 76518 76519
"Natural hair style instructor" means a person who teaches the theory and practice of natural hair styling, but no other branch of cosmetology, at a school of cosmetology.	76520 76521 76522
"Natural hair style salon" means any premises, building, or part of a building in which a person engages in the practice of natural hair styling but no other branch of cosmetology.	76523 76524 76525
"Practice of cosmetology" means the practice of all branches of cosmetology.	76526 76527
"Practice of esthetics" means the application of cosmetics, tonics, antiseptics, creams, lotions, or other preparations for the purpose of skin beautification and includes preparation of the skin by manual massage techniques or by use of electrical, mechanical, or other apparatus.	76528 76529 76530 76531 76532
"Practice of hair design" means embellishing or beautifying hair, wigs, or hairpieces by arranging, dressing, pressing, curling, waving, permanent waving, cleansing, cutting, singeing,	76533 76534 76535

bleaching, coloring, braiding, weaving, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.

"Practice of manicuring" means manicuring the nails of any person, applying artificial or sculptured nails to any person, massaging the hands and lower arms up to the elbow of any person, massaging the feet and lower legs up to the knee of any person, or any combination of these four types of services.

"Practice of natural hair styling" means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.

"Practicing license" means a license to practice a branch of cosmetology.

"Salon" means a beauty salon, esthetics salon, hair design salon, nail salon, or natural hair style salon.

"School of cosmetology" means any premises, building, or part of a building in which students are instructed in the theories and practices of one or more branches of cosmetology.

"Student" means a person, other than an apprentice instructor, who is engaged in learning or acquiring knowledge of the practice of a branch of cosmetology at a school of cosmetology.

"Tanning facility" means any premises, building, or part of a

building that contains one or more rooms or booths with any of the following: 76567  
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(A) Equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation; 76569  
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(B) Equipment that applies chemicals to human skin to create the appearance of being suntanned, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans; 76572  
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(C) Equipment or beds that use visible light for cosmetic purposes. 76575  
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**Sec. 4713.02.** (A) There is hereby created the state board of barbers and cosmetology, consisting of all of the following members appointed by the governor, with the advice and consent of the senate: 76577  
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(1) One person holding a current, valid cosmetologist, managing cosmetologist, or cosmetology instructor license at the time of appointment; 76581  
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(2) Two persons holding current, valid managing cosmetologist licenses and actively engaged in managing beauty salons at the time of appointment; 76584  
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(3) One person who holds a current, valid independent contractor license at the time of appointment or the owner or manager of a licensed salon in which at least one person holding a current, valid independent contractor license practices a branch of cosmetology; 76587  
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(4) One person who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational school; 76592  
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(5) One owner of a licensed school of cosmetology; 76595

(6) One owner of at least five licensed salons;	76596
(7) <u>Two persons holding current, valid barber licenses;</u>	76597
<u>(8) One person who represents individuals who operate tanning facilities;</u>	76598
(9) One person who is either a certified nurse practitioner or clinical nurse specialist holding a certificate of authority issued under Chapter 4723. of the Revised Code, or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	76600 76601 76602 76603 76604
<del>(8)</del> (10) One person representing the general public.	76605
(B) The superintendent of public instruction shall nominate three persons for the governor to choose from when making an appointment under division (A)(4) of this section.	76606 76607 76608
(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology.	76609 76610 76611 76612
Except for the initial members appointed under divisions (A)(3) and (4) of this section, terms of office are for five years. The term of the initial member appointed under division (A)(3) of this section shall be three years. The term of the initial member appointed under division (A)(4) of this section shall be four years. Terms shall commence on the first day of November and end on the thirty-first day of October. Each member shall hold office from the date of appointment until the end of the term for which appointed. In case of a vacancy occurring on the board, the governor shall, in the same manner prescribed for the regular appointment to the board, fill the vacancy by appointing a member. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the	76613 76614 76615 76616 76617 76618 76619 76620 76621 76622 76623 76624 76625 76626

remainder of such term. Any member shall continue in office 76627  
subsequent to the expiration date of the member's term until the 76628  
member's successor takes office, or until a period of sixty days 76629  
has elapsed, whichever occurs first. Before entering upon the 76630  
discharge of the duties of the office of member, each member shall 76631  
take, and file with the secretary of state, the oath of office 76632  
required by Section 7 of Article XV, Ohio Constitution. 76633

The members of the board shall receive an amount fixed 76634  
pursuant to Chapter 124. of the Revised Code per diem for every 76635  
meeting of the board which they attend, together with their 76636  
necessary expenses, and mileage for each mile necessarily 76637  
traveled. 76638

The members of the board shall annually elect, from among 76639  
their number, a chairperson. 76640

The board shall prescribe the duties of its officers and 76641  
establish an office within Franklin ~~County~~ county. The board shall 76642  
keep all records and files at the office and have the records and 76643  
files at all reasonable hours open to public inspection. The board 76644  
also shall adopt a seal. 76645

**Sec. 4713.03.** The state board of barbers and cosmetology 76646  
shall hold ~~a meeting~~ regular meetings to transact its business 76647  
four times a year. The board may hold additional meetings as, in 76648  
its judgment, are necessary. The board shall meet at the times and 76649  
places it selects. 76650

**Sec. 4713.04.** The state board of barbers and cosmetology may 76651  
authorize any of its members, in writing, to undertake any 76652  
proceedings authorized by this chapter, and the finding or order 76653  
of such members is the finding of the board when confirmed by it. 76654

**Sec. 4713.05.** All receipts of the state board of barbers and 76655

cosmetology under this chapter and Chapter 4709. of the Revised Code shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. All vouchers of the board shall be approved by the board chairperson or executive director, or both, as authorized by the board.

**Sec. 4713.06.** The state board of barbers and cosmetology shall annually appoint an executive director. The executive director may not be a member of the board. The executive director, before entering upon the discharge of the executive director's duties, shall file with the secretary of state a good and sufficient bond payable to the state, to ensure the faithful performance of duties of the office of executive director. The bond shall be in an amount the board requires. The premium of the bond shall be paid from appropriations made to the board for operating purposes.

The department of administrative services shall include the executive director, if the executive director so requests, in the public employees blanket fidelity bond.

The board may employ inspectors, examiners, consultants on contents of examinations, and clerks as necessary for the administration of this chapter and Chapter 4709. of the Revised Code. All inspectors and examiners shall be licensed barbers or cosmetologists, as appropriate.

The board may appoint inspectors of tanning facilities as needed to make periodic inspections as the board specifies.

**Sec. 4713.07.** The state board of barbers and cosmetology shall do all of the following:

(A) Prescribe and make available application forms to be used by persons seeking admission to an examination conducted under section 4713.24 of the Revised Code or a license issued under this

chapter;	76686
(B) Prescribe and make available application forms to be used by persons seeking renewal of a license issued under this chapter;	76687 76688
(C) Report to the proper prosecuting officer all violations of section 4713.14 of the Revised Code of which the board is aware;	76689 76690 76691
(D) Submit a written report annually to the governor that provides all of the following:	76692 76693
(1) A discussion of the conditions in this state of the branches of cosmetology;	76694 76695
(2) A brief summary of the board's proceedings during the year the report covers;	76696 76697
(3) A statement of all money that the board received and expended during the year the report covers.	76698 76699
(E) Keep a record of all of the following:	76700
(1) The board's proceedings;	76701
(2) The name and last known address of each person issued a license under section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised Code;	76702 76703 76704
(3) The name and address of each salon issued a license under section 4713.41 of the Revised Code and each school of cosmetology issued a license under section 4713.44 of the Revised Code;	76705 76706 76707
(4) The name and address of each tanning facility issued a permit under section 4713.48 of the Revised Code;	76708 76709
(5) The date and number of each license and permit that the board issues+.	76710 76711
(F) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	76712 76713 76714



(G) All other duties that this chapter imposes on the board.	76715
<b>Sec. 4713.08.</b> (A) The state board of <u>barbers and</u> cosmetology	76716
shall adopt rules in accordance with Chapter 119. of the Revised	76717
Code as necessary to implement this chapter. The rules shall do	76718
all of the following:	76719
(1) Govern the practice of the branches of cosmetology and	76720
management of salons;	76721
(2) Specify conditions a person must satisfy to qualify for a	76722
temporary pre-examination work permit under section 4713.22 of the	76723
Revised Code and the conditions and method of renewing a temporary	76724
pre-examination work permit under that section;	76725
(3) Provide for the conduct of examinations under section	76726
4713.24 of the Revised Code;	76727
(4) Specify conditions under which the board will take into	76728
account, under section 4713.32 of the Revised Code, instruction an	76729
applicant for a license under section 4713.28, 4713.30, or 4713.31	76730
of the Revised Code received more than five years before the date	76731
of application for the license;	76732
(5) Provide for the granting of waivers under section 4713.29	76733
of the Revised Code;	76734
(6) Specify conditions an applicant must satisfy for the	76735
board to issue the applicant a license under section 4713.34 of	76736
the Revised Code without the applicant taking an examination	76737
conducted under section 4713.24 of the Revised Code;	76738
(7) Specify locations in which glamour photography services	76739
in which a branch of cosmetology is practiced may be provided;	76740
(8) Establish conditions and the fee for a temporary special	76741
occasion work permit under section 4713.37 of the Revised Code and	76742
specify the amount of time such a permit is valid;	76743

- (9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license; 76744  
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- (10) Establish conditions under which food may be sold at a salon; 76748  
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- (11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code; 76750  
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- (12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code; 76753  
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- (13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state; 76756  
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- (14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs; 76759  
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- (15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology; 76762  
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- (16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit; 76764  
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- (17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following: 76767  
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- (a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated; 76770  
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- (b) Require consumers to wear protective eyeglasses; 76772
- (c) Require consumers to be supervised as to the length of 76773

time consumers use the facility's sun lamps; 76774

(d) Require the operator to prohibit consumers from standing 76775  
too close to sun lamps and to post signs warning consumers of the 76776  
potential effects of radiation on persons taking certain 76777  
medications and of the possible relationship of the radiation to 76778  
skin cancer; 76779

(e) Require the installation of protective shielding for sun 76780  
lamps and handrails for consumers; 76781

(f) Require floors to be dry during operation of lamps; 76782

(g) Establish procedures an operator must follow in making 76783  
reasonable efforts in compliance with section 4713.50 of the 76784  
Revised Code to determine the age of an individual seeking to use 76785  
sun lamp tanning services. 76786

(18)(a) If the board, under section 4713.61 of the Revised 76787  
Code, develops a procedure for classifying licenses inactive, do 76788  
both of the following: 76789

(i) Establish a fee for having a license classified inactive 76790  
that reflects the cost to the board of providing the inactive 76791  
license service; 76792

(ii) Specify the continuing education that a person whose 76793  
license has been classified inactive must complete to have the 76794  
license restored. The continuing education shall be sufficient to 76795  
ensure the minimum competency in the use or administration of a 76796  
new procedure or product required by a licensee necessary to 76797  
protect public health and safety. The requirement shall not exceed 76798  
the cumulative number of hours of continuing education that the 76799  
person would have been required to complete had the person 76800  
retained an active license. 76801

(b) In addition, the board may specify the conditions and 76802  
method for granting a temporary work permit to practice a branch 76803

of cosmetology to a person whose license has been classified 76804  
inactive. 76805

(19) Establish a fee for approval of a continuing education 76806  
program under section 4713.62 of the Revised Code that is adequate 76807  
to cover any expense the board incurs in the approval process; 76808

(20) Anything else necessary to implement this chapter. 76809

(B)(1) The rules adopted under division (A)(2) of this 76810  
section may establish additional conditions for a temporary 76811  
pre-examination work permit under section 4713.22 of the Revised 76812  
Code that are applicable to persons who practice a branch of 76813  
cosmetology in another state or country. 76814

(2) The rules adopted under division (A)(18)(b) of this 76815  
section may establish additional conditions for a temporary work 76816  
permit that are applicable to persons who practice a branch of 76817  
cosmetology in another state. 76818

(C) The conditions specified in rules adopted under division 76819  
(A)(6) of this section may include that an applicant is applying 76820  
for a license to practice a branch of cosmetology for which the 76821  
board determines an examination is unnecessary. 76822

(D) The rules adopted under division (A)(11) of this section 76823  
shall not include a profession if practice of the profession in a 76824  
salon is a violation of a statute or rule governing the 76825  
profession. 76826

(E) The sanitary standards established under division (A)(15) 76827  
of this section shall focus in particular on precautions to be 76828  
employed to prevent infectious or contagious diseases being 76829  
created or spread. The board shall consult with the Ohio 76830  
department of health when establishing the sanitary standards. 76831

(F) The fee established by rules adopted under division 76832  
(A)(16) of this section shall cover the cost the board incurs in 76833

inspecting tanning facilities and enforcing the board's rules but 76834  
may not exceed one hundred dollars per location of such 76835  
facilities. 76836

**Sec. 4713.081.** The state board of barbers and cosmetology 76837  
shall furnish a copy of the sanitary standards established by 76838  
rules adopted under section 4713.08 of the Revised Code to each 76839  
person to whom the board issues a practicing license, managing 76840  
license, or license to operate a salon or school of cosmetology. 76841  
The board also shall furnish a copy of the sanitary standards to 76842  
each person providing cosmetic therapy, massage therapy, or other 76843  
professional service in a salon under section 4713.42 of the 76844  
Revised Code. A salon or school of cosmetology provided a copy of 76845  
the sanitary standards shall post the standards in a public and 76846  
conspicuous place in the salon or school. 76847

**Sec. 4713.082.** The state board of barbers and cosmetology 76848  
shall furnish a copy of the standards established by rules adopted 76849  
under section 4713.08 of the Revised Code for installing and 76850  
operating a tanning facility to each person to whom the board 76851  
issues a permit to operate a tanning facility. A person provided a 76852  
copy of the standards shall post the standards in a public and 76853  
conspicuous place in the tanning facility. 76854

**Sec. 4713.09.** The state board of barbers and cosmetology may 76855  
adopt rules in accordance with Chapter 119. of the Revised Code to 76856  
establish a continuing education requirement, not to exceed eight 76857  
hours in a biennial licensing period, as a condition of renewal 76858  
for a practicing license, managing license, or instructor license 76859  
issued under this chapter. 76860

**Sec. 4713.10.** The state board of barbers and cosmetology 76861  
shall charge and collect the following fees: 76862

(A) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, five dollars;	76863 76864
(B) For initial application to take an examination under section 4713.24 of the Revised Code, twenty-one dollars;	76865 76866
(C) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty dollars;	76867 76868 76869 76870
(D) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, twenty-one dollars;	76871 76872 76873 76874
(E) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, thirty dollars;	76875 76876
(F) For the issuance of a license under section 4713.34 of the Revised Code, sixty dollars;	76877 76878
(G) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, thirty dollars;	76879 76880
(H) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	76881 76882
(I) For the inspection and issuance of a new salon license or the change of name or ownership of a salon license, sixty dollars;	76883 76884
(J) For the renewal of a salon license, fifty dollars;	76885
(K) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, and in addition to the payments for all lapsed renewal fees, thirty dollars;	76886 76887 76888 76889
(L) For the issuance of a duplicate of any license, fifteen dollars;	76890 76891

(M) For the preparation and mailing of a licensee's records 76892  
to another state for a reciprocity license, fifty dollars; 76893

(N) For the processing of any fees related to a check from a 76894  
licensee returned to the board for insufficient funds, an 76895  
additional twenty dollars. 76896

**Sec. 4713.11.** The state board of barbers and cosmetology, 76897  
subject to the approval of the controlling board, may establish 76898  
fees in excess of the amounts provided by section 4713.10 of the 76899  
Revised Code, provided that any fee increase does not exceed the 76900  
amount permitted by more than fifty per cent. 76901

**Sec. 4713.13.** Whenever in the judgment of the state board of 76902  
barbers and cosmetology any person has engaged in or is about to 76903  
engage in any acts or practices that constitute a violation of 76904  
this chapter, or any rule adopted under this chapter, the board 76905  
may apply to the appropriate court for an order enjoining the acts 76906  
or practices, and upon a showing by the board that the person has 76907  
engaged in the acts or practices, the court shall grant an 76908  
injunction, restraining order, or other order as may be 76909  
appropriate. 76910

**Sec. 4713.141.** An inspector employed by the state board of 76911  
barbers and cosmetology may take a sample of a product used or 76912  
sold in a salon or school of cosmetology for the purpose of 76913  
examining the sample, or causing an examination of the sample to 76914  
be made, to determine whether division (N) of section 4713.14 of 76915  
the Revised Code has been violated. 76916

**Sec. 4713.20.** (A) Each person who seeks admission to an 76917  
examination conducted under section 4713.24 of the Revised Code 76918  
and each person who seeks a license under this chapter shall do 76919  
all of the following: 76920

(1) Submit to the state board of barbers and cosmetology a written application containing proof of the following:

(a) If the person seeks admission to an examination, that the person satisfies all conditions to obtain the license for which the examination is conducted, other than the requirement to have passed the examination;

(b) If the person seeks a license, that the person satisfies all conditions for obtaining the license.

(2) Pay to the board the applicable fee;

(3) Verify by oath that the application is true.

(B) An application to operate a salon or school of cosmetology may be submitted by the owner, manager, or person in charge of the salon or school.

**Sec. 4713.22.** (A) The state board of barbers and cosmetology shall issue a temporary pre-examination work permit to a person who applies under section 4713.20 of the Revised Code for admission to an examination conducted under section 4713.24 of the Revised Code, if the person satisfies all of the following conditions:

(1) Is seeking a practicing license;

(2) Has not previously failed an examination conducted under section 4713.24 of the Revised Code to determine the applicant's fitness to practice the branch of cosmetology for which the person seeks a license;

(3) Pays to the board the applicable fee;

(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.

(B) A person issued a temporary pre-examination work permit may practice the branch of cosmetology for which the person seeks



a license until the date the person is scheduled to take an 76950  
examination under section 4713.24 of the Revised Code. The person 76951  
shall practice under the supervision of a person holding a 76952  
current, valid managing license appropriate for the type of salon 76953  
in which the permit holder practices. A temporary pre-examination 76954  
work permit is renewable in accordance with rules adopted under 76955  
section 4713.08 of the Revised Code. 76956

**Sec. 4713.24.** The state board of barbers and cosmetology 76957  
shall conduct an examination for each person who satisfies the 76958  
requirements established by section 4713.20 of the Revised Code 76959  
for admission to the examination. The examination shall be 76960  
specific to the type of license the person seeks and satisfy all 76961  
of the following conditions: 76962

(A) Include both practical demonstrations and written or oral 76963  
tests related to the type of license the person seeks; 76964

(B) Relate only to a branch of cosmetology, managing license, 76965  
or both, but not be confined to any special system or method; 76966

(C) Be consistent in both practical and technical 76967  
requirements for the type of license the person seeks; 76968

(D) Be of sufficient thoroughness to satisfy the board as to 76969  
the person's skill in and knowledge of the branch of cosmetology, 76970  
managing license, or both, for which the examination is conducted. 76971

**Sec. 4713.25.** The state board of barbers and cosmetology may 76972  
administer a separate managing cosmetologist examination for 76973  
persons who complete a managing cosmetologist training course 76974  
separate from a cosmetologist training course. The board may 76975  
combine the managing cosmetologist examination with the 76976  
cosmetologist examination for persons who complete a combined 76977  
eighteen hundred-hour cosmetologist and managing cosmetologist 76978  
training course. 76979

The board may administer a separate managing esthetician examination for persons who complete a managing esthetician training course separate from an esthetician training course. The board may combine the managing esthetician examination with the esthetician examination for persons who complete a combined seven hundred fifty-hour esthetician and managing esthetician training course.

The board may administer a separate managing hair designer examination for persons who complete a managing hair designer training course separate from a hair designer training course. The board may combine the managing hair designer examination with the hair designer examination for persons who complete a combined one thousand four hundred forty-hour hair designer and managing hair designer training course.

The board may administer a separate managing manicurist examination for persons who complete a managing manicurist training course separate from a manicurist training course. The board may combine the managing manicurist examination with the manicurist examination for persons who complete a combined three hundred-hour manicurist and managing manicurist training course.

The board may administer a separate managing natural hair stylist examination for persons who complete a managing natural hair stylist training course separate from a natural hair stylist training course. The board may combine the managing natural hair stylist examination with the natural hair stylist examination for persons who complete a combined six hundred-hour natural hair stylist and managing natural hair stylist training course.

**Sec. 4713.28.** The state board of barbers and cosmetology shall issue a practicing license to an applicant who, except as provided in section 4713.30 of the Revised Code, satisfies all of the following applicable conditions:

(A) Is at least sixteen years of age;	77011
(B) Is of good moral character;	77012
(C) Has the equivalent of an Ohio public school tenth grade education;	77013 77014
(D) Passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	77015 77016 77017
(E) Pays to the board the applicable fee;	77018
(F) In the case of an applicant for an initial cosmetologist license, has successfully completed at least fifteen hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code;	77019 77020 77021 77022 77023 77024 77025
(G) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;	77026 77027 77028 77029
(H) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code;	77030 77031 77032 77033 77034 77035 77036 77037
(I) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology	77038 77039 77040

licensed in this state; 77041

(J) In the case of an applicant for an initial natural hair 77042  
stylist license, has successfully completed at least four hundred 77043  
fifty hours of instruction in subjects relating to sanitation, 77044  
scalp care, anatomy, hair styling, communication skills, and laws 77045  
and rules governing the practice of cosmetology; 77046

(K) The board shall not deny a license to any applicant based 77047  
on prior incarceration or conviction for any crime. If the board 77048  
denies an individual a license or license renewal, the reasons for 77049  
such denial shall be put in writing. 77050

**Sec. 4713.29.** In accordance with rules adopted under section 77051  
4713.08 of the Revised Code, the state board of barbers and 77052  
cosmetology may waive a condition established by section 4713.28 77053  
of the Revised Code for a license to practice a branch of 77054  
cosmetology for an applicant who practices that branch of 77055  
cosmetology in a state or country that does not license or 77056  
register branches of cosmetology. 77057

**Sec. 4713.30.** The state board of barbers and cosmetology 77058  
shall issue a managing license to an applicant who satisfies all 77059  
of the following applicable conditions: 77060

(A) Is at least sixteen years of age; 77061

(B) Is of good moral character; 77062

(C) Has the equivalent of an Ohio public school tenth grade 77063  
education; 77064

(D) Pays to the board the applicable fee; 77065

(E) Passes the appropriate managing license examination; 77066

(F) In the case of an applicant for an initial managing 77067  
cosmetologist license, does either of the following: 77068

(1) Has a licensed managing cosmetologist or owner of a licensed beauty salon located in this or another state certify to the board that the applicant has practiced as a cosmetologist for at least two thousand hours in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a cosmetologist, at least three hundred hours of board-approved managing cosmetologist training.

(G) In the case of an applicant for an initial managing esthetician license, does either of the following:

(1) Has the licensed managing esthetician, licensed managing cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced esthetics for at least two thousand hours as an esthetician in a licensed esthetics salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as an esthetician or cosmetologist, at least one hundred fifty hours of board-approved managing esthetician training.

(H) In the case of an applicant for an initial managing hair designer license, does either of the following:

(1) Has the licensed managing hair designer, licensed managing cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced hair design for at least two thousand hours as a hair designer in a licensed hair design salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state

certify to the board that the applicant has successfully 77100  
completed, in addition to the hours required for licensure as a 77101  
hair designer or cosmetologist, at least two hundred forty hours 77102  
of board-approved managing hair designer training. 77103

(I) In the case of an applicant for an initial managing 77104  
manicurist license, does either of the following: 77105

(1) Has the licensed managing manicurist, licensed managing 77106  
cosmetologist, or owner of a licensed nail salon, licensed beauty 77107  
salon, or licensed barber shop located in this or another state 77108  
certify to the board that the applicant has practiced manicuring 77109  
for at least two thousand hours as a manicurist in a licensed nail 77110  
salon or licensed barber shop or as a cosmetologist in a licensed 77111  
beauty salon or licensed barber shop; 77112

(2) Has a school of cosmetology licensed in this state 77113  
certify to the board that the applicant has successfully 77114  
completed, in addition to the hours required for licensure as a 77115  
manicurist or cosmetologist, at least one hundred hours of 77116  
board-approved managing manicurist training. 77117

(J) In the case of an applicant for an initial managing 77118  
natural hair stylist license, does either of the following: 77119

(1) Has the licensed managing natural hair stylist, licensed 77120  
managing cosmetologist, or owner of a licensed natural hair style 77121  
salon or licensed beauty salon located in this or another state 77122  
certify to the board that the applicant has practiced natural hair 77123  
styling for at least two thousand hours as a natural hair stylist 77124  
in a licensed natural hair style salon or as a cosmetologist in a 77125  
licensed beauty salon; 77126

(2) Has a school of cosmetology licensed in this state 77127  
certify to the board that the applicant has successfully 77128  
completed, in addition to the hours required for licensure as 77129  
natural hair stylist or cosmetologist, at least one hundred fifty 77130

hours of board-approved managing natural hair stylist training. 77131

**Sec. 4713.31.** The state board of barbers and cosmetology 77132  
shall issue an instructor license to an applicant who satisfies 77133  
all of the following applicable conditions: 77134

(A) Is at least eighteen years of age; 77135

(B) Is of good moral character; 77136

(C) Has the equivalent of an Ohio public school twelfth grade 77137  
education; 77138

(D) Pays to the board the applicable fee; 77139

(E) In the case of an applicant for an initial cosmetology 77140  
instructor license, holds a current, valid managing cosmetologist 77141  
license issued in this state and does either of the following: 77142

(1) Has the licensed managing cosmetologist or owner of the 77143  
licensed beauty salon in which the applicant has been employed 77144  
certify to the board that the applicant has engaged in the 77145  
practice of cosmetology in a licensed beauty salon for at least 77146  
two thousand hours; 77147

(2) Has a school of cosmetology licensed in this state 77148  
certify to the board that the applicant has successfully completed 77149  
one thousand hours of board-approved cosmetology instructor 77150  
training as an apprentice instructor. 77151

(F) In the case of an applicant for an initial esthetics 77152  
instructor license, holds a current, valid managing esthetician or 77153  
managing cosmetologist license issued in this state and does 77154  
either of the following: 77155

(1) Has the licensed managing esthetician, licensed managing 77156  
cosmetologist, or owner of the licensed esthetics salon or 77157  
licensed beauty salon in which the applicant has been employed 77158  
certify to the board that the applicant has engaged in the 77159

practice of esthetics in a licensed esthetics salon or practice of 77160  
cosmetology in a licensed beauty salon for at least two thousand 77161  
hours; 77162

(2) Has a school of cosmetology licensed in this state 77163  
certify to the board that the applicant has successfully completed 77164  
at least five hundred hours of board-approved esthetics instructor 77165  
training as an apprentice instructor. 77166

(G) In the case of an applicant for an initial hair design 77167  
instructor license, holds a current, valid managing hair designer 77168  
or managing cosmetologist license and does either of the 77169  
following: 77170

(1) Has the licensed managing hair designer, licensed 77171  
managing cosmetologist, or owner of the licensed hair design salon 77172  
or licensed beauty salon in which the applicant has been employed 77173  
certify to the board that the applicant has engaged in the 77174  
practice of hair design in a licensed hair design salon or 77175  
practice of cosmetology in a licensed beauty salon for at least 77176  
two thousand hours; 77177

(2) Has a school of cosmetology licensed in this state 77178  
certify to the board that the applicant has successfully completed 77179  
at least eight hundred hours of board-approved hair design 77180  
instructor's training as an apprentice instructor. 77181

(H) In the case of an applicant for an initial manicurist 77182  
instructor license, holds a current, valid managing manicurist or 77183  
managing cosmetologist license and does either of the following: 77184

(1) Has the licensed managing manicurist, licensed managing 77185  
cosmetologist, or owner of the licensed nail salon or licensed 77186  
beauty salon in which the applicant has been employed certify to 77187  
the board that the applicant has engaged in the practice of 77188  
manicuring in a licensed nail salon or practice of cosmetology in 77189  
a licensed beauty salon for at least two thousand hours; 77190



(2) Has a school of cosmetology licensed in this state 77191  
certify to the board that the applicant has successfully completed 77192  
at least three hundred hours of board-approved manicurist 77193  
instructor training as an apprentice instructor. 77194

(I) In the case of an applicant for an initial natural hair 77195  
style instructor license, holds a current, valid managing natural 77196  
hair stylist or managing cosmetologist license and does either of 77197  
the following: 77198

(1) Has the licensed managing natural hair stylist, licensed 77199  
managing cosmetologist, or owner of the licensed natural hair 77200  
style salon or licensed beauty salon in which the applicant has 77201  
been employed certify to the board that the applicant has engaged 77202  
in the practice of natural hair styling in a licensed natural hair 77203  
style salon or practice of cosmetology in a licensed beauty salon 77204  
for at least two thousand hours; 77205

(2) Has a school of cosmetology licensed in this state 77206  
certify to the board that the applicant has successfully completed 77207  
at least four hundred hours of board-approved natural hair style 77208  
instructor training as an apprentice instructor. 77209

**Sec. 4713.32.** When determining the total hours of instruction 77210  
received by an applicant for a license under section 4713.28, 77211  
4713.30, or 4713.31 of the Revised Code, the state board of 77212  
barbers and cosmetology shall not take into account more than ten 77213  
hours of instruction per day. The board shall take into account 77214  
instruction received more than five years prior to the date of 77215  
application for the license in accordance with rules adopted under 77216  
section 4713.08 of the Revised Code. 77217

**Sec. 4713.34.** The state board of barbers and cosmetology 77218  
shall issue a license to practice a branch of cosmetology, 77219  
managing license, or instructor license to an applicant who is 77220

licensed or registered in another state or country to practice 77221  
that branch of cosmetology, manage that type of salon, or teach 77222  
the theory and practice of that branch of cosmetology, as 77223  
appropriate, if all of the following conditions are satisfied: 77224

(A) The applicant satisfies all of the following conditions: 77225

(1) Is not less than eighteen years of age; 77226

(2) Is of good moral character; 77227

(3) In the case of an applicant for a practicing license or 77228  
managing license, passes an examination conducted under section 77229  
4713.24 of the Revised Code for the license the applicant seeks, 77230  
unless the applicant satisfies conditions specified in rules 77231  
adopted under section 4713.08 of the Revised Code for the board to 77232  
issue the applicant a license without taking the examination; 77233

(4) Pays the applicable fee. 77234

(B) At the time the applicant obtained the license or 77235  
registration in the other state or country, the requirements in 77236  
this state for obtaining the license the applicant seeks were 77237  
substantially equal to the other state or country's requirements. 77238

(C) The jurisdiction that issued the applicant's license or 77239  
registration extends similar reciprocity to persons holding a 77240  
license issued by the board. 77241

**Sec. 4713.35.** A person who holds a current, valid 77242  
cosmetologist license issued by the state board of barbers and 77243  
cosmetology may engage in the practice of one or more branches of 77244  
cosmetology as the person chooses. 77245

A person who holds a current, valid esthetician license 77246  
issued by the board may engage in the practice of esthetics but no 77247  
other branch of cosmetology. 77248

A person who holds a current, valid hair designer license 77249

issued by the board may engage in the practice of hair design but 77250  
no other branch of cosmetology. 77251

A person who holds a current, valid manicurist license issued 77252  
by the board may engage in the practice of manicuring but no other 77253  
branch of cosmetology. 77254

A person who holds a current, valid natural hair stylist 77255  
license issued by the board may engage in the practice of natural 77256  
hair styling but no other branch of cosmetology. 77257

A person who holds a current, valid managing cosmetologist 77258  
license issued by the board may manage all types of salons and 77259  
engage in the practice of one or more branches of cosmetology as 77260  
the person chooses. 77261

A person who holds a current, valid managing esthetician 77262  
license issued by the board may manage an esthetics salon, but no 77263  
other type of salon, and engage in the practice of esthetics, but 77264  
no other branch of cosmetology. 77265

A person who holds a current, valid managing hair designer 77266  
license issued by the board may manage a hair design salon, but no 77267  
other type of salon, and engage in the practice of hair design, 77268  
but no other branch of cosmetology. 77269

A person who holds a current, valid managing manicurist 77270  
license issued by the board may manage a nail salon, but no other 77271  
type of salon, and engage in the practice of manicuring, but no 77272  
other branch of cosmetology. 77273

A person who holds a current, valid managing natural hair 77274  
stylist license issued by the board may manage a natural hair 77275  
style salon, but no other type of salon, and engage in the 77276  
practice of natural hair styling, but no other branch of 77277  
cosmetology. 77278

A person who holds a current, valid cosmetology instructor 77279

license issued by the board may teach the theory and practice of 77280  
one or more branches of cosmetology at a school of cosmetology as 77281  
the person chooses. 77282

A person who holds a current, valid esthetics instructor 77283  
license issued by the board may teach the theory and practice of 77284  
esthetics, but no other branch of cosmetology, at a school of 77285  
cosmetology. 77286

A person who holds a current, valid hair design instructor 77287  
license issued by the board may teach the theory and practice of 77288  
hair design, but no other branch of cosmetology, at a school of 77289  
cosmetology. 77290

A person who holds a current, valid manicurist instructor 77291  
license issued by the board may teach the theory and practice of 77292  
manicuring, but no other branch of cosmetology, at a school of 77293  
cosmetology. 77294

A person who holds a current, valid natural hair style 77295  
instructor license issued by the board may teach the theory and 77296  
practice of natural hair styling, but no other branch of 77297  
cosmetology, at a school of cosmetology. 77298

**Sec. 4713.37.** (A) The state board of barbers and cosmetology 77299  
may issue a temporary special occasion work permit to a person who 77300  
satisfies all of the following conditions: 77301

(1) Has been licensed or registered in another state or 77302  
country to practice a branch of cosmetology or teach the theory 77303  
and practice of a branch of cosmetology for at least five years; 77304

(2) Is a recognized expert in the practice or teaching of the 77305  
branch of cosmetology the person practices or teaches; 77306

(3) Is to practice that branch of cosmetology or teach the 77307  
theory and practice of that branch of cosmetology in this state as 77308  
part of a promotional or instructional program for not more than 77309

the amount of time a temporary special occasion work permit is effective; 77310  
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(4) Satisfies all other conditions for a temporary special occasion work permit established by rules adopted under section 4713.08 of the Revised Code; 77312  
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(5) Pays the fee established by rules adopted under section 4713.08 of the Revised Code. 77315  
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(B) A person issued a temporary special occasion work permit may practice the branch of cosmetology the person practices in another state or country, or teach the theory and practice of the branch of cosmetology the person teaches in another state or country, until the expiration date of the permit. A temporary special occasion work permit is valid for the period of time specified in rules adopted under section 4713.08 of the Revised Code. 77317  
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**Sec. 4713.39.** The state board of barbers and cosmetology shall issue a license to engage in the practice of a branch of cosmetology as an independent contractor to an applicant who pays the applicable fee; holds a current, valid license to manage the type of salon in which the applicant will practice that branch of cosmetology; and satisfies the conditions for the license established by rules adopted under section 4713.08 of the Revised Code. 77325  
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**Sec. 4713.41.** The state board of barbers and cosmetology shall issue a license to operate a salon to an applicant who pays the applicable fee and affirms that all of the following conditions will be met: 77333  
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(A)(1) A person holding a current, valid managing cosmetologist license or license to manage that type of salon has charge of and immediate supervision over the salon at all times 77337  
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when the salon is open for business except as permitted under 77340  
division (A)(2) of this section. 77341

(2) A business establishment that is engaged primarily in 77342  
retail sales but is also licensed as a salon shall have a person 77343  
holding a current, valid managing license for that type of salon 77344  
in charge of and in immediate supervision of the salon during 77345  
posted or advertised service hours, if the practice of cosmetology 77346  
is restricted to those posted or advertised service hours. 77347

(B) The salon is equipped to do all of the following: 77348

(1) Provide potable running hot and cold water and proper 77349  
drainage; 77350

(2) Sanitize all instruments and supplies used in the branch 77351  
of cosmetology provided at the salon; 77352

(3) If cosmetic therapy, massage therapy, or other 77353  
professional service is provided at the salon under section 77354  
4713.42 of the Revised Code, sanitize all instruments and supplies 77355  
used in the cosmetic therapy, massage therapy, or other 77356  
professional service. 77357

(C) Except as provided in sections 4713.42 and 4713.49 of the 77358  
Revised Code, only the branch of cosmetology that the salon is 77359  
licensed to provide is practiced at the salon. 77360

(D) The salon is kept in a clean and sanitary condition and 77361  
properly ventilated. 77362

(E) No food is sold at the salon in a manner inconsistent 77363  
with rules adopted under section 4713.08 of the Revised Code. 77364

**Sec. 4713.44.** (A) The state board of barbers and cosmetology 77365  
shall issue a license to operate a school of cosmetology to an 77366  
applicant who pays the applicable fee and satisfies all of the 77367  
following requirements: 77368

- (1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that a person must pass to obtain a license to practice that branch or those branches of cosmetology; 77369 77370 77371 77372 77373 77374
- (2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 77375 77376 77377
- (3) Maintains persons licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 77378 77379 77380
- (4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion; 77381 77382 77383 77384 77385
- (5) In the case of a school of cosmetology that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student; 77386 77387 77388 77389
- (6) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certifies the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began; 77390 77391 77392 77393 77394
- (7) Instructs not more than six apprentice cosmetology instructors at any one time; 77395 77396
- (8) Files with the board a good and sufficient surety bond executed by the person, firm, or corporation operating the school of cosmetology as principal and by a surety company as surety in 77397 77398 77399

the amount of ten thousand dollars; provided, that this 77400  
requirement does not apply to a vocational program conducted by a 77401  
city, exempted village, local, or joint vocational school 77402  
district. The bond shall be in the form prescribed by the board 77403  
and be conditioned upon the school's continued instruction in the 77404  
theory and practice of the branches of cosmetology. Every bond 77405  
shall continue in effect until notice of its termination is given 77406  
to the board by registered mail and every bond shall so provide. 77407

(9) Establishes and maintains an internal procedure for 77408  
processing complaints filed against the school and for providing 77409  
students with instructions on how to file a complaint directly 77410  
with the board pursuant to section 4713.641 of the Revised Code. 77411

(B) A school of cosmetology holding a license issued under 77412  
division (A) of this section is an educational institution and is 77413  
authorized to offer educational programs beyond secondary 77414  
education, advanced practice programs, or both in accordance with 77415  
rules adopted by the board pursuant to section 4713.08 of the 77416  
Revised Code. 77417

(C) A school of cosmetology holding a license to operate a 77418  
school of cosmetology on ~~the effective date of this amendment~~ 77419  
September 29, 2013, shall establish and maintain an internal 77420  
procedure for processing complaints filed against the school and 77421  
shall provide each of the school's students with instructions on 77422  
how to file a complaint directly with the board pursuant to 77423  
section 4713.641 of the Revised Code. 77424

**Sec. 4713.45.** (A) A school of cosmetology may do the 77425  
following: 77426

(1) In accordance with rules adopted under section 4713.08 of 77427  
the Revised Code, a school of cosmetology operated by a public 77428  
entity may offer clock hours, credit hours, or competency-based 77429  
credits, and a school of cosmetology that is operated by a private 77430



person may offer clock or credit hours, for the purpose of 77431  
satisfying minimum hours of training and instruction; 77432

(2) Allow an apprentice cosmetology instructor the regular 77433  
quota of students prescribed by the state board of barbers and 77434  
cosmetology if a cosmetology instructor is present; 77435

(3) Compensate an apprentice cosmetology instructor; 77436

(4) Subject to division (B) of this section, employ a person 77437  
who does not hold a current, valid instructor license to teach 77438  
subjects related to a branch of cosmetology. 77439

(B) A school of cosmetology shall have a licensed cosmetology 77440  
instructor present when a person employed pursuant to division 77441  
(A)(4) of this section teaches at the school, unless the person is 77442  
one of the following: 77443

(1) A person with a current, valid teacher's certificate or 77444  
educator license issued by the state board of education; 77445

(2) A person with a bachelor's degree in the subject the 77446  
person teaches at the school; 77447

(3) A person also employed by a university or college to 77448  
teach the subject the person teaches at the school. 77449

**Sec. 4713.48.** (A) The state board of barbers and cosmetology 77450  
shall issue a permit to operate a tanning facility to an applicant 77451  
if all of the following conditions are satisfied: 77452

(1) The applicant applies in accordance with the application 77453  
process adopted by rules adopted under section 4713.08 of the 77454  
Revised Code. 77455

(2) The applicant pays to the treasurer of state the fee 77456  
established by those rules. 77457

(3) An initial inspection of the premises indicates that the 77458  
tanning facility has been installed and will be operated in 77459

accordance with those rules. 77460

(B) A permit holder shall post the permit in a public and 77461  
conspicuous place on any premises where the tanning facility is 77462  
located. A person shall obtain a separate permit for each of the 77463  
premises owned or operated by that person at which the person 77464  
seeks to operate a tanning facility. 77465

(C) A permit holder may biennially renew a permit by the last 77466  
day of January of each odd-numbered year upon payment to the 77467  
treasurer of state of the biennial renewal fee. 77468

**Sec. 4713.50.** (A) A tanning facility operator or employee 77469  
shall make reasonable efforts, in accordance with procedures 77470  
established under section 4713.08 of the Revised Code, to 77471  
determine whether an individual seeking to use the facility's sun 77472  
lamp tanning services is less than sixteen years of age, at least 77473  
sixteen but less than eighteen years of age, or eighteen years of 77474  
age or older. 77475

(B)(1) A tanning facility operator or employee shall not 77476  
allow an individual who is eighteen years of age or older to use 77477  
the facility's sun lamp tanning services without first obtaining 77478  
the consent of the individual. The consent shall be evidenced by 77479  
the individual's signature on the form developed by the state 77480  
board of barbers and cosmetology under section 4713.51 of the 77481  
Revised Code. The consent is valid indefinitely. 77482

(2) A tanning facility operator or employee shall not allow 77483  
an individual who is at least sixteen but less than eighteen years 77484  
of age to use the facility's sun lamp tanning services without 77485  
first obtaining the consent of a parent or legal guardian of the 77486  
individual. The consent shall be evidenced by the signature of the 77487  
parent or legal guardian on the form developed by the board under 77488  
section 4713.51 of the Revised Code. The form must be signed in 77489  
the presence of the operator or an employee of the tanning 77490

facility. The consent is valid for ninety days from the date the 77491  
form is signed. A tanning facility operator or employee shall not 77492  
allow an individual who is at least sixteen but less than eighteen 77493  
years of age to use the facility's sun lamp tanning services for 77494  
more than forty-five sessions during the ninety-day period covered 77495  
by the consent. No such session may be longer than the maximum 77496  
safe time of exposure specified in rules adopted under division 77497  
(A)(17) of section 4713.08 of the Revised Code. 77498

(3) A tanning facility operator or employee shall not allow 77499  
an individual who is less than sixteen years of age to use the 77500  
facility's sun lamp tanning services unless both of the following 77501  
apply: 77502

(a) The tanning facility operator or employee obtains the 77503  
consent of a parent or legal guardian of the individual prior to 77504  
each session of the use of the facility's sun lamp tanning 77505  
services. The consent shall be evidenced by the signature of the 77506  
parent or legal guardian on the form developed by the board under 77507  
section 4713.51 of the Revised Code. The form must be signed in 77508  
the presence of the operator or an employee of the tanning 77509  
facility. 77510

(b) A parent or legal guardian of the individual is present 77511  
at the tanning facility for the duration of each session of the 77512  
use of the facility's sun lamp tanning services. 77513

(C) For purposes of division (B) of this section, an 77514  
electronic signature may be used to provide and may be accepted as 77515  
a signature evidencing consent. 77516

**Sec. 4713.51.** The state board of barbers and cosmetology 77517  
shall develop a form for use by tanning facility operators and 77518  
employees in complying with the consent requirements of division 77519  
(B) of section 4713.50 of the Revised Code. The form must describe 77520  
the potential health effects of radiation from sun lamps, 77521

including a description of the possible relationship of the 77522  
radiation to skin cancer. In developing the form, the board shall 77523  
consult with the department of health, dermatologists, and tanning 77524  
facility operators. The board shall make the form available on the 77525  
internet web site maintained by the board. 77526

**Sec. 4713.55.** Every license issued by the state board of 77527  
barbers and cosmetology shall be signed by the chairperson and 77528  
attested by the executive director thereof, with the seal of the 77529  
board attached. 77530

The board shall specify on each practicing license that the 77531  
board issues the branch of cosmetology that the license entitles 77532  
the holder to practice. The board shall specify on each managing 77533  
license that the board issues the type of salon that the license 77534  
entitles the holder to manage and the branch of cosmetology that 77535  
the license entitles the holder to practice. The board shall 77536  
specify on each instructor license that the board issues the 77537  
branch of cosmetology that the license entitles the holder to 77538  
teach. Such licenses are prima-facie evidence of the right of the 77539  
holder to practice or teach the branch of cosmetology, or manage 77540  
the type of salon, that the license specifies. 77541

**Sec. 4713.56.** Every holder of a practicing license, managing 77542  
license, instructor license, or independent contractor license 77543  
issued by the state board of barbers and cosmetology shall display 77544  
the license in a public and conspicuous place in the place of 77545  
employment of the holder. 77546

Every holder of a license to operate a salon issued by the 77547  
board shall display the license in a public and conspicuous place 77548  
in the salon. 77549

Every holder of a license to operate a school of cosmetology 77550  
issued by the board shall display the license in a public and 77551

conspicuous place in the school. 77552

Every person who provides cosmetic therapy, massage therapy, 77553  
or other professional service in a salon under section 4713.42 of 77554  
the Revised Code shall display the person's professional license 77555  
or certificate in a public and conspicuous place in the room used 77556  
for the therapy or other service. 77557

**Sec. 4713.57.** A license issued by the state board of barbers 77558  
and cosmetology issued under this chapter is valid until the last 77559  
day of January of the odd-numbered year following its original 77560  
issuance or renewal, unless the license is revoked or suspended 77561  
prior to that date. Renewal shall be done in accordance with the 77562  
standard renewal procedure of Chapter 4745. of the Revised Code. 77563  
The board may refuse to renew a license if the person holding the 77564  
license has an outstanding unpaid fine levied under section 77565  
4713.64 of the Revised Code. 77566

**Sec. 4713.58.** (A) Except as provided in division (B) of this 77567  
section, on payment of the renewal fee and submission of proof 77568  
satisfactory to the state board of barbers and cosmetology that 77569  
any applicable continuing education requirements have been 77570  
completed, a person currently licensed as: 77571

(1) A cosmetology instructor who has previously been licensed 77572  
as a cosmetologist or a managing cosmetologist, is entitled to the 77573  
reissuance of a cosmetologist or managing cosmetologist license; 77574

(2) An esthetics instructor who has previously been licensed 77575  
as an esthetician or a managing esthetician, is entitled to the 77576  
reissuance of an esthetician or managing esthetician license; 77577

(3) A hair design instructor who has previously been licensed 77578  
as a hair designer or a managing hair designer, is entitled to the 77579  
reissuance of a hair designer or managing hair designer license; 77580

(4) A manicurist instructor who has previously been licensed 77581

as a manicurist or a managing manicurist, is entitled to the 77582  
reissuance of a manicurist or managing manicurist license; 77583

(5) A natural hair style instructor who has previously been 77584  
licensed as a natural hair stylist or a managing natural hair 77585  
stylist, is entitled to the reissuance of a natural hair stylist 77586  
or managing natural hair stylist license. 77587

(B) No person is entitled to the reissuance of a license 77588  
under division (A) of this section if the license was revoked or 77589  
suspended or the person has an outstanding unpaid fine levied 77590  
under section 4713.64 of the Revised Code. 77591

**Sec. 4713.59.** If the state board of barbers and cosmetology 77592  
adopts rules under section 4713.09 of the Revised Code to 77593  
establish a continuing education requirement as a condition of 77594  
renewal for a practicing license, managing license, or instructor 77595  
license, the board shall inform each affected licensee of the 77596  
continuing education requirement that applies to the next biennial 77597  
licensing period by including a notification in the license 77598  
renewal application form it sends the licensee. The notification 77599  
shall state that the licensee must complete the continuing 77600  
education requirement by the last day of January of the next 77601  
odd-numbered year. 77602

Hours completed in excess of the continuing education 77603  
requirement may not be applied to the next biennial licensing 77604  
period. 77605

**Sec. 4713.61.** (A) If the state board of barbers and 77606  
cosmetology adopts a continuing education requirement under 77607  
section 4713.09 of the Revised Code, it may develop a procedure by 77608  
which a person who holds a license to practice a branch of 77609  
cosmetology, managing license, or instructor license and who is 77610  
not currently engaged in the practice of the branch of 77611

cosmetology, managing a salon, or teaching the theory and practice 77612  
of the branch of cosmetology, but who desires to be so engaged in 77613  
the future, may apply to the board to have the person's license 77614  
classified inactive. If the board develops such a procedure, a 77615  
person seeking to have the person's license classified inactive 77616  
shall apply to the board on a form provided by the board and pay 77617  
the fee established by rules adopted under section 4713.08 of the 77618  
Revised Code. 77619

(B) The board shall not restore an inactive license until the 77620  
later of the following: 77621

(1) The date that the person holding the license submits 77622  
proof satisfactory to the board that the person has completed the 77623  
continuing education that a rule adopted under section 4713.08 of 77624  
the Revised Code requires; 77625

(2) The last day of January of the next odd-numbered year 77626  
following the year the license is classified inactive. 77627

(C) A person who holds an inactive license may engage in the 77628  
practice of a branch of cosmetology if the person holds a 77629  
temporary work permit as specified in rules adopted by the board 77630  
under section 4713.08 of the Revised Code. 77631

**Sec. 4713.62.** (A) A person holding a practicing license, 77632  
managing license, or instructor license may satisfy a continuing 77633  
education requirement established by rules adopted under section 77634  
4713.09 of the Revised Code only by completing continuing 77635  
education programs approved under division (B) of this section or 77636  
developed under division (C) of this section. 77637

(B) The state board of barbers and cosmetology shall approve 77638  
a continuing education program if all of the following conditions 77639  
are satisfied: 77640

(1) The person operating the program submits to the board a 77641

written application for approval. 77642

(2) The person operating the program pays to the board a fee 77643  
established by rules adopted under section 4713.08 of the Revised 77644  
Code. 77645

(3) The program is operated by an employee, officer, or 77646  
director of a nonprofit professional association, college or 77647  
university, proprietary continuing education institutions 77648  
providing programs approved by the board, vocational school, 77649  
postsecondary proprietary school of cosmetology licensed by the 77650  
board, salon licensed by the board, or manufacturer of supplies or 77651  
equipment used in the practice of a branch of cosmetology. 77652

(4) The program will do at least one of the following: 77653

(a) Enhance the professional competency of the affected 77654  
licensees; 77655

(b) Protect the public; 77656

(c) Educate the affected licensees in the application of the 77657  
laws and rules regulating the practice of a branch of cosmetology. 77658

(5) The person operating the program provides the board a 77659  
tentative schedule of when the program will be available so that 77660  
the board can make the schedule readily available to all licensees 77661  
throughout the state. 77662

**Sec. 4713.63.** A practicing license, managing license, or 77663  
instructor license that has not been renewed for any reason other 77664  
than because it has been revoked, suspended, or classified 77665  
inactive, or because the license holder has been given a waiver or 77666  
extension under section 4713.60 of the Revised Code, is expired. 77667  
An expired license may be restored if the person who held the 77668  
license meets all of the following applicable conditions: 77669

(A) Pays to the state board of barbers and cosmetology the 77670  
restoration fee, the current renewal fee, and any applicable late 77671



fees; 77672

(B) Pays a lapsed renewal fee of forty-five dollars per 77673  
license renewal period that has elapsed since the license was last 77674  
issued or renewed; 77675

(C) In the case of a practicing license or managing license 77676  
that has been expired for more than two consecutive license 77677  
renewal periods, completes eight hours of continuing education for 77678  
each license renewal period that has elapsed since the license was 77679  
last issued or renewed, up to a maximum of twenty-four hours. At 77680  
least four of those hours shall include a course pertaining to 77681  
sanitation and safety methods. 77682

The board shall deposit all fees it receives under division 77683  
(B) of this section into the general revenue fund. 77684

**Sec. 4713.64.** (A) The state board of barbers and cosmetology 77685  
may take disciplinary action against an individual or entity 77686  
holding a license issued under this chapter for any of the 77687  
following: 77688

(1) Failure to comply with the requirements of this chapter 77689  
or rules adopted under it; 77690

(2) Continued practice by a person knowingly having an 77691  
infectious or contagious disease; 77692

(3) Habitual drunkenness or addiction to any habit-forming 77693  
drug; 77694

(4) Willful false and fraudulent or deceptive advertising; 77695

(5) Falsification of any record or application required to be 77696  
filed with the board; 77697

(6) Failure to pay a fine or abide by a suspension order 77698  
issued by the board. 77699

(B) On determining that there is cause for disciplinary 77700

action, the board may do one or more of the following: 77701

(1) Deny, revoke, or suspend a license or permit issued by 77702  
the board; 77703

(2) Impose a fine; 77704

(3) Require the holder of a license or permit to take 77705  
corrective action courses. 77706

(C) The amount and content of corrective action courses and 77707  
other relevant criteria shall be established by the board in rules 77708  
adopted under section 4713.08 of the Revised Code. 77709

(D) The board may impose a separate fine for each offense 77710  
listed in division (A) of this section. The amount of a fine shall 77711  
be not more than five hundred dollars if the violator has not 77712  
previously been fined for that offense. The fine shall be not more 77713  
than one thousand dollars if the violator has been fined for the 77714  
same offense once before. The fine shall be not more than one 77715  
thousand five hundred dollars if the violator has been fined for 77716  
the same offense two or more times before. 77717

In the case of an offense of failure to comply with division 77718  
(A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the 77719  
board shall impose a fine of five hundred dollars if the violator 77720  
has not previously been fined for that offense. If the violator 77721  
has previously been fined for the offense, the board may impose a 77722  
fine in accordance with this division or take another action in 77723  
accordance with division (B) of this section. 77724

(E) If a person fails to request a hearing within thirty days 77725  
of the date the board, in accordance with section 119.07 of the 77726  
Revised Code, notifies the person of the board's intent to act 77727  
against the person under division (A) of this section, the board 77728  
by a majority vote of a quorum of the board members may take the 77729  
action against the person without holding an adjudication hearing. 77730

(F) The board, after a hearing in accordance with Chapter 77731  
119. of the Revised Code, may suspend a tanning facility permit if 77732  
the owner or operator fails to correct an unsafe condition that 77733  
exists in violation of the board's rules or fails to cooperate in 77734  
an inspection of the tanning facility. If a violation has resulted 77735  
in a condition reasonably believed by an inspector to create an 77736  
immediate danger to the health and safety of any person using the 77737  
tanning facility, the inspector may suspend the permit without a 77738  
prior hearing until the condition is corrected or until a hearing 77739  
in accordance with Chapter 119. of the Revised Code is held and 77740  
the board either upholds the suspension or reinstates the permit. 77741

**Sec. 4713.641.** Any student or former student of a school of 77742  
cosmetology licensed under division (A) of section 4713.44 of the 77743  
Revised Code may file a complaint with the state board of barbers 77744  
and cosmetology alleging that the school has violated division (A) 77745  
of section 4713.64 of the Revised Code. The complaint shall be in 77746  
writing and signed by the person bringing the complaint. Upon 77747  
receiving a complaint, the board shall initiate a preliminary 77748  
investigation to determine whether it is probable that a violation 77749  
was committed. If the board determines after preliminary 77750  
investigation that it is not probable that a violation was 77751  
committed, the board shall notify the person who filed the 77752  
complaint of the board's findings and that the board will not 77753  
issue a formal complaint in the matter. If the board determines 77754  
after a preliminary investigation that it is probable that a 77755  
violation was committed, the board shall proceed against the 77756  
school pursuant to the board's authority under section 4713.64 of 77757  
the Revised Code and in accordance with the hearing and notice 77758  
requirements prescribed in Chapter 119. of the Revised Code. 77759

**Sec. 4713.65.** On receipt of a notice pursuant to section 77760  
3123.43 of the Revised Code, the state board of barbers and 77761

cosmetology shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

**Sec. 4713.68.** The state board of barbers and cosmetology shall comply with section 4776.20 of the Revised Code.

**Sec. 4715.18.** (A) No person shall practice or offer to practice dentistry or dental surgery under the name of any company, association, ~~or~~ corporation ~~except a,~~ or other entity other than one of the following:

(1) A corporation-for-profit formed under Chapter 1701. of the Revised Code ~~or a;~~

(2) A professional association established under Chapter 1785. of the Revised Code, ~~or under the name of any other entity except a;~~

(3) A limited liability company formed under Chapter 1705. of the Revised Code, ~~and any;~~

(4) A federally qualified health center, federally qualified health center look-alike, free clinic, nonprofit shelter or health care facility, or nonprofit clinic that provides health care services or dental services to indigent and uninsured persons.

(B) Any person practicing or offering to practice dentistry or dental surgery shall do so under his the person's name ~~or,~~ the name of a professional association, professional partnership, corporation-for-profit, or limited liability company that includes his the person's name, or the name of an organization specified in division (A)(4) of this section.

(C) As used in this section:

(1) "Federally qualified health center" and "federally

qualified health center look-alike" have the same meanings as in 77791  
section 3701.047 of the Revised Code. 77792

(2) "Free clinic" and "nonprofit shelter or health care 77793  
facility" have the same meanings as in section 3701.071 of the 77794  
Revised Code. 77795

(3) "Nonprofit clinic" has the same meaning as in section 77796  
3715.87 of the Revised Code. 77797

(4) "Indigent and uninsured person" has the same meaning as 77798  
in section 2305.234 of the Revised Code. 77799

**Sec. 4723.06.** (A) The board of nursing shall: 77800

(1) Administer and enforce the provisions of this chapter, 77801  
including the taking of disciplinary action for violations of 77802  
section 4723.28 of the Revised Code, any other provisions of this 77803  
chapter, or rules adopted under this chapter; 77804

(2) Develop criteria that an applicant must meet to be 77805  
eligible to sit for the examination for licensure to practice as a 77806  
registered nurse or as a licensed practical nurse; 77807

(3) Issue and renew nursing licenses, dialysis technician 77808  
certificates, and community health worker certificates, as 77809  
provided in this chapter; 77810

(4) Define the minimum standards for educational programs of 77811  
the schools of registered nursing and schools of practical nursing 77812  
in this state; 77813

(5) Survey, inspect, and grant full approval to prelicensure 77814  
nursing education programs in this state that meet the standards 77815  
established by rules adopted under section 4723.07 of the Revised 77816  
Code. Prelicensure nursing education programs include, but are not 77817  
limited to, diploma, associate degree, baccalaureate degree, 77818  
master's degree, and doctor of nursing programs leading to initial 77819  
licensure to practice nursing as a registered nurse and practical 77820

nurse programs leading to initial licensure to practice nursing as 77821  
a licensed practical nurse. 77822

(6) Grant conditional approval, by a vote of a quorum of the 77823  
board, to a new prelicensure nursing education program or a 77824  
program that is being reestablished after having ceased to 77825  
operate, if the program meets and maintains the minimum standards 77826  
of the board established by rules adopted under section 4723.07 of 77827  
the Revised Code. If the board does not grant conditional 77828  
approval, it shall hold an adjudication under Chapter 119. of the 77829  
Revised Code to consider conditional approval of the program. If 77830  
the board grants conditional approval, at the first meeting 77831  
following completion of the survey process required by division 77832  
(A)(5) of this section, the board shall determine whether to grant 77833  
full approval to the program. If the board does not grant full 77834  
approval or if it appears that the program has failed to meet and 77835  
maintain standards established by rules adopted under section 77836  
4723.07 of the Revised Code, the board shall hold an adjudication 77837  
under Chapter 119. of the Revised Code to consider the program. 77838  
Based on results of the adjudication, the board may continue or 77839  
withdraw conditional approval, or grant full approval. 77840

(7) Place on provisional approval, for a period of time 77841  
specified by the board, a program that has ceased to meet and 77842  
maintain the minimum standards of the board established by rules 77843  
adopted under section 4723.07 of the Revised Code. Prior to or at 77844  
the end of the period, the board shall reconsider whether the 77845  
program meets the standards and shall grant full approval if it 77846  
does. If it does not, the board may withdraw approval, pursuant to 77847  
an adjudication under Chapter 119. of the Revised Code. 77848

(8) Approve continuing education programs and courses under 77849  
standards established in rules adopted under sections 4723.07, 77850  
4723.69, 4723.79, and 4723.88 of the Revised Code; 77851

(9) Establish a program for monitoring chemical dependency in 77852

accordance with section 4723.35 of the Revised Code; 77853

(10) Establish the practice intervention and improvement 77854  
program in accordance with section 4723.282 of the Revised Code; 77855

(11) Issue and renew certificates of authority to practice 77856  
nursing as a certified registered nurse anesthetist, clinical 77857  
nurse specialist, certified nurse-midwife, or certified nurse 77858  
practitioner; 77859

(12) Approve under section 4723.46 of the Revised Code 77860  
national certifying organizations for examination and 77861  
certification of certified registered nurse anesthetists, clinical 77862  
nurse specialists, certified nurse-midwives, or certified nurse 77863  
practitioners; 77864

(13) Issue and renew certificates to prescribe in accordance 77865  
with sections 4723.48 and 4723.486 of the Revised Code; 77866

(14) Grant approval to the ~~planned classroom and clinical~~ 77867  
course of study in advanced pharmacology and related topics 77868  
required by section 4723.482 of the Revised Code to be eligible 77869  
for a certificate to prescribe; 77870

(15) Make an annual edition of the formulary established in 77871  
rules adopted under section 4723.50 of the Revised Code available 77872  
to the public either in printed form or by electronic means and, 77873  
as soon as possible after any revision of the formulary becomes 77874  
effective, make the revision available to the public in printed 77875  
form or by electronic means; 77876

(16) Provide guidance and make recommendations to the general 77877  
assembly, the governor, state agencies, and the federal government 77878  
with respect to the regulation of the practice of nursing and the 77879  
enforcement of this chapter; 77880

(17) Make an annual report to the governor, which shall be 77881  
open for public inspection; 77882

(18) Maintain and have open for public inspection the	77883
following records:	77884
(a) A record of all its meetings and proceedings;	77885
(b) A record of all applicants for, and holders of, licenses	77886
and certificates issued by the board under this chapter or in	77887
accordance with rules adopted under this chapter. The record shall	77888
be maintained in a format determined by the board.	77889
(c) A list of education and training programs approved by the	77890
board.	77891
(19) Deny approval to a person who submits or causes to be	77892
submitted false, misleading, or deceptive statements, information,	77893
or documentation to the board in the process of applying for	77894
approval of a new education or training program. If the board	77895
proposes to deny approval of a new education or training program,	77896
it shall do so pursuant to an adjudication conducted under Chapter	77897
119. of the Revised Code.	77898
(B) The board may fulfill the requirement of division (A)(8)	77899
of this section by authorizing persons who meet the standards	77900
established in rules adopted under section 4723.07 of the Revised	77901
Code to approve continuing education programs and courses. Persons	77902
so authorized shall approve continuing education programs and	77903
courses in accordance with standards established in rules adopted	77904
under section 4723.07 of the Revised Code.	77905
Persons seeking authorization to approve continuing education	77906
programs and courses shall apply to the board and pay the	77907
appropriate fee established under section 4723.08 of the Revised	77908
Code. Authorizations to approve continuing education programs and	77909
courses shall expire, and may be renewed according to the schedule	77910
established in rules adopted under section 4723.07 of the Revised	77911
Code.	77912
In addition to approving continuing education programs under	77913



division (A)(8) of this section, the board may sponsor continuing 77914  
education activities that are directly related to the statutes and 77915  
rules the board enforces. 77916

**Sec. 4723.08.** (A) The board of nursing may impose fees not to 77917  
exceed the following limits: 77918

(1) For application for licensure by examination to practice 77919  
nursing as a registered nurse or as a licensed practical nurse, 77920  
seventy-five dollars; 77921

(2) For application for licensure by endorsement to practice 77922  
nursing as a registered nurse or as a licensed practical nurse, 77923  
seventy-five dollars; 77924

(3) For application for a certificate of authority to 77925  
practice nursing as a certified registered nurse anesthetist, 77926  
clinical nurse specialist, certified nurse-midwife, or certified 77927  
nurse practitioner, one hundred dollars; 77928

(4) For application for a temporary dialysis technician 77929  
certificate, the amount specified in rules adopted under section 77930  
4723.79 of the Revised Code; 77931

(5) For application for a dialysis technician certificate, 77932  
the amount specified in rules adopted under section 4723.79 of the 77933  
Revised Code; 77934

(6) For application for a certificate to prescribe, fifty 77935  
dollars; 77936

(7) For providing, pursuant to division (B) of section 77937  
4723.271 of the Revised Code, written verification of a nursing 77938  
license, certificate of authority, certificate to prescribe, 77939  
dialysis technician certificate, medication aide certificate, or 77940  
community health worker certificate to another jurisdiction, 77941  
fifteen dollars; 77942

(8) For providing, pursuant to division (A) of section 77943

4723.271 of the Revised Code, a replacement copy of a wall	77944
certificate suitable for framing as described in that division,	77945
twenty-five dollars;	77946
(9) For biennial renewal of a nursing license, sixty-five	77947
dollars;	77948
(10) For biennial renewal of a certificate of authority to	77949
practice nursing as a certified registered nurse anesthetist,	77950
clinical nurse specialist, certified nurse-midwife, or certified	77951
nurse practitioner, eighty-five dollars;	77952
(11) For renewal of a certificate to prescribe, fifty	77953
dollars;	77954
(12) For biennial renewal of a dialysis technician	77955
certificate, the amount specified in rules adopted under section	77956
4723.79 of the Revised Code;	77957
(13) For processing a late application for renewal of a	77958
nursing license, certificate of authority, or dialysis technician	77959
certificate, fifty dollars;	77960
(14) For application for authorization to approve continuing	77961
education programs and courses from an applicant accredited by a	77962
national accreditation system for nursing, five hundred dollars;	77963
(15) For application for authorization to approve continuing	77964
education programs and courses from an applicant not accredited by	77965
a national accreditation system for nursing, one thousand dollars;	77966
(16) For each year for which authorization to approve	77967
continuing education programs and courses is renewed, one hundred	77968
fifty dollars;	77969
(17) For application for approval to operate a dialysis	77970
training program, the amount specified in rules adopted under	77971
section 4723.79 of the Revised Code;	77972
(18) For reinstatement of a lapsed license or certificate	77973

issued under this chapter, one hundred dollars except as provided 77974  
in section 5903.10 of the Revised Code; 77975

~~(19) For written verification of a license or certificate 77976  
when the verification is performed for purposes other than 77977  
providing verification to another jurisdiction, five dollars; 77978~~

~~(20)~~ For processing a check returned to the board by a 77979  
financial institution, twenty-five dollars; 77980

~~(21)~~(20) The amounts specified in rules adopted under section 77981  
4723.88 of the Revised Code pertaining to the issuance of 77982  
certificates to community health workers, including fees for 77983  
application for a certificate, biennial renewal of a certificate, 77984  
processing a late application for renewal of a certificate, 77985  
reinstatement of a lapsed certificate, application for approval of 77986  
a community health worker training program for community health 77987  
workers, and biennial renewal of the approval of a training 77988  
program for community health workers. 77989

(B) Each quarter, for purposes of transferring funds under 77990  
section 4743.05 of the Revised Code to the nurse education 77991  
assistance fund created in section 3333.28 of the Revised Code, 77992  
the board of nursing shall certify to the director of budget and 77993  
management the number of biennial licenses renewed under this 77994  
chapter during the preceding quarter and the amount equal to that 77995  
number times five dollars. 77996

(C) The board may charge a participant in a board-sponsored 77997  
continuing education activity an amount not exceeding fifteen 77998  
dollars for each activity. 77999

(D) The board may contract for services pertaining to the 78000  
process of providing written verification of a license or 78001  
certificate when the verification is performed for purposes other 78002  
than providing verification to another jurisdiction. The contract 78003  
may include provisions pertaining to the collection of the fee 78004

charged for providing the written verification. As part of these 78005  
provisions, the board may permit the contractor to retain a 78006  
portion of the fees as compensation, before any amounts are 78007  
deposited into the state treasury. 78008

**Sec. 4723.482.** (A) Except as provided in divisions (C) and 78009  
(D) of this section, an applicant shall include with the 78010  
application submitted under section 4723.48 of the Revised Code 78011  
all of the following: 78012

(1) Evidence of holding a current, valid certificate of 78013  
authority to practice as a clinical nurse specialist, certified 78014  
nurse-midwife, or certified nurse practitioner that was issued by 78015  
meeting the requirements of division (A) of section 4723.41 of the 78016  
Revised Code; 78017

(2) Evidence of successfully completing the course of study 78018  
in advanced pharmacology and related topics in accordance with the 78019  
requirements specified in division (B) of this section; 78020

(3) The fee required by section 4723.08 of the Revised Code 78021  
for a certificate to prescribe; 78022

(4) Any additional information the board of nursing requires 78023  
pursuant to rules adopted under section 4723.50 of the Revised 78024  
Code. 78025

(B) With respect to the course of study in advanced 78026  
pharmacology and related topics that must be successfully 78027  
completed to obtain a certificate to prescribe, all of the 78028  
following requirements apply: 78029

(1) The course of study shall be completed not longer than 78030  
three years before the application for the certificate to 78031  
prescribe is filed. 78032

~~(2) Except as provided in division (E) of this section, the 78033  
course of study shall consist of planned classroom and clinical 78034~~

~~instruction.~~ The ~~total length of the~~ course of study shall be not 78035  
less than forty-five contact hours. 78036

(3) The course of study shall meet the requirements to be 78037  
approved by the board in accordance with standards established in 78038  
rules adopted under section 4723.50 of the Revised Code. 78039

(4) The content of the course of study shall be specific to 78040  
the applicant's nursing specialty. 78041

(5) The instruction provided in the course of study shall 78042  
include all of the following: 78043

(a) A minimum of thirty-six contact hours of instruction in 78044  
advanced pharmacology that includes pharmacokinetic principles and 78045  
clinical application and the use of drugs and therapeutic devices 78046  
in the prevention of illness and maintenance of health; 78047

(b) Instruction in the fiscal and ethical implications of 78048  
prescribing drugs and therapeutic devices; 78049

(c) Instruction in the state and federal laws that apply to 78050  
the authority to prescribe; 78051

(d) Instruction that is specific to schedule II controlled 78052  
substances, including instruction in all of the following: 78053

(i) Indications for the use of schedule II controlled 78054  
substances in drug therapies; 78055

(ii) The most recent guidelines for pain management 78056  
therapies, as established by state and national organizations such 78057  
as the Ohio pain initiative and the American pain society; 78058

(iii) Fiscal and ethical implications of prescribing schedule 78059  
II controlled substances; 78060

(iv) State and federal laws that apply to the authority to 78061  
prescribe schedule II controlled substances; 78062

(v) Prevention of abuse and diversion of schedule II 78063

controlled substances, including identification of the risk of 78064  
abuse and diversion, recognition of abuse and diversion, types of 78065  
assistance available for prevention of abuse and diversion, and 78066  
methods of establishing safeguards against abuse and diversion. 78067

(e) Any additional instruction required pursuant to rules 78068  
adopted under section 4723.50 of the Revised Code. 78069

(C) An applicant who practiced or is practicing as a clinical 78070  
nurse specialist, certified nurse-midwife, or certified nurse 78071  
practitioner in another jurisdiction or as an employee of the 78072  
United States government, and is not seeking authority to 78073  
prescribe drugs and therapeutic devices by meeting the 78074  
requirements of division (A) or (D) of this section, shall include 78075  
with the application submitted under section 4723.48 of the 78076  
Revised Code all of the following: 78077

(1) Evidence of holding a current, valid certificate of 78078  
authority issued under this chapter to practice as a clinical 78079  
nurse specialist, certified nurse-midwife, or certified nurse 78080  
practitioner; 78081

(2) The fee required by section 4723.08 of the Revised Code 78082  
for a certificate to prescribe; 78083

(3) Either of the following: 78084

(a) Evidence of having held, for a continuous period of at 78085  
least one year during the three years immediately preceding the 78086  
date of application, valid authority issued by another 78087  
jurisdiction to prescribe therapeutic devices and drugs, including 78088  
at least some controlled substances; 78089

(b) Evidence of having been employed by the United States 78090  
government and authorized, for a continuous period of at least one 78091  
year during the three years immediately preceding the date of 78092  
application, to prescribe therapeutic devices and drugs, including 78093  
at least some controlled substances, in conjunction with that 78094

employment. 78095

(4) Evidence of having completed a two-hour course of 78096  
instruction approved by the board in the laws of this state that 78097  
govern drugs and prescriptive authority; 78098

(5) Any additional information the board requires pursuant to 78099  
rules adopted under section 4723.50 of the Revised Code. 78100

(D) An applicant who practiced or is practicing as a clinical 78101  
nurse specialist, certified nurse-midwife, or certified nurse 78102  
practitioner in another jurisdiction or as an employee of the 78103  
United States government, and is not seeking authority to 78104  
prescribe drugs and therapeutic devices by meeting the 78105  
requirements of division (A) or (C) of this section, shall include 78106  
with the application submitted under section 4723.48 of the 78107  
Revised Code all of the following: 78108

(1) Evidence of holding a current, valid certificate of 78109  
authority issued under this chapter to practice as a clinical 78110  
nurse specialist, certified nurse-midwife, or certified nurse 78111  
practitioner; 78112

(2) The fee required by section 4723.08 of the Revised Code 78113  
for a certificate to prescribe; 78114

(3) Either of the following: 78115

(a) Evidence of having held, for a continuous period of at 78116  
least one year during the three years immediately preceding the 78117  
date of application, valid authority issued by another 78118  
jurisdiction to prescribe therapeutic devices and drugs, excluding 78119  
controlled substances; 78120

(b) Evidence of having been employed by the United States 78121  
government and authorized, for a continuous period of at least one 78122  
year during the three years immediately preceding the date of 78123  
application, to prescribe therapeutic devices and drugs, excluding 78124

controlled substances, in conjunction with that employment. 78125

(4) Any additional information the board requires pursuant to 78126  
rules adopted under section 4723.50 of the Revised Code. 78127

~~(E) In the case of an applicant who meets the requirements of 78128  
division (C) or (D) of this section other than the requirements of 78129  
division (C)(3) or (D)(3) of this section and is seeking authority 78130  
to prescribe drugs and therapeutic devices by meeting the 78131  
requirements of division (A) of this section, the applicant may 78132  
complete the instruction that is specific to schedule II 78133  
controlled substances, as required by division (B)(5)(d) of this 78134  
section, through an internet based course of study in lieu of 78135  
completing the instruction through a course of study consisting of 78136  
planned classroom and clinical instruction. 78137~~

**Sec. 4723.50.** (A) In accordance with Chapter 119. of the 78138  
Revised Code, the board of nursing shall adopt rules as necessary 78139  
to implement the provisions of this chapter pertaining to the 78140  
authority of clinical nurse specialists, certified nurse-midwives, 78141  
and certified nurse practitioners to prescribe drugs and 78142  
therapeutic devices and the issuance and renewal of certificates 78143  
to prescribe. 78144

The board shall adopt rules that are consistent with the 78145  
recommendations the board receives from the committee on 78146  
prescriptive governance pursuant to section 4723.492 of the 78147  
Revised Code. After reviewing a recommendation submitted by the 78148  
committee, the board may either adopt the recommendation as a rule 78149  
or ask the committee to reconsider and resubmit the 78150  
recommendation. The board shall not adopt any rule that does not 78151  
conform to a recommendation made by the committee. 78152

(B) The board shall adopt rules under this section that do 78153  
all of the following: 78154



(1) Establish a formulary listing the types of drugs and 78155  
therapeutic devices that may be prescribed by a clinical nurse 78156  
specialist, certified nurse-midwife, or certified nurse 78157  
practitioner. The formulary may include controlled substances, as 78158  
defined in section 3719.01 of the Revised Code. The formulary 78159  
shall not permit the prescribing of any drug or device to perform 78160  
or induce an abortion. 78161

(2) Establish safety standards to be followed by a clinical 78162  
nurse specialist, certified nurse-midwife, or certified nurse 78163  
practitioner when personally furnishing to patients complete or 78164  
partial supplies of antibiotics, antifungals, scabicides, 78165  
contraceptives, prenatal vitamins, antihypertensives, drugs and 78166  
devices used in the treatment of diabetes, drugs and devices used 78167  
in the treatment of asthma, and drugs used in the treatment of 78168  
dyslipidemia; 78169

(3) Establish criteria for the components of the standard 78170  
care arrangements described in section 4723.431 of the Revised 78171  
Code that apply to the authority to prescribe, including the 78172  
components that apply to the authority to prescribe schedule II 78173  
controlled substances. The rules shall be consistent with that 78174  
section and include all of the following: 78175

(a) Quality assurance standards; 78176

(b) Standards for periodic review by a collaborating 78177  
physician or podiatrist of the records of patients treated by the 78178  
clinical nurse specialist, certified nurse-midwife, or certified 78179  
nurse practitioner; 78180

(c) Acceptable travel time between the location at which the 78181  
clinical nurse specialist, certified nurse-midwife, or certified 78182  
nurse practitioner is engaging in the prescribing components of 78183  
the nurse's practice and the location of the nurse's collaborating 78184  
physician or podiatrist; 78185

(d) Any other criteria recommended by the committee on prescriptive governance.	78186 78187
(4) Establish standards and procedures for issuance and renewal of a certificate to prescribe, including specification of any additional information the board may require under division (A)(4), (C)(5), or (D) <del>(5)</del> (4) of section 4723.482 <del>or</del> division (B)(3) of section 4723.485, <u>or division (B)(3) of section 4723.486</u> of the Revised Code;	78188 78189 78190 78191 78192 78193
(5) Establish standards for board approval of the course of study in advanced pharmacology and related topics required by section 4723.482 of the Revised Code;	78194 78195 78196
(6) Establish requirements for board approval of the two-hour course of instruction in the laws of this state as required under division (C)(4) of section 4723.482 of the Revised Code and division (B)(2) of section 4723.484 of the Revised Code;	78197 78198 78199 78200
(7) Establish standards and procedures for the appropriate conduct of an externship as described in section 4723.484 of the Revised Code, including the following:	78201 78202 78203
(a) Standards and procedures to be used in evaluating an individual's participation in an externship;	78204 78205
(b) Standards and procedures for the supervision that a physician must provide during an externship, including supervision provided by working with the participant and supervision provided by making timely reviews of the records of patients treated by the participant. The manner in which supervision must be provided may vary according to the location where the participant is practicing and with the participant's level of experience.	78206 78207 78208 78209 78210 78211 78212
<b>Sec. 4723.88.</b> The board of nursing, in accordance with Chapter 119. of the Revised Code, shall adopt rules to administer and enforce sections 4723.81 to 4723.87 of the Revised Code. The	78213 78214 78215

rules shall establish all of the following:	78216
(A) Standards and procedures for issuance of community health worker certificates;	78217 78218
(B) Standards for evaluating the competency of an individual who applies to receive a certificate on the basis of having been employed in a capacity substantially the same as a community health worker before the board implemented the certification program;	78219 78220 78221 78222 78223
(C) Standards and procedures for renewal of community health worker certificates, including the continuing education requirements that must be met for renewal;	78224 78225 78226
(D) Standards governing the performance of activities related to nursing care that are delegated by a registered nurse to certified community health workers. In establishing the standards, the board shall specify limits on the number of certified community health workers a registered nurse may supervise at any one time.	78227 78228 78229 78230 78231 78232
(E) Standards and procedures for assessing the quality of the services that are provided by certified community health workers;	78233 78234
(F) Standards and procedures for denying, suspending, and revoking a community health worker certificate, including reasons for imposing the sanctions that are substantially similar to the reasons that sanctions are imposed under section 4723.28 of the Revised Code;	78235 78236 78237 78238 78239
(G) Standards and procedures for approving and renewing the board's approval of training programs that prepare individuals to become certified community health workers. In establishing the standards, the board shall specify the minimum components that must be included in a training program, shall require that all approved training programs offer the standardized curriculum, and	78240 78241 78242 78243 78244 78245

shall ensure that the curriculum enables individuals to use the training as a basis for entering programs leading to other careers, including nursing education programs.

(H) Standards for approval of continuing education programs and courses for certified community health workers;

(I) Standards and procedures for withdrawing the board's approval of a training program, refusing to renew the approval of a training program, and placing a training program on provisional approval;

(J) Amounts for each fee that may be imposed under division (A)~~(21)~~(20) of section 4723.08 of the Revised Code;

(K) Any other standards or procedures the board considers necessary and appropriate for the administration and enforcement of sections 4723.81 to 4723.87 of the Revised Code.

**Sec. 4725.40.** As used in sections 4725.40 to 4725.59 of the Revised Code:

(A) "Optical aid" means both of the following:

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;

(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.

All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;	78275
(d) Any other contact devices determined by the Ohio optical dispensers board to be contact lenses.	78276 78277
(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, <u>placing an order for the delivery of an optical aid</u> , transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.	78278 78279 78280 78281 78282 78283 78284 78285 78286 78287 78288 78289
(C) "Licensed dispensing optician" means a current, valid license issued under sections 4725.47 to 4725.51 of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.	78290 78291 78292 78293 78294 78295
(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:	78296 78297
(1) The dispensing of optical aids other than contact lenses;	78298
(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.	78299 78300
(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.	78301 78302 78303
(F) "Licensed spectacle-contact lens dispensing optician"	78304

means a licensed dispensing optician authorized to engage in the 78305  
dispensing of any optical aid. 78306

(G) "Apprentice" means any person dispensing optical aids 78307  
under the direct supervision of a licensed dispensing optician. 78308

(H) "Prescription" means the written or verbal directions or 78309  
instructions as specified by a physician or optometrist licensed 78310  
by any state for preparing an optical aid for a patient. 78311

(I) "Supervision" means the provision of direction and 78312  
control through personal inspection and evaluation of work. 78313

(J) "Licensed ocularist" means a person holding a current, 78314  
valid license issued under sections 4725.48 to 4725.51 of the 78315  
Revised Code to engage in the practice of designing, fabricating, 78316  
and fitting artificial eyes or prostheses associated with the 78317  
appearance or function of the human eye. 78318

**Sec. 4725.411.** (A) Each licensed spectacle dispensing 78319  
optician shall complete two hours of study in prepackaged soft 78320  
contact lens dispensing approved by the Ohio optical dispensers 78321  
board under section 4725.51 of the Revised Code. The two hours of 78322  
study shall be completed as follows: 78323

(1) Each licensed spectacle dispensing optician who holds the 78324  
license on the effective date of this amendment shall complete the 78325  
two hours of study not later than December 31, 2015. 78326

(2) Each licensed spectacle dispensing optician who receives 78327  
the license after the effective date of this amendment shall 78328  
complete the two hours of study not later than the thirty-first 78329  
day of December of the year the license is issued. 78330

(B) Beginning January 1, 2016, a licensed spectacle 78331  
dispensing optician may dispense prepackaged soft contact lenses 78332  
if ~~the~~ both of the following are the case: 78333

(1) The licensed spectacle dispensing optician has completed 78334

two hours of study in prepackaged soft contact lens dispensing in accordance with division (A) of this section. 78335  
78336

(2) The only action necessary is to match the description of 78337  
the contact lenses that is on the packaging to a written 78338  
prescription. 78339

**Sec. 4725.51.** (A)(1) Each license issued under sections 78340  
4725.40 to 4725.59 of the Revised Code shall expire on the first 78341  
day of January in the year after it was issued. Each person 78342  
holding a valid, current license may apply to the Ohio optical 78343  
dispensers board for the extension of the license under the 78344  
standard renewal procedures of Chapter 4745. of the Revised Code. 78345  
Each application for renewal shall be accompanied by a renewal fee 78346  
the board shall establish by rule. In addition, except as provided 78347  
in division (A)(2) of this section, the application shall contain 78348  
evidence that the applicant has completed continuing education 78349  
within the immediately preceding one-year period as follows: 78350

~~(1)(a)~~ Licensed spectacle dispensing opticians shall have 78351  
pursued both of the following, approved by the board: 78352

~~(a)(i)~~ Four hours of study in spectacle dispensing; 78353

~~(b)(ii)~~ Two hours of study in ~~the form of~~ contact lens 78354  
dispensing ~~described in section 4725.411 of the Revised Code.~~ 78355

~~(2)(b)~~ Licensed contact lens dispensing opticians shall have 78356  
pursued eight hours of study in contact lens dispensing, approved 78357  
by the board. 78358

~~(3)(c)~~ Licensed spectacle-contact lens dispensing opticians 78359  
shall have pursued both of the following, approved by the board: 78360

~~(a)(i)~~ Four hours of study in spectacle dispensing; 78361

~~(b)(ii)~~ Eight hours of study in contact lens dispensing. 78362

~~(4)(d)~~ Licensed ocularists shall have pursued courses of 78363

study as prescribed by rule of the board. 78364

(2) An application for the initial renewal of a license 78365  
issued under sections 4725.40 to 4725.55 of the Revised Code is 78366  
not required to contain evidence that the applicant has completed 78367  
the continuing education requirements of division (A)(1) of this 78368  
section. 78369

(B) No person who fails to renew the person's license under 78370  
division (A) of this section shall be required to take a 78371  
qualifying examination under section 4725.48 of the Revised Code 78372  
as a condition of renewal, provided that the application for 78373  
renewal and proof of the requisite continuing education hours are 78374  
submitted within ninety days from the date the license expired and 78375  
the applicant pays the annual renewal fee and a penalty of 78376  
seventy-five dollars. The board may provide, by rule, for an 78377  
extension of the grace period for licensed dispensing opticians 78378  
who are serving in the armed forces of the United States or a 78379  
reserve component of the armed forces of the United States, 78380  
including the Ohio national guard or the national guard of any 78381  
other state and for waiver of the continuing education 78382  
requirements or the penalty in cases of hardship or illness. 78383

(C) The board shall approve continuing education programs and 78384  
shall adopt rules as necessary for approving the programs. The 78385  
rules shall permit programs to be conducted either in person or 78386  
through electronic or other self-study means. Approved programs 78387  
shall be scheduled, sponsored, and conducted in accordance with 78388  
the board's rules. 78389

**Sec. 4729.51.** (A)(1) Except as provided in division (A)(2) of 78390  
this section, no person other than a registered wholesale 78391  
distributor of dangerous drugs shall possess for sale, sell, 78392  
distribute, or deliver, at wholesale, dangerous drugs, except as 78393  
follows: 78394



(a) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale;	78395 78396 78397 78398
(b) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery.	78399 78400 78401 78402 78403 78404 78405
(2) A manufacturer of dangerous drugs may donate epinephrine autoinjectors to any of the following:	78406 78407
(a) The board of education of a city, local, exempted village, or joint vocational school district;	78408 78409
(b) A community school established under Chapter 3314. of the Revised Code;	78410 78411
(c) A STEM school established under Chapter 3326. of the Revised Code;	78412 78413
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	78414 78415
(e) A chartered or nonchartered nonpublic school.	78416
(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following:	78417 78418 78419
(a) Except as provided in division (B)(2)(a) of this section <u>and division (B) of section 4729.541 of the Revised Code</u> , a licensed health professional authorized to prescribe drugs;	78420 78421 78422
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents	78423 78424

certificate;	78425
(c) A registered wholesale distributor of dangerous drugs;	78426
(d) A manufacturer of dangerous drugs;	78427
(e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs;	78428 78429
(f) Carriers or warehouses for the purpose of carriage or storage;	78430 78431
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	78432 78433
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession;	78434 78435 78436 78437 78438 78439 78440 78441 78442
(i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;	78443 78444 78445 78446 78447
(j) Except as provided in division (B)(2)(b) of this section <u>and division (A) of section 4729.541 of the Revised Code</u> , a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a licensed health	78448 78449 78450 78451 78452 78453 78454

professional authorized to prescribe drugs and is authorized to 78455  
provide the professional services being offered by the entity; 78456

(k) Except as provided in division (B)(2)(c) of this section 78457  
and division (A) of section 4729.541 of the Revised Code, a 78458  
business entity that is a corporation formed under division (B) of 78459  
section 1701.03 of the Revised Code, a limited liability company 78460  
formed under Chapter 1705. of the Revised Code, a partnership or a 78461  
limited liability partnership formed under Chapter 1775. of the 78462  
Revised Code, or a professional association formed under Chapter 78463  
1785. of the Revised Code, if, to be a shareholder, member, or 78464  
partner, an individual is required to be licensed, certified, or 78465  
otherwise legally authorized under Title XLVII of the Revised Code 78466  
to perform the professional service provided by the entity and 78467  
each such individual is a licensed health professional authorized 78468  
to prescribe drugs; 78469

(l) With respect to epinephrine autoinjectors that may be 78470  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 78471  
or 3328.29 of the Revised Code, any of the following: the board of 78472  
education of a city, local, exempted village, or joint vocational 78473  
school district; a chartered or nonchartered nonpublic school; a 78474  
community school established under Chapter 3314. of the Revised 78475  
Code; a STEM school established under Chapter 3326. of the Revised 78476  
Code; or a college-preparatory boarding school established under 78477  
Chapter 3328. of the Revised Code; 78478

(m) With respect to epinephrine autoinjectors that may be 78479  
possessed under section 5101.76 of the Revised Code, any of the 78480  
following: a residential camp, as defined in section 2151.011 of 78481  
the Revised Code; a child day camp, as defined in section 5104.01 78482  
of the Revised Code; or a child day camp operated by any county, 78483  
township, municipal corporation, township park district created 78484  
under section 511.18 of the Revised Code, park district created 78485  
under section 1545.04 of the Revised Code, or joint recreation 78486

district established under section 755.14 of the Revised Code; 78487

(n) With respect to naloxone that may be possessed under 78488  
section 2925.61 of the Revised Code, a law enforcement agency and 78489  
its peace officers. 78490

(2) No registered wholesale distributor of dangerous drugs 78491  
shall possess for sale, or sell, at wholesale, dangerous drugs to 78492  
any of the following: 78493

(a) A prescriber who is employed by a pain management clinic 78494  
that is not licensed as a terminal distributor of dangerous drugs 78495  
with a pain management clinic classification issued under section 78496  
4729.552 of the Revised Code; 78497

(b) A business entity described in division (B)(1)(j) of this 78498  
section that is, or is operating, a pain management clinic without 78499  
a license as a terminal distributor of dangerous drugs with a pain 78500  
management clinic classification issued under section 4729.552 of 78501  
the Revised Code; 78502

(c) A business entity described in division (B)(1)(k) of this 78503  
section that is, or is operating, a pain management clinic without 78504  
a license as a terminal distributor of dangerous drugs with a pain 78505  
management clinic classification issued under section 4729.552 of 78506  
the Revised Code. 78507

(3) No registered wholesale distributor of dangerous drugs 78508  
shall possess dangerous drugs for sale at wholesale, or sell such 78509  
drugs at wholesale, to a licensed terminal distributor of 78510  
dangerous drugs, except as follows: 78511

(a) In the case of a terminal distributor with a category I 78512  
license, only dangerous drugs described in category I, as defined 78513  
in division (A)(1) of section 4729.54 of the Revised Code; 78514

(b) In the case of a terminal distributor with a category II 78515  
license, only dangerous drugs described in category I and category 78516

II, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code; 78517  
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(c) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A)(1), (2), and (3) of section 4729.54 of the Revised Code; 78519  
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(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code. 78523  
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(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs. 78527  
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(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs. 78529  
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(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs. 78531  
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(4) Divisions (C)(1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, or a licensed terminal distributor of dangerous drugs, ~~or~~. 78533  
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Divisions (C)(1), (2), and (3) of this section do not apply to a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 78536  
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Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only to the extent that the individual possesses insulin or personally 78540  
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supplies insulin solely for the purpose of diabetes education and 78547  
only if diabetes education is within the individual's scope of 78548  
practice under statutes and rules regulating the individual's 78549  
profession. 78550

Divisions (C)(1), (2), and (3) of this section do not apply 78551  
to an individual who holds a valid certificate issued by a 78552  
nationally recognized S.C.U.B.A. diving certifying organization 78553  
approved by the state board of pharmacy in rule, but only to the 78554  
extent that the individual possesses medical oxygen or personally 78555  
supplies medical oxygen for the purpose of emergency care or 78556  
treatment at the scene of a diving emergency. 78557

Division (C)(3) of this section does not apply to the board 78558  
of education of a city, local, exempted village, or joint 78559  
vocational school district, a school building operated by a school 78560  
district board of education, a chartered or nonchartered nonpublic 78561  
school, a community school, a STEM school, or a 78562  
college-preparatory boarding school for the purpose of possessing 78563  
epinephrine autoinjectors under section 3313.7110, 3313.7111, 78564  
3314.143, 3326.28, or 3328.29 of the Revised Code. 78565

Division (C)(3) of this section does not apply to a 78566  
residential camp, as defined in section 2151.011 of the Revised 78567  
Code, a child day camp, as defined in section 5104.01 of the 78568  
Revised Code, or a child day camp operated by any county, 78569  
township, municipal corporation, township park district created 78570  
under section 511.18 of the Revised Code, park district created 78571  
under section 1545.04 of the Revised Code, or joint recreation 78572  
district established under section 755.14 of the Revised Code for 78573  
the purpose of possessing epinephrine autoinjectors under section 78574  
5101.76 of the Revised Code. 78575

Division (C)(3) of this section does not apply to a law 78576  
enforcement agency or the agency's peace officers if the agency or 78577  
officers possess naloxone for administration to individuals who 78578

are apparently experiencing opioid-related overdoses. 78579

(D) No licensed terminal distributor of dangerous drugs shall 78580  
purchase for the purpose of resale dangerous drugs from any person 78581  
other than a registered wholesale distributor of dangerous drugs, 78582  
except as follows: 78583

(1) A licensed terminal distributor of dangerous drugs may 78584  
make occasional purchases of dangerous drugs for resale from a 78585  
pharmacist who is a licensed terminal distributor of dangerous 78586  
drugs or who is employed by a licensed terminal distributor of 78587  
dangerous drugs; 78588

(2) A licensed terminal distributor of dangerous drugs having 78589  
more than one establishment or place may transfer or receive 78590  
dangerous drugs from one establishment or place for which a 78591  
license has been issued to the terminal distributor to another 78592  
establishment or place for which a license has been issued to the 78593  
terminal distributor if the license issued for each establishment 78594  
or place is in effect at the time of the transfer or receipt. 78595

(E) No licensed terminal distributor of dangerous drugs shall 78596  
engage in the sale or other distribution of dangerous drugs at 78597  
retail or maintain possession, custody, or control of dangerous 78598  
drugs for any purpose other than the distributor's personal use or 78599  
consumption, at any establishment or place other than that or 78600  
those described in the license issued by the state board of 78601  
pharmacy to such terminal distributor. 78602

(F) Nothing in this section shall be construed to interfere 78603  
with the performance of official duties by any law enforcement 78604  
official authorized by municipal, county, state, or federal law to 78605  
collect samples of any drug, regardless of its nature or in whose 78606  
possession it may be. 78607

(G) Notwithstanding anything to the contrary in this section, 78608  
the board of education of a city, local, exempted village, or 78609

joint vocational school district may deliver epinephrine 78610  
autoinjectors to a school under its control for the purpose of 78611  
possessing epinephrine autoinjectors under section 3313.7110 of 78612  
the Revised Code. 78613

**Sec. 4729.53.** (A) The state board of pharmacy shall not 78614  
register any person as a wholesale distributor of dangerous drugs 78615  
unless the applicant for registration furnishes satisfactory proof 78616  
to the board ~~of pharmacy~~ that ~~he~~ the applicant meets all of the 78617  
following: 78618

(1) ~~That if~~ If the applicant has been convicted of a 78619  
violation of any federal, state, or local law relating to drug 78620  
samples, wholesale or retail drug distribution, or distribution of 78621  
controlled substances or of a felony, or if a federal, state, or 78622  
local governmental entity has suspended or revoked any current or 78623  
prior license or registration of the applicant for the manufacture 78624  
or sale of any dangerous drugs, including controlled substances, 78625  
the applicant, to the satisfaction of the board, assures that ~~he~~ 78626  
the applicant has in place adequate safeguards to prevent the 78627  
recurrence of any such violations~~+~~. 78628

(2) The applicant's past experience in the manufacture or 78629  
distribution of dangerous drugs, including controlled substances, 78630  
is acceptable to the board. 78631

(3) The applicant is equipped as to land, buildings, 78632  
equipment, and personnel to properly carry on the business of a 78633  
wholesale distributor of dangerous drugs, including providing 78634  
adequate security for and proper storage conditions and handling 78635  
for dangerous drugs, and is complying with the requirements under 78636  
this chapter and the rules adopted pursuant thereto for 78637  
maintaining and making available records to properly identified 78638  
board officials and federal, state, and local law enforcement 78639  
agencies. 78640



(4) Personnel employed by the applicant have the appropriate 78641  
education or experience, as determined by the board, to assume 78642  
responsibility for positions related to compliance with this 78643  
chapter and the rules adopted pursuant thereto. 78644

(5) The applicant has designated the name and address of a 78645  
person to whom communications from the board may be directed and 78646  
upon whom the notices and citations provided for in section 78647  
4729.56 of the Revised Code may be served. 78648

(6) Adequate safeguards are assured to prevent the sale of 78649  
dangerous drugs to any person other than those named in division 78650  
(B) of section 4729.51 of the Revised Code. 78651

(7) Any other requirement or qualification the board, by rule 78652  
adopted in accordance with Chapter 119. of the Revised Code, 78653  
considers relevant to and consistent with the public safety and 78654  
health. 78655

(B) The In addition to the causes described in section 78656  
4729.56 of the Revised Code for refusing to grant or renew a 78657  
registration certificate, the board may refuse to register or 78658  
renew the registration certificate of any person if the board 78659  
determines that the granting of the registration certificate or 78660  
its renewal is not in the public interest. 78661

**Sec. 4729.541.** (A)(1) Except as provided in divisions 78662  
~~(B)~~(A)(2) and ~~(C)~~(3) of this section, a business entity described 78663  
in division (B)(1)(j) or (k) of section 4729.51 of the Revised 78664  
Code may possess, have custody or control of, and distribute the 78665  
dangerous drugs in category I, category II, and category III, as 78666  
defined in section 4729.54 of the Revised Code, without holding a 78667  
terminal distributor of dangerous drugs license issued under that 78668  
section. 78669

~~(B)~~(2) If a business entity described in division (B)(1)(j) 78670

or (k) of section 4729.51 of the Revised Code is a pain management 78671  
clinic or is operating a pain management clinic, the entity shall 78672  
hold a license as a terminal distributor of dangerous drugs with a 78673  
pain management clinic classification issued under section 78674  
4729.552 of the Revised Code. 78675

~~(C) Beginning April 1, 2015, a (3) A~~ business entity 78676  
described in division (B)(1)(j) or (k) of section 4729.51 of the 78677  
Revised Code shall hold a license as a terminal distributor of 78678  
dangerous drugs in order to possess, have custody or control of, 78679  
and distribute either of the following: 78680

~~(1)(a)~~ Dangerous drugs that are compounded or used for the 78681  
purpose of compounding; 78682

~~(2)(b)~~ Controlled substances containing buprenorphine that 78683  
are used for the purpose of treating drug dependence or addiction. 78684

(B) A licensed health professional authorized to prescribe 78685  
drugs who does not practice in the form of a business entity 78686  
described in division (B)(1)(j) or (k) of section 4729.51 of the 78687  
Revised Code shall hold a license as a terminal distributor of 78688  
dangerous drugs in order to possess, have custody or control of, 78689  
and distribute, including personally furnish, either of the 78690  
following: 78691

(1) Dangerous drugs that are compounded or used for the 78692  
purpose of compounding; 78693

(2) Controlled substances containing buprenorphine that are 78694  
used for the purpose of treating drug dependence or addiction. 78695

**Sec. 4729.56.** (A) In accordance with Chapter 119. of the 78696  
Revised Code, the board of pharmacy may suspend, revoke, or refuse 78697  
to grant or renew any registration certificate issued to a 78698  
wholesale distributor of dangerous drugs pursuant to section 78699  
4729.52 of the Revised Code or may impose a monetary penalty or 78700

forfeiture not to exceed in severity any fine designated under the 78701  
Revised Code for a similar offense or one thousand dollars if the 78702  
acts committed are not classified as an offense by the Revised 78703  
Code for any of the following causes: 78704

(1) Making any false material statements in an application 78705  
for registration as a wholesale distributor of dangerous drugs; 78706

(2) Violating any federal, state, or local drug law; any 78707  
provision of this chapter or Chapter 2925., 3715., or 3719. of the 78708  
Revised Code; or any rule of the board; 78709

(3) A conviction of a felony; 78710

(4) ~~Ceasing~~ Failing to satisfy the qualifications for 78711  
registration under section 4729.53 of the Revised Code or the 78712  
rules of the board or ceasing to satisfy the qualifications after 78713  
the registration is granted or renewed. 78714

(B) Upon the suspension or revocation of the registration 78715  
certificate of any wholesale distributor of dangerous drugs, the 78716  
distributor shall immediately surrender ~~his~~ the distributor's 78717  
registration certificate to the board. 78718

(C) If the board suspends, revokes, or refuses to renew any 78719  
registration certificate issued to a wholesale distributor of 78720  
dangerous drugs and determines that there is clear and convincing 78721  
evidence of a danger of immediate and serious harm to any person, 78722  
the board may place under seal all dangerous drugs owned by or in 78723  
the possession, custody, or control of the affected wholesale 78724  
distributor of dangerous drugs. Except as provided in this 78725  
division, the board shall not dispose of the dangerous drugs 78726  
sealed under this division until the wholesale distributor of 78727  
dangerous drugs exhausts all of ~~his~~ the distributor's appeal 78728  
rights under Chapter 119. of the Revised Code. The court involved 78729  
in such an appeal may order the board, during the pendency of the 78730  
appeal, to sell sealed dangerous drugs that are perishable. The 78731

board shall deposit the proceeds of the sale with the court. 78732

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 78733  
and maintains a drug database pursuant to section 4729.75 of the 78734  
Revised Code, the board is authorized or required to provide 78735  
information from the database in accordance with the following: 78736

(1) On receipt of a request from a designated representative 78737  
of a government entity responsible for the licensure, regulation, 78738  
or discipline of health care professionals with authority to 78739  
prescribe, administer, or dispense drugs, the board may provide to 78740  
the representative information from the database relating to the 78741  
professional who is the subject of an active investigation being 78742  
conducted by the government entity. 78743

(2) On receipt of a request from a federal officer, or a 78744  
state or local officer of this or any other state, whose duties 78745  
include enforcing laws relating to drugs, the board shall provide 78746  
to the officer information from the database relating to the 78747  
person who is the subject of an active investigation of a drug 78748  
abuse offense, as defined in section 2925.01 of the Revised Code, 78749  
being conducted by the officer's employing government entity. 78750

(3) Pursuant to a subpoena issued by a grand jury, the board 78751  
shall provide to the grand jury information from the database 78752  
relating to the person who is the subject of an investigation 78753  
being conducted by the grand jury. 78754

(4) Pursuant to a subpoena, search warrant, or court order in 78755  
connection with the investigation or prosecution of a possible or 78756  
alleged criminal offense, the board shall provide information from 78757  
the database as necessary to comply with the subpoena, search 78758  
warrant, or court order. 78759

(5) On receipt of a request from a prescriber or the 78760  
prescriber's delegate approved by the board, the board shall 78761

provide to the prescriber a report of information from the 78762  
database relating to a patient who is either a current patient of 78763  
the prescriber or a potential patient of the prescriber based on a 78764  
referral of the patient to the prescriber, if all of the following 78765  
conditions are met: 78766

(a) The prescriber certifies in a form specified by the board 78767  
that it is for the purpose of providing medical treatment to the 78768  
patient who is the subject of the request; 78769

(b) The prescriber has not been denied access to the database 78770  
by the board. 78771

(6) On receipt of a request from a pharmacist or the 78772  
pharmacist's delegate approved by the board, the board shall 78773  
provide to the pharmacist information from the database relating 78774  
to a current patient of the pharmacist, if the pharmacist 78775  
certifies in a form specified by the board that it is for the 78776  
purpose of the pharmacist's practice of pharmacy involving the 78777  
patient who is the subject of the request and the pharmacist has 78778  
not been denied access to the database by the board. 78779

(7) On receipt of a request from an individual seeking the 78780  
individual's own database information in accordance with the 78781  
procedure established in rules adopted under section 4729.84 of 78782  
the Revised Code, the board may provide to the individual the 78783  
individual's own database information. 78784

(8) On receipt of a request from ~~the~~ a medical director or a 78785  
pharmacy director of a managed care organization that has entered 78786  
into a contract with the department of medicaid under section 78787  
5167.10 of the Revised Code and a data security agreement with the 78788  
board required by section 5167.14 of the Revised Code, the board 78789  
shall provide to the medical director or the pharmacy director 78790  
information from the database relating to a medicaid recipient 78791  
enrolled in the managed care organization, including information 78792

in the database related to prescriptions for the recipient that 78793  
were not covered or reimbursed under a program administered by the 78794  
department of medicaid. 78795

(9) On receipt of a request from the medicaid director, the 78796  
board shall provide to the director information from the database 78797  
relating to a recipient of a program administered by the 78798  
department of medicaid, including information in the database 78799  
related to prescriptions for the recipient that were not covered 78800  
or paid by a program administered by the department. 78801

(10) On receipt of a request from ~~the~~ a medical director of a 78802  
managed care organization that has entered into a contract with 78803  
the administrator of workers' compensation under division (B)(4) 78804  
of section 4121.44 of the Revised Code and a data security 78805  
agreement with the board required by section 4121.447 of the 78806  
Revised Code, the board shall provide to the medical director 78807  
information from the database relating to a claimant under Chapter 78808  
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 78809  
managed care organization, including information in the database 78810  
related to prescriptions for the claimant that were not covered or 78811  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 78812  
Revised Code, if the administrator of workers' compensation 78813  
confirms, upon request from the board, that the claimant is 78814  
assigned to the managed care organization. 78815

(11) On receipt of a request from the administrator of 78816  
workers' compensation, the board shall provide to the 78817  
administrator information from the database relating to a claimant 78818  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 78819  
including information in the database related to prescriptions for 78820  
the claimant that were not covered or reimbursed under Chapter 78821  
4121., 4123., 4127., or 4131. of the Revised Code. 78822

(12) On receipt of a request from a prescriber or the 78823  
prescriber's delegate approved by the board, the board shall 78824

provide to the prescriber information from the database relating 78825  
to a patient's mother, if the prescriber certifies in a form 78826  
specified by the board that it is for the purpose of providing 78827  
medical treatment to a newborn or infant patient diagnosed as 78828  
opioid dependent and the prescriber has not been denied access to 78829  
the database by the board. 78830

(13) On receipt of a request from the director of health, the 78831  
board shall provide to the director information from the database 78832  
relating to the duties of the director or the department of health 78833  
in implementing the Ohio violent death reporting system 78834  
established under section 3701.93 of the Revised Code. 78835

(14) On receipt of a request from a requestor described in 78836  
division (A)(1), (2), (5), or (6) of this section who is from or 78837  
participating with another state's prescription monitoring 78838  
program, the board may provide to the requestor information from 78839  
the database, but only if there is a written agreement under which 78840  
the information is to be used and disseminated according to the 78841  
laws of this state. 78842

(B) The state board of pharmacy shall maintain a record of 78843  
each individual or entity that requests information from the 78844  
database pursuant to this section. In accordance with rules 78845  
adopted under section 4729.84 of the Revised Code, the board may 78846  
use the records to document and report statistics and law 78847  
enforcement outcomes. 78848

The board may provide records of an individual's requests for 78849  
database information to the following: 78850

(1) A designated representative of a government entity that 78851  
is responsible for the licensure, regulation, or discipline of 78852  
health care professionals with authority to prescribe, administer, 78853  
or dispense drugs who is involved in an active investigation being 78854  
conducted by the government entity of the individual who submitted 78855

the requests for database information; 78856

(2) A federal officer, or a state or local officer of this or 78857  
any other state, whose duties include enforcing laws relating to 78858  
drugs and who is involved in an active investigation being 78859  
conducted by the officer's employing government entity of the 78860  
individual who submitted the requests for database information. 78861

(C) Information contained in the database and any information 78862  
obtained from it is not a public record. Information contained in 78863  
the records of requests for information from the database is not a 78864  
public record. Information that does not identify a person may be 78865  
released in summary, statistical, or aggregate form. 78866

(D) A pharmacist or prescriber shall not be held liable in 78867  
damages to any person in any civil action for injury, death, or 78868  
loss to person or property on the basis that the pharmacist or 78869  
prescriber did or did not seek or obtain information from the 78870  
database. 78871

**Sec. 4729.82.** If the state board of pharmacy establishes a 78872  
drug database pursuant to section 4729.75 of the Revised Code, the 78873  
information collected for the database shall be retained in the 78874  
database for at least ~~two~~ three years. Any information that 78875  
identifies a patient shall be destroyed after it has been retained 78876  
for ~~two~~ three years unless a law enforcement agency or a 78877  
government entity responsible for the licensure, regulation, or 78878  
discipline of licensed health professionals authorized to 78879  
prescribe drugs has submitted a written request to the board for 78880  
retention of the information in accordance with rules adopted by 78881  
the board under section 4729.84 of the Revised Code. 78882

**Sec. 4729.84.** For purposes of establishing and maintaining a 78883  
drug database pursuant to section 4729.75 of the Revised Code, the 78884  
state board of pharmacy shall adopt rules in accordance with 78885



Chapter 119. of the Revised Code to carry out and enforce sections 78886  
4729.75 to 4729.83 of the Revised Code. The rules shall specify 78887  
all of the following: 78888

(A) A means of identifying each patient, each terminal 78889  
distributor of dangerous drugs, and each purchase at wholesale of 78890  
dangerous drugs about which information is entered into the drug 78891  
database; 78892

(B) Requirements for the transmission of information from 78893  
terminal distributors of dangerous drugs, wholesale distributors 78894  
of dangerous drugs, and prescribers; 78895

(C) An electronic format for the submission of information 78896  
from terminal distributors, wholesale distributors, and 78897  
prescribers; 78898

(D) A procedure whereby a terminal distributor-, wholesale 78899  
distributor, or prescriber unable to submit information 78900  
electronically may obtain a waiver to submit information in 78901  
another format; 78902

(E) A procedure whereby the board may grant a request from a 78903  
law enforcement agency or a government entity responsible for the 78904  
licensure, regulation, or discipline of licensed health 78905  
professionals authorized to prescribe drugs that information that 78906  
has been stored for ~~two~~ three years be retained when the 78907  
information pertains to an open investigation being conducted by 78908  
the agency or entity; 78909

(F) A procedure whereby a terminal distributor, wholesale 78910  
distributor, or prescriber may apply for an extension to the time 78911  
by which information must be transmitted to the board; 78912

(G) A procedure whereby a person or government entity to 78913  
which the board is authorized to provide information may submit a 78914  
request to the board for the information and the board may verify 78915  
the identity of the requestor; 78916

(H) A procedure whereby the board can use the database 78917  
request records required by division (B) of section 4729.80 of the 78918  
Revised Code to document and report statistics and law enforcement 78919  
outcomes; 78920

(I) A procedure whereby an individual may request the 78921  
individual's own database information and the board may verify the 78922  
identity of the requestor; 78923

(J) A reasonable fee that the board may charge under section 78924  
4729.83 of the Revised Code for providing an individual with the 78925  
individual's own database information pursuant to section 4729.80 78926  
of the Revised Code; 78927

(K) The other specific dangerous drugs that, in addition to 78928  
controlled substances, must be included in the database; 78929

(L) The types of pharmacies licensed as terminal distributors 78930  
of dangerous drugs that are required to submit prescription 78931  
information to the board pursuant to section 4729.77 of the 78932  
Revised Code. 78933

**Sec. 4729.86.** If the state board of pharmacy establishes and 78934  
maintains a drug database pursuant to section 4729.75 of the 78935  
Revised Code, all of the following apply: 78936

(A)(1) No person identified in divisions (A)(1) to ~~(12)~~(13) 78937  
or (B) of section 4729.80 of the Revised Code shall disseminate 78938  
any written or electronic information the person receives from the 78939  
drug database or otherwise provide another person access to the 78940  
information that the person receives from the database, except as 78941  
follows: 78942

(a) When necessary in the investigation or prosecution of a 78943  
possible or alleged criminal offense; 78944

(b) When a person provides the information to the prescriber 78945  
or pharmacist for whom the person is approved by the board to 78946

serve as a delegate of the prescriber or pharmacist for purposes 78947  
of requesting and receiving information from the drug database 78948  
under division (A)(5) or (6) of section 4729.80 of the Revised 78949  
Code; 78950

(c) When a prescriber or pharmacist provides the information 78951  
to a person who is approved by the board to serve as such a 78952  
delegate of the prescriber or pharmacist; 78953

~~(d) When a prescriber or pharmacist provides the information 78954  
to a patient or patient's personal representative; 78955~~

~~(e) When a prescriber or pharmacist includes the information 78956  
in a medical record, as defined in section 3701.74 of the Revised 78957  
Code. 78958~~

(2) No person shall provide false information to the state 78959  
board of pharmacy with the intent to obtain or alter information 78960  
contained in the drug database. 78961

(3) No person shall obtain drug database information by any 78962  
means except as provided under section 4729.80 or 4729.81 of the 78963  
Revised Code. 78964

(B) A person shall not use information obtained pursuant to 78965  
division (A) of section 4729.80 of the Revised Code as evidence in 78966  
any civil or administrative proceeding. 78967

(C)(1) Except as provided in division (C)(2) of this section, 78968  
after providing notice and affording an opportunity for a hearing 78969  
in accordance with Chapter 119. of the Revised Code, the board may 78970  
restrict a person from obtaining further information from the drug 78971  
database if any of the following is the case: 78972

(a) The person violates division (A)(1), (2), or (3) of this 78973  
section; 78974

(b) The person is a requestor identified in division 78975  
(A)~~(13)~~(14) of section 4729.80 of the Revised Code and the board 78976

determines that the person's actions in another state would have 78977  
constituted a violation of division (A)(1), (2), or (3) of this 78978  
section; 78979

(c) The person fails to comply with division (B) of this 78980  
section, regardless of the jurisdiction in which the failure to 78981  
comply occurred; 78982

(d) The person creates, by clear and convincing evidence, a 78983  
threat to the security of information contained in the database. 78984

(2) If the board determines that allegations regarding a 78985  
person's actions warrant restricting the person from obtaining 78986  
further information from the drug database without a prior 78987  
hearing, the board may summarily impose the restriction. A 78988  
telephone conference call may be used for reviewing the 78989  
allegations and taking a vote on the summary restriction. The 78990  
summary restriction shall remain in effect, unless removed by the 78991  
board, until the board's final adjudication order becomes 78992  
effective. 78993

(3) The board shall determine the extent to which the person 78994  
is restricted from obtaining further information from the 78995  
database. 78996

**Sec. 4730.14.** (A) A certificate to practice as a physician 78997  
assistant shall expire biennially and may be renewed in accordance 78998  
with this section. A person seeking to renew a certificate to 78999  
practice as a physician assistant shall, on or before the 79000  
thirty-first day of January of each even-numbered year, apply for 79001  
renewal of the certificate. The state medical board shall ~~send~~ 79002  
provide renewal notices at least one month prior to the expiration 79003  
date. 79004

Applications shall be submitted to the board ~~on forms in a~~ 79005  
manner prescribed by the board ~~shall prescribe and furnish.~~ Each 79006

application shall be accompanied by a biennial renewal fee of one 79007  
hundred dollars. The board shall deposit the fees in accordance 79008  
with section 4731.24 of the Revised Code. 79009

The applicant shall report any criminal offense that 79010  
constitutes grounds for refusing to issue a certificate to 79011  
practice under section 4730.25 of the Revised Code to which the 79012  
applicant has pleaded guilty, of which the applicant has been 79013  
found guilty, or for which the applicant has been found eligible 79014  
for intervention in lieu of conviction, since last signing an 79015  
application for a certificate to practice as a physician 79016  
assistant. 79017

(B) To be eligible for renewal, a physician assistant shall 79018  
certify to the board both of the following: 79019

(1) That the physician assistant has maintained certification 79020  
by the national commission on certification of physician 79021  
assistants or a successor organization that is recognized by the 79022  
board by meeting the standards to hold current certification from 79023  
the commission or its successor, including completion of 79024  
continuing medical education requirements and passing periodic 79025  
recertification examinations; 79026

(2) Except as provided in division (F) of this section and 79027  
section 5903.12 of the Revised Code, that the physician assistant 79028  
has completed during the current certification period not less 79029  
than one hundred hours of continuing medical education acceptable 79030  
to the board. 79031

(C) The board shall adopt rules in accordance with Chapter 79032  
119. of the Revised Code specifying the types of continuing 79033  
medical education that must be completed to fulfill the board's 79034  
requirements under division (B)(2) of this section. Except when 79035  
additional continuing medical education is required to renew a 79036  
certificate to prescribe, as specified in section 4730.49 of the 79037

Revised Code, the board shall not adopt rules that require a 79038  
physician assistant to complete in any certification period more 79039  
than one hundred hours of continuing medical education acceptable 79040  
to the board. In fulfilling the board's requirements, a physician 79041  
assistant may use continuing medical education courses or programs 79042  
completed to maintain certification by the national commission on 79043  
certification of physician assistants or a successor organization 79044  
that is recognized by the board if the standards for acceptable 79045  
courses and programs of the commission or its successor are at 79046  
least equivalent to the standards established by the board. 79047

(D) If an applicant submits a complete renewal application 79048  
and qualifies for renewal pursuant to division (B) of this 79049  
section, the board shall issue to the applicant a renewed 79050  
certificate to practice as a physician assistant. 79051

(E) The board may require a random sample of physician 79052  
assistants to submit materials documenting certification by the 79053  
national commission on certification of physician assistants or a 79054  
successor organization that is recognized by the board and 79055  
completion of the required number of hours of continuing medical 79056  
education. 79057

(F) The board shall provide for pro rata reductions by month 79058  
of the number of hours of continuing education that must be 79059  
completed for individuals who are in their first certification 79060  
period, who have been disabled due to illness or accident, or who 79061  
have been absent from the country. The board shall adopt rules, in 79062  
accordance with Chapter 119. of the Revised Code, as necessary to 79063  
implement this division. 79064

(G)(1) A certificate to practice that is not renewed on or 79065  
before its expiration date is automatically suspended on its 79066  
expiration date. Continued practice after suspension of the 79067  
certificate shall be considered as practicing in violation of 79068  
division (A) of section 4730.02 of the Revised Code. 79069

(2) If a certificate has been suspended pursuant to division 79070  
(G)(1) of this section for two years or less, it may be 79071  
reinstated. The board shall reinstate a certificate suspended for 79072  
failure to renew upon an applicant's submission of a renewal 79073  
application, the biennial renewal fee, and any applicable monetary 79074  
penalty. 79075

If a certificate has been suspended pursuant to division 79076  
(G)(1) of this division for more than two years, it may be 79077  
restored. In accordance with section 4730.28 of the Revised Code, 79078  
the board may restore a certificate suspended for failure to renew 79079  
upon an applicant's submission of a restoration application, the 79080  
biennial renewal fee, and any applicable monetary penalty and 79081  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 79082  
The board shall not restore to an applicant a certificate to 79083  
practice as a physician assistant unless the board, in its 79084  
discretion, decides that the results of the criminal records check 79085  
do not make the applicant ineligible for a certificate issued 79086  
pursuant to section 4730.12 of the Revised Code. 79087

The penalty for reinstatement shall be fifty dollars and the 79088  
penalty for restoration shall be one hundred dollars. The board 79089  
shall deposit penalties in accordance with section 4731.24 of the 79090  
Revised Code. 79091

(H) If an individual certifies that the individual has 79092  
completed the number of hours and type of continuing medical 79093  
education required for renewal or reinstatement of a certificate 79094  
to practice as a physician assistant, and the board finds through 79095  
a random sample conducted under division (E) of this section or 79096  
through any other means that the individual did not complete the 79097  
requisite continuing medical education, the board may impose a 79098  
civil penalty of not more than five thousand dollars. ~~The board's 79099  
finding shall be made pursuant to an adjudication under Chapter 79100  
119. of the Revised Code and by an affirmative vote of not fewer 79101~~

~~than six members.~~ 79102

A civil penalty imposed under this division may be in 79103  
addition to or in lieu of any other action the board may take 79104  
under section 4730.25 of the Revised Code. The board shall deposit 79105  
civil penalties in accordance with section 4731.24 of the Revised 79106  
Code. The board shall not conduct an adjudication under Chapter 79107  
119. of the Revised Code if the board imposes only a civil 79108  
penalty. 79109

**Sec. 4730.25.** (A) The state medical board, by an affirmative 79110  
vote of not fewer than six members, may revoke or may refuse to 79111  
grant a certificate to practice as a physician assistant or a 79112  
certificate to prescribe to a person found by the board to have 79113  
committed fraud, misrepresentation, or deception in applying for 79114  
or securing the certificate. 79115

(B) The board, by an affirmative vote of not fewer than six 79116  
members, shall, to the extent permitted by law, limit, revoke, or 79117  
suspend an individual's certificate to practice as a physician 79118  
assistant or certificate to prescribe, refuse to issue a 79119  
certificate to an applicant, refuse to renew a certificate, refuse 79120  
to reinstate a certificate, or reprimand or place on probation the 79121  
holder of a certificate for any of the following reasons: 79122

(1) Failure to practice in accordance with the conditions 79123  
under which the supervising physician's supervision agreement with 79124  
the physician assistant was approved, including the requirement 79125  
that when practicing under a particular supervising physician, the 79126  
physician assistant must practice only according to the physician 79127  
supervisory plan the board approved for that physician or the 79128  
policies of the health care facility in which the supervising 79129  
physician and physician assistant are practicing; 79130

(2) Failure to comply with the requirements of this chapter, 79131  
Chapter 4731. of the Revised Code, or any rules adopted by the 79132



board;	79133
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	79134 79135 79136 79137
(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	79138 79139 79140 79141
(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	79142 79143 79144 79145
(6) Administering drugs for purposes other than those authorized under this chapter;	79146 79147
(7) Willfully betraying a professional confidence;	79148
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement.	79149 79150 79151 79152 79153 79154 79155 79156
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to	79157 79158 79159 79160 79161 79162 79163

misunderstand or be deceived.	79164
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	79165 79166 79167 79168
(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	79169 79170 79171
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	79172 79173 79174
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	79175 79176 79177
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	79178 79179 79180
(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	79181 79182 79183
(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	79184 79185 79186
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	79187 79188 79189
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including	79190 79191 79192 79193

trafficking in drugs;	79194
(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	79195 79196 79197 79198 79199 79200 79201 79202
(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;	79203 79204 79205 79206
(20) Violation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement;	79207 79208 79209
(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	79210 79211 79212
(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	79213 79214 79215 79216 79217 79218 79219 79220 79221
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;	79222 79223
(24) Prescribing any drug or device to perform or induce an	79224

abortion, or otherwise performing or inducing an abortion; 79225

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 79226  
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(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code. 79229  
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(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 79233  
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(D) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds. 79245  
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(E) The sealing of conviction records by any court shall have 79256  
no effect upon a prior board order entered under the provisions of 79257  
this section or upon the board's jurisdiction to take action under 79258  
the provisions of this section if, based upon a plea of guilty, a 79259  
judicial finding of guilt, or a judicial finding of eligibility 79260  
for intervention in lieu of conviction, the board issued a notice 79261  
of opportunity for a hearing prior to the court's order to seal 79262  
the records. The board shall not be required to seal, destroy, 79263  
redact, or otherwise modify its records to reflect the court's 79264  
sealing of conviction records. 79265

(F) For purposes of this division, any individual who holds a 79266  
certificate issued under this chapter, or applies for a 79267  
certificate issued under this chapter, shall be deemed to have 79268  
given consent to submit to a mental or physical examination when 79269  
directed to do so in writing by the board and to have waived all 79270  
objections to the admissibility of testimony or examination 79271  
reports that constitute a privileged communication. 79272

(1) In enforcing division (B)(4) of this section, the board, 79273  
upon a showing of a possible violation, may compel any individual 79274  
who holds a certificate issued under this chapter or who has 79275  
applied for a certificate pursuant to this chapter to submit to a 79276  
mental examination, physical examination, including an HIV test, 79277  
or both a mental and physical examination. The expense of the 79278  
examination is the responsibility of the individual compelled to 79279  
be examined. Failure to submit to a mental or physical examination 79280  
or consent to an HIV test ordered by the board constitutes an 79281  
admission of the allegations against the individual unless the 79282  
failure is due to circumstances beyond the individual's control, 79283  
and a default and final order may be entered without the taking of 79284  
testimony or presentation of evidence. If the board finds a 79285  
physician assistant unable to practice because of the reasons set 79286  
forth in division (B)(4) of this section, the board shall require 79287

the physician assistant to submit to care, counseling, or 79288  
treatment by physicians approved or designated by the board, as a 79289  
condition for an initial, continued, reinstated, or renewed 79290  
certificate. An individual affected under this division shall be 79291  
afforded an opportunity to demonstrate to the board the ability to 79292  
resume practicing in compliance with acceptable and prevailing 79293  
standards of care. 79294

(2) For purposes of division (B)(5) of this section, if the 79295  
board has reason to believe that any individual who holds a 79296  
certificate issued under this chapter or any applicant for a 79297  
certificate suffers such impairment, the board may compel the 79298  
individual to submit to a mental or physical examination, or both. 79299  
The expense of the examination is the responsibility of the 79300  
individual compelled to be examined. Any mental or physical 79301  
examination required under this division shall be undertaken by a 79302  
treatment provider or physician qualified to conduct such 79303  
examination and chosen by the board. 79304

Failure to submit to a mental or physical examination ordered 79305  
by the board constitutes an admission of the allegations against 79306  
the individual unless the failure is due to circumstances beyond 79307  
the individual's control, and a default and final order may be 79308  
entered without the taking of testimony or presentation of 79309  
evidence. If the board determines that the individual's ability to 79310  
practice is impaired, the board shall suspend the individual's 79311  
certificate or deny the individual's application and shall require 79312  
the individual, as a condition for initial, continued, reinstated, 79313  
or renewed certification to practice or prescribe, to submit to 79314  
treatment. 79315

Before being eligible to apply for reinstatement of a 79316  
certificate suspended under this division, the physician assistant 79317  
shall demonstrate to the board the ability to resume practice or 79318  
prescribing in compliance with acceptable and prevailing standards 79319

of care. The demonstration shall include the following: 79320

(a) Certification from a treatment provider approved under 79321  
section 4731.25 of the Revised Code that the individual has 79322  
successfully completed any required inpatient treatment; 79323

(b) Evidence of continuing full compliance with an aftercare 79324  
contract or consent agreement; 79325

(c) Two written reports indicating that the individual's 79326  
ability to practice has been assessed and that the individual has 79327  
been found capable of practicing according to acceptable and 79328  
prevailing standards of care. The reports shall be made by 79329  
individuals or providers approved by the board for making such 79330  
assessments and shall describe the basis for their determination. 79331

The board may reinstate a certificate suspended under this 79332  
division after such demonstration and after the individual has 79333  
entered into a written consent agreement. 79334

When the impaired physician assistant resumes practice or 79335  
prescribing, the board shall require continued monitoring of the 79336  
physician assistant. The monitoring shall include compliance with 79337  
the written consent agreement entered into before reinstatement or 79338  
with conditions imposed by board order after a hearing, and, upon 79339  
termination of the consent agreement, submission to the board for 79340  
at least two years of annual written progress reports made under 79341  
penalty of falsification stating whether the physician assistant 79342  
has maintained sobriety. 79343

(G) If the secretary and supervising member determine that 79344  
there is clear and convincing evidence that a physician assistant 79345  
has violated division (B) of this section and that the 79346  
individual's continued practice or prescribing presents a danger 79347  
of immediate and serious harm to the public, they may recommend 79348  
that the board suspend the individual's certificate to practice or 79349  
prescribe without a prior hearing. Written allegations shall be 79350

prepared for consideration by the board. 79351

The board, upon review of those allegations and by an 79352  
affirmative vote of not fewer than six of its members, excluding 79353  
the secretary and supervising member, may suspend a certificate 79354  
without a prior hearing. A telephone conference call may be 79355  
utilized for reviewing the allegations and taking the vote on the 79356  
summary suspension. 79357

The board shall issue a written order of suspension by 79358  
certified mail or in person in accordance with section 119.07 of 79359  
the Revised Code. The order shall not be subject to suspension by 79360  
the court during pendency of any appeal filed under section 119.12 79361  
of the Revised Code. If the physician assistant requests an 79362  
adjudicatory hearing by the board, the date set for the hearing 79363  
shall be within fifteen days, but not earlier than seven days, 79364  
after the physician assistant requests the hearing, unless 79365  
otherwise agreed to by both the board and the certificate holder. 79366

A summary suspension imposed under this division shall remain 79367  
in effect, unless reversed on appeal, until a final adjudicative 79368  
order issued by the board pursuant to this section and Chapter 79369  
119. of the Revised Code becomes effective. The board shall issue 79370  
its final adjudicative order within sixty days after completion of 79371  
its hearing. Failure to issue the order within sixty days shall 79372  
result in dissolution of the summary suspension order, but shall 79373  
not invalidate any subsequent, final adjudicative order. 79374

(H) If the board takes action under division (B)(11), (13), 79375  
or (14) of this section, and the judicial finding of guilt, guilty 79376  
plea, or judicial finding of eligibility for intervention in lieu 79377  
of conviction is overturned on appeal, upon exhaustion of the 79378  
criminal appeal, a petition for reconsideration of the order may 79379  
be filed with the board along with appropriate court documents. 79380  
Upon receipt of a petition and supporting court documents, the 79381  
board shall reinstate the certificate to practice or prescribe. 79382



The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The certificate to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a

hearing in accordance with section 119.07 of the Revised Code, the 79415  
board is not required to hold a hearing, but may adopt, by an 79416  
affirmative vote of not fewer than six of its members, a final 79417  
order that contains the board's findings. In that final order, the 79418  
board may order any of the sanctions identified under division (A) 79419  
or (B) of this section. 79420

(K) Any action taken by the board under division (B) of this 79421  
section resulting in a suspension shall be accompanied by a 79422  
written statement of the conditions under which the physician 79423  
assistant's certificate may be reinstated. The board shall adopt 79424  
rules in accordance with Chapter 119. of the Revised Code 79425  
governing conditions to be imposed for reinstatement. 79426  
Reinstatement of a certificate suspended pursuant to division (B) 79427  
of this section requires an affirmative vote of not fewer than six 79428  
members of the board. 79429

(L) When the board refuses to grant or issue to an applicant 79430  
a certificate to practice as a physician assistant or a 79431  
certificate to prescribe, revokes an individual's certificate, 79432  
refuses to ~~issue a~~ renew an individual's certificate, or refuses 79433  
to reinstate an individual's certificate, the board may specify 79434  
that its action is permanent. An individual subject to a permanent 79435  
action taken by the board is forever thereafter ineligible to hold 79436  
the certificate and the board shall not accept an application for 79437  
reinstatement of the certificate or for issuance of a new 79438  
certificate. 79439

(M) Notwithstanding any other provision of the Revised Code, 79440  
all of the following apply: 79441

(1) The surrender of a certificate issued under this chapter 79442  
is not effective unless or until accepted by the board. 79443  
Reinstatement of a certificate surrendered to the board requires 79444  
an affirmative vote of not fewer than six members of the board. 79445

(2) An application made under this chapter for a certificate, approval of a physician supervisory plan, or approval of a supervision agreement may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate in accordance with section 4730.14 or section 4730.48 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4730.252. (A)(1) If a physician assistant violates any section of this chapter other than section 4730.14 of the Revised Code or violates any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4730.25 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(5) of section 4730.25 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring.

**Sec. 4731.07.** (A) The state medical board shall keep a record of its proceedings. The minutes of a meeting of the board shall, on approval by the board, constitute an official record of its proceedings.

(B) The board shall keep a register of applicants for ~~certificates of registration and~~ certificates to practice issued under this chapter and Chapters 4730., 4760., 4762., and 4774. of the Revised Code and licenses issued under Chapter 4778. of the Revised Code. The register shall show the name of the applicant and whether the applicant was granted or refused a certificate or license. With respect to applicants to practice medicine and surgery or osteopathic medicine and surgery, the register shall show the name of the institution that granted the applicant the degree of doctor of medicine or osteopathic medicine. The books and records of the board shall be prima-facie evidence of matters therein contained.

**Sec. 4731.071.** The state medical board shall develop and publish on its internet web site a directory containing the names of, and contact information for, all persons who hold current, valid certificates or licenses issued by the board under this chapter or Chapter 4730., 4760., 4762., 4774., or 4778. of the Revised Code. Except as provided in section 4731.10 of the Revised Code, the directory shall be the sole source for verifying that a person holds a current, valid certificate or license issued by the board.

**Sec. 4731.141.** Any person who was authorized in practice limited osteopathic medicine and surgery on January 1, 1980, may continue to practice in accordance with the statutory limitations in effect on that date. The board shall regulate such practitioners and shall require them to ~~register on or before the~~

~~first day of June, 1983, and on or before the first day of June every second year thereafter, on a form prescribed by the board and pay at such time a biennial registration fee of twenty five dollars. At least one month in advance of the date of registration, a written notice shall be sent to such practitioners, whether a resident of the state or not, at the last known address, that the biennial registration fee is due on or before the first day of June. All such practitioners shall provide the board written notice of any change of address. A holder of a certificate to practice under this section shall have the certificate automatically suspended if the registration fee is not paid by the first day of September of the same year, and continued practice after the suspension shall be considered as practicing without a license in violation of section 4731.43 of the Revised Code. An applicant for reinstatement of a certificate to practice suspended for failure to register shall submit the applicant's current and delinquent registration fees and a penalty in the sum of twenty five dollars renew their certificates to practice in a manner that is substantially similar to the system the board uses under section 4731.281 of the Revised Code.~~

Any certificate to practice issued pursuant to this section may be ~~refused~~, limited, revoked, or suspended, an applicant may be denied certification or refused renewal or reinstatement, or the holder of a certificate may be reprimanded, or placed on probation as provided in section 4731.22 of the Revised Code.

**Sec. 4731.15.** (A)(1) The state medical board also shall regulate the following limited branches of medicine: massage therapy and cosmetic therapy, and to the extent specified in section 4731.151 of the Revised Code, naprapathy and mechanotherapy. The board shall adopt rules governing the limited branches of medicine under its jurisdiction. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) As used in this chapter: 79539

(a) "Cosmetic therapy" means the permanent removal of hair 79540  
from the human body through the use of electric modalities 79541  
approved by the board for use in cosmetic therapy, and 79542  
additionally may include the systematic friction, stroking, 79543  
slapping, and kneading or tapping of the face, neck, scalp, or 79544  
shoulders. 79545

(b) "Massage therapy" means the treatment of disorders of the 79546  
human body by the manipulation of soft tissue through the 79547  
systematic external application of massage techniques including 79548  
touch, stroking, friction, vibration, percussion, kneading, 79549  
stretching, compression, and joint movements within the normal 79550  
physiologic range of motion; and adjunctive thereto, the external 79551  
application of water, heat, cold, topical preparations, and 79552  
mechanical devices. 79553

(B) A certificate to practice a limited branch of medicine 79554  
issued by the state medical board is valid for a two-year period, 79555  
except when an initial certificate is issued for a shorter period 79556  
or when division (C)(2) of this section is applicable. The 79557  
certificate may be renewed in accordance with division (C) of this 79558  
section. 79559

(C)(1) Except as provided in division (C)(2) of this section, 79560  
all of the following apply with respect to the renewal of 79561  
certificates to practice a limited branch of medicine: 79562

(a) Each person seeking to renew a certificate to practice a 79563  
limited branch of medicine shall apply for biennial ~~registration~~ 79564  
renewal with the state medical board ~~on a renewal application form~~ 79565  
in a manner prescribed by the board. An applicant for renewal 79566  
shall pay a biennial ~~registration~~ renewal fee of one hundred 79567  
dollars. 79568

(b) At least six months before a certificate expires, the 79569

board shall ~~mail or cause to be mailed~~ provide a renewal notice to 79570  
the certificate holder's ~~last known address~~ holder. 79571

(c) At least three months before a certificate expires, the 79572  
certificate holder shall submit the renewal application and 79573  
biennial ~~registration~~ renewal fee to the board. 79574

(2) ~~Beginning with the 2009 registration period, the~~ The 79575  
board shall implement a staggered renewal system that is 79576  
substantially similar to the staggered renewal system the board 79577  
uses under division ~~(B)~~(A) of section 4731.281 of the Revised 79578  
Code. 79579

(D) All persons who hold a certificate to practice a limited 79580  
branch of medicine issued by the state medical board shall provide 79581  
the board ~~written~~ notice of any change of address. The notice 79582  
shall be submitted to the board not later than thirty days after 79583  
the change of address. 79584

(E) A certificate to practice a limited branch of medicine 79585  
shall be automatically suspended if the certificate holder fails 79586  
to renew the certificate in accordance with division (C) of this 79587  
section. Continued practice after the suspension of the 79588  
certificate to practice shall be considered as practicing in 79589  
violation of sections 4731.34 and 4731.41 of the Revised Code. 79590

If a certificate to practice has been suspended pursuant to 79591  
this division for two years or less, it may be reinstated. The 79592  
board shall reinstate the certificate upon an applicant's 79593  
submission of a renewal application and payment of the biennial 79594  
~~registration~~ renewal fee and the applicable monetary penalty. With 79595  
regard to reinstatement of a certificate to practice cosmetic 79596  
therapy, the applicant also shall submit with the application a 79597  
certification that the number of hours of continuing education 79598  
necessary to have a suspended certificate reinstated have been 79599  
completed, as specified in rules the board shall adopt in 79600

accordance with Chapter 119. of the Revised Code. The penalty for 79601  
reinstatement shall be twenty-five dollars. 79602

If a certificate has been suspended pursuant to this division 79603  
for more than two years, it may be restored. Subject to section 79604  
4731.222 of the Revised Code, the board may restore the 79605  
certificate upon an applicant's submission of a restoration 79606  
application, the biennial ~~registration~~ renewal fee, and the 79607  
applicable monetary penalty and compliance with sections 4776.01 79608  
to 4776.04 of the Revised Code. The board shall not restore to an 79609  
applicant a certificate to practice unless the board, in its 79610  
discretion, decides that the results of the criminal records check 79611  
do not make the applicant ineligible for a certificate issued 79612  
pursuant to section 4731.17 of the Revised Code. The penalty for 79613  
restoration is fifty dollars. 79614

**Sec. 4731.22.** (A) The state medical board, by an affirmative 79615  
vote of not fewer than six of its members, may limit, revoke, or 79616  
suspend an individual's certificate to practice, refuse to grant a 79617  
certificate to an individual, refuse to ~~register an individual~~ 79618  
renew a certificate, refuse to reinstate a certificate, or 79619  
reprimand or place on probation the holder of a certificate if the 79620  
individual or certificate holder is found by the board to have 79621  
committed fraud during the administration of the examination for a 79622  
certificate to practice or to have committed fraud, 79623  
misrepresentation, or deception in applying for, renewing, or 79624  
securing any certificate to practice ~~or certificate of~~ 79625  
~~registration~~ issued by the board. 79626

(B) The board, by an affirmative vote of not fewer than six 79627  
members, shall, to the extent permitted by law, limit, revoke, or 79628  
suspend an individual's certificate to practice, refuse to 79629  
~~register an individual~~ issue a certificate to an individual, 79630  
refuse to renew a certificate, refuse to reinstate a certificate, 79631



or reprimand or place on probation the holder of a certificate for 79632  
one or more of the following reasons: 79633

(1) Permitting one's name or one's certificate to practice ~~or~~ 79634  
~~certificate of registration~~ to be used by a person, group, or 79635  
corporation when the individual concerned is not actually 79636  
directing the treatment given; 79637

(2) Failure to maintain minimal standards applicable to the 79638  
selection or administration of drugs, or failure to employ 79639  
acceptable scientific methods in the selection of drugs or other 79640  
modalities for treatment of disease; 79641

(3) Selling, giving away, personally furnishing, prescribing, 79642  
or administering drugs for other than legal and legitimate 79643  
therapeutic purposes or a plea of guilty to, a judicial finding of 79644  
guilt of, or a judicial finding of eligibility for intervention in 79645  
lieu of conviction of, a violation of any federal or state law 79646  
regulating the possession, distribution, or use of any drug; 79647

(4) Willfully betraying a professional confidence. 79648

For purposes of this division, "willfully betraying a 79649  
professional confidence" does not include providing any 79650  
information, documents, or reports ~~to a child fatality review~~ 79651  
~~board~~ under sections 307.621 to 307.629 of the Revised Code to a 79652  
child fatality review board; does not include providing any 79653  
information, documents, or reports to the director of health 79654  
pursuant to guidelines established under section 3701.70 of the 79655  
Revised Code; does not include a report to a drug task force or 79656  
law enforcement agency under section 4731.62 of the Revised Code; 79657  
and does not include the making of a report of an employee's use 79658  
of a drug of abuse, or a report of a condition of an employee 79659  
other than one involving the use of a drug of abuse, to the 79660  
employer of the employee as described in division (B) of section 79661  
2305.33 of the Revised Code. Nothing in this division affects the 79662

immunity from civil liability conferred by ~~that~~ section 2305.33 or 79663  
4731.62 of the Revised Code upon a physician who makes ~~either type~~ 79664  
~~of a~~ report in accordance with ~~division (B) either~~ of ~~that section~~ 79665  
those sections. As used in this division, "employee," "employer," 79666  
and "physician" have the same meanings as in section 2305.33 of 79667  
the Revised Code. 79668

(5) Making a false, fraudulent, deceptive, or misleading 79669  
statement in the solicitation of or advertising for patients; in 79670  
relation to the practice of medicine and surgery, osteopathic 79671  
medicine and surgery, podiatric medicine and surgery, or a limited 79672  
branch of medicine; or in securing or attempting to secure any 79673  
certificate to practice ~~or certificate of registration~~ issued by 79674  
the board. 79675

As used in this division, "false, fraudulent, deceptive, or 79676  
misleading statement" means a statement that includes a 79677  
misrepresentation of fact, is likely to mislead or deceive because 79678  
of a failure to disclose material facts, is intended or is likely 79679  
to create false or unjustified expectations of favorable results, 79680  
or includes representations or implications that in reasonable 79681  
probability will cause an ordinarily prudent person to 79682  
misunderstand or be deceived. 79683

(6) A departure from, or the failure to conform to, minimal 79684  
standards of care of similar practitioners under the same or 79685  
similar circumstances, whether or not actual injury to a patient 79686  
is established; 79687

(7) Representing, with the purpose of obtaining compensation 79688  
or other advantage as personal gain or for any other person, that 79689  
an incurable disease or injury, or other incurable condition, can 79690  
be permanently cured; 79691

(8) The obtaining of, or attempting to obtain, money or 79692  
anything of value by fraudulent misrepresentations in the course 79693

of practice;	79694
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	79695 79696 79697
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	79698 79699 79700
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	79701 79702 79703
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	79704 79705 79706
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	79707 79708 79709
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	79710 79711 79712
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	79713 79714
(16) Failure to pay license renewal fees specified in this chapter;	79715 79716
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	79717 79718 79719 79720
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the	79721 79722 79723

American podiatric medical association, or any other national 79724  
professional organizations that the board specifies by rule. The 79725  
state medical board shall obtain and keep on file current copies 79726  
of the codes of ethics of the various national professional 79727  
organizations. The individual whose certificate is being suspended 79728  
or revoked shall not be found to have violated any provision of a 79729  
code of ethics of an organization not appropriate to the 79730  
individual's profession. 79731

For purposes of this division, a "provision of a code of 79732  
ethics of a national professional organization" does not include 79733  
any provision that would preclude the making of a report by a 79734  
physician of an employee's use of a drug of abuse, or of a 79735  
condition of an employee other than one involving the use of a 79736  
drug of abuse, to the employer of the employee as described in 79737  
division (B) of section 2305.33 of the Revised Code. Nothing in 79738  
this division affects the immunity from civil liability conferred 79739  
by that section upon a physician who makes either type of report 79740  
in accordance with division (B) of that section. As used in this 79741  
division, "employee," "employer," and "physician" have the same 79742  
meanings as in section 2305.33 of the Revised Code. 79743

(19) Inability to practice according to acceptable and 79744  
prevailing standards of care by reason of mental illness or 79745  
physical illness, including, but not limited to, physical 79746  
deterioration that adversely affects cognitive, motor, or 79747  
perceptive skills. 79748

In enforcing this division, the board, upon a showing of a 79749  
possible violation, may compel any individual authorized to 79750  
practice by this chapter or who has submitted an application 79751  
pursuant to this chapter to submit to a mental examination, 79752  
physical examination, including an HIV test, or both a mental and 79753  
a physical examination. The expense of the examination is the 79754  
responsibility of the individual compelled to be examined. Failure 79755

to submit to a mental or physical examination or consent to an HIV 79756  
test ordered by the board constitutes an admission of the 79757  
allegations against the individual unless the failure is due to 79758  
circumstances beyond the individual's control, and a default and 79759  
final order may be entered without the taking of testimony or 79760  
presentation of evidence. If the board finds an individual unable 79761  
to practice because of the reasons set forth in this division, the 79762  
board shall require the individual to submit to care, counseling, 79763  
or treatment by physicians approved or designated by the board, as 79764  
a condition for initial, continued, reinstated, or renewed 79765  
authority to practice. An individual affected under this division 79766  
shall be afforded an opportunity to demonstrate to the board the 79767  
ability to resume practice in compliance with acceptable and 79768  
prevailing standards under the provisions of the individual's 79769  
certificate. For the purpose of this division, any individual who 79770  
applies for or receives a certificate to practice under this 79771  
chapter accepts the privilege of practicing in this state and, by 79772  
so doing, shall be deemed to have given consent to submit to a 79773  
mental or physical examination when directed to do so in writing 79774  
by the board, and to have waived all objections to the 79775  
admissibility of testimony or examination reports that constitute 79776  
a privileged communication. 79777

(20) Except when civil penalties are imposed under section 79778  
4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to 79779  
section 4731.226 of the Revised Code, violating or attempting to 79780  
violate, directly or indirectly, or assisting in or abetting the 79781  
violation of, or conspiring to violate, any provisions of this 79782  
chapter or any rule promulgated by the board. 79783

This division does not apply to a violation or attempted 79784  
violation of, assisting in or abetting the violation of, or a 79785  
conspiracy to violate, any provision of this chapter or any rule 79786  
adopted by the board that would preclude the making of a report by 79787

a physician of an employee's use of a drug of abuse, or of a 79788  
condition of an employee other than one involving the use of a 79789  
drug of abuse, to the employer of the employee as described in 79790  
division (B) of section 2305.33 of the Revised Code. Nothing in 79791  
this division affects the immunity from civil liability conferred 79792  
by that section upon a physician who makes either type of report 79793  
in accordance with division (B) of that section. As used in this 79794  
division, "employee," "employer," and "physician" have the same 79795  
meanings as in section 2305.33 of the Revised Code. 79796

(21) The violation of section 3701.79 of the Revised Code or 79797  
of any abortion rule adopted by the ~~public health council~~ director 79798  
of health pursuant to section 3701.341 of the Revised Code; 79799

(22) Any of the following actions taken by an agency 79800  
responsible for authorizing, certifying, or regulating an 79801  
individual to practice a health care occupation or provide health 79802  
care services in this state or another jurisdiction, for any 79803  
reason other than the nonpayment of fees: the limitation, 79804  
revocation, or suspension of an individual's license to practice; 79805  
acceptance of an individual's license surrender; denial of a 79806  
license; refusal to renew or reinstate a license; imposition of 79807  
probation; or issuance of an order of censure or other reprimand; 79808

(23) The violation of section 2919.12 of the Revised Code or 79809  
the performance or inducement of an abortion upon a pregnant woman 79810  
with actual knowledge that the conditions specified in division 79811  
(B) of section 2317.56 of the Revised Code have not been satisfied 79812  
or with a heedless indifference as to whether those conditions 79813  
have been satisfied, unless an affirmative defense as specified in 79814  
division (H)(2) of that section would apply in a civil action 79815  
authorized by division (H)(1) of that section; 79816

(24) The revocation, suspension, restriction, reduction, or 79817  
termination of clinical privileges by the United States department 79818  
of defense or department of veterans affairs or the termination or 79819

suspension of a certificate of registration to prescribe drugs by 79820  
the drug enforcement administration of the United States 79821  
department of justice; 79822

(25) Termination or suspension from participation in the 79823  
medicare or medicaid programs by the department of health and 79824  
human services or other responsible agency for any act or acts 79825  
that also would constitute a violation of division (B)(2), (3), 79826  
(6), (8), or (19) of this section; 79827

(26) Impairment of ability to practice according to 79828  
acceptable and prevailing standards of care because of habitual or 79829  
excessive use or abuse of drugs, alcohol, or other substances that 79830  
impair ability to practice. 79831

For the purposes of this division, any individual authorized 79832  
to practice by this chapter accepts the privilege of practicing in 79833  
this state subject to supervision by the board. By filing an 79834  
application for or holding a certificate to practice under this 79835  
chapter, an individual shall be deemed to have given consent to 79836  
submit to a mental or physical examination when ordered to do so 79837  
by the board in writing, and to have waived all objections to the 79838  
admissibility of testimony or examination reports that constitute 79839  
privileged communications. 79840

If it has reason to believe that any individual authorized to 79841  
practice by this chapter or any applicant for certification to 79842  
practice suffers such impairment, the board may compel the 79843  
individual to submit to a mental or physical examination, or both. 79844  
The expense of the examination is the responsibility of the 79845  
individual compelled to be examined. Any mental or physical 79846  
examination required under this division shall be undertaken by a 79847  
treatment provider or physician who is qualified to conduct the 79848  
examination and who is chosen by the board. 79849

Failure to submit to a mental or physical examination ordered 79850

by the board constitutes an admission of the allegations against 79851  
the individual unless the failure is due to circumstances beyond 79852  
the individual's control, and a default and final order may be 79853  
entered without the taking of testimony or presentation of 79854  
evidence. If the board determines that the individual's ability to 79855  
practice is impaired, the board shall suspend the individual's 79856  
certificate or deny the individual's application and shall require 79857  
the individual, as a condition for initial, continued, reinstated, 79858  
or renewed certification to practice, to submit to treatment. 79859

Before being eligible to apply for reinstatement of a 79860  
certificate suspended under this division, the impaired 79861  
practitioner shall demonstrate to the board the ability to resume 79862  
practice in compliance with acceptable and prevailing standards of 79863  
care under the provisions of the practitioner's certificate. The 79864  
demonstration shall include, but shall not be limited to, the 79865  
following: 79866

(a) Certification from a treatment provider approved under 79867  
section 4731.25 of the Revised Code that the individual has 79868  
successfully completed any required inpatient treatment; 79869

(b) Evidence of continuing full compliance with an aftercare 79870  
contract or consent agreement; 79871

(c) Two written reports indicating that the individual's 79872  
ability to practice has been assessed and that the individual has 79873  
been found capable of practicing according to acceptable and 79874  
prevailing standards of care. The reports shall be made by 79875  
individuals or providers approved by the board for making the 79876  
assessments and shall describe the basis for their determination. 79877

The board may reinstate a certificate suspended under this 79878  
division after that demonstration and after the individual has 79879  
entered into a written consent agreement. 79880

When the impaired practitioner resumes practice, the board 79881



shall require continued monitoring of the individual. The 79882  
monitoring shall include, but not be limited to, compliance with 79883  
the written consent agreement entered into before reinstatement or 79884  
with conditions imposed by board order after a hearing, and, upon 79885  
termination of the consent agreement, submission to the board for 79886  
at least two years of annual written progress reports made under 79887  
penalty of perjury stating whether the individual has maintained 79888  
sobriety. 79889

(27) A second or subsequent violation of section 4731.66 or 79890  
4731.69 of the Revised Code; 79891

(28) Except as provided in division (N) of this section: 79892

(a) Waiving the payment of all or any part of a deductible or 79893  
copayment that a patient, pursuant to a health insurance or health 79894  
care policy, contract, or plan that covers the individual's 79895  
services, otherwise would be required to pay if the waiver is used 79896  
as an enticement to a patient or group of patients to receive 79897  
health care services from that individual; 79898

(b) Advertising that the individual will waive the payment of 79899  
all or any part of a deductible or copayment that a patient, 79900  
pursuant to a health insurance or health care policy, contract, or 79901  
plan that covers the individual's services, otherwise would be 79902  
required to pay. 79903

(29) Failure to use universal blood and body fluid 79904  
precautions established by rules adopted under section 4731.051 of 79905  
the Revised Code; 79906

(30) Failure to provide notice to, and receive acknowledgment 79907  
of the notice from, a patient when required by section 4731.143 of 79908  
the Revised Code prior to providing nonemergency professional 79909  
services, or failure to maintain that notice in the patient's 79910  
file; 79911

(31) Failure of a physician supervising a physician assistant 79912

to maintain supervision in accordance with the requirements of 79913  
Chapter 4730. of the Revised Code and the rules adopted under that 79914  
chapter; 79915

(32) Failure of a physician or podiatrist to enter into a 79916  
standard care arrangement with a clinical nurse specialist, 79917  
certified nurse-midwife, or certified nurse practitioner with whom 79918  
the physician or podiatrist is in collaboration pursuant to 79919  
section 4731.27 of the Revised Code or failure to fulfill the 79920  
responsibilities of collaboration after entering into a standard 79921  
care arrangement; 79922

(33) Failure to comply with the terms of a consult agreement 79923  
entered into with a pharmacist pursuant to section 4729.39 of the 79924  
Revised Code; 79925

(34) Failure to cooperate in an investigation conducted by 79926  
the board under division (F) of this section, including failure to 79927  
comply with a subpoena or order issued by the board or failure to 79928  
answer truthfully a question presented by the board in an 79929  
investigative interview, an investigative office conference, at a 79930  
deposition, or in written interrogatories, except that failure to 79931  
cooperate with an investigation shall not constitute grounds for 79932  
discipline under this section if a court of competent jurisdiction 79933  
has issued an order that either quashes a subpoena or permits the 79934  
individual to withhold the testimony or evidence in issue; 79935

(35) Failure to supervise an oriental medicine practitioner 79936  
or acupuncturist in accordance with Chapter 4762. of the Revised 79937  
Code and the board's rules for providing that supervision; 79938

(36) Failure to supervise an anesthesiologist assistant in 79939  
accordance with Chapter 4760. of the Revised Code and the board's 79940  
rules for supervision of an anesthesiologist assistant; 79941

(37) Assisting suicide, as defined in section 3795.01 of the 79942  
Revised Code; 79943

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	79944 79945
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	79946 79947 79948
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	79949 79950 79951
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	79952 79953 79954 79955
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	79956 79957 79958 79959
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	79960 79961 79962 79963
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	79964 79965 79966 79967
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	79968 79969 79970 79971 79972
(46) Owning a facility that is subject to licensure as a	79973

category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea

of guilty to, or judicial finding of guilt of, a violation of 80005  
section 2919.123 of the Revised Code, the disciplinary action 80006  
shall consist of a suspension of the individual's certificate to 80007  
practice for a period of at least one year or, if determined 80008  
appropriate by the board, a more serious sanction involving the 80009  
individual's certificate to practice. Any consent agreement 80010  
entered into under this division with an individual that pertains 80011  
to a second or subsequent plea of guilty to, or judicial finding 80012  
of guilt of, a violation of that section shall provide for a 80013  
suspension of the individual's certificate to practice for a 80014  
period of at least one year or, if determined appropriate by the 80015  
board, a more serious sanction involving the individual's 80016  
certificate to practice. 80017

(D) For purposes of divisions (B)(10), (12), and (14) of this 80018  
section, the commission of the act may be established by a finding 80019  
by the board, pursuant to an adjudication under Chapter 119. of 80020  
the Revised Code, that the individual committed the act. The board 80021  
does not have jurisdiction under those divisions if the trial 80022  
court renders a final judgment in the individual's favor and that 80023  
judgment is based upon an adjudication on the merits. The board 80024  
has jurisdiction under those divisions if the trial court issues 80025  
an order of dismissal upon technical or procedural grounds. 80026

(E) The sealing of conviction records by any court shall have 80027  
no effect upon a prior board order entered under this section or 80028  
upon the board's jurisdiction to take action under this section 80029  
if, based upon a plea of guilty, a judicial finding of guilt, or a 80030  
judicial finding of eligibility for intervention in lieu of 80031  
conviction, the board issued a notice of opportunity for a hearing 80032  
prior to the court's order to seal the records. The board shall 80033  
not be required to seal, destroy, redact, or otherwise modify its 80034  
records to reflect the court's sealing of conviction records. 80035

(F)(1) The board shall investigate evidence that appears to 80036

show that a person has violated any provision of this chapter or 80037  
any rule adopted under it. Any person may report to the board in a 80038  
signed writing any information that the person may have that 80039  
appears to show a violation of any provision of this chapter or 80040  
any rule adopted under it. In the absence of bad faith, any person 80041  
who reports information of that nature or who testifies before the 80042  
board in any adjudication conducted under Chapter 119. of the 80043  
Revised Code shall not be liable in damages in a civil action as a 80044  
result of the report or testimony. Each complaint or allegation of 80045  
a violation received by the board shall be assigned a case number 80046  
and shall be recorded by the board. 80047

(2) Investigations of alleged violations of this chapter or 80048  
any rule adopted under it shall be supervised by the supervising 80049  
member elected by the board in accordance with section 4731.02 of 80050  
the Revised Code and by the secretary as provided in section 80051  
4731.39 of the Revised Code. The president may designate another 80052  
member of the board to supervise the investigation in place of the 80053  
supervising member. No member of the board who supervises the 80054  
investigation of a case shall participate in further adjudication 80055  
of the case. 80056

(3) In investigating a possible violation of this chapter or 80057  
any rule adopted under this chapter, or in conducting an 80058  
inspection under division (E) of section 4731.054 of the Revised 80059  
Code, the board may question witnesses, conduct interviews, 80060  
administer oaths, order the taking of depositions, inspect and 80061  
copy any books, accounts, papers, records, or documents, issue 80062  
subpoenas, and compel the attendance of witnesses and production 80063  
of books, accounts, papers, records, documents, and testimony, 80064  
except that a subpoena for patient record information shall not be 80065  
issued without consultation with the attorney general's office and 80066  
approval of the secretary and supervising member of the board. 80067

(a) Before issuance of a subpoena for patient record 80068

information, the secretary and supervising member shall determine 80069  
whether there is probable cause to believe that the complaint 80070  
filed alleges a violation of this chapter or any rule adopted 80071  
under it and that the records sought are relevant to the alleged 80072  
violation and material to the investigation. The subpoena may 80073  
apply only to records that cover a reasonable period of time 80074  
surrounding the alleged violation. 80075

(b) On failure to comply with any subpoena issued by the 80076  
board and after reasonable notice to the person being subpoenaed, 80077  
the board may move for an order compelling the production of 80078  
persons or records pursuant to the Rules of Civil Procedure. 80079

(c) A subpoena issued by the board may be served by a 80080  
sheriff, the sheriff's deputy, or a board employee designated by 80081  
the board. Service of a subpoena issued by the board may be made 80082  
by delivering a copy of the subpoena to the person named therein, 80083  
reading it to the person, or leaving it at the person's usual 80084  
place of residence, usual place of business, or address on file 80085  
with the board. When serving a subpoena to an applicant for or the 80086  
holder of a certificate issued under this chapter, service of the 80087  
subpoena may be made by certified mail, return receipt requested, 80088  
and the subpoena shall be deemed served on the date delivery is 80089  
made or the date the person refuses to accept delivery. If the 80090  
person being served refuses to accept the subpoena or is not 80091  
located, service may be made to an attorney who notifies the board 80092  
that the attorney is representing the person. 80093

(d) A sheriff's deputy who serves a subpoena shall receive 80094  
the same fees as a sheriff. Each witness who appears before the 80095  
board in obedience to a subpoena shall receive the fees and 80096  
mileage provided for under section 119.094 of the Revised Code. 80097

(4) All hearings, investigations, and inspections of the 80098  
board shall be considered civil actions for the purposes of 80099  
section 2305.252 of the Revised Code. 80100

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state



medical board when the information was in the board's possession. 80133  
Measures to ensure confidentiality that may be taken by the court 80134  
include sealing its records or deleting specific information from 80135  
its records. 80136

(6) On a quarterly basis, the board shall prepare a report 80137  
that documents the disposition of all cases during the preceding 80138  
three months. The report shall contain the following information 80139  
for each case with which the board has completed its activities: 80140

(a) The case number assigned to the complaint or alleged 80141  
violation; 80142

(b) The type of certificate to practice, if any, held by the 80143  
individual against whom the complaint is directed; 80144

(c) A description of the allegations contained in the 80145  
complaint; 80146

(d) The disposition of the case. 80147

The report shall state how many cases are still pending and 80148  
shall be prepared in a manner that protects the identity of each 80149  
person involved in each case. The report shall be a public record 80150  
under section 149.43 of the Revised Code. 80151

(G) If the secretary and supervising member determine both of 80152  
the following, they may recommend that the board suspend an 80153  
individual's certificate to practice without a prior hearing: 80154

(1) That there is clear and convincing evidence that an 80155  
individual has violated division (B) of this section; 80156

(2) That the individual's continued practice presents a 80157  
danger of immediate and serious harm to the public. 80158

Written allegations shall be prepared for consideration by 80159  
the board. The board, upon review of those allegations and by an 80160  
affirmative vote of not fewer than six of its members, excluding 80161  
the secretary and supervising member, may suspend a certificate 80162

without a prior hearing. A telephone conference call may be 80163  
utilized for reviewing the allegations and taking the vote on the 80164  
summary suspension. 80165

The board shall issue a written order of suspension by 80166  
certified mail or in person in accordance with section 119.07 of 80167  
the Revised Code. The order shall not be subject to suspension by 80168  
the court during pendency of any appeal filed under section 119.12 80169  
of the Revised Code. If the individual subject to the summary 80170  
suspension requests an adjudicatory hearing by the board, the date 80171  
set for the hearing shall be within fifteen days, but not earlier 80172  
than seven days, after the individual requests the hearing, unless 80173  
otherwise agreed to by both the board and the individual. 80174

Any summary suspension imposed under this division shall 80175  
remain in effect, unless reversed on appeal, until a final 80176  
adjudicative order issued by the board pursuant to this section 80177  
and Chapter 119. of the Revised Code becomes effective. The board 80178  
shall issue its final adjudicative order within seventy-five days 80179  
after completion of its hearing. A failure to issue the order 80180  
within seventy-five days shall result in dissolution of the 80181  
summary suspension order but shall not invalidate any subsequent, 80182  
final adjudicative order. 80183

(H) If the board takes action under division (B)(9), (11), or 80184  
(13) of this section and the judicial finding of guilt, guilty 80185  
plea, or judicial finding of eligibility for intervention in lieu 80186  
of conviction is overturned on appeal, upon exhaustion of the 80187  
criminal appeal, a petition for reconsideration of the order may 80188  
be filed with the board along with appropriate court documents. 80189  
Upon receipt of a petition of that nature and supporting court 80190  
documents, the board shall reinstate the individual's certificate 80191  
to practice. The board may then hold an adjudication under Chapter 80192  
119. of the Revised Code to determine whether the individual 80193  
committed the act in question. Notice of an opportunity for a 80194

hearing shall be given in accordance with Chapter 119. of the 80195  
Revised Code. If the board finds, pursuant to an adjudication held 80196  
under this division, that the individual committed the act or if 80197  
no hearing is requested, the board may order any of the sanctions 80198  
identified under division (B) of this section. 80199

(I) The certificate to practice issued to an individual under 80200  
this chapter and the individual's practice in this state are 80201  
automatically suspended as of the date of the individual's second 80202  
or subsequent plea of guilty to, or judicial finding of guilt of, 80203  
a violation of section 2919.123 of the Revised Code, or the date 80204  
the individual pleads guilty to, is found by a judge or jury to be 80205  
guilty of, or is subject to a judicial finding of eligibility for 80206  
intervention in lieu of conviction in this state or treatment or 80207  
intervention in lieu of conviction in another jurisdiction for any 80208  
of the following criminal offenses in this state or a 80209  
substantially equivalent criminal offense in another jurisdiction: 80210  
aggravated murder, murder, voluntary manslaughter, felonious 80211  
assault, kidnapping, rape, sexual battery, gross sexual 80212  
imposition, aggravated arson, aggravated robbery, or aggravated 80213  
burglary. Continued practice after suspension shall be considered 80214  
practicing without a certificate. 80215

The board shall notify the individual subject to the 80216  
suspension by certified mail or in person in accordance with 80217  
section 119.07 of the Revised Code. If an individual whose 80218  
certificate is automatically suspended under this division fails 80219  
to make a timely request for an adjudication under Chapter 119. of 80220  
the Revised Code, the board shall do whichever of the following is 80221  
applicable: 80222

(1) If the automatic suspension under this division is for a 80223  
second or subsequent plea of guilty to, or judicial finding of 80224  
guilt of, a violation of section 2919.123 of the Revised Code, the 80225  
board shall enter an order suspending the individual's certificate 80226

to practice for a period of at least one year or, if determined 80227  
appropriate by the board, imposing a more serious sanction 80228  
involving the individual's certificate to practice. 80229

(2) In all circumstances in which division (I)(1) of this 80230  
section does not apply, enter a final order permanently revoking 80231  
the individual's certificate to practice. 80232

(J) If the board is required by Chapter 119. of the Revised 80233  
Code to give notice of an opportunity for a hearing and if the 80234  
individual subject to the notice does not timely request a hearing 80235  
in accordance with section 119.07 of the Revised Code, the board 80236  
is not required to hold a hearing, but may adopt, by an 80237  
affirmative vote of not fewer than six of its members, a final 80238  
order that contains the board's findings. In that final order, the 80239  
board may order any of the sanctions identified under division (A) 80240  
or (B) of this section. 80241

(K) Any action taken by the board under division (B) of this 80242  
section resulting in a suspension from practice shall be 80243  
accompanied by a written statement of the conditions under which 80244  
the individual's certificate to practice may be reinstated. The 80245  
board shall adopt rules governing conditions to be imposed for 80246  
reinstatement. Reinstatement of a certificate suspended pursuant 80247  
to division (B) of this section requires an affirmative vote of 80248  
not fewer than six members of the board. 80249

(L) When the board refuses to grant or issue a certificate to 80250  
practice to an applicant, revokes an individual's certificate to 80251  
practice, refuses to ~~register an applicant~~ renew an individual's 80252  
certificate to practice, or refuses to reinstate an individual's 80253  
certificate to practice, the board may specify that its action is 80254  
permanent. An individual subject to a permanent action taken by 80255  
the board is forever thereafter ineligible to hold a certificate 80256  
to practice and the board shall not accept an application for 80257  
reinstatement of the certificate or for issuance of a new 80258

certificate. 80259

(M) Notwithstanding any other provision of the Revised Code, 80260  
all of the following apply: 80261

(1) The surrender of a certificate issued under this chapter 80262  
shall not be effective unless or until accepted by the board. A 80263  
telephone conference call may be utilized for acceptance of the 80264  
surrender of an individual's certificate to practice. The 80265  
telephone conference call shall be considered a special meeting 80266  
under division (F) of section 121.22 of the Revised Code. 80267  
Reinstatement of a certificate surrendered to the board requires 80268  
an affirmative vote of not fewer than six members of the board. 80269

(2) An application for a certificate made under the 80270  
provisions of this chapter may not be withdrawn without approval 80271  
of the board. 80272

(3) Failure by an individual to renew a certificate ~~of~~ 80273  
registration to practice in accordance with this chapter shall not 80274  
remove or limit the board's jurisdiction to take any disciplinary 80275  
action under this section against the individual. 80276

(4) At the request of the board, a certificate holder shall 80277  
immediately surrender to the board a certificate that the board 80278  
has suspended, revoked, or permanently revoked. 80279

(N) Sanctions shall not be imposed under division (B)(28) of 80280  
this section against any person who waives deductibles and 80281  
copayments as follows: 80282

(1) In compliance with the health benefit plan that expressly 80283  
allows such a practice. Waiver of the deductibles or copayments 80284  
shall be made only with the full knowledge and consent of the plan 80285  
purchaser, payer, and third-party administrator. Documentation of 80286  
the consent shall be made available to the board upon request. 80287

(2) For professional services rendered to any other person 80288

authorized to practice pursuant to this chapter, to the extent 80289  
allowed by this chapter and rules adopted by the board. 80290

(0) Under the board's investigative duties described in this 80291  
section and subject to division (F) of this section, the board 80292  
shall develop and implement a quality intervention program 80293  
designed to improve through remedial education the clinical and 80294  
communication skills of individuals authorized under this chapter 80295  
to practice medicine and surgery, osteopathic medicine and 80296  
surgery, and podiatric medicine and surgery. In developing and 80297  
implementing the quality intervention program, the board may do 80298  
all of the following: 80299

(1) Offer in appropriate cases as determined by the board an 80300  
educational and assessment program pursuant to an investigation 80301  
the board conducts under this section; 80302

(2) Select providers of educational and assessment services, 80303  
including a quality intervention program panel of case reviewers; 80304

(3) Make referrals to educational and assessment service 80305  
providers and approve individual educational programs recommended 80306  
by those providers. The board shall monitor the progress of each 80307  
individual undertaking a recommended individual educational 80308  
program. 80309

(4) Determine what constitutes successful completion of an 80310  
individual educational program and require further monitoring of 80311  
the individual who completed the program or other action that the 80312  
board determines to be appropriate; 80313

(5) Adopt rules in accordance with Chapter 119. of the 80314  
Revised Code to further implement the quality intervention 80315  
program. 80316

An individual who participates in an individual educational 80317  
program pursuant to this division shall pay the financial 80318  
obligations arising from that educational program. 80319

Sec. 4731.222. (A) This section applies to both of the 80320  
following: 80321

(1) An applicant seeking restoration of a certificate issued 80322  
under this chapter that has been in a suspended or inactive state 80323  
for any cause for more than two years; 80324

(2) An applicant seeking issuance of a certificate pursuant 80325  
to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the 80326  
Revised Code who for more than two years has not been engaged in 80327  
the practice of medicine and surgery, osteopathic medicine and 80328  
surgery, podiatric medicine and surgery, or a limited branch of 80329  
medicine as any of the following: 80330

(a) An active practitioner; 80331

(b) A participant in a program of graduate medical education, 80332  
as defined in section 4731.091 of the Revised Code; 80333

(c) A student in a college of podiatry determined by the 80334  
state medical board to be in good standing; 80335

(d) A student in a school, college, or institution giving 80336  
instruction in a limited branch of medicine determined by the 80337  
board to be in good standing under section 4731.16 of the Revised 80338  
Code. 80339

(B) Before restoring a certificate to good standing for or 80340  
issuing a certificate to an applicant subject to this section, the 80341  
state medical board may impose terms and conditions including any 80342  
one or more of the following: 80343

(1) Requiring the applicant to pass an oral or written 80344  
examination, or both, to determine the applicant's present fitness 80345  
to resume practice; 80346

(2) Requiring the applicant to obtain additional training and 80347  
to pass an examination upon completion of such training; 80348

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care; 80349  
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 80354  
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 80356  
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 80360  
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.08, 4731.19, or 4731.52 of the Revised Code. The board shall not restore a certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 80362  
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**Sec. 4731.225.** (A) If the holder of a certificate issued under this chapter violates division (A), (B), or (C) of section 4731.66 or section 4731.69 of the Revised Code, or if any other person violates division (B) or (C) of section 4731.66 or section 4731.69 of the Revised Code, the state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, shall: 80368  
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~~(A)~~(1) For a first violation, impose a civil penalty of not more than five thousand dollars; 80375  
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~~(B)~~(2) For each subsequent violation, impose a civil penalty of not more than twenty thousand dollars and, if the violator is a 80377  
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certificate holder, proceed under division (B)(27) of section 80379  
4731.22 of the Revised Code. 80380

(B)(1) If the holder of a certificate issued under this 80381  
chapter violates any section of this chapter other than section 80382  
4731.281 of the Revised Code or the sections specified in division 80383  
(A) of this section, or violates any rule adopted under this 80384  
chapter, the board may, pursuant to an adjudication under Chapter 80385  
119. of the Revised Code and an affirmative vote of not fewer than 80386  
six of its members, impose a civil penalty. The amount of the 80387  
civil penalty shall be determined by the board in accordance with 80388  
the guidelines adopted under division (B)(2) of this section. The 80389  
civil penalty may be in addition to any other action the board may 80390  
take under section 4731.22 of the Revised Code. 80391

(2) The board shall adopt and may amend guidelines regarding 80392  
the amounts of civil penalties to be imposed under this section. 80393  
Adoption or amendment of the guidelines requires the approval of 80394  
not fewer than six board members. 80395

Under the guidelines, no civil penalty amount shall exceed 80396  
twenty thousand dollars. 80397

(C) Amounts received from payment of civil penalties imposed 80398  
under this section shall be deposited by the board in accordance 80399  
with section 4731.24 of the Revised Code. Amounts received from 80400  
payment of civil penalties imposed for violations of division 80401  
(B)(26) of section 4731.22 of the Revised Code shall be used by 80402  
the board solely for investigations, enforcement, and compliance 80403  
monitoring. 80404

**Sec. 4731.24.** Except as provided in sections 4731.281 and 80405  
4731.40 of the Revised Code, all receipts of the state medical 80406  
board, from any source, shall be deposited in the state treasury. 80407  
~~Until July 1, 1998, the funds shall be deposited to the credit of 80408~~  
~~the occupational licensing and regulatory fund. On and after July 80409~~

~~1, 1998, the~~ The funds shall be deposited to the credit of the 80410  
state medical board operating fund, which is hereby created ~~on~~ 80411  
~~July 1, 1998.~~ Except as provided in ~~section~~ sections 4730.252, 80412  
4731.225, 4731.24, 4760.133, 4762.133, 4774.133, and 4778.141 of 80413  
the Revised Code, all funds deposited into the state treasury 80414  
under this section shall be used solely for the administration and 80415  
enforcement of this chapter and Chapters 4730., 4760., 4762., 80416  
4774., and 4778. of the Revised Code by the board. 80417

**Sec. 4731.26.** Upon application by the holder of a certificate 80418  
to practice ~~or certificate of registration~~ issued under this 80419  
chapter, the state medical board shall issue a duplicate 80420  
certificate to replace one missing or damaged, to reflect a name 80421  
change, or for any other reasonable cause. The fee for a duplicate 80422  
certificate to practice ~~or duplicate certificate of registration~~ 80423  
shall be thirty-five dollars. 80424

**Sec. 4731.281.** (A) ~~On or before the deadline established~~ 80425  
~~under division (B) of this section for applying for renewal of a~~ 80426  
~~certificate of registration, each person holding a certificate~~ 80427  
~~under this chapter to practice medicine and surgery, osteopathic~~ 80428  
~~medicine and surgery, or podiatric medicine and surgery shall~~ 80429  
~~certify to the state medical board that in the preceding two years~~ 80430  
~~the person has completed one hundred hours of continuing medical~~ 80431  
~~education. The certification shall be made upon the application~~ 80432  
~~for biennial registration submitted pursuant to division (B) of~~ 80433  
~~this section. The board shall adopt rules providing for pro rata~~ 80434  
~~reductions by month of the number of hours of continuing education~~ 80435  
~~required for persons who are in their first registration period,~~ 80436  
~~who have been disabled due to illness or accident, or who have~~ 80437  
~~been absent from the country.~~ 80438

~~In determining whether a course, program, or activity~~ 80439  
~~qualifies for credit as continuing medical education, the board~~ 80440

~~shall approve all continuing medical education taken by persons 80441  
holding a certificate to practice medicine and surgery that is 80442  
certified by the Ohio state medical association, all continuing 80443  
medical education taken by persons holding a certificate to 80444  
practice osteopathic medicine and surgery that is certified by the 80445  
Ohio osteopathic association, and all continuing medical education 80446  
taken by persons holding a certificate to practice podiatric 80447  
medicine and surgery that is certified by the Ohio podiatric 80448  
medical association. Each person holding a certificate to practice 80449  
under this chapter shall be given sufficient choice of continuing 80450  
education programs to ensure that the person has had a reasonable 80451  
opportunity to participate in continuing education programs that 80452  
are relevant to the person's medical practice in terms of subject 80453  
matter and level. 80454~~

~~The board may require a random sample of persons holding a 80455  
certificate to practice under this chapter to submit materials 80456  
documenting completion of the continuing medical education 80457  
requirement during the preceding registration period, but this 80458  
provision shall not limit the board's authority to investigate 80459  
pursuant to section 4731.22 of the Revised Code. 80460~~

~~(B)(1) Every Each person holding a certificate under this 80461  
chapter to practice medicine and surgery, osteopathic medicine and 80462  
surgery, or podiatric medicine and surgery wishing to renew that 80463  
certificate shall apply to the board for a certificate of 80464  
registration upon an application furnished by the board, and pay 80465  
to the board at the time of application a renewal. Applications 80466  
shall be submitted to the board in a manner prescribed by the 80467  
board. Each application shall be accompanied by a biennial renewal 80468  
fee of three hundred five dollars. Applications shall be 80469  
submitted according to the following schedule: 80470~~

~~(a) Persons whose last name begins with the letters "A" 80471  
through "B," on or before April 1, 2001, and the first day of 80472~~

April of every odd-numbered year thereafter;	80473
(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;	80474 80475 80476
(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;	80477 80478 80479
(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;	80480 80481 80482
(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;	80483 80484 80485
(f) Persons whose last name begins with the letters "N" through "R," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;	80486 80487 80488
(g) Persons whose last name begins with the letter "S," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;	80489 80490 80491
(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter.	80492 80493 80494
The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.	80495 80496 80497 80498 80499
(2) The board shall <del>mail or cause to be mailed</del> <u>provide</u> to every person <del>registered</del> <u>holding a certificate</u> to practice medicine and surgery, osteopathic medicine and surgery, or podiatric	80500 80501 80502

medicine and surgery, a renewal notice of ~~registration renewal~~ 80503  
~~addressed to the person's last known address~~ or may cause provide 80504  
the notice ~~to be sent~~ to the person through the secretary of any 80505  
recognized medical, osteopathic, or podiatric society, according 80506  
to the following schedule: 80507

(a) To persons whose last name begins with the letters "A" 80508  
through "B," on or before January 1, 2001, and the first day of 80509  
January of every odd-numbered year thereafter; 80510

(b) To persons whose last name begins with the letters "C" 80511  
through "D," on or before October 1, 2000, and the first day of 80512  
October of every even-numbered year thereafter; 80513

(c) To persons whose last name begins with the letters "E" 80514  
through "G," on or before July 1, 2000, and the first day of July 80515  
of every even-numbered year thereafter; 80516

(d) To persons whose last name begins with the letters "H" 80517  
through "K," on or before April 1, 2000, and the first day of 80518  
April of every even-numbered year thereafter; 80519

(e) To persons whose last name begins with the letters "L" 80520  
through "M," on or before January 1, 2000, and the first day of 80521  
January of every even-numbered year thereafter; 80522

(f) To persons whose last name begins with the letters "N" 80523  
through "R," on or before October 1, 1999, and the first day of 80524  
October of every odd-numbered year thereafter; 80525

(g) To persons whose last name begins with the letter "S," on 80526  
or before July 1, 1999, and the first day of July of every 80527  
odd-numbered year thereafter; 80528

(h) To persons whose last name begins with the letters "T" 80529  
through "Z," on or before April 1, 1999, and the first day of 80530  
April of every odd-numbered year thereafter. 80531

(3) Failure of any person to receive a notice of renewal from 80532

the board shall not excuse the person from the requirements 80533  
contained in this section. 80534

(4) The board's notice shall inform the applicant of the 80535  
renewal procedure. The board shall provide the application for 80536  
~~registration~~ renewal in a form determined by the board. 80537

(5) The applicant shall provide in the application the 80538  
applicant's full name, ~~principal practice address and; the~~ 80539  
applicant's residence address, business address, and electronic 80540  
mail address; the number of the applicant's certificate to 80541  
practice, ~~;~~ and any other information required by the board. 80542

(6)(a) Except as provided in division ~~(B)~~(A)(6)(b) of this 80543  
section, in the case of an applicant who prescribes or personally 80544  
furnishes opioid analgesics or benzodiazepines, as defined in 80545  
section 3719.01 of the Revised Code, the applicant shall certify 80546  
to the board whether the applicant has been granted access to the 80547  
drug database established and maintained by the state board of 80548  
pharmacy pursuant to section 4729.75 of the Revised Code. 80549

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section 80550  
does not apply if any of the following is the case: 80551

(i) The state board of pharmacy notifies the state medical 80552  
board pursuant to section 4729.861 of the Revised Code that the 80553  
applicant has been restricted from obtaining further information 80554  
from the drug database. 80555

(ii) The state board of pharmacy no longer maintains the drug 80556  
database. 80557

(iii) The applicant does not practice medicine and surgery, 80558  
osteopathic medicine and surgery, or podiatric medicine and 80559  
surgery in this state. 80560

(c) If an applicant certifies to the state medical board that 80561  
the applicant has been granted access to the drug database and the 80562

board finds through an audit or other means that the applicant has 80563  
not been granted access, the board may take action under section 80564  
4731.22 of the Revised Code. 80565

(7) The applicant shall include with the application a list 80566  
of the names and addresses of any clinical nurse specialists, 80567  
certified nurse-midwives, or certified nurse practitioners with 80568  
whom the applicant is currently collaborating, as defined in 80569  
section 4723.01 of the Revised Code. ~~Every person registered under~~ 80570  
~~this section shall give written notice to the state medical board~~ 80571  
~~of any change of principal practice address or residence address~~ 80572  
~~or in the list within thirty days of the change.~~ 80573

(8) The applicant shall report any criminal offense to which 80574  
the applicant has pleaded guilty, of which the applicant has been 80575  
found guilty, or for which the applicant has been found eligible 80576  
for intervention in lieu of conviction, since last filing an 80577  
application for a certificate of registration. 80578

(9) The applicant shall execute and deliver the application 80579  
to the board in a manner prescribed by the board. 80580

~~(C)~~(B) The board shall ~~issue to any person holding~~ renew a 80581  
certificate under this chapter to practice medicine and surgery, 80582  
osteopathic medicine and surgery, or podiatric medicine and 80583  
surgery, upon application and qualification therefor in accordance 80584  
with this section, ~~a certificate of registration under the seal of~~ 80585  
~~the board. A certificate of registration~~ renewal shall be valid 80586  
for a two-year period. 80587

~~(D)~~(C) Failure of any certificate holder to register and 80588  
comply with this section shall operate automatically to suspend 80589  
the holder's certificate to practice. Continued practice after the 80590  
suspension of the certificate to practice shall be considered as 80591  
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 80592  
the Revised Code. If the certificate has been suspended pursuant 80593

to this division for two years or less, it may be reinstated. The 80594  
board shall reinstate a certificate to practice suspended for 80595  
failure to register upon an applicant's submission of a renewal 80596  
application, the biennial registration fee, and the applicable 80597  
monetary penalty. The penalty for reinstatement shall be fifty one 80598  
hundred dollars. If the certificate has been suspended pursuant to 80599  
this division for more than two years, it may be restored. Subject 80600  
to section 4731.222 of the Revised Code, the board may restore a 80601  
certificate to practice suspended for failure to register upon an 80602  
applicant's submission of a restoration application, the biennial 80603  
registration fee, and the applicable monetary penalty and 80604  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 80605  
The board shall not restore to an applicant a certificate to 80606  
practice unless the board, in its discretion, decides that the 80607  
results of the criminal records check do not make the applicant 80608  
ineligible for a certificate issued pursuant to section 4731.14, 80609  
4731.56, or 4731.57 of the Revised Code. The penalty for 80610  
restoration shall be ~~one~~ two hundred dollars. The board shall 80611  
deposit the penalties in accordance with section 4731.24 of the 80612  
Revised Code. 80613

~~(E)~~(D) If an individual certifies completion of the number of 80614  
hours and type of continuing medical education required to receive 80615  
a certificate of registration or reinstatement of a certificate to 80616  
practice, and the board finds through the random samples it 80617  
conducts under this section or through any other means that the 80618  
individual did not complete the requisite continuing medical 80619  
education, the board may impose a civil penalty of not more than 80620  
five thousand dollars. The board's finding shall be made pursuant 80621  
to an adjudication under Chapter 119. of the Revised Code and by 80622  
an affirmative vote of not fewer than six members. 80623

A civil penalty imposed under this division may be in 80624  
addition to or in lieu of any other action the board may take 80625



under section 4731.22 of the Revised Code. The board shall deposit 80626  
civil penalties in accordance with section 4731.24 of the Revised 80627  
Code. 80628

~~(F)~~(E) The state medical board may obtain information not 80629  
protected by statutory or common law privilege from courts and 80630  
other sources concerning malpractice claims against any person 80631  
holding a certificate to practice under this chapter or practicing 80632  
as provided in section 4731.36 of the Revised Code. 80633

~~(G)~~(F) Each mailing sent by the board under division 80634  
~~(B)~~(A)(2) of this section to a person ~~registered~~ holding a 80635  
certificate to practice medicine and surgery or osteopathic 80636  
medicine and surgery shall inform the applicant of the reporting 80637  
requirement established by division (H) of section 3701.79 of the 80638  
Revised Code. At the discretion of the board, the information may 80639  
be included on the application for ~~registration~~ renewal or on an 80640  
accompanying page. 80641

(G) Each person holding a certificate to practice medicine 80642  
and surgery, osteopathic medicine and surgery, or podiatric 80643  
medicine and surgery shall give notice to the board of any of the 80644  
following changes not later than thirty days after the change 80645  
occurs: 80646

(1) A change in the certificate holder's residence address, 80647  
business address, or electronic mail address; 80648

(2) A change in the list provided under division (B)(7) of 80649  
this section of names and addresses of the nurses with whom the 80650  
certificate holder is collaborating. 80651

~~**Sec. 4731.282.** Not later than ninety days after the effective~~ 80652  
~~date of this section, the state medical board shall approve one or~~ 80653  
~~more continuing medical education courses of study included within~~ 80654  
~~the programs certified by the Ohio state medical association and~~ 80655

~~the Ohio osteopathic association pursuant to section 4731.281 of  
the Revised Code that assist doctors of medicine and doctors of  
osteopathic medicine in recognizing (A)(1) Except as provided in  
division (D) of this section, each person holding a certificate to  
practice medicine and surgery, osteopathic medicine and surgery,  
or podiatric medicine and surgery issued by the state medical  
board shall complete biennially not less than one hundred hours of  
continuing medical education that has been approved by the board.~~

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(2) Each person holding a certificate to practice shall be  
given sufficient choice of continuing education programs to ensure  
that the person has had a reasonable opportunity to participate in  
continuing education programs that are relevant to the person's  
medical practice in terms of subject matter and level.

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(B) In determining whether a course, program, or activity  
qualifies for credit as continuing medical education, the board  
shall approve all of the following:

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(1) Continuing medical education completed by holders of  
certificates to practice medicine and surgery that is certified by  
the Ohio state medical association;

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(2) Continuing medical education completed by holders of  
certificates to practice osteopathic medicine and surgery that is  
certified by the Ohio osteopathic association;

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(3) Continuing medical education completed by holders of  
certificates to practice podiatric medicine and surgery that is  
certified by the Ohio podiatric medical association.

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(C) The board shall approve one or more continuing medical  
education courses of study included within the programs certified  
by the Ohio state medical association and the Ohio osteopathic  
association under divisions (B)(1) and (2) of this section that  
assist doctors of medicine and doctors of osteopathic medicine in

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both of the following: 80687

(1) Recognizing the signs of domestic violence and its relationship to child abuse. ~~Doctors are not required to take the courses;~~ 80688  
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(2) Diagnosing and treating chronic pain, as defined in section 4731.052 of the Revised Code. 80691  
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(D) The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for certificate holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code. 80693  
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(E) The board may require a random sample of holders of certificates to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to submit materials documenting completion of the required number of hours of continuing medical education. This division does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code. 80699  
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(F) The board may impose a civil penalty of not more than five thousand dollars if, through a random sample conducted under division (E) of this section or any other means, it finds that an individual falsely certified that the individual completed the number of hours and type of continuing medical education required for renewal of a certificate to practice. If the civil penalty is imposed in addition to any other action the board takes under section 4731.22 of the Revised Code, the board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 80706  
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A civil penalty imposed under this division may be in 80717

addition to or in lieu of any other action the board takes under 80718  
section 4731.22 of the Revised Code. The board shall deposit civil 80719  
penalties in accordance with section 4731.24 of the Revised Code. 80720

**Sec. 4731.293.** (A) The state medical board may issue, without 80721  
examination, a clinical research faculty certificate to any person 80722  
who applies for the certificate and provides to the board all of 80723  
the following: 80724

(1) Evidence satisfactory to the board of all of the 80725  
following: 80726

(a) That the applicant holds a current, unrestricted license 80727  
to practice medicine and surgery or osteopathic medicine and 80728  
surgery issued by another state or country; 80729

(b) That the applicant has been appointed to serve in this 80730  
state on the academic staff of a medical school accredited by the 80731  
liaison committee on medical education or an osteopathic medical 80732  
school accredited by the American osteopathic association; 80733

(c) That the applicant is an international medical graduate 80734  
who holds a medical degree from an educational institution listed 80735  
in the international medical education directory. 80736

(2) An affidavit and supporting documentation from the dean 80737  
of the medical school or the department director or chairperson of 80738  
a teaching hospital affiliated with the school that the applicant 80739  
is qualified to perform teaching and research activities and will 80740  
be permitted to work only under the authority of the department 80741  
director or chairperson of a teaching hospital affiliated with the 80742  
medical school where the applicant's teaching and research 80743  
activities will occur; 80744

(3) A description from the medical school or teaching 80745  
hospital of the scope of practice in which the applicant will be 80746  
involved, including the types of teaching, research, and 80747

procedures in which the applicant will be engaged; 80748

(4) A description from the medical school or teaching 80749  
hospital of the type and amount of patient contact that will occur 80750  
in connection with the applicant's teaching and research 80751  
activities. 80752

(B) An applicant for an initial clinical research faculty 80753  
certificate shall pay a fee of three hundred seventy-five dollars. 80754

(C) The holder of a clinical research faculty certificate may 80755  
practice medicine and surgery or osteopathic medicine and surgery 80756  
only as is incidental to the certificate holder's teaching or 80757  
research duties at the medical school or a teaching hospital 80758  
affiliated with the school. The board may revoke a certificate on 80759  
receiving proof satisfactory to the board that the certificate 80760  
holder has engaged in practice in this state outside the scope of 80761  
the certificate or that there are grounds for action against the 80762  
certificate holder under section 4731.22 of the Revised Code. 80763

(D) A clinical research faculty certificate is valid for 80764  
three years, except that the certificate ceases to be valid if the 80765  
holder's appointment to the academic staff of the school is no 80766  
longer valid or the certificate is revoked pursuant to division 80767  
(C) of this section. 80768

(E)(1) Three months before a clinical research faculty 80769  
certificate expires, the board shall mail or cause to be mailed to 80770  
the certificate holder a notice of renewal addressed to the 80771  
certificate holder's last known address. Failure of a certificate 80772  
holder to receive a notice of renewal from the board shall not 80773  
excuse the certificate holder from the requirements contained in 80774  
this section. The notice shall inform the certificate holder of 80775  
the renewal procedure. The notice also shall inform the 80776  
certificate holder of the reporting requirement established by 80777  
division (H) of section 3701.79 of the Revised Code. At the 80778

discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board an affidavit and supporting documentation from the dean of the medical school or the department director or chairperson of a teaching hospital affiliated with the school that the applicant is in compliance with the applicant's current clinical research faculty certificate;

(d) Provides evidence satisfactory to the board of all of the following:

(i) That the applicant continues to maintain a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country;

(ii) That the applicant's initial appointment to serve in this state on the academic staff of a medical school is still

valid or has been renewed; 80809

(iii) That the applicant has completed one hundred fifty 80810  
hours of continuing medical education that meet the requirements 80811  
set forth in section ~~4731.281~~ 4731.282 of the Revised Code. 80812

(4) Regardless of whether the certificate has expired, a 80813  
person who was granted a visiting medical faculty certificate 80814  
under this section as it existed immediately prior to ~~the~~ 80815  
~~effective date of this amendment~~ June 6, 2012, may apply for a 80816  
clinical research faculty certificate as a renewal. The board may 80817  
issue the clinical research faculty certificate if the applicant 80818  
meets the requirements of division (E)(3) of this section. The 80819  
board may not issue a clinical research faculty certificate if the 80820  
visiting medical faculty certificate was revoked. 80821

(F) The board shall maintain a register of all persons who 80822  
hold clinical research faculty certificates. 80823

(G) The board may adopt any rules it considers necessary to 80824  
implement this section. The rules shall be adopted in accordance 80825  
with Chapter 119. of the Revised Code. 80826

**Sec. 4731.295.** (A)(1) As used in this section, "indigent and 80827  
uninsured person" and "operation" have the same meanings as in 80828  
section 2305.234 of the Revised Code. 80829

(2) For the purposes of this section, a person shall be 80830  
considered retired from practice if the person's license or 80831  
certificate has expired with the person's intention of ceasing to 80832  
practice medicine and surgery or osteopathic medicine and surgery 80833  
for remuneration. 80834

(B) The state medical board may issue, without examination, a 80835  
volunteer's certificate to a person who is retired from practice 80836  
so that the person may provide medical services to indigent and 80837  
uninsured persons. The board shall deny issuance of a volunteer's 80838

certificate to a person who is not qualified under this section to 80839  
hold a volunteer's certificate. 80840

(C) An application for a volunteer's certificate shall 80841  
include all of the following: 80842

(1) A copy of the applicant's degree of medicine or 80843  
osteopathic medicine. 80844

(2) One of the following, as applicable: 80845

(a) A copy of the applicant's most recent license or 80846  
certificate authorizing the practice of medicine and surgery or 80847  
osteopathic medicine and surgery issued by a jurisdiction in the 80848  
United States that licenses persons to practice medicine and 80849  
surgery or osteopathic medicine and surgery. 80850

(b) A copy of the applicant's most recent license equivalent 80851  
to a license to practice medicine and surgery or osteopathic 80852  
medicine and surgery in one or more branches of the United States 80853  
armed services that the United States government issued. 80854

(3) Evidence of one of the following, as applicable: 80855

(a) That the applicant has maintained for at least ten years 80856  
prior to retirement full licensure in good standing in any 80857  
jurisdiction in the United States that licenses persons to 80858  
practice medicine and surgery or osteopathic medicine and surgery. 80859

(b) That the applicant has practiced for at least ten years 80860  
prior to retirement in good standing as a doctor of medicine and 80861  
surgery or osteopathic medicine and surgery in one or more of the 80862  
branches of the United States armed services. 80863

(4) A notarized statement from the applicant, on a form 80864  
prescribed by the board, that the applicant will not accept any 80865  
form of remuneration for any medical services rendered while in 80866  
possession of a volunteer's certificate. 80867

(D) The holder of a volunteer's certificate may provide 80868



medical services only to indigent and uninsured persons. The 80869  
holder shall not accept any form of remuneration for providing 80870  
medical services while in possession of the certificate. Except in 80871  
a medical emergency, the holder shall not perform any operation or 80872  
deliver babies. The board may revoke a volunteer's certificate on 80873  
receiving proof satisfactory to the board that the holder has 80874  
engaged in practice in this state outside the scope of the 80875  
certificate. 80876

(E)(1) A volunteer's certificate shall be valid for a period 80877  
of three years, unless earlier revoked under division (D) of this 80878  
section or pursuant to section 4731.22 of the Revised Code. A 80879  
volunteer's certificate may be renewed upon the application of the 80880  
holder. The board shall maintain a register of all persons who 80881  
hold volunteer's certificates. The board shall not charge a fee 80882  
for issuing or renewing a certificate pursuant to this section. 80883

(2) To be eligible for renewal of a volunteer's certificate 80884  
the holder of the certificate shall certify to the board 80885  
completion of one hundred fifty hours of continuing medical 80886  
education that meets the requirements of section ~~4731.281~~ 4731.282 80887  
of the Revised Code regarding certification by private 80888  
associations and approval by the board. The board may not renew a 80889  
certificate if the holder has not complied with the continuing 80890  
medical education requirements. Any entity for which the holder 80891  
provides medical services may pay for or reimburse the holder for 80892  
any costs incurred in obtaining the required continuing medical 80893  
education credits. 80894

(3) The board shall issue a volunteer's certificate to each 80895  
person who qualifies under this section for ~~a volunteer's the~~ 80896  
~~certificate a wallet certificate and a wall. The~~ certificate ~~that~~ 80897  
shall state that the certificate holder is authorized to provide 80898  
medical services pursuant to the laws of this state. The holder 80899  
shall ~~keep the wallet certificate on the holder's person while~~ 80900

~~providing medical services and shall~~ display the ~~wall~~ certificate 80901  
prominently at the location where the holder primarily practices. 80902

(4) The holder of a volunteer's certificate issued pursuant 80903  
to this section is subject to the immunity provisions in section 80904  
2305.234 of the Revised Code. 80905

(F) The board shall adopt rules in accordance with Chapter 80906  
119. of the Revised Code to administer and enforce this section. 80907

**Sec. 4731.296.** (A) For the purposes of this section, "the 80908  
practice of telemedicine" means the practice of medicine in this 80909  
state through the use of any communication, including oral, 80910  
written, or electronic communication, by a physician located 80911  
outside this state. 80912

(B) A person who wishes to practice telemedicine in this 80913  
state shall file an application with the state medical board, 80914  
together with a fee in the amount of the fee described in division 80915  
(D) of section 4731.29 of the Revised Code and shall comply with 80916  
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 80917  
its discretion, decides that the results of the criminal records 80918  
check do not make the person ineligible for a telemedicine 80919  
certificate, the board may issue, without examination, a 80920  
telemedicine certificate to a person who meets all of the 80921  
following requirements: 80922

(1) The person holds a current, unrestricted license to 80923  
practice medicine and surgery or osteopathic medicine and surgery 80924  
issued by another state that requires license holders to complete 80925  
at least fifty hours of continuing medical education every two 80926  
years. 80927

(2) The person's principal place of practice is in that 80928  
state. 80929

(3) The person does not hold a certificate issued under this 80930

chapter authorizing the practice of medicine and surgery or 80931  
osteopathic medicine and surgery in this state. 80932

(4) The person meets the same age, moral character, and 80933  
educational requirements individuals must meet under sections 80934  
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 80935  
if applicable, demonstrates proficiency in spoken English in 80936  
accordance with division (E) of section 4731.29 of the Revised 80937  
Code. 80938

(C) The holder of a telemedicine certificate may engage in 80939  
the practice of telemedicine in this state. A person holding a 80940  
telemedicine certificate shall not practice medicine in person in 80941  
this state without obtaining a special activity certificate under 80942  
section 4731.294 of the Revised Code. 80943

(D) The board may revoke a certificate issued under this 80944  
section or take other disciplinary action against a certificate 80945  
holder pursuant to section 4731.22 of the Revised Code on 80946  
receiving proof satisfactory to the board that the certificate 80947  
holder has engaged in practice in this state outside the scope of 80948  
the certificate or that there are grounds for action against the 80949  
holder under section 4731.22 of the Revised Code. 80950

(E) A telemedicine certificate shall be valid for a period 80951  
specified by the board, and the initial renewal shall be in 80952  
accordance with a schedule established by the board. Thereafter, 80953  
the certificate shall be valid for two years. A certificate may be 80954  
renewed on application of the holder. 80955

To be eligible for renewal, the holder of the certificate 80956  
shall do both of the following: 80957

(1) Pay a fee in the amount of the fee described in division 80958  
~~(B)~~(A)(1) of section 4731.281 of the Revised Code; 80959

(2) Certify to the board compliance with the continuing 80960  
medical education requirements of the state in which the holder's 80961

principal place of practice is located. 80962

The board may require a random sample of persons holding a 80963  
telemedicine certificate to submit materials documenting 80964  
completion of the continuing medical education requirements 80965  
described in this division. 80966

(F) The board shall convert a telemedicine certificate to a 80967  
certificate issued under section 4731.29 of the Revised Code on 80968  
receipt of a written request from the certificate holder. Once the 80969  
telemedicine certificate is converted, the holder is subject to 80970  
all requirements and privileges attendant to a certificate issued 80971  
under section 4731.29 of the Revised Code, including continuing 80972  
medical education requirements. 80973

**Sec. 4731.297.** (A) As used in this section: 80974

(1) "Academic medical center" means a medical school and its 80975  
affiliated teaching hospitals and clinics partnering to do all of 80976  
the following: 80977

(a) Provide the highest quality of patient care from expert 80978  
physicians; 80979

(b) Conduct groundbreaking research leading to medical 80980  
advancements for current and future patients; 80981

(c) Provide medical education and graduate medical education 80982  
to educate and train physicians. 80983

(2) "Affiliated physician group practice" means a medical 80984  
practice that consists of one or more physicians authorized under 80985  
this chapter to practice medicine and surgery or osteopathic 80986  
medicine and surgery and that is affiliated with an academic 80987  
medical center to further the objectives described in divisions 80988  
(A)(1)(a) to (c) of this section. 80989

(B) The state medical board shall issue, without examination, 80990  
to an applicant who meets the requirements of this section a 80991

certificate of conceded eminence authorizing the practice of 80992  
medicine and surgery or osteopathic medicine and surgery as part 80993  
of the applicant's employment with an academic medical center in 80994  
this state or affiliated physician group practice in this state. 80995

(C) To be eligible for a certificate of conceded eminence, an 80996  
applicant shall provide to the board all of the following: 80997

(1) Evidence satisfactory to the board of all of the 80998  
following: 80999

(a) That the applicant is an international medical graduate 81000  
who holds a medical degree from an educational institution listed 81001  
in the international medical education directory; 81002

(b) That the applicant has been appointed to serve in this 81003  
state as a full-time faculty member of a medical school accredited 81004  
by the liaison committee on medical education or an osteopathic 81005  
medical school accredited by the American osteopathic association; 81006

(c) That the applicant has accepted an offer of employment 81007  
with an academic medical center in this state or affiliated 81008  
physician group practice in this state; 81009

(d) That the applicant holds a license in good standing in 81010  
another state or country authorizing the practice of medicine and 81011  
surgery or osteopathic medicine and surgery; 81012

(e) That the applicant has unique talents and extraordinary 81013  
abilities not generally found within the applicant's specialty, as 81014  
demonstrated by satisfying at least four of the following: 81015

(i) The applicant has achieved educational qualifications 81016  
beyond those that are required for entry into the applicant's 81017  
specialty, including advanced degrees, special certifications, or 81018  
other academic credentials. 81019

(ii) The applicant has written multiple articles in journals 81020  
listed in the index medicus or an equivalent scholarly publication 81021

acceptable to the board. 81022

(iii) The applicant has a sustained record of excellence in original research, at least some of which involves serving as the principal investigator or co-principal investigator for a research project. 81023  
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(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence. 81027  
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(v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty. 81029  
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(vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine. 81032  
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(vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation. 81035  
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(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award. 81038  
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(f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States; 81040  
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(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals; 81046  
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(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice. 81049  
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(2) An affidavit from the applicant agreeing to practice only within the clinical setting of the academic medical center or for the affiliated physician group practice;

(3) Three letters of reference from distinguished experts in the applicant's specialty attesting to the unique capabilities of the applicant, at least one of which must be from outside the academic medical center or affiliated physician group practice;

(4) An affidavit from the dean of the medical school where the applicant has been appointed to serve as a faculty member stating that the applicant meets all of the requirements of division (C)(1) of this section and that the letters of reference submitted under division (C)(3) of this section are from distinguished experts in the applicant's specialty, and documentation to support the affidavit;

(5) A fee of one thousand dollars for the certificate.

(D)(1) The holder of a certificate of conceded eminence may practice medicine and surgery or osteopathic medicine and surgery only within the clinical setting of the academic medical center with which the certificate holder is employed or for the affiliated physician group practice with which the certificate holder is employed.

(2) A certificate holder may supervise medical students, physicians participating in graduate medical education, advanced practice nurses, and physician assistants when performing clinical services in the certificate holder's area of specialty.

(E) The board may revoke a certificate issued under this section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(F) A certificate of conceded eminence is valid for the 81083  
shorter of two years or the duration of the certificate holder's 81084  
employment with the academic medical center or affiliated 81085  
physician group practice. The certificate ceases to be valid if 81086  
the holder resigns or is otherwise terminated from the academic 81087  
medical center or affiliated physician group practice. 81088

(G) A certificate of conceded eminence may be renewed for an 81089  
additional two-year period. There is no limit on the number of 81090  
times a certificate may be renewed. A person seeking renewal of a 81091  
certificate shall apply to the board and is eligible for renewal 81092  
if the applicant does all of the following: 81093

(1) Pays the renewal fee of one thousand dollars; 81094

(2) Provides to the board an affidavit and supporting 81095  
documentation from the academic medical center or affiliated 81096  
physician group practice of all of the following: 81097

(a) That the applicant's initial appointment to the medical 81098  
faculty is still valid or has been renewed; 81099

(b) That the applicant's clinical practice is consistent with 81100  
the established standards in the field; 81101

(c) That the applicant has demonstrated continued scholarly 81102  
achievement; 81103

(d) That the applicant has demonstrated continued 81104  
professional achievement consistent with the academic medical 81105  
center's requirements, established pursuant to standards adopted 81106  
under section 3701.351 of the Revised Code, for physicians with 81107  
staff membership or professional privileges with the academic 81108  
medical center. 81109

(3) Satisfies the same continuing medical education 81110  
requirements set forth in section ~~4731.281~~ 4731.282 of the Revised 81111  
Code that apply to a person who holds a certificate to practice 81112



medicine and surgery or osteopathic medicine and surgery issued 81113  
under this chapter. 81114

(4) Complies with any other requirements established by the 81115  
board. 81116

(H) The board may adopt any rules it considers necessary to 81117  
implement this section. The rules shall be adopted in accordance 81118  
with Chapter 119. of the Revised Code. 81119

**Sec. 4731.299.** (A) The state medical board may issue, without 81120  
examination, to an applicant who meets all of the requirements of 81121  
this section an expedited certificate to practice medicine and 81122  
surgery or osteopathic medicine and surgery by endorsement. 81123  
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(B) An individual who seeks an expedited certificate to 81125  
practice medicine and surgery or osteopathic medicine and surgery 81126  
by endorsement shall file with the board a written application on 81127  
a form prescribed and supplied by the board. The application shall 81128  
include all of the information the board considers necessary to 81129  
process it. 81130

(C) To be eligible to receive an expedited certificate by 81131  
endorsement, an applicant shall do both of the following: 81132

(1) Provide evidence satisfactory to the board that the 81133  
applicant meets all of the following requirements: 81134

(a) Has passed one of the following: 81135

(i) Steps one, two, and three of the United States medical 81136  
licensing examination; 81137

(ii) Levels one, two, and three of the comprehensive 81138  
osteopathic medical licensing examination of the United States; 81139

(iii) Any other medical licensing examination recognized by 81140  
the board. 81141

(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;

(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;

(d) Is in compliance with the medical education and training requirements in sections 4731.091 and 4731.14 of the Revised Code.

(2) Certify to the board that all of the following are the case:

(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars.

(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.081 of the Revised Code.

(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.

(d) No adverse action has been taken against the applicant by a health care institution.

(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant.

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.

(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 81172  
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(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 81175  
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(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 81177  
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(F) The secretary and supervising member of the board shall review all applications received under this section. ~~If~~ 81181  
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If the board determines secretary and supervising member determine that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. ~~Each~~ 81183  
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If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the application shall be treated as an application under section 4731.08 of the Revised Code. 81188  
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(G) Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by ~~its~~ the board's seal. 81194  
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~~(G)~~(H) Within sixty days after ~~the effective date of this section~~ September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.091 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section. 81197  
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Sec. 4731.41. (A) No person shall practice medicine and 81202  
surgery, or any of its branches, without the appropriate 81203  
certificate from the state medical board to engage in the 81204  
practice. No person shall advertise or claim to the public to be a 81205  
practitioner of medicine and surgery, or any of its branches, 81206  
without a certificate from the board. No person shall open or 81207  
conduct an office or other place for such practice without a 81208  
certificate from the board. No person shall conduct an office in 81209  
the name of some person who has a certificate to practice medicine 81210  
and surgery, or any of its branches. No person shall practice 81211  
medicine and surgery, or any of its branches, after the person's 81212  
certificate has been revoked, or, if suspended, during the time of 81213  
such suspension. 81214

A certificate signed by the secretary of the board to which 81215  
is affixed the official seal of the board to the effect that it 81216  
appears from the records of the board that no such certificate to 81217  
practice medicine and surgery, or any of its branches, in this 81218  
state has been issued to the person specified therein, or that a 81219  
certificate to practice, if issued, has been revoked or suspended, 81220  
shall be received as prima-facie evidence of the record of the 81221  
board in any court or before any officer of the state. 81222

(B) No certificate from the state medical board is required 81223  
by a physician who comes into this state to practice medicine at a 81224  
free-of-charge camp accredited by the SeriousFun children's 81225  
network that specializes in providing therapeutic recreation, as 81226  
defined in section 2305.231 of the Revised Code, for individuals 81227  
with chronic illnesses as long as all of the following apply: 81228

(1) The physician provides documentation to the medical 81229  
director of the camp that the physician is licensed and in good 81230  
standing to practice medicine in another state; 81231

(2) The physician provides services only at the camp or in 81232

<u>connection with camp events or camp activities that occur off the</u>	81233
<u>grounds of the camp;</u>	81234
<u>(3) The physician receives no compensation for the services;</u>	81235
<u>(4) The physician provides those services within this state</u>	81236
<u>for not more than thirty days per calendar year;</u>	81237
<u>(5) The camp has a medical director who holds an unrestricted</u>	81238
<u>license to practice medicine issued in accordance with division</u>	81239
<u>(A) of this section.</u>	81240
<b><u>Sec. 4731.62. (A) As used in this section:</u></b>	81241
<u>(1) "Controlled substance" and "controlled substance analog"</u>	81242
<u>have the same meanings as in section 3719.01 of the Revised Code.</u>	81243
<u>(2) "Dangerous drug" has the same meaning as in section</u>	81244
<u>4729.01 of the Revised Code.</u>	81245
<u>(3) "Mental health professional" has the same meaning as in</u>	81246
<u>section 340.032 of the Revised Code.</u>	81247
<u>(B) A physician who is acting in a professional capacity and</u>	81248
<u>who knows, or has reasonable cause to suspect based on facts that</u>	81249
<u>would cause a reasonable person in a similar position to suspect,</u>	81250
<u>that a patient is experiencing an overdose of a dangerous drug,</u>	81251
<u>controlled substance, controlled substance analog, or metabolite</u>	81252
<u>of a controlled substance may refer the patient to a mental health</u>	81253
<u>professional. If the physician refers the patient to a mental</u>	81254
<u>health professional, the physician shall promptly notify the</u>	81255
<u>mental health professional in writing of the referral. Within</u>	81256
<u>thirty days after receiving the written notification, the mental</u>	81257
<u>health professional shall inform the physician in writing of the</u>	81258
<u>status of treatment of the patient provided by the mental health</u>	81259
<u>professional.</u>	81260
<u>(C) A communication between a physician and a mental health</u>	81261
<u>professional made under this section shall not be considered a</u>	81262

breach of confidentiality between a physician or psychologist or  
other mental health professional and a patient or a waiver of a  
testimonial privilege by the patient. 81263  
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(D) A physician or mental health professional is not liable  
in damages in a civil action for harm allegedly incurred as a  
result of a communication made under this section. 81266  
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**Sec. 4731.74. (A) As used in this section:** 81269

(1) "Controlled substance" has the same meaning as in section  
3719.01 of the Revised Code. 81270  
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(2) "Drug" and "prescription" have the same meanings as in  
section 4729.01 of the Revised Code. 81272  
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(3) "Institutional facility" means a hospital as defined in  
section 3727.01 of the Revised Code or a facility licensed by the  
state board of pharmacy and the department of health, the  
department of rehabilitation and correction, or the department of  
developmental disabilities, at which medical care is provided on  
site and a medical record documenting episodes of care, including  
drugs ordered and administered, is maintained. 81274  
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(4) "Telehealth service" has the same meaning as in section  
5164.95 of the Revised Code. 81281  
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(B) Except as provided in divisions (C) and (D) of this  
section, a physician shall not prescribe, dispense, otherwise  
provide, or cause to be provided a prescription drug to a person  
on whom the physician has never conducted a medical evaluation. 81283  
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(C) A physician may prescribe, dispense, otherwise provide,  
or cause to be provided a prescription drug that is not a  
controlled substance to a person on whom the physician has never  
conducted a medical evaluation, and who is at a location remote  
from the physician, if the physician meets all of the following  
requirements: 81287  
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(1) In a manner that is consistent with the standard for in-person care by a physician, the remote physician shall complete and document a medical evaluation of the patient and collect clinical data as needed to establish a diagnosis, identify any underlying conditions, and identify any contraindications to the treatment that is recommended or provided. 81293  
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(2)(a) Except as provided in division (C)(2)(b) of this section, the remote physician shall complete an examination of the patient using appropriate technology that is capable of all of the following: 81299  
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(i) Transmitting images of the patient's condition in real-time; 81303  
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(ii) Transmitting information regarding the patient's physical condition and other relevant clinical data needed for compliance with division (C)(1) of this section; 81305  
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(iii) Being adjusted for better image quality and definition. 81308

(b) If the patient has a designated primary care physician or designates a primary care physician with assistance from the remote physician, the remote physician may examine the patient over the telephone without the use of the technology required by division (C)(2)(a) of this section, if the remote physician meets all of the following requirements: 81309  
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(i) The remote physician is physically located in this state. 81315

(ii) The remote physician has received credentials to provide telehealth services pursuant to a process certified by the national committee for quality assurance. 81316  
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(iii) The remote physician forwards the patient's electronic health record to the patient's designated primary care physician after the consultation. 81319  
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(iv) The remote physician is available to follow up with the 81322

patient after the consult as necessary. 81323

(3) The remote physician shall document having had dialogue with the patient regarding treatment options and the risks and benefits of treatment sufficient to permit the patient to provide informed consent to treatment. 81324  
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(4) The remote physician shall maintain a contemporaneous medical record that is readily available to the patient and to the patient's other health care providers. 81328  
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(5) The remote physician shall include the electronic prescription information as part of the patient's medical record. 81331  
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(6) As necessary, the remote physician shall follow-up with the patient to assess the therapeutic outcome. 81333  
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(D) In addition to the circumstances described in division (C) of this section, a physician may prescribe, dispense, otherwise provide, or cause to be provided a prescription drug, including a controlled substance, to a person on whom the physician has never conducted a medical evaluation in the following situations: 81335  
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(1) The person is a patient of a colleague of the physician and the drugs are provided pursuant to an on call or cross coverage arrangement between the physicians. 81341  
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(2) The physician is consulting with another physician or health care provider who is authorized to practice in this state and is acting within the scope of that physician or provider's professional license, including having prescriptive authority if all of the following requirements are met: 81344  
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(a) The physician shall establish that the other physician or health care provider has an ongoing professional relationship with the patient and has agreed to supervise the patient's use of the drug or drugs to be provided. 81349  
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(b) If the health care provider is a physician assistant, the physician has a supervision agreement with the physician assistant. 81353  
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(c) If the health care provider is an advanced practice registered nurse, the physician has a standard care arrangement with the advanced practice registered nurse. 81356  
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(3) The physician is the medical director of a hospice care program licensed pursuant to Chapter 3712. of the Revised Code or is the attending physician of a hospice patient, enrolled in such a hospice care program, and the drugs are prescribed, dispensed, or otherwise provided to a hospice patient. 81359  
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(4) The person has been admitted as an inpatient to or is a resident of an institutional facility. 81364  
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(E) This section does not imply that a single in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the course of professional practice. 81366  
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**Sec. 4732.10.** (A) The state board of psychology shall appoint an entrance examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate examination. A member of the board or the executive director may be appointed as the entrance examiner. 81370  
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(B) Requirements for admission to examination for a psychologist license shall be that the applicant: 81375  
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(1) Is at least twenty-one years of age; 81377

(2) Is of good moral character; 81378

(3) Meets one of the following requirements: 81379

(a) Received an earned doctoral degree from an institution accredited or recognized by a national or regional accrediting 81380  
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agency and a program accredited by any of the following:	81382
(i) The American psychological association, office of program consultation and accreditation;	81383 81384
(ii) The accreditation office of the Canadian psychological association;	81385 81386
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	81387 81388 81389
(iv) The national association of school psychologists.	81390
(b) <u>Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B)(3)(a) of this section;</u>	81391 81392 81393 81394 81395
(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B)(3)(a) of this section;	81396 81397 81398 81399 81400
<del>(e)</del> (d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	81401 81402 81403 81404 81405
<del>(d) Enrolled, not later than sixty days after April 7, 2009, in an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards and not later than eight years after April 7, 2009, received an earned doctoral degree in psychology or school psychology.</del>	81406 81407 81408 81409 81410 81411

(4) Has had at least two years of supervised professional 81412  
experience in psychological work of a type satisfactory to the 81413  
board, at least one year of which must be a predoctoral 81414  
internship. The board shall adopt guidelines for the kind of 81415  
supervised professional experience ~~which~~ that fulfill this 81416  
requirement. 81417

(5) If applying under division (B)(3)(b) or (c) of this 81418  
section, has had at least two years of supervised professional 81419  
experience in psychological work of a type satisfactory to the 81420  
board, at least one year of which must be postdoctoral. The board 81421  
shall adopt guidelines for the kind of supervised professional 81422  
experience that fulfill this requirement. 81423

(C) Requirements for admission to examination for a school 81424  
psychologist license shall be that the applicant: 81425

(1) Has received from an educational institution accredited 81426  
or recognized by national or regional accrediting agencies as 81427  
maintaining satisfactory standards, including those approved by 81428  
the state board of education for the training of school 81429  
psychologists, at least a master's degree in school psychology, or 81430  
a degree considered equivalent by the board; 81431

(2) Is at least twenty-one years of age; 81432

(3) Is of good moral character; 81433

(4) Has completed at least sixty quarter hours, or the 81434  
semester hours equivalent, at the graduate level, of accredited 81435  
study in course work relevant to the study of school psychology; 81436

(5) Has completed an internship in an educational institution 81437  
approved by the Ohio department of education for school psychology 81438  
supervised experience or one year of other training experience 81439  
acceptable to the board, such as supervised professional 81440  
experience under the direction of a licensed psychologist or 81441  
licensed school psychologist; 81442

(6) Furnishes proof of at least twenty-seven months, 81443  
exclusive of internship, of full-time experience as a certificated 81444  
school psychologist employed by a board of education or a private 81445  
school meeting the standards prescribed by the state board of 81446  
education, or of experience ~~which~~ that the board deems equivalent. 81447

(D) If the entrance examiner finds that the applicant meets 81448  
the requirements set forth in this section, the applicant shall be 81449  
admitted to the appropriate examination. 81450

(E) The board shall adopt under Chapter 119. of the Revised 81451  
Code rules for determining for the purposes of division (B)(3)(b) 81452  
of this section whether a degree is equivalent to a degree in 81453  
psychology from an institution in the United States. 81454

**Sec. 4735.06.** (A) Application for a license as a real estate 81455  
broker shall be made to the superintendent of real estate on forms 81456  
furnished by the superintendent and filed with the superintendent 81457  
and shall be signed by the applicant or its members or officers. 81458  
Each application shall state the name of the person applying and 81459  
the location of the place of business for which the license is 81460  
desired, and give such other information as the superintendent 81461  
requires in the form of application prescribed by the 81462  
superintendent. 81463

If the applicant is a partnership, limited liability company, 81464  
limited liability partnership, or association, the names of all 81465  
the members also shall be stated, and, if the applicant is a 81466  
corporation, the names of its president and of each of its 81467  
officers also shall be stated. The superintendent has the right to 81468  
reject the application of any partnership, association, limited 81469  
liability company, limited liability partnership, or corporation 81470  
if the name proposed to be used by such partnership, association, 81471  
limited liability company, limited liability partnership, or 81472  
corporation is likely to mislead the public or if the name is not 81473

such as to distinguish it from the name of any existing 81474  
partnership, association, limited liability company, limited 81475  
liability partnership, or corporation licensed under this chapter, 81476  
unless there is filed with the application the written consent of 81477  
such existing partnership, association, limited liability company, 81478  
limited liability partnership, or corporation, executed by a duly 81479  
authorized representative of it, permitting the use of the name of 81480  
such existing partnership, association, limited liability company, 81481  
limited liability partnership, or corporation. 81482

(B) A fee of one hundred dollars shall accompany the 81483  
application for a real estate broker's license. The initial 81484  
licensing period commences at the time the license is issued and 81485  
ends on the applicant's first birthday thereafter. However, if the 81486  
applicant was an inactive or active salesperson immediately 81487  
preceding application for a broker's license, then the initial 81488  
licensing period shall commence at the time the broker's license 81489  
is issued and ends on the date the licensee's continuing education 81490  
is due as set when the applicant was a salesperson. The 81491  
application fee shall be nonrefundable. A fee of one hundred 81492  
dollars shall be charged by the superintendent for each successive 81493  
application made by an applicant. In the case of issuance of a 81494  
three-year license, upon passing the examination, or upon waiver 81495  
of the examination requirement, if the superintendent determines 81496  
it is necessary, the applicant shall submit an additional fee 81497  
determined by the superintendent based upon the number of years 81498  
remaining in a real estate salesperson's licensing period. 81499

(C) One dollar of each application fee for a real estate 81500  
broker's license shall be credited to the real estate education 81501  
and research fund, which is hereby created in the state treasury. 81502  
The Ohio real estate commission may use the fund in discharging 81503  
the duties prescribed in divisions (E), (F), (G), and (H) of 81504  
section 4735.03 of the Revised Code and shall use it in the 81505

advancement of education and research in real estate at any 81506  
institution of higher education in the state, or in contracting 81507  
with any such institution or a trade organization for a particular 81508  
research or educational project in the field of real estate, or in 81509  
advancing loans, not exceeding two thousand dollars, to applicants 81510  
for salesperson licenses, to defray the costs of satisfying the 81511  
educational requirements of division (F) of section 4735.09 of the 81512  
Revised Code. Such loans shall be made according to rules 81513  
established by the commission under the procedures of Chapter 119. 81514  
of the Revised Code, and they shall be repaid to the fund within 81515  
three years of the time they are made. No more than ~~ten~~ 81516  
twenty-five thousand dollars shall be lent from the fund in any 81517  
one fiscal year. 81518

The governor may appoint a representative from the executive 81519  
branch to be a member ex officio of the commission for the purpose 81520  
of advising on research requests or educational projects. The 81521  
commission shall report to the general assembly on the third 81522  
Tuesday after the third Monday in January of each year setting 81523  
forth the total amount contained in the fund and the amount of 81524  
each research grant that it has authorized and the amount of each 81525  
research grant requested. A copy of all research reports shall be 81526  
submitted to the state library of Ohio and the library of the 81527  
legislative service commission. 81528

(D) If the superintendent, with the consent of the 81529  
commission, enters into an agreement with a national testing 81530  
service to administer the real estate broker's examination, 81531  
pursuant to division (A) of section 4735.07 of the Revised Code, 81532  
the superintendent may require an applicant to pay the testing 81533  
service's examination fee directly to the testing service. If the 81534  
superintendent requires the payment of the examination fee 81535  
directly to the testing service, each applicant shall submit to 81536  
the superintendent a processing fee in an amount determined by the 81537

Ohio real estate commission pursuant to division (A)(2) of section 81538  
4735.10 of the Revised Code. 81539

**Sec. 4735.13.** (A) Every real estate broker licensed under 81540  
this chapter shall have and maintain a definite place of business 81541  
in this state. A post office box address is not a definite place 81542  
of business for purposes of this section. The license of a real 81543  
estate broker shall be prominently displayed in the office or 81544  
place of business of the broker, and no license shall authorize 81545  
the licensee to do business except from the location specified in 81546  
it. If the broker maintains more than one place of business within 81547  
the state, the broker shall apply for and procure a duplicate 81548  
license for each branch office maintained by the broker. Each 81549  
branch office shall be in the charge of a licensed broker or 81550  
salesperson. The branch office license shall be prominently 81551  
displayed at the branch office location. 81552

(B) The license of each real estate salesperson shall be 81553  
mailed to and remain in the possession of the licensed broker with 81554  
whom the salesperson is or is to be associated until the licensee 81555  
places the license on inactive or resigned status or until the 81556  
salesperson leaves the brokerage or is terminated. The broker 81557  
shall keep each salesperson's license in a way that it can, and 81558  
shall on request, be made immediately available for public 81559  
inspection at the office or place of business of the broker. 81560  
Except as provided in divisions (G) and (H) of this section, 81561  
immediately upon the salesperson's leaving the association or 81562  
termination of the association of a real estate salesperson with 81563  
the broker, the broker shall return the salesperson's license to 81564  
the superintendent of real estate. 81565

The failure of a broker to return the license of a real 81566  
estate salesperson or broker who leaves or who is terminated, via 81567  
certified mail return receipt requested, within three business 81568

days of the receipt of a written request from the superintendent 81569  
for the return of the license, is prima-facie evidence of 81570  
misconduct under division (A)(6) of section 4735.18 of the Revised 81571  
Code. 81572

(C) A licensee shall notify the superintendent in writing 81573  
within fifteen days of any of the following occurrences: 81574

(1) The licensee is convicted of a felony. 81575

(2) The licensee is convicted of a crime involving moral 81576  
turpitude. 81577

(3) The licensee is found to have violated any federal, 81578  
state, or municipal civil rights law pertaining to discrimination 81579  
in housing. 81580

(4) The licensee is found to have engaged in a discriminatory 81581  
practice pertaining to housing accommodations described in 81582  
division (H) of section 4112.02 of the Revised Code. 81583

(5) The licensee is the subject of an order by the department 81584  
of commerce, the department of insurance, or the department of 81585  
agriculture revoking or permanently surrendering any professional 81586  
license, certificate, or registration. 81587

(6) The licensee is the subject of an order by any government 81588  
agency concerning real estate, financial matters, or the 81589  
performance of fiduciary duties with respect to any license, 81590  
certificate, or registration. 81591

If a licensee fails to notify the superintendent within the 81592  
required time, the superintendent immediately may suspend the 81593  
license of the licensee. 81594

Any court that convicts a licensee of a violation of any 81595  
municipal civil rights law pertaining to housing discrimination 81596  
also shall notify the Ohio civil rights commission within fifteen 81597  
days of the conviction. 81598



(D) In case of any change of business location, a broker 81599  
shall give notice to the superintendent, on a form prescribed by 81600  
the superintendent, within thirty days after the change of 81601  
location, whereupon the superintendent shall issue new licenses 81602  
for the unexpired period without charge. If a broker changes a 81603  
business location without giving the required notice and without 81604  
receiving new licenses that action is prima-facie evidence of 81605  
misconduct under division (A)(6) of section 4735.18 of the Revised 81606  
Code. 81607

(E) If a real estate broker desires to associate with another 81608  
real estate broker in the capacity of a real estate salesperson, 81609  
the broker shall apply to the superintendent to deposit the 81610  
broker's real estate broker's license with the superintendent and 81611  
for the issuance of a real estate salesperson's license. The 81612  
application shall be made on a form prescribed by the 81613  
superintendent and shall be accompanied by the recommendation of 81614  
the real estate broker with whom the applicant intends to become 81615  
associated and a fee of twenty-five dollars for the real estate 81616  
salesperson's license. One dollar of the fee shall be credited to 81617  
the real estate education and research fund. If the superintendent 81618  
is satisfied that the applicant is honest, truthful, and of good 81619  
reputation, has not been convicted of a felony or a crime 81620  
involving moral turpitude, and has not been finally adjudged by a 81621  
court to have violated any municipal, state, or federal civil 81622  
rights laws relevant to the protection of purchasers or sellers of 81623  
real estate, and that the association of the real estate broker 81624  
and the applicant will be in the public interest, the 81625  
superintendent shall grant the application and issue a real estate 81626  
salesperson's license to the applicant. Any license so deposited 81627  
with the superintendent shall be subject to this chapter. A broker 81628  
who intends to deposit the broker's license with the 81629  
superintendent, as provided in this section, shall give written 81630  
notice of this fact in a format prescribed by the superintendent 81631

to all salespersons associated with the broker when applying to 81632  
place the broker's license on deposit. 81633

(F) If a real estate broker desires to become a member or 81634  
officer of a partnership, association, limited liability company, 81635  
limited liability partnership, or corporation that is or intends 81636  
to become a licensed real estate broker, the broker shall notify 81637  
the superintendent of the broker's intentions. The notice of 81638  
intention shall be on a form prescribed by the superintendent and 81639  
shall be accompanied by a fee of twenty-five dollars. One dollar 81640  
of the fee shall be credited to the real estate education and 81641  
research fund. 81642

A licensed real estate broker who is a member or officer of a 81643  
partnership, association, limited liability company, limited 81644  
liability partnership, or corporation shall only act as a real 81645  
estate broker for such partnership, association, limited liability 81646  
company, limited liability partnership, or corporation. 81647

(G)(1) If a real estate broker or salesperson enters the 81648  
armed forces, the broker or salesperson may place the broker's or 81649  
salesperson's license on deposit with the Ohio real estate 81650  
commission. The licensee shall not be required to renew the 81651  
license until the renewal date that follows the date of discharge 81652  
from the armed forces. Any license deposited with the commission 81653  
shall be subject to this chapter. ~~Any~~ 81654

Any licensee whose license is on deposit under this division 81655  
and who fails to meet the continuing education requirements of 81656  
section 4735.141 of the Revised Code because the licensee is in 81657  
the armed forces shall satisfy the commission that the licensee 81658  
has complied with the continuing education requirements within 81659  
twelve months of the licensee's first birthday after discharge or 81660  
within the amount of time equal to the total number of months the 81661  
licensee spent on active duty, whichever is greater. The licensee 81662  
shall submit proper documentation of active duty service and the 81663

length of that active duty service to the superintendent. The 81664  
extension shall not exceed the total number of months that the 81665  
licensee served in active duty. The superintendent shall notify 81666  
the licensee of the licensee's obligations under section 4735.141 81667  
of the Revised Code at the time the licensee applies for 81668  
reactivation of the licensee's license. 81669

(2) If a licensee is a spouse of a member of the armed forces 81670  
and the spouse's service resulted in the licensee's absence from 81671  
this state, both of the following apply: 81672

(a) The licensee shall not be required to renew the license 81673  
until the renewal date that follows the date of the spouse's 81674  
discharge from the armed forces. 81675

(b) If the licensee fails to meet the continuing education 81676  
requirements of section 4735.141 of the Revised Code, the licensee 81677  
shall satisfy the commission that the licensee has complied with 81678  
the continuing education requirements within twelve months after 81679  
the licensee's first birthday after the spouse's discharge or 81680  
within the amount of time equal to the total number of months the 81681  
licensee's spouse spent on active duty, whichever is greater. The 81682  
licensee shall submit proper documentation of the spouse's active 81683  
duty service and the length of that active duty service. This 81684  
extension shall not exceed the total number of months that the 81685  
licensee's spouse served in active duty. 81686

(3) In the case of a licensee as described in division (G)(2) 81687  
of this section, who holds the license through a reciprocity 81688  
agreement with another state, the spouse's service shall have 81689  
resulted in the licensee's absence from the licensee's state of 81690  
residence for the provisions of that division to apply. 81691

(4) As used in this division, "armed forces" means the armed 81692  
forces of the United States or reserve component of the armed 81693  
forces of the United States including the Ohio national guard or 81694

the national guard of any other state. 81695

(H) If a licensed real estate salesperson submits an 81696  
application to the superintendent to leave the association of one 81697  
broker to associate with a different broker, the broker possessing 81698  
the licensee's license need not return the salesperson's license 81699  
to the superintendent. The superintendent may process the 81700  
application regardless of whether the licensee's license is 81701  
returned to the superintendent. 81702

**Sec. 4735.141.** (A) Except as otherwise provided in this 81703  
division and in section 4735.13 of the Revised Code and except for 81704  
a licensee who has placed the licensee's license in resigned 81705  
status pursuant to section 4735.142 of the Revised Code, each 81706  
person licensed under section 4735.07 or 4735.09 of the Revised 81707  
Code shall submit proof satisfactory to the superintendent of real 81708  
estate that the licensee has satisfactorily completed thirty hours 81709  
of continuing education, as prescribed by the Ohio real estate 81710  
commission pursuant to section 4735.10 of the Revised Code, on or 81711  
before the licensee's birthday occurring three years after the 81712  
licensee's date of initial licensure, and on or before the 81713  
licensee's birthday every three years thereafter. 81714

Persons licensed as real estate salespersons who subsequently 81715  
become licensed real estate brokers shall continue to submit proof 81716  
of continuing education in accordance with the time period 81717  
established in this section. 81718

The requirements of this section shall not apply to any 81719  
disabled licensee as provided in division (E) of this section. 81720

Each licensee who is seventy years of age or older, within a 81721  
continuing education reporting period, shall submit proof 81722  
satisfactory to the superintendent of real estate that the 81723  
licensee has satisfactorily completed a total of nine classroom 81724  
hours of continuing education, including instruction in Ohio real 81725

estate law; recently enacted state and federal laws affecting the 81726  
real estate industry; municipal, state, and federal civil rights 81727  
law; and canons of ethics for the real estate industry as adopted 81728  
by the commission. The required proof of completion shall be 81729  
submitted on or before the licensee's birthday that falls in the 81730  
third year of that continuing education reporting period. A 81731  
licensee who is seventy years of age or older whose license is in 81732  
an inactive status is exempt from the continuing education 81733  
requirements specified in this section. The commission shall adopt 81734  
reasonable rules in accordance with Chapter 119. of the Revised 81735  
Code to carry out the purposes of this paragraph. 81736

(B) The continuing education requirements of this section 81737  
shall be completed in schools, seminars, and educational 81738  
institutions approved by the commission. Such approval shall be 81739  
given according to rules established by the commission under the 81740  
procedures of Chapter 119. of the Revised Code, and shall not be 81741  
limited to institutions providing two-year or four-year degrees. 81742  
Each school, seminar, or educational institution approved under 81743  
this division shall be open to all licensees on an equal basis. 81744

(C) If the requirements of this section are not met by a 81745  
licensee within the period specified, the licensee's license shall 81746  
be suspended automatically without the taking of any action by the 81747  
superintendent. The superintendent shall notify the licensee of 81748  
the license suspension, and such notification shall be sent by 81749  
regular mail to the personal residence address of the licensee 81750  
that is on file with the division. Any license so suspended shall 81751  
remain suspended until it is reactivated by the superintendent. No 81752  
such license shall be reactivated until it is established, to the 81753  
satisfaction of the superintendent, that the requirements of this 81754  
section have been met. If the requirements of this section are not 81755  
met within twelve months from the date the license was suspended, 81756  
the license shall be revoked automatically without the taking of 81757

any action by the superintendent. 81758

(D) If the license of a real estate broker is suspended 81759  
pursuant to division (C) of this section, the license of a real 81760  
estate salesperson associated with that broker correspondingly is 81761  
suspended pursuant to division (H) of section 4735.20 of the 81762  
Revised Code. A sole broker shall notify affiliated salespersons 81763  
of the suspension in writing within three days of receiving the 81764  
notice required by division (C) of this section. 81765

(1) The suspended license of the associated real estate 81766  
salesperson shall be reactivated and no fee shall be charged or 81767  
collected for that reactivation if that broker subsequently 81768  
submits proof to the superintendent that the broker has complied 81769  
with the requirements of this section and requests that the 81770  
broker's license as a real estate broker be reactivated, and the 81771  
superintendent then reactivates the broker's license as a real 81772  
estate broker. 81773

(2) If the real estate salesperson submits an application to 81774  
leave the association of the suspended broker in order to 81775  
associate with a different broker, the suspended license of the 81776  
associated real estate salesperson shall be reactivated and no fee 81777  
shall be charged or collected for that reactivation. The 81778  
superintendent may process the application regardless of whether 81779  
the licensee's license is returned to the superintendent. 81780

Any person whose license is reactivated pursuant to this 81781  
division shall comply with the requirements of this section and 81782  
otherwise be in compliance with this chapter. 81783

(E) Any licensee who is a disabled licensee at any time 81784  
during the last three months of the third year of the licensee's 81785  
continuing education reporting period may receive an extension of 81786  
time as deemed appropriate by the superintendent to submit proof 81787  
to the superintendent that the licensee has satisfactorily 81788

completed the required thirty hours of continuing education. To 81789  
receive an extension of time, the licensee shall submit a request 81790  
to the division of real estate for the extension and proof 81791  
satisfactory to the commission that the licensee was a disabled 81792  
licensee at some time during the last three months of the 81793  
three-year reporting period. The proof shall include, but is not 81794  
limited to, a signed statement by the licensee's attending 81795  
physician describing the disability, certifying that the 81796  
licensee's disability is of such a nature as to prevent the 81797  
licensee from attending any instruction lasting at least three 81798  
hours in duration, and stating the expected duration of the 81799  
disability. The licensee shall request the extension and provide 81800  
the physician's statement to the division no later than one month 81801  
prior to the end of the licensee's three-year continuing education 81802  
reporting period, unless the disability did not arise until the 81803  
last month of the three-year reporting period, in which event the 81804  
licensee shall request the extension and provide the physician's 81805  
statement as soon as practical after the occurrence of the 81806  
disability. A licensee granted an extension pursuant to this 81807  
division who is no longer a disabled licensee and who submits 81808  
proof of completion of the continuing education during the 81809  
extension period, shall submit, for future continuing education 81810  
reporting periods, proof of completion of the continuing education 81811  
requirements according to the schedule established in division (A) 81812  
of this section. 81813

(F) The superintendent shall not renew a license if the 81814  
licensee fails to comply with this section, and the licensee shall 81815  
be required to pay the penalty fee provided in section 4735.14 of 81816  
the Revised Code. 81817

(G) A licensee shall submit proof of completion of the 81818  
required continuing education with the licensee's notice of 81819  
renewal. The proof shall be submitted in the manner provided by 81820

the superintendent. 81821

**Sec. 4736.12.** (A) The state board of sanitarian registration 81822  
shall charge the following fees: 81823

(1) To apply as a sanitarian-in-training, eighty dollars; 81824

(2) For sanitarians-in-training to apply for registration as 81825  
sanitarians, eighty dollars. The applicant shall pay this fee only 81826  
once regardless of the number of times the applicant takes an 81827  
examination required under section 4736.08 of the Revised Code. 81828

(3) For persons other than sanitarians-in-training to apply 81829  
for registration as sanitarians, including persons meeting the 81830  
requirements of section 4736.16 of the Revised Code, one hundred 81831  
sixty dollars. The applicant shall pay this fee only once 81832  
regardless of the number of times the applicant takes an 81833  
examination required under section 4736.08 of the Revised Code. 81834

(4) The renewal fee for registered sanitarians shall be 81835  
~~eighty~~ ninety dollars. 81836

(5) The renewal fee for sanitarians-in-training shall be 81837  
~~eighty~~ ninety dollars. 81838

(6) For late application for renewal, an additional ~~fifty~~ 81839  
seventy-five dollars. 81840

The board of sanitarian registration, with the approval of 81841  
the controlling board, may establish fees in excess of the amounts 81842  
provided in this section, provided that such fees do not exceed 81843  
the amounts permitted by this section by more than fifty per cent. 81844

(B) The board of sanitarian registration shall charge 81845  
separate fees for examinations as required by section 4736.08 of 81846  
the Revised Code, provided that the fees are not in excess of the 81847  
actual cost to the board of conducting the examinations. 81848

(C) The board of sanitarian registration may adopt rules 81849



establishing fees for all of the following: 81850

(1) Application for the registration of a training agency 81851  
approved under rules adopted by the board pursuant to section 81852  
4736.11 of the Revised Code and for the annual registration 81853  
renewal of an approved training agency; 81854

(2) Application for the review of continuing education hours 81855  
submitted for the board's approval by approved training agencies 81856  
or by registered sanitarians or sanitarians-in-training; 81857

(3) Additional copies of pocket identification cards and wall 81858  
certificates. 81859

**Sec. 4741.03.** (A) The state veterinary medical licensing 81860  
board shall meet at least once in each calendar year and may hold 81861  
additional meetings as often as it considers necessary to conduct 81862  
the business of the board. The president of the board may call 81863  
special meetings, and the executive director shall call special 81864  
meetings upon the written request of three members of the board. 81865  
The board shall organize by electing a president and 81866  
vice-president from its veterinarian members and such other 81867  
officers as the board prescribes by rule. Each officer shall serve 81868  
for a term specified by board rule or until a successor is elected 81869  
and qualified. A quorum of the board consists of four members of 81870  
which at least three are members who are veterinarians. The 81871  
concurrence of four members is necessary for the board to take any 81872  
action. 81873

(B) The board may appoint a person, not one of its members, 81874  
to serve as its executive director. The executive director is in 81875  
the unclassified service and serves at the pleasure of the board. 81876  
The executive director shall serve as the board's 81877  
secretary-treasurer ex officio. The board may employ additional 81878  
employees for professional, technical, clerical, and special work 81879  
as it considers necessary. The executive director shall give a 81880

surety bond to the state in the sum the board requires, 81881  
conditioned upon the faithful performance of the executive 81882  
director's duties. The board shall pay the cost of the bond. The 81883  
executive director shall keep a complete accounting of all funds 81884  
received and of all vouchers presented by the board to the 81885  
director of budget and management for the disbursement of funds. 81886  
The president or executive director shall approve all vouchers of 81887  
the board. All money received by the board shall be credited to 81888  
the occupational licensing and regulatory fund. 81889

(C) In addition to any other duty required under this 81890  
chapter, the board shall do all of the following: 81891

(1) Prescribe a seal; 81892

(2) ~~Accept and review applications for admission to an~~ 81893  
~~examination in accordance with section 4741.09 of the Revised Code~~ 81894  
~~and review~~ Review the results of board-approved, nationally 81895  
recognized examinations taken by applicants in accordance with 81896  
rules adopted by the board. 81897

(3) Keep a record of all of its meetings and proceedings; 81898

(4) Maintain a register that records all applicants for a 81899  
certificate of license or a temporary permit, all persons who have 81900  
been denied a license or permit, all persons who have been granted 81901  
or reissued a license or permit, and all persons whose license or 81902  
permit has been revoked or suspended. The register shall also 81903  
include a record of persons licensed prior to October 17, 1975. 81904

(5) Maintain a register, in such form as the board determines 81905  
by rule, of all colleges and universities that teach veterinary 81906  
medicine and veterinary technology that are approved by the board; 81907

(6) Enforce this chapter, and for that purpose, make 81908  
investigations relative as provided in section 4741.26 of the 81909  
Revised Code; 81910

(7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;	81911 81912
(8) Approve colleges and universities which meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities which fail to meet those requirements;	81913 81914 81915 81916 81917
(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.	81918 81919 81920
(D) The board may do all of the following:	81921
(1) Subpoena witnesses and require their attendance and testimony, and require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence and examine them, in relation to any matter that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.	81922 81923 81924 81925 81926 81927 81928 81929 81930 81931
(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.	81932 81933 81934 81935
(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.	81936 81937 81938 81939 81940

**Sec. 4741.11.** Whenever an applicant for a license to practice 81941  
veterinary medicine ~~passes the examination specified in section~~ 81942  
~~4741.09 of the Revised Code, and~~ has graduated from a veterinary 81943  
college approved by the state veterinary medical licensing board 81944  
or accredited by the American veterinary medical association or 81945  
has been issued a certificate on or after May 1, 1987, by the 81946  
education commission for foreign veterinary graduates of the 81947  
American veterinary medical association or by the program for the 81948  
assessment of veterinary education equivalence of the American 81949  
association of veterinary state boards, and is not in violation of 81950  
this chapter, the board shall issue a certificate of license to 81951  
that effect, signed by the members and bearing the seal of the 81952  
board. The certificate shall show that the successful applicant 81953  
has qualified under the laws of this state and the requirements of 81954  
the board and that the applicant is duly licensed and qualified to 81955  
practice veterinary medicine. 81956

~~Upon request, the board shall furnish to an applicant for a~~ 81957  
~~license who fails to pass the examination a written report showing~~ 81958  
~~reasons for the applicant's failure in the examination.~~ 81959

**Sec. 4741.12.** The state veterinary medical licensing board 81960  
may issue a license to practice veterinary medicine without the 81961  
examination required pursuant to section 4741.11 of the Revised 81962  
Code to an applicant from another state, territory, country, or 81963  
the District of Columbia who furnishes satisfactory proof to the 81964  
board that the applicant meets all of the following criteria: 81965

(A) The applicant is a graduate of a veterinary college 81966  
accredited by the American veterinary medical association or holds 81967  
a certificate issued, on or after May 1, 1987, by the education 81968  
commission for foreign veterinary graduates of the American 81969  
veterinary medical association or ~~issued by any other nationally~~ 81970  
~~recognized certification program the board approves by rule~~ by the 81971

program for the assessment of veterinary education equivalence of 81972  
the American association of veterinary state boards. 81973

(B) The applicant holds a license, which is not under 81974  
suspension, revocation, or other disciplinary action, issued by an 81975  
agency similar to this board of another state, territory, country, 81976  
or the District of Columbia, having requirements equivalent to 81977  
those of this state, provided the laws of such state, territory, 81978  
country, or district accord equal rights to the holder of a 81979  
license to practice in this state who removes to such state, 81980  
territory, country, or district. 81981

(C) The applicant is of good moral character, as determined 81982  
by the board. 81983

(D) The applicant is not under investigation for an act which 81984  
would constitute a violation of this chapter that would require 81985  
the revocation of or refusal to renew a license. 81986

(E) The applicant has a thorough knowledge of the laws and 81987  
rules governing the practice of veterinary medicine in this state, 81988  
as determined by the board. 81989

**Sec. 4741.17.** (A) Applicants or registrants shall pay to the 81990  
state veterinary medical licensing board: 81991

(1) For an initial veterinary license ~~based on examination,~~ 81992  
on or after the first day of March in an even-numbered year, ~~three~~ 81993  
~~hundred seventy-five~~ four hundred twenty-five dollars, and on or 81994  
after the first day of March in an odd-numbered year, ~~two hundred~~ 81995  
~~fifty~~ three hundred dollars; 81996

(2) For an initial limited license to practice veterinary 81997  
medicine for an intern, resident in a veterinary specialty, or 81998  
graduate student, thirty-five dollars; 81999

(3) For an initial limited license to practice veterinary 82000  
medicine for an instructor, researcher, or diagnostician, one 82001

hundred fifty-five dollars; 82002

~~(4) For a veterinary license by reciprocity issued on or~~ 82003  
~~after the first day of March in an even numbered year, four~~ 82004  
~~hundred twenty five dollars, and on or after the first day of~~ 82005  
~~March in an odd numbered year, three hundred dollars;~~ 82006

~~(5)~~ For a veterinary temporary permit, one hundred dollars; 82007

~~(6)~~(5) For a duplicate license, thirty-five dollars; 82008

~~(7)~~(6) For the veterinary license biennial renewal fee, where 82009  
the application is postmarked no later than the first day of 82010  
March, one hundred fifty-five dollars; where the application is 82011  
postmarked after the first day of March, but no later than the 82012  
first day of April, two hundred twenty-five dollars; and where the 82013  
application is postmarked after the first day of April, four 82014  
hundred fifty dollars. Notwithstanding section 4741.25 of the 82015  
Revised Code, the board shall deposit ten dollars of each 82016  
veterinary license biennial renewal fee that it collects into the 82017  
state treasury to the credit of the veterinarian loan repayment 82018  
fund created in section 4741.46 of the Revised Code. 82019

~~(8)~~(7) For the limited license to practice veterinary 82020  
medicine biennial renewal fee, where the application is postmarked 82021  
not later than the first day of July, one hundred fifty-five 82022  
dollars; where the application is postmarked after the first day 82023  
of July, but not later than the first day of August, two hundred 82024  
twenty-five dollars; and where the application is postmarked after 82025  
the first day of August, four hundred fifty dollars. 82026  
Notwithstanding section 4741.25 of the Revised Code, the board 82027  
shall deposit ten dollars of each limited license biennial renewal 82028  
fee that it collects from instructors, researchers, and 82029  
diagnosticians into the state treasury to the credit of the 82030  
veterinarian loan repayment fund. 82031

~~(9)~~(8) For an initial registered veterinary technician 82032

registration fee on or after the first day of March in an 82033  
odd-numbered year, thirty-five dollars, and on or after the first 82034  
day of March in an even-numbered year, twenty-five dollars; 82035

~~(10)~~(9) For the biennial renewal registration fee of a 82036  
registered veterinary technician, where the application is 82037  
postmarked no later than the first day of March, thirty-five 82038  
dollars; where the application is postmarked after the first day 82039  
of March, but no later than the first day of April, forty-five 82040  
dollars; and where the application is postmarked after the first 82041  
day of April, sixty dollars; 82042

~~(11)~~(10) For a specialist certificate, fifty dollars. The 82043  
certificate is not subject to renewal. 82044

~~(12)~~(11) For the reinstatement of a suspended license, or for 82045  
reinstatement of a license that has lapsed more than one year, an 82046  
additional fee of seventy-five dollars; 82047

~~(13) For examinations offered by the board, a fee, which 82048  
shall be established by the board, in an amount adequate to cover 82049  
the expense of procuring, administering, and scoring examinations; 82050~~

~~(14)~~(12) For a provisional veterinary graduate license, one 82051  
hundred dollars. 82052

(B) For the purposes of divisions (A)(6), (7), ~~(8)~~, and 82053  
~~(10)~~(9) of this section, a date stamp of the office of the board 82054  
may serve in lieu of a postmark. 82055

**Sec. 4741.19.** (A) Unless exempted under this chapter, no 82056  
person shall practice veterinary medicine, or any of its branches, 82057  
without a license or limited license issued by the state 82058  
veterinary medical licensing board pursuant to sections 4741.11 to 82059  
4741.13 of the Revised Code, a temporary permit issued pursuant to 82060  
section 4741.14 of the Revised Code, or a registration certificate 82061  
issued pursuant to division (C) of this section, or with an 82062

inactive, expired, suspended, terminated, or revoked license, 82063  
temporary permit, or registration. 82064

(B) No veterinary student shall: 82065

(1) Perform or assist surgery unless under direct veterinary 82066  
supervision and unless the student has had the minimum education 82067  
and experience prescribed by rule of the board; 82068

(2) Engage in any other work related to the practice of 82069  
veterinary medicine unless under veterinary supervision; 82070

(3) Participate in the operation of a branch office, clinic, 82071  
or allied establishment unless a licensed veterinarian is present 82072  
on the establishment premises. 82073

(C) No person shall act as a registered veterinary technician 82074  
unless the person is registered with the board on a biennial basis 82075  
and pays the biennial registration fee. A registered veterinary 82076  
technician registration expires biennially on the first day of 82077  
March in the odd-numbered years and may be renewed in accordance 82078  
with the standard renewal procedures contained in Chapter 4745. of 82079  
the Revised Code upon payment of the biennial registration fee and 82080  
fulfillment of ten continuing education hours during the two years 82081  
immediately preceding renewal for registration. Each registered 82082  
veterinary technician shall notify in writing the executive 82083  
director of the board of any change in the registered veterinary 82084  
technician's office address or employment within ninety days after 82085  
the change has taken place. 82086

(1) A registered veterinary technician operating under 82087  
veterinary supervision may perform the following duties: 82088

(a) Prepare or supervise the preparation of patients, 82089  
instruments, equipment, and medications for surgery; 82090

(b) Collect or supervise the collection of specimens and 82091  
perform laboratory procedures as required by the supervising 82092



veterinarian;	82093
(c) Apply wound dressings, casts, or splints as required by the supervising veterinarian;	82094 82095
(d) Assist a veterinarian in immunologic, diagnostic, medical, and surgical procedures;	82096 82097
(e) Suture skin incisions;	82098
(f) Administer or supervise the administration of topical, oral, or parenteral medication under the direction of the supervising veterinarian;	82099 82100 82101
(g) Other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian.	82102 82103 82104
(h) Any additional duties as established by the board in rule.	82105 82106
(2) A registered veterinary technician operating under direct veterinary supervision may perform all of the following:	82107 82108
(a) Induce and monitor general anesthesia according to medically recognized and appropriate methods;	82109 82110
(b) Dental prophylaxis, periodontal care, and extraction not involving sectioning of teeth or resection of bone or both of these;	82111 82112 82113
(c) Equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth.	82114 82115 82116
The degree of supervision by a licensed veterinarian over the functions performed by the registered veterinary technician shall be consistent with the standards of generally accepted veterinary medical practices.	82117 82118 82119 82120
(D) A veterinarian licensed to practice in this state shall	82121

not present the person's self as or state a claim that the person 82122  
is a specialist unless the veterinarian has previously met the 82123  
requirements for certification by a specialty organization 82124  
recognized by the American board of veterinary specialties for a 82125  
specialty or such other requirements set by rule of the board and 82126  
has paid the fee required by division (A)~~(11)~~(10) of section 82127  
4741.17 of the Revised Code. 82128

(E) Notwithstanding division (A) of this section, any animal 82129  
owner or the owner's designee may engage in the practice of embryo 82130  
transfer on the owner's animal if a licensed veterinarian directly 82131  
supervises the owner or the owner's designee and the means used to 82132  
perform the embryo transfer are nonsurgical. 82133

(F) Allied medical support may assist a licensed veterinarian 82134  
to the extent to which the law that governs the individual 82135  
providing the support permits, if all of the following apply: 82136

(1) A valid veterinary-client-patient-relationship exists. 82137

(2) The individual acts under direct veterinary supervision. 82138

(3) The allied medical support individual receives informed, 82139  
written, client consent. 82140

(4) The veterinarian maintains responsibility for the patient 82141  
and keeps the patient's medical records. 82142

The board may inspect the facilities of an allied medical 82143  
support individual in connection with an investigation based on a 82144  
complaint received in accordance with section 4741.26 of the 82145  
Revised Code involving that individual. 82146

**Sec. 4741.22.** (A) The state veterinary medical licensing 82147  
board may refuse to issue or renew a license, limited license, 82148  
registration, or temporary permit to or of any applicant who, and 82149  
may issue a reprimand to, suspend or revoke the license, limited 82150  
license, registration, or the temporary permit of, or impose a 82151

civil penalty pursuant to this section upon any person holding a 82152  
license, limited license, or temporary permit to practice 82153  
veterinary medicine or any person registered as a registered 82154  
veterinary technician who: 82155

~~(A)~~(1) In the conduct of the person's practice does not 82156  
conform to the rules of the board or the standards of the 82157  
profession governing proper, humane, sanitary, and hygienic 82158  
methods to be used in the care and treatment of animals; 82159

~~(B)~~(2) Uses fraud, misrepresentation, or deception in any 82160  
application or examination for licensure, or any other 82161  
documentation created in the course of practicing veterinary 82162  
medicine; 82163

~~(C)~~(3) Is found to be physically or psychologically addicted 82164  
to alcohol or an illegal or controlled substance, as defined in 82165  
section 3719.01 of the Revised Code, to such a degree as to render 82166  
the person unfit to practice veterinary medicine; 82167

~~(D)~~(4) Directly or indirectly employs or lends the person's 82168  
services to a solicitor for the purpose of obtaining patients; 82169

~~(E)~~(5) Obtains a fee on the assurance that an incurable 82170  
disease can be cured; 82171

~~(F)~~(6) Advertises in a manner that violates section 4741.21 82172  
of the Revised Code; 82173

~~(G)~~(7) Divides fees or charges or has any arrangement to 82174  
share fees or charges with any other person, except on the basis 82175  
of services performed; 82176

~~(H)~~(8) Sells any biologic containing living, dead, or 82177  
sensitized organisms or products of those organisms, except in a 82178  
manner that the board by rule has prescribed; 82179

~~(I)~~(9) Is convicted of or pleads guilty to any felony or 82180  
crime involving illegal or prescription drugs, or fails to report 82181

to the board within sixty days of the individual's conviction of, 82182  
plea of guilty to, or treatment in lieu of conviction involving a 82183  
felony, misdemeanor of the first degree, or offense involving 82184  
illegal or prescription drugs; 82185

~~(J)~~(10) Is convicted of any violation of section 959.13 of 82186  
the Revised Code; 82187

~~(K)~~(11) Swears falsely in any affidavit required to be made 82188  
by the person in the course of the practice of veterinary 82189  
medicine; 82190

~~(L)~~(12) Fails to report promptly to the proper official any 82191  
known reportable disease; 82192

~~(M)~~(13) Fails to report promptly vaccinations or the results 82193  
of tests when required to do so by law or rule; 82194

~~(N)~~(14) Has been adjudicated incompetent for the purpose of 82195  
holding the license or permit by a court, as provided in Chapter 82196  
2111. of the Revised Code, and has not been restored to legal 82197  
capacity for that purpose; 82198

~~(O)~~(15) Permits a person who is not a licensed veterinarian, 82199  
a veterinary student, or a registered veterinary technician to 82200  
engage in work or perform duties in violation of this chapter; 82201

~~(P)~~(16) Is guilty of gross incompetence or gross negligence; 82202

~~(Q)~~(17) Has had a license to practice veterinary medicine or 82203  
a license, registration, or certificate to engage in activities as 82204  
a registered veterinary technician revoked, suspended, or acted 82205  
against by disciplinary action by an agency similar to this board 82206  
of another state, territory, or country or the District of 82207  
Columbia; 82208

~~(R)~~(18) Is or has practiced with a revoked, suspended, 82209  
inactive, expired, or terminated license or registration; 82210

~~(S)~~(19) Represents self as a specialist unless certified as a 82211

specialist by the board; 82212

~~(T)~~(20) In the person's capacity as a veterinarian or 82213  
registered veterinary technician makes or files a report, health 82214  
certificate, vaccination certificate, or other document that the 82215  
person knows is false or negligently or intentionally fails to 82216  
file a report or record required by any applicable state or 82217  
federal law; 82218

~~(U)~~(21) Fails to use reasonable care in the administration of 82219  
drugs or acceptable scientific methods in the selection of those 82220  
drugs or other modalities for treatment of a disease or in conduct 82221  
of surgery; 82222

~~(V)~~(22) Makes available a dangerous drug, as defined in 82223  
section 4729.01 of the Revised Code, to any person other than for 82224  
the specific treatment of an animal patient; 82225

~~(W)~~(23) Refuses to permit a board investigator or the board's 82226  
designee to inspect the person's business premises during regular 82227  
business hours, except as provided in division (A) of section 82228  
4741.26 of the Revised Code; 82229

~~(X)~~(24) Violates any order of the board or fails to comply 82230  
with a subpoena of the board; 82231

~~(Y)~~(25) Fails to maintain medical records as required by rule 82232  
of the board; 82233

~~(Z)~~(26) Engages in cruelty to animals; 82234

~~(AA)~~(27) Uses, prescribes, or sells any veterinary 82235  
prescription drug or biologic, or prescribes any extra-label use 82236  
of any over-the-counter drug or dangerous drug in the absence of a 82237  
valid veterinary-client-patient relationship. 82238

Before (B) Except as provided in division (D) of this 82239  
section, before the board may revoke, deny, refuse to renew, or 82240  
suspend a license, registration, or temporary permit or otherwise 82241

discipline the holder of a license, registration, or temporary permit, the executive director shall file written charges with the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code.

(C) If the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary permit for a violation of this section, section 4741.23, division (C) or (D) of section 4741.19, or division (B), (C), or (D) of section 4741.21 of the Revised Code, the board may impose a civil penalty upon the holder of the license, permit, or registration of not less than one hundred dollars or more than one thousand dollars. In addition to the civil penalty and any other penalties imposed pursuant to this chapter, the board may assess any holder of a license, permit, or registration the costs of the hearing conducted under this section if the board determines that the holder has violated any provision for which the board may impose a civil penalty under this section.

(D) The executive director may recommend that the board suspend an individual's certificate of license without a prior hearing if the executive director determines both of the following:

(1) There is clear and convincing evidence that division (A)(3), (9), (14), (22), or (26) of this section applies to the individual.

(2) The individual's continued practice presents a danger of immediate and serious harm to the public.

The executive director shall prepare written allegations for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than four of its members, may suspend the certificate without a prior hearing.

A telephone conference call may be utilized for reviewing the 82273  
allegations and taking the vote on the suspension. 82274

The board shall issue a written order of suspension by 82275  
certified mail or in person in accordance with section 119.07 of 82276  
the Revised Code. If the individual subject to the suspension 82277  
requests an adjudicatory hearing by the board, the date set for 82278  
the hearing shall be not later than fifteen days, but not earlier 82279  
than seven days after the individual requests the hearing unless 82280  
otherwise agreed to by both the board and the individual. 82281

A suspension imposed under this division shall remain in 82282  
effect, unless reversed on appeal, until a final adjudicative 82283  
order issued by the board under this section and Chapter 119. of 82284  
the Revised Code becomes effective. The board shall issue its 82285  
final adjudicative order not later than ninety days after 82286  
completion of its hearing. Failure to issue the order within 82287  
ninety days results in dissolution of the suspension order, but 82288  
does not invalidate any subsequent, final adjudicative order. 82289

(E) A license or registration issued to an individual under 82290  
this chapter is automatically suspended upon that individual's 82291  
conviction of or plea of guilty to or upon a judicial finding with 82292  
regard to any of the following: aggravated murder, murder, 82293  
voluntary manslaughter, felonious assault, kidnapping, rape, 82294  
sexual battery, gross sexual imposition, aggravated arson, 82295  
aggravated robbery, or aggravated burglary. The suspension shall 82296  
remain in effect from the date of the conviction, plea, or finding 82297  
until an adjudication is held under Chapter 119. of the Revised 82298  
Code. If the board has knowledge that an automatic suspension has 82299  
occurred, it shall notify the individual subject to the 82300  
suspension. If the individual is notified and either fails to 82301  
request an adjudication within the time periods established by 82302  
Chapter 119. of the Revised Code or fails to participate in the 82303  
adjudication, the board shall enter a final order permanently 82304

revoking the individual's license or registration. 82305

**Sec. 4741.31.** The state veterinary medical licensing board 82306  
shall adopt rules in accordance with Chapter 119. of the Revised 82307  
Code establishing standards for approving and designating 82308  
physicians and facilities as treatment providers for veterinarians 82309  
with substance abuse problems and shall approve and designate 82310  
treatment providers in accordance with the rules. The rules shall 82311  
include standards for both inpatient and outpatient treatment. The 82312  
rules shall provide that to be approved, a treatment provider must 82313  
be capable of making an initial examination to determine the type 82314  
of treatment required for a veterinarian with substance abuse 82315  
problems. Subject to the rules, the board shall review and approve 82316  
treatment providers on a regular basis and may, at its discretion, 82317  
withdraw or deny approval. 82318

An approved treatment provider shall: 82319

(A) Report to the board the name of any veterinarian 82320  
suffering or showing evidence of suffering impairment by reason of 82321  
alcohol or drug addiction as described in division ~~(C)~~(A)(3) of 82322  
section 4741.22 of the Revised Code who fails to comply within one 82323  
week with a referral for examination; 82324

(B) Report to the board the name of any impaired veterinarian 82325  
who fails to enter treatment within forty-eight hours following 82326  
the provider's determination that the veterinarian needs 82327  
treatment; 82328

(C) Require every veterinarian who enters treatment to agree 82329  
to a treatment contract establishing the terms of treatment and 82330  
aftercare, including any required supervision or restrictions of 82331  
practice during treatment or aftercare; 82332

(D) Require a veterinarian to suspend practice on entering 82333  
any required inpatient treatment; 82334



(E) Report to the board any failure by an impaired 82335  
veterinarian to comply with the terms of the treatment contract 82336  
during inpatient or outpatient treatment or aftercare; 82337

(F) Report to the board the resumption of practice of any 82338  
impaired veterinarian before the treatment provider has made a 82339  
clear determination that the veterinarian is capable of practicing 82340  
according to acceptable and prevailing standards of care; 82341

(G) Require a veterinarian who resumes practice after 82342  
completion of treatment to comply with an aftercare contract that 82343  
meets the requirements of rules adopted by the board for approval 82344  
of treatment providers; 82345

(H) Report to the board any veterinarian who suffers a 82346  
relapse at any time during or following aftercare. 82347

Any veterinarian who enters into treatment by an approved 82348  
treatment provider shall be deemed to have waived any 82349  
confidentiality requirements that would otherwise prevent the 82350  
treatment provider from making reports required under this 82351  
section. 82352

In the absence of fraud or bad faith, no professional 82353  
association of veterinarians licensed under this chapter that 82354  
sponsors a committee or program to provide peer assistance to 82355  
veterinarians with substance abuse problems, no representative or 82356  
agent of such a committee or program, and no member of the state 82357  
veterinary medical licensing board shall be liable to any person 82358  
for damages in a civil action by reason of actions taken to refer 82359  
a veterinarian to a treatment provider designated by the board or 82360  
actions or omissions of the provider in treating a veterinarian. 82361

In the absence of fraud or bad faith, no person who reports 82362  
to the board a veterinarian with a suspected substance abuse 82363  
problem shall be liable to any person for damages in a civil 82364  
action as a result of the report. 82365

Sec. 4743.08. Notwithstanding any provision of the Revised Code to the contrary, a health care provider may advertise the provider's usual and customary charge for any product, procedure, or service that is provided, performed, or rendered by the provider. Any provision in a contract that prohibits this practice is void.

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**Sec. 4760.02.** (A) Except as provided in division (B) of this section, no person shall practice as an anesthesiologist assistant unless the person holds a current, valid certificate of ~~registration~~ issued under this chapter to practice as an anesthesiologist assistant.

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(B) Division (A) of this section does not apply to either of the following:

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(1) A person participating in a training program leading toward certification by the national commission for certification of anesthesiologist assistants, as long as the person is supervised by an anesthesiologist, an individual participating in a hospital residency program in preparation to practice as an anesthesiologist, or an anesthesiologist assistant who holds a current, valid certificate of ~~registration~~ to practice issued under this chapter;

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(2) Any person who otherwise holds professional authority granted pursuant to the Revised Code to perform any of the activities that an anesthesiologist assistant is authorized to perform.

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**Sec. 4760.03.** (A) An individual seeking a certificate of ~~registration~~ to practice as an anesthesiologist assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following information:

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(1) Evidence satisfactory to the board that the applicant is 82396  
at least twenty-one years of age and of good moral character; 82397

(2) Evidence satisfactory to the board that the applicant has 82398  
successfully completed the training necessary to prepare 82399  
individuals to practice as anesthesiologist assistants, as 82400  
specified in section 4760.031 of the Revised Code; 82401

(3) Evidence satisfactory to the board that the applicant 82402  
holds current certification from the national commission for 82403  
certification of anesthesiologist assistants and that the 82404  
requirements for receiving the certification included passage of 82405  
an examination to determine the individual's competence to 82406  
practice as an anesthesiologist assistant; 82407

(4) Any other information the board considers necessary to 82408  
process the application and evaluate the applicant's 82409  
qualifications. 82410

(B) At the time of making application for a certificate ~~of~~ 82411  
~~registration to practice~~, the applicant shall pay the board a fee 82412  
of one hundred dollars, no part of which shall be returned. 82413

(C) The board shall review all applications received under 82414  
this section. Not later than sixty days after receiving a complete 82415  
application, the board shall determine whether an applicant meets 82416  
the requirements to receive a certificate ~~of registration to~~ 82417  
~~practice~~. The affirmative vote of not fewer than six members of 82418  
the board is required to determine that an applicant meets the 82419  
requirements for a certificate. The board shall not issue a 82420  
certificate ~~of registration~~ to an applicant unless the applicant 82421  
is certified by the national commission for certification of 82422  
anesthesiologist assistants or a successor organization that is 82423  
recognized by the board. 82424

**Sec. 4760.031.** As a condition of being eligible to receive a 82425

certificate ~~of registration~~ to practice as an anesthesiologist 82426  
assistant, an individual must successfully complete the following 82427  
training requirements: 82428

(A) A baccalaureate or higher degree program at an 82429  
institution of higher education accredited by an organization 82430  
recognized by the board of regents. The program must have included 82431  
courses in the following areas of study: 82432

(1) General biology; 82433

(2) General chemistry; 82434

(3) Organic chemistry; 82435

(4) Physics; 82436

(5) Calculus. 82437

(B) A training program conducted for the purpose of preparing 82438  
individuals to practice as anesthesiologist assistants. If the 82439  
program was completed prior to ~~the effective date of this section~~ 82440  
May 31, 2000, the program must have been completed at case western 82441  
reserve university or emory university in Atlanta, Georgia. If the 82442  
program is completed on or after ~~the effective date of this~~ 82443  
~~section~~ May 31, 2000, the program must be a graduate-level program 82444  
accredited by the commission on accreditation of allied health 82445  
education programs or any of the commission's successor 82446  
organizations. In either case, the training program must have 82447  
included at least all of the following components: 82448

(1) Basic sciences of anesthesia: physiology, 82449  
pathophysiology, anatomy, and biochemistry. The courses must be 82450  
presented as a continuum of didactic courses designed to teach 82451  
students the foundations of human biological existence on which 82452  
clinical correlations to anesthesia practice are based. 82453

(2) Pharmacology for the anesthetic sciences. The course must 82454  
include instruction in the anesthetic principles of pharmacology, 82455

pharmacodynamics, pharmacokinetics, uptake and distribution,	82456
intravenous anesthetics and narcotics, and volatile anesthetics.	82457
(3) Physics in anesthesia.	82458
(4) Fundamentals of anesthetic sciences, presented as a	82459
continuum of courses covering a series of topics in basic medical	82460
sciences with special emphasis on the effects of anesthetics on	82461
normal physiology and pathophysiology.	82462
(5) Patient instrumentation and monitoring, presented as a	82463
continuum of courses focusing on the design of, proper preparation	82464
of, and proper methods of resolving problems that arise with	82465
anesthesia equipment. The courses must provide a balance between	82466
the engineering concepts used in anesthesia instruments and the	82467
clinical application of anesthesia instruments.	82468
(6) Clinically based conferences in which techniques of	82469
anesthetic management, quality assurance issues, and current	82470
professional literature are reviewed from the perspective of	82471
practice improvement.	82472
(7) Clinical experience consisting of at least two thousand	82473
hours of direct patient contact, presented as a continuum of	82474
courses throughout the entirety of the program, beginning with a	82475
gradual introduction of the techniques for the anesthetic	82476
management of patients and culminating in the assimilation of the	82477
graduate of the program into the work force. Areas of instruction	82478
must include the following:	82479
(a) Preoperative patient assessment;	82480
(b) Indwelling vascular catheter placement, including	82481
intravenous and arterial catheters;	82482
(c) Airway management, including mask airway and orotracheal	82483
intubation;	82484
(d) Intraoperative charting;	82485

(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;	82486 82487
(f) Administration and maintenance of volatile anesthetics;	82488
(g) Administration of blood products and fluid therapy;	82489
(h) Patient monitoring;	82490
(i) Postoperative management of patients;	82491
(j) Regional anesthesia techniques;	82492
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	82493 82494
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	82495 82496 82497
(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.	82498 82499 82500 82501 82502
(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red cross or the American heart association.	82503 82504 82505 82506 82507 82508
<b>Sec. 4760.032.</b> In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate <del>of registration</del> <u>to practice</u> as an anesthesiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a certificate <del>of registration</del> <u>to practice</u> as an	82509 82510 82511 82512 82513 82514

anesthesiologist assistant unless the board, in its discretion, 82515  
decides that the results of the criminal records check do not make 82516  
the applicant ineligible for a certificate issued pursuant to 82517  
section 4760.04 of the Revised Code. 82518

**Sec. 4760.04.** If the state medical board determines under 82519  
section 4760.03 of the Revised Code that an applicant meets the 82520  
requirements for a certificate ~~of registration to practice~~ as an 82521  
anesthesiologist assistant, the secretary of the board shall 82522  
register the applicant as an anesthesiologist assistant and issue 82523  
to the applicant a certificate ~~of registration to practice~~ as an 82524  
anesthesiologist assistant. The certificate shall expire 82525  
biennially and may be renewed in accordance with section 4760.06 82526  
of the Revised Code. 82527

**Sec. 4760.05.** On application by the holder of a certificate 82528  
~~of registration to practice~~ as an anesthesiologist assistant, the 82529  
state medical board shall issue a duplicate certificate to replace 82530  
one that is missing or damaged, to reflect a name change, or for 82531  
any other reasonable cause. The fee for a duplicate certificate is 82532  
thirty-five dollars. 82533

**Sec. 4760.06.** (A) A person seeking to renew a certificate ~~of~~ 82534  
~~registration to practice~~ as an anesthesiologist assistant shall, 82535  
on or before the thirty-first day of January of each even-numbered 82536  
year, apply for renewal of the certificate. The state medical 82537  
board shall ~~send~~ provide renewal notices at least one month prior 82538  
to the expiration date. 82539

Applications shall be submitted to the board ~~on forms in a~~ 82540  
~~manner prescribed by the board shall prescribe and supply.~~ Each 82541  
application shall be accompanied by a biennial renewal fee of one 82542  
hundred dollars. 82543

The applicant shall report any criminal offense that 82544

constitutes grounds for refusing to issue a certificate of 82545  
~~registration to practice~~ under section 4760.13 of the Revised Code 82546  
to which the applicant has pleaded guilty, of which the applicant 82547  
has been found guilty, or for which the applicant has been found 82548  
eligible for intervention in lieu of conviction, since last 82549  
signing an application for a certificate of ~~registration to~~ 82550  
practice as an anesthesiologist assistant. 82551

(B) To be eligible for renewal, an anesthesiologist assistant 82552  
must certify to the board that the assistant has maintained 82553  
certification by the national commission for the certification of 82554  
anesthesiologist assistants. 82555

(C) If an applicant submits a complete renewal application 82556  
and qualifies for renewal pursuant to division (B) of this 82557  
section, the board shall ~~issue to the applicant a renewed~~ renew 82558  
the certificate of ~~registration to practice~~ as an anesthesiologist 82559  
assistant. 82560

(D) A certificate of ~~registration to practice~~ that is not 82561  
renewed on or before its expiration date is automatically 82562  
suspended on its expiration date. If a certificate has been 82563  
suspended pursuant to this division for two years or less, the 82564  
board shall reinstate the certificate upon an applicant's 82565  
submission of a renewal application, the biennial renewal fee, and 82566  
the applicable monetary penalty. The penalty for reinstatement is 82567  
twenty-five dollars. If a certificate has been suspended pursuant 82568  
to this division for more than two years, it may be restored upon 82569  
an applicant's submission of a restoration application, the 82570  
biennial ~~registration~~ renewal fee, and the applicable monetary 82571  
penalty and compliance with sections 4776.01 to 4776.04 of the 82572  
Revised Code. The board shall not restore a certificate to 82573  
practice unless the board, in its discretion, decides that the 82574  
results of the criminal records check do not make the applicant 82575  
ineligible for a certificate issued pursuant to section 4760.04 of 82576



the Revised Code. The penalty for restoration is fifty dollars. 82577

**Sec. 4760.13.** (A) The state medical board, by an affirmative 82578  
vote of not fewer than six members, may revoke or may refuse to 82579  
grant a certificate ~~of registration to practice~~ to practice as an 82580  
anesthesiologist assistant to a person found by the board to have 82581  
committed fraud, misrepresentation, or deception in applying for 82582  
or securing the certificate. 82583

(B) The board, by an affirmative vote of not fewer than six 82584  
members, shall, to the extent permitted by law, limit, revoke, or 82585  
suspend an individual's certificate ~~of registration to practice~~ as 82586  
an anesthesiologist assistant, refuse to issue a certificate to an 82587  
applicant, refuse to renew a certificate, refuse to reinstate a 82588  
certificate, or reprimand or place on probation the holder of a 82589  
certificate for any of the following reasons: 82590

(1) Permitting the holder's name or certificate to be used by 82591  
another person; 82592

(2) Failure to comply with the requirements of this chapter, 82593  
Chapter 4731. of the Revised Code, or any rules adopted by the 82594  
board; 82595

(3) Violating or attempting to violate, directly or 82596  
indirectly, or assisting in or abetting the violation of, or 82597  
conspiring to violate, any provision of this chapter, Chapter 82598  
4731. of the Revised Code, or the rules adopted by the board; 82599

(4) A departure from, or failure to conform to, minimal 82600  
standards of care of similar practitioners under the same or 82601  
similar circumstances whether or not actual injury to the patient 82602  
is established; 82603

(5) Inability to practice according to acceptable and 82604  
prevailing standards of care by reason of mental illness or 82605  
physical illness, including physical deterioration that adversely 82606

affects cognitive, motor, or perceptive skills;	82607
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	82608 82609 82610 82611
(7) Willfully betraying a professional confidence;	82612
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate of <del>registration</del> to practice as an anesthesiologist assistant.	82613 82614 82615
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	82616 82617 82618 82619 82620 82621 82622 82623
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	82624 82625 82626
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	82627 82628 82629
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	82630 82631 82632
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	82633 82634 82635
(13) A plea of guilty to, a judicial finding of guilt of, or	82636

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 82637  
82638

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 82639  
82640  
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 82642  
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 82645  
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 82650  
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(18) Violation of the conditions placed by the board on a certificate ~~of registration~~ to practice; 82658  
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 82660  
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(20) Failure to cooperate in an investigation conducted by the board under section 4760.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to 82663  
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cooperate with an investigation shall not constitute grounds for 82668  
discipline under this section if a court of competent jurisdiction 82669  
has issued an order that either quashes a subpoena or permits the 82670  
individual to withhold the testimony or evidence in issue; 82671

(21) Failure to comply with any code of ethics established by 82672  
the national commission for the certification of anesthesiologist 82673  
assistants; 82674

(22) Failure to notify the state medical board of the 82675  
revocation or failure to maintain certification from the national 82676  
commission for certification of anesthesiologist assistants. 82677

(C) Disciplinary actions taken by the board under divisions 82678  
(A) and (B) of this section shall be taken pursuant to an 82679  
adjudication under Chapter 119. of the Revised Code, except that 82680  
in lieu of an adjudication, the board may enter into a consent 82681  
agreement with an anesthesiologist assistant or applicant to 82682  
resolve an allegation of a violation of this chapter or any rule 82683  
adopted under it. A consent agreement, when ratified by an 82684  
affirmative vote of not fewer than six members of the board, shall 82685  
constitute the findings and order of the board with respect to the 82686  
matter addressed in the agreement. If the board refuses to ratify 82687  
a consent agreement, the admissions and findings contained in the 82688  
consent agreement shall be of no force or effect. 82689

(D) For purposes of divisions (B)(11), (14), and (15) of this 82690  
section, the commission of the act may be established by a finding 82691  
by the board, pursuant to an adjudication under Chapter 119. of 82692  
the Revised Code, that the applicant or certificate holder 82693  
committed the act in question. The board shall have no 82694  
jurisdiction under these divisions in cases where the trial court 82695  
renders a final judgment in the certificate holder's favor and 82696  
that judgment is based upon an adjudication on the merits. The 82697  
board shall have jurisdiction under these divisions in cases where 82698  
the trial court issues an order of dismissal on technical or 82699

procedural grounds. 82700

(E) The sealing of conviction records by any court shall have 82701  
no effect on a prior board order entered under the provisions of 82702  
this section or on the board's jurisdiction to take action under 82703  
the provisions of this section if, based upon a plea of guilty, a 82704  
judicial finding of guilt, or a judicial finding of eligibility 82705  
for intervention in lieu of conviction, the board issued a notice 82706  
of opportunity for a hearing prior to the court's order to seal 82707  
the records. The board shall not be required to seal, destroy, 82708  
redact, or otherwise modify its records to reflect the court's 82709  
sealing of conviction records. 82710

(F) For purposes of this division, any individual who holds a 82711  
certificate ~~of registration~~ to practice issued under this chapter, 82712  
or applies for a certificate ~~of registration~~ to practice, shall be 82713  
deemed to have given consent to submit to a mental or physical 82714  
examination when directed to do so in writing by the board and to 82715  
have waived all objections to the admissibility of testimony or 82716  
examination reports that constitute a privileged communication. 82717

(1) In enforcing division (B)(5) of this section, the board, 82718  
on a showing of a possible violation, may compel any individual 82719  
who holds a certificate ~~of registration~~ to practice issued under 82720  
this chapter or who has applied for a certificate ~~of registration~~ 82721  
to practice pursuant to this chapter to submit to a mental or 82722  
physical examination, or both. A physical examination may include 82723  
an HIV test. The expense of the examination is the responsibility 82724  
of the individual compelled to be examined. Failure to submit to a 82725  
mental or physical examination or consent to an HIV test ordered 82726  
by the board constitutes an admission of the allegations against 82727  
the individual unless the failure is due to circumstances beyond 82728  
the individual's control, and a default and final order may be 82729  
entered without the taking of testimony or presentation of 82730  
evidence. If the board finds an anesthesiologist assistant unable 82731

to practice because of the reasons set forth in division (B)(5) of 82732  
this section, the board shall require the anesthesiologist 82733  
assistant to submit to care, counseling, or treatment by 82734  
physicians approved or designated by the board, as a condition for 82735  
an initial, continued, reinstated, or renewed certificate ~~of~~ 82736  
~~registration to practice~~. An individual affected by this division 82737  
shall be afforded an opportunity to demonstrate to the board the 82738  
ability to resume practicing in compliance with acceptable and 82739  
prevailing standards of care. 82740

(2) For purposes of division (B)(6) of this section, if the 82741  
board has reason to believe that any individual who holds a 82742  
certificate ~~of registration to practice~~ issued under this chapter 82743  
or any applicant for a certificate ~~of registration to practice~~ 82744  
suffers such impairment, the board may compel the individual to 82745  
submit to a mental or physical examination, or both. The expense 82746  
of the examination is the responsibility of the individual 82747  
compelled to be examined. Any mental or physical examination 82748  
required under this division shall be undertaken by a treatment 82749  
provider or physician qualified to conduct such examination and 82750  
chosen by the board. 82751

Failure to submit to a mental or physical examination ordered 82752  
by the board constitutes an admission of the allegations against 82753  
the individual unless the failure is due to circumstances beyond 82754  
the individual's control, and a default and final order may be 82755  
entered without the taking of testimony or presentation of 82756  
evidence. If the board determines that the individual's ability to 82757  
practice is impaired, the board shall suspend the individual's 82758  
certificate or deny the individual's application and shall require 82759  
the individual, as a condition for an initial, continued, 82760  
reinstated, or renewed certificate ~~of registration to practice~~, to 82761  
submit to treatment. 82762

Before being eligible to apply for reinstatement of a 82763

certificate suspended under this division, the anesthesiologist 82764  
assistant shall demonstrate to the board the ability to resume 82765  
practice in compliance with acceptable and prevailing standards of 82766  
care. The demonstration shall include the following: 82767

(a) Certification from a treatment provider approved under 82768  
section 4731.25 of the Revised Code that the individual has 82769  
successfully completed any required inpatient treatment; 82770

(b) Evidence of continuing full compliance with an aftercare 82771  
contract or consent agreement; 82772

(c) Two written reports indicating that the individual's 82773  
ability to practice has been assessed and that the individual has 82774  
been found capable of practicing according to acceptable and 82775  
prevailing standards of care. The reports shall be made by 82776  
individuals or providers approved by the board for making such 82777  
assessments and shall describe the basis for their determination. 82778

The board may reinstate a certificate suspended under this 82779  
division after such demonstration and after the individual has 82780  
entered into a written consent agreement. 82781

When the impaired anesthesiologist assistant resumes 82782  
practice, the board shall require continued monitoring of the 82783  
anesthesiologist assistant. The monitoring shall include 82784  
monitoring of compliance with the written consent agreement 82785  
entered into before reinstatement or with conditions imposed by 82786  
board order after a hearing, and, on termination of the consent 82787  
agreement, submission to the board for at least two years of 82788  
annual written progress reports made under penalty of 82789  
falsification stating whether the anesthesiologist assistant has 82790  
maintained sobriety. 82791

(G) If the secretary and supervising member determine that 82792  
there is clear and convincing evidence that an anesthesiologist 82793  
assistant has violated division (B) of this section and that the 82794

individual's continued practice presents a danger of immediate and 82795  
serious harm to the public, they may recommend that the board 82796  
suspend the individual's certificate ~~or registration~~ without a 82797  
prior hearing. Written allegations shall be prepared for 82798  
consideration by the board. 82799

The board, on review of the allegations and by an affirmative 82800  
vote of not fewer than six of its members, excluding the secretary 82801  
and supervising member, may suspend a certificate without a prior 82802  
hearing. A telephone conference call may be utilized for reviewing 82803  
the allegations and taking the vote on the summary suspension. 82804

The board shall issue a written order of suspension by 82805  
certified mail or in person in accordance with section 119.07 of 82806  
the Revised Code. The order shall not be subject to suspension by 82807  
the court during pendency of any appeal filed under section 119.12 82808  
of the Revised Code. If the anesthesiologist assistant requests an 82809  
adjudicatory hearing by the board, the date set for the hearing 82810  
shall be within fifteen days, but not earlier than seven days, 82811  
after the anesthesiologist assistant requests the hearing, unless 82812  
otherwise agreed to by both the board and the certificate holder. 82813

A summary suspension imposed under this division shall remain 82814  
in effect, unless reversed on appeal, until a final adjudicative 82815  
order issued by the board pursuant to this section and Chapter 82816  
119. of the Revised Code becomes effective. The board shall issue 82817  
its final adjudicative order within sixty days after completion of 82818  
its hearing. Failure to issue the order within sixty days shall 82819  
result in dissolution of the summary suspension order, but shall 82820  
not invalidate any subsequent, final adjudicative order. 82821

(H) If the board takes action under division (B)(11), (13), 82822  
or (14) of this section, and the judicial finding of guilt, guilty 82823  
plea, or judicial finding of eligibility for intervention in lieu 82824  
of conviction is overturned on appeal, on exhaustion of the 82825  
criminal appeal, a petition for reconsideration of the order may 82826



be filed with the board along with appropriate court documents. On 82827  
receipt of a petition and supporting court documents, the board 82828  
shall reinstate the certificate ~~of registration~~ to practice. The 82829  
board may then hold an adjudication under Chapter 119. of the 82830  
Revised Code to determine whether the individual committed the act 82831  
in question. Notice of opportunity for hearing shall be given in 82832  
accordance with Chapter 119. of the Revised Code. If the board 82833  
finds, pursuant to an adjudication held under this division, that 82834  
the individual committed the act, or if no hearing is requested, 82835  
it may order any of the sanctions specified in division (B) of 82836  
this section. 82837

(I) The certificate ~~of registration~~ to practice of an 82838  
anesthesiologist assistant and the assistant's practice in this 82839  
state are automatically suspended as of the date the 82840  
anesthesiologist assistant pleads guilty to, is found by a judge 82841  
or jury to be guilty of, or is subject to a judicial finding of 82842  
eligibility for intervention in lieu of conviction in this state 82843  
or treatment of intervention in lieu of conviction in another 82844  
jurisdiction for any of the following criminal offenses in this 82845  
state or a substantially equivalent criminal offense in another 82846  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 82847  
felonious assault, kidnapping, rape, sexual battery, gross sexual 82848  
imposition, aggravated arson, aggravated robbery, or aggravated 82849  
burglary. Continued practice after the suspension shall be 82850  
considered practicing without a certificate. 82851

The board shall notify the individual subject to the 82852  
suspension by certified mail or in person in accordance with 82853  
section 119.07 of the Revised Code. If an individual whose 82854  
certificate is suspended under this division fails to make a 82855  
timely request for an adjudication under Chapter 119. of the 82856  
Revised Code, the board shall enter a final order permanently 82857  
revoking the individual's certificate ~~of registration~~ to practice. 82858

(J) In any instance in which the board is required by Chapter 82859  
119. of the Revised Code to give notice of opportunity for hearing 82860  
and the individual subject to the notice does not timely request a 82861  
hearing in accordance with section 119.07 of the Revised Code, the 82862  
board is not required to hold a hearing, but may adopt, by an 82863  
affirmative vote of not fewer than six of its members, a final 82864  
order that contains the board's findings. In the final order, the 82865  
board may order any of the sanctions identified under division (A) 82866  
or (B) of this section. 82867

(K) Any action taken by the board under division (B) of this 82868  
section resulting in a suspension shall be accompanied by a 82869  
written statement of the conditions under which the 82870  
anesthesiologist assistant's certificate may be reinstated. The 82871  
board shall adopt rules in accordance with Chapter 119. of the 82872  
Revised Code governing conditions to be imposed for reinstatement. 82873  
Reinstatement of a certificate suspended pursuant to division (B) 82874  
of this section requires an affirmative vote of not fewer than six 82875  
members of the board. 82876

(L) When the board refuses to grant or issue a certificate ~~of~~ 82877  
~~registration to practice~~ as an anesthesiologist assistant to an 82878  
applicant, revokes an individual's certificate ~~of registration~~, 82879  
refuses to renew a an individual's certificate ~~of registration~~, or 82880  
refuses to reinstate an individual's certificate ~~of registration~~, 82881  
the board may specify that its action is permanent. An individual 82882  
subject to a permanent action taken by the board is forever 82883  
thereafter ineligible to hold a certificate ~~of registration to~~ 82884  
practice as an anesthesiologist assistant and the board shall not 82885  
accept an application for reinstatement of the certificate or for 82886  
issuance of a new certificate. 82887

(M) Notwithstanding any other provision of the Revised Code, 82888  
all of the following apply: 82889

(1) The surrender of a certificate ~~of registration to~~ 82890

practice issued under this chapter is not effective unless or 82891  
until accepted by the board. Reinstatement of a certificate 82892  
surrendered to the board requires an affirmative vote of not fewer 82893  
than six members of the board. 82894

(2) An application made under this chapter for a certificate 82895  
~~of registration~~ to practice may not be withdrawn without approval 82896  
of the board. 82897

(3) Failure by an individual to renew a certificate ~~of~~ 82898  
~~registration~~ to practice in accordance with section 4760.06 of the 82899  
Revised Code shall not remove or limit the board's jurisdiction to 82900  
take disciplinary action under this section against the 82901  
individual. 82902

**Sec. 4760.131.** On receipt of a notice pursuant to section 82903  
3123.43 of the Revised Code, the state medical board shall comply 82904  
with sections 3123.41 to 3123.50 of the Revised Code and any 82905  
applicable rules adopted under section 3123.63 of the Revised Code 82906  
with respect to a certificate ~~of registration~~ to practice as an 82907  
anesthesiologist assistant issued pursuant to this chapter. 82908

**Sec. 4760.132.** If the state medical board has reason to 82909  
believe that any person who has been granted a certificate ~~of~~ 82910  
~~registration~~ to practice as an anesthesiologist assistant under 82911  
this chapter is mentally ill or mentally incompetent, it may file 82912  
in the probate court of the county in which the person has a legal 82913  
residence an affidavit in the form prescribed in section 5122.11 82914  
of the Revised Code and signed by the board secretary or a member 82915  
of the board secretary's staff, whereupon the same proceedings 82916  
shall be had as provided in Chapter 5122. of the Revised Code. The 82917  
attorney general may represent the board in any proceeding 82918  
commenced under this section. 82919

If any person who has been granted a certificate ~~of~~ 82920

~~registration to practice~~ is adjudged by a probate court to be 82921  
mentally ill or mentally incompetent, the person's certificate 82922  
shall be automatically suspended until the person has filed with 82923  
the state medical board a certified copy of an adjudication by a 82924  
probate court of the person's subsequent restoration to competency 82925  
or has submitted to the board proof, satisfactory to the board, 82926  
that the person has been discharged as having a restoration to 82927  
competency in the manner and form provided in section 5122.38 of 82928  
the Revised Code. The judge of the probate court shall forthwith 82929  
notify the state medical board of an adjudication of mental 82930  
illness or mental incompetence, and shall note any suspension of a 82931  
certificate in the margin of the court's record of such 82932  
certificate. 82933

Sec. 4760.133. (A)(1) If an anesthesiologist assistant 82934  
violates any section of this chapter or any rule adopted under 82935  
this chapter, the state medical board may, pursuant to an 82936  
adjudication under Chapter 119. of the Revised Code and an 82937  
affirmative vote of not fewer than six of its members, impose a 82938  
civil penalty. The amount of the civil penalty shall be determined 82939  
by the board in accordance with the guidelines adopted under 82940  
division (A)(2) of this section. The civil penalty may be in 82941  
addition to any other action the board may take under section 82942  
4760.13 of the Revised Code. 82943

(2) The board shall adopt and may amend guidelines regarding 82944  
the amounts of civil penalties to be imposed under this section. 82945  
Adoption or amendment of the guidelines requires the approval of 82946  
not fewer than six board members. 82947

Under the guidelines, no civil penalty amount shall exceed 82948  
twenty thousand dollars. 82949

(B) Amounts received from payment of civil penalties imposed 82950  
under this section shall be deposited by the board in accordance 82951

with section 4731.24 of the Revised Code. Amounts received from 82952  
payment of civil penalties imposed for violations of division 82953  
(B)(6) of section 4760.13 of the Revised Code shall be used by the 82954  
board solely for investigations, enforcement, and compliance 82955  
monitoring. 82956

**Sec. 4760.15.** (A) As used in this section, "prosecutor" has 82957  
the same meaning as in section 2935.01 of the Revised Code. 82958

(B) Whenever any person holding a valid certificate issued 82959  
pursuant to this chapter pleads guilty to, is subject to a 82960  
judicial finding of guilt of, or is subject to a judicial finding 82961  
of eligibility for intervention in lieu of conviction for a 82962  
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 82963  
of any substantively comparable ordinance of a municipal 82964  
corporation in connection with the person's practice, the 82965  
prosecutor in the case, on forms prescribed and provided by the 82966  
state medical board, shall promptly notify the board of the 82967  
conviction. Within thirty days of receipt of that information, the 82968  
board shall initiate action in accordance with Chapter 119. of the 82969  
Revised Code to determine whether to suspend or revoke the 82970  
certificate under section 4760.13 of the Revised Code. 82971

(C) The prosecutor in any case against any person holding a 82972  
valid certificate ~~of registration~~ to practice issued pursuant to 82973  
this chapter, on forms prescribed and provided by the state 82974  
medical board, shall notify the board of any of the following: 82975

(1) A plea of guilty to, a finding of guilt by a jury or 82976  
court of, or judicial finding of eligibility for intervention in 82977  
lieu of conviction for a felony, or a case in which the trial 82978  
court issues an order of dismissal upon technical or procedural 82979  
grounds of a felony charge; 82980

(2) A plea of guilty to, a finding of guilt by a jury or 82981  
court of, or judicial finding of eligibility for intervention in 82982

lieu of conviction for a misdemeanor committed in the course of 82983  
practice, or a case in which the trial court issues an order of 82984  
dismissal upon technical or procedural grounds of a charge of a 82985  
misdemeanor, if the alleged act was committed in the course of 82986  
practice; 82987

(3) A plea of guilty to, a finding of guilt by a jury or 82988  
court of, or judicial finding of eligibility for intervention in 82989  
lieu of conviction for a misdemeanor involving moral turpitude, or 82990  
a case in which the trial court issues an order of dismissal upon 82991  
technical or procedural grounds of a charge of a misdemeanor 82992  
involving moral turpitude. 82993

The report shall include the name and address of the 82994  
certificate holder, the nature of the offense for which the action 82995  
was taken, and the certified court documents recording the action. 82996

**Sec. 4760.16.** (A) Within sixty days after the imposition of 82997  
any formal disciplinary action taken by any health care facility, 82998  
including a hospital, health care facility operated by an insuring 82999  
corporation, ambulatory surgical facility, or similar facility, 83000  
against any individual holding a valid certificate ~~of registration~~ 83001  
to practice as an anesthesiologist assistant, the chief 83002  
administrator or executive officer of the facility shall report to 83003  
the state medical board the name of the individual, the action 83004  
taken by the facility, and a summary of the underlying facts 83005  
leading to the action taken. On request, the board shall be 83006  
provided certified copies of the patient records that were the 83007  
basis for the facility's action. Prior to release to the board, 83008  
the summary shall be approved by the peer review committee that 83009  
reviewed the case or by the governing board of the facility. 83010

The filing of a report with the board or decision not to file 83011  
a report, investigation by the board, or any disciplinary action 83012  
taken by the board, does not preclude a health care facility from 83013

taking disciplinary action against an anesthesiologist assistant. 83014

In the absence of fraud or bad faith, no individual or entity 83015  
that provides patient records to the board shall be liable in 83016  
damages to any person as a result of providing the records. 83017

(B) An anesthesiologist assistant, professional association 83018  
or society of anesthesiologist assistants, physician, or 83019  
professional association or society of physicians that believes a 83020  
violation of any provision of this chapter, Chapter 4731. of the 83021  
Revised Code, or rule of the board has occurred shall report to 83022  
the board the information on which the belief is based. This 83023  
division does not require any treatment provider approved by the 83024  
board under section 4731.25 of the Revised Code or any employee, 83025  
agent, or representative of such a provider to make reports with 83026  
respect to an anesthesiologist assistant participating in 83027  
treatment or aftercare for substance abuse as long as the 83028  
anesthesiologist assistant maintains participation in accordance 83029  
with the requirements of section 4731.25 of the Revised Code and 83030  
the treatment provider or employee, agent, or representative of 83031  
the provider has no reason to believe that the anesthesiologist 83032  
assistant has violated any provision of this chapter or rule 83033  
adopted under it, other than being impaired by alcohol, drugs, or 83034  
other substances. This division does not require reporting by any 83035  
member of an impaired practitioner committee established by a 83036  
health care facility or by any representative or agent of a 83037  
committee or program sponsored by a professional association or 83038  
society of anesthesiologist assistants to provide peer assistance 83039  
to anesthesiologist assistants with substance abuse problems with 83040  
respect to an anesthesiologist assistant who has been referred for 83041  
examination to a treatment program approved by the board under 83042  
section 4731.25 of the Revised Code if the anesthesiologist 83043  
assistant cooperates with the referral for examination and with 83044  
any determination that the anesthesiologist assistant should enter 83045

treatment and as long as the committee member, representative, or 83046  
agent has no reason to believe that the anesthesiologist assistant 83047  
has ceased to participate in the treatment program in accordance 83048  
with section 4731.25 of the Revised Code or has violated any 83049  
provision of this chapter or rule adopted under it, other than 83050  
being impaired by alcohol, drugs, or other substances. 83051

(C) Any professional association or society composed 83052  
primarily of anesthesiologist assistants that suspends or revokes 83053  
an individual's membership for violations of professional ethics, 83054  
or for reasons of professional incompetence or professional 83055  
malpractice, within sixty days after a final decision, shall 83056  
report to the board, on forms prescribed and provided by the 83057  
board, the name of the individual, the action taken by the 83058  
professional organization, and a summary of the underlying facts 83059  
leading to the action taken. 83060

The filing of a report with the board or decision not to file 83061  
a report, investigation by the board, or any disciplinary action 83062  
taken by the board, does not preclude a professional organization 83063  
from taking disciplinary action against an anesthesiologist 83064  
assistant. 83065

(D) Any insurer providing professional liability insurance to 83066  
any person holding a valid certificate ~~of registration~~ to practice 83067  
as an anesthesiologist assistant or any other entity that seeks to 83068  
indemnify the professional liability of an anesthesiologist 83069  
assistant shall notify the board within thirty days after the 83070  
final disposition of any written claim for damages where such 83071  
disposition results in a payment exceeding twenty-five thousand 83072  
dollars. The notice shall contain the following information: 83073

(1) The name and address of the person submitting the 83074  
notification; 83075

(2) The name and address of the insured who is the subject of 83076



the claim; 83077

(3) The name of the person filing the written claim; 83078

(4) The date of final disposition; 83079

(5) If applicable, the identity of the court in which the 83080  
final disposition of the claim took place. 83081

(E) The board may investigate possible violations of this 83082  
chapter or the rules adopted under it that are brought to its 83083  
attention as a result of the reporting requirements of this 83084  
section, except that the board shall conduct an investigation if a 83085  
possible violation involves repeated malpractice. As used in this 83086  
division, "repeated malpractice" means three or more claims for 83087  
malpractice within the previous five-year period, each resulting 83088  
in a judgment or settlement in excess of twenty-five thousand 83089  
dollars in favor of the claimant, and each involving negligent 83090  
conduct by the anesthesiologist assistant. 83091

(F) All summaries, reports, and records received and 83092  
maintained by the board pursuant to this section shall be held in 83093  
confidence and shall not be subject to discovery or introduction 83094  
in evidence in any federal or state civil action involving an 83095  
anesthesiologist assistant, supervising physician, or health care 83096  
facility arising out of matters that are the subject of the 83097  
reporting required by this section. The board may use the 83098  
information obtained only as the basis for an investigation, as 83099  
evidence in a disciplinary hearing against an anesthesiologist 83100  
assistant or supervising physician, or in any subsequent trial or 83101  
appeal of a board action or order. 83102

The board may disclose the summaries and reports it receives 83103  
under this section only to health care facility committees within 83104  
or outside this state that are involved in credentialing or 83105  
recredentialing an anesthesiologist assistant or supervising 83106  
physician or reviewing their privilege to practice within a 83107

particular facility. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board.

(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the anesthesiologist assistant. The anesthesiologist assistant shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that reports to the board or refers an impaired anesthesiologist assistant to a treatment provider approved by the board under section 4731.25 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.

(I) In the absence of fraud or bad faith, a professional association or society of anesthesiologist assistants that sponsors a committee or program to provide peer assistance to an anesthesiologist assistant with substance abuse problems, a representative or agent of such a committee or program, and a member of the state medical board shall not be held liable in damages to any person by reason of actions taken to refer an anesthesiologist assistant to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

**Sec. 4760.18.** The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person engaged either directly or by complicity in practicing as an anesthesiologist assistant without having first obtained a certificate ~~of registration~~ to practice pursuant to

this chapter, may, in accordance with provisions of the Revised 83139  
Code governing injunctions, maintain an action in the name of the 83140  
state to enjoin any person from engaging either directly or by 83141  
complicity in unlawfully practicing as an anesthesiologist 83142  
assistant by applying for an injunction in any court of competent 83143  
jurisdiction. 83144

Prior to application for an injunction, the secretary of the 83145  
state medical board shall notify the person allegedly engaged 83146  
either directly or by complicity in the unlawful practice by 83147  
registered mail that the secretary has received information 83148  
indicating that this person is so engaged. The person shall answer 83149  
the secretary within thirty days showing that the person is either 83150  
properly licensed for the stated activity or that the person is 83151  
not in violation of this chapter. If the answer is not forthcoming 83152  
within thirty days after notice by the secretary, the secretary 83153  
shall request that the attorney general, the prosecuting attorney 83154  
of the county in which the offense was committed or the offender 83155  
resides, or the state medical board proceed as authorized in this 83156  
section. 83157

Upon the filing of a verified petition in court, the court 83158  
shall conduct a hearing on the petition and shall give the same 83159  
preference to this proceeding as is given all proceedings under 83160  
Chapter 119. of the Revised Code, irrespective of the position of 83161  
the proceeding on the calendar of the court. 83162

Injunction proceedings shall be in addition to, and not in 83163  
lieu of, all penalties and other remedies provided in this 83164  
chapter. 83165

**Sec. 4762.06.** (A) A person seeking to renew a certificate to 83166  
practice as an oriental medicine practitioner or certificate to 83167  
practice as an acupuncturist shall, on or before the thirty-first 83168  
day of January of each even-numbered year, apply for renewal of 83169

the certificate. The state medical board shall ~~send~~ provide 83170  
renewal notices at least one month prior to the expiration date. 83171

Applications shall be submitted to the board ~~on forms in a~~ 83172  
manner prescribed by the board ~~shall prescribe and supply~~. Each 83173  
application shall be accompanied by a biennial renewal fee of one 83174  
hundred dollars. 83175

The applicant shall report any criminal offense that 83176  
constitutes grounds for refusing to issue a certificate under 83177  
section 4762.13 of the Revised Code to which the applicant has 83178  
pleaded guilty, of which the applicant has been found guilty, or 83179  
for which the applicant has been found eligible for intervention 83180  
in lieu of conviction, since last signing an application for a 83181  
certificate to practice as an oriental medicine practitioner or 83182  
certificate to practice as an acupuncturist. 83183

(B)(1) To be eligible for renewal of a certificate to 83184  
practice as an oriental medicine practitioner, an applicant shall 83185  
certify to the board both of the following, as applicable: 83186

(a) That the applicant has maintained a current and active 83187  
designation from the national certification commission for 83188  
acupuncture and oriental medicine as either a diplomate in 83189  
oriental medicine or diplomate of acupuncture and Chinese 83190  
herbology; 83191

(b) That the applicant has successfully completed one 83192  
six-hour course in herb and drug interaction approved by the 83193  
national certification commission for acupuncture and oriental 83194  
medicine in the four years immediately preceding the expiration 83195  
date of the applicant's current and active designation from the 83196  
commission as a diplomate in oriental medicine or diplomate of 83197  
acupuncture and Chinese herbology. 83198

(2) To be eligible for renewal of a certificate to practice 83199  
as an acupuncturist, an applicant shall certify to the board that 83200

the acupuncturist has maintained a current and active designation 83201  
from the national certification commission for acupuncture and 83202  
oriental medicine as a diplomate in acupuncture. 83203

(C) If an applicant submits a complete renewal application 83204  
and qualifies for renewal pursuant to division (B) of this 83205  
section, the board shall issue to the applicant a renewed 83206  
certificate to practice. 83207

(D) A certificate to practice that is not renewed on or 83208  
before its expiration date is automatically suspended on its 83209  
expiration date. If a certificate has been suspended pursuant to 83210  
this division for two years or less, the board shall reinstate the 83211  
certificate upon an applicant's submission of a renewal 83212  
application, the biennial renewal fee, and the applicable monetary 83213  
penalty. The penalty for reinstatement is twenty-five dollars. If 83214  
a certificate has been suspended pursuant to this division for 83215  
more than two years, it may be restored upon an applicant's 83216  
submission of a restoration application, the biennial ~~registration~~ 83217  
renewal fee, and the applicable monetary penalty and compliance 83218  
with sections 4776.01 to 4776.04 of the Revised Code. The board 83219  
shall not restore a certificate to practice unless the board, in 83220  
its discretion, decides that the results of the criminal records 83221  
check do not make the applicant ineligible for a certificate 83222  
issued pursuant to section 4762.04 of the Revised Code. The 83223  
penalty for restoration is fifty dollars. 83224

**Sec. 4762.13.** (A) The state medical board, by an affirmative 83225  
vote of not fewer than six members, may revoke or may refuse to 83226  
grant a certificate to practice as an oriental medicine 83227  
practitioner or certificate to practice as an acupuncturist to a 83228  
person found by the board to have committed fraud, 83229  
misrepresentation, or deception in applying for or securing the 83230  
certificate. 83231

(B) The board, by an affirmative vote of not fewer than six 83232  
members, shall, to the extent permitted by law, limit, revoke, or 83233  
suspend an individual's certificate to practice, refuse to issue a 83234  
certificate to an applicant, refuse to renew a certificate, refuse 83235  
to reinstate a certificate, or reprimand or place on probation the 83236  
holder of a certificate for any of the following reasons: 83237

(1) Permitting the holder's name or certificate to be used by 83238  
another person; 83239

(2) Failure to comply with the requirements of this chapter, 83240  
Chapter 4731. of the Revised Code, or any rules adopted by the 83241  
board; 83242

(3) Violating or attempting to violate, directly or 83243  
indirectly, or assisting in or abetting the violation of, or 83244  
conspiring to violate, any provision of this chapter, Chapter 83245  
4731. of the Revised Code, or the rules adopted by the board; 83246

(4) A departure from, or failure to conform to, minimal 83247  
standards of care of similar practitioners under the same or 83248  
similar circumstances whether or not actual injury to the patient 83249  
is established; 83250

(5) Inability to practice according to acceptable and 83251  
prevailing standards of care by reason of mental illness or 83252  
physical illness, including physical deterioration that adversely 83253  
affects cognitive, motor, or perceptive skills; 83254

(6) Impairment of ability to practice according to acceptable 83255  
and prevailing standards of care because of habitual or excessive 83256  
use or abuse of drugs, alcohol, or other substances that impair 83257  
ability to practice; 83258

(7) Willfully betraying a professional confidence; 83259

(8) Making a false, fraudulent, deceptive, or misleading 83260  
statement in soliciting or advertising for patients or in securing 83261

or attempting to secure a certificate to practice as an oriental 83262  
medicine practitioner or certificate to practice as an 83263  
acupuncturist. 83264

As used in this division, "false, fraudulent, deceptive, or 83265  
misleading statement" means a statement that includes a 83266  
misrepresentation of fact, is likely to mislead or deceive because 83267  
of a failure to disclose material facts, is intended or is likely 83268  
to create false or unjustified expectations of favorable results, 83269  
or includes representations or implications that in reasonable 83270  
probability will cause an ordinarily prudent person to 83271  
misunderstand or be deceived. 83272

(9) Representing, with the purpose of obtaining compensation 83273  
or other advantage personally or for any other person, that an 83274  
incurable disease or injury, or other incurable condition, can be 83275  
permanently cured; 83276

(10) The obtaining of, or attempting to obtain, money or a 83277  
thing of value by fraudulent misrepresentations in the course of 83278  
practice; 83279

(11) A plea of guilty to, a judicial finding of guilt of, or 83280  
a judicial finding of eligibility for intervention in lieu of 83281  
conviction for, a felony; 83282

(12) Commission of an act that constitutes a felony in this 83283  
state, regardless of the jurisdiction in which the act was 83284  
committed; 83285

(13) A plea of guilty to, a judicial finding of guilt of, or 83286  
a judicial finding of eligibility for intervention in lieu of 83287  
conviction for, a misdemeanor committed in the course of practice; 83288

(14) A plea of guilty to, a judicial finding of guilt of, or 83289  
a judicial finding of eligibility for intervention in lieu of 83290  
conviction for, a misdemeanor involving moral turpitude; 83291

(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	83292 83293 83294
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	83295 83296 83297
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	83298 83299 83300 83301 83302
(18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	83303 83304 83305 83306 83307 83308 83309 83310
(19) Violation of the conditions placed by the board on a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist;	83311 83312 83313
(20) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	83314 83315 83316
(21) Failure to cooperate in an investigation conducted by the board under section 4762.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for	83317 83318 83319 83320 83321 83322



discipline under this section if a court of competent jurisdiction 83323  
has issued an order that either quashes a subpoena or permits the 83324  
individual to withhold the testimony or evidence in issue; 83325

(22) Failure to comply with the standards of the national 83326  
certification commission for acupuncture and oriental medicine 83327  
regarding professional ethics, commitment to patients, commitment 83328  
to the profession, and commitment to the public; 83329

(23) Failure to have adequate professional liability 83330  
insurance coverage in accordance with section 4762.22 of the 83331  
Revised Code; 83332

(24) Failure to maintain a current and active designation as 83333  
a diplomate in oriental medicine, diplomate of acupuncture and 83334  
Chinese herbology, or diplomate in acupuncture, as applicable, 83335  
from the national certification commission for acupuncture and 83336  
oriental medicine, including revocation by the commission of the 83337  
individual's designation, failure by the individual to meet the 83338  
commission's requirements for redesignation, or failure to notify 83339  
the board that the appropriate designation has not been 83340  
maintained. 83341

(C) Disciplinary actions taken by the board under divisions 83342  
(A) and (B) of this section shall be taken pursuant to an 83343  
adjudication under Chapter 119. of the Revised Code, except that 83344  
in lieu of an adjudication, the board may enter into a consent 83345  
agreement with an oriental medicine practitioner or acupuncturist 83346  
or applicant to resolve an allegation of a violation of this 83347  
chapter or any rule adopted under it. A consent agreement, when 83348  
ratified by an affirmative vote of not fewer than six members of 83349  
the board, shall constitute the findings and order of the board 83350  
with respect to the matter addressed in the agreement. If the 83351  
board refuses to ratify a consent agreement, the admissions and 83352  
findings contained in the consent agreement shall be of no force 83353  
or effect. 83354

(D) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or entered into a consent agreement prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a certificate to practice issued under this chapter, or applies for a certificate to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a certificate to practice issued under this chapter or who has applied for a certificate pursuant to this chapter to

submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an oriental medicine practitioner or acupuncturist unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed certificate to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a certificate to practice issued under this chapter or any applicant for a certificate suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be

entered without the taking of testimony or presentation of 83419  
evidence. If the board determines that the individual's ability to 83420  
practice is impaired, the board shall suspend the individual's 83421  
certificate or deny the individual's application and shall require 83422  
the individual, as a condition for an initial, continued, 83423  
reinstated, or renewed certificate, to submit to treatment. 83424

Before being eligible to apply for reinstatement of a 83425  
certificate suspended under this division, the oriental medicine 83426  
practitioner or acupuncturist shall demonstrate to the board the 83427  
ability to resume practice in compliance with acceptable and 83428  
prevailing standards of care. The demonstration shall include the 83429  
following: 83430

(a) Certification from a treatment provider approved under 83431  
section 4731.25 of the Revised Code that the individual has 83432  
successfully completed any required inpatient treatment; 83433

(b) Evidence of continuing full compliance with an aftercare 83434  
contract or consent agreement; 83435

(c) Two written reports indicating that the individual's 83436  
ability to practice has been assessed and that the individual has 83437  
been found capable of practicing according to acceptable and 83438  
prevailing standards of care. The reports shall be made by 83439  
individuals or providers approved by the board for making such 83440  
assessments and shall describe the basis for their determination. 83441

The board may reinstate a certificate suspended under this 83442  
division after such demonstration and after the individual has 83443  
entered into a written consent agreement. 83444

When the impaired individual resumes practice, the board 83445  
shall require continued monitoring of the individual. The 83446  
monitoring shall include monitoring of compliance with the written 83447  
consent agreement entered into before reinstatement or with 83448  
conditions imposed by board order after a hearing, and, upon 83449

termination of the consent agreement, submission to the board for 83450  
at least two years of annual written progress reports made under 83451  
penalty of falsification stating whether the individual has 83452  
maintained sobriety. 83453

(G) If the secretary and supervising member determine both of 83454  
the following, they may recommend that the board suspend an 83455  
individual's certificate to practice without a prior hearing: 83456

(1) That there is clear and convincing evidence that an 83457  
oriental medicine practitioner or acupuncturist has violated 83458  
division (B) of this section; 83459

(2) That the individual's continued practice presents a 83460  
danger of immediate and serious harm to the public. 83461

Written allegations shall be prepared for consideration by 83462  
the board. The board, upon review of the allegations and by an 83463  
affirmative vote of not fewer than six of its members, excluding 83464  
the secretary and supervising member, may suspend a certificate 83465  
without a prior hearing. A telephone conference call may be 83466  
utilized for reviewing the allegations and taking the vote on the 83467  
summary suspension. 83468

The board shall issue a written order of suspension by 83469  
certified mail or in person in accordance with section 119.07 of 83470  
the Revised Code. The order shall not be subject to suspension by 83471  
the court during pendency of any appeal filed under section 119.12 83472  
of the Revised Code. If the oriental medicine practitioner or 83473  
acupuncturist requests an adjudicatory hearing by the board, the 83474  
date set for the hearing shall be within fifteen days, but not 83475  
earlier than seven days, after the hearing is requested, unless 83476  
otherwise agreed to by both the board and the certificate holder. 83477

A summary suspension imposed under this division shall remain 83478  
in effect, unless reversed on appeal, until a final adjudicative 83479  
order issued by the board pursuant to this section and Chapter 83480

119. of the Revised Code becomes effective. The board shall issue 83481  
its final adjudicative order within sixty days after completion of 83482  
its hearing. Failure to issue the order within sixty days shall 83483  
result in dissolution of the summary suspension order, but shall 83484  
not invalidate any subsequent, final adjudicative order. 83485

(H) If the board takes action under division (B)(11), (13), 83486  
or (14) of this section, and the judicial finding of guilt, guilty 83487  
plea, or judicial finding of eligibility for intervention in lieu 83488  
of conviction is overturned on appeal, upon exhaustion of the 83489  
criminal appeal, a petition for reconsideration of the order may 83490  
be filed with the board along with appropriate court documents. 83491  
Upon receipt of a petition and supporting court documents, the 83492  
board shall reinstate the certificate to practice. The board may 83493  
then hold an adjudication under Chapter 119. of the Revised Code 83494  
to determine whether the individual committed the act in question. 83495  
Notice of opportunity for hearing shall be given in accordance 83496  
with Chapter 119. of the Revised Code. If the board finds, 83497  
pursuant to an adjudication held under this division, that the 83498  
individual committed the act, or if no hearing is requested, it 83499  
may order any of the sanctions specified in division (B) of this 83500  
section. 83501

(I) The certificate to practice of an oriental medicine 83502  
practitioner or acupuncturist and the practitioner's or 83503  
acupuncturist's practice in this state are automatically suspended 83504  
as of the date the practitioner or acupuncturist pleads guilty to, 83505  
is found by a judge or jury to be guilty of, or is subject to a 83506  
judicial finding of eligibility for intervention in lieu of 83507  
conviction in this state or treatment or intervention in lieu of 83508  
conviction in another jurisdiction for any of the following 83509  
criminal offenses in this state or a substantially equivalent 83510  
criminal offense in another jurisdiction: aggravated murder, 83511  
murder, voluntary manslaughter, felonious assault, kidnapping, 83512

rape, sexual battery, gross sexual imposition, aggravated arson, 83513  
aggravated robbery, or aggravated burglary. Continued practice 83514  
after the suspension shall be considered practicing without a 83515  
certificate. 83516

The board shall notify the individual subject to the 83517  
suspension by certified mail or in person in accordance with 83518  
section 119.07 of the Revised Code. If an individual whose 83519  
certificate is suspended under this division fails to make a 83520  
timely request for an adjudication under Chapter 119. of the 83521  
Revised Code, the board shall enter a final order permanently 83522  
revoking the individual's certificate to practice. 83523

(J) In any instance in which the board is required by Chapter 83524  
119. of the Revised Code to give notice of opportunity for hearing 83525  
and the individual subject to the notice does not timely request a 83526  
hearing in accordance with section 119.07 of the Revised Code, the 83527  
board is not required to hold a hearing, but may adopt, by an 83528  
affirmative vote of not fewer than six of its members, a final 83529  
order that contains the board's findings. In the final order, the 83530  
board may order any of the sanctions identified under division (A) 83531  
or (B) of this section. 83532

(K) Any action taken by the board under division (B) of this 83533  
section resulting in a suspension shall be accompanied by a 83534  
written statement of the conditions under which the certificate to 83535  
practice may be reinstated. The board shall adopt rules in 83536  
accordance with Chapter 119. of the Revised Code governing 83537  
conditions to be imposed for reinstatement. Reinstatement of a 83538  
certificate suspended pursuant to division (B) of this section 83539  
requires an affirmative vote of not fewer than six members of the 83540  
board. 83541

(L) When the board refuses to grant or issue a certificate to 83542  
practice to an applicant, revokes an individual's certificate, 83543  
refuses to renew a an individual's certificate, or refuses to 83544

reinstate an individual's certificate, the board may specify that 83545  
its action is permanent. An individual subject to a permanent 83546  
action taken by the board is forever thereafter ineligible to hold 83547  
a certificate to practice as an oriental medicine practitioner or 83548  
certificate to practice as an acupuncturist and the board shall 83549  
not accept an application for reinstatement of the certificate or 83550  
for issuance of a new certificate. 83551

(M) Notwithstanding any other provision of the Revised Code, 83552  
all of the following apply: 83553

(1) The surrender of a certificate to practice as an oriental 83554  
medicine practitioner or certificate to practice as an 83555  
acupuncturist issued under this chapter is not effective unless or 83556  
until accepted by the board. Reinstatement of a certificate 83557  
surrendered to the board requires an affirmative vote of not fewer 83558  
than six members of the board. 83559

(2) An application made under this chapter for a certificate 83560  
may not be withdrawn without approval of the board. 83561

(3) Failure by an individual to renew a certificate in 83562  
accordance with section 4762.06 of the Revised Code shall not 83563  
remove or limit the board's jurisdiction to take disciplinary 83564  
action under this section against the individual. 83565

Sec. 4762.133. (A)(1) If an oriental medicine practitioner or 83566  
acupuncturist violates any section of this chapter or any rule 83567  
adopted under this chapter, the state medical board may, pursuant 83568  
to an adjudication under Chapter 119. of the Revised Code and an 83569  
affirmative vote of not fewer than six of its members, impose a 83570  
civil penalty. The amount of the civil penalty shall be determined 83571  
by the board in accordance with the guidelines adopted under 83572  
division (A)(2) of this section. The civil penalty may be in 83573  
addition to any other action the board may take under section 83574  
4762.13 of the Revised Code. 83575



(2) The board shall adopt and may amend guidelines regarding 83576  
the amounts of civil penalties to be imposed under this section. 83577  
Adoption or amendment of the guidelines requires the approval of 83578  
not fewer than six board members. 83579

Under the guidelines, no civil penalty amount shall exceed 83580  
twenty thousand dollars. 83581

(B) Amounts received from payment of civil penalties imposed 83582  
under this section shall be deposited by the board in accordance 83583  
with section 4731.24 of the Revised Code. Amounts received from 83584  
payment of civil penalties imposed for violations of division 83585  
(B)(6) of section 4762.13 of the Revised Code shall be used by the 83586  
board solely for investigations, enforcement, and compliance 83587  
monitoring. 83588

**Sec. 4763.01.** As used in this chapter: 83589

(A) "Real estate appraisal" or "appraisal" means an analysis, 83590  
opinion, or conclusion relating to the nature, quality, value, or 83591  
utility of specified interests in, or aspects of identified real 83592  
estate that is classified as either a valuation or an analysis. 83593

(B) "Valuation" means an estimate of the value of real 83594  
estate. 83595

(C) "Analysis" means a study of real estate for purposes 83596  
other than valuation. 83597

(D) "Appraisal report" means a written communication of a 83598  
real estate appraisal, or appraisal review, or appraisal 83599  
consulting service or an oral communication of a real estate 83600  
appraisal, or appraisal review, or appraisal consulting service 83601  
that is documented by a writing that supports the oral 83602  
communication. 83603

(E) "Appraisal assignment" means an engagement for which a 83604  
person licensed or certified under this chapter is employed, 83605

retained, or engaged to act, or would be perceived by third 83606  
parties or the public as acting, as a disinterested third party in 83607  
rendering an unbiased real estate appraisal. 83608

(F) "Specialized services" means all appraisal services, 83609  
other than appraisal assignments, including, but not limited to, 83610  
valuation and analysis given in connection with activities such as 83611  
real estate brokerage, mortgage banking, real estate counseling, 83612  
and real estate tax counseling, and specialized marketing, 83613  
financing, and feasibility studies. 83614

(G) "Real estate" has the same meaning as in section 4735.01 83615  
of the Revised Code. 83616

(H) "Appraisal foundation" means a nonprofit corporation 83617  
incorporated under the laws of the state of Illinois on November 83618  
30, 1987, for the purposes of establishing and improving uniform 83619  
appraisal standards by defining, issuing, and promoting those 83620  
standards; establishing appropriate criteria for the certification 83621  
and recertification of qualified appraisers by defining, issuing, 83622  
and promoting the qualification criteria and disseminating the 83623  
qualification criteria to others; and developing or assisting in 83624  
development of appropriate examinations for qualified appraisers. 83625

(I) "Prepare" means to develop and communicate, whether 83626  
through a personal physical inspection or through the act or 83627  
process of critically studying a report prepared by another who 83628  
made the physical inspection, an appraisal, analysis, or opinion, 83629  
or specialized service and to report the results. If the person 83630  
who develops and communicates the appraisal or specialized service 83631  
does not make the personal inspection, the name of the person who 83632  
does make the personal inspection shall be identified on the 83633  
appraisal or specialized service reported. 83634

(J) "Report" means any communication, written, oral, or by 83635  
any other means of transmission of information, of a real estate 83636

appraisal, appraisal review, ~~appraisal consulting service~~, or 83637  
specialized service that is transmitted to a client or employer 83638  
upon completion of the appraisal or service. 83639

(K) "State-certified general real estate appraiser" means any 83640  
person who satisfies the certification requirements of this 83641  
chapter relating to the appraisal of all types of real property 83642  
and who holds a current and valid certificate or renewal 83643  
certificate issued to the person pursuant to this chapter. 83644

(L) "State-certified residential real estate appraiser" means 83645  
any person who satisfies the certification requirements only 83646  
relating to the appraisal of one to four units of single-family 83647  
residential real estate without regard to transaction value or 83648  
complexity and who holds a current and valid certificate or 83649  
renewal certificate issued to the person pursuant to this chapter. 83650

(M) "State-licensed residential real estate appraiser" means 83651  
any person who satisfies the licensure requirements of this 83652  
chapter relating to the appraisal of noncomplex one-to-four unit 83653  
single-family residential real estate having a transaction value 83654  
of less than one million dollars and complex one-to-four unit 83655  
single-family residential real estate having a transaction value 83656  
of less than two hundred fifty thousand dollars and who holds a 83657  
current and valid license or renewal license issued to the person 83658  
pursuant to this chapter. 83659

(N) "Certified or licensed real estate appraisal" means an 83660  
appraisal prepared and reported by a certificate holder or 83661  
licensee under this chapter acting within the scope of 83662  
certification or licensure and as a disinterested third party. 83663

(O) "State-registered real estate appraiser assistant" means 83664  
any person, other than a state-certified general real estate 83665  
appraiser, state-certified residential real estate appraiser, or a 83666  
state-licensed residential real estate appraiser, who satisfies 83667

the registration requirements of this chapter for participating in 83668  
the development and preparation of real estate appraisals and who 83669  
holds a current and valid registration or renewal registration 83670  
issued to the person pursuant to this chapter. 83671

(P) "Institution of higher education" means a state 83672  
university or college, a private college or university located in 83673  
this state that possesses a certificate of authorization issued by 83674  
the ~~Ohio board of regents~~ chancellor of higher education pursuant 83675  
to Chapter 1713. of the Revised Code, or an accredited college or 83676  
university located outside this state that is accredited by an 83677  
accrediting organization or professional accrediting association 83678  
recognized by the ~~Ohio board of regents~~ chancellor of higher 83679  
education. 83680

(Q) "Division of real estate" may be used interchangeably 83681  
with, and for all purposes has the same meaning as, "division of 83682  
real estate and professional licensing." 83683

(R) "Superintendent" or "superintendent of real estate" means 83684  
the superintendent of the division of real estate and professional 83685  
licensing of this state. Whenever the division or superintendent 83686  
of real estate is referred to or designated in any statute, rule, 83687  
contract, or other document, the reference or designation shall be 83688  
deemed to refer to the division or superintendent of real estate 83689  
and professional licensing, as the case may be. 83690

(S) "Appraisal review" means the act or process of developing 83691  
and communicating an opinion about the quality of another 83692  
appraiser's work that was performed as part of an appraisal, or 83693  
appraisal review, ~~or appraisal consulting assignment~~. 83694

(T) ~~"Appraisal consulting" means the act or process of~~ 83695  
~~developing an analysis, recommendation, or opinion to solve a~~ 83696  
~~problem related to real estate.~~ 83697

~~(U)~~ "Work file" means documentation used during the 83698

preparation of an appraisal report or necessary to support an 83699  
appraiser's analyses, opinions, or conclusions. 83700

**Sec. 4763.07.** (A) Every state-certified general real estate 83701  
appraiser, state-certified residential real estate appraiser and 83702  
state-licensed residential real estate appraiser shall submit 83703  
proof of successfully completing a minimum of fourteen classroom 83704  
hours of continuing education instruction in courses or seminars 83705  
approved by the real estate appraiser board. The certificate 83706  
holder and licensee shall have satisfied the fourteen-hour 83707  
continuing education requirements within the one-year period 83708  
immediately following the issuance of the initial certificate or 83709  
license and shall satisfy those requirements annually thereafter. 83710  
A 83711

In accordance with federal law, each state-registered real 83712  
estate appraiser assistant ~~who remains in this classification for~~ 83713  
~~more than two years shall satisfy in the third and successive~~ 83714  
~~years this section's requirements~~ submit proof of successfully 83715  
completing a minimum of fourteen classroom hours of continuing 83716  
education instruction in courses or seminars approved by the real 83717  
estate appraiser board. Each registrant shall satisfy the 83718  
fourteen-hour continuing education requirements annually. 83719

This division does not apply to an appraiser with a 83720  
certification or license from another state that is temporarily 83721  
recognized in this state pursuant to division (E)(2) of section 83722  
4763.05 of the Revised Code. A 83723

A certificate holder, licensee, or registrant who fails to 83724  
submit proof to the superintendent of meeting these requirements 83725  
is ineligible to obtain a renewal certificate, license, or 83726  
registration and shall comply with section 4763.05 of the Revised 83727  
Code in order to regain a certificate, license, or registration, 83728  
except that the certificate holder, licensee, or registrant may 83729

submit proof to the superintendent of meeting these requirements 83730  
within three months after the date of expiration of the 83731  
certificate, license, or registration, or by obtaining a medical 83732  
exception under division (E) of this section, without having to 83733  
comply with section 4763.05 of the Revised Code. A certificate 83734  
holder, licensee, or registrant may not engage in any activities 83735  
permitted by the certificate, license, or registration during the 83736  
three-month period following the certificate's, license's, or 83737  
registration's normal expiration date or during the time period 83738  
for which a medical exception applies. 83739

A certificate holder, licensee, or registrant may satisfy all 83740  
or a portion of the required hours of classroom instruction in the 83741  
following manner: 83742

(1) Completion of an educational program of study determined 83743  
by the board to be equivalent, for continuing education purposes, 83744  
to courses or seminars approved by the board; 83745

(2) Participation, other than as a student, in educational 83746  
processes or programs approved by the board that relate to real 83747  
estate appraisal theory, practices, or techniques. 83748

A certificate holder, licensee, or registrant shall present 83749  
to the superintendent of real estate evidence of the manner in 83750  
which the certificate holder, licensee, or registrant satisfied 83751  
the requirements of division (A) of this section. 83752

(B) The board shall adopt rules for implementing a continuing 83753  
education program for state-certified general real estate 83754  
appraisers, state-certified residential real estate appraisers, 83755  
state-licensed residential real estate appraisers, and 83756  
state-registered real estate appraiser assistants for the purpose 83757  
of assuring that certificate holders, licensees, and registrants 83758  
have current knowledge of real estate appraisal theories, 83759  
practices, and techniques that will provide a high degree of 83760

service and protection to members of the public. In addition to 83761  
any other provisions the board considers appropriate, the rules 83762  
adopted by the board shall prescribe the following: 83763

(1) Policies and procedures for obtaining board approval of 83764  
courses of instruction and seminars; 83765

(2) Standards, policies, and procedures to be applied in 83766  
evaluating the alternative methods of complying with continuing 83767  
education requirements set forth in divisions (A)(1) and (2) of 83768  
this section; 83769

(3) Standards, monitoring methods, and systems for recording 83770  
attendance to be employed by course sponsors as a prerequisite to 83771  
approval of courses for continuing education credit. 83772

(C) No amendment or rescission of a rule the board adopts 83773  
pursuant to division (B) of this section shall operate to deprive 83774  
a certificate holder or licensee of credit toward renewal of 83775  
certification or licensure for any course of instruction completed 83776  
by the certificate holder or licensee prior to the effective date 83777  
of the amendment or rescission that would have qualified for 83778  
credit under the rule as it existed prior to amendment or 83779  
rescission. 83780

(D) The superintendent of real estate shall not issue a 83781  
renewal certificate, registration, or license to any person who 83782  
does not meet applicable minimum criteria for state certification, 83783  
registration, or licensure prescribed by federal law or rule. 83784

(E) The superintendent may grant a medical exception upon 83785  
application by a person certified, registered, or licensed under 83786  
this chapter. To receive an exception, the certificate holder, 83787  
registrant, or licensee shall submit a request to the 83788  
superintendent with proof satisfactory that a medical exception is 83789  
warranted. If the superintendent makes a determination that 83790  
satisfactory proof has not been presented, within fifteen days of 83791

the date of the denial of the medical exception, the certificate 83792  
holder, registrant, or licensee may file with the division of real 83793  
estate a request that the real estate appraiser board review the 83794  
determination. The board may adopt reasonable rules in accordance 83795  
with Chapter 119. of the Revised Code to implement this division. 83796

Sec. 4765.161. The state board of emergency medical, fire, 83797  
and transportation services shall adopt rules under section 83798  
4765.11 of the Revised Code to establish an expedited veterans 83799  
paramedic certification program for any person who is a veteran of 83800  
the armed forces of the United States and who, while serving in 83801  
the armed forces of the United States, received training as what 83802  
this state categorizes as a paramedic. The program shall provide 83803  
for a method or procedure whereby, upon application by such a 83804  
veteran, the veteran is evaluated to determine the extent of the 83805  
training the veteran received while serving in the armed forces of 83806  
the United States. If the evaluation indicates that the training 83807  
the veteran received while serving in the armed forces of the 83808  
United States was such that the veteran is eligible to be issued a 83809  
certificate to practice as a paramedic, the board shall issue the 83810  
veteran a certificate to practice as a paramedic as provided in 83811  
section 4765.30 of the Revised Code upon payment of the 83812  
appropriate fee. 83813

If the evaluation indicates that the training the veteran 83814  
received while serving in the armed forces of the United States 83815  
was such that the veteran is not eligible to be issued a 83816  
certificate to practice as a paramedic, the veteran shall receive 83817  
credit for the training the veteran received while serving in the 83818  
armed forces of the United States and shall be required to 83819  
successfully complete only the necessary additional training or 83820  
instruction in order to be issued a certificate to practice as a 83821  
paramedic. 83822



Sec. 4765.361. An emergency medical technician-basic, 83823  
emergency medical technician-intermediate, or emergency medical 83824  
technician-paramedic may perform medical services that the 83825  
technician is authorized by law to perform in nonemergency 83826  
situations if the services are performed under the direction of 83827  
the technician's medical director or cooperating physician 83828  
advisory board. In nonemergency situations, no medical director or 83829  
cooperating physician advisory board shall delegate, instruct, or 83830  
otherwise authorize a technician to perform any medical service 83831  
that the technician is not authorized by law to perform. 83832

**Sec. 4774.06.** (A) An individual seeking to renew a 83833  
certificate to practice as a radiologist assistant shall, on or 83834  
before the thirty-first day of January of each even-numbered year, 83835  
apply for renewal of the certificate. The state medical board 83836  
shall ~~send~~ provide renewal notices at least one month prior to the 83837  
expiration date. 83838

Renewal applications shall be submitted to the board in a 83839  
manner prescribed by the board. Each application shall be 83840  
accompanied by a biennial renewal fee specified by the board in 83841  
rules adopted under section 4774.11 of the Revised Code. 83842

The applicant shall report any criminal offense that 83843  
constitutes grounds for refusing to issue a certificate under 83844  
section 4774.13 of the Revised Code to which the applicant has 83845  
pleaded guilty, of which the applicant has been found guilty, or 83846  
for which the applicant has been found eligible for intervention 83847  
in lieu of conviction, since last signing an application for a 83848  
certificate to practice as a radiologist assistant. 83849

(B) To be eligible for renewal, a radiologist assistant shall 83850  
certify to the board that the assistant has maintained both of the 83851  
following: 83852

(1) A license as a radiographer under Chapter 4773. of the Revised Code; 83853  
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(2) Certification as a registered radiologist assistant from the American registry of radiologic technologists by meeting the registry's requirements for annual registration, including completion of the continuing education requirements established by the registry. 83855  
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(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed certificate to practice as a radiologist assistant. 83860  
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(D) A certificate to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date, subject to the provisions of section 119.06 of the Revised Code specifying that an applicant who appropriately files a renewal application is not required to discontinue practicing merely because the board has failed to act on the application. If a certificate has been suspended pursuant to this division for two years or less, the board shall reinstate the certificate upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. If a certificate has been suspended pursuant to this division for more than two years, it may be restored upon an applicant's submission of a restoration application, the biennial renewal fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a certificate unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4774.04 of the Revised Code. The penalty for restoration is fifty 83865  
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dollars. 83885

**Sec. 4774.13.** (A) The state medical board, by an affirmative 83886  
vote of not fewer than six members, may revoke or may refuse to 83887  
grant a certificate to practice as a radiologist assistant to an 83888  
individual found by the board to have committed fraud, 83889  
misrepresentation, or deception in applying for or securing the 83890  
certificate. 83891

(B) The board, by an affirmative vote of not fewer than six 83892  
members, shall, to the extent permitted by law, limit, revoke, or 83893  
suspend an individual's certificate to practice as a radiologist 83894  
assistant, refuse to issue a certificate to an applicant, refuse 83895  
to renew a certificate, refuse to reinstate a certificate, or 83896  
reprimand or place on probation the holder of a certificate for 83897  
any of the following reasons: 83898

(1) Permitting the holder's name or certificate to be used by 83899  
another person; 83900

(2) Failure to comply with the requirements of this chapter, 83901  
Chapter 4731. of the Revised Code, or any rules adopted by the 83902  
board; 83903

(3) Violating or attempting to violate, directly or 83904  
indirectly, or assisting in or abetting the violation of, or 83905  
conspiring to violate, any provision of this chapter, Chapter 83906  
4731. of the Revised Code, or the rules adopted by the board; 83907

(4) A departure from, or failure to conform to, minimal 83908  
standards of care of similar practitioners under the same or 83909  
similar circumstances whether or not actual injury to the patient 83910  
is established; 83911

(5) Inability to practice according to acceptable and 83912  
prevailing standards of care by reason of mental illness or 83913  
physical illness, including physical deterioration that adversely 83914

affects cognitive, motor, or perceptive skills;	83915
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	83916 83917 83918 83919
(7) Willfully betraying a professional confidence;	83920
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate to practice as a radiologist assistant.	83921 83922 83923
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	83924 83925 83926 83927 83928 83929 83930 83931
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	83932 83933 83934
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	83935 83936 83937
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	83938 83939 83940
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	83941 83942 83943
(13) A plea of guilty to, a judicial finding of guilt of, or	83944

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	83945 83946
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	83947 83948 83949
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	83950 83951 83952
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	83953 83954 83955 83956 83957
(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	83958 83959 83960 83961 83962 83963 83964 83965
(18) Violation of the conditions placed by the board on a certificate to practice as a radiologist assistant;	83966 83967
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	83968 83969 83970
(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to	83971 83972 83973 83974 83975

cooperate with an investigation shall not constitute grounds for 83976  
discipline under this section if a court of competent jurisdiction 83977  
has issued an order that either quashes a subpoena or permits the 83978  
individual to withhold the testimony or evidence in issue; 83979

(21) Failure to maintain a license as a radiographer under 83980  
Chapter 4773. of the Revised Code; 83981

(22) Failure to maintain certification as a registered 83982  
radiologist assistant from the American registry of radiologic 83983  
technologists, including revocation by the registry of the 83984  
assistant's certification or failure by the assistant to meet the 83985  
registry's requirements for annual registration, or failure to 83986  
notify the board that the certification as a registered 83987  
radiologist assistant has not been maintained; 83988

(23) Failure to comply with any of the rules of ethics 83989  
included in the standards of ethics established by the American 83990  
registry of radiologic technologists, as those rules apply to an 83991  
individual who holds the registry's certification as a registered 83992  
radiologist assistant. 83993

(C) Disciplinary actions taken by the board under divisions 83994  
(A) and (B) of this section shall be taken pursuant to an 83995  
adjudication under Chapter 119. of the Revised Code, except that 83996  
in lieu of an adjudication, the board may enter into a consent 83997  
agreement with a radiologist assistant or applicant to resolve an 83998  
allegation of a violation of this chapter or any rule adopted 83999  
under it. A consent agreement, when ratified by an affirmative 84000  
vote of not fewer than six members of the board, shall constitute 84001  
the findings and order of the board with respect to the matter 84002  
addressed in the agreement. If the board refuses to ratify a 84003  
consent agreement, the admissions and findings contained in the 84004  
consent agreement shall be of no force or effect. 84005

(D) For purposes of divisions (B)(11), (14), and (15) of this 84006

section, the commission of the act may be established by a finding 84007  
by the board, pursuant to an adjudication under Chapter 119. of 84008  
the Revised Code, that the applicant or certificate holder 84009  
committed the act in question. The board shall have no 84010  
jurisdiction under these divisions in cases where the trial court 84011  
renders a final judgment in the certificate holder's favor and 84012  
that judgment is based upon an adjudication on the merits. The 84013  
board shall have jurisdiction under these divisions in cases where 84014  
the trial court issues an order of dismissal on technical or 84015  
procedural grounds. 84016

(E) The sealing of conviction records by any court shall have 84017  
no effect on a prior board order entered under the provisions of 84018  
this section or on the board's jurisdiction to take action under 84019  
the provisions of this section if, based upon a plea of guilty, a 84020  
judicial finding of guilt, or a judicial finding of eligibility 84021  
for intervention in lieu of conviction, the board issued a notice 84022  
of opportunity for a hearing prior to the court's order to seal 84023  
the records. The board shall not be required to seal, destroy, 84024  
redact, or otherwise modify its records to reflect the court's 84025  
sealing of conviction records. 84026

(F) For purposes of this division, any individual who holds a 84027  
certificate to practice as a radiologist assistant issued under 84028  
this chapter, or applies for a certificate to practice, shall be 84029  
deemed to have given consent to submit to a mental or physical 84030  
examination when directed to do so in writing by the board and to 84031  
have waived all objections to the admissibility of testimony or 84032  
examination reports that constitute a privileged communication. 84033

(1) In enforcing division (B)(5) of this section, the board, 84034  
on a showing of a possible violation, may compel any individual 84035  
who holds a certificate to practice as a radiologist assistant 84036  
issued under this chapter or who has applied for a certificate to 84037  
practice to submit to a mental or physical examination, or both. A 84038

physical examination may include an HIV test. The expense of the 84039  
examination is the responsibility of the individual compelled to 84040  
be examined. Failure to submit to a mental or physical examination 84041  
or consent to an HIV test ordered by the board constitutes an 84042  
admission of the allegations against the individual unless the 84043  
failure is due to circumstances beyond the individual's control, 84044  
and a default and final order may be entered without the taking of 84045  
testimony or presentation of evidence. If the board finds a 84046  
radiologist assistant unable to practice because of the reasons 84047  
set forth in division (B)(5) of this section, the board shall 84048  
require the radiologist assistant to submit to care, counseling, 84049  
or treatment by physicians approved or designated by the board, as 84050  
a condition for an initial, continued, reinstated, or renewed 84051  
certificate to practice. An individual affected by this division 84052  
shall be afforded an opportunity to demonstrate to the board the 84053  
ability to resume practicing in compliance with acceptable and 84054  
prevailing standards of care. 84055

(2) For purposes of division (B)(6) of this section, if the 84056  
board has reason to believe that any individual who holds a 84057  
certificate to practice as a radiologist assistant issued under 84058  
this chapter or any applicant for a certificate to practice 84059  
suffers such impairment, the board may compel the individual to 84060  
submit to a mental or physical examination, or both. The expense 84061  
of the examination is the responsibility of the individual 84062  
compelled to be examined. Any mental or physical examination 84063  
required under this division shall be undertaken by a treatment 84064  
provider or physician qualified to conduct such examination and 84065  
chosen by the board. 84066

Failure to submit to a mental or physical examination ordered 84067  
by the board constitutes an admission of the allegations against 84068  
the individual unless the failure is due to circumstances beyond 84069  
the individual's control, and a default and final order may be 84070



entered without the taking of testimony or presentation of 84071  
evidence. If the board determines that the individual's ability to 84072  
practice is impaired, the board shall suspend the individual's 84073  
certificate or deny the individual's application and shall require 84074  
the individual, as a condition for an initial, continued, 84075  
reinstated, or renewed certificate to practice, to submit to 84076  
treatment. 84077

Before being eligible to apply for reinstatement of a 84078  
certificate suspended under this division, the radiologist 84079  
assistant shall demonstrate to the board the ability to resume 84080  
practice in compliance with acceptable and prevailing standards of 84081  
care. The demonstration shall include the following: 84082

(a) Certification from a treatment provider approved under 84083  
section 4731.25 of the Revised Code that the individual has 84084  
successfully completed any required inpatient treatment; 84085

(b) Evidence of continuing full compliance with an aftercare 84086  
contract or consent agreement; 84087

(c) Two written reports indicating that the individual's 84088  
ability to practice has been assessed and that the individual has 84089  
been found capable of practicing according to acceptable and 84090  
prevailing standards of care. The reports shall be made by 84091  
individuals or providers approved by the board for making such 84092  
assessments and shall describe the basis for their determination. 84093

The board may reinstate a certificate suspended under this 84094  
division after such demonstration and after the individual has 84095  
entered into a written consent agreement. 84096

When the impaired radiologist assistant resumes practice, the 84097  
board shall require continued monitoring of the radiologist 84098  
assistant. The monitoring shall include monitoring of compliance 84099  
with the written consent agreement entered into before 84100  
reinstatement or with conditions imposed by board order after a 84101

hearing, and, on termination of the consent agreement, submission 84102  
to the board for at least two years of annual written progress 84103  
reports made under penalty of falsification stating whether the 84104  
radiologist assistant has maintained sobriety. 84105

(G) If the secretary and supervising member determine that 84106  
there is clear and convincing evidence that a radiologist 84107  
assistant has violated division (B) of this section and that the 84108  
individual's continued practice presents a danger of immediate and 84109  
serious harm to the public, they may recommend that the board 84110  
suspend the individual's certificate to practice without a prior 84111  
hearing. Written allegations shall be prepared for consideration 84112  
by the board. 84113

The board, on review of the allegations and by an affirmative 84114  
vote of not fewer than six of its members, excluding the secretary 84115  
and supervising member, may suspend a certificate without a prior 84116  
hearing. A telephone conference call may be utilized for reviewing 84117  
the allegations and taking the vote on the summary suspension. 84118

The board shall issue a written order of suspension by 84119  
certified mail or in person in accordance with section 119.07 of 84120  
the Revised Code. The order shall not be subject to suspension by 84121  
the court during pendency of any appeal filed under section 119.12 84122  
of the Revised Code. If the radiologist assistant requests an 84123  
adjudicatory hearing by the board, the date set for the hearing 84124  
shall be within fifteen days, but not earlier than seven days, 84125  
after the radiologist assistant requests the hearing, unless 84126  
otherwise agreed to by both the board and the certificate holder. 84127

A summary suspension imposed under this division shall remain 84128  
in effect, unless reversed on appeal, until a final adjudicative 84129  
order issued by the board pursuant to this section and Chapter 84130  
119. of the Revised Code becomes effective. The board shall issue 84131  
its final adjudicative order within sixty days after completion of 84132  
its hearing. Failure to issue the order within sixty days shall 84133

result in dissolution of the summary suspension order, but shall 84134  
not invalidate any subsequent, final adjudicative order. 84135

(H) If the board takes action under division (B)(10), (12), 84136  
or (13) of this section, and the judicial finding of guilt, guilty 84137  
plea, or judicial finding of eligibility for intervention in lieu 84138  
of conviction is overturned on appeal, on exhaustion of the 84139  
criminal appeal, a petition for reconsideration of the order may 84140  
be filed with the board along with appropriate court documents. On 84141  
receipt of a petition and supporting court documents, the board 84142  
shall reinstate the certificate to practice as a radiologist 84143  
assistant. The board may then hold an adjudication under Chapter 84144  
119. of the Revised Code to determine whether the individual 84145  
committed the act in question. Notice of opportunity for hearing 84146  
shall be given in accordance with Chapter 119. of the Revised 84147  
Code. If the board finds, pursuant to an adjudication held under 84148  
this division, that the individual committed the act, or if no 84149  
hearing is requested, it may order any of the sanctions specified 84150  
in division (B) of this section. 84151

(I) The certificate to practice of a radiologist assistant 84152  
and the assistant's practice in this state are automatically 84153  
suspended as of the date the radiologist assistant pleads guilty 84154  
to, is found by a judge or jury to be guilty of, or is subject to 84155  
a judicial finding of eligibility for intervention in lieu of 84156  
conviction in this state or treatment of intervention in lieu of 84157  
conviction in another jurisdiction for any of the following 84158  
criminal offenses in this state or a substantially equivalent 84159  
criminal offense in another jurisdiction: aggravated murder, 84160  
murder, voluntary manslaughter, felonious assault, kidnapping, 84161  
rape, sexual battery, gross sexual imposition, aggravated arson, 84162  
aggravated robbery, or aggravated burglary. Continued practice 84163  
after the suspension shall be considered practicing without a 84164  
certificate. 84165

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the radiologist assistant's certificate may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a certificate to practice as a radiologist assistant to an applicant, revokes an individual's certificate, refuses to renew a an individual's certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice as a

radiologist assistant and the board shall not accept an 84198  
application for reinstatement of the certificate or for issuance 84199  
of a new certificate. 84200

(M) Notwithstanding any other provision of the Revised Code, 84201  
all of the following apply: 84202

(1) The surrender of a certificate to practice as a 84203  
radiologist assistant issued under this chapter is not effective 84204  
unless or until accepted by the board. Reinstatement of a 84205  
certificate surrendered to the board requires an affirmative vote 84206  
of not fewer than six members of the board. 84207

(2) An application made under this chapter for a certificate 84208  
to practice may not be withdrawn without approval of the board. 84209

(3) Failure by an individual to renew a certificate to 84210  
practice in accordance with section 4774.06 of the Revised Code 84211  
shall not remove or limit the board's jurisdiction to take 84212  
disciplinary action under this section against the individual. 84213

Sec. 4774.133. (A)(1) If a radiologist assistant violates any 84214  
section of this chapter or any rule adopted under this chapter, 84215  
the state medical board may, pursuant to an adjudication under 84216  
Chapter 119. of the Revised Code and an affirmative vote of not 84217  
fewer than six of its members, impose a civil penalty. The amount 84218  
of the civil penalty shall be determined by the board in 84219  
accordance with the guidelines adopted under division (A)(2) of 84220  
this section. The civil penalty may be in addition to any other 84221  
action the board may take under section 4774.13 of the Revised 84222  
Code. 84223

(2) The board shall adopt and may amend guidelines regarding 84224  
the amounts of civil penalties to be imposed under this section. 84225  
Adoption or amendment of the guidelines requires the approval of 84226  
not fewer than six board members. 84227

Under the guidelines, no civil penalty amount shall exceed 84228  
twenty thousand dollars. 84229

(B) Amounts received from payment of civil penalties imposed 84230  
under this section shall be deposited by the board in accordance 84231  
with section 4731.24 of the Revised Code. Amounts received from 84232  
payment of civil penalties imposed for violations of division 84233  
(B)(6) of section 4774.13 of the Revised Code shall be used by the 84234  
board solely for investigations, enforcement, and compliance 84235  
monitoring. 84236

**Sec. 4778.06.** (A) An individual seeking to renew a license to 84237  
practice as a genetic counselor shall, on or before the 84238  
thirty-first day of January of each even-numbered year, apply for 84239  
renewal of the license. The state medical board shall ~~send~~ provide 84240  
renewal notices at least one month prior to the expiration date. 84241

Renewal applications shall be submitted to the board in a 84242  
manner prescribed by the board. Each application shall be 84243  
accompanied by a biennial renewal fee of one hundred fifty 84244  
dollars. 84245

The applicant shall report any criminal offense to which the 84246  
applicant has pleaded guilty, of which the applicant has been 84247  
found guilty, or for which the applicant has been found eligible 84248  
for intervention in lieu of conviction, since last signing an 84249  
application for a license to practice as a genetic counselor. 84250

(B) To be eligible for renewal, a genetic counselor shall 84251  
certify to the board that the counselor has done both of the 84252  
following: 84253

(1) Maintained the counselor's status as a certified genetic 84254  
counselor; 84255

(2) Completed at least thirty hours of continuing education 84256  
in genetic counseling that has been approved by the national 84257

society of genetic counselors or American board of genetic counseling. 84258  
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(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed license to practice as a genetic counselor. 84260  
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(D) The board may require a random sample of genetic counselors to submit materials documenting that their status as certified genetic counselors has been maintained and that the number of hours of continuing education required under division (B)(2) of this section has been completed. 84264  
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If a genetic counselor certifies that the genetic counselor has completed the number of hours and type of continuing education required for renewal of a license, and the board finds through the random sample or any other means that the genetic counselor did not complete the requisite continuing education, the board may impose a civil penalty of not more than five thousand dollars. ~~The~~ If a civil penalty is imposed in addition to any other action the board takes under section 4778.14 of the Revised Code, the board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members. A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4778.14 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 84269  
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**Sec. 4778.14.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a genetic counselor to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the 84284  
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license.	84289
(B) The board, by an affirmative vote of not fewer than six	84290
members, shall, to the extent permitted by law, limit, revoke, or	84291
suspend an individual's license to practice as a genetic	84292
counselor, refuse to issue a license to an applicant, <u>refuse to</u>	84293
<u>renew a license</u> , refuse to reinstate a license, or reprimand or	84294
place on probation the holder of a license for any of the	84295
following reasons:	84296
(1) Permitting the holder's name or license to be used by	84297
another person;	84298
(2) Failure to comply with the requirements of this chapter,	84299
Chapter 4731. of the Revised Code, or any rules adopted by the	84300
board;	84301
(3) Violating or attempting to violate, directly or	84302
indirectly, or assisting in or abetting the violation of, or	84303
conspiring to violate, any provision of this chapter, Chapter	84304
4731. of the Revised Code, or the rules adopted by the board;	84305
(4) A departure from, or failure to conform to, minimal	84306
standards of care of similar practitioners under the same or	84307
similar circumstances whether or not actual injury to the patient	84308
is established;	84309
(5) Inability to practice according to acceptable and	84310
prevailing standards of care by reason of mental illness or	84311
physical illness, including physical deterioration that adversely	84312
affects cognitive, motor, or perceptive skills;	84313
(6) Impairment of ability to practice according to acceptable	84314
and prevailing standards of care because of habitual or excessive	84315
use or abuse of drugs, alcohol, or other substances that impair	84316
ability to practice;	84317
(7) Willfully betraying a professional confidence;	84318



(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor. 84319  
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 84322  
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 84330  
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 84333  
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 84336  
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(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 84339  
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 84342  
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(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 84345  
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(15) Commission of an act involving moral turpitude that 84348

constitutes a misdemeanor in this state, regardless of the 84349  
jurisdiction in which the act was committed; 84350

(16) A plea of guilty to, a judicial finding of guilt of, or 84351  
a judicial finding of eligibility for intervention in lieu of 84352  
conviction for violating any state or federal law regulating the 84353  
possession, distribution, or use of any drug, including 84354  
trafficking in drugs; 84355

(17) Any of the following actions taken by an agency 84356  
responsible for authorizing, certifying, or regulating an 84357  
individual to practice a health care occupation or provide health 84358  
care services in this state or in another jurisdiction, for any 84359  
reason other than the nonpayment of fees: the limitation, 84360  
revocation, or suspension of an individual's license to practice; 84361  
acceptance of an individual's license surrender; denial of a 84362  
license; refusal to renew or reinstate a license; imposition of 84363  
probation; or issuance of an order of censure or other reprimand; 84364

(18) Violation of the conditions placed by the board on a 84365  
license to practice as a genetic counselor; 84366

(19) Failure to cooperate in an investigation conducted by 84367  
the board under section 4778.18 of the Revised Code, including 84368  
failure to comply with a subpoena or order issued by the board or 84369  
failure to answer truthfully a question presented by the board at 84370  
a deposition or in written interrogatories, except that failure to 84371  
cooperate with an investigation shall not constitute grounds for 84372  
discipline under this section if a court of competent jurisdiction 84373  
has issued an order that either quashes a subpoena or permits the 84374  
individual to withhold the testimony or evidence in issue; 84375

(20) Failure to maintain the individual's status as a 84376  
certified genetic counselor; 84377

(21) Failure to comply with the code of ethics established by 84378  
the national society of genetic counselors. 84379

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a genetic counselor or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility

for intervention in lieu of conviction, the board issued a notice 84412  
of opportunity for a hearing or took other formal action under 84413  
Chapter 119. of the Revised Code prior to the court's order to 84414  
seal the records. The board shall not be required to seal, 84415  
destroy, redact, or otherwise modify its records to reflect the 84416  
court's sealing of conviction records. 84417

(F) For purposes of this division, any individual who holds a 84418  
license to practice as a genetic counselor, or applies for a 84419  
license, shall be deemed to have given consent to submit to a 84420  
mental or physical examination when directed to do so in writing 84421  
by the board and to have waived all objections to the 84422  
admissibility of testimony or examination reports that constitute 84423  
a privileged communication. 84424

(1) In enforcing division (B)(5) of this section, the board, 84425  
on a showing of a possible violation, may compel any individual 84426  
who holds a license to practice as a genetic counselor or who has 84427  
applied for a license to practice as a genetic counselor to submit 84428  
to a mental or physical examination, or both. A physical 84429  
examination may include an HIV test. The expense of the 84430  
examination is the responsibility of the individual compelled to 84431  
be examined. Failure to submit to a mental or physical examination 84432  
or consent to an HIV test ordered by the board constitutes an 84433  
admission of the allegations against the individual unless the 84434  
failure is due to circumstances beyond the individual's control, 84435  
and a default and final order may be entered without the taking of 84436  
testimony or presentation of evidence. If the board finds a 84437  
genetic counselor unable to practice because of the reasons set 84438  
forth in division (B)(5) of this section, the board shall require 84439  
the genetic counselor to submit to care, counseling, or treatment 84440  
by physicians approved or designated by the board, as a condition 84441  
for an initial, continued, reinstated, or renewed license to 84442  
practice. An individual affected by this division shall be 84443

afforded an opportunity to demonstrate to the board the ability to 84444  
resume practicing in compliance with acceptable and prevailing 84445  
standards of care. 84446

(2) For purposes of division (B)(6) of this section, if the 84447  
board has reason to believe that any individual who holds a 84448  
license to practice as a genetic counselor or any applicant for a 84449  
license suffers such impairment, the board may compel the 84450  
individual to submit to a mental or physical examination, or both. 84451  
The expense of the examination is the responsibility of the 84452  
individual compelled to be examined. Any mental or physical 84453  
examination required under this division shall be undertaken by a 84454  
treatment provider or physician qualified to conduct such 84455  
examination and chosen by the board. 84456

Failure to submit to a mental or physical examination ordered 84457  
by the board constitutes an admission of the allegations against 84458  
the individual unless the failure is due to circumstances beyond 84459  
the individual's control, and a default and final order may be 84460  
entered without the taking of testimony or presentation of 84461  
evidence. If the board determines that the individual's ability to 84462  
practice is impaired, the board shall suspend the individual's 84463  
license or deny the individual's application and shall require the 84464  
individual, as a condition for an initial, continued, reinstated, 84465  
or renewed license, to submit to treatment. 84466

Before being eligible to apply for reinstatement of a license 84467  
suspended under this division, the genetic counselor shall 84468  
demonstrate to the board the ability to resume practice in 84469  
compliance with acceptable and prevailing standards of care. The 84470  
demonstration shall include the following: 84471

(a) Certification from a treatment provider approved under 84472  
section 4731.25 of the Revised Code that the individual has 84473  
successfully completed any required inpatient treatment; 84474

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 84475  
84476

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 84477  
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The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 84483  
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When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the genetic counselor has maintained sobriety. 84486  
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(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing: 84495  
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(1) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section; 84498  
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 84500  
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Written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license 84502  
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without a prior hearing. A telephone conference call may be 84506  
utilized for reviewing the allegations and taking the vote on the 84507  
summary suspension. 84508

The board shall issue a written order of suspension by 84509  
certified mail or in person in accordance with section 119.07 of 84510  
the Revised Code. The order shall not be subject to suspension by 84511  
the court during pendency of any appeal filed under section 119.12 84512  
of the Revised Code. If the genetic counselor requests an 84513  
adjudicatory hearing by the board, the date set for the hearing 84514  
shall be within fifteen days, but not earlier than seven days, 84515  
after the genetic counselor requests the hearing, unless otherwise 84516  
agreed to by both the board and the genetic counselor. 84517

A summary suspension imposed under this division shall remain 84518  
in effect, unless reversed on appeal, until a final adjudicative 84519  
order issued by the board pursuant to this section and Chapter 84520  
119. of the Revised Code becomes effective. The board shall issue 84521  
its final adjudicative order within sixty days after completion of 84522  
its hearing. Failure to issue the order within sixty days shall 84523  
result in dissolution of the summary suspension order, but shall 84524  
not invalidate any subsequent, final adjudicative order. 84525

(H) If the board takes action under division (B)(10), (12), 84526  
or (13) of this section, and the judicial finding of guilt, guilty 84527  
plea, or judicial finding of eligibility for intervention in lieu 84528  
of conviction is overturned on appeal, on exhaustion of the 84529  
criminal appeal, a petition for reconsideration of the order may 84530  
be filed with the board along with appropriate court documents. On 84531  
receipt of a petition and supporting court documents, the board 84532  
shall reinstate the license to practice as a genetic counselor. 84533  
The board may then hold an adjudication under Chapter 119. of the 84534  
Revised Code to determine whether the individual committed the act 84535  
in question. Notice of opportunity for hearing shall be given in 84536  
accordance with Chapter 119. of the Revised Code. If the board 84537

finds, pursuant to an adjudication held under this division, that 84538  
the individual committed the act, or if no hearing is requested, 84539  
it may order any of the sanctions specified in division (B) of 84540  
this section. 84541

(I) The license to practice as a genetic counselor and the 84542  
counselor's practice in this state are automatically suspended as 84543  
of the date the genetic counselor pleads guilty to, is found by a 84544  
judge or jury to be guilty of, or is subject to a judicial finding 84545  
of eligibility for intervention in lieu of conviction in this 84546  
state or treatment of intervention in lieu of conviction in 84547  
another jurisdiction for any of the following criminal offenses in 84548  
this state or a substantially equivalent criminal offense in 84549  
another jurisdiction: aggravated murder, murder, voluntary 84550  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 84551  
gross sexual imposition, aggravated arson, aggravated robbery, or 84552  
aggravated burglary. Continued practice after the suspension shall 84553  
be considered practicing without a license. 84554

The board shall notify the individual subject to the 84555  
suspension by certified mail or in person in accordance with 84556  
section 119.07 of the Revised Code. If an individual whose license 84557  
is suspended under this division fails to make a timely request 84558  
for an adjudication under Chapter 119. of the Revised Code, the 84559  
board shall enter a final order permanently revoking the 84560  
individual's license to practice. 84561

(J) In any instance in which the board is required by Chapter 84562  
119. of the Revised Code to give notice of opportunity for hearing 84563  
and the individual subject to the notice does not timely request a 84564  
hearing in accordance with section 119.07 of the Revised Code, the 84565  
board is not required to hold a hearing, but may adopt, by an 84566  
affirmative vote of not fewer than six of its members, a final 84567  
order that contains the board's findings. In the final order, the 84568  
board may order any of the sanctions identified under division (A) 84569



or (B) of this section. 84570

(K) Any action taken by the board under division (B) of this 84571  
section resulting in a suspension shall be accompanied by a 84572  
written statement of the conditions under which the license of the 84573  
genetic counselor may be reinstated. The board shall adopt rules 84574  
in accordance with Chapter 119. of the Revised Code governing 84575  
conditions to be imposed for reinstatement. Reinstatement of a 84576  
license suspended pursuant to division (B) of this section 84577  
requires an affirmative vote of not fewer than six members of the 84578  
board. 84579

(L) When the board refuses to grant or issue a license to 84580  
practice as a genetic counselor to an applicant, revokes an 84581  
individual's license, refuses to renew a an individual's license, 84582  
or refuses to reinstate an individual's license, the board may 84583  
specify that its action is permanent. An individual subject to a 84584  
permanent action taken by the board is forever thereafter 84585  
ineligible to hold a license to practice as a genetic counselor 84586  
and the board shall not accept an application for reinstatement of 84587  
the license or for issuance of a new license. 84588

(M) Notwithstanding any other provision of the Revised Code, 84589  
all of the following apply: 84590

(1) The surrender of a license to practice as a genetic 84591  
counselor is not effective unless or until accepted by the board. 84592  
A telephone conference call may be utilized for acceptance of the 84593  
surrender of an individual's license. The telephone conference 84594  
call shall be considered a special meeting under division (F) of 84595  
section 121.22 of the Revised Code. Reinstatement of a license 84596  
surrendered to the board requires an affirmative vote of not fewer 84597  
than six members of the board. 84598

(2) An application made under this chapter for a license to 84599  
practice may not be withdrawn without approval of the board. 84600

(3) Failure by an individual to renew a license in accordance with section 4778.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

**Sec. 4778.141.** (A)(1) If a genetic counselor violates any section of this chapter other than section 4778.06 of the Revised Code or violates any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4778.14 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(6) of section 4778.14 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring.

**Sec. 4905.71.** (A) Every telephone or electric light company that is a public utility as defined by section 4905.02 of the Revised Code and, subject to section 4927.15 of the Revised Code,

every incumbent local exchange carrier as defined by section 84631  
4927.01 of the Revised Code shall permit, upon reasonable terms 84632  
and conditions and the payment of reasonable charges, the 84633  
attachment of any wire, cable, facility, or apparatus to its 84634  
poles, pedestals, or placement of same in conduit duct space, by 84635  
any person or entity other than a public utility that is 84636  
authorized and has obtained, under law, any necessary public or 84637  
private authorization and permission to construct and maintain the 84638  
attachment, so long as the attachment does not interfere, 84639  
obstruct, or delay the service and operation of the ~~telephone or~~ 84640  
~~electric light~~ company or carrier, or create a hazard to safety. 84641  
Every such ~~telephone or electric light~~ company or carrier shall 84642  
file tariffs with the public utilities commission containing the 84643  
charges, terms, and conditions established for such use. 84644

(B) The commission shall regulate the justness and 84645  
reasonableness of the charges, terms, and conditions contained in 84646  
any such tariff, and may, upon complaint of any persons in which 84647  
it appears that reasonable grounds for complaint are stated, or 84648  
upon its own initiative, investigate such charges, terms, and 84649  
conditions and conduct a hearing to establish just and reasonable 84650  
charges, terms, and conditions, and to resolve any controversy 84651  
that may arise among the parties as to such attachment. 84652

**Sec. 4905.81.** The public utilities commission shall: 84653

(A) Supervise and regulate each motor carrier; 84654

(B) Regulate the safety of operation of each motor carrier, 84655  
and of each intermodal equipment provider as defined in section 84656  
4923.041 of the Revised Code; 84657

(C) Adopt reasonable safety rules applicable to the highway 84658  
transportation of persons or property in interstate and intrastate 84659  
commerce by motor carriers; 84660

(D) Adopt safety rules applicable to the transportation and 84661  
offering for transportation of hazardous materials in interstate 84662  
and intrastate commerce by motor carriers. The rules shall not be 84663  
incompatible with the requirements of the United States department 84664  
of transportation. 84665

(E) Require the filing of reports and other data by motor 84666  
carriers; 84667

(F) Adopt reasonable rules for the administration and 84668  
enforcement of this chapter and Chapters 4901., 4903., 4907., 84669  
4909., 4921., and 4923. of the Revised Code applying to each motor 84670  
carrier in this state; 84671

(G) Supervise and regulate motor carriers in all other 84672  
matters affecting the relationship between those carriers and the 84673  
public to the exclusion of all local authorities, except as 84674  
provided in this section. The commission, in the exercise of the 84675  
jurisdiction conferred upon it by this chapter and Chapters 4901., 84676  
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 84677  
adopt rules affecting motor carriers, notwithstanding the 84678  
provisions of any ordinance, resolution, license, or permit 84679  
enacted, adopted, or granted by any township, municipal 84680  
corporation, municipal corporation and county, or county. In case 84681  
of conflict between any such ordinance, resolution, license, or 84682  
permit, the order or rule of the commission shall prevail. Local 84683  
subdivisions may adopt reasonable local police rules within their 84684  
respective boundaries not inconsistent with those chapters and 84685  
rules adopted under them. 84686

The commission has jurisdiction to receive, hear, and 84687  
determine as a question of fact, upon complaint of any party or 84688  
upon its own motion, and upon not less than fifteen days' notice 84689  
of the time and place of the hearing and the matter to be heard, 84690  
whether any corporation, company, association, joint-stock 84691  
association, person, firm, or copartnership, or their lessees, 84692

legal or personal representatives, trustees, or receivers or 84693  
trustees appointed by any court, is engaged as a motor carrier. 84694  
The finding of the commission on such a question is a final order 84695  
that may be reviewed as provided in section 4923.15 of the Revised 84696  
Code. 84697

**Sec. 4909.161.** (A) Notwithstanding the provisions of Chapters 84698  
4905. and 4909. of the Revised Code, the payment of any type of 84699  
increased excise tax levy shall be considered to be a normal 84700  
expense incurred by a public utility in the course of rendering 84701  
service to the public, and may be recovered as such in accordance 84702  
with an order of the public utilities commission. Any public 84703  
utility required to pay any such increased excise tax levy may 84704  
file with the public utilities commission revised rate schedules 84705  
that will permit full recovery on an interim or permanent basis in 84706  
its rates, of the amount of any resultant increased tax payments 84707  
and the commission shall promptly act to approve such schedules. 84708  
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(B) Notwithstanding Chapters 4905. and 4909. of the Revised 84710  
Code, the payment of the kilowatt-hour tax imposed by section 84711  
5727.81 of the Revised Code shall be considered a normal expense 84712  
incurred by an electric distribution utility, as defined in 84713  
section 4928.01 of the Revised Code, in the course of rendering 84714  
service to the public, and may be recovered as such in accordance 84715  
with an order of the commission. An electric distribution utility 84716  
required to pay the kilowatt-hour tax may file with the commission 84717  
revised rate schedules, consistent with Chapters 4905. and 4909. 84718  
and division (A)(6) of section 4928.34 of the Revised Code, that 84719  
will permit full recovery on a permanent basis in its rates, of 84720  
the amount of any resultant tax payments, after taking into 84721  
account any reductions of taxes in its rates resulting from Sub. 84722  
S.B. No. 3 of the 123rd general assembly, and the commission shall 84723  
act promptly to approve those schedules. 84724

(C) Notwithstanding the provisions of Chapters 4905. and 4909. of the Revised Code, the payment of any increased tax on transmission and distribution property and energy conversion equipment that results from the amendment of divisions (E) and (H) of section 5727.111 of the Revised Code by H.B. 64 of the 131st general assembly shall be considered to be a normal expense incurred by an electric company in the course of rendering service to the public, and may be recovered as such in accordance with an order of the commission. Any electric company required to pay any such increased tax may file with the commission a request for a reconcilable rider that will permit full recovery of the amount of any resultant increased tax payments, and the commission shall promptly approve the rider.

**Sec. 4911.021.** The consumers' counsel shall not operate a telephone call center for consumer complaints. ~~Any~~ However, for any calls received by the consumers' counsel concerning consumer complaints shall be forwarded, the consumers' counsel may assist consumers with their complaints or forward the calls to the public utilities commission's call center.

**Sec. 4923.04.** (A)~~(1)~~ The public utilities commission shall adopt rules applicable to ~~the~~ all of the following:

(1) The transportation of persons or property by motor carriers operating in interstate and intrastate commerce;

~~(2) The commission shall adopt rules applicable to the highway transportation and offering for transportation of hazardous materials by motor carriers, and persons engaging in the highway transportation and offering for transportation of hazardous materials, operating in interstate or intrastate commerce;~~

(3) The use and interchange of intermodal equipment, as those

terms are defined in section 4923.041 of the Revised Code. 84755

(B) The rules adopted under division (A) of this section 84756  
shall not be incompatible with the requirements of the United 84757  
States department of transportation. 84758

(C) To achieve the purposes of this chapter and to assist the 84759  
commission in the performance of any of its powers or duties, the 84760  
commission, either through the public utilities commissioners or 84761  
employees authorized by it, may do either or both of the 84762  
following: 84763

(1) Apply for, and any judge of a court of record of 84764  
competent jurisdiction may issue, an appropriate search warrant; 84765

(2) Examine under oath, at the offices of the commission, any 84766  
officer, agent, or employee of any person subject to this chapter. 84767  
The commission, by subpoena, also may compel the attendance of a 84768  
witness for the purpose of the examination and, by subpoena duces 84769  
tecum, may compel the production of all books, contracts, records, 84770  
and documents that relate to ~~the transportation and offering for~~ 84771  
~~transportation of hazardous materials~~ compliance with this chapter 84772  
or compliance with rules adopted under this chapter. 84773

**Sec. 4923.041.** (A) As used in section 4923.04 of the Revised 84774  
Code: 84775

"Interchange" means the act of providing intermodal equipment 84776  
to a motor carrier pursuant to an intermodal equipment interchange 84777  
agreement for the purpose of transporting the equipment for 84778  
loading or unloading by any person or repositioning the equipment 84779  
for the benefit of the equipment provider, but it does not include 84780  
the leasing of equipment to a motor carrier for primary use in the 84781  
motor carrier's freight hauling operations. 84782

"Intermodal equipment" means trailing equipment that is used 84783  
in the intermodal transportation of containers over public 84784

highways in interstate commerce, including trailers and chassis. 84785

(B) As used in this section: 84786

"Intermodal equipment interchange agreement" means the 84787  
uniform intermodal interchange and facilities access agreement or 84788  
any other written document executed by an intermodal equipment 84789  
provider or its agent and a motor carrier or its agent, the 84790  
primary purpose of which is to establish the responsibilities and 84791  
liabilities of both parties with respect to the interchange of the 84792  
intermodal equipment. 84793

"Intermodal equipment provider" means any person that 84794  
interchanges intermodal equipment with a motor carrier pursuant to 84795  
a written interchange agreement or has a contractual 84796  
responsibility for the maintenance of the intermodal equipment. 84797

"Person" means any individual, partnership, association, 84798  
corporation, business trust, or any other organized group of 84799  
individuals. 84800

**Sec. 4927.01.** (A) As used in this chapter: 84801

(1) "Basic local exchange service" means residential-end-user 84802  
access to and usage of telephone-company-provided services over a 84803  
single line or small-business-end-user access to and usage of 84804  
telephone-company-provided services over the primary access line 84805  
of service, which in the case of residential and small-business 84806  
access and usage is not part of a bundle or package of services, 84807  
that does both of the following: 84808

(a) Enables a customer to originate or receive voice 84809  
communications within a local service area as that area exists on 84810  
September 13, 2010, ~~the effective date of the amendment of this~~ 84811  
~~section by S.B. 162 of the 128th general assembly or as that area~~ 84812  
is changed with the approval of the public utilities commission; 84813

(b) Consists of all of the following services: 84814



(i) Local dial tone service;	84815
(ii) For residential end users, flat-rate telephone exchange service;	84816 84817
(iii) Touch tone dialing service;	84818
(iv) Access to and usage of 9-1-1 services, where such services are available;	84819 84820
(v) Access to operator services and directory assistance;	84821
(vi) Provision of a telephone directory in any reasonable format for no additional charge and a listing in that directory, with reasonable accommodations made for private listings;	84822 84823 84824
(vii) Per call, caller identification blocking services;	84825
(viii) Access to telecommunications relay service; and	84826
(ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.	84827 84828
<u>"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.</u>	84829 84830 84831
(2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.	84832 84833 84834
(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.	84835 84836 84837 84838 84839 84840
(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in	84841 84842 84843

accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(5) "Incumbent local exchange carrier" means, with respect to an area, the local exchange carrier that:

(a) On February 8, 1996, provided telephone exchange service in such area; and

(b)(i) On February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to 47 C.F.R. 69.601(b); or

(ii) Is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in division (A)(5)(b)(i) of this section.

(6) "Internet protocol-enabled services" means any services, capabilities, functionalities, or applications that are provided using internet protocol or a successor protocol to enable an end user to send or receive communications in internet protocol format or a successor format, regardless of how any particular such service is classified by the federal communications commission, and includes voice over internet protocol service.

(7) "Interstate-access component" means the portion of carrier access that is within the jurisdiction of the federal communications commission.

(8) "Local exchange carrier" means any person engaged in the provision of telephone exchange service, or the offering of access to telephone exchange service or facilities for the purpose of originating or terminating telephone toll service.

~~(8)~~(9) "Local service area" means the geographic area that may encompass more than one exchange area and within which a telephone customer, by paying the rate for basic local exchange

service, may complete calls to other telephone customers without 84874  
being assessed long distance toll charges. 84875

~~(9)~~(10) "Small business" means a nonresidential service 84876  
customer with three or fewer service access lines. 84877

~~(10)~~(11) "Telecommunications" means the transmission, between 84878  
or among points specified by the user, of information of the 84879  
user's choosing, without change in the form or content of the 84880  
information as sent and received. 84881

~~(11)~~(12) "Telecommunications carrier" has the same meaning as 84882  
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 84883  
153. 84884

~~(12)~~(13) "Telecommunications service" means the offering of 84885  
telecommunications for a fee directly to the public, or to such 84886  
classes of users as to be effectively available directly to the 84887  
public, regardless of the facilities used. 84888

~~(13)~~(14) "Telephone company" means a company described in 84889  
division (A) of section 4905.03 of the Revised Code that is a 84890  
public utility under section 4905.02 of the Revised Code. 84891

~~(14)~~(15) "Telephone exchange service" means 84892  
telecommunications service that is within a telephone exchange, or 84893  
within a connected system of telephone exchanges within the same 84894  
exchange area operated to furnish to subscribers 84895  
intercommunicating service of the character ordinarily furnished 84896  
by a single exchange, and that is covered by the exchange service 84897  
charge; or comparable service provided through a system of 84898  
switches, transmission equipment, or other facilities, or 84899  
combination thereof, by which a customer can originate and 84900  
terminate a telecommunications service. 84901

~~(15)~~(16) "Telephone toll service" means telephone service 84902  
between stations in different exchange areas for which there is 84903  
made a separate charge not included in contracts with customers 84904

for exchange service. 84905

~~(16)~~(17) "Voice over internet protocol service" means a 84906  
service that ~~uses a broadband connection from an end user's~~ 84907  
~~location and~~ enables real-time, two-way, voice communications that 84908  
originate or terminate from the user's location using internet 84909  
protocol or a successor protocol, including, but not limited to, 84910  
any such service that permits an end user to receive calls from 84911  
and terminate calls to the public switched network. 84912

~~(17)~~(18) "Voice service" includes all of the applicable 84913  
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 84914  
is not the same as basic local exchange service. 84915

(19) "Wireless service" means federally licensed commercial 84916  
mobile service as defined in the "Telecommunications Act of 1996," 84917  
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 84918  
commercial mobile radio service in 47 C.F.R. 20.3. Under division 84919  
(A)~~(17)~~(19) of this section, commercial mobile radio service is 84920  
specifically limited to mobile telephone, mobile cellular 84921  
telephone, paging, personal communications services, and 84922  
specialized mobile radio service provided by a common carrier in 84923  
this state and excludes fixed wireless service. 84924

~~(18)~~(20) "Wireless service provider" means a facilities-based 84925  
provider of wireless service to one or more end users in this 84926  
state. 84927

(B) The definitions of this section shall be applied 84928  
consistent with the definitions in the "Telecommunications Act of 84929  
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 84930  
federal decisions interpreting those definitions. 84931

**Sec. 4927.02.** (A) It is the policy of this state to: 84932

(1) Ensure the availability of adequate basic local exchange 84933  
service or voice service to citizens throughout the state; 84934

(2) Provide incentives for competing providers of telecommunications service to provide advanced, high-quality telecommunications service to citizens throughout the state;	84935 84936 84937
(3) Rely primarily on market forces, where they exist, to maintain reasonable service levels for telecommunications services at reasonable rates;	84938 84939 84940
(4) Encourage innovation in the telecommunications industry and the deployment of advanced telecommunications services;	84941 84942
(5) Create a regulatory climate that provides incentives to create and maintain high technology jobs for Ohioans;	84943 84944
(6) Promote diversity and options in the supply of telecommunications services and equipment throughout the state;	84945 84946
(7) Recognize the continuing emergence of a competitive telecommunications environment through flexible regulatory treatment of telecommunications services where appropriate;	84947 84948 84949
(8) Consider the regulatory treatment of competing and functionally equivalent services and, to the extent practicable, provide for equivalent regulation of all telephone companies and services;	84950 84951 84952 84953
(9) Not unduly favor or advantage any provider and not unduly disadvantage providers of competing and functionally equivalent services; and	84954 84955 84956
(10) Protect the affordability of telephone service for low-income subscribers through the continuation of federal lifeline assistance programs.	84957 84958 84959
(B) The public utilities commission shall consider the policy set forth in this section in carrying out this chapter.	84960 84961
<b>Sec. 4927.07.</b> (A) <u>A Except as provided under the notice requirements of section 4927.10 of the Revised Code, a telephone</u>	84962 84963

company may withdraw any telecommunications service if it gives at 84964  
least thirty days' prior notice to the public utilities commission 84965  
and to its affected customers. 84966

(B) ~~A~~ Except as provided under the notice requirements of 84967  
section 4927.10 of the Revised Code, a telephone company may 84968  
abandon entirely telecommunications service in this state if it 84969  
gives at least thirty days' prior notice to the commission, to its 84970  
wholesale and retail customers, and to any telephone company 84971  
wholesale provider of its services. 84972

(C) Divisions (A) and (B) of this section do not apply to any 84973  
of the following: 84974

(1) ~~Basic local exchange service provided by an incumbent~~ 84975  
~~local exchange carrier;~~ 84976

~~(2)~~ Pole attachments under section 4905.71 of the Revised 84977  
Code; 84978

~~(3)~~(2) Conduit occupancy under section 4905.71 of the Revised 84979  
Code; 84980

~~(4)~~(3) Interconnection and resale agreements approved under 84981  
the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 84982  
et seq., as amended. 84983

(D) ~~An~~ Except as provided in section 4927.10 of the Revised 84984  
Code, an incumbent local exchange carrier may not withdraw or 84985  
abandon basic local exchange service. 84986

(E) ~~A~~ Neither a telephone company nor an incumbent local 84987  
exchange carrier may ~~not~~, without first filing a request with the 84988  
commission and obtaining commission approval, withdraw any tariff 84989  
filed with the commission for pole attachments or conduit 84990  
occupancy under section 4905.71 of the Revised Code or abandon 84991  
service provided under that section. 84992

Sec. 4927.10. (A) Subject to division (B) of this section, if 84993  
the federal communications commission adopts an order that allows 84994  
an incumbent local exchange carrier to withdraw the 84995  
interstate-access component of its basic local exchange service 84996  
under 47 U.S.C. 214, neither of the following shall apply, 84997  
beginning when the order is adopted, with regard to any exchange 84998  
area in which an incumbent local exchange carrier withdraws that 84999  
component: 85000

(1) The prohibition contained in division (D) of section 85001  
4927.07 of the Revised Code against the withdrawal or abandonment 85002  
of basic local exchange service by an incumbent local exchange 85003  
carrier, provided that the carrier gives at least one hundred 85004  
twenty days' prior notice to the public utilities commission and 85005  
to its affected customers of the withdrawal or abandonment; 85006

(2) The requirements contained in division (A) of section 85007  
4927.11 of the Revised Code. 85008

(B) If a residential customer to whom notice has been given 85009  
under this section will be unable to obtain reasonable and 85010  
comparatively priced voice service upon the carrier's withdrawal 85011  
or abandonment of basic local exchange service, the customer may 85012  
file a petition with the public utilities commission not later 85013  
than ninety days prior to the effective date of the withdrawal or 85014  
abandonment. If a residential customer is identified by the 85015  
collaborative process established under Section 749.10 of H.B. 64 85016  
of the 131st general assembly as a customer who will be unable to 85017  
obtain reasonable and comparatively priced voice service upon the 85018  
withdrawal or abandonment of basic local exchange service, that 85019  
customer shall be treated as though the customer filed a timely 85020  
petition under this division. 85021

(1) The public utilities commission shall issue an order 85022  
disposing of the petition not later than ninety days after the 85023

filing of the petition. 85024

(a) If the public utilities commission determines after an investigation that no reasonable and comparatively priced voice service will be available to the affected customer at the customer's residence, the public utilities commission shall attempt to identify a willing provider of a reasonable and comparatively priced voice service to serve the customer. 85025  
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(b) If no willing provider is identified, the public utilities commission may order the withdrawing or abandoning carrier to provide a reasonable and comparatively priced voice service to the customer at the customer's residence. 85031  
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(c) The willing provider or the carrier, as applicable, may utilize any technology or service arrangement to provide the voice service. 85035  
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(2) Except as provided in division (B)(2) of this section, an order adopted under division (B)(1)(b) of this section shall not be in effect for more than twelve months after the date that it is issued. If an order is issued under division (B)(1)(b) of this section, the public utilities commission shall evaluate, during the twelve-month period in which the order is effective, whether an alternative reasonable and comparatively priced voice service is found to exist for the affected customer. If no such voice service is available, the public utilities commission may extend the order for one additional twelve-month period. If, at the end of the second twelve-month period, no alternative reasonable and comparatively priced voice service is available, the public utilities commission may order the withdrawing or abandoning carrier to continue to provide a reasonable and comparatively priced voice service to the affected customer at the customer's residence, utilizing any technology or service arrangement to provide the voice service. 85038  
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(3) For purposes of this division, the public utilities commission shall define the term "reasonable and comparatively priced voice service" to include service that provides voice grade access to the public switched network or its functional equivalent, access to 9-1-1, and that is competitively priced, when considering all the alternatives in the marketplace and their functionalities. 85055  
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**Sec. 4927.101.** (A) Section 4927.10 of the Revised Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 of the Revised Code made by H.B. 64 of the 131st general assembly shall not affect any of the following: 85062  
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(1) Any contractual obligation, including agreements under the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 251 and 252, as amended; 85066  
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(2) Any right or obligation under federal law or rules; 85069

(3) The carrier-access requirements under section 4927.15 of the Revised Code; 85070  
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(4) Any right or obligation under section 4905.71 of the Revised Code; 85072  
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(5) Any state law or rule adopted under this title related to wholesale rights or obligations. 85074  
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(B) The amendments to section 4927.15 of the Revised Code made by H.B. 64 of the 131st general assembly shall not affect the obligations and rights described in divisions (A)(1), (2), (4), and (5) of this section. 85076  
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**Sec. 4927.11.** (A) Except as otherwise provided in this section and section 4927.10 of the Revised Code, an incumbent local exchange carrier shall provide basic local exchange service to all persons or entities in its service area requesting that 85080  
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service, and that service shall be provided on a reasonable and nondiscriminatory basis. 85084  
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(B)(1) An incumbent local exchange carrier is not obligated to construct facilities and provide basic local exchange service, or any other telecommunications service, to the occupants of multitenant real estate, including, but not limited to, apartments, condominiums, subdivisions, office buildings, or office parks, if the owner, operator, or developer of the multitenant real estate does any of the following to the benefit of any other telecommunications service provider: 85086  
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(a) Permits only one provider of telecommunications service to install the company's facilities or equipment during the construction or development phase of the multitenant real estate; 85094  
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(b) Accepts or agrees to accept incentives or rewards that are offered by a telecommunications service provider to the owner, operator, developer, or occupants of the multitenant real estate and are contingent on the provision of telecommunications service by that provider to the occupants, to the exclusion of services provided by other telecommunications service providers; 85097  
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(c) Collects from the occupants of the multitenant real estate any charges for the provision of telecommunications service to the occupants, including charges collected through rents, fees, or dues. 85103  
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(2) A carrier not obligated to construct facilities and provide basic local exchange service pursuant to division (B)(1) of this section shall notify the public utilities commission of that fact within one hundred twenty days of receiving knowledge thereof. 85107  
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(3) The commission by rule may establish a process for determining a necessary successor telephone company to provide 85112  
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service to real estate described in division (B)(1) of this 85114  
section when the circumstances described in that division cease to 85115  
exist. 85116

(4) An incumbent local exchange carrier that receives a 85117  
request from any person or entity to provide service under the 85118  
circumstances described in division (B)(1) of this section shall, 85119  
within fifteen days of such receipt, provide notice to the person 85120  
or entity specifying whether the carrier will provide the 85121  
requested service. If the carrier provides notice that it will not 85122  
serve the person or entity, the notice shall describe the person's 85123  
or entity's right to file a complaint with the commission under 85124  
section 4927.21 of the Revised Code within thirty days after 85125  
receipt of the notice. In resolving any such complaint, the 85126  
commission's determination shall be limited to whether any 85127  
circumstance described in divisions (B)(1)(a) to (c) of this 85128  
section exists. Upon a finding by the commission that such a 85129  
circumstance exists, the complaint shall be dismissed. Upon a 85130  
finding that such circumstances do not exist, the person's or 85131  
entity's sole remedy shall be provision by the carrier of the 85132  
requested service within a reasonable time. 85133

(C) An incumbent local exchange carrier may apply to the 85134  
commission for a waiver from compliance with division (A) of this 85135  
section. The application shall include, at a minimum, the reason 85136  
for the requested waiver, the number of persons or entities who 85137  
would be impacted by the waiver, and the alternatives that would 85138  
be available to those persons or entities if the waiver were 85139  
granted. The incumbent local exchange carrier applying for the 85140  
waiver shall publish notice of the waiver application one time in 85141  
a newspaper of general circulation throughout the service area 85142  
identified in the application and shall provide additional notice 85143  
to affected persons or entities as required by the commission in 85144  
rules adopted under this division. The commission's rules shall 85145

define "affected" for purposes of this division. The commission 85146  
shall afford such persons or entities a reasonable opportunity to 85147  
comment to the commission on the application. This opportunity 85148  
shall include a public hearing conducted in accordance with rules 85149  
adopted under this division and conducted in the service area 85150  
identified in the application. After a reasonable opportunity to 85151  
comment has been provided, but not later than one hundred twenty 85152  
days after the application is filed, the commission either shall 85153  
issue an order granting the waiver if, upon investigation, it 85154  
finds the waiver to be just, reasonable, and not contrary to the 85155  
public interest, and that the applicant demonstrates a financial 85156  
hardship or an unusual technical limitation, or shall issue an 85157  
order denying the waiver based on a failure to meet those 85158  
standards and specifying the reasons for the denial. The 85159  
commission shall adopt rules to implement division (C) of this 85160  
section. 85161

**Sec. 4927.15.** (A)(1) The rates, terms, and conditions for 85162  
9-1-1 service provided in this state by a telephone company or a 85163  
telecommunications carrier and each of the following provided in 85164  
this state by a telephone company shall be approved and tariffed 85165  
in the manner prescribed by rule adopted by the public utilities 85166  
commission and shall be subject to the applicable laws, including 85167  
rules or regulations adopted and orders issued by the commission 85168  
or the federal communications commission: 85169

~~(1) Carrier access;~~ 85170

~~(2)(a) N-1-1 services, other than 9-1-1 service;~~ 85171

~~(3) Pole attachments and conduit occupancy under section 85172  
4905.71 of the Revised Code;~~ 85173

~~(4)(b) Pay telephone access lines;~~ 85174

~~(5)(c) Toll presubscription;~~ 85175

<del>(6)(d)</del> Telecommunications relay service.	85176
<u>(2) The rates, terms, and conditions for both of the</u>	85177
<u>following provided in this state by a telephone company or an</u>	85178
<u>incumbent local exchange carrier shall be approved and tariffed in</u>	85179
<u>the manner prescribed by rule adopted by the public utilities</u>	85180
<u>commission and shall be subject to the applicable laws, including</u>	85181
<u>rules or regulations adopted and orders issued by the commission</u>	85182
<u>or the federal communications commission:</u>	85183
<u>(a) Carrier access;</u>	85184
<u>(b) Pole attachments and conduit occupancy under section</u>	85185
<u>4905.71 of the Revised Code.</u>	85186
(B) The public utilities commission may order changes in a	85187
telephone company's rates for carrier access in this state subject	85188
to this division. In the event that the public utilities	85189
commission reduces a telephone company's rates for carrier access	85190
that are in effect on September 13, 2010, that reduction shall be	85191
on a revenue-neutral basis under terms and conditions established	85192
by the public utilities commission, and any resulting rate changes	85193
necessary to comply with division (B) or (C) of this section shall	85194
be in addition to any upward rate alteration made under section	85195
4927.12 of the Revised Code.	85196
(C) The public utilities commission has authority to address	85197
carrier access policy and to create and administer mechanisms for	85198
carrier access reform, including, but not limited to, high cost	85199
support.	85200
<b>Sec. 4928.54.</b> <del>Beginning on the starting date of competitive</del>	85201
<del>retail electric service, the</del> <u>The</u> director of development <del>may</del>	85202
<u>services shall</u> aggregate percentage of income payment plan program	85203
customers for the purpose of <del>competitively auctioning</del> <u>establishing</u>	85204
<u>a competitive procurement process for</u> the supply of competitive	85205

retail electric ~~generation~~ service ~~to~~ for those customers. The 85206  
process shall be an auction. Only bidders certified under section 85207  
4928.08 of the Revised Code ~~and further qualified under~~ 85208  
~~eligibility criteria the director prescribes by rule under~~ 85209  
~~division (B) of section 4928.53 of the Revised Code after~~ 85210  
~~consultation with the commission and electric light companies~~ 85211  
~~regarding any such rule. The objectives of~~ may participate in the 85212  
auction shall be to provide reliable retail electric generation 85213  
service to customers, based on selection criteria that the winning 85214  
bid provide the lowest cost and best value to customers. The rules 85215  
adopted by the director under division (b) of section 4928.53 of 85216  
the Revised Code shall ensure a fair and unbiased auction process 85217  
and the performance of any winning bidder. 85218

Sec. 4928.541. The competitive procurement process 85219  
established under section 4928.54 of the Revised Code shall be 85220  
conducted until a winning bid is or winning bids are selected. 85221

Sec. 4928.542. The winning bid or bids selected through the 85222  
competitive procurement process established under section 4928.54 85223  
of the Revised Code shall meet all of the following requirements: 85224

(A) Be designed to provide reliable competitive retail 85225  
electric service to percentage of income payment plan program 85226  
customers; 85227

(B) Reduce the cost of the percentage of income payment plan 85228  
program relative to the otherwise applicable standard service 85229  
offer established under sections 4928.141, 4928.142, and 4928.143 85230  
of the Revised Code; 85231

(C) Result in the best value for persons paying the universal 85232  
service rider under section 4928.52 of the Revised Code. 85233

Sec. 4928.543. The director of development services shall 85234

adopt rules in accordance with Chapter 119. of the Revised Code to 85235  
implement sections 4928.54, 4928.541, and 4928.542 of the Revised 85236  
Code. The rules shall ensure a fair and unbiased auction process 85237  
and the performance of the winning bidder or bidders. 85238

**Sec. 4928.544.** (A) For the purpose of facilitating compliance 85239  
with sections 4928.54, 4928.541, and 4928.542 of the Revised Code, 85240  
and upon written request by the director of development services, 85241  
the public utilities commission shall design, manage, and 85242  
supervise the competitive procurement process required by section 85243  
4928.54 of the Revised Code. To the extent reasonably possible, 85244  
and to minimize costs, the process may be designed based on any 85245  
existing competitive procurement process for the establishment of 85246  
the default generation supply price for electric distribution 85247  
utilities. 85248

This division does not preclude a process design that is 85249  
based on a competitive procurement process that applies to the 85250  
combined certified territories of electric distribution utilities 85251  
subject to common ownership. 85252

(B) The director of development services shall reimburse the 85253  
commission for its costs incurred under division (A) of this 85254  
section. The reimbursements constitute administrative costs of the 85255  
low-income customer assistance programs for the purpose of 85256  
division (A) of section 4928.51 of the Revised Code. 85257

**Sec. 4928.55.** The director of development services shall 85258  
establish an energy efficiency and weatherization program 85259  
targeted, to the extent practicable, to high-cost, high-volume use 85260  
structures occupied by customers eligible for the percentage of 85261  
income payment plan program, with the goal of reducing the energy 85262  
bills of the occupants. Acceptance of energy efficiency and 85263  
weatherization services provided by the program shall be a 85264

condition for the eligibility of any such customer to participate 85265  
in the percentage of income payment plan program. Any difference 85266  
~~between universal service fund revenues under section 4928.51 of~~ 85267  
~~the Revised Code and any savings in percentage of income payment~~ 85268  
~~plan program costs as a result of competitive auctioning under~~ 85269  
~~section 4928.54 of the Revised Code shall be reinvested in the~~ 85270  
~~targeted energy efficiency and weatherization program.~~ 85271

Sec. 4928.581. (A) The public benefits advisory board shall 85272  
conduct an independent investigation and analysis for the purpose 85273  
of making the report required under division (B) of this section. 85274

(B) With the approval of a majority of its voting members, 85275  
the board shall prepare a written report containing all of the 85276  
following: 85277

(1) For each year since the establishment of the universal 85278  
service fund and for each electric distribution utility, the 85279  
annual amount of revenue collected from customers for the purpose 85280  
of supporting the universal service fund and the low-income 85281  
customer assistance programs. 85282

(2) For 2016, 2017, and 2018, and for each electric 85283  
distribution utility, a forecast of the annual amount of revenue 85284  
that will be collected from customers for the purpose of 85285  
supporting the universal service fund and the low-income customer 85286  
assistance programs, assuming no changes are made to the programs. 85287  
The forecast shall identify all assumptions, input variables, and 85288  
values assigned to input variables. The forecast may include 85289  
alternative outcomes based on variations in the assumptions, 85290  
variables, and values, so as to show the sensitivity of the 85291  
forecast to alternative inputs. 85292

(3) A recommendation as to any changes that should be made to 85293  
the design and implementation of the current universal service 85294  
fund and the low-income customer assistance programs to ensure 85295



that energy services are provided to low-income and other consumers in this state in an affordable manner consistent with the policy specified in section 4928.02 of the Revised Code. 85296  
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(C) The report required under division (B) of this section may include dissenting views and alternative recommendations. 85299  
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(D) On or before December 15, 2015, the board shall submit the report required under division (B) of this section to the governor, the president of the senate, the speaker of the house of representatives, each member of the standing committees of both houses of the general assembly that have primary jurisdiction regarding public utility legislation, the director of development services, the chairperson of the public utilities commission, the Ohio consumers' counsel, and each member of the public benefits advisory board. 85301  
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**Sec. 4928.582.** (A) To discharge the duties under section 4928.581 of the Revised Code, the public benefits advisory board may obtain professional services as the board determines appropriate. The professionals shall be promptly reimbursed by the director of development services for the actual and necessary expenses incurred in the performance of their duties under section 4928.581 of the Revised Code. The reimbursements constitute administrative costs of the low-income customer assistance programs for the purpose of division (A) of section 4928.51 of the Revised Code. 85310  
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(B) The chairperson of the board may execute, subject to the advice and consent of the board, any professional-services retention agreements that the board determines appropriate. 85320  
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**Sec. 4928.583.** The director of development services, the public utilities commission, and each electric distribution utility shall promptly respond to requests by the public benefits 85323  
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advisory board for information needed to prepare the report 85326  
required under section 4928.581 of the Revised Code. 85327

**Sec. 4929.164.** (A) A natural gas company may file an 85328  
application with the public utilities commission for approval of 85329  
an economic development project that has been ~~certified by~~ 85330  
submitted to the director of development services ~~under for~~ the 85331  
SiteOhio certification program, pursuant to section 122.9511 of 85332  
the Revised Code. The company shall file the application prior to 85333  
beginning the project. 85334

(B) The commission may approve a project under this section 85335  
if both of the following apply: 85336

(1) The infrastructure development costs for the project are 85337  
projected to generate a return on the company's investment that is 85338  
less than the most recently authorized rate of return. 85339

(2) The amount of infrastructure development costs to be 85340  
incurred by the company per calendar year, for the project and all 85341  
other projects previously approved under this section, is not 85342  
projected to exceed the product of one dollar multiplied by the 85343  
aggregate number of the company's customers in this state. 85344

(C) The commission shall adopt rules to provide for an 85345  
accelerated review of an application filed under division (A) of 85346  
this section. The rules shall provide for the automatic approval 85347  
of the application not later than ninety days after the date of 85348  
the application filing unless the commission suspends the 85349  
application for good cause shown. If the application is suspended, 85350  
the commission shall approve, deny, modify, or hold a hearing on 85351  
the application not later than forty-five days after the date that 85352  
the suspension begins. 85353

**Sec. 5101.073.** There is hereby created in the state treasury 85354  
the ODJFS ~~general services administration~~ audit settlements and 85355

~~operating contingency fund. The director of job and family services may submit a deposit modification and payment detail report to the treasurer of state after the completion of the reconciliation of all final transactions with the federal government regarding a federal grant for a program the department of job and family services administers and a final closeout for the grant. On receipt of the report, the treasurer of state shall transfer the money in the refunds and audit settlements fund that is the subject of the report to the ODJFS general services administration and operating fund. Money in the ODJFS general services administration and operating fund shall be used to pay for the expenses of the programs the department administers and the department's administrative expenses, including the costs of state hearings under section 5101.35 of the Revised Code, required audit adjustments audits, settlements, contingencies, and other related expenses. As necessary for the purposes of the fund, the director of job and family services may request the director of budget and management to transfer money from any of the funds used by the department of job and family services, except the general revenue fund, to the ODJFS audit settlements and contingency fund. Upon receipt of such a request, the director of budget and management may transfer the money requested. The director of budget and management, in consultation with the director of job and family services, may transfer money from the ODJFS audit settlements and contingency fund to any fund used by the department or to the general revenue fund.~~ 85356  
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**Sec. 5101.54.** (A) The director of job and family services shall administer the supplemental nutrition assistance program in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.). The department may: 85382  
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(1) Prepare and submit to the secretary of the United States 85386

department of agriculture a plan for the administration of the 85387  
supplemental nutrition assistance program; 85388

(2) Prescribe forms for applications, certificates, reports, 85389  
records, and accounts of county departments of job and family 85390  
services, and other matters; 85391

(3) Require such reports and information from each county 85392  
department of job and family services as may be necessary and 85393  
advisable; 85394

(4) Administer and expend any sums appropriated by the 85395  
general assembly for the purposes of the supplemental nutrition 85396  
assistance program and all sums paid to the state by the United 85397  
States as authorized by the Food and Nutrition Act of 2008; 85398

(5) Conduct such investigations as are necessary; 85399

(6) Enter into interagency agreements and cooperate with 85400  
investigations conducted by the department of public safety, 85401  
including providing information for investigative purposes, 85402  
exchanging property and records, passing through federal financial 85403  
participation, modifying any agreements with the United States 85404  
department of agriculture, providing for the supply, security, and 85405  
accounting of supplemental nutrition assistance program benefits 85406  
for investigative purposes, and meeting any other requirements 85407  
necessary for the detection and deterrence of illegal activities 85408  
in the supplemental nutrition assistance program; 85409

(7) Adopt rules in accordance with Chapter 119. of the 85410  
Revised Code governing employment and training requirements of 85411  
recipients of supplemental nutrition assistance program benefits, 85412  
including rules specifying which recipients are subject to the 85413  
requirements and establishing sanctions for failure to satisfy the 85414  
requirements. The rules shall be consistent with 7 U.S.C. 2015, including its work and employment and training requirements, and, 85415  
to the extent practicable, ~~may~~ shall provide for the recipients to 85416

participate in work activities, developmental activities, and 85418  
alternative work activities ~~established under~~ described in 85419  
sections 5107.40 to 5107.69 of the Revised Code that are 85420  
comparable to programs authorized by 7 U.S.C. 2015(d)(4). The 85421  
rules may reference rules adopted under section 5107.05 of the 85422  
Revised Code governing work activities, developmental activities, 85423  
and alternative work activities ~~established under~~ described in 85424  
sections 5107.40 to 5107.69 of the Revised Code. 85425

(8) Adopt rules in accordance with section 111.15 of the 85426  
Revised Code that are consistent with the Food and Nutrition Act 85427  
of 2008, as amended, and regulations adopted thereunder governing 85428  
the following: 85429

(a) Eligibility requirements for the supplemental nutrition 85430  
assistance program; 85431

(b) Sanctions for failure to comply with eligibility 85432  
requirements; 85433

(c) Allotment of supplemental nutrition assistance program 85434  
benefits; 85435

(d) To the extent permitted under federal statutes and 85436  
regulations, a system under which some or all recipients of 85437  
supplemental nutrition assistance program benefits subject to 85438  
employment and training requirements established by rules adopted 85439  
under division (A)(7) of this section receive the benefits after 85440  
satisfying the requirements; 85441

(e) Administration of the program by county departments of 85442  
job and family services; 85443

(f) Other requirements necessary for the efficient 85444  
administration of the program. 85445

(9) Submit a plan to the United States secretary of 85446  
agriculture for the department of job and family services to 85447

operate a simplified supplemental nutrition assistance program 85448  
pursuant to 7 U.S.C. 2035 under which requirements governing the 85449  
Ohio works first program established under Chapter 5107. of the 85450  
Revised Code also govern the supplemental nutrition assistance 85451  
program in the case of households receiving supplemental nutrition 85452  
assistance program benefits and participating in Ohio works first. 85453

(B) A household that is entitled to receive supplemental 85454  
nutrition assistance program benefits and that is determined to be 85455  
in immediate need of nutrition assistance, shall receive 85456  
certification of eligibility for program benefits, pending 85457  
verification, within twenty-four hours, or, if mitigating 85458  
circumstances occur, within seventy-two hours, after application, 85459  
if: 85460

(1) The results of the application interview indicate that 85461  
the household will be eligible upon full verification; 85462

(2) Information sufficient to confirm the statements in the 85463  
application has been obtained from at least one additional source, 85464  
not a member of the applicant's household. Such information shall 85465  
be recorded in the case file, and shall include: 85466

(a) The name of the person who provided the name of the 85467  
information source; 85468

(b) The name and address of the information source; 85469

(c) A summary of the information obtained. 85470

The period of temporary eligibility shall not exceed one 85471  
month from the date of certification of temporary eligibility. If 85472  
eligibility is established by full verification, benefits shall 85473  
continue without interruption as long as eligibility continues. 85474

At the time of application, the county department of job and 85475  
family services shall provide to a household described in this 85476  
division a list of community assistance programs that provide 85477

emergency food. 85478

(C) All applications shall be approved or denied through full 85479  
verification within thirty days from receipt of the application by 85480  
the county department of job and family services. 85481

(D) Nothing in this section shall be construed to prohibit 85482  
the certification of households that qualify under federal 85483  
regulations to receive supplemental nutrition assistance program 85484  
benefits without charge under the Food and Nutrition Act of 2008. 85485

(E) Any person who applies for the supplemental nutrition 85486  
assistance program shall receive a voter registration application 85487  
under section 3503.10 of the Revised Code. 85488

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 85489  
Revised Code: 85490

(A) "Abuse" means the infliction upon an adult by self or 85491  
others of injury, unreasonable confinement, intimidation, or cruel 85492  
punishment with resulting physical harm, pain, or mental anguish. 85493

(B) "Adult" means any person sixty years of age or older 85494  
within this state who is handicapped by the infirmities of aging 85495  
or who has a physical or mental impairment which prevents the 85496  
person from providing for the person's own care or protection, and 85497  
who resides in an independent living arrangement. An "independent 85498  
living arrangement" is a domicile of a person's own choosing, 85499  
including, but not limited to, a private home, apartment, trailer, 85500  
or rooming house. An "independent living arrangement" includes a 85501  
residential facility licensed under section 5119.34 of the Revised 85502  
Code that provides accommodations, supervision, and personal care 85503  
services for three to sixteen unrelated adults, but does not 85504  
include other institutions or facilities licensed by the state or 85505  
facilities in which a person resides as a result of voluntary, 85506  
civil, or criminal commitment. 85507

(C) "Caretaker" means the person assuming the responsibility 85508  
for the care of an adult on a voluntary basis, by contract, 85509  
through receipt of payment for care, as a result of a family 85510  
relationship, or by order of a court of competent jurisdiction. 85511

(D) "Court" means the probate court in the county where an 85512  
adult resides. 85513

(E) "Emergency" means that the adult is living in conditions 85514  
which present a substantial risk of immediate and irreparable 85515  
physical harm or death to self or any other person. 85516

(F) "Emergency services" means protective services furnished 85517  
to an adult in an emergency. 85518

(G) "Exploitation" means the unlawful or improper act of a 85519  
caretaker using an adult or an adult's resources for monetary or 85520  
personal benefit, profit, or gain when the caretaker obtained or 85521  
exerted control over the adult or the adult's resources in any of 85522  
the following ways: 85523

(1) Without the adult's consent or the consent of the person 85524  
authorized to give consent on the adult's behalf; 85525

(2) Beyond the scope of the express or implied consent of the 85526  
adult or the person authorized to give consent on the adult's 85527  
behalf; 85528

(3) By deception; 85529

(4) By threat; 85530

(5) By intimidation. 85531

(H) "In need of protective services" means an adult known or 85532  
suspected to be suffering from abuse, neglect, or exploitation to 85533  
an extent that either life is endangered or physical harm, mental 85534  
anguish, or mental illness results or is likely to result. 85535

(I) "Incapacitated person" means a person who is impaired for 85536  
any reason to the extent that the person lacks sufficient 85537



understanding or capacity to make and carry out reasonable 85538  
decisions concerning the person's self or resources, with or 85539  
without the assistance of a caretaker. Refusal to consent to the 85540  
provision of services shall not be the sole determinative that the 85541  
person is incapacitated. "Reasonable decisions" are decisions made 85542  
in daily living which facilitate the provision of food, shelter, 85543  
clothing, and health care necessary for life support. 85544

(J) "Mental illness" means a substantial disorder of thought, 85545  
mood, perception, orientation, or memory that grossly impairs 85546  
judgment, behavior, capacity to recognize reality, or ability to 85547  
meet the ordinary demands of life. 85548

(K) "Neglect" means the failure of an adult to provide for 85549  
self the goods or services necessary to avoid physical harm, 85550  
mental anguish, or mental illness or the failure of a caretaker to 85551  
provide such goods or services. 85552

(L) "Peace officer" means a peace officer as defined in 85553  
section 2935.01 of the Revised Code. 85554

(M) "Physical harm" means bodily pain, injury, impairment, or 85555  
disease suffered by an adult. 85556

(N) "Protective services" means services provided by the 85557  
county department of job and family services or its designated 85558  
agency to an adult who has been determined by evaluation to 85559  
require such services for the prevention, correction, or 85560  
discontinuance of an act of as well as conditions resulting from 85561  
abuse, neglect, or exploitation. Protective services may include, 85562  
but are not limited to, case work services, medical care, mental 85563  
health services, legal services, fiscal management, home health 85564  
care, homemaker services, housing-related services, guardianship 85565  
services, and placement services as well as the provision of such 85566  
commodities as food, clothing, and shelter. 85567

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 85568

and Friday, except when such day is a holiday as defined in 85569  
section 1.14 of the Revised Code. 85570

**Sec. 5101.61.** (A) As used in this section: 85571

(1) "Senior service provider" means any person who provides 85572  
care or services to a person who is an adult as defined in 85573  
division (B) of section 5101.60 of the Revised Code. 85574

(2) "Ambulatory health facility" means a nonprofit, public or 85575  
proprietary freestanding organization or a unit of such an agency 85576  
or organization that: 85577

(a) Provides preventive, diagnostic, therapeutic, 85578  
rehabilitative, or palliative items or services furnished to an 85579  
outpatient or ambulatory patient, by or under the direction of a 85580  
physician or dentist in a facility which is not a part of a 85581  
hospital, but which is organized and operated to provide medical 85582  
care to outpatients; 85583

(b) Has health and medical care policies which are developed 85584  
with the advice of, and with the provision of review of such 85585  
policies, an advisory committee of professional personnel, 85586  
including one or more physicians, one or more dentists, if dental 85587  
care is provided, and one or more registered nurses; 85588

(c) Has a medical director, a dental director, if dental care 85589  
is provided, and a nursing director responsible for the execution 85590  
of such policies, and has physicians, dentists, nursing, and 85591  
ancillary staff appropriate to the scope of services provided; 85592

(d) Requires that the health care and medical care of every 85593  
patient be under the supervision of a physician, provides for 85594  
medical care in a case of emergency, has in effect a written 85595  
agreement with one or more hospitals and other centers or clinics, 85596  
and has an established patient referral system to other resources, 85597  
and a utilization review plan and program; 85598

(e) Maintains clinical records on all patients;	85599
(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a registered professional nurse on duty at all times of clinical operations;	85600 85601 85602 85603 85604
(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;	85605 85606
(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;	85607 85608
(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.	85609 85610 85611 85612 85613 85614 85615
(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.	85616 85617 85618 85619
(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.	85620 85621 85622
(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:	85623 85624
(a) Is primarily engaged in providing home health services;	85625
(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered	85626 85627 85628

professional nurses, to govern the home health services it 85629  
provides and which includes a requirement that every patient must 85630  
be under the care of a duly licensed doctor of medicine or 85631  
osteopathy; 85632

(c) Is under the supervision of a duly licensed doctor of 85633  
medicine or doctor of osteopathy or a registered professional 85634  
nurse who is responsible for the execution of such home health 85635  
policies; 85636

(d) Maintains comprehensive records on all patients; 85637

(e) Is operated by the state, a political subdivision, or an 85638  
agency of either, or is operated not for profit in this state and 85639  
is licensed or registered, if required, pursuant to law by the 85640  
appropriate department of the state, county, or municipality in 85641  
which it furnishes services; or is operated for profit in this 85642  
state, meets all the requirements specified in divisions (A)(5)(a) 85643  
to (d) of this section, and is certified under Title XVIII of the 85644  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 85645  
amended. 85646

(6) "Home health service" means the following items and 85647  
services, provided, except as provided in division (A)(6)(g) of 85648  
this section, on a visiting basis in a place of residence used as 85649  
the patient's home: 85650

(a) Nursing care provided by or under the supervision of a 85651  
registered professional nurse; 85652

(b) Physical, occupational, or speech therapy ordered by the 85653  
patient's attending physician; 85654

(c) Medical social services performed by or under the 85655  
supervision of a qualified medical or psychiatric social worker 85656  
and under the direction of the patient's attending physician; 85657

(d) Personal health care of the patient performed by aides in 85658

accordance with the orders of a doctor of medicine or osteopathy 85659  
and under the supervision of a registered professional nurse; 85660

(e) Medical supplies and the use of medical appliances; 85661

(f) Medical services of interns and residents-in-training 85662  
under an approved teaching program of a nonprofit hospital and 85663  
under the direction and supervision of the patient's attending 85664  
physician; 85665

(g) Any of the foregoing items and services which: 85666

(i) Are provided on an outpatient basis under arrangements 85667  
made by the home health agency at a hospital or skilled nursing 85668  
facility; 85669

(ii) Involve the use of equipment of such a nature that the 85670  
items and services cannot readily be made available to the patient 85671  
in the patient's place of residence, or which are furnished at the 85672  
hospital or skilled nursing facility while the patient is there to 85673  
receive any item or service involving the use of such equipment. 85674

Any attorney, physician, osteopath, podiatrist, chiropractor, 85675  
dentist, psychologist, certified Ohio behavior analyst, any 85676  
employee of a hospital as defined in section 3701.01 of the 85677  
Revised Code, any nurse licensed under Chapter 4723. of the 85678  
Revised Code, any employee of an ambulatory health facility, any 85679  
employee of a home health agency, any employee of a residential 85680  
facility licensed under section 5119.34 of the Revised Code that 85681  
provides accommodations, supervision, and personal care services 85682  
for three to sixteen unrelated adults, any employee of a nursing 85683  
home, residential care facility, or home for the aging, as defined 85684  
in section 3721.01 of the Revised Code, any senior service 85685  
provider, any peace officer, coroner, member of the clergy, any 85686  
employee of a community mental health facility, and any person 85687  
engaged in professional counseling, social work, or marriage and 85688  
family therapy having reasonable cause to believe that an adult is 85689

being abused, neglected, or exploited, or is in a condition which 85690  
is the result of abuse, neglect, or exploitation shall immediately 85691  
report such belief to the county department of job and family 85692  
services. This section does not apply to employees of any hospital 85693  
or public hospital as defined in section 5122.01 of the Revised 85694  
Code. 85695

(B) Any person having reasonable cause to believe that an 85696  
adult has suffered abuse, neglect, or exploitation may report, or 85697  
cause reports to be made of such belief to the department. 85698

(C) The reports made under this section shall be made orally 85699  
or in writing except that oral reports shall be followed by a 85700  
written report if a written report is requested by the department. 85701  
Written reports shall include: 85702

(1) The name, address, and approximate age of the adult who 85703  
is the subject of the report; 85704

(2) The name and address of the individual responsible for 85705  
the adult's care, if any individual is, and if the individual is 85706  
known; 85707

(3) The nature and extent of the alleged abuse, neglect, or 85708  
exploitation of the adult; 85709

(4) The basis of the reporter's belief that the adult has 85710  
been abused, neglected, or exploited. 85711

(D) Any person with reasonable cause to believe that an adult 85712  
is suffering abuse, neglect, or exploitation who makes a report 85713  
pursuant to this section or who testifies in any administrative or 85714  
judicial proceeding arising from such a report, or any employee of 85715  
the state or any of its subdivisions who is discharging 85716  
responsibilities under section 5101.62 of the Revised Code shall 85717  
be immune from civil or criminal liability on account of such 85718  
investigation, report, or testimony, except liability for perjury, 85719  
unless the person has acted in bad faith or with malicious 85720

purpose. 85721

(E) No employer or any other person with the authority to do 85722  
so shall discharge, demote, transfer, prepare a negative work 85723  
performance evaluation, or reduce benefits, pay, or work 85724  
privileges, or take any other action detrimental to an employee or 85725  
in any way retaliate against an employee as a result of the 85726  
employee's having filed a report under this section. 85727

(F) ~~Neither the~~ The written or oral report provided for in 85728  
this section ~~nor~~ and the investigatory report provided for in 85729  
section 5101.62 of the Revised Code ~~shall be considered a~~ are 85730  
confidential and are not public record records, as defined in 85731  
section 149.43 of the Revised Code. ~~Information~~ In accordance with 85732  
rules adopted by the department of job and family services, 85733  
information contained in the report shall upon request be made 85734  
available to the adult who is the subject of the report, ~~to~~ 85735  
~~agencies authorized by the department to receive information~~ 85736  
~~contained in the report,~~ and to legal counsel for the adult. 85737

(G) The county department of job and family services shall be 85738  
available to receive the written or oral report provided for in 85739  
this section twenty-four hours a day and seven days a week. 85740

**Sec. 5101.611.** (A) If a county department of job and family 85741  
services knows or has reasonable cause to believe that the subject 85742  
of a report made under section 5101.61 or of an investigation 85743  
conducted under sections 5101.62 to 5101.64 ~~or on the initiative~~ 85744  
~~of the department of the Revised Code~~ is mentally retarded or 85745  
developmentally disabled an individual with a developmental 85746  
disability as defined in section 5126.01 of the Revised Code, the 85747  
county department shall refer the case to the county board of 85748  
developmental disabilities of that county for review pursuant to 85749  
section 5126.31 of the Revised Code. 85750

If a county board of developmental disabilities refers a case 85751

to the county department of job and family services in accordance 85752  
with section 5126.31, the county department of job and family 85753  
services shall proceed with the case in accordance with sections 85754  
5101.60 to 5101.71 of the Revised Code. 85755

(B) If a county department of job and family services knows 85756  
or has reasonable cause to believe that the subject of a report 85757  
made under section 5101.61 or of an investigation conducted under 85758  
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 85759  
long-term care facility, as defined in section 173.14 of the 85760  
Revised Code, the department shall refer the case to the office of 85761  
the state long-term care ombudsman program for review pursuant to 85762  
section 173.19 of the Revised Code. 85763

If the state ombudsman or regional long-term care ombudsman 85764  
program refers a case to the county department of job and family 85765  
services in accordance with rules adopted pursuant to section 85766  
173.20 of the Revised Code, the county department shall proceed 85767  
with the case in accordance with sections 5101.60 to 5101.71 of 85768  
the Revised Code. 85769

(C) If a county department of job and family services knows 85770  
or has reasonable cause to believe that the subject of a report 85771  
made under section 5101.61 or of an investigation conducted under 85772  
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 85773  
nursing home, as defined in section 3721.01 of the Revised Code, 85774  
and has allegedly been abused, neglected, or exploited by an 85775  
employee of the nursing home, the department shall refer the case 85776  
to the department of health for investigation pursuant to section 85777  
3721.031 of the Revised Code. 85778

(D) If a county department of job and family services knows 85779  
or has reasonable cause to believe that the subject of a report 85780  
made under section 5101.61 or of an investigation conducted under 85781  
sections 5101.62 to 5101.64 of the Revised Code is a child, as 85782  
defined in section 5153.01 of the Revised Code, the department 85783



shall refer the case to the public children services agency of 85784  
that county. 85785

(E) A referral by the county department of job and family 85786  
services of a case to another public regulatory agency or 85787  
investigatory entity pursuant to this section shall be made in 85788  
accordance with rules adopted by the department of job and family 85789  
services. 85790

Sec. 5101.612. (A) The department of job and family services 85791  
shall establish and maintain a uniform statewide automated adult 85792  
protective services information system. The information system 85793  
shall contain records regarding all of the following: 85794

(1) All reports of abuse, neglect, or exploitation of adults 85795  
made to county departments of job and family services under 85796  
section 5101.61 of the Revised Code; 85797

(2) Investigations conducted under section 5101.62 of the 85798  
Revised Code; 85799

(3) Protective services provided to adults pursuant to 85800  
sections 5101.60 to 5101.71 of the Revised Code; 85801

(4) Any other information related to adults in need of 85802  
protective services that state or federal law, regulation, or rule 85803  
requires the department or a county department to maintain. 85804

(B) The department shall plan implementation of the 85805  
information system on a county-by-county basis. The department 85806  
shall promptly notify all county departments of the initiation and 85807  
completion of statewide implementation of the information system. 85808

(C) Except as provided in division (C)(3) of this section and 85809  
in rules adopted by the department pursuant to that division: 85810

(1) The information contained in or obtained from the 85811  
information system is confidential and is not subject to 85812  
disclosure pursuant to section 149.43 or 1347.08 of the Revised 85813

<u>Code.</u>	85814
<u>(2) No person shall knowingly do either of the following:</u>	85815
<u>(a) Access or use information contained in the information system;</u>	85816
	85817
<u>(b) Disclose information obtained from the information system.</u>	85818
	85819
<u>(3) Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes, authorized by rules adopted by the department.</u>	85820
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	85822
<b>Sec. 5101.62.</b> The county department of job and family services <u>or its designee</u> shall be responsible for the investigation of all reports provided for in section <u>173.20 or</u> 5101.61 and all cases referred to it under section 5126.31 of the Revised Code and for evaluating the need for and, to the extent of available funds, providing or arranging for the provision of protective services. <del>The department may designate another agency to perform the department's duties under this section.</del>	85823
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Investigation of the report provided for in section 5101.61 or a case referred to the department under section 5126.31 of the Revised Code shall be initiated within twenty-four hours after the department receives the report or case if any emergency exists; otherwise investigation shall be initiated within three working days.	85831
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Investigation of the need for protective services shall include a face-to-face visit with the adult who is the subject of the report, preferably in the adult's residence, and consultation with the person who made the report, if feasible, and agencies or persons who have information about the adult's alleged abuse, neglect, or exploitation.	85837
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The department shall give written notice of the intent of the	85843

investigation and an explanation of the notice in language 85844  
reasonably understandable to the adult who is the subject of the 85845  
investigation, at the time of the initial interview with that 85846  
person. 85847

Upon completion of the investigation, the department shall 85848  
determine from its findings whether or not the adult who is the 85849  
subject of the report is in need of protective services. No adult 85850  
shall be determined to be abused, neglected, or in need of 85851  
protective services for the sole reason that, in lieu of medical 85852  
treatment, the adult relies on or is being furnished spiritual 85853  
treatment through prayer alone in accordance with the tenets and 85854  
practices of a church or religious denomination of which the adult 85855  
is a member or adherent. The department shall write a report which 85856  
confirms or denies the need for protective services and states why 85857  
it reached this conclusion. 85858

Sec. 5101.621. (A) Each county department of job and family 85859  
services shall prepare a memorandum of understanding that is 85860  
signed by all of the following: 85861

(1) The director of the county department of job and family 85862  
services; 85863

(2) If the county department has entered into an interagency 85864  
agreement with a local agency pursuant to section 5101.622 of the 85865  
Revised Code, the director of the local agency; 85866

(3) The county peace officer; 85867

(4) All chief municipal peace officers within the county; 85868

(5) Other law enforcement officers handling adult abuse, 85869  
neglect, and exploitation cases in the county; 85870

(6) The prosecuting attorney of the county; 85871

(7) The coroner of the county. 85872

(B) The memorandum of understanding shall set forth the procedures to be followed by the persons listed in division (A) of this section in the execution of their respective responsibilities related to cases of adult abuse, neglect, and exploitation. The memorandum of understanding shall establish all of the following: 85873  
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(1) An interdisciplinary team to coordinate efforts related to the prevention, reporting, and treatment of abuse, neglect, and exploitation of adults; 85878  
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(2) The roles and responsibilities for handling cases that have been referred by the county department to another agency pursuant to section 5101.611 of the Revised Code; 85881  
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(3) The roles and responsibilities for filing criminal charges against persons alleged to have abused, neglected, or exploited adults. 85884  
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Failure to follow the procedure set forth in the memorandum of understanding is not grounds for, and shall not result in, the dismissal of any charge or complaint arising from a report of abuse, neglect, or exploitation or the suppression of any evidence obtained as a result of a report of abuse, neglect, or exploitation and does not give any rights or grounds for appeal or post-conviction relief to any person. 85887  
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(C) The memorandum of understanding may, in addition, be signed by any of the following persons who are also members of the interdisciplinary team described in division (B)(1) of this section: 85894  
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(1) A representative of the area agency on aging, as defined in section 173.14 of the Revised Code; 85898  
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(2) The regional long-term care ombudsman; 85900

(3) A representative of the board of alcohol, drug addiction, and mental health services; 85901  
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<u>(4) A representative of the board of health of a city or general health district;</u>	85903 85904
<u>(5) A representative of the county board of developmental disabilities;</u>	85905 85906
<u>(6) A representative of a victim assistance program;</u>	85907
<u>(7) A representative of a local housing authority;</u>	85908
<u>(8) Any other person whose participation furthers the goals of the memorandum of understanding.</u>	85909 85910
<b><u>Sec. 5101.622.</u></b> <u>The county department of job and family services may enter into an agreement or contract with another person or government entity to perform the following duties:</u>	85911 85912 85913
<u>(A) In accordance with division (G) of section 5101.61 of the Revised Code, receive reports made under that section;</u>	85914 85915
<u>(B) Perform the county department's duties under section 5101.62 of the Revised Code;</u>	85916 85917
<u>(C) Petition the court pursuant to section 5101.65 or 5101.69 of the Revised Code for an order authorizing the provision of protective services.</u>	85918 85919 85920
<b><u>Sec. 5101.69.</u></b> (A) Upon petition by the county department of <u>human job and family services or its designee</u> , the court may issue an order authorizing the provision of protective services on an emergency basis to an adult. The petition for any emergency order shall include <u>all of the following</u> :	85921 85922 85923 85924 85925
(1) The name, age, and address of the adult in need of protective services;	85926 85927
(2) The nature of the emergency;	85928
(3) The proposed protective services;	85929
(4) The petitioner's reasonable belief, together with facts	85930

supportive thereof, as to the existence of the circumstances 85931  
described in divisions (D)(1) to (3) of this section; 85932

(5) Facts showing the petitioner's attempts to obtain the 85933  
adult's consent to the protective services. 85934

(B) Notice of the filing and contents of the petition 85935  
provided for in division (A) of this section, the rights of the 85936  
person in the hearing provided for in division (C) of this 85937  
section, and the possible consequences of a court order, shall be 85938  
given to the adult. Notice shall also be given to the spouse of 85939  
the adult or, if ~~he~~ the adult has none, to ~~his~~ the adult's adult 85940  
children or next of kin, and ~~his~~ the adult's guardian, if any, if 85941  
~~his~~ the guardian's whereabouts are known. The notice shall be 85942  
given in language reasonably understandable to its recipients at 85943  
least twenty-four hours prior to the hearing provided for in this 85944  
section. The court may waive the twenty-four ~~hour~~ hours' notice 85945  
~~requiemnt~~ requirement upon a showing that both of the following 85946  
are the case: 85947

(1) Immediate and irreparable physical harm or immediate and 85948  
irreparable financial harm to the adult or others will result from 85949  
the twenty-four hour delay; ~~and~~ 85950

(2) Reasonable attempts have been made to notify the adult, 85951  
~~his~~ the adult's spouse, or, if ~~he~~ the adult has none, ~~his~~ the 85952  
adult's adult children or next of kin, if any, and ~~his~~ the adult's 85953  
guardian, if any, if ~~his~~ the guardian's whereabouts are known. 85954

Notice of the court's determination shall be given to all 85955  
persons receiving notice of the filing of the petition provided 85956  
for in this division. 85957

(C) Upon receipt of a petition for an order for emergency 85958  
services, the court shall hold a hearing no sooner than 85959  
twenty-four and no later than seventy-two hours after the notice 85960  
provided for in division (B) of this section has been given, 85961

unless the court has waived the notice. The adult who is the 85962  
subject of the petition shall have the right to be present at the 85963  
hearing, present, evidence, and examine and cross-examine 85964  
witnesses. 85965

(D) The court shall issue an order authorizing the provision 85966  
of protective services on an emergency basis if it finds, on the 85967  
basis of clear and convincing evidence, ~~that~~ all of the following: 85968

(1) The adult is an incapacitated person; 85969

(2) An emergency exists; 85970

(3) No person authorized by law or court order to give 85971  
consent for the adult is available or willing to consent to 85972  
emergency services. 85973

(E) In issuing an emergency order, the court shall adhere to 85974  
the following limitations: 85975

(1) The court shall order only such protective services as 85976  
are necessary and available locally to remove the conditions 85977  
creating the emergency, and the court shall specifically designate 85978  
those protective services the adult shall receive; 85979

(2) The court shall not order any change of residence under 85980  
this section unless the court specifically finds that a change of 85981  
residence is necessary; 85982

(3) The court may order emergency ~~services~~ services only for 85983  
fourteen days. The county department or its designee may petition 85984  
the court for a renewal of the order for a fourteen-day period 85985  
upon a showing that continuation of the order is necessary to 85986  
remove the emergency. 85987

(4) In its order the court shall authorize the director of 85988  
the county department ~~or his,~~ the director's designee, or a 85989  
representative of the department's designee to give consent for 85990  
the person for the approved emergency services until the 85991

expiration of the order; 85992

(5) The court shall not order a person to a hospital or 85993  
public hospital as defined in section 5122.01 of the Revised Code. 85994

(F) If the county department or its designee determines that 85995  
the adult continues to need protective services after the order 85996  
provided for in division (D) of this section has expired, the 85997  
county department or its designee may petition the court for an 85998  
order to continue protective services, pursuant to section 5101.65 85999  
of the Revised Code. After the filing of the petition, the county 86000  
department or its designee may continue to provide protective 86001  
services pending a hearing by the court. 86002

**Sec. 5101.691.** (A) A court, through a probate judge or a 86003  
magistrate under the direction of a probate judge, may issue by 86004  
telephone an ex parte emergency order authorizing the provision of 86005  
protective services, including the relief available under division 86006  
(B) of section 5101.692 of the Revised Code, to an adult on an 86007  
emergency basis if all of the following are the case: 86008

(1) The court receives notice from the county department of 86009  
job and family services, an authorized employee of the county 86010  
department, the department's designee, or an authorized employee 86011  
of the department's designee, that the county department, 86012  
designee, or employee believes an emergency order is needed as 86013  
described in this section. 86014

(2) There is reasonable cause to believe that the adult is 86015  
incapacitated. 86016

(3) There is reasonable cause to believe that there is a 86017  
substantial risk to the adult of immediate and irreparable 86018  
physical harm, immediate and irreparable financial harm, or death. 86019

(B)(1) The judge or magistrate shall journalize any order 86020  
issued under this section. 86021



(2) An order issued under this section shall be in effect for not longer than twenty-four hours, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day. 86022  
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(C)(1) Except as provided in division (C)(2) of this section, not later than twenty-four hours after an order is issued under this section, a petition shall be filed with the court in accordance with division (A) of section 5101.69 of the Revised Code. 86026  
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(2) If the day following the day on which the order was issued is not a working day, the petition shall be filed with the court on the next working day. 86031  
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(3) Except as provided in section 5101.692 of the Revised Code, proceedings on the petition shall be conducted in accordance with section 5101.69 of the Revised Code. 86034  
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**Sec. 5101.692.** (A) If an order is issued pursuant to section 5101.691 of the Revised Code, the court shall hold a hearing not later than twenty-four hours after the issuance to determine whether there is probable cause for the order, except that if the day following the day on which the order is issued is not a working day, the court shall hold the hearing on the next working day. 86037  
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(B) At the hearing, the court: 86044

(1) Shall determine whether protective services are the least restrictive alternative available for meeting the adult's needs; 86045  
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(2) May issue temporary orders to protect the adult from immediate and irreparable physical harm or immediate and irreparable financial harm, including, but not limited to, temporary protection orders, evaluations, and orders requiring a party to vacate the adult's place of residence or legal 86047  
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settlement; 86052

(3) May order emergency services; 86053

(4) May freeze the financial assets of the adult. 86054

(C) A temporary order issued pursuant to division (B)(2) of 86055  
this section is effective for thirty days. The court may renew the 86056  
order for an additional thirty-day period. 86057

Information contained in the order may be entered into the 86058  
law enforcement automated data system. 86059

**Sec. 5101.71.** (A) The county departments of job and family 86060  
services shall implement sections 5101.60 to 5101.71 of the 86061  
Revised Code. The department of job and family services ~~may~~ shall 86062  
provide a program of ongoing, comprehensive, formal training ~~to~~ 86063  
~~county departments and other agencies authorized to implement~~ 86064  
regarding the implementation of sections 5101.60 to 5101.71 of the 86065  
Revised Code and require all adult protective services caseworkers 86066  
and their supervisors to undergo the training. Training shall not 86067  
be limited to the procedures for implementing section 5101.62 of 86068  
the Revised Code. The department of job and family services shall 86069  
adopt any rules it deems necessary regarding the training. 86070

(B) The director of job and family services may adopt rules 86071  
in accordance with section 111.15 of the Revised Code ~~governing~~ 86072  
~~the county departments' implementation to carry out the purposes~~ 86073  
of sections 5101.60 to 5101.71 of the Revised Code. The rules 86074  
adopted pursuant to this division may include a requirement that 86075  
the county departments provide on forms prescribed by the rules a 86076  
plan of proposed expenditures, and a report of actual 86077  
expenditures, of funds necessary to implement sections 5101.60 to 86078  
5101.71 of the Revised Code and other requirements for intake 86079  
procedures, investigations, case management, and the provision of 86080  
protective services. 86081

**Sec. 5101.72.** The department of job and family services, ~~to~~ 86082  
~~the extent of available funds,~~ may reimburse county departments of 86083  
job and family services for all or part of the costs they incur in 86084  
implementing sections 5101.60 to 5101.71 of the Revised Code. The 86085  
director of job and family services shall adopt internal 86086  
management rules in accordance with section 111.15 of the Revised 86087  
Code that provide for reimbursement of county departments of job 86088  
and family services under this section. 86089

The director shall adopt internal management rules in 86090  
accordance with section 111.15 of the Revised Code that do both of 86091  
the following: 86092

(A) Implement sections 5101.60 to 5101.71 of the Revised 86093  
Code; 86094

(B) Require the county departments to collect and submit to 86095  
the department, or ensure that a designated agency collects and 86096  
submits to the department, data concerning the implementation of 86097  
sections 5101.60 to 5101.71 of the Revised Code. 86098

**Sec. 5101.91.** (A) As used in sections 5101.91 and 5101.92 of 86099  
the Revised Code: 86100

(1) "Political subdivision" has the same meaning as in 86101  
section 2744.01 of the Revised Code. 86102

(2) "Publicly funded assistance program" means any physical 86103  
health, behavioral health, social, employment, education, housing, 86104  
or similar program funded or provided by the state or a political 86105  
subdivision of the state. 86106

(B) There is hereby created the Ohio healthier buckeye 86107  
advisory council in the department of job and family services. The 86108  
council shall meet at the discretion of the director of job and 86109  
family services and shall consist of the following members: 86110

(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor;	86111 86112 86113 86114
(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the senate;	86115 86116 86117
(3) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives;	86118 86119 86120
(4) One member representing the judicial branch of government, appointed by the chief justice of the supreme court;	86121 86122
(5) Additional members representing any other entities or organizations the director of job and family services determines are necessary, appointed by the governor.	86123 86124 86125
(C) Initial appointments to the council shall be made not later than thirty days after <del>the effective date of this section</del> <u>September 15, 2014</u> .	86126 86127 86128
A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the council. Vacancies on the council shall be filled in the same manner as the original appointments.	86129 86130 86131 86132
(D) The director of job and family services shall serve as chairperson of the council.	86133 86134
<u>(E) The department of job and family services shall provide administrative assistance to the council.</u>	86135 86136
<u>(F) Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.</u>	86137 86138 86139
<u>(G) Annually, the Ohio healthier buckeye advisory council</u>	86140

shall submit a report to the governor and, in accordance with 86141  
section 101.68 of the Revised Code, to the general assembly. Each 86142  
report shall contain a description of the council's activities for 86143  
the preceding year and any other information the council considers 86144  
appropriate to include in the report. 86145

**Sec. 5101.92.** The Ohio healthier buckeye advisory council ~~may~~ 86146  
shall do all of the following: 86147

(A) Develop the means by which ~~county~~ local healthier buckeye 86148  
councils established under section 355.02 of the Revised Code may 86149  
reduce the reliance of individuals on publicly funded assistance 86150  
programs as provided in section 355.03 of the Revised Code; 86151

~~(B) Recommend to the director of job and family services~~ 86152  
~~eligibility criteria, application processes, and maximum grant~~ 86153  
~~amounts for the Ohio healthier buckeye grant program~~ Provide 86154  
assistance in the establishment of local healthier buckeye 86155  
councils under Chapter 355. of the Revised Code; 86156

~~(C) Not later than December 1, 2015, submit to the director~~ 86157  
~~recommendations for doing all of the following:~~ 86158

~~(1) Coordinating services across all public assistance~~ 86159  
~~programs to help individuals find employment, succeed at work, and~~ 86160  
~~stay out of poverty;~~ 86161

~~(2) Revising incentives for public assistance programs to~~ 86162  
~~foster person centered case management;~~ 86163

~~(3) Standardizing and automating eligibility determination~~ 86164  
~~policies and processes for public assistance programs~~ Identify 86165  
barriers and gaps to achieving greater financial independence for 86166  
individuals and families, and provide advice to remove those 86167  
barriers and gaps; 86168

(D) Collect, analyze, and report performance measure 86169  
information. 86170

**Sec. 5101.99.** (A) Whoever violates division (A) or (B) of section 5101.61 of the Revised Code shall be fined not more than five hundred dollars. 86171  
86172  
86173

(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree. 86174  
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(C) Whoever violates section 5101.133 or division (C)(2) of section 5101.612 of the Revised Code is guilty of a misdemeanor of the fourth degree. 86176  
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86178

**Sec. 5104.01.** As used in this chapter: 86179

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person. 86180  
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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 86183  
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(C) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care. 86185  
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(D) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following: 86189  
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(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications; 86192  
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(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six. 86195  
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(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the 86198  
86199

child, a person who has legal custody of a child and whose 86200  
presence in the home is needed as the caretaker of the child, a 86201  
guardian of a child whose presence in the home is needed as the 86202  
caretaker of the child, and any other person who stands in loco 86203  
parentis with respect to the child and whose presence in the home 86204  
is needed as the caretaker of the child. 86205

(F) "Chartered nonpublic school" means a school that meets 86206  
standards for nonpublic schools prescribed by the state board of 86207  
education for nonpublic schools pursuant to section 3301.07 of the 86208  
Revised Code. 86209

(G) "Child" includes an infant, toddler, preschool-age child, 86210  
or school-age child. 86211

(H) "Child care block grant act" means the "Child Care and 86212  
Development Block Grant Act of 1990," established in section 5082 86213  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 86214  
1388-236 (1990), 42 U.S.C. 9858, as amended. 86215

(I) "Child day camp" means a program in which only school-age 86216  
children attend or participate, that operates for no more than 86217  
seven hours per day, that operates only during one or more public 86218  
school district's regular vacation periods or for no more than 86219  
fifteen weeks during the summer, and that operates outdoor 86220  
activities for each child who attends or participates in the 86221  
program for a minimum of fifty per cent of each day that children 86222  
attend or participate in the program, except for any day when 86223  
hazardous weather conditions prevent the program from operating 86224  
outdoor activities for a minimum of fifty per cent of that day. 86225  
For purposes of this division, the maximum seven hours of 86226  
operation time does not include transportation time from a child's 86227  
home to a child day camp and from a child day camp to a child's 86228  
home. 86229

(J) "Child care" means administering all of the following: 86230

(1) Administering to the needs of infants, toddlers, 86231  
preschool-age children, and school-age children outside of school 86232  
hours ~~by~~; 86233

(2) By persons other than their parents ~~or~~, guardians, or 86234  
custodians, ~~or relatives by blood, marriage, or adoption for~~; 86235

(3) For any part of the twenty-four-hour day ~~in~~; 86236

(4) In a place ~~or residence~~ other than a child's own home, 86237  
except that an in-home aide provides child care in the child's own 86238  
home. 86239

(K) "Child day-care center" and "center" mean any place in 86240  
which child care or publicly funded child care is provided for 86241  
thirteen or more children at one time or any place that is not the 86242  
permanent residence of the licensee or administrator in which 86243  
child care or publicly funded child care is provided for seven to 86244  
twelve children at one time. In counting children for the purposes 86245  
of this division, any children under six years of age who are 86246  
related to a licensee, administrator, or employee and who are on 86247  
the premises of the center shall be counted. "Child day-care 86248  
center" and "center" do not include any of the following: 86249

(1) A place located in and operated by a hospital, as defined 86250  
in section 3727.01 of the Revised Code, in which the needs of 86251  
children are administered to, if all the children whose needs are 86252  
being administered to are monitored under the on-site supervision 86253  
of a physician licensed under Chapter 4731. of the Revised Code or 86254  
a registered nurse licensed under Chapter 4723. of the Revised 86255  
Code, and the services are provided only for children who, in the 86256  
opinion of the child's parent, guardian, or custodian, are 86257  
exhibiting symptoms of a communicable disease or other illness or 86258  
are injured; 86259

(2) A child day camp; 86260

(3) A place that provides child care, but not publicly funded 86261



child care, if all of the following apply:	86262
(a) An organized religious body provides the child care;	86263
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	86264 86265 86266
(c) The child care is not provided for more than thirty days a year;	86267 86268
(d) The child care is provided only for preschool-age and school-age children.	86269 86270
(L) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	86271 86272 86273
(M) "Child care resource and referral services" means all of the following services:	86274 86275
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	86276 86277 86278
(2) Provision of individualized consumer education to families seeking child care;	86279 86280
(3) Provision of timely referrals of available child care providers to families seeking child care;	86281 86282
(4) Recruitment of child care providers;	86283
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	86284 86285 86286 86287
(6) Collection and analysis of data on the supply of and demand for child care in the community;	86288 86289
(7) Technical assistance concerning locally, state, and	86290

federally funded child care and early childhood education programs;	86291 86292
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	86293 86294 86295
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	86296 86297
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	86298 86299 86300 86301
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	86302 86303 86304 86305
(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	86306 86307 86308 86309 86310
(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	86311 86312 86313 86314
(P) "Employee" means a person who either:	86315
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	86316 86317
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	86318 86319
(Q) "Employer" means a person, firm, institution,	86320

organization, or agency that operates a child day-care center or 86321  
type A family day-care home subject to licensure under this 86322  
chapter. 86323

(R) "Federal poverty line" means the official poverty 86324  
guideline as revised annually in accordance with section 673(2) of 86325  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 86326  
U.S.C. 9902, as amended, for a family size equal to the size of 86327  
the family of the person whose income is being determined. 86328

(S) "Head start program" means a comprehensive child 86329  
development program serving birth to three years old and 86330  
preschool-age children that receives funds distributed under the 86331  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 86332  
amended, and is licensed as a child day-care center. 86333

(T) "Income" means gross income, as defined in section 86334  
5107.10 of the Revised Code, less any amounts required by federal 86335  
statutes or regulations to be disregarded. 86336

(U) "Indicator checklist" means an inspection tool, used in 86337  
conjunction with an instrument-based program monitoring 86338  
information system, that contains selected licensing requirements 86339  
that are statistically reliable indicators or predictors of a 86340  
child day-care center's type A family day-care home's, or licensed 86341  
type B family day-care home's compliance with licensing 86342  
requirements. 86343

(V) "Infant" means a child who is less than eighteen months 86344  
of age. 86345

(W) "In-home aide" means a person who does not reside with 86346  
the child but provides care in the child's home and is certified 86347  
by a county director of job and family services pursuant to 86348  
section 5104.12 of the Revised Code to provide publicly funded 86349  
child care to a child in a child's own home pursuant to this 86350  
chapter and any rules adopted under it. 86351

(X) "Instrument-based program monitoring information system" 86352  
means a method to assess compliance with licensing requirements 86353  
for child day-care centers, type A family day-care homes, and 86354  
licensed type B family day-care homes in which each licensing 86355  
requirement is assigned a weight indicative of the relative 86356  
importance of the requirement to the health, growth, and safety of 86357  
the children that is used to develop an indicator checklist. 86358

(Y) "License capacity" means the maximum number in each age 86359  
category of children who may be cared for in a child day-care 86360  
center or type A family day-care home at one time as determined by 86361  
the director of job and family services considering building 86362  
occupancy limits established by the department of commerce, amount 86363  
of available indoor floor space and outdoor play space, and amount 86364  
of available play equipment, materials, and supplies. For the 86365  
purposes of a provisional license issued under this chapter, the 86366  
director shall also consider the number of available child-care 86367  
staff members when determining "license capacity" for the 86368  
provisional license. 86369

(Z) "Licensed child care program" means any of the following: 86370

(1) A child day-care center licensed by the department of job 86371  
and family services pursuant to this chapter; 86372

(2) A type A family day-care home or type B family day-care 86373  
home licensed by the department of job and family services 86374  
pursuant to this chapter; 86375

(3) A licensed preschool program or licensed school child 86376  
program. 86377

(AA) "Licensed preschool program" or "licensed school child 86378  
program" means a preschool program or school child program, as 86379  
defined in section 3301.52 of the Revised Code, that is licensed 86380  
by the department of education pursuant to sections 3301.52 to 86381  
3301.59 of the Revised Code. 86382

(BB) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.

(CC) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.

(DD) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(EE) "Owner" includes a person, as defined in section 1.59 of the Revised Code, ~~or~~ government entity, firm, organization, institution, agency, as well as any individual governing board members, partners, incorporators, agents, or authorized representatives of the owner.

(FF) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(GG) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A

home" mean a center or type A home that provides child care or 86414  
publicly funded child care for ~~no~~ not more than four hours a day 86415  
for any child or not more than fifteen consecutive weeks per year, 86416  
regardless of the number of hours per day. 86417

(HH) "Place of worship" means a building where activities of 86418  
an organized religious group are conducted and includes the 86419  
grounds and any other buildings on the grounds used for such 86420  
activities. 86421

(II) "Preschool-age child" means a child who is three years 86422  
old or older but is not a school-age child. 86423

(JJ) "Protective child care" means publicly funded child care 86424  
for the direct care and protection of a child to whom either of 86425  
the following applies: 86426

(1) A case plan prepared and maintained for the child 86427  
pursuant to section 2151.412 of the Revised Code indicates a need 86428  
for protective care and the child resides with a parent, 86429  
stepparent, guardian, or another person who stands in loco 86430  
parentis as defined in rules adopted under section 5104.38 of the 86431  
Revised Code; 86432

(2) The child and the child's caretaker either temporarily 86433  
reside in a facility providing emergency shelter for homeless 86434  
families or are determined by the county department of job and 86435  
family services to be homeless, and are otherwise ineligible for 86436  
publicly funded child care. 86437

(KK) "Publicly funded child care" means administering to the 86438  
needs of infants, toddlers, preschool-age children, and school-age 86439  
children under age thirteen during any part of the 86440  
twenty-four-hour day by persons other than their caretaker parents 86441  
for remuneration wholly or in part with federal or state funds, 86442  
including funds available under the child care block grant act, 86443  
Title IV-A, and Title XX, distributed by the department of job and 86444

family services. 86445

(LL) "Religious activities" means any of the following: 86446  
worship or other religious services; religious instruction; Sunday 86447  
school classes or other religious classes conducted during or 86448  
prior to worship or other religious services; youth or adult 86449  
fellowship activities; choir or other musical group practices or 86450  
programs; meals; festivals; or meetings conducted by an organized 86451  
religious group. 86452

(MM) "School-age child" means a child who is enrolled in or 86453  
is eligible to be enrolled in a grade of kindergarten or above but 86454  
is less than fifteen years old. 86455

(NN) "School-age child care center" and "school-age child 86456  
type A home" mean a center or type A home that provides child care 86457  
for school-age children only and that does either or both of the 86458  
following: 86459

(1) Operates only during that part of the day that 86460  
immediately precedes or follows the public school day of the 86461  
school district in which the center or type A home is located; 86462

(2) Operates only when the public schools in the school 86463  
district in which the center or type A home is located are not 86464  
open for instruction with pupils in attendance. 86465

(OO) "Serious risk noncompliance" means a licensure or 86466  
certification rule violation that leads to a great risk of harm 86467  
to, or death of, a child, and is observable, not inferable. 86468

(PP) "State median income" means the state median income 86469  
calculated by the department of development pursuant to division 86470  
(A)(1)(g) of section 5709.61 of the Revised Code. 86471

(QQ) "Title IV-A" means Title IV-A of the "Social Security 86472  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 86473

(RR) "Title XX" means Title XX of the "Social Security Act," 86474

88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 86475

(SS) "Toddler" means a child who is at least eighteen months 86476  
of age but less than three years of age. 86477

(TT) "Type A family day-care home" and "type A home" mean a 86478  
permanent residence of the administrator in which child care or 86479  
publicly funded child care is provided for seven to twelve 86480  
children at one time or a permanent residence of the administrator 86481  
in which child care is provided for four to twelve children at one 86482  
time if four or more children at one time are under two years of 86483  
age. In counting children for the purposes of this division, any 86484  
children under six years of age who are related to a licensee, 86485  
administrator, or employee and who are on the premises of the type 86486  
A home shall be counted. "Type A family day-care home" and "type A 86487  
home" do not include any child day camp. 86488

(UU) "Type B family day-care home" and "type B home" mean a 86489  
permanent residence of the provider in which child care is 86490  
provided for one to six children at one time and in which no more 86491  
than three children are under two years of age at one time. In 86492  
counting children for the purposes of this division, any children 86493  
under six years of age who are related to the provider and who are 86494  
on the premises of the type B home shall be counted. "Type B 86495  
family day-care home" and "type B home" do not include any child 86496  
day camp. 86497

**Sec. 5104.013.** (A)(1) At the times specified in division 86498  
(A)(3) of this section, the director of job and family services, 86499  
as part of the process of licensure of child day-care centers, 86500  
type A family day-care homes, and ~~licensed~~ type B family day-care 86501  
homes shall request the superintendent of the bureau of criminal 86502  
identification and investigation to conduct a criminal records 86503  
check with respect to the following persons: 86504

(a) Any owner, licensee, or administrator of a ~~child day-care~~ 86505



center; 86506

(b) Any owner, licensee, or administrator of a type A ~~family~~ 86507  
~~day-care~~ home or type B home and any person eighteen years of age 86508  
or older who resides in a type A ~~family day-care~~ home; 86509

~~(c) Any administrator of a licensed type B family day care~~ 86510  
~~home and any person eighteen years of age or older who resides in~~ 86511  
~~a licensed type B family day-care home~~ or type B home. 86512

(2) At the time specified in division (A)(3) of this section, 86513  
the director of a county department of job and family services, as 86514  
part of the process of certification of in-home aides, shall 86515  
request the superintendent of the bureau of criminal 86516  
identification and investigation to conduct a criminal records 86517  
check with respect to any in-home aide. 86518

(3) The director of job and family services shall request a 86519  
criminal records check pursuant to division (A)(1) of this section 86520  
at the time of the initial application for licensure and every 86521  
five years thereafter. The director of a county department of job 86522  
and family services shall request a criminal records check 86523  
pursuant to division (A)(2) of this section at the time of the 86524  
initial application for certification and every five years 86525  
thereafter. When the director of job and family services or the 86526  
director of a county department of job and family services 86527  
requests pursuant to division (A)(1) or (2) of this section a 86528  
criminal records check for a person at the time of the person's 86529  
initial application for licensure or certification, the director 86530  
shall request that the superintendent of the bureau of criminal 86531  
identification and investigation obtain information from the 86532  
federal bureau of investigation as a part of the criminal records 86533  
check for the person, including fingerprint-based checks of 86534  
national crime information databases as described in 42 U.S.C. 671 86535  
for the person subject to the criminal records check. In all other 86536  
cases in which the director of job and family services or the 86537

director of a county department of job and family services 86538  
requests a criminal records check for an applicant pursuant to 86539  
division (A)(1) or (2) of this section, the director may request 86540  
that the superintendent include information from the federal 86541  
bureau of investigation in the criminal records check, including 86542  
fingerprint-based checks of national crime information databases 86543  
as described in 42 U.S.C. 671. 86544

(4) The director of job and family services shall review the 86545  
results of a criminal records check subsequent to a request made 86546  
pursuant to divisions (A)(1) and (3) of this section prior to 86547  
approval of a license. The director of a county department of job 86548  
and family services shall review the results of a criminal records 86549  
check subsequent to a request made pursuant to divisions (A)(2) 86550  
and (3) of this section prior to approval of certification. 86551

(B) The director of job and family services or the director 86552  
of a county department of job and family services shall provide to 86553  
each person for whom a criminal records check is required under 86554  
this section a copy of the form prescribed pursuant to division 86555  
(C)(1) of section 109.572 of the Revised Code and a standard 86556  
impression sheet to obtain fingerprint impressions prescribed 86557  
pursuant to division (C)(2) of that section, obtain the completed 86558  
form and impression sheet from that person, and forward the 86559  
completed form and impression sheet to the superintendent of the 86560  
bureau of criminal identification and investigation. 86561

(C) A person who receives pursuant to division (B) of this 86562  
section a copy of the form and standard impression sheet described 86563  
in that division and who is requested to complete the form and 86564  
provide a set of fingerprint impressions shall complete the form 86565  
or provide all the information necessary to complete the form and 86566  
shall provide the impression sheet with the impressions of the 86567  
person's fingerprints. If the person, upon request, fails to 86568  
provide the information necessary to complete the form or fails to 86569

provide impressions of the person's fingerprints, the director may 86570  
consider the failure as a reason to deny licensure or 86571  
certification. 86572

(D) Except as provided in rules adopted under division ~~(G)~~(N) 86573  
of this section, ~~the:~~ 86574

(1) The director of job and family services shall not grant a 86575  
license to a ~~child day care~~ center, type A ~~family day care~~ home, 86576  
or type B ~~family day care~~ home and a county director of job and 86577  
family services shall not certify an in-home aide if a person for 86578  
whom a criminal records check was required in connection with the 86579  
center or home previously has been convicted of or pleaded guilty 86580  
to any of the violations described in division (A)(5) of section 86581  
109.572 of the Revised Code. 86582

(2) The director of job and family services shall not grant a 86583  
license to a type A home or type B home if a resident of the type 86584  
A home or type B home is under eighteen years of age and has been 86585  
adjudicated a delinquent child for committing a violation of any 86586  
section listed in division (A)(5) of section 109.572 of the 86587  
Revised Code. 86588

(E) Each ~~child day care~~ center, type A ~~family day care~~ home, 86589  
and type B ~~family day care~~ home shall pay to the bureau of 86590  
criminal identification and investigation the fee prescribed 86591  
pursuant to division (C)(3) of section 109.572 of the Revised Code 86592  
for each criminal records check conducted in accordance with that 86593  
section upon a request made pursuant to division (A) of this 86594  
section. 86595

(F)(1) At the times specified in division (F)(2) of this 86596  
section, the administrator of a center, type A home or licensed 86597  
type B home shall request the superintendent of the bureau of 86598  
criminal identification and investigation to conduct a criminal 86599  
records check with respect to any applicant who has applied to the 86600

center, type A home, or licensed type B home for employment. 86601

(2) The administrator shall request a criminal records check 86602  
pursuant to division (F)(1) of this section at the time of the 86603  
applicant's initial application for employment and every five 86604  
years thereafter. When the administrator requests pursuant to 86605  
division (F)(1) of this section a criminal records check for an 86606  
applicant at the time of the applicant's initial application for 86607  
employment, the administrator shall request that the 86608  
superintendent obtain information from the federal bureau of 86609  
investigation as a part of the criminal records check for the 86610  
applicant, including fingerprint-based checks of national crime 86611  
information databases as described in 42 U.S.C. 671, for the 86612  
person subject to the criminal records check. In all other cases 86613  
in which the administrator requests a criminal records check for 86614  
an applicant pursuant to division (F)(1) of this section, the 86615  
administrator may request that the superintendent include 86616  
information from the federal bureau of investigation in the 86617  
criminal records check, including fingerprint-based checks of 86618  
national crime information databases as described in 42 U.S.C. 86619  
671. 86620

(G) Any person required by division (F) of this section to 86621  
request a criminal records check shall inform each person, at the 86622  
time of the person's initial application for employment, that the 86623  
person is required to provide a set of impressions of the person's 86624  
fingerprints and that a criminal records check is required to be 86625  
conducted and satisfactorily completed in accordance with section 86626  
109.572 of the Revised Code if the person comes under final 86627  
consideration for appointment or employment as a precondition to 86628  
employment for that position. 86629

(H) A person required by division (F) of this section to 86630  
request a criminal records check shall provide to each applicant a 86631  
copy of the form prescribed pursuant to division (C)(1) of section 86632

109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (F) of this section.

(I) An applicant who receives pursuant to division (H) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (F) of this section.

(J)(1) Except as provided in rules adopted under division (N) of this section, no center, type A home, or licensed type B home shall employ or contract with another entity for the services of a person if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(2) A center, type A home, or licensed type B home may employ an applicant conditionally until the criminal records check required by this section is completed and the center or home receives the results of the criminal records check. If the results

of the criminal records check indicate that, pursuant to division 86665  
(J)(1) of this section, the applicant does not qualify for 86666  
employment, the center, type A home, or licensed type B home shall 86667  
release the applicant from employment. 86668

(3) The administrator of a center, type A home, or licensed 86669  
type B home shall review the results of the criminal records check 86670  
before an applicant has sole responsibility for the care, custody, 86671  
or control of any child. 86672

(K)(1) Each center, type A home, and licensed type B home 86673  
shall pay to the bureau of criminal identification and 86674  
investigation the fee prescribed pursuant to division (C)(3) of 86675  
section 109.572 of the Revised Code for each criminal records 86676  
check conducted in accordance with that section upon the request 86677  
pursuant to division (F) of this section of the administrator of 86678  
the center, type A home, or licensed type B home. 86679

(2) A center, type A home, or licensed type B home may charge 86680  
an applicant a fee for the costs it incurs in obtaining a criminal 86681  
records check under this section. A fee charged under this 86682  
division shall not exceed the amount of fees the center, type A 86683  
home, or licensed type B home pays under division (K)(1) of this 86684  
section. If a fee is charged under this division, the center, type 86685  
A home, or licensed type B home shall notify the applicant at the 86686  
time of the applicant's initial application for employment of the 86687  
amount of the fee and that, unless the fee is paid, the center, 86688  
type A home, or licensed type B home will not consider the 86689  
applicant for employment. 86690

~~(F)~~(L) The report of any criminal records check conducted by 86691  
the bureau of criminal identification and investigation in 86692  
accordance with section 109.572 of the Revised Code and pursuant 86693  
to a request made under division (A) or (F) of this section is not 86694  
a public record for the purposes of section 149.43 of the Revised 86695  
Code and shall not be made available to any person other than the 86696

person who is the subject of the criminal records check or the 86697  
person's representative, the director of job and family services, 86698  
the director of a county department of job and family services, 86699  
the center, type A home, or type B home involved, and any court, 86700  
hearing officer, or other necessary individual involved in a case 86701  
dealing with a denial of licensure or certification related to the 86702  
criminal records check. 86703

(M)(1) Each of the following persons shall sign a statement 86704  
on forms prescribed by the director of job and family services 86705  
attesting to the fact that the person has not been convicted of or 86706  
pleaded guilty to any offense set forth in division (A)(5) of 86707  
section 109.572 of the Revised Code and that no child has been 86708  
removed from the person's home pursuant to section 2151.353 of the 86709  
Revised Code: 86710

(a) An employee of a center, type A home, or licensed type B 86711  
home; 86712

(b) A person eighteen years of age or older who resides in a 86713  
type A home or licensed type B home; 86714

(c) An in-home aide; 86715

(d) An owner, licensee, or administrator of a center, type A 86716  
home, or licensed type B home. 86717

(2) Each licensee of a type A home or type B home shall sign 86718  
a statement on a form prescribed by the director of job and family 86719  
services attesting to the fact that no person who resides at the 86720  
type A home or licensed type B home and is under eighteen years of 86721  
age has been adjudicated a delinquent child for committing a 86722  
violation of any section listed in division (A)(5) of section 86723  
109.572 of the Revised Code. 86724

(3) The statements required under divisions (M)(1) and (2) of 86725  
this section shall be kept on file as follows: 86726

(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home; 86727  
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(b) With respect to in-home aides, at the county department of job and family services. 86732  
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(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section. 86734  
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~~(G)~~(N) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the ~~prohibition~~ prohibitions in division divisions (D) and (J) of this section for persons who have been convicted of an offense listed in ~~that division~~ division (A)(5) of section 109.572 of the Revised Code but who meet standards in regard to rehabilitation set by the director. 86740  
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~~(H)~~(O) As used in this section, ~~"criminal:~~ 86748

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a center, a type A home, or licensed type B home or any person who would serve in any position with a center, type A home, or licensed type B home pursuant to a contract with another entity. 86749  
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86751  
86752  
86753

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 86754  
86755

**Sec. 5104.015.** The director of job and family services shall 86756



adopt rules in accordance with Chapter 119. of the Revised Code 86757  
governing the operation of child day-care centers, including 86758  
parent cooperative centers, part-time centers, drop-in centers, 86759  
and school-age child care centers. The rules shall reflect the 86760  
various forms of child care and the needs of children receiving 86761  
child care or publicly funded child care and shall include 86762  
specific rules for school-age child care centers that are 86763  
developed in consultation with the department of education. The 86764  
rules shall not require an existing school facility that is in 86765  
compliance with applicable building codes to undergo an additional 86766  
building code inspection or to have structural modifications. The 86767  
rules shall include the following: 86768

(A) Submission of a site plan and descriptive plan of 86769  
operation to demonstrate how the center proposes to meet the 86770  
requirements of this chapter and rules adopted pursuant to this 86771  
chapter for the initial license application; 86772

(B) Standards for ensuring that the physical surroundings of 86773  
the center are safe and sanitary including the physical 86774  
environment, the physical plant, and the equipment of the center; 86775

(C) Standards for the supervision, care, and discipline of 86776  
children receiving child care or publicly funded child care in the 86777  
center; 86778

(D) Standards for a program of activities, and for play 86779  
equipment, materials, and supplies, to enhance the development of 86780  
each child; however, any educational curricula, philosophies, and 86781  
methodologies that are developmentally appropriate and that 86782  
enhance the social, emotional, intellectual, and physical 86783  
development of each child shall be permissible. As used in this 86784  
division, "program" does not include instruction in religious or 86785  
moral doctrines, beliefs, or values that is conducted at child 86786  
day-care centers owned and operated by churches and does include 86787

methods of disciplining children at child day-care centers.	86788
(E) Admissions policies and procedures;	86789
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	86790 86791
(G) First aid and emergency procedures;	86792
(H) Procedures for discipline and supervision of children;	86793
(I) Standards for the provision of nutritious meals and snacks;	86794 86795
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	86796 86797 86798
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	86799 86800
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	86801 86802 86803 86804
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	86805 86806 86807
(N) Procedures for record keeping, organization, and administration;	86808 86809
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	86810 86811 86812
(P) Inspection procedures;	86813
(Q) Procedures and standards for setting initial license application fees;	86814 86815
(R) Procedures for receiving, recording, and responding to	86816

complaints about centers;	86817
(S) Procedures for enforcing section 5104.04 of the Revised Code;	86818 86819
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	86820 86821 86822 86823 86824
(U) Requirements for the training of administrators and child-care staff members, <u>including training</u> in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. <del>Training requirements for child day care centers adopted under this division shall be consistent with sections 5104.034 and 5104.037 of the Revised Code.</del>	86825 86826 86827 86828 86829 86830 86831
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	86832 86833 86834 86835
(W) A procedure for reporting of injuries of children that occur at the center;	86836 86837
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	86838 86839 86840
(Y) <u>Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;</u>	86841 86842 86843
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	86844 86845
<b>Sec. 5104.016.</b> The director of job and family services, in	86846

addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the requirements set forth in sections 5104.032 to ~~5104.037~~ 5104.036 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code; the maximum number of children per child-care staff member and maximum group size requirements of section 5104.033 of the Revised Code; the educational and experience requirements of section 5104.035 of the Revised Code; the age, educational, and experience requirements of section 5104.036 of the Revised Code; ~~the number and type of inservice training hours required under section 5104.037 of the Revised Code;~~ however, the rules shall provide procedures for determining compliance with those requirements.

**Sec. 5104.017.** The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school-age child type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	86877 86878 86879
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	86880 86881 86882 86883 86884 86885
(E) Admissions policies and procedures;	86886
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	86887 86888
(G) First aid and emergency procedures;	86889
(H) Procedures for discipline and supervision of children;	86890
(I) Standards for the provision of nutritious meals and snacks;	86891 86892
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	86893 86894 86895
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	86896 86897
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	86898 86899 86900 86901
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	86902 86903 86904
(N) Procedures for record keeping, organization, and administration;	86905 86906

(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	86907 86908 86909
(P) Inspection procedures;	86910
(Q) Procedures and standards for setting initial license application fees;	86911 86912
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	86913 86914
(S) Procedures for enforcing section 5104.04 of the Revised Code;	86915 86916
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	86917 86918 86919 86920 86921
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	86922 86923 86924 86925
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	86926 86927 86928 86929
(W) Standards for the maximum number of children per child-care staff member;	86930 86931
(X) Requirements for the amount of usable indoor floor space for each child;	86932 86933
(Y) Requirements for safe outdoor play space;	86934
(Z) Qualifications and training requirements for administrators and for child-care staff members;	86935 86936

(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	86937 86938 86939
(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	86940 86941
(CC) <u>Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;</u>	86942 86943 86944
(DD) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	86945 86946
<b>Sec. 5104.018.</b> The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	86947 86948 86949 86950 86951 86952 86953
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	86954 86955 86956
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	86957 86958 86959
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	86960 86961 86962
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that	86963 86964 86965 86966

enhance the social, emotional, intellectual, and physical	86967
development of each child shall be permissible;	86968
(E) Admission policies and procedures;	86969
(F) Health care, first aid and emergency procedures;	86970
(G) Procedures for the care of sick children;	86971
(H) Procedures for discipline and supervision of children;	86972
(I) Nutritional standards;	86973
(J) Procedures for screening children, including any	86974
necessary physical examinations and the immunizations required	86975
pursuant to section 5104.014 of the Revised Code;	86976
(K) Procedures for screening administrators and employees,	86977
including any necessary physical examinations and immunizations;	86978
(L) Methods of encouraging parental participation and	86979
ensuring that the rights of children, parents, and administrators	86980
are protected and the responsibilities of parents and	86981
administrators are met;	86982
(M) Standards for the safe transport of children when under	86983
the care of administrators;	86984
(N) Procedures for issuing, denying, or revoking licenses;	86985
(O) Procedures for the inspection of type B homes that	86986
require, at a minimum, that each type B home be inspected prior to	86987
licensure to ensure that the home is safe and sanitary;	86988
(P) Procedures for record keeping and evaluation;	86989
(Q) Procedures for receiving, recording, and responding to	86990
complaints;	86991
(R) Standards providing for the special needs of children who	86992
are handicapped or who receive treatment for health conditions	86993
while the child is receiving child care or publicly funded child	86994
care in the type B home;	86995



(S) Requirements for the amount of usable indoor floor space for each child;	86996 86997
(T) Requirements for safe outdoor play space;	86998
(U) Qualification and training requirements for administrators;	86999 87000
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	87001 87002 87003
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	87004 87005 87006
(X) <u>Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;</u>	87007 87008 87009
(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	87010 87011 87012
<b>Sec. 5104.03.</b> (A) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.	87013 87014 87015 87016 87017 87018 87019 87020 87021
Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section	87022 87023 87024 87025

shall be paid into the state treasury to the credit of the general 87026  
revenue fund. 87027

(B)(1) Upon filing of the application for a license, the 87028  
director shall investigate and inspect the center, type A home, or 87029  
type B home to determine the license capacity for each age 87030  
category of children of the center, type A home, or type B home 87031  
and to determine whether the center, type A home, or type B home 87032  
complies with this chapter and rules adopted pursuant to this 87033  
chapter. When, after investigation and inspection, the director is 87034  
satisfied that this chapter and rules adopted pursuant to it are 87035  
complied with, subject to division (H) of this section, a license 87036  
shall be issued as soon as practicable in such form and manner as 87037  
prescribed by the director. The license shall be designated as 87038  
provisional and shall be valid for twelve months from the date of 87039  
issuance unless revoked. 87040

(2) The director may contract with a government entity or a 87041  
private nonprofit entity for the entity to inspect type A or type 87042  
B family day-care homes pursuant to this section. If the director 87043  
contracts with a government entity or private nonprofit entity for 87044  
that purpose, the entity may contract with another government 87045  
entity or private nonprofit entity for the other entity to inspect 87046  
type A or type B homes pursuant to this section. The director, 87047  
government entity, or private nonprofit entity shall conduct an 87048  
inspection prior to the issuance of a license for a type A or type 87049  
B home and, as part of that inspection, ensure that the ~~type B~~ 87050  
home is safe and sanitary. 87051

(C)(1) On receipt of an application for licensure as a type B 87052  
family day-care home to provide publicly funded child care, the 87053  
director shall search the uniform statewide automated child 87054  
welfare information system for information concerning any abuse or 87055  
neglect report made pursuant to section 2151.421 of the Revised 87056  
Code of which the applicant, any other adult residing in the 87057

applicant's home, or a person designated by the applicant to be an 87058  
emergency or substitute caregiver for the applicant is the 87059  
subject. 87060

(2) The director shall consider any information discovered 87061  
pursuant to division (C)(1) of this section or that is provided by 87062  
a public children services agency pursuant to section 5153.175 of 87063  
the Revised Code. If the director determines that the information, 87064  
when viewed within the totality of the circumstances, reasonably 87065  
leads to the conclusion that the applicant may directly or 87066  
indirectly endanger the health, safety, or welfare of children, 87067  
the director shall deny the application for licensure or revoke 87068  
the license of a type B family day-care home. 87069

(D) The director shall investigate and inspect the center, 87070  
type A home, or type B home at least once during operation under a 87071  
license designated as provisional. If after the investigation and 87072  
inspection the director determines that the requirements of this 87073  
chapter and rules adopted pursuant to this chapter are met, 87074  
subject to division (H) of this section, the director shall issue 87075  
a new license to the center or home. 87076

(E) Each license shall state the name of the licensee, the 87077  
name of the administrator, the address of the center, type A home, 87078  
or licensed type B home, and the license capacity for each age 87079  
category of children. The license shall include thereon, in 87080  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 87081  
Revised Code, the toll-free telephone number to be used by persons 87082  
suspecting that the center, type A home, or licensed type B home 87083  
has violated a provision of this chapter or rules adopted pursuant 87084  
to this chapter. A license is valid only for the licensee, 87085  
administrator, address, and license capacity for each age category 87086  
of children designated on the license. The license capacity 87087  
specified on the license is the maximum number of children in each 87088  
age category that may be cared for in the center, type A home, or 87089

licensed type B home at one time. 87090

The center or type A home licensee shall notify the director 87091  
when the administrator of the center or home changes. The director 87092  
shall amend the current license to reflect a change in an 87093  
administrator, if the administrator meets the requirements of this 87094  
chapter and rules adopted pursuant to this chapter, or a change in 87095  
license capacity for any age category of children as determined by 87096  
the director of job and family services. 87097

(F) If the director revokes the license of a center, a type A 87098  
home, or a type B home, the director shall not issue another 87099  
license to the owner of the center, type A home, or type B home 87100  
until five years have elapsed from the date the license is 87101  
revoked. 87102

If the director denies an application for a license, the 87103  
director shall not ~~accept~~ consider another application from the 87104  
applicant until five years have elapsed from the date the 87105  
application is denied. 87106

(G) If during the application for licensure process the 87107  
director determines that the license of the owner has been 87108  
revoked, the investigation of the center, type A home, or type B 87109  
home shall cease. This action does not constitute denial of the 87110  
application and may not be appealed under division (H) of this 87111  
section. 87112

(H) ~~All~~ (1) Except as provided in division (H)(2) of this 87113  
section, all actions of the director with respect to licensing 87114  
centers, type A homes, or type B homes, refusal to license, and 87115  
revocation of a license shall be in accordance with Chapter 119. 87116  
of the Revised Code. ~~Any~~ Except as provided in division (H)(2) of 87117  
this section, any applicant who is denied a license or any owner 87118  
whose license is revoked may appeal in accordance with section 87119  
119.12 of the Revised Code. 87120

(2) The following actions by the director are not subject to 87121  
Chapter 119. of the Revised Code: 87122

(a) The director does not issue a license to the owner of a 87123  
center, type A home, or type B home because the owner sought a 87124  
license before five years had elapsed from the date the previous 87125  
license was revoked. 87126

(b) The director does not issue a license because the 87127  
applicant applied for licensure before five years had elapsed from 87128  
the date the previous application was denied. 87129

(I) In no case shall the director issue a license under this 87130  
section for a center, type A home, or type B home if the director, 87131  
based on documentation provided by the appropriate county 87132  
department of job and family services, determines that the 87133  
applicant had been certified as a type B family day-care home when 87134  
such certifications were issued by county departments prior to 87135  
January 1, 2014, that the county department revoked that 87136  
certification within the immediately preceding five years, that 87137  
the revocation was based on the applicant's refusal or inability 87138  
to comply with the criteria for certification, and that the 87139  
refusal or inability resulted in a risk to the health or safety of 87140  
children. 87141

(J)(1) Except as provided in division (J)(2) of this section, 87142  
an administrator of a type B family day-care home that receives a 87143  
license pursuant to this section to provide publicly funded child 87144  
care is an independent contractor and is not an employee of the 87145  
department of job and family services. 87146

(2) For purposes of Chapter 4141. of the Revised Code, 87147  
determinations concerning the employment of an administrator of a 87148  
type B family day-care home that receives a license pursuant to 87149  
this section shall be determined under Chapter 4141. of the 87150  
Revised Code. 87151

Sec. 5104.036. (A) All child-care staff members of a child 87152  
day-care center shall be at least eighteen years of age, shall 87153  
comply with the training requirements set forth in rules adopted 87154  
pursuant to section 5104.015 of the Revised Code, and shall 87155  
furnish the director of job and family services or the director's 87156  
designee evidence of at least high school graduation or 87157  
certification of high school equivalency by the state board of 87158  
education or the appropriate agency of another state or evidence 87159  
of completion of a training program approved by the department of 87160  
job and family services or state board of education, except as 87161  
follows: 87162

(B) A child-care staff member may be less than eighteen years 87163  
of age if the staff member is either of the following: 87164

(1) A graduate of a two-year vocational child-care training 87165  
program approved by the state board of education; 87166

(2) A student enrolled in the second year of a vocational 87167  
child-care training program approved by the state board of 87168  
education which leads to high school graduation, provided that the 87169  
student performs the student's duties in the child day-care center 87170  
under the continuous supervision of an experienced child-care 87171  
staff member, receives periodic supervision from the vocational 87172  
child-care training program teacher-coordinator in the student's 87173  
high school, and meets all other requirements of this chapter and 87174  
rules adopted pursuant to this chapter. 87175

(C) A child-care staff member shall be exempt from the 87176  
educational requirements of division (A) of this section if the 87177  
staff member: 87178

(1) Prior to January 1, 1972, was employed or designated by a 87179  
child day-care center and has been continuously employed since 87180  
either by the same child day-care center employer or at the same 87181  
child day-care center; 87182

(2) Is a student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter;

(3) Is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code or has graduated from a nonchartered, nonpublic school in Ohio.

**Sec. 5104.04.** (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers, type A family day-care homes, and licensed type B family day-care homes.

(B)(1)(a) The department shall, at least once during every twelve-month period of operation of a center, type A home, or licensed type B home, inspect the center, type A home, or licensed type B home. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. The licensee shall display its most recent inspection report in a conspicuous place in the center, type A home, or licensed type B home.

Inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center, type A home, or licensed type B home by any state or local official engaged in performing duties required

of the state or local official by this chapter or rules adopted 87214  
pursuant to this chapter, including inspecting the center, type A 87215  
home, or licensed type B home, reviewing records, or interviewing 87216  
licensees, employees, children, or parents. 87217

(b) Upon receipt of any complaint that a center, type A home 87218  
or licensed type B home is out of compliance with the requirements 87219  
of this chapter or rules adopted pursuant to this chapter, the 87220  
department shall investigate the center or home, and both of the 87221  
following apply: 87222

(i) If the complaint alleges that a child suffered physical 87223  
harm while receiving child care at the center or home or that the 87224  
noncompliance alleged in the complaint involved, resulted in, or 87225  
poses a substantial risk of physical harm to a child receiving 87226  
child care at the center or home, the department shall inspect the 87227  
center or home. 87228

(ii) If division (B)(1)(b)(i) of this section does not apply 87229  
regarding the complaint, the department may inspect the center or 87230  
home. 87231

(c) Division (B)(1)(b) of this section does not limit, 87232  
restrict, or negate any duty of the department to inspect a 87233  
center, type A home, or licensed type B home that otherwise is 87234  
imposed under this section, or any authority of the department to 87235  
inspect a center, type A home, or licensed type B home that 87236  
otherwise is granted under this section when the department 87237  
believes the inspection is necessary and it is permitted under the 87238  
grant. 87239

(2) If the department implements an instrument-based program 87240  
monitoring information system, it may use an indicator checklist 87241  
to comply with division (B)(1) of this section. 87242

(3) The department shall contract with a third party by the 87243  
first day of October in each even-numbered year to collect 87244



information concerning the amounts charged by the center or home 87245  
for providing child care services for use in establishing 87246  
reimbursement ceilings and payment pursuant to section 5104.30 of 87247  
the Revised Code. The third party shall compile the information 87248  
and report the results of the survey to the department not later 87249  
than the first day of December in each even-numbered year. 87250

(C) The department may deny an application or revoke a 87251  
license of a center, type A home, or licensed type B home, if the 87252  
applicant knowingly makes a false statement on the application, 87253  
the center or home does not comply with the requirements of this 87254  
chapter or rules adopted pursuant to this chapter, or the 87255  
applicant or owner has pleaded guilty to or been convicted of an 87256  
offense described in division (A)(5) of section 5104.09 109.572 of 87257  
the Revised Code. 87258

(D) If the department finds, after notice and hearing 87259  
pursuant to Chapter 119. of the Revised Code, that any applicant, 87260  
person, firm, organization, institution, or agency applying for 87261  
licensure or licensed under section 5104.03 of the Revised Code is 87262  
in violation of any provision of this chapter or rules adopted 87263  
pursuant to this chapter, the department may issue an order of 87264  
denial to the applicant or an order of revocation to the center, 87265  
type A home, or licensed type B home revoking the license 87266  
previously issued by the department. Upon the issuance of such an 87267  
order, the person whose application is denied or whose license is 87268  
revoked may appeal in accordance with section 119.12 of the 87269  
Revised Code. 87270

(E) The surrender of a center, type A home, or licensed type 87271  
B home license to the department or the withdrawal of an 87272  
application for licensure by the owner or administrator of the 87273  
center, type A home, or licensed type B home shall not prohibit 87274  
the department from instituting any of the actions set forth in 87275  
this section. 87276

(F) Whenever the department receives a complaint, is advised, 87277  
or otherwise has any reason to believe that a center or type A 87278  
home is providing child care without a license issued pursuant to 87279  
section 5104.03 and is not exempt from licensing pursuant to 87280  
section 5104.02 of the Revised Code, the department shall 87281  
investigate the center or type A home and may inspect the areas 87282  
children have access to or areas necessary for the care of 87283  
children in the center or type A home during suspected hours of 87284  
operation to determine whether the center or type A home is 87285  
subject to the requirements of this chapter or rules adopted 87286  
pursuant to this chapter. 87287

(G) The department, upon determining that the center or type 87288  
A home is operating without a license, shall notify the attorney 87289  
general, the prosecuting attorney of the county in which the 87290  
center or type A home is located, or the city attorney, village 87291  
solicitor, or other chief legal officer of the municipal 87292  
corporation in which the center or type A home is located, that 87293  
the center or type A home is operating without a license. Upon 87294  
receipt of the notification, the attorney general, prosecuting 87295  
attorney, city attorney, village solicitor, or other chief legal 87296  
officer of a municipal corporation shall file a complaint in the 87297  
court of common pleas of the county in which the center or type A 87298  
home is located requesting that the court grant an order enjoining 87299  
the owner from operating the center or type A home in violation of 87300  
section 5104.02 of the Revised Code. The court shall grant such 87301  
injunctive relief upon a showing that the respondent named in the 87302  
complaint is operating a center or type A home and is doing so 87303  
without a license. 87304

(H) The department shall prepare an annual report on 87305  
inspections conducted under this section. The report shall include 87306  
the number of inspections conducted, the number and types of 87307  
violations found, and the steps taken to address the violations. 87308

The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 5104.042. (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:

(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.

(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home;

(b) An employee of the center, type A home, or licensed type B home;

(c) Any person who resides in the type A home or licensed type B home.

(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child.

(4) The department or a county department of job and family services determines that the center, type A home, or licensed type B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death

or injury. 87339

(5) The owner, licensee, or administrator of the center, type A home, or licensed type B home is charged by indictment, information, or complaint with fraud. 87340  
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(B) The department shall issue a written order of suspension and furnish a copy to the licensee. The licensee may appeal the suspension in accordance with section 119.12 of the Revised Code. 87343  
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(C) Except as provided in division (D) of this section, any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until any of the following occurs: 87346  
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(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code. 87350  
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(2) All criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 87353  
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(3) A final order is issued by the department pursuant to Chapter 119. of the Revised Code becomes effective. 87355  
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(D) If the department initiates the revocation of a license that has been suspended pursuant to this section, the suspension shall continue until the revocation process is completed. 87357  
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(E) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension. 87360  
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(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses. 87366  
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~~Sec. 5104.09. (A)(1) Except as provided in rules adopted pursuant to division (D) of this section, no individual who has been convicted of or pleaded guilty to a violation described in division (A)(5) of section 109.572 of the Revised Code, a violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 of the Revised Code or a violation of an existing or former law or ordinance of any municipal corporation, this state, any other state, or the United States that is substantially equivalent to any of those violations, or two violations of section 4511.19 of the Revised Code during operation of the center or home shall be certified as an in-home aide or be employed in any capacity in or own or operate a child day care center, type A family day care home, type B family day care home, or licensed type B family day care home.~~

~~(2) Each employee of a child day care center and type A home and every person eighteen years of age or older residing in a type A home or licensed type B home shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the employee or resident person has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the employee's or resident person's home pursuant to section 2151.353 of the Revised Code. Each licensee of a type A family day care home or type B family day care home shall sign a statement on a form prescribed by the director attesting to the fact that no person who resides at the type A home or licensed type B home and who is under the age of eighteen has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(1) of this section. The statements shall be kept on file at the center, type A home, or licensed type B home.~~

~~(3) Each in home aide shall sign a statement on forms 87401  
prescribed by the director of job and family services attesting 87402  
that the aide has not been convicted of or pleaded guilty to any 87403  
offense set forth in division (A)(1) of this section and that no 87404  
child has been removed from the aide's home pursuant to section 87405  
2151.353 of the Revised Code. The statement shall be kept on file 87406  
at the county department of job and family services. 87407~~

~~(4) Each administrator and licensee of a center, type A home, 87408  
or licensed type B home shall sign a statement on a form 87409  
prescribed by the director of job and family services attesting 87410  
that the administrator or licensee has not been convicted of or 87411  
pleaded guilty to any offense set forth in division (A)(1) of this 87412  
section and that no child has been removed from the 87413  
administrator's or licensee's home pursuant to section 2151.353 of 87414  
the Revised Code. The statement shall be kept on file at the 87415  
center, type A home, or licensed type B home. 87416~~

~~(B) No in home aide, no administrator, licensee, or employee 87417  
of a center, type A home, or licensed type B home, and no person 87418  
eighteen years of age or older residing in a type A home or 87419  
licensed type B home shall withhold information from, or falsify 87420  
information on, any statement required pursuant to division 87421  
(A)(2), (3), or (4) of this section. 87422~~

~~(C) No administrator, licensee, or child-care staff member 87423  
shall discriminate in the enrollment of children in a child 87424  
day-care center upon the basis of race, color, religion, sex, or 87425  
national origin. 87426~~

~~(D) The director of job and family services shall adopt rules 87427  
in accordance with Chapter 119. of the Revised Code to implement 87428  
this section, including rules specifying exceptions to the 87429  
prohibition in division (A) of this section for persons who have 87430  
been convicted of an offense listed in that division but meet 87431  
rehabilitation standards set by the director. 87432~~

Sec. 5104.29. (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code. 87433  
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(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components: 87436  
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(1) Quality program standards for early learning and development programs; 87443  
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(2) Accountability measures that include tiered ratings representing each program's level of quality; 87445  
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(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program; 87447  
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(4) Financial incentives linked to achieving and maintaining quality standards; 87450  
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(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children. 87452  
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(C) The step up to quality program shall have the following goals: 87455  
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(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs; 87457  
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(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs; 87460  
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<u>(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;</u>	87462 87463
<u>(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.</u>	87464 87465 87466
<u>(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.</u>	87467 87468 87469 87470 87471
<u>(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:</u>	87472 87473 87474 87475
<u>(1) Learning and development;</u>	87476
<u>(2) Administration and leadership practices;</u>	87477
<u>(3) Staff quality and professional development;</u>	87478
<u>(4) Family and community partnerships.</u>	87479
<u>(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.</u>	87480 87481 87482 87483
<u>(G)(1) The department of job and family services shall ensure that the following percentages of children enrolled in early learning and development programs are served by programs with a rating in the third highest tier or above in the step up to quality program:</u>	87484 87485 87486 87487 87488
<u>(a) By June 30, 2017, twenty-five per cent;</u>	87489
<u>(b) By June 30, 2019, forty per cent;</u>	87490



<u>(c) By June 30, 2021, sixty per cent;</u>	87491
<u>(d) By June 30, 2023, eighty per cent;</u>	87492
<u>(e) By June 30, 2025, one hundred per cent.</u>	87493
<u>(2) The department of job and family services and the</u>	87494
<u>department of education shall identify and implement ways to</u>	87495
<u>accelerate early learning and development programs moving to</u>	87496
<u>higher tiers in the step up to quality program. The departments</u>	87497
<u>may consult with the early childhood advisory council established</u>	87498
<u>pursuant to section 3301.90 of the Revised Code to facilitate</u>	87499
<u>their efforts and shall include owners and administrators of early</u>	87500
<u>learning and development programs in the identification and</u>	87501
<u>implementation process. The departments shall report their</u>	87502
<u>recommendations to the general assembly not later than October 31,</u>	87503
<u>2015.</u>	87504
<b>Sec. 5104.30.</b> (A) The department of job and family services	87505
is hereby designated as the state agency responsible for	87506
administration and coordination of federal and state funding for	87507
publicly funded child care in this state. Publicly funded child	87508
care shall be provided to the following:	87509
(1) Recipients of transitional child care as provided under	87510
section 5104.34 of the Revised Code;	87511
(2) Participants in the Ohio works first program established	87512
under Chapter 5107. of the Revised Code;	87513
(3) Individuals who would be participating in the Ohio works	87514
first program if not for a sanction under section 5107.16 of the	87515
Revised Code and who continue to participate in a work activity,	87516
developmental activity, or alternative work activity pursuant to	87517
an assignment under section 5107.42 of the Revised Code;	87518
(4) A family receiving publicly funded child care on October	87519
1, 1997, until the family's income reaches one hundred fifty per	87520

cent of the federal poverty line; 87521

(5) Subject to available funds, other individuals determined 87522  
eligible in accordance with rules adopted under section 5104.38 of 87523  
the Revised Code. 87524

The department shall apply to the United States department of 87525  
health and human services for authority to operate a coordinated 87526  
program for publicly funded child care, if the director of job and 87527  
family services determines that the application is necessary. For 87528  
purposes of this section, the department of job and family 87529  
services may enter into agreements with other state agencies that 87530  
are involved in regulation or funding of child care. The 87531  
department shall consider the special needs of migrant workers 87532  
when it administers and coordinates publicly funded child care and 87533  
shall develop appropriate procedures for accommodating the needs 87534  
of migrant workers for publicly funded child care. 87535

(B) The department of job and family services shall 87536  
distribute state and federal funds for publicly funded child care, 87537  
including appropriations of state funds for publicly funded child 87538  
care and appropriations of federal funds available under the child 87539  
care block grant act, Title IV-A, and Title XX. The department may 87540  
use any state funds appropriated for publicly funded child care as 87541  
the state share required to match any federal funds appropriated 87542  
for publicly funded child care. 87543

(C) In the use of federal funds available under the child 87544  
care block grant act, all of the following apply: 87545

(1) The department may use the federal funds to hire staff to 87546  
prepare any rules required under this chapter and to administer 87547  
and coordinate federal and state funding for publicly funded child 87548  
care. 87549

(2) Not more than five per cent of the aggregate amount of 87550  
the federal funds received for a fiscal year may be expended for 87551

administrative costs. 87552

(3) The department shall allocate and use at least four per cent of the federal funds for the following: 87553  
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(a) Activities designed to provide comprehensive consumer education to parents and the public; 87555  
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(b) Activities that increase parental choice; 87557

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 87558  
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~~(d) Establishing a tiered quality rating and improvement system in which participation in the program may allow child day care providers to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating the step up to quality program pursuant to section 5104.29 of the Revised Code.~~ 87561  
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 87568  
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child 87576  
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care resource and referral service organizations, shall provide 87583  
consultation to groups and individuals interested in developing 87584  
child care. The department of job and family services may enter 87585  
into interagency agreements with the department of education, the 87586  
~~board of regents~~ chancellor of higher education, the department of 87587  
development, and other state agencies and entities whenever the 87588  
cooperative efforts of the other state agencies and entities are 87589  
necessary for the department of job and family services to fulfill 87590  
its duties and responsibilities under this chapter. 87591

The department shall develop and maintain a registry of 87592  
persons providing child care. The director shall adopt rules in 87593  
accordance with Chapter 119. of the Revised Code establishing 87594  
procedures and requirements for the registry's administration. 87595

(E)(1) The director shall adopt rules in accordance with 87596  
Chapter 119. of the Revised Code establishing both of the 87597  
following: 87598

(a) Reimbursement ceilings for providers of publicly funded 87599  
child care not later than the first day of July in each 87600  
odd-numbered year; 87601

(b) A procedure for reimbursing and paying providers of 87602  
publicly funded child care. 87603

(2) In establishing reimbursement ceilings under division 87604  
(E)(1)(a) of this section, the director shall do all of the 87605  
following: 87606

(a) Use the information obtained under division (B)(3) of 87607  
section 5104.04 of the Revised Code; 87608

(b) Establish an enhanced reimbursement ceiling for providers 87609  
who provide child care for caretaker parents who work 87610  
nontraditional hours; 87611

(c) For an in-home aide, establish a an hourly reimbursement 87612

~~ceiling that is seventy five per cent of the reimbursement ceiling~~ 87613  
~~that applies to a licensed type B family day care home;~~ 87614

(d) With regard to the ~~tiered quality rating and improvement~~ 87615  
~~system~~ step up to quality program established pursuant to ~~division~~ 87616  
~~(C)(3)(d) of this section 5104.29 of the Revised Code~~, do both of 87617  
the following: 87618

(i) Establish enhanced reimbursement ceilings for child 87619  
day-care providers that participate in the ~~system~~ program and 87620  
maintain quality ratings ~~under the system~~; 87621

(ii) ~~In the case of child day care providers that have been~~ 87622  
~~given access to the system by the department, weigh~~ Weigh any 87623  
reduction in reimbursement ceilings more heavily against ~~those~~ 87624  
providers that do not participate in the ~~system~~ program or do not 87625  
maintain quality ratings ~~under the system~~. 87626

(3) In establishing reimbursement ceilings under division 87627  
(E)(1)(a) of this section, the director may establish different 87628  
reimbursement ceilings based on any of the following: 87629

(a) Geographic location of the provider; 87630

(b) Type of care provided; 87631

(c) Age of the child served; 87632

(d) Special needs of the child served; 87633

(e) Whether the expanded hours of service are provided; 87634

(f) Whether weekend service is provided; 87635

(g) Whether the provider has exceeded the minimum 87636  
requirements of state statutes and rules governing child care; 87637

(h) Any other factors the director considers appropriate. 87638

~~(F) The director shall adopt rules in accordance with Chapter~~ 87639  
~~119. of the Revised Code to implement the tiered quality rating~~ 87640  
~~and improvement system described in division (C)(3)(d) of this~~ 87641

<del>section.</del>	87642
<b>Sec. 5104.31.</b> (A) Publicly funded child care may be provided only by the following:	87643 87644
(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:	87645 87646 87647 87648
(a) A child day-care center, including a parent cooperative child day-care center;	87649 87650
(b) A type A family day-care home, including a parent cooperative type A family day-care home;	87651 87652
(c) A licensed type B family day-care home.	87653
(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;	87654 87655 87656
(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;	87657 87658
(4) A licensed preschool program;	87659
(5) A licensed school child program;	87660
(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	87661 87662 87663 87664
(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.	87665 87666
(C) Beginning July 1, 2020, publicly funded child care may be provided only by a provider that is rated through the <del>tiered quality rating and improvement system</del> <u>step up to quality program</u> established pursuant to section <del>5104.30</del> <u>5104.29</u> of the Revised	87667 87668 87669 87670

Code. 87671

**Sec. 5104.34.** (A)(1) Each county department of job and family 87672  
services shall implement procedures for making determinations of 87673  
eligibility for publicly funded child care. Under those 87674  
procedures, the eligibility determination for each applicant shall 87675  
be made no later than thirty calendar days from the date the 87676  
county department receives a completed application for publicly 87677  
funded child care. Each applicant shall be notified promptly of 87678  
the results of the eligibility determination. An applicant 87679  
aggrieved by a decision or delay in making an eligibility 87680  
determination may appeal the decision or delay to the department 87681  
of job and family services in accordance with section 5101.35 of 87682  
the Revised Code. The due process rights of applicants shall be 87683  
protected. 87684

To the extent permitted by federal law, the county department 87685  
may make all determinations of eligibility for publicly funded 87686  
child care, may contract with child care providers or child care 87687  
resource and referral service organizations for the providers or 87688  
resource and referral service organizations to make all or any 87689  
part of the determinations, and may contract with child care 87690  
providers or child care resource and referral service 87691  
organizations for the providers or resource and referral service 87692  
organizations to collect specified information for use by the 87693  
county department in making determinations. If a county department 87694  
contracts with a child care provider or a child care resource and 87695  
referral service organization for eligibility determinations or 87696  
for the collection of information, the contract shall require the 87697  
provider or resource and referral service organization to make 87698  
each eligibility determination no later than thirty calendar days 87699  
from the date the provider or resource and referral organization 87700  
receives a completed application that is the basis of the 87701  
determination and to collect and transmit all necessary 87702

information to the county department within a period of time that 87703  
enables the county department to make each eligibility 87704  
determination no later than thirty days after the filing of the 87705  
application that is the basis of the determination. 87706

The county department may station employees of the department 87707  
in various locations throughout the county to collect information 87708  
relevant to applications for publicly funded child care and to 87709  
make eligibility determinations. The county department, child care 87710  
provider, and child care resource and referral service 87711  
organization shall make each determination of eligibility for 87712  
publicly funded child care no later than thirty days after the 87713  
filing of the application that is the basis of the determination, 87714  
shall make each determination in accordance with any relevant 87715  
rules adopted pursuant to section 5104.38 of the Revised Code, and 87716  
shall notify promptly each applicant for publicly funded child 87717  
care of the results of the determination of the applicant's 87718  
eligibility. 87719

The director of job and family services shall adopt rules in 87720  
accordance with Chapter 119. of the Revised Code for monitoring 87721  
the eligibility determination process. In accordance with those 87722  
rules, the state department shall monitor eligibility 87723  
determinations made by county departments of job and family 87724  
services and shall direct any entity that is not in compliance 87725  
with this division or any rule adopted under this division to 87726  
implement corrective action specified by the department. 87727

(2)(a) All eligibility determinations for publicly funded 87728  
child care shall be made in accordance with rules adopted pursuant 87729  
to division (A) of section 5104.38 of the Revised Code. Except as 87730  
otherwise provided in this section, both of the following apply: 87731

(i) Publicly funded child care may be provided only to 87732  
eligible infants, toddlers, preschool-age children, and school-age 87733  
children under age thirteen. 87734



(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care. 87735  
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(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the licensed child care program shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division. 87742  
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(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of up to thirteen weeks not to extend beyond the caretaker parent's twelve-month eligibility period. Such authorization may be given only once during a twelve-month period. 87754  
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Subject to available funds, the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or 87761  
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(4) of section 5104.30 of the Revised Code. If the department must  
limit eligibility due to lack of available funds, it shall give  
first priority for publicly funded child care to an assistance  
group whose income is not more than the maximum income eligibility  
limit that received transitional child care in the previous month  
but is no longer eligible because the twelve-month period has  
expired. Such an assistance group shall continue to receive  
priority for publicly funded child care until its income exceeds  
the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the  
Ohio works first program established under Chapter 5107. of the  
Revised Code is eligible for transitional child care at any time  
during the immediately following twelve-month period that both of  
the following apply:

(a) The assistance group requires child care due to  
employment;

(b) The assistance group's income is not more than one  
hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio  
works first program pursuant to section 5101.83 or section 5107.16  
of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of  
job and family services may require a caretaker parent determined  
to be eligible for publicly funded child care to pay a fee  
according to the schedule of fees established in rules adopted  
under section 5104.38 of the Revised Code. The department shall  
make protective child care services available to children without  
regard to the income or assets of the caretaker parent of the  
child.

(C) A caretaker parent receiving publicly funded child care  
shall report to the entity that determined eligibility any changes

in status with respect to employment or participation in a program 87798  
of education or training not later than ten calendar days after 87799  
the change occurs. 87800

(D) If the department of job and family services determines 87801  
that available resources are not sufficient to provide publicly 87802  
funded child care to all eligible families who request it, the 87803  
department may establish a waiting list. The department may 87804  
establish separate waiting lists within the waiting list based on 87805  
income. 87806

(E) A caretaker parent shall not receive full-time publicly 87807  
funded child care from more than one child care provider per child 87808  
during any period a week, unless a county department grants the 87809  
family an exemption for one of the following reasons: 87810

(a) The child needs additional care during non-traditional 87811  
hours; 87812

(b) The child needs to change providers in the middle of the 87813  
week and the hours of care provided by the providers do not 87814  
overlap; 87815

(c) The child's provider is closed on scheduled school days 87816  
off or on calamity days; 87817

(d) The child is enrolled in a part-time program 87818  
participating in the tiered quality rating and improvement system 87819  
established under section 5104.30 of the Revised Code and needs 87820  
care from an additional part-time provider. 87821

(F) As used in this section, "maximum income eligibility 87822  
limit" means the amount of income specified in rules adopted under 87823  
division (A) of section 5104.38 of the Revised Code. 87824

**Sec. 5104.37.** (A) As used in this section, "eligible 87825  
provider" means an individual or entity eligible to provide 87826  
publicly funded child care pursuant to section 5104.31 of the 87827

Revised Code.	87828
(B) The department of job and family services may withhold any money due under this chapter and recover through any appropriate method any money erroneously paid under this chapter if evidence exists of less than full compliance with this chapter and any rules adopted under it.	87829 87830 87831 87832 87833
(C) Notwithstanding any other provision of this chapter to the contrary, the department shall take action against an eligible provider as described in this section.	87834 87835 87836
(D) Subject to the notice and appeal provisions of divisions (G) and (H) of this section, the department may suspend a contract entered into under section 5104.32 of the Revised Code with an eligible provider if the department has initiated an investigation of the provider for either of the following reasons:	87837 87838 87839 87840 87841
(1) The department has evidence that the eligible provider received an improper child care payment as a result of the provider's intentional act.	87842 87843 87844
(2) The department receives notice and a copy of an indictment, information, or complaint charging the eligible provider or the owner or operator of the provider with committing any of the following:	87845 87846 87847 87848
(a) An act that is a felony or misdemeanor relating to providing or billing for publicly funded child care or providing management or administrative services relating to providing publicly funded child care;	87849 87850 87851 87852
(b) An act that would constitute an offense described in <u>division (A)(5) of section <del>5104.09</del> 109.572</u> of the Revised Code.	87853 87854
(E)(1) Except as provided in division (E)(2) of this section, the suspension of a contract under division (D) of this section shall continue until the department completes its investigation or	87855 87856 87857

all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 87858  
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(2) If the department initiates the termination of a contract that has been suspended pursuant to division (D) of this section, the suspension shall continue until the termination process is completed. 87860  
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(F) An eligible provider shall not provide publicly funded child care while the provider's contract is under suspension pursuant to division (D) of this section. As of the date the eligible provider's contract is suspended, the department shall withhold payment to the eligible provider for publicly funded child care. 87864  
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(G) Before suspending an eligible provider's contract pursuant to division (D) of this section, the department shall notify the eligible provider. The notice shall include all of the following: 87870  
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(1) A description, which need not disclose specific information concerning any ongoing administrative or criminal investigation, of the reason that the department initiated its investigation of the provider; 87874  
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(2) A statement that the eligible provider will be prohibited from providing publicly funded child care while the contract is under suspension; 87878  
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(3) A statement that the suspension will continue until the department completes its investigation or all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty, and that if the department initiates the termination of the contract, the suspension will continue until the termination process is completed. 87881  
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(H) An eligible provider may file an appeal with the department regarding any proposal by the department to suspend the 87887  
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provider's contract pursuant to division (D) of this section. The 87889  
appeal must be received by the department not later than fifteen 87890  
days after the date the provider receives the notification 87891  
described in division (G) of this section. The department shall 87892  
review the evidence and issue a decision not later than thirty 87893  
days after receiving the appeal. The department shall not suspend 87894  
a contract pursuant to division (D) of this section until the time 87895  
for filing the appeal has passed or, if the provider files a 87896  
timely appeal, the department has issued a decision on the appeal. 87897

**Sec. 5104.38.** In addition to any other rules adopted under 87898  
this chapter, the director of job and family services shall adopt 87899  
rules in accordance with Chapter 119. of the Revised Code 87900  
governing financial and administrative requirements for publicly 87901  
funded child care and establishing all of the following: 87902

(A) Procedures and criteria to be used in making 87903  
determinations of eligibility for publicly funded child care that 87904  
give priority to children of families with lower incomes and 87905  
procedures and criteria for eligibility for publicly funded 87906  
protective child care. The rules shall specify the maximum amount 87907  
of income a family may have for initial and continued eligibility. 87908  
The maximum amount shall not exceed ~~two~~ three hundred per cent of 87909  
the federal poverty line. The rules may specify exceptions to the 87910  
eligibility requirements in the case of a family that previously 87911  
received publicly funded child care and is seeking to have the 87912  
child care reinstated after the family's eligibility was 87913  
terminated. 87914

(B) Procedures under which an applicant for publicly funded 87915  
child care may receive publicly funded child care while the county 87916  
department of job and family services determines eligibility and 87917  
under which a licensed child care program may appeal a denial of 87918  
payment under division (A)(2)(b) of section 5104.34 of the Revised 87919

Code;	87920
(C) A schedule of fees requiring all eligible caretaker	87921
parents to pay a fee for publicly funded child care according to	87922
income and family size, which shall be uniform for all types of	87923
publicly funded child care, except as authorized by rule, and, to	87924
the extent permitted by federal law, shall permit the use of state	87925
and federal funds to pay the customary deposits and other advance	87926
payments that a provider charges all children who receive child	87927
care from that provider. <del>The schedule of fees may not provide for</del>	87928
<del>a caretaker parent to pay a fee that exceeds ten per cent of the</del>	87929
<del>parent's family income.</del>	87930
(D) A formula for determining the amount of state and federal	87931
funds appropriated for publicly funded child care that may be	87932
allocated to a county department to use for administrative	87933
purposes;	87934
(E) Procedures to be followed by the department and county	87935
departments in recruiting individuals and groups to become	87936
providers of child care;	87937
(F) Procedures to be followed in establishing state or local	87938
programs designed to assist individuals who are eligible for	87939
publicly funded child care in identifying the resources available	87940
to them and to refer the individuals to appropriate sources to	87941
obtain child care;	87942
(G) Procedures to deal with fraud and abuse committed by	87943
either recipients or providers of publicly funded child care;	87944
(H) Procedures for establishing a child care grant or loan	87945
program in accordance with the child care block grant act;	87946
(I) Standards and procedures for applicants to apply for	87947
grants and loans, and for the department to make grants and loans;	87948
(J) A definition of "person who stands in loco parentis" for	87949

the purposes of division (JJ)(1) of section 5104.01 of the Revised Code; 87950  
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(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 87952  
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(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served; 87957  
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(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period; 87962  
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(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code. 87970  
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**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the Revised Code shall be punished as follows: 87972  
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(1) For each offense, the offender shall be fined not less than one hundred dollars nor more than five hundred dollars multiplied by the number of children receiving child care at the child day-care center or type A family day-care home that either exceeds the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type 87974  
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A family day-care home that is operating as a child day-care center without being licensed as a center, exceeds the license capacity of the type A home. 87980  
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(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply: 87983  
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(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, the license capacity of the type A home. 87985  
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(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. 87993  
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(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code. 87999  
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(d) If the offender previously has been convicted of or 88011  
pleaded guilty to three or more violations of section 5104.02 of 88012  
the Revised Code, the offender is guilty of a felony of the fifth 88013  
degree, and the court shall order the offender to cease the 88014  
provision of child care to any person until it obtains a child 88015  
day-care center license or a type A family day-care home license, 88016  
as appropriate, under section 5104.03 of the Revised Code. The 88017  
court shall impose the fine specified in division (A)(1) of this 88018  
section and may impose an additional fine provided that the total 88019  
amount of the fines so imposed does not exceed the maximum fine 88020  
authorized for a felony of the fifth degree under section 2929.18 88021  
of the Revised Code. 88022

(B) Whoever violates division ~~(B)~~(M)(4) of section ~~5104.09~~ 88023  
5104.013 of the Revised Code is guilty of a misdemeanor of the 88024  
first degree. If the offender is a licensee of a center ~~or~~, type A 88025  
home, or licensed type B home, the conviction shall constitute 88026  
grounds for denial or revocation of an application for licensure 88027  
pursuant to section 5104.04 of the Revised Code. Except as 88028  
otherwise provided in this division, the offense established under 88029  
division (M)(4) of section 5104.013 of the Revised Code is a 88030  
strict liability offense, and section 2901.20 of the Revised Code 88031  
does not apply. If the offender is a person eighteen years of age 88032  
or older residing in a ~~center or~~ type A home or licensed type B 88033  
home or is an employee of a center ~~or a~~, type A home, or licensed 88034  
type B home and if the licensee had knowledge of, and acquiesced 88035  
in, the commission of the offense, the conviction shall constitute 88036  
grounds for denial or revocation of an application for licensure 88037  
pursuant to section 5104.04 of the Revised Code. 88038

(C) Whoever violates ~~division (C)~~ of section 5104.09 of the 88039  
Revised Code is guilty of a misdemeanor of the third degree. 88040

**Sec. 5107.05.** The director of job and family services shall 88041

adopt rules to implement this chapter. The rules shall be 88042  
consistent with Title IV-A, Title IV-D, federal regulations, state 88043  
law, the Title IV-A state plan submitted to the United States 88044  
secretary of health and human services under section 5101.80 of 88045  
the Revised Code, amendments to the plan, and waivers granted by 88046  
the United States secretary. Rules governing eligibility, program 88047  
participation, and other applicant and participant requirements 88048  
shall be adopted in accordance with Chapter 119. of the Revised 88049  
Code. Rules governing financial and other administrative 88050  
requirements applicable to the department of job and family 88051  
services and county departments of job and family services shall 88052  
be adopted in accordance with section 111.15 of the Revised Code. 88053

(A) The rules shall specify, establish, or govern all of the 88054  
following: 88055

(1) A payment standard for Ohio works first based on federal 88056  
and state appropriations that is increased in accordance with 88057  
section 5107.04 of the Revised Code; 88058

(2) For the purpose of section 5107.04 of the Revised Code, 88059  
the method of determining the amount of cash assistance an 88060  
assistance group receives under Ohio works first; 88061

(3) Requirements for initial and continued eligibility for 88062  
Ohio works first, including requirements regarding income, 88063  
citizenship, age, residence, and assistance group composition; 88064

(4) For the purpose of section 5107.12 of the Revised Code, 88065  
application and verification procedures, including the minimum 88066  
information an application must contain; 88067

(5) The extent to which a participant of Ohio works first 88068  
must notify, pursuant to section 5107.12 of the Revised Code, a 88069  
county department of job and family services of additional income 88070  
not previously reported to the county department; 88071

(6) For the purpose of section 5107.16 of the Revised Code, 88072

both of the following:	88073
(a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;	88074 88075 88076
(b) The compliance activities a member of an assistance group must complete for the member to be considered to have ceased to fail or refuse to comply in full with a provision of a self-sufficiency contract.	88077 88078 88079 88080
(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code;	88081 88082 88083
(8) For the purpose of division (B) of section 5107.17 of the Revised Code, the circumstances under which the adult member of an assistance group or an assistance group's minor head of household whose failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract causes a sanction under section 5107.16 of the Revised Code must enter into a new, or amend an existing, self-sufficiency contract before the assistance group may resume participation in Ohio works first following the sanction;	88084 88085 88086 88087 88088 88089 88090 88091 88092
(9) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code;	88093 88094 88095
(10) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate;	88096 88097 88098 88099
(11) The requirements governing the LEAP program, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program;	88100 88101 88102

(12) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award;

(13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code.

(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;

(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;

(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code;

(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code;

(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.

The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29).

The rules adopted under division (A)(13) of this section

shall specify that the circumstances include that a school or 88133  
place of work is closed due to a holiday or weather or other 88134  
emergency and that an employer grants the minor head of household 88135  
or adult leave for illness or earned vacation. 88136

(C) The rules may provide that a county department of job and 88137  
family services is not required to take action under section 88138  
5107.76 of the Revised Code to recover an erroneous payment under 88139  
circumstances the rules specify. 88140

**Sec. 5107.64.** County departments of job and family services 88141  
shall establish and administer alternative work activities for 88142  
minor heads of households and adults participating in Ohio works 88143  
first. In establishing alternative work activities, county 88144  
departments are not limited by the restrictions Title IV-A imposes 88145  
on work activities. The following are examples of alternative work 88146  
activities that a county department may establish: 88147

(A) Parenting classes and life-skills training; 88148

(B) Participation in addiction services provided by a 88149  
community addiction services provider ~~certified by the department~~ 88150  
~~of mental health and addiction services under section 5119.36, as~~ 88151  
defined in section 5119.01 of the Revised Code; 88152

(C) In the case of a homeless assistance group, finding a 88153  
home; 88154

(D) In the case of a minor head of household or adult with a 88155  
disability, active work in an individual written rehabilitation 88156  
plan with the opportunities for Ohioans with disabilities agency; 88157

(E) In the case of a minor head of household or adult who has 88158  
been the victim of domestic violence, residing in a domestic 88159  
violence shelter, receiving counseling or treatment related to the 88160  
domestic violence, or participating in criminal justice activities 88161  
against the domestic violence offender; 88162

(F) An education program under which a participant who does not speak English attends English as a second language course.

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**Sec. 5115.04.** ~~(A)~~ The department of job and family services shall supervise and administer the disability financial assistance program, ~~except that the~~ subject to the following exceptions:

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The department may require county departments of job and family services to perform any administrative function for the program, as specified in rules adopted by the director of job and family services.

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~~(B)~~ If the department requires county departments to perform administrative functions under this ~~section~~ division, the director shall adopt rules in accordance with section 111.15 of the Revised Code governing the performance of the functions ~~to be performed~~ by county departments. County departments shall perform the functions in accordance with the rules. The director shall conduct investigations to determine whether disability financial assistance is being administered in compliance with the Revised Code and rules adopted by the director.

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~~(C)~~ If disability financial assistance payments are made by the county department of job and family services, the department shall advance sufficient funds to provide the county treasurer with the amount estimated for the payments. Financial assistance payments shall be distributed in accordance with sections 126.35, 319.16, and 329.03 of the Revised Code.

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The department may enter into an agreement with a state agency whereby the state agency agrees to make eligibility determinations for the program. If the department enters into such an agreement, the department shall cover the administrative costs incurred by the state agency to make the eligibility determinations.

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As used in this division, "state agency" has the same meaning 88193  
as in section 117.01 of the Revised Code. 88194

**Sec. 5119.01.** (A) As used in this chapter: 88195

(1) "Addiction" means the chronic and habitual use of 88196  
alcoholic beverages, the use of a drug of abuse as defined in 88197  
section 3719.011 of the Revised Code, or the use of gambling by an 88198  
individual to the extent that the individual no longer can control 88199  
the individual's use of alcohol, the individual becomes physically 88200  
or psychologically dependent on the drug, the individual's use of 88201  
alcohol or drugs endangers the health, safety, or welfare of the 88202  
individual or others, or the individual's gambling causes 88203  
psychological, financial, emotional, marital, legal, or other 88204  
difficulties endangering the health, safety, or welfare of the 88205  
individual or others. 88206

(2) "Addiction services" means services, including 88207  
intervention, for the treatment of persons with alcohol, drug, or 88208  
gambling addictions, and for the prevention of such addictions. 88209

(3) "Alcohol and drug addiction services" means services, 88210  
including intervention, for the treatment of alcoholics or persons 88211  
who abuse drugs of abuse and for the prevention of alcoholism and 88212  
drug addiction. 88213

(4) "Alcoholic" means a person suffering from alcoholism. 88214

(5) "Alcoholism" means the chronic and habitual use of 88215  
alcoholic beverages by an individual to the extent that the 88216  
individual no longer can control the individual's use of alcohol 88217  
or endangers the health, safety, or welfare of the individual or 88218  
others. 88219

(6) "Community addiction services provider" means an agency, 88220  
association, corporation, individual, or program that provides 88221  
~~community~~ alcohol, drug addiction, or gambling addiction services 88222



that are certified by the department of mental health and 88223  
addiction services under section 5119.36 of the Revised Code. 88224

(7) "Community mental health services provider" means an 88225  
agency, association, corporation, individual, or program that 88226  
provides ~~community~~ mental health services that are certified by 88227  
the department of mental health and addiction services under 88228  
section 5119.36 of the Revised Code. 88229

(8) "Drug addiction" means the use of a drug of abuse, as 88230  
defined in section 3719.011 of the Revised Code, by an individual 88231  
to the extent that the individual becomes physically or 88232  
psychologically dependent on the drug or endangers the health, 88233  
safety, or welfare of the individual or others. 88234

(9) "Gambling addiction" means the use of gambling by an 88235  
individual to the extent that it causes psychological, financial, 88236  
emotional, marital, legal, or other difficulties endangering the 88237  
health, safety, or welfare of the individual or others. 88238

(10) "Gambling addiction services" means services for the 88239  
treatment of persons who have a gambling addiction and for the 88240  
prevention of gambling addiction. 88241

(11) "Hospital" means a hospital or inpatient unit licensed 88242  
by the department of mental health and addiction services under 88243  
section 5119.33 of the Revised Code, and any institution, 88244  
hospital, or other place established, controlled, or supervised by 88245  
the department under Chapter 5119. of the Revised Code. 88246

(12) "Mental illness" means a substantial disorder of 88247  
thought, mood, perception, orientation, or memory that grossly 88248  
impairs judgment, behavior, capacity to recognize reality, or 88249  
ability to meet the ordinary demands of life. 88250

(13) "Mental health services" means services for the 88251  
assessment, care, or treatment of persons who have a mental 88252  
illness as defined in this section. 88253

(14)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

**Sec. 5119.10.** (A) The director of mental health and addiction services is the chief executive and appointing authority of the department of mental health and addiction services. The director may organize the department for its efficient operation, including

creating divisions or offices as necessary. The director may 88285  
establish procedures for the governance of the department, conduct 88286  
of its employees and officers, performance of its business, and 88287  
custody, use, and preservation of departmental records, papers, 88288  
books, documents, and property. Whenever the Revised Code imposes 88289  
a duty upon or requires an action of the department or any of its 88290  
institutions, the director or the director's designee shall 88291  
perform the action or duty in the name of the department, except 88292  
that the medical director appointed pursuant to section 5119.11 of 88293  
the Revised Code shall be responsible for decisions relating to 88294  
medical diagnosis, treatment, rehabilitation, quality assurance, 88295  
and the clinical aspects of the following: licensure of hospitals 88296  
and residential facilities, research, community addiction and 88297  
mental health services plans, and certification and delivery of 88298  
~~mental health and~~ addiction and mental health services. 88299

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(B) The director shall:

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(1) Adopt rules for the proper execution of the powers and 88302  
duties of the department with respect to the institutions under 88303  
its control, and require the performance of additional duties by 88304  
the officers of the institutions as necessary to fully meet the 88305  
requirements, intents, and purposes of this chapter. In case of an 88306  
apparent conflict between the powers conferred upon any managing 88307  
officer and those conferred by such sections upon the department, 88308  
the presumption shall be conclusive in favor of the department. 88309

(2) Adopt rules for the nonpartisan management of the 88310  
institutions under the department's control. An officer or 88311  
employee of the department or any officer or employee of any 88312  
institution under its control who, by solicitation or otherwise, 88313  
exerts influence directly or indirectly to induce any other 88314  
officer or employee of the department or any of its institutions 88315  
to adopt the exerting officer's or employee's political views or 88316

to favor any particular person, issue, or candidate for office 88317  
shall be removed from the exerting officer's or employee's office 88318  
or position, by the department in case of an officer or employee, 88319  
and by the governor in case of the director. 88320

(3) Appoint such employees, including the medical director, 88321  
as are necessary for the efficient conduct of the department, and 88322  
prescribe their titles and duties; 88323

(4) Prescribe the forms of affidavits, applications, medical 88324  
certificates, orders of hospitalization and release, and all other 88325  
forms, reports, and records that are required in the 88326  
hospitalization or admission and release of all persons to the 88327  
institutions under the control of the department, or are otherwise 88328  
required under this chapter or Chapter 5122. of the Revised Code; 88329

(5) Exercise the powers and perform the duties relating to 88330  
~~community~~ addiction and mental health facilities and services that 88331  
are assigned to the director under this chapter and Chapter 340. 88332  
of the Revised Code; 88333

(6) Develop and implement clinical evaluation and monitoring 88334  
of services that are operated by the department; 88335

(7) Adopt rules establishing standards for the performance of 88336  
evaluations by a forensic center or other psychiatric program or 88337  
facility of the mental condition of defendants ordered by the 88338  
court under section 2919.271, or 2945.371 of the Revised Code, and 88339  
for the treatment of defendants who have been found incompetent to 88340  
stand trial and ordered by the court under section 2945.38, 88341  
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 88342  
treatment in facilities; 88343

(8) On behalf of the department, have the authority and 88344  
responsibility for entering into contracts and other agreements 88345  
with providers, agencies, institutions, and other entities, both 88346  
public and private, as necessary for the department to carry out 88347

its duties under this chapter and Chapters 340., 2919., 2945., and 88348  
5122. of the Revised Code. Chapter 125. of the Revised Code does 88349  
not apply to contracts the director enters into under this section 88350  
for services provided to individuals with mental illness by 88351  
providers, agencies, institutions, and other entities not owned or 88352  
operated by the department. 88353

(9) Adopt rules in accordance with Chapter 119. of the 88354  
Revised Code specifying the supplemental services that may be 88355  
provided through a trust authorized by section 5815.28 of the 88356  
Revised Code; 88357

(10) Adopt rules in accordance with Chapter 119. of the 88358  
Revised Code establishing standards for the maintenance and 88359  
distribution to a beneficiary of assets of a trust authorized by 88360  
section 5815.28 of the Revised Code. 88361

(C) The director may contract with hospitals licensed by the 88362  
department under section 5119.33 of the Revised Code for the care 88363  
and treatment of mentally ill patients, or with persons, 88364  
organizations, or agencies for the custody, evaluation, 88365  
supervision, care, or treatment of mentally ill persons receiving 88366  
services elsewhere than within the enclosure of a hospital 88367  
operated under section 5119.14 of the Revised Code. 88368

**Sec. 5119.11.** (A) The director of mental health and addiction 88369  
services shall appoint a medical director who is eligible or 88370  
certified by the American board of psychiatry and neurology or the 88371  
American osteopathic board of neurology and psychiatry, and has at 88372  
least five years of clinical and two years of administrative 88373  
experience. The medical director shall also have certification or 88374  
substantial training and experience in the field of addiction 88375  
medicine or addiction psychiatry. The medical director shall be 88376  
responsible for decisions relating to medical diagnosis, 88377  
treatment, prevention, rehabilitation, quality assurance, and the 88378

clinical aspects of ~~mental health and~~ addiction and mental health 88379  
services involving all of the following: 88380

(1) Licensure of hospitals, residential facilities, and 88381  
outpatient facilities; 88382

(2) Research; 88383

(3) Community addiction and mental health services plans; 88384

(4) Certification and delivery of ~~mental health and~~ addiction 88385  
and mental health services. 88386

(B) The medical director shall also exercise clinical 88387  
supervision of the chief clinical officers of hospitals and 88388  
institutions under the jurisdiction of the department and shall 88389  
review and approve decisions relating to the employment of the 88390  
chief clinical officers. The medical director or the medical 88391  
director's designee shall advise the director on matters relating 88392  
to licensure, research, and the certification and delivery of 88393  
~~mental health and~~ addiction and mental health services and 88394  
community addiction and mental health plans. The medical director 88395  
shall participate in the development of guidelines for community 88396  
addiction and mental health services plans. The director of mental 88397  
health and addiction services may establish other duties of the 88398  
medical director. 88399

**Sec. 5119.161.** The department of mental health and addiction 88400  
services, in conjunction with the department of job and family 88401  
services, shall develop a joint state plan to improve the 88402  
accessibility and timeliness of alcohol and drug addiction 88403  
services for individuals identified by a public children services 88404  
agency as in need of those services. The plan shall address the 88405  
fact that Ohio works first participants may be among the persons 88406  
receiving services under section 340.15 of the Revised Code and 88407  
shall require the department of job and family services to seek 88408

federal funds available under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the services to Ohio works first participants who are receiving services under section 340.15 of the Revised Code.

~~The plan shall address the need and manner for sharing information and include a request for the general assembly to appropriate an amount of funds specified in the report to be used by the departments to pay for services under section 340.15 of the Revised Code.~~ The departments shall review and amend the plan as necessary.

~~Not later than the first day of July of each even numbered year, the departments shall submit a report on the progress made under the joint state plan to the governor, president of the senate, and speaker of the house of representatives. The report shall include information on treatment capacity, needs assessments, and number of individuals who received services pursuant to section 340.15 of the Revised Code.~~

**Sec. 5119.186.** (A) The director of mental health and addiction services or the managing officer of an institution of the department may enter into an agreement with boards of trustees or boards of directors of one or more institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code to establish, manage, and conduct collaborative training efforts for students enrolled in courses of studies for occupations or professions that involve the care and treatment for persons receiving ~~mental health or addiction~~ or mental health services.

(B) Such collaborative training efforts may include but are not limited to programs in psychiatry, psychology, nursing, social work, counseling professions, and others considered appropriate by the director of mental health and addiction services. Any such

program shall be approved or accredited by its respective 88440  
professional organization or state board having jurisdiction over 88441  
the profession. 88442

(1) The department shall require that the following be 88443  
provided for in agreements between the department and institutions 88444  
of higher education or hospitals licensed pursuant to section 88445  
5119.33 of the Revised Code: 88446

(a) Establishment of inter-disciplinary committees to advise 88447  
persons responsible for training programs. Each committee shall 88448  
have representation drawn from the geographical community the 88449  
institution of higher education or hospital serves and shall 88450  
include representatives of agencies, boards, targeted populations 88451  
as determined by the department, racial and ethnic minority 88452  
groups, and publicly funded programs; 88453

(b) Funding procedures; 88454

(c) Specific outcomes and accomplishments that are expected 88455  
or required of a program under such agreement; 88456

(d) The types of services to be provided under such 88457  
agreement. 88458

(2) The department may require that the following be provided 88459  
for in agreements between the department and institutions of 88460  
higher education or hospitals licensed pursuant to section 5119.33 88461  
of the Revised Code: 88462

(a) Special arrangements for individual residents or trainees 88463  
to encourage their employment in publicly funded settings upon 88464  
completion of their training; 88465

(b) Procedures for the selection of residents or trainees to 88466  
promote the admission, retention, and graduation of women, 88467  
minorities, and disabled persons; 88468

(c) Cross-cultural training and other subjects considered 88469



necessary to enhance training efforts and the care and treatment of patients and clients; 88470  
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(d) Funding of faculty positions oriented toward meeting the needs of publicly funded programs. 88472  
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Subject to appropriations by the general assembly, the director of mental health and addiction services has final approval of the funding of these collaborative training efforts. 88474  
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**Sec. 5119.21.** (A) The department of mental health and addiction services shall: 88477  
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(1) To the extent the department has available resources and in consultation with boards of alcohol, drug addiction, and mental health services, support a continuum of care in accordance with Chapter 340. of the Revised Code on a district or multi-district basis. The department shall define the essential elements of a continuum of care, shall assist in identifying resources, and may prioritize support for one or more of the elements. 88479  
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(2) Provide training, consultation, and technical assistance regarding ~~mental health and addiction~~ and mental health services and appropriate prevention, recovery, and mental health promotion activities, including those that are culturally competent, to employees of the department, community mental health and addiction services providers, boards of alcohol, drug addiction, and mental health services, and other agencies providing ~~mental health and addiction~~ and mental health services; 88486  
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(3) To the extent the department has available resources, promote and support a full range of ~~mental health and addiction~~ and mental health services that are available and accessible to all residents of this state, especially for severely ~~mentally disabled~~ emotionally disturbed children, and adolescents, severely mentally disabled adults, pregnant women, parents, guardians or 88494  
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custodians of children at risk of abuse or neglect, and other 88500  
special target populations, including racial and ethnic 88501  
minorities, as determined by the department; 88502

(4) Develop standards and measures for evaluating the 88503  
effectiveness of ~~mental health and~~ addiction and mental health 88504  
services, including services that use methadone treatment, of 88505  
gambling addiction services, and for increasing the accountability 88506  
of community mental health and ~~alcohol and~~ addiction services 88507  
providers ~~and of gambling addiction services providers;~~ 88508

(5) Design and set criteria for the determination of priority 88509  
populations; 88510

(6) Promote, direct, conduct, and coordinate scientific 88511  
research, taking ethnic and racial differences into consideration, 88512  
concerning the causes and prevention of mental illness and 88513  
addiction, methods of providing effective services and treatment, 88514  
and means of enhancing the mental health of and recovery from 88515  
addiction of all residents of this state; 88516

(7) Foster the establishment and availability of vocational 88517  
rehabilitation services and the creation of employment 88518  
opportunities for ~~consumers of mental health and~~ individuals with 88519  
addiction ~~services~~ and mental health needs, including members of 88520  
racial and ethnic minorities; 88521

(8) Establish a program to protect and promote the rights of 88522  
persons receiving ~~mental health and~~ addiction and mental health 88523  
services, including the issuance of guidelines on informed consent 88524  
and other rights; 88525

(9) Promote the involvement of persons who are receiving or 88526  
have received ~~mental health or~~ addiction or mental health 88527  
services, including families and other persons having a close 88528  
relationship to a person receiving those services, in the 88529  
planning, evaluation, delivery, and operation of ~~mental health and~~ 88530

addiction and mental health services; 88531

(10) Notify and consult with the relevant constituencies that 88532  
may be affected by rules, standards, and guidelines issued by the 88533  
department of mental health and addiction services. These 88534  
constituencies shall include consumers of ~~mental health and~~ 88535  
addiction and mental health services and their families, and may 88536  
include public and private providers, employee organizations, and 88537  
others when appropriate. Whenever the department proposes the 88538  
adoption, amendment, or rescission of rules under Chapter 119. of 88539  
the Revised Code, the notification and consultation required by 88540  
this division shall occur prior to the commencement of proceedings 88541  
under Chapter 119. The department shall adopt rules under Chapter 88542  
119. of the Revised Code that establish procedures for the 88543  
notification and consultation required by this division. 88544

(11) Provide consultation to the department of rehabilitation 88545  
and correction concerning the delivery of ~~mental health and~~ 88546  
addiction and mental health services in state correctional 88547  
institutions-; 88548

(12) Promote and coordinate efforts in the provision of 88549  
alcohol and drug addiction services and of gambling addiction 88550  
services by other state agencies, as defined in section 1.60 of 88551  
the Revised Code; courts; hospitals; clinics; physicians in 88552  
private practice; public health authorities; boards of alcohol, 88553  
drug addiction, and mental health services; ~~alcohol and drug~~ 88554  
community addiction services providers; law enforcement agencies; 88555  
~~gambling addiction services providers~~; and related groups; 88556

(13) Provide to each court of record, and biennially update, 88557  
a list of the treatment and education programs within that court's 88558  
jurisdiction that the court may require an offender, sentenced 88559  
pursuant to section 4511.19 of the Revised Code, to attend; 88560

(14) Make the warning sign described in sections 3313.752, 88561

3345.41, and 3707.50 of the Revised Code available on the 88562  
department's internet web site; 88563

(15) Provide a program of gambling addiction services on 88564  
behalf of the state lottery commission, pursuant to an agreement 88565  
entered into with the director of the commission under division 88566  
(K) of section 3770.02 of the Revised Code, and provide a program 88567  
of gambling addiction services on behalf of the Ohio casino 88568  
control commission, under an agreement entered into with the 88569  
executive director of the commission under section 3772.062 of the 88570  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 88571  
Constitution, the department may enter into agreements with boards 88572  
of alcohol, drug addiction, and mental health services, including 88573  
boards with districts in which a casino facility is not located, 88574  
and nonprofit organizations to provide gambling addiction services 88575  
and ~~substance abuse~~ alcohol and drug addiction services, and with 88576  
state institutions of higher education or private nonprofit 88577  
institutions that possess a certificate of authorization issued 88578  
under Chapter 1713. of the Revised Code to perform related 88579  
research. 88580

(B) The department may accept and administer grants from 88581  
public or private sources for carrying out any of the duties 88582  
enumerated in this section. 88583

~~(C) Pursuant to Chapter 119. of the Revised Code, the~~ 88584  
~~department shall adopt a rule defining the term "intervention" as~~ 88585  
~~it is used in this chapter in connection with alcohol and drug~~ 88586  
~~addiction services and in connection with gambling addiction~~ 88587  
~~services.~~ The department may adopt ~~other~~ rules in accordance with 88588  
Chapter 119. of the Revised Code as necessary to implement the 88589  
requirements of this chapter. 88590

**Sec. 5119.23.** (A) The department of mental health and 88591  
addiction services shall establish a methodology for allocating to 88592

boards of alcohol, drug addiction, and mental health services the 88593  
funds appropriated by the general assembly to the department for 88594  
the purpose of ~~local mental health and addiction services~~ 88595  
~~continuum~~ the continuum of care that each board establishes under 88596  
section 340.03 of the Revised Code. The department shall establish 88597  
the methodology after notifying and consulting with relevant 88598  
constituencies as required by division (A)(10) of section 5119.21 88599  
of the Revised Code. The methodology may provide for the funds to 88600  
be allocated to boards on a district or multi-district basis. 88601

(B) Subject to section 5119.25 of the Revised Code, and to 88602  
required submissions and approvals under section 340.08 of the 88603  
Revised Code, the department shall allocate the funds to the 88604  
boards in a manner consistent with the methodology, this section, 88605  
other state and federal laws, rules, and regulations. 88606

(C) In consultation with boards, community addiction services 88607  
providers, community mental health ~~and addiction~~ services 88608  
providers, and persons receiving services, the department shall 88609  
establish guidelines for the use of funds allocated ~~and~~ 88610  
~~distributed~~ under this section. 88611

**Sec. 5119.25.** (A) The director of mental health and addiction 88612  
services, in whole or in part, may withhold funds otherwise to be 88613  
allocated to a board of alcohol, drug addiction, and mental health 88614  
services under section 5119.23 of the Revised Code if the board 88615  
fails to comply with Chapter 340. or ~~section 5119.22, 5119.24,~~ 88616  
~~5119.36, or 5119.37~~ 5119. of the Revised Code or rules of the 88617  
department of mental health and addiction services. However, 88618  
beginning September 15, 2016, the director shall withhold all such 88619  
funds from the board when required to do so under division (A)(4) 88620  
of section 340.08 of the Revised Code or division (G)(1) of 88621  
section 5119.22 of the Revised Code. 88622

(B) The director of mental health and addiction services may 88623

withhold funds otherwise to be allocated to a board of alcohol, 88624  
drug addiction, and mental health services under section 5119.23 88625  
of the Revised Code if the board denies available service on the 88626  
basis of race, color, religion, creed, sex, age, national origin, 88627  
disability as defined in section 4112.01 of the Revised Code, or 88628  
developmental disability. 88629

(C) The director shall issue a notice identifying the areas 88630  
of noncompliance and the action necessary to achieve compliance. 88631  
The director may offer technical assistance to the board to 88632  
achieve compliance. The board shall have thirty days from receipt 88633  
of the notice of noncompliance to present its position that it is 88634  
in compliance or to submit to the director evidence of corrective 88635  
action the board took to achieve compliance. Before withholding 88636  
funds, the director or the director's designee shall hold a 88637  
hearing within thirty days of receipt of the board's position or 88638  
evidence to determine if there are continuing violations and that 88639  
either assistance is rejected or the board is unable, or has 88640  
failed, to achieve compliance. The director may appoint a 88641  
representative from another board of alcohol, drug addiction, and 88642  
mental health services to serve as a mentor for the board in 88643  
developing and executing a plan of corrective action to achieve 88644  
compliance. Any such representative shall be from a board that is 88645  
in compliance with Chapter 340. of the Revised Code, ~~sections~~ 88646  
~~5119.22, 5119.24, 5119.36, and 5119.371~~ of the Revised Code this 88647  
chapter, and the department's rules. Subsequent to the hearing 88648  
process, if it is determined that compliance has not been 88649  
achieved, the director may allocate all or part of the withheld 88650  
funds to one or more community mental health services providers or 88651  
community addiction services providers to provide the ~~community~~ 88652  
mental health ~~or community~~ service or addiction service for which 88653  
the board is not in compliance until the time that there is 88654  
compliance. The director shall adopt rules in accordance with 88655  
Chapter 119. of the Revised Code to implement this section. 88656

Sec. 5119.28. (A) All records, and reports, other than court 88657  
journal entries or court docket entries, identifying a person and 88658  
pertaining to the person's mental health condition, assessment, 88659  
provision of care or treatment, or payment for assessment, care or 88660  
treatment that are maintained in connection with any services 88661  
certified by the department of mental health and addiction 88662  
services, or any hospitals or facilities licensed or operated by 88663  
the department, shall be kept confidential and shall not be 88664  
disclosed by any person except: 88665

(1) If the person identified, or the person's legal guardian, 88666  
if any, or if the person is a minor, the person's parent or legal 88667  
guardian, consents; 88668

(2) When disclosure is provided for in this chapter or 88669  
Chapter 340. or 5122. of the Revised Code or in accordance with 88670  
other provisions of state or federal law authorizing such 88671  
disclosure; 88672

(3) That hospitals, boards of alcohol, drug addiction, and 88673  
mental health services, licensed facilities, and community mental 88674  
health services providers may release necessary information to 88675  
insurers and other third-party payers, including government 88676  
entities responsible for processing and authorizing payment, to 88677  
obtain payment for goods and services furnished to the person; 88678

(4) Pursuant to a court order signed by a judge; 88679

(5) That a person shall be granted access to the person's own 88680  
psychiatric and medical records, unless access specifically is 88681  
restricted in a person's treatment plan for clear treatment 88682  
reasons; 88683

(6) That the department of mental health and addiction 88684  
services may exchange psychiatric records and other pertinent 88685  
information with community mental health services providers and 88686

boards of alcohol, drug addiction, and mental health services 88687  
relating to the person's care or services. Records and information 88688  
that may be exchanged pursuant to this division shall be limited 88689  
to medication history, physical health status and history, 88690  
financial status, summary of course of treatment, summary of 88691  
treatment needs, and a discharge summary, if any. 88692

(7) That the department of mental health and addiction 88693  
services, hospitals and community providers operated by the 88694  
department, hospitals licensed by the department under section 88695  
5119.33 of the Revised Code, and community mental health services 88696  
providers may exchange psychiatric records and other pertinent 88697  
information with payers and other providers of treatment and 88698  
health services if the purpose of the exchange is to facilitate 88699  
continuity of care for the person or for the emergency treatment 88700  
of the person; 88701

(8) That the department of mental health and addiction 88702  
services and community mental health services providers may 88703  
exchange psychiatric records and other pertinent information with 88704  
boards of alcohol, drug addiction, and mental health services for 88705  
purposes of any board function set forth in Chapter 340. of the 88706  
Revised Code. Boards of alcohol, drug addiction, and mental health 88707  
services shall not access any personal information from the 88708  
department or providers except as required or permitted by this 88709  
section, or Chapter 340. or 5122. of the Revised Code for purposes 88710  
related to payment, care coordination, health care operations, 88711  
program and service evaluation, reporting activities, research, 88712  
system administration, oversight, or other authorized purposes. 88713

(9) That a person's family member who is involved in the 88714  
provision, planning, and monitoring of services to the person may 88715  
receive medication information, a summary of the person's 88716  
diagnosis and prognosis, and a list of the services and personnel 88717  
available to assist the person and the person's family, if the 88718



person's treatment provider determines that the disclosure would 88719  
be in the best interests of the person. No such disclosure shall 88720  
be made unless the person is notified first and receives the 88721  
information and does not object to the disclosure. 88722

(10) That community mental health services providers may 88723  
exchange psychiatric records and certain other information with 88724  
the board of alcohol, drug addiction, and mental health services 88725  
and other providers in order to provide services to a person 88726  
involuntarily committed to a board. Release of records under this 88727  
division shall be limited to medication history, physical health 88728  
status and history, financial status, summary of course of 88729  
treatment, summary of treatment needs, and discharge summary, if 88730  
any. 88731

(11) That information may be disclosed to the executor or the 88732  
administrator of an estate of a deceased person when the 88733  
information is necessary to administer the estate; 88734

(12) That information may be disclosed to staff members of 88735  
the appropriate board or to staff members designated by the 88736  
director of mental health and addiction services for the purpose 88737  
of evaluating the quality, effectiveness, and efficiency of 88738  
services and determining if the services meet minimum standards. 88739  
Information obtained during such evaluations shall not be retained 88740  
with the name of any person. 88741

(13) That records pertaining to the person's diagnosis, 88742  
course of treatment, treatment needs, and prognosis shall be 88743  
disclosed and released to the appropriate prosecuting attorney if 88744  
the person was committed pursuant to section 2945.38, 2945.39, 88745  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 88746  
attorney designated by the board for proceedings pursuant to 88747  
involuntary commitment under Chapter 5122. of the Revised Code; i 88748

(14) That the department of mental health and addiction 88749

services may exchange psychiatric hospitalization records, other 88750  
mental health treatment records, and other pertinent information 88751  
with the department of rehabilitation and correction and with the 88752  
department of youth services to ensure continuity of care for 88753  
inmates and offenders who are receiving mental health services in 88754  
an institution of the department of rehabilitation and correction 88755  
or the department of youth services and may exchange psychiatric 88756  
hospitalization records, other mental health treatment records, 88757  
and other pertinent information with boards of alcohol, drug 88758  
addiction, and mental health services and community mental health 88759  
services providers to ensure continuity of care for inmates or 88760  
offenders who are receiving mental health services in an 88761  
institution and are scheduled for release within six months. The 88762  
release of records under this division is limited to records 88763  
regarding an inmate's or offender's medication history, physical 88764  
health status and history, summary of course of treatment, summary 88765  
of treatment needs, and a discharge summary, if any. 88766

(15) That a community mental health services provider that 88767  
ceases to operate may transfer to either a community mental health 88768  
services provider that assumes its caseload or to the board of 88769  
alcohol, drug addiction, and mental health services of the service 88770  
district in which the person resided at the time services were 88771  
most recently provided any ~~treatment~~ records concerning treatment 88772  
that have not been transferred elsewhere at the person's request; 88773

(16) That records and reports relating to a person who has 88774  
been deceased for fifty years or more are no longer considered 88775  
confidential. 88776

(B) Before records are disclosed pursuant to divisions 88777  
(A)(3), (6), and (10) of this section, the custodian of the 88778  
records shall attempt to obtain the person's consent for the 88779  
disclosure. 88780

(C) No person shall reveal the content of a medical record of 88781

a person that is confidential pursuant to this section, except as 88782  
authorized by law. 88783

**Sec. 5119.31.** The department of administrative services shall 88784  
purchase all supplies needed for the proper support and 88785  
maintenance of the institutions under the control of the 88786  
department of mental health and addiction services in accordance 88787  
with the competitive selection procedures of Chapter 125. of the 88788  
Revised Code and such rules as the department of administrative 88789  
services adopts. All bids shall be publicly opened on the day and 88790  
hour and at the place specified in the advertisement. 88791

Preference shall be given to bidders in localities wherein 88792  
the institution is located, if the price is fair and reasonable 88793  
and not greater than the usual price; but bids not meeting the 88794  
specifications shall be rejected. 88795

The department of administrative services may require such 88796  
security as it considers proper to accompany the bids and shall 88797  
fix the security to be given by the contractor. 88798

The department of administrative services may reject any or 88799  
all bids and secure new bids, if for any reason it is deemed for 88800  
the best interest of the state to do so, and it may authorize the 88801  
managing officer of any institution to purchase perishable goods 88802  
and supplies for use in cases of emergency, in which cases such 88803  
managing officer shall certify such fact in writing and the 88804  
department of administrative services shall record the reasons for 88805  
such purchase. 88806

**Sec. 5119.33. (A)(1)** The department of mental health and 88807  
addiction services shall inspect and license all hospitals that 88808  
receive mentally ill persons, except those hospitals managed by 88809  
the department. No hospital may receive for care or treatment, 88810  
either at public or private expense, any person who is or appears 88811

to be mentally ill, whether or not so adjudicated, unless the 88812  
hospital has received a license from the department authorizing it 88813  
to receive for care or treatment persons who are mentally ill or 88814  
the hospital is managed by the department. 88815

(2) No such license shall be granted to a hospital for the 88816  
treatment of mentally ill persons unless the department is 88817  
satisfied, after investigation, that the hospital is managed and 88818  
operated by qualified persons and has on its staff one or more 88819  
qualified physicians responsible for the medical care of the 88820  
patients confined there. At least one such physician shall be a 88821  
psychiatrist. 88822

(B) The department shall adopt rules under Chapter 119. of 88823  
the Revised Code prescribing minimum standards for the operation 88824  
of hospitals for the care and treatment of mentally ill persons 88825  
and establishing standards and procedures for the issuance, 88826  
renewal, or revocation of full, probationary, and interim 88827  
licenses. No license shall be granted to any hospital established 88828  
or used for the care of mentally ill persons unless such hospital 88829  
is operating in accordance with this section and rules adopted 88830  
pursuant to this section. A full license shall expire one year 88831  
after the date of issuance, a probationary license shall expire at 88832  
the time prescribed by rule adopted pursuant to Chapter 119. of 88833  
the Revised Code by the director of mental health and addiction 88834  
services, and an interim license shall expire ninety days after 88835  
the date of issuance. A full, probationary, or interim license may 88836  
be renewed, except that an interim license may be renewed only 88837  
twice. The department may fix reasonable fees for licenses and for 88838  
license renewals. Such hospitals are subject to inspection and 88839  
on-site review by the department. 88840

(C) Except as otherwise provided in Chapter 5122. of the 88841  
Revised Code, neither the director of mental health and addiction 88842  
services; an employee of the department; a board of alcohol, drug 88843

addiction, and mental health services or employee of a community 88844  
mental health services provider; nor any other public official 88845  
shall hospitalize any mentally ill person for care or treatment in 88846  
any hospital that is not licensed in accordance with this section. 88847

(D) The department may issue an order suspending the 88848  
admission of patients who are mentally ill to a hospital for care 88849  
or treatment if it finds either of the following: 88850

(1) The hospital is not in compliance with rules adopted by 88851  
the director pursuant to this section. 88852

(2) The hospital has been cited for more than one violation 88853  
of statutes or rules during any previous period of time during 88854  
which the hospital is licensed pursuant to this section. 88855

(E) Any license issued by the department under this section 88856  
may be revoked or not renewed by the department for any of the 88857  
following reasons: 88858

~~(A)~~(1) The hospital is no longer a suitable place for the 88859  
care or treatment of mentally ill persons. 88860

~~(B)~~(2) The hospital refuses to be subject to inspection or 88861  
on-site review by the department. 88862

~~(C)~~(3) The hospital has failed to furnish humane, kind, and 88863  
adequate treatment and care. 88864

~~(D)~~(4) The hospital fails to comply with the licensure rules 88865  
of the department. 88866

(F) The department may inspect, conduct an on-site review, 88867  
and review the records of any hospital that the department has 88868  
reason to believe is operating without a license. 88869

**Sec. 5119.34.** (A) As used in this section and sections 88870  
5119.341 and 5119.342 of the Revised Code: 88871

(1) "Accommodations" means housing, daily meal preparation, 88872

laundry, housekeeping, arranging for transportation, social and 88873  
recreational activities, maintenance, security, and other services 88874  
that do not constitute personal care services or skilled nursing 88875  
care. 88876

(2) "ADAMHS board" means a board of alcohol, drug addiction, 88877  
and mental health services. 88878

(3) "Adult" means a person who is eighteen years of age or 88879  
older, other than a person described in division (A)(4) of this 88880  
section who is between eighteen and twenty-one years of age. 88881

(4) "Child" means a person who is under eighteen years of age 88882  
or a person with a mental disability who is under twenty-one years 88883  
of age. 88884

(5) "Community mental health services provider" means a 88885  
community mental health services provider as defined in section 88886  
5119.01 of the Revised Code. 88887

(6) "Community mental health services" means any mental 88888  
health services certified by the department pursuant to section 88889  
5119.36 of the Revised Code. 88890

(7) "Operator" means the person or persons, firm, 88891  
partnership, agency, governing body, association, corporation, or 88892  
other entity that is responsible for the administration and 88893  
management of a residential facility and that is the applicant for 88894  
a residential facility license. 88895

(8) "Personal care services" means services including, but 88896  
not limited to, the following: 88897

(a) Assisting residents with activities of daily living; 88898

(b) Assisting residents with self-administration of 88899  
medication in accordance with rules adopted under this section; 88900

(c) Preparing special diets, other than complex therapeutic 88901  
diets, for residents pursuant to the instructions of a physician 88902

or a licensed dietitian, in accordance with rules adopted under 88903  
this section. 88904

"Personal care services" does not include "skilled nursing 88905  
care" as defined in section 3721.01 of the Revised Code. A 88906  
facility need not provide more than one of the services listed in 88907  
division (A)(8) of this section to be considered to be providing 88908  
personal care services. 88909

~~(9) "Residential facility" means a publicly or privately 88910  
operated home or facility that provides one of the following: 88911~~

~~(a) Accommodations, supervision, personal care services, and 88912  
community mental health services for one or more unrelated adults 88913  
with mental illness or severe mental disabilities or to one or 88914  
more unrelated children and adolescents with a serious emotional 88915  
disturbance or who are in need of mental health services who are 88916  
referred by or are receiving community mental health services from 88917  
a community mental health services provider, hospital, or 88918  
practitioner. 88919~~

~~(b) Accommodations, supervision, and personal care services 88920  
to any of the following: 88921~~

~~(i) One or two unrelated persons with mental illness or 88922  
persons with severe mental disabilities who are referred by or are 88923  
receiving mental health services from a community mental health 88924  
services provider, hospital, or practitioner; 88925~~

~~(ii) One or two unrelated adults who are receiving 88926  
residential state supplement payments; 88927~~

~~(iii) Three to sixteen unrelated adults. 88928~~

~~(c) Room and board for five or more unrelated adults with 88929  
mental illness or severe mental disability who are referred by or 88930  
are receiving community mental health services from a community 88931  
mental health services provider, hospital, or practitioner. 88932~~

<del>(10) "Residential facility" does not include any of the</del>	88933
<del>following:</del>	88934
<del>(a) A hospital subject to licensure under section 5119.33 of</del>	88935
<del>the Revised Code;</del>	88936
<del>(b) A residential facility licensed under section 5123.19 of</del>	88937
<del>the Revised Code or otherwise regulated by the department of</del>	88938
<del>developmental disabilities;</del>	88939
<del>(c) An institution or association subject to certification</del>	88940
<del>under section 5103.03 of the Revised Code;</del>	88941
<del>(d) A facility operated by a hospice care program licensed</del>	88942
<del>under section 3712.04 of the Revised Code that is used exclusively</del>	88943
<del>for care of hospice patients;</del>	88944
<del>(e) A nursing home, residential care facility, or home for</del>	88945
<del>the aging as defined in section 3721.02 of the Revised Code;</del>	88946
<del>(f) Alcohol or drug addiction services certified pursuant to</del>	88947
<del>section 5119.36 of the Revised Code;</del>	88948
<del>(g) A facility licensed to provide methadone treatment under</del>	88949
<del>section 5119.391 of the Revised Code;</del>	88950
<del>(h) Any facility that receives funding for operating costs</del>	88951
<del>from the development services agency under any program established</del>	88952
<del>to provide emergency shelter housing or transitional housing for</del>	88953
<del>the homeless;</del>	88954
<del>(i) A terminal care facility for the homeless that has</del>	88955
<del>entered into an agreement with a hospice care program under</del>	88956
<del>section 3712.07 of the Revised Code;</del>	88957
<del>(j) A facility approved by the veterans administration under</del>	88958
<del>section 104(a) of the "Veterans Health Care Amendments of 1983,"</del>	88959
<del>97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for</del>	88960
<del>the placement and care of veterans.</del>	88961
<del>(11) "Room and board" means the provision of sleeping and</del>	88962



living space, meals or meal preparation, laundry services, 88963  
housekeeping services, or any combination thereof. 88964

~~(12)~~(10) "Residential state supplement" means the program 88965  
administered under section 5119.41 of the Revised Code and related 88966  
provisions of the Administrative Code under which the state 88967  
supplements the supplemental security income payments received by 88968  
aged, blind, or disabled adults under Title XVI of the Social 88969  
Security Act. Residential state supplement payments are used for 88970  
the provision of accommodations, supervision, and personal care 88971  
services to supplemental security income recipients the department 88972  
of mental health and addition services determines are at risk of 88973  
needing institutional care. 88974

~~(13)~~(11) "Supervision" means any of the following: 88975

(a) Observing a resident to ensure the resident's health, 88976  
safety, and welfare while the resident engages in activities of 88977  
daily living or other activities; 88978

(b) Reminding a resident to perform or complete an activity, 88979  
such as reminding a resident to engage in personal hygiene or 88980  
other self-care activities; 88981

(c) Assisting a resident in making or keeping an appointment. 88982

~~(14)~~(12) "Unrelated" means that a resident is not related to 88983  
the owner or operator of a residential facility or to the owner's 88984  
or operator's spouse as a parent, grandparent, child, stepchild, 88985  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 88986  
the child of an aunt or uncle. 88987

(B)(1) A "residential facility" is a publicly or privately 88988  
operated home or facility that falls into one of the following 88989  
categories: 88990

(a) Class one facilities provide accommodations, supervision, 88991  
personal care services, and mental health services for one or more 88992

<u>unrelated adults with mental illness or one or more unrelated</u>	88993
<u>children or adolescents with severe emotional disturbances;</u>	88994
<u>(b) Class two facilities provide accommodations, supervision,</u>	88995
<u>and personal care services to any of the following:</u>	88996
<u>(i) One or two unrelated persons with mental illness;</u>	88997
<u>(ii) One or two unrelated adults who are receiving</u>	88998
<u>residential state supplement payments;</u>	88999
<u>(iii) Three to sixteen unrelated adults.</u>	89000
<u>(c) Class three facilities provide room and board for five or</u>	89001
<u>more unrelated adults with mental illness.</u>	89002
<u>(2) "Residential facility" does not include any of the</u>	89003
<u>following:</u>	89004
<u>(a) A hospital subject to licensure under section 5119.33 of</u>	89005
<u>the Revised Code or an institution maintained, operated, managed,</u>	89006
<u>and governed by the department of mental health and addiction</u>	89007
<u>services for the hospitalization of mentally ill persons pursuant</u>	89008
<u>to section 5119.14 of the Revised Code;</u>	89009
<u>(b) A residential facility licensed under section 5123.19 of</u>	89010
<u>the Revised Code or otherwise regulated by the department of</u>	89011
<u>developmental disabilities;</u>	89012
<u>(c) An institution or association subject to certification</u>	89013
<u>under section 5103.03 of the Revised Code;</u>	89014
<u>(d) A facility operated by a hospice care program licensed</u>	89015
<u>under section 3712.04 of the Revised Code that is used exclusively</u>	89016
<u>for care of hospice patients;</u>	89017
<u>(e) A nursing home, residential care facility, or home for</u>	89018
<u>the aging as defined in section 3721.02 of the Revised Code;</u>	89019
<u>(f) A facility licensed to provide methadone treatment under</u>	89020
<u>section 5119.391 of the Revised Code;</u>	89021

(g) Any facility that receives funding for operating costs 89022  
from the development services agency under any program established 89023  
to provide emergency shelter housing or transitional housing for 89024  
the homeless; 89025

(h) A terminal care facility for the homeless that has 89026  
entered into an agreement with a hospice care program under 89027  
section 3712.07 of the Revised Code; 89028

(i) A facility approved by the veterans administration under 89029  
section 104(a) of the "Veterans Health Care Amendments of 1983," 89030  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 89031  
the placement and care of veterans; 89032

(j) The residence of a relative or guardian of a person with 89033  
mental illness. 89034

(C) Nothing in division ~~(A)(9)(B)~~ of this section shall be 89035  
construed to permit personal care services to be imposed on a 89036  
resident who is capable of performing the activity in question 89037  
without assistance. 89038

~~(C)~~(D) Except in the case of a residential facility described 89039  
in division ~~(A)(9)(a)~~ (B)(1)(a) of this section, members of the 89040  
staff of a residential facility shall not administer medication to 89041  
the facility's residents, but may do any of the following: 89042

(1) Remind a resident when to take medication and watch to 89043  
ensure that the resident follows the directions on the container; 89044

(2) Assist a resident in the self-administration of 89045  
medication by taking the medication from the locked area where it 89046  
is stored, in accordance with rules adopted pursuant to this 89047  
section, and handing it to the resident. If the resident is 89048  
physically unable to open the container, a staff member may open 89049  
the container for the resident. 89050

(3) Assist a physically impaired but mentally alert resident, 89051

such as a resident with arthritis, cerebral palsy, or Parkinson's 89052  
disease, in removing oral or topical medication from containers 89053  
and in consuming or applying the medication, upon request by or 89054  
with the consent of the resident. If a resident is physically 89055  
unable to place a dose of medicine to the resident's mouth without 89056  
spilling it, a staff member may place the dose in a container and 89057  
place the container to the mouth of the resident. 89058

~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this 89059  
section, a person operating or seeking to operate a residential 89060  
facility shall apply for licensure of the facility to the 89061  
department of mental health and addiction services. The 89062  
application shall be submitted by the operator. When applying for 89063  
the license, the applicant shall pay to the department the 89064  
application fee specified in rules adopted under division ~~(K)~~(L) 89065  
of this section. The fee is nonrefundable. 89066

The department shall send a copy of an application to the 89067  
ADAMHS board serving the county in which the person operates or 89068  
seeks to operate the facility. The ADAMHS board shall review the 89069  
application and provide to the department any information about 89070  
the applicant or the facility that the board would like the 89071  
department to consider in reviewing the application. 89072

(2) A person may not apply for a license to operate a 89073  
residential facility if the person is or has been the owner, 89074  
operator, or manager of a residential facility for which a license 89075  
to operate was revoked or for which renewal of a license was 89076  
refused for any reason other than nonpayment of the license 89077  
renewal fee, unless both of the following conditions are met: 89078

(a) A period of not less than two years has elapsed since the 89079  
date the director of mental health and addiction services issued 89080  
the order revoking or refusing to renew the facility's license. 89081

(b) The director's revocation or refusal to renew the license 89082

was not based on an act or omission at the facility that violated 89083  
a resident's right to be free from abuse, neglect, or 89084  
exploitation. 89085

~~(E)~~(F)(1) The department of mental health and addiction 89086  
services shall inspect and license the operation of residential 89087  
facilities. The department shall consider the past record of the 89088  
facility and the applicant or licensee in arriving at its 89089  
licensure decision. 89090

The department may issue full, probationary, and interim 89091  
licenses. A full license shall expire up to three years after the 89092  
date of issuance, a probationary license shall expire in a shorter 89093  
period of time as specified in rules adopted by the director of 89094  
~~mental health~~ mental health and addiction services under division 89095  
~~(K)~~(L) of this section, and an interim license shall expire ninety 89096  
days after the date of issuance. A license may be renewed in 89097  
accordance with rules adopted by the director under division 89098  
~~(K)~~(L) of this section. The renewal application shall be submitted 89099  
by the operator. When applying for renewal of a license, the 89100  
applicant shall pay to the department the renewal fee specified in 89101  
rules adopted under division ~~(K)~~(L) of this section. The fee is 89102  
nonrefundable. 89103

(2) The department may issue an order suspending the 89104  
admission of residents to the facility or refuse to issue or renew 89105  
and may revoke a license if it finds ~~the~~ any of the following: 89106

(a) The facility is not in compliance with rules adopted by 89107  
the director pursuant to division ~~(K)~~(L) of this section ~~or if~~ 89108  
any. 89109

(b) Any facility operated by the applicant or licensee has 89110  
been cited for a pattern of serious noncompliance or repeated 89111  
violations of statutes or rules during the period of current or 89112  
previous licenses. ~~Proceedings;~~ 89113

<u>(c) The applicant or licensee submits false or misleading information as part of a license application, renewal, or investigation.</u>	89114
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	89116
<u>Proceedings</u> initiated to deny applications for full or probationary licenses or to revoke such licenses are governed by Chapter 119. of the Revised Code. <u>An order issued pursuant to this division remains in effect during the pendency of those proceedings.</u>	89117
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<del>(F)</del> (G) The department may issue an interim license to operate a residential facility if both of the following conditions are met:	89122
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.	89125
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(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division <del>(K)</del> (L) of this section.	89129
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	89131
An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.	89132
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<del>(G)</del> (H)(1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows:	89136
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	89138
(a) Prior to issuance of a license for the facility;	89139
(b) Prior to renewal of the license;	89140
(c) To determine whether the facility has completed a plan of correction required pursuant to division <del>(G)</del> (H)(2) of this section and corrected deficiencies to the satisfaction of the department	89141
	89142
	89143

and in compliance with this section and rules adopted pursuant to 89144  
it; 89145

(d) Upon complaint by any individual or agency; 89146

(e) At any time the director considers an inspection to be 89147  
necessary in order to determine whether the facility is in 89148  
compliance with this section and rules adopted pursuant to this 89149  
section. 89150

(2) In conducting inspections the department may conduct an 89151  
on-site examination and evaluation of the residential facility and 89152  
its personnel, activities, and services. The department shall have 89153  
access to examine and copy all records, accounts, and any other 89154  
documents relating to the operation of the residential facility, 89155  
including records pertaining to residents, and shall have access 89156  
to the facility in order to conduct interviews with the operator, 89157  
staff, and residents. Following each inspection and review, the 89158  
department shall complete a report listing any deficiencies, and 89159  
including, when appropriate, a time table within which the 89160  
operator shall correct the deficiencies. The department may 89161  
require the operator to submit a plan of correction describing how 89162  
the deficiencies will be corrected. 89163

~~(H)~~(I) No person shall do any of the following: 89164

(1) Operate a residential facility unless the facility holds 89165  
a valid license; 89166

(2) Violate any of the conditions of licensure after having 89167  
been granted a license; 89168

(3) Interfere with a state or local official's inspection or 89169  
investigation of a residential facility; 89170

(4) Violate any of the provisions of this section or any 89171  
rules adopted pursuant to this section. 89172

~~(I)~~(J) The following may enter a residential facility at any 89173

time:	89174
(1) Employees designated by the director of mental health and addiction services;	89175 89176
(2) Employees of an ADAMHS board under either of the following circumstances:	89177 89178
(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;	89179 89180 89181
(b) When authorized by section 340.05 of the Revised Code.	89182
(3) Employees of a community mental health services provider under either of the following circumstances:	89183 89184
(a) When the <del>services</del> provider has a person receiving services residing in the facility;	89185 89186
(b) When the <del>services</del> provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	89187 89188
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients under the residential state supplement program.	89189 89190 89191 89192 89193
The persons specified in division <del>(I)</del> <u>(J)</u> of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	89194 89195 89196 89197
<del>(J)</del> <u>(K)</u> Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	89198 89199 89200 89201 89202 89203



~~(K)~~(L) The director shall adopt and may amend and rescind 89204  
rules pursuant to Chapter 119. of the Revised Code governing the 89205  
licensing and operation of residential facilities. The rules shall 89206  
establish all of the following: 89207

(1) Minimum standards for the health, safety, adequacy, and 89208  
cultural competency of treatment of and services for persons in 89209  
residential facilities; 89210

(2) Procedures for the issuance, renewal, or revocation of 89211  
the licenses of residential facilities; 89212

(3) Procedures for conducting ~~criminal records checks~~ 89213  
background investigations for prospective or current operators, 89214  
employees, ~~and~~ volunteers, and other non-resident occupants who 89215  
may have direct access to facility residents; 89216

(4) The fee to be paid when applying for a new residential 89217  
facility license or renewing the license; 89218

(5) Procedures for the operator of a residential facility to 89219  
follow when notifying the ADAMHS board serving the county in which 89220  
the facility is located when the facility is serving residents 89221  
with mental illness or severe mental disability, including the 89222  
circumstances under which the operator is required to make such a 89223  
notification; 89224

(6) Procedures for the issuance and termination of orders of 89225  
suspension of admission of residents to a residential facility; 89226

(7) Measures to be taken by residential facilities relative 89227  
to residents' medication; 89228

(8) Requirements relating to preparation of special diets; 89229

(9) The maximum number of residents who may be served in a 89230  
residential facility; 89231

(10) The rights of residents of residential facilities and 89232  
procedures to protect such rights; 89233

(11) <del>Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health services provider;</del>	89234
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<del>(12)</del> Standards and procedures under which the director may waive the requirements of any of the rules adopted.	89237
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<del>(L)</del> <u>(M)</u> (1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	89239
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(2) Any person who makes a complaint under division <del>(L)</del> <u>(M)</u> (1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.	89247
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<del>(M)</del> <u>(N)</u> (1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility.	89253
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(2) When the court grants injunctive relief in the case of a	89264

facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents.

(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action.

~~(N)~~(O) The director may fine a person for violating division ~~(H)~~(I) of this section. The fine shall be five hundred dollars for a first offense; for each subsequent offense, the fine shall be one thousand dollars. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

**Sec. 5119.341.** (A) Any person may operate a residential facility providing accommodations and personal care services for one to five unrelated persons and licensed as a residential facility that meets the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code as a permitted use in any residential district or zone, including any single-family residential district or zone of any political subdivision. Such facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.

(B) Any person may operate a residential facility providing accommodations and personal care services for six to sixteen persons and licensed as a residential facility that meets the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code as a permitted use in any

multiple-family residential district or zone of any political 89296  
subdivision, except that a political subdivision that has enacted 89297  
a zoning ordinance or resolution establishing planned-unit 89298  
developments as defined in section 519.021 of the Revised Code may 89299  
exclude such facilities from such districts, and a political 89300  
subdivision that has enacted a zoning ordinance or resolution may 89301  
regulate such facilities in multiple-family residential districts 89302  
or zones as a conditionally permitted use or special exception, in 89303  
either case, under reasonable and specific standards and 89304  
conditions set out in the zoning ordinance or resolution to: 89305

(1) Require the architectural design and site layout of the 89306  
home and the location, nature, and height of any walls, screens, 89307  
and fences to be compatible with adjoining land uses and the 89308  
residential character of the neighborhood; 89309

(2) Require compliance with yard, parking, and sign 89310  
regulation. 89311

(C) Divisions (A) and (B) of this section do not affect any 89312  
right of a political subdivision to permit a person to operate a 89313  
residential facility licensed under section 5119.34 of the Revised 89314  
Code in a single-family residential district or zone under 89315  
conditions established by the political subdivision. 89316

(D)(1) Notwithstanding divisions (A) and (B) of this section 89317  
and except as provided in division (D)(2) of this section, a 89318  
political subdivision that has enacted a zoning ordinance or 89319  
resolution may limit the excessive concentration of licensed 89320  
residential facilities that meet the criteria specified in 89321  
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 89322  
Code. 89323

(2) Division (D)(1) of this section does not authorize a 89324  
political subdivision to prevent or limit the continued existence 89325  
and operation of residential facilities existing and operating on 89326

September 10, 2012, and that meet the criteria specified in 89327  
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 89328  
Code. A political subdivision may consider the existence of such 89329  
facilities for the purpose of limiting the excessive concentration 89330  
of such facilities that meet the criteria specified in division 89331  
~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code that 89332  
are not existing and operating on September 10, 2012. 89333

**Sec. 5119.36.** (A) A community mental health services provider 89334  
applicant or community addiction services provider applicant that 89335  
seeks certification of its ~~community~~ mental health services or 89336  
~~community~~ addiction services shall submit an application to the 89337  
director of mental health and addiction services. On receipt of 89338  
the application, the director may conduct an on-site review and 89339  
shall evaluate the ~~provider applicant~~ to determine whether its 89340  
services satisfy the standards established by rules adopted under 89341  
division (E) of this section. The director shall make the 89342  
evaluation, and, if the director conducts an on-site review of the 89343  
~~provider applicant~~, may make the review, in cooperation with the 89344  
board of alcohol, drug addiction, and mental health services for 89345  
treatment or prevention services with which the ~~provider applicant~~ 89346  
seeks to contract under division (A)(8)(a) of section 340.03 of 89347  
the Revised Code. 89348

(B) Subject to section 5119.371 of the Revised Code, the 89349  
director shall determine whether the services of ~~an~~ a community 89350  
mental health services provider applicant or community addiction 89351  
services applicant satisfy the standards for certification of the 89352  
services. If the director determines that ~~a community mental~~ 89353  
~~health services provider's or a community addiction services~~ 89354  
~~provider's~~ an applicant's services satisfy the standards for 89355  
certification and the ~~provider applicant~~ has paid the fee required 89356  
under division (D) of this section, the director shall certify the 89357  
services. No community mental health services provider or 89358

community addiction services provider shall be eligible to receive 89359  
state or federal funds, or funds administered by a board of 89360  
alcohol, drug addiction, and mental health services for treatment 89361  
or prevention services unless its services have been certified by 89362  
the department. 89363

(C) If the director determines that a community mental health 89364  
services ~~provider's~~ provider applicant's or a community addiction 89365  
services ~~provider's~~ provider applicant's services do not satisfy 89366  
the standards for certification, the director shall identify the 89367  
areas of noncompliance, specify what action is necessary to 89368  
satisfy the standards, and may offer technical assistance to the 89369  
~~provider~~ applicant and to the board of alcohol, drug addiction, 89370  
and mental health services so that the board may assist the 89371  
~~provider~~ applicant in satisfying the standards. The director shall 89372  
give the ~~provider~~ applicant a reasonable time within which to 89373  
demonstrate that its services satisfy the standards or to bring 89374  
the services into compliance with the standards. If the director 89375  
concludes that the services continue to fail to satisfy the 89376  
standards, the director may request that the board reallocate any 89377  
funds for the mental health or addiction services the ~~provider~~ 89378  
applicant was to provide to another community mental health or 89379  
addiction services provider whose ~~community~~ mental health or 89380  
~~community~~ addiction services satisfy the standards. If the board 89381  
does not reallocate such funds in a reasonable period of time, the 89382  
director may withhold state and federal funds for the services and 89383  
allocate those funds directly to a community mental health or 89384  
community addiction services provider whose services satisfy the 89385  
standards. 89386

(D) Each community mental health services provider applicant 89387  
or community addiction services provider applicant seeking 89388  
certification of its ~~mental health or~~ addiction or mental health 89389  
services under this section shall pay a fee for the certification 89390

required by this section, unless the ~~provider~~ applicant is exempt 89391  
under rules adopted under division (E) of this section. Fees shall 89392  
be paid into the state treasury to the credit of the sale of goods 89393  
and services fund created pursuant to section 5119.45 of the 89394  
Revised Code. 89395

(E) The director shall adopt rules in accordance with Chapter 89396  
119. of the Revised Code to implement this section. The rules 89397  
shall do all of the following: 89398

(1) Establish certification standards for mental health 89399  
services and addiction services that are consistent with 89400  
nationally recognized applicable standards and facilitate 89401  
participation in federal assistance programs. The rules shall 89402  
include as certification standards only requirements that improve 89403  
the quality of services or the health and safety of persons 89404  
receiving ~~community mental health and~~ addiction and mental health 89405  
services. The standards shall address at a minimum all of the 89406  
following: 89407

(a) Reporting major unusual incidents to the director; 89408

(b) Procedures for applicants for and persons receiving 89409  
~~community mental health and~~ addiction and mental health services 89410  
to file grievances and complaints; 89411

(c) Seclusion; 89412

(d) Restraint; 89413

(e) Requirements regarding physical facilities of service 89414  
delivery sites; 89415

(f) Requirements with regard to health, safety, adequacy, and 89416  
cultural specificity and sensitivity; 89417

(g) Standards for evaluating services; 89418

(h) Standards and procedures for granting full ~~or~~ 89419  
conditional, probationary, and interim certification to a ~~service~~ 89420

<u>community mental health services provider applicant or community</u>	89421
<u>addiction services applicant;</u>	89422
(i) Standards and procedures for revoking the certification	89423
of a <u>community mental health or addiction services</u> provider's	89424
services that do not continue to meet the minimum standards	89425
established pursuant to this section;	89426
(j) The limitations to be placed on a provider that is	89427
granted <del>conditional</del> <u>probationary or interim</u> certification;	89428
(k) Development of written policies addressing the rights of	89429
persons receiving services, including all of the following:	89430
(i) The right to a copy of the written policies addressing	89431
the rights of persons receiving services;	89432
(ii) The right at all times to be treated with consideration	89433
and respect for the person's privacy and dignity;	89434
(iii) The right to have access to the person's own	89435
psychiatric, medical, or other treatment records unless access is	89436
specifically restricted in the person's treatment plan for clear	89437
treatment reasons;	89438
(iv) The right to have a client rights officer provided by	89439
the <del>services</del> provider or board of alcohol, drug addiction, and	89440
mental health services advise the person of the person's rights,	89441
including the person's rights under Chapter 5122. of the Revised	89442
Code if the person is committed to the provider or board.	89443
(2) Establish the process for certification of <del>community</del>	89444
<del>mental health and</del> addiction <u>and mental health</u> services;	89445
(3) Set the amount of certification review fees;	89446
(4) Specify the type of notice and hearing to be provided	89447
prior to a decision on whether to reallocate funds.	89448
(F) <u>The department may issue an order suspending admissions</u>	89449
<u>to a community addiction services provider that provides overnight</u>	89450



accommodations if it finds either of the following: 89451

(1) The provider is not in compliance with rules adopted by the director pursuant to division (E) of this section: 89452  
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(2) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider. 89454  
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(G) The department shall maintain a current list of community addiction services providers ~~whose addiction services are certified by the department under division (B) of this section~~ and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list ~~of certified addiction services~~ shall identify each provider by its name, its address, and the county in which it is located. 89457  
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~~(G)~~(H) No person shall represent in any manner that a provider is certified by the department if the provider is not certified at the time the representation is made. 89465  
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**Sec. 5119.361.** The director of mental health and addiction services shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health services provider and community addiction services provider with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide ~~community mental health or addiction~~ or mental health services establish grievance procedures consistent with rules adopted under section 5119.36 of the Revised Code that are available to all persons seeking or receiving services from a community mental health or addiction services provider. 89468  
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**Sec. 5119.365.** The director of mental health and addiction services shall adopt rules in accordance with Chapter 119. of the 89479  
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Revised Code to do both of the following: 89481

(A) Streamline the intake procedures used by a community 89482  
addiction services provider accepting and beginning to serve a new 89483  
~~patient~~ individual, including procedures regarding intake forms 89484  
and questionnaires; 89485

(B) Enable a community addiction services provider to retain 89486  
~~a patient~~ an individual as an active patient even though the 89487  
patient last received services from the provider more than thirty 89488  
days before resumption of services so that the ~~patient~~ individual 89489  
and provider do not have to repeat the intake procedures. 89490

**Sec. 5119.41.** (A) As used in this section ~~and section~~ 89491  
~~5119.411 of the Revised Code:~~ 89492

(1) "Nursing facility" has the same meaning as in section 89493  
5165.01 of the Revised Code. 89494

(2) "Residential state supplement administrative agency" 89495  
means the department of mental health and addiction services or, 89496  
if the department designates an entity under division (C) of this 89497  
section for a particular area, the designated entity. 89498

(3) "Residential state supplement program" means the program 89499  
administered pursuant to this section. 89500

(B) The department of mental health and addiction services 89501  
shall implement the residential state supplement program under 89502  
which the state supplements the supplemental security income 89503  
payments received by aged, blind, or disabled adults under Title 89504  
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 89505  
Residential state supplement payments shall be used for the 89506  
provision of accommodations, supervision, and personal care 89507  
services to social security, supplemental security income, and 89508  
social security disability insurance recipients who the department 89509  
determines are at risk of needing institutional care. 89510

(C) In implementing the program, the department may designate one or more entities to be responsible for providing administrative services regarding the program. The department may designate an entity to be a residential state supplement administrative agency under this division either by entering into a contract with the entity to serve in that capacity or by otherwise delegating to the entity the responsibility to serve in that capacity.

(D) For an individual to be eligible for residential state supplement payments, all of the following must be the case:

(1) Except as provided by division ~~(H)~~(G) of this section, the individual must reside in one of the following living arrangements:

(a) A residential care facility licensed by the department of health under Chapter 3721. of the Revised Code or an assisted living program as defined in section 5111.89 of the Revised Code;

~~(b) A residential facility as defined in division (A)(9)(b) of licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code licensed by the department of mental health and addiction services;~~

~~(c) An apartment or room used to provide community mental health housing services certified by the department of mental health and addiction services under section 5119.36 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code.~~

~~(2) A residential state supplement administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for social security payments, supplemental security income payments, or~~

~~social security disability insurance benefits because of a mental disability,~~ the If a residential state supplement administrative agency is aware that an individual enrolled in the program has mental health needs, the agency shall refer the individual to a community mental health services provider for an assessment under pursuant to division (A) of section 340.091 of the Revised Code. 89542  
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(3) The individual satisfies all eligibility requirements established by rules adopted under division (E) of this section. 89548  
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(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement. 89550  
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(E) The director of mental health and addiction services and medicaid director shall adopt rules in accordance with ~~section 111.15~~ Chapter 119. of the Revised Code as necessary to implement the residential state supplement program. 89558  
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To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the medicaid director may adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The medicaid director also may adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (D)(1) of this section but who, because of their income, do not 89562  
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receive supplemental security income payments. The rules may 89574  
provide that these individuals may include individuals who receive 89575  
other types of benefits, including, social security payments or 89576  
social security disability insurance benefits provided under Title 89577  
II of the "Social Security Act," 42 U.S.C. 401, et seq. 89578  
Notwithstanding division (B) of this section, such payments may be 89579  
made if funds are available for them. 89580

The director of mental health and addiction services may 89581  
adopt rules establishing the method to be used to determine the 89582  
amount an eligible individual will receive under the program. The 89583  
amount the general assembly appropriates for the program may be a 89584  
factor included in the method that director establishes. 89585

(F) The county department of job and family services of the 89586  
county in which an applicant for the residential state supplement 89587  
program resides or the department of medicaid shall determine 89588  
whether the applicant meets income and resource requirements for 89589  
the program. 89590

~~(G) The department of mental health and addiction services 89591  
shall maintain a waiting list of any individuals eligible for 89592  
payments under this section but not receiving them because moneys 89593  
appropriated to the department for the purposes of this section 89594  
are insufficient to make payments to all eligible individuals. An 89595  
individual may apply to be placed on the waiting list even though 89596  
the individual does not reside in one of the homes or facilities 89597  
specified in division (D)(1) of this section at the time of 89598  
application. The director of mental health and addiction services, 89599  
by rules adopted in accordance with Chapter 119. of the Revised 89600  
Code, may specify procedures and requirements for placing an 89601  
individual on the waiting list and priorities for the order in 89602  
which individuals placed on the waiting list are to begin to 89603  
receive residential state supplement payments. The rules 89604  
specifying priorities may give priority to individuals placed on 89605~~

~~the waiting list on or after July 1, 2006, who receive social security payments, social security disability insurance, or supplemental security income benefits under Title XVI of the "Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not affect the place on the waiting list of any person who was on the list on July 1, 2006. The rules specifying priorities may also set additional priorities based on living arrangement, such as whether an individual resides in a facility listed in division (D)(1) of this section or has been admitted to a nursing facility.~~

~~(H)~~ An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this section solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.

~~(I)~~(H) The county department of job and family services from which the person is receiving benefits or the department of medicaid shall notify each person denied approval for payments under this section of the person's right to a hearing. On request, the hearing shall be provided in accordance with ~~Chapter 119.~~ section 5101.35 of the Revised Code.

**Sec. 5119.44.** As used in this section, "free clinic" has the same meaning as in section 2305.2341 of the Revised Code.

(A) The department of mental health and addiction services may provide certain goods and services for the department of mental health and addiction services, the department of developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting such goods and services when the department of mental health and addiction services

determines that it is in the public interest, and considers it 89637  
advisable, to provide these goods and services. The department of 89638  
mental health and addiction services also may provide goods and 89639  
services to agencies operated by the United States government and 89640  
to public or private nonprofit agencies, other than free clinics, 89641  
that are funded in whole or in part by the state if the public or 89642  
private nonprofit agencies are designated for participation in 89643  
this program by the director of mental health and addiction 89644  
services for community addiction services providers and community 89645  
mental health services providers, the director of developmental 89646  
disabilities for community mental retardation and developmental 89647  
disabilities agencies, the director of rehabilitation and 89648  
correction for community rehabilitation and correction agencies, 89649  
or the director of youth services for community youth services 89650  
agencies. 89651

Designated community agencies or services providers shall 89652  
receive goods and services through the department of mental health 89653  
and addiction services only in those cases where the designating 89654  
state agency certifies that providing such goods and services to 89655  
the agency or services provider will conserve public resources to 89656  
the benefit of the public and where the provision of such goods 89657  
and services is considered feasible by the department of mental 89658  
health and addiction services. 89659

(B) The department of mental health and addiction services 89660  
may permit free clinics to purchase certain goods and services to 89661  
the extent the purchases fall within the exemption to the 89662  
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 89663  
institutions, in 15 U.S.C. 13c, as amended. 89664

(C) The goods and services that may be provided by the 89665  
department of mental health and addiction services under divisions 89666  
(A) and (B) of this section may include: 89667

(1) Procurement, storage, processing, and distribution of 89668

food and professional consultation on food operations; 89669

(2) Procurement, storage, and distribution of medical and 89670  
laboratory supplies, dental supplies, medical records, forms, 89671  
optical supplies, and sundries, subject to section 5120.135 of the 89672  
Revised Code; 89673

(3) Procurement, storage, repackaging, distribution, and 89674  
dispensing of drugs, the provision of professional pharmacy 89675  
consultation, and drug information services; 89676

(4) Other goods and services. 89677

(D) The department of mental health and addiction services 89678  
may provide the goods and services designated in division (C) of 89679  
this section to its institutions and to state-operated 89680  
community-based mental health or addiction services providers. 89681

(E) After consultation with and advice from the director of 89682  
developmental disabilities, the director of rehabilitation and 89683  
correction, and the director of youth services, the department of 89684  
mental health and addiction services may provide the goods and 89685  
services designated in division (C) of this section to the 89686  
department of developmental disabilities, the department of 89687  
rehabilitation and correction, and the department of youth 89688  
services. 89689

(F) The cost of administration of this section shall be 89690  
determined by the department of mental health and addiction 89691  
services and paid by the agencies, services providers, or free 89692  
clinics receiving the goods and services to the department for 89693  
deposit in the state treasury to the credit of the ~~office of~~ 89694  
~~support~~ Ohio pharmacy services fund, which is hereby created. The 89695  
fund shall be used to pay the cost of administration of this 89696  
section to the department. 89697

(G) Whenever a state agency fails to make a payment for goods 89698  
and services provided under this section within thirty-one days 89699



after the date the payment was due, the office of budget and 89700  
management may transfer moneys from the state agency to the 89701  
department of mental health and addiction services. The amount 89702  
transferred shall not exceed the amount of overdue payments. Prior 89703  
to making a transfer under this division, the office of budget and 89704  
management shall apply any credits the state agency has 89705  
accumulated in payments for goods and services provided under this 89706  
section. 89707

(H) Purchases of goods and services under this section are 89708  
not subject to section 307.86 of the Revised Code. 89709

**Sec. 5119.61.** (A) The department of mental health and 89710  
addiction services shall collect and compile statistics and other 89711  
information on the care and treatment of mentally disabled 89712  
persons, and the care, treatment, and rehabilitation of 89713  
alcoholics, drug dependent persons, and persons in danger of drug 89714  
dependence in this state, including, without limitation, 89715  
information on the number of such persons, the type of drug 89716  
involved, the type of care, treatment, or rehabilitation 89717  
prescribed or undertaken, and the success or failure of the care, 89718  
treatment, or rehabilitation. The department shall collect 89719  
information about services delivered and persons served as 89720  
required for reporting and evaluation relating to state and 89721  
federal funds expended for such purposes. 89722

(B) No alcohol, drug addiction, or mental health services 89723  
provider shall fail to supply statistics and other information 89724  
within its knowledge and with respect to its services, upon 89725  
request of the department. 89726

(C) Communications by a person seeking aid in good faith for 89727  
alcoholism or drug dependence are confidential, and this section 89728  
does not require the collection or permit the disclosure of 89729  
information which reveals or comprises the identity of any person 89730

seeking aid. 89731

(D) Based on the information collected and compiled under 89732  
division (A) of this section, the department shall develop a 89733  
project to assess the outcomes of persons served by community 89734  
alcohol and drug addiction services providers and community mental 89735  
health services providers that receive funds distributed by the 89736  
department. 89737

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 89738  
section 5119.93 of the Revised Code and the payment of the 89739  
appropriate filing fee, if any, the probate court shall examine 89740  
the petitioner under oath as to the contents of the petition. 89741

(B) If, after reviewing the allegations contained in the 89742  
petition and examining the petitioner under oath, it appears to 89743  
the probate court that there is probable cause to believe the 89744  
respondent may reasonably benefit from treatment, the court shall 89745  
do all of the following: 89746

(1) Schedule a hearing to be held within seven days to 89747  
determine if there is clear and convincing evidence that the 89748  
respondent may reasonably benefit from treatment for alcohol and 89749  
other drug abuse; 89750

(2) Notify the respondent, the legal guardian, if any and if 89751  
known, and the spouse, parents, or nearest relative or friend of 89752  
the respondent concerning the allegations and contents of the 89753  
petition and of the date and purpose of the hearing; 89754

(3) Notify the respondent that the respondent may retain 89755  
counsel and, if the person is unable to obtain an attorney, that 89756  
the respondent may be represented by court-appointed counsel at 89757  
public expense if the person is indigent. Upon the appointment of 89758  
an attorney to represent an indigent respondent, the court shall 89759  
notify the respondent of the name, address, and telephone number 89760

of the attorney appointed to represent the respondent. 89761

(4) Notify the respondent that the court shall cause the 89762  
respondent to be examined not later than twenty-four hours before 89763  
the hearing date by a physician for the purpose of a physical 89764  
examination and by a qualified health professional for the purpose 89765  
of a drug and alcohol addiction assessment and diagnosis. In 89766  
addition, the court shall notify the respondent that the 89767  
respondent may have an independent expert evaluation of the 89768  
person's physical and mental condition conducted at the 89769  
respondent's own expense. 89770

(5) Cause the respondent to be examined not later than 89771  
twenty-four hours before the hearing date by a physician for the 89772  
purpose of a physical examination and by a qualified health 89773  
professional for the purpose of a drug and alcohol addiction 89774  
assessment and diagnosis; 89775

(6) Conduct the hearing. 89776

(C) The physician and qualified health professional who 89777  
examine the respondent pursuant to division (B)(5) of this section 89778  
or who are obtained by the respondent at the respondent's own 89779  
expense shall certify their findings to the court within 89780  
twenty-four hours of the examinations. The findings of each 89781  
qualified health professional shall include a recommendation for 89782  
treatment if the qualified health professional determines that 89783  
treatment is necessary. 89784

(D)(1) If upon completion of the hearing held under this 89785  
section the probate court finds by clear and convincing evidence 89786  
that the respondent may reasonably benefit from treatment, the 89787  
court may order the treatment after considering the qualified 89788  
health professionals' recommendations for treatment that have been 89789  
submitted to the court under division (C) of this section. If the 89790  
court orders the treatment under this division, the court shall 89791

order the treatment to be provided through a community addiction 89792  
services provider ~~certified under section 5119.36 of the Revised~~ 89793  
~~Code~~ or by an individual licensed or certified by the state 89794  
medical board under Chapter 4731. of the Revised Code, the 89795  
chemical dependency professionals board under Chapter 4758. of the 89796  
Revised Code, the counselor, social worker, and marriage and 89797  
family therapist board under Chapter 4757. of the Revised Code, or 89798  
a similar board of another state authorized to provide substance 89799  
abuse treatment. 89800

(2) Failure of a respondent to undergo and complete any 89801  
treatment ordered pursuant to this division is contempt of court. 89802  
Any ~~alcohol and drug~~ community addiction program services provider 89803  
or person providing treatment under this division shall notify the 89804  
probate court of a respondent's failure to undergo or complete the 89805  
ordered treatment. 89806

(E) If, at any time after a petition is filed under section 89807  
5119.93 of the Revised Code, the probate court finds that there is 89808  
not probable cause to continue treatment or if the petitioner 89809  
withdraws the petition, then the court shall dismiss the 89810  
proceedings against the respondent. 89811

**Sec. 5119.99.** (A) Whoever violates section 5119.333 of the 89812  
Revised Code is guilty of a misdemeanor of the first degree. 89813

(B) Whoever violates division (B) of section 5119.61 of the 89814  
Revised Code is guilty of a misdemeanor of the fourth degree. 89815

(C) Whoever violates section 5119.27 or 5119.28 or division 89816  
(~~G~~)(H) of section 5119.36 of the Revised Code is guilty of a 89817  
felony of the fifth degree. 89818

**Sec. 5120.035.** (A) As used in this section: 89819

(1) "Community treatment provider" means a program that 89820  
provides substance use disorder assessment and treatment for 89821

persons and that satisfies all of the following: 89822

(a) It is located outside of a state correctional institution. 89823  
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(b) It shall provide the assessment and treatment for qualified prisoners referred and transferred to it under this section in a suitable facility that is licensed pursuant to division (C) of section 2967.14 of the Revised Code. 89825  
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(c) All qualified prisoners referred and transferred to it under this section shall reside initially in the suitable facility specified in division (A)(1)(b) of this section while undergoing the assessment and treatment. 89829  
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(2) "Electronic monitoring device" has the same meaning as in section 2929.01 of the Revised Code. 89833  
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(3) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 89835  
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(4) "Qualified prisoner" means a person who satisfies all of the following: 89837  
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(a) The person is confined in a state correctional institution under a prison term imposed for a felony of the fourth or fifth degree that is not an offense of violence. 89839  
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(b) The person has not previously been convicted of or pleaded guilty to an offense of violence. 89842  
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(c) The department of rehabilitation and correction determines, using a standardized assessment tool, that the person has a substance use disorder. 89844  
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(d) The person has not more than twelve months remaining to be served under the prison term described in division (A)(4)(a) of this section. 89847  
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(e) The person is not serving any prison term other than the term described in division (A)(4)(a) of this section. 89850  
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(f) The person is eighteen years of age or older. 89852

(g) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 89853  
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(h) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section. 89855  
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(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety. 89859  
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(C)(1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C)(3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 89867  
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2967.193 of the Revised Code, but otherwise neither the placement 89884  
nor the prisoner's participation in or completion of the program 89885  
shall result in any reduction of the prisoner's prison term. 89886

(2) If the department places a prisoner in the substance use 89887  
disorder treatment program, the prisoner does not satisfactorily 89888  
participate in the program, and the prisoner has not served the 89889  
prisoner's entire prison term, the department may remove the 89890  
prisoner from the program and return the prisoner to a state 89891  
correctional institution. 89892

(3) If the department places a prisoner in the substance use 89893  
disorder treatment program and the prisoner is satisfactorily 89894  
participating in the program, the department may permit the 89895  
prisoner to reside at a residence approved by the department if 89896  
the department determines, with input from the community treatment 89897  
provider, that residing at the approved residence will help the 89898  
prisoner prepare for reentry into the community and will help 89899  
reduce substance use relapses and recidivism for the prisoner. If 89900  
a prisoner is permitted under this division to reside at a 89901  
residence approved by the department, the prisoner shall be 89902  
monitored during the period of that residence by an electronic 89903  
monitoring device. 89904

(D)(1) When a prisoner has been placed in the substance use 89905  
disorder treatment program established under division (B) of this 89906  
section, before the prisoner is released from custody of the 89907  
department upon completion of the prisoner's prison term, the 89908  
department shall conduct and prepare an evaluation of the 89909  
prisoner, the prisoner's participation in the program, and the 89910  
prisoner's needs regarding substance use disorder treatment upon 89911  
release. Before the prisoner is released from custody of the 89912  
department upon completion of the prisoner's prison term, the 89913  
parole board or the court acting pursuant to an agreement under 89914  
section 2967.29 of the Revised Code shall consider the evaluation, 89915

in addition to all other information and materials considered, as follows: 89916  
89917

(a) If the prisoner is a prisoner for whom post-release control is mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining which post-release control sanction or sanctions to impose upon the prisoner under that section. 89918  
89919  
89920  
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89922

(b) If the prisoner is a prisoner for whom post-release control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section. 89923  
89924  
89925  
89926  
89927  
89928

(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing the record of the conviction, the director may issue a letter to the court in support of the application. 89929  
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(E)(1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E)(2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state. 89936  
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89944

(2) Each community treatment provider that applies under division (E)(1) of this section to participate in the program 89945  
89946



shall be certified by the department of mental health and 89947  
addiction services under section 5119.36 of the Revised Code to 89948  
provide substance use disorder treatment, but shall not be 89949  
required to be certified by the department of mental health and 89950  
addiction services to provide halfway house or residential 89951  
treatment. 89952

(F) The department of rehabilitation and correction shall 89953  
adopt rules for the operation of the substance use disorder 89954  
treatment program it establishes under division (B) of this 89955  
section and shall operate the program in accordance with this 89956  
section and those rules. The rules shall establish, at a minimum, 89957  
all of the following: 89958

(1) Criteria that establish which qualified prisoners are 89959  
eligible for the program; 89960

(2) Criteria that must be satisfied to transfer a qualified 89961  
prisoner to a residence pursuant to division (C)(3) of this 89962  
section; 89963

(3) Criteria for the removal of a prisoner from the program 89964  
pursuant to division (C)(2) of this section; 89965

(4) Criteria for determining when an offender has 89966  
successfully completed the program for purposes of division (D)(2) 89967  
of this section; 89968

(5) Criteria for community treatment providers to provide 89969  
assessment and treatment, including minimum standards for 89970  
treatment. 89971

**Sec. 5120.037.** (A) Not later than June 30, 2016, the 89972  
department of rehabilitation and correction shall study the 89973  
feasibility of converting an existing state correctional facility, 89974  
another existing facility controlled by the department, an 89975  
existing facility owned by the state or a political subdivision of 89976

the state, or an existing facility owned by a private entity into 89977  
a substance abuse recovery prison. The purpose of the prison would 89978  
be to help reduce relapses and recidivism while preparing 89979  
offenders confined in the prison for reentry into the community. 89980  
In conducting the study, the department shall do all of the 89981  
following: 89982

(1) Explore all alternatives for providing substance abuse 89983  
recovery for offenders confined in the prison; 89984

(2) Consider drug treatment and rehabilitation services to be 89985  
provided in the prison to help to prepare offenders confined in 89986  
the prison for reentry into the community; 89987

(3) Consider the categories of offenders that should be 89988  
confined in the prison, including whether the department should be 89989  
limited to placing an offender sentenced to or serving a prison 89990  
term in the prison only if the department knows or has reason to 89991  
believe that drug usage by the offender was a factor leading to 89992  
the offense for which the offender was sentenced to the prison 89993  
term. 89994

(B) Upon completion of the study specified in division (A) of 89995  
this section, the department shall submit copies of the study to 89996  
the president and minority leader of the senate, the speaker and 89997  
minority leader of the house of representatives, and the governor. 89998

**Sec. 5120.112.** (A) The division of parole and community 89999  
services shall accept applications for state financial assistance 90000  
for the renovation, maintenance, and operation of proposed and 90001  
approved community-based correctional facilities and programs and 90002  
district community-based correctional facilities and programs that 90003  
are filed in accordance with section 2301.56 of the Revised Code. 90004  
The division, upon receipt of an application for a particular 90005  
facility and program, shall determine whether the application is 90006  
in proper form, whether the applicant satisfies the standards of 90007

operation that are prescribed by the department of rehabilitation 90008  
and correction under section 5120.111 of the Revised Code, whether 90009  
the applicant has established the facility and program, and, if 90010  
the applicant has not at that time established the facility and 90011  
program, whether the proposal of the applicant sufficiently 90012  
indicates that the standards will be satisfied upon the 90013  
establishment of the facility and program. If the division 90014  
determines that the application is in proper form and that the 90015  
applicant has satisfied or will satisfy the standards of the 90016  
department, the division shall notify the applicant that it is 90017  
qualified to receive state financial assistance for the facility 90018  
and program under this section from moneys made available to the 90019  
division for purposes of providing assistance to community-based 90020  
correctional facilities and programs and district community-based 90021  
correctional facilities and programs. 90022

(B) The amount of state financial assistance that is awarded 90023  
to a qualified applicant under this section shall be determined by 90024  
the division of parole and community services in accordance with 90025  
this division. In determining the amount of state financial 90026  
assistance to be awarded to a qualified applicant under this 90027  
section, the division shall not calculate the cost of an offender 90028  
incarcerated in a community-based correctional facility and 90029  
program or district community-based correctional facility program 90030  
to be greater than the average yearly cost of incarceration per 90031  
inmate in all state correctional institutions, as defined in 90032  
section 2967.01 of the Revised Code, as determined by the 90033  
department of rehabilitation and correction. 90034

The times and manner of distribution of state financial 90035  
assistance to be awarded to a qualified applicant under this 90036  
section shall be determined by the division of parole and 90037  
community services. 90038

(C) Upon approval of a proposal for a community-based 90039

correctional facility and program or a district community-based 90040  
correctional facility and program by the division of parole and 90041  
community services, the facility governing board, upon the advice 90042  
of the judicial advisory board, shall enter into an award 90043  
agreement with the department of rehabilitation and correction 90044  
that outlines terms and conditions of the agreement on an annual 90045  
basis. In the award agreement, the facility governing board shall 90046  
identify a fiscal agent responsible for the deposit of funds and 90047  
compliance with sections 2301.55 and 2301.56 of the Revised Code. 90048

(D) No state financial assistance shall be distributed to a 90049  
qualified applicant until an agreement concerning the assistance 90050  
has been entered into by the director of rehabilitation and 90051  
correction and the deputy director of the division of parole and 90052  
community services on the part of the state, and by the 90053  
chairperson of the facility governing board of the community-based 90054  
correctional facility and program or district community-based 90055  
correctional facility and program to receive the financial 90056  
assistance, whichever is applicable. The agreement shall be 90057  
effective for a period of one year from the date of the agreement 90058  
and shall specify all terms and conditions that are applicable to 90059  
the awarding of the assistance, including, but not limited to: 90060

(1) The total amount of assistance to be awarded for each 90061  
community-based correctional facility and program or district 90062  
community-based correctional facility and program, and the times 90063  
and manner of the payment of the assistance; 90064

(2) How persons who will staff and operate the facility and 90065  
program are to be utilized during the period for which the 90066  
assistance is to be granted, including descriptions of their 90067  
positions and duties, and their salaries and fringe benefits; 90068

(3) A statement that none of the persons who will staff and 90069  
operate the facility and program, including those who are 90070  
receiving some or all of their salaries out of funds received by 90071

the facility and program as state financial assistance, are 90072  
employees or are to be considered as being employees of the 90073  
department of rehabilitation and correction, and a statement that 90074  
the employees who will staff and operate that facility and program 90075  
are employees of the facility and program; 90076

(4) A list of the type of expenses, other than salaries of 90077  
persons who will staff and operate the facility and program, for 90078  
which the state financial assistance can be used, and a 90079  
requirement that purchases made with funds received as state 90080  
financial assistance follow established fiscal guidelines as 90081  
determined by the division of parole and community services and 90082  
any applicable sections of the Revised Code, including, but not 90083  
limited to, sections 125.01 to 125.11 and Chapter 153. of the 90084  
Revised Code; 90085

(5) The accounting procedures that are to be used by the 90086  
facility and program in relation to the state financial 90087  
assistance; 90088

(6) A requirement that the facility and program file reports, 90089  
during the period that it receives state financial assistance, 90090  
with the division of parole and community services, which reports 90091  
shall be statistical in nature and shall contain that information 90092  
required under a research design agreed upon by all parties to the 90093  
agreement, for purposes of evaluating the facility and program; 90094

(7) A requirement that the facility and program comply with 90095  
standards of operation as prescribed by the department under 90096  
section 5120.111 of the Revised Code, and with all information 90097  
submitted on its application; 90098

(8) A statement that the facility and program will make a 90099  
reasonable effort to augment the funding received from the state. 90100

(E)(1) No state financial assistance shall be distributed to 90101  
a qualified applicant until its proposal for a community-based 90102

correctional facility and program or district community-based 90103  
correctional facility and program has been approved by the 90104  
division of parole and community services. 90105

(2) State financial assistance may be denied to any applicant 90106  
if it fails to comply with the terms of any agreement entered into 90107  
pursuant to division (D) of this section. 90108

(F) The division of parole and community services may expend 90109  
up to one-half per cent of the annual appropriation made for 90110  
community-based correctional facility programs, for goods or 90111  
services that benefit those programs. 90112

**Sec. 5120.135.** (A) As used in this section, "laboratory 90113  
services" includes the performance of medical laboratory analysis; 90114  
professional laboratory and pathologist consultation; the 90115  
procurement, storage, and distribution of laboratory supplies; and 90116  
the performance of phlebotomy services. 90117

(B) The department of rehabilitation and correction may 90118  
provide laboratory services to the departments of mental health 90119  
and addiction services, developmental disabilities, youth 90120  
services, and rehabilitation and correction. The department of 90121  
rehabilitation and correction may also provide laboratory services 90122  
to other state, county, or municipal agencies and to private 90123  
persons that request laboratory services if the department of 90124  
rehabilitation and correction determines that the provision of 90125  
laboratory services is in the public interest and considers it 90126  
advisable to provide such services. The department of 90127  
rehabilitation and correction may also provide laboratory services 90128  
to agencies operated by the United States government and to public 90129  
and private entities funded in whole or in part by the state if 90130  
the director of rehabilitation and correction designates them as 90131  
eligible to receive such services. 90132

The department of rehabilitation and correction shall provide 90133

laboratory services from a laboratory that complies with the 90134  
standards for certification set by the United States department of 90135  
health and human services under the "Clinical Laboratory 90136  
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 90137  
In addition, the laboratory shall maintain accreditation or 90138  
certification with an appropriate accrediting or certifying 90139  
organization as considered necessary by the recipients of its 90140  
laboratory services and as authorized by the director of 90141  
rehabilitation and correction. 90142

~~(C) The cost of administering this section shall be 90143  
determined by the department of rehabilitation and correction and 90144  
shall be paid by entities that receive laboratory services to the 90145  
department for deposit in the state treasury to the credit of the 90146  
laboratory services fund, which is hereby created. The fund shall 90147  
be used to pay the costs the department incurs in administering 90148  
this section. 90149~~

~~(D) Whenever a state agency fails to make a payment for 90150  
laboratory services provided to it by the department of 90151  
rehabilitation and correction under this section within thirty one 90152  
days after the date the payment was due, the office of budget and 90153  
management may transfer moneys from that state agency to the 90154  
department of rehabilitation and correction for deposit to the 90155  
credit of the laboratory services fund. The amount transferred 90156  
shall not exceed the amount of the overdue payments. Prior to 90157  
making a transfer under this division, the office shall apply any 90158  
credits the state agency has accumulated in payment for laboratory 90159  
services provided under this section. 90160~~

**Sec. 5120.28.** (A) The department of rehabilitation and 90161  
correction, ~~subject to the approval of the office of budget and 90162  
management,~~ shall fix the prices at which all labor and services 90163  
performed, all agricultural products produced, and all articles 90164

manufactured in correctional and penal institutions shall be 90165  
furnished to the state, the political subdivisions of the state, 90166  
and the public institutions of the state and the political 90167  
subdivisions, and to private persons. The prices shall be uniform 90168  
to all and not higher than the usual market price for like labor, 90169  
products, services, and articles. 90170

(B) Any money received by the department of rehabilitation 90171  
and correction for labor and services performed shall be deposited 90172  
into the institutional services fund created pursuant to division 90173  
(A) of section 5120.29 of the Revised Code and shall be used and 90174  
accounted for as provided in that section and division (B) of 90175  
section 5145.03 of the Revised Code. 90176

(C) Any money received by the department of rehabilitation 90177  
and correction for articles manufactured and agricultural products 90178  
produced in penal and correctional institutions shall be deposited 90179  
into the Ohio penal industries manufacturing fund created pursuant 90180  
to division (B) of section 5120.29 of the Revised Code and shall 90181  
be used and accounted for as provided in that section and division 90182  
(B) of section 5145.03 of the Revised Code. 90183

**Sec. 5120.38.** Subject to the rules of the department of 90184  
rehabilitation and correction, each institution under the 90185  
department's jurisdiction other than an institution operated 90186  
pursuant to a contract entered into under section 9.06 of the 90187  
Revised Code shall be under the control of a managing officer 90188  
known as a warden or other appropriate title. The managing officer 90189  
shall be appointed by the director of ~~the department of~~ 90190  
rehabilitation and correction and shall be in the unclassified 90191  
service and serve at the pleasure of the director. Appointment to 90192  
the position of managing officer shall be made from persons who 90193  
have criminal justice experience. 90194

A person who is appointed to the position of managing officer 90195



from a permanent, classified position in the classified service 90196  
within the department shall retain the right to resume the 90197  
position and status that the person held in the classified service 90198  
immediately prior to the person's appointment to the position in 90199  
the unclassified service, regardless of the number of positions 90200  
the person held in the unclassified service. Upon being relieved 90201  
of the person's duties as managing officer, the person shall be 90202  
reinstated to the An employee's right to resume a position in the 90203  
classified service that the person held immediately prior may be 90204  
exercised only when an appointing authority demotes the employee 90205  
to a pay range lower than the employee's current pay range or 90206  
revokes the employee's appointment to the position of managing 90207  
officer or to another position that in the unclassified service. 90208  
An employee forfeits the right to resume a position in the 90209  
classified service if the employee is removed from a position in 90210  
the unclassified service due to incompetence, inefficiency, 90211  
dishonesty, drunkenness, immoral conduct, insubordination, 90212  
discourteous treatment of the public, neglect of duty, a violation 90213  
of this chapter or the rules of the department or the director, 90214  
with approval of the state department of administrative services, 90215  
certifies as being any other failure of good behavior, any other 90216  
acts of misfeasance, malfeasance, or nonfeasance in office, or 90217  
conviction of or plea of guilty to a felony. An employee also 90218  
forfeits the right to resume the prior position in the classified 90219  
service upon transfer to a different agency. Reinstatement to a 90220  
position in the classified service shall be to a position 90221  
substantially equal to that prior the position in the classified 90222  
service that the person previously held, as certified by the 90223  
director of rehabilitation and correction and approved by the 90224  
director of administrative services. If the position the person 90225  
previously held in the classified service has been placed in the 90226  
unclassified service or is otherwise unavailable, the person shall 90227  
be appointed to a position in the classified service within the 90228

department that the director of administrative services certifies 90229  
is comparable in compensation to the position the person 90230  
previously held in the classified service. Service ~~as a managing~~ 90231  
~~officer~~ in a position in the unclassified service shall be counted 90232  
as service in the position in the classified service held by the 90233  
person immediately preceding the person's appointment ~~as managing~~ 90234  
~~officer~~ to the position in the unclassified service. A When a 90235  
person ~~who~~ is reinstated to a position in the classified service, 90236  
as provided in this section, ~~shall be~~ the person is entitled to 90237  
all rights and ~~emoluments~~ benefits and any status accruing to the 90238  
position in the classified service during the time of the person's 90239  
service ~~as managing officer~~ in the position in the unclassified 90240  
service. 90241

The managing officer, under the director of rehabilitation 90242  
and correction, shall have entire executive charge of the 90243  
institution for which the managing officer is appointed. Subject 90244  
to civil service rules and regulations, the managing officer shall 90245  
appoint the necessary employees and the managing officer or the 90246  
director may remove such employees for cause. ~~A report of all~~ 90247  
~~appointments, resignations, and discharges shall be filed with the~~ 90248  
~~director at the close of each month.~~ 90249

**Sec. 5120.381.** Subject to the rules of the department of 90250  
rehabilitation and correction, the director of rehabilitation and 90251  
correction may appoint a deputy warden for each institution under 90252  
the jurisdiction of the department. A deputy warden shall be in 90253  
the unclassified service and serve at the pleasure of the director 90254  
of rehabilitation and correction. The director of rehabilitation 90255  
and correction shall make an appointment to the position of deputy 90256  
warden from persons having criminal justice experience. A person 90257  
who is appointed to a position as deputy warden from a permanent, 90258  
classified position ~~in the classified service~~ within the 90259  
department shall retain the right to resume the position and 90260

status that the person held in the classified service immediately 90261  
prior to the person's appointment to the position in the 90262  
unclassified service, regardless of the number of positions the 90263  
person held in the unclassified service. If the person is relieved 90264  
of the person's duties as deputy warden, the director shall 90265  
reinstate the person to the An employee's right to resume a 90266  
position in the classified service that the person held 90267  
immediately prior to the appointment as deputy warden or to 90268  
another position that is certified by may be exercised only when 90269  
an appointing authority demotes the employee to a pay range lower 90270  
than the employee's current pay range or revokes the employee's 90271  
appointment to the unclassified service. An employee forfeits the 90272  
right to resume a position in the classified service when the 90273  
employee is removed from the position in the unclassified service 90274  
due to incompetence, inefficiency, dishonesty, drunkenness, 90275  
immoral conduct, insubordination, discourteous treatment of the 90276  
public, neglect of duty, a violation of this chapter or the rules 90277  
of the department or the director, with approval of the department 90278  
of administrative services, as being any other failure of good 90279  
behavior, any other acts of misfeasance, malfeasance, or 90280  
nonfeasance in office, or conviction of or plea of guilty to a 90281  
felony. An employee also forfeits the right to resume the prior 90282  
position in the classified service upon transfer to a different 90283  
agency. Reinstatement to a position in the classified service 90284  
shall be to a position substantially equal to that prior the 90285  
position in the classified service that the person previously 90286  
held, as certified by the director of rehabilitation and 90287  
correction and approved by the director of administrative 90288  
services. If the position the person previously held in the 90289  
classified service has been placed in the unclassified service or 90290  
is otherwise unavailable, the person shall be appointed to a 90291  
position in the classified service within the department that the 90292  
director of administrative services certifies is comparable in 90293

compensation to the position the person previously held in the 90294  
classified service. Service as ~~deputy warden~~ in the position in 90295  
the unclassified service shall be counted as service in the 90296  
position in the classified service that the person held 90297  
immediately preceding the person's appointment ~~as deputy warden to~~ 90298  
the position in the unclassified service. ~~A~~ When a person who is 90299  
reinstated to a position in the classified service as provided in 90300  
this section, the person is entitled to all rights and ~~emoluments~~ 90301  
benefits and any status accruing to the position during the time 90302  
of the person's service ~~as deputy warden in the unclassified~~ 90303  
service. 90304

**Sec. 5120.382.** Except as otherwise provided in this chapter 90305  
for appointments by division chiefs and managing officers, the 90306  
director of rehabilitation and correction shall appoint employees 90307  
who are necessary for the efficient conduct of the department of 90308  
rehabilitation and correction and prescribe their titles and 90309  
duties. A person who is appointed to an unclassified position from 90310  
a permanent, classified position ~~in the classified service within~~ 90311  
the department shall ~~serve at the pleasure of the director and~~ 90312  
retain the right to resume the position and status that the person 90313  
held in the classified service immediately prior to the person's 90314  
appointment to the position in the unclassified service, 90315  
regardless of the number of positions the person held in the 90316  
unclassified service. ~~If the person is relieved of the person's~~ 90317  
~~duties for the unclassified position, the director shall reinstate~~ 90318  
~~the person to the~~ An employee's right to resume a position in the 90319  
classified service ~~that the person held immediately prior to the~~ 90320  
~~appointment or to another position that is certified by~~ may be 90321  
exercised only when an appointing authority demotes the employee 90322  
to a pay range lower than the employee's current pay range or 90323  
revokes the employee's appointment to the unclassified service. An 90324  
employee forfeits the right to resume a position in the classified 90325

service when the employee is removed from the position in the 90326  
unclassified service due to incompetence, inefficiency, 90327  
dishonesty, drunkenness, immoral conduct, insubordination, 90328  
discourteous treatment of the public, neglect of duty, a violation 90329  
of this chapter or the rules of the department or the director, 90330  
with approval of the department of administrative services, as 90331  
being any other failure of good behavior, any other acts of 90332  
misfeasance, malfeasance, or nonfeasance in office, or conviction 90333  
of or plea of guilty to a felony. An employee also forfeits the 90334  
right to resume the prior position in the classified service upon 90335  
transfer to a different agency. Reinstatement to a position in the 90336  
classified service shall be to a position substantially equal to 90337  
that prior classified the position in the classified service that 90338  
the person previously held, as certified by the director of 90339  
rehabilitation and correction and approved by the director of 90340  
administrative services. If the position the person previously 90341  
held in the classified service has been placed in the unclassified 90342  
service or is otherwise unavailable, the person shall be appointed 90343  
to a position in the classified service within the department that 90344  
the director of administrative services certifies is comparable in 90345  
compensation to the position the person previously held in the 90346  
classified service. Service in the position in the unclassified 90347  
service pursuant to the appointment shall be counted as service in 90348  
the position in the classified service that the person held 90349  
immediately preceding the person's appointment to the position in 90350  
the unclassified service. A When a person who is reinstated to a 90351  
position in the classified service as provided in this section, 90352  
the person is entitled to all rights and emoluments benefits and 90353  
any status accruing to the position in the classified service 90354  
during the time of the person's service in the position in the 90355  
unclassified service. 90356

**Sec. 5122.31.** (A) All certificates, applications, records, 90357

and reports made for the purpose of this chapter and sections 90358  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 90359  
Code, other than court journal entries or court docket entries, 90360  
and directly or indirectly identifying a patient or former patient 90361  
or person whose hospitalization or commitment has been sought 90362  
under this chapter, shall be kept confidential and shall not be 90363  
disclosed by any person except: 90364

(1) If the person identified, or the person's legal guardian, 90365  
if any, or if the person is a minor, the person's parent or legal 90366  
guardian, consents, and if the disclosure is in the best interests 90367  
of the person, as may be determined by the court for judicial 90368  
records and by the chief clinical officer for medical records; 90369

(2) When disclosure is provided for in this chapter or 90370  
Chapters 340. or 5119. of the Revised Code or in accordance with 90371  
other provisions of state or federal law authorizing such 90372  
disclosure; 90373

(3) That hospitals, boards of alcohol, drug addiction, and 90374  
mental health services, and community mental health services 90375  
providers may release necessary medical information to insurers 90376  
and other third-party payers, including government entities 90377  
responsible for processing and authorizing payment, to obtain 90378  
payment for goods and services furnished to the patient; 90379

(4) Pursuant to a court order signed by a judge; 90380

(5) That a patient shall be granted access to the patient's 90381  
own psychiatric and medical records, unless access specifically is 90382  
restricted in a patient's treatment plan for clear treatment 90383  
reasons; 90384

(6) That hospitals and other institutions and facilities 90385  
within the department of mental health and addiction services may 90386  
exchange psychiatric records and other pertinent information with 90387

other hospitals, institutions, and facilities of the department, 90388  
and with community mental health services providers and boards of 90389  
alcohol, drug addiction, and mental health services with which the 90390  
department has a current agreement for patient care or services. 90391  
Records and information that may be released pursuant to this 90392  
division shall be limited to medication history, physical health 90393  
status and history, financial status, summary of course of 90394  
treatment in the hospital, summary of treatment needs, and a 90395  
discharge summary, if any. 90396

(7) That hospitals within the department and other 90397  
institutions and facilities within the department may exchange 90398  
psychiatric records and other pertinent information with payers 90399  
and other providers of treatment and health services if the 90400  
purpose of the exchange is to facilitate continuity of care for a 90401  
patient or for the emergency treatment of an individual; 90402

(8) That a patient's family member who is involved in the 90403  
provision, planning, and monitoring of services to the patient may 90404  
receive medication information, a summary of the patient's 90405  
diagnosis and prognosis, and a list of the services and personnel 90406  
available to assist the patient and the patient's family, if the 90407  
patient's treating physician determines that the disclosure would 90408  
be in the best interests of the patient. No such disclosure shall 90409  
be made unless the patient is notified first and receives the 90410  
information and does not object to the disclosure. 90411

(9) That community mental health services providers may 90412  
exchange psychiatric records and certain other information with 90413  
the board of alcohol, drug addiction, and mental health services 90414  
and other services providers in order to provide services to a 90415  
person involuntarily committed to a board. Release of records 90416  
under this division shall be limited to medication history, 90417  
physical health status and history, financial status, summary of 90418  
course of treatment, summary of treatment needs, and discharge 90419

summary, if any. 90420

(10) That information may be disclosed to the executor or the 90421  
administrator of an estate of a deceased patient when the 90422  
information is necessary to administer the estate; 90423

(11) That records in the possession of the Ohio historical 90424  
society may be released to the closest living relative of a 90425  
deceased patient upon request of that relative; 90426

(12) That records pertaining to the patient's diagnosis, 90427  
course of treatment, treatment needs, and prognosis shall be 90428  
disclosed and released to the appropriate prosecuting attorney if 90429  
the patient was committed pursuant to section 2945.38, 2945.39, 90430  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 90431  
attorney designated by the board for proceedings pursuant to 90432  
involuntary commitment under this chapter. 90433

(13) That the department of mental health and addiction 90434  
services may exchange psychiatric hospitalization records, other 90435  
mental health treatment records, and other pertinent information 90436  
with the department of rehabilitation and correction and with the 90437  
department of youth services to ensure continuity of care for 90438  
inmates or offenders who are receiving mental health services in 90439  
an institution of the department of rehabilitation and correction 90440  
or the department of youth services and may exchange psychiatric 90441  
hospitalization records, other mental health treatment records, 90442  
and other pertinent information with boards of alcohol, drug 90443  
addiction, and mental health services and community mental health 90444  
services providers to ensure continuity of care for inmates or 90445  
offenders who are receiving mental health services in an 90446  
institution and are scheduled for release within six months. The 90447  
department shall not disclose those records unless the inmate or 90448  
offender is notified, receives the information, and does not 90449  
object to the disclosure. The release of records under this 90450  
division is limited to records regarding an inmate's or offender's 90451



medication history, physical health status and history, summary of 90452  
course of treatment, summary of treatment needs, and a discharge 90453  
summary, if any; 90454

(14) That records and reports relating to a person who has 90455  
been deceased for fifty years or more are no longer considered 90456  
confidential. 90457

(B) Before records are disclosed pursuant to divisions 90458  
(A)(3), (6), and (9) of this section, the custodian of the records 90459  
shall attempt to obtain the patient's consent for the disclosure. 90460  
No person shall reveal the contents of a medical record of a 90461  
patient except as authorized by law. 90462

(C) The managing officer of a hospital who releases necessary 90463  
medical information under division (A)(3) of this section to allow 90464  
an insurance carrier or other third party payor to comply with 90465  
section 5121.43 of the Revised Code shall neither be subject to 90466  
criminal nor civil liability. 90467

**Sec. 5122.36.** If the legal residence of a person suffering 90468  
from mental illness is in another county of the state, the 90469  
necessary expense of the person's return is a proper charge 90470  
against the county of legal residence. If an adjudication and 90471  
order of hospitalization by the probate court of the county of 90472  
temporary residence are required, the regular probate court fees 90473  
and expenses incident to the order of hospitalization under this 90474  
chapter and any other expense incurred on the person's behalf 90475  
shall be charged to and paid by the county of the person's legal 90476  
residence upon the approval and certification of the probate judge 90477  
of ~~that~~ the county of the person's legal residence. The ordering 90478  
court shall send to the probate court of the person's county of 90479  
legal residence a certified ~~transcript of all proceedings had in~~ 90480  
copy of the commitment order from the ordering court. The 90481  
receiving court shall enter and record the ~~transcript~~ commitment 90482

order. The certified ~~transcript~~ commitment order is prima facie 90483  
evidence of the residence of the person. When the residence of the 90484  
person cannot be established as represented by the ordering court, 90485  
the matter of residence shall be referred to the department of 90486  
mental health and addiction services for investigation and 90487  
determination. 90488

**Sec. 5123.032.** (A) As used in this section, ~~"developmental:~~ 90489

(1) "Closed" or "closure" means a situation in which either 90490  
of the following occurs: 90491

(a) A developmental center ceases operations; 90492

(b) Control of a developmental center is transferred from the 90493  
department of developmental disabilities to another entity that is 90494  
not a government entity. 90495

(2) "Developmental center" means any institution or facility 90496  
of the department of developmental disabilities that, on or after 90497  
January 30, 2004, is named, designated, or referred to as a 90498  
developmental center. 90499

(B) Notwithstanding any other provision of law, any closure 90500  
of a developmental center shall be subject to, and in accordance 90501  
with, this section. 90502

(C) ~~Notwithstanding any other provision of law, at least ten~~ 90503  
~~days prior to making any official, public announcement that the~~ 90504  
~~governor intends to close one or more developmental centers, the~~ 90505  
~~governor shall notify the general assembly in writing that the~~ 90506  
~~governor intends to close one or more developmental centers. The~~ 90507  
~~governor shall notify the general assembly in writing of the prior~~ 90508  
~~announcement and that the governor intends to close the center~~ 90509  
~~identified in the prior announcement, and the notification to the~~ 90510  
~~general assembly shall constitute, for purposes of this section,~~ 90511  
~~the governor's official, public announcement that the governor~~ 90512

~~intends to close that center.~~ 90513

~~The notice required by this division shall identify by name 90514  
each developmental center that the governor intends to close or, 90515  
if the governor has not determined any specific developmental 90516  
center to close, shall state the governor's general intent to 90517  
close one or more developmental centers. When the governor 90518  
notifies the general assembly as required by this division, the 90519  
legislative service commission promptly shall conduct an 90520  
independent study of the developmental centers of the department 90521  
of developmental disabilities and of the department's operation of 90522  
the centers, and the study shall address relevant criteria and 90523  
factors, including, but not limited to, all of the following If 90524  
the governor determines that one or more developmental centers 90525  
should be closed, all of the following apply: 90526~~

~~(1) For each developmental center, the governor shall notify 90527  
the general assembly and the department of developmental 90528  
disabilities of that determination and the rationale for it. If 90529  
the rationale is expenditure reductions or budget cuts, the notice 90530  
shall specify the anticipated savings to be obtained through the 90531  
closure. 90532~~

~~(2) Not later than seven days after the governor provides 90533  
notice under this section, the officials who are to appoint 90534  
members of the commission under division (D) of this section, 90535  
shall appoint the members. As soon as possible after the 90536  
appointments, the commission shall meet and commence 90537  
deliberations. Not later than ninety days after the governor 90538  
provides the notice, the commission shall provide to the general 90539  
assembly, the governor, and the department a report of its 90540  
recommendation concerning the developmental center. The commission 90541  
may recommend closure for expenditure reductions or budget cuts 90542  
only if the anticipated savings to be obtained by the closure are 90543  
approximately the same as the anticipated savings specified in the 90544~~

governor's notice. If the governor gave notice of the proposed 90545  
closure of more than one developmental center, the report shall 90546  
list them in order of the commission's preference for closure. 90547

(3) On receipt of a report that recommends closure of a 90548  
developmental center, the governor may close the developmental 90549  
center. Except as otherwise provided in this division, the 90550  
governor shall not close a developmental center that is not listed 90551  
in the commission's recommendation, and shall not close multiple 90552  
developmental centers in any order other than the order of the 90553  
commission's preference as specified in the recommendation. If the 90554  
governor determines that it is not feasible to implement the 90555  
recommendation because there has been a significant change in 90556  
circumstances, the governor may call for a new commission 90557  
regarding the developmental center. The new commission shall be 90558  
created and function in accordance with this section. 90559

(D) Each developmental center closure commission shall 90560  
consist of thirteen members. Three members shall be members of the 90561  
house of representatives, two of whom are members of the majority 90562  
political party in the house of representatives appointed by the 90563  
speaker of the house of representatives and one of whom is a 90564  
member of the minority political party in the house of 90565  
representatives appointed by the minority leader of the house of 90566  
representatives. Three members shall be members of the senate, two 90567  
of whom are members of the majority political party in the senate 90568  
appointed by the president of the senate and one of whom is a 90569  
member of the minority political party in the senate appointed by 90570  
the minority leader of the senate. One member shall be the 90571  
director of budget and management. One member shall be the 90572  
director of developmental disabilities. Four members shall be 90573  
persons with experience in the work of the department of 90574  
developmental disabilities. One of these members must be a family 90575  
member of a person living in the developmental center, and because 90576

of that familial connection, shall be deemed to have met the 90577  
experience requirement. Of these four members one shall be 90578  
appointed by the speaker of the house of representatives, one by 90579  
the minority leader of the house of representatives, one by the 90580  
president of the senate, and one by the minority leader of the 90581  
senate. One member shall be a representative of the employees' 90582  
association representing the largest number of employees of the 90583  
department, as certified by the director of developmental 90584  
disabilities, with that member being appointed by the president of 90585  
the association. At the commission's first meeting, the members 90586  
shall organize and appoint a chairperson and vice-chairperson. The 90587  
members shall serve without compensation. 90588

(E) In making its determination of whether a developmental 90589  
center should close, the commission shall consider the following 90590  
factors and any other factors it considers appropriate: 90591

~~(1) The manner in which the closure of developmental centers~~ 90592  
~~in general would affect the safety, health, well-being, and~~ 90593  
~~lifestyle of the centers' residents and their family members and~~ 90594  
~~would affect public safety and, if the governor's notice~~ 90595  
~~identifies by name one or more developmental centers that the~~ 90596  
~~governor intends to close, the manner in which the closure of each~~ 90597  
~~center so identified would affect the safety, health, well-being,~~ 90598  
~~and lifestyle of the center's residents and their family members~~ 90599  
~~and would affect public safety Whether there is a need to reduce~~ 90600  
~~the number of developmental centers;~~ 90601

(2) The availability of alternate facilities; 90602

(3) The cost effectiveness of the ~~facilities identified for~~ 90603  
~~closure~~ developmental center; 90604

(4) ~~A comparison of the cost of residing at a facility~~ 90605  
~~identified for closure and the cost of new living arrangements~~ The 90606  
opportunities for, and barriers to, transitioning staff of the 90607

center to other appropriate employment; 90608

(5) The geographic factors associated with each ~~facility~~ the 90609  
center and its proximity to other similar facilities; 90610

(6) ~~The impact of collective bargaining on facility~~ 90611  
~~operations;~~ 90612

~~(7)~~ The utilization and maximization of resources; 90613

~~(8)~~(7) Continuity of the staff and ability to serve the 90614  
~~facility~~ center's population; 90615

~~(9)~~(8) Continuing costs following closure of ~~a facility~~ the 90616  
center; 90617

~~(10)~~(9) The impact of the closure on the local economy; 90618

~~(11)~~(10) Alternatives and opportunities for consolidation 90619  
with other centers or facilities; 90620

~~(12)~~ How the closing of a facility identified for closure 90621  
~~relates to the department's plans for the future of developmental~~ 90622  
~~centers in this state;~~ 90623

~~(13)~~ The effect of the closure of developmental centers in 90624  
general upon the state's fiscal resources and fiscal status and, 90625  
if the governor's notice identifies by name one or more 90626  
developmental centers that the governor intends to close, the 90627  
effect of the closure of each center so identified upon the 90628  
state's fiscal resources and fiscal status. 90629

~~(D)~~ The legislative service commission shall complete the 90630  
study required by division (C) of this section, and prepare a 90631  
report that contains its findings, not later than sixty days after 90632  
the governor makes the official, public announcement that the 90633  
governor intends to close one or more developmental centers as 90634  
described in division (C) of this section. The commission shall 90635  
provide a copy of the report to each member of the general 90636  
assembly who requests a copy of the report and for collaboration 90637

with other state agencies and political subdivisions. 90638

(F) The commission shall meet as often as necessary to make 90639  
its determination and may take testimony and consider all relevant 90640  
information. 90641

On providing its report, the commission shall cease to exist, 90642  
provided that another commission shall be created if the governor 90643  
calls for a new commission pursuant to division (D) of this 90644  
section or the governor provides another notice of closure under 90645  
division (C)(1) of this section. 90646

**Sec. 5123.033.** The program fee fund is hereby created in the 90647  
state treasury. All fees collected pursuant to sections 5123.161, 90648  
5123.164, and 5123.19 of the Revised Code shall be credited to the 90649  
fund. Money credited to the fund shall be used solely for the 90650  
department of developmental disabilities' duties under sections 90651  
5123.16 to ~~5123.1610~~, 5123.1611 and 5123.19 of the Revised Code 90652  
and to provide continuing education and professional training to 90653  
providers of services to individuals with mental retardation or a 90654  
developmental disability. If the money credited to the fund is 90655  
inadequate to pay all of the department's costs in performing 90656  
those duties and providing the continuing education and 90657  
professional training, the department may use other available 90658  
funds appropriated to the department to pay the remaining costs of 90659  
performing those duties and providing the continuing education and 90660  
professional training. 90661

**Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.1610~~ 90662  
5123.1611 of the Revised Code: 90663

(1) "Applicant" means any of the following: 90664

(a) The chief executive officer of a business that applies 90665  
under section 5123.161 of the Revised Code for a certificate to 90666  
provide supported living; 90667

(b) The chief executive officer of a business that seeks 90668  
renewal of the business's supported living certificate under 90669  
section 5123.164 of the Revised Code; 90670

(c) An individual who applies under section 5123.161 of the 90671  
Revised Code for a certificate to provide supported living as an 90672  
independent provider; 90673

(d) An independent provider who seeks renewal of the 90674  
independent provider's supported living certificate under section 90675  
5123.164 of the Revised Code. 90676

(2) "Business" means an association, corporation, nonprofit 90677  
organization, partnership, trust, or other group of persons. 90678  
"Business" does not mean an independent provider. 90679

(3) "Criminal records check" has the same meaning as in 90680  
section 109.572 of the Revised Code. 90681

(4) "Disqualifying offense" means any of the offenses listed 90682  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 90683  
the Revised Code. 90684

(5) "Independent provider" means a provider who provides 90685  
supported living on a self-employed basis and does not employ, 90686  
directly or through contract, another person to provide the 90687  
supported living. 90688

(6) "Provider" means a person or government entity certified 90689  
by the director of developmental disabilities to provide supported 90690  
living. For the purpose of division (A)(8) of this section, 90691  
"provider" includes a person or government entity that seeks or 90692  
previously held a certificate to provide supported living. 90693

(7) "Minor drug possession offense" has the same meaning as 90694  
in section 2925.01 of the Revised Code. 90695

(8) "Related party" means any of the following: 90696

(a) In the case of a provider who is an individual, any of 90697



the following:	90698
(i) The spouse of the provider;	90699
(ii) A parent or stepparent of the provider or provider's spouse;	90700 90701
(iii) A child of the provider or provider's spouse;	90702
(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;	90703 90704
(v) A grandparent of the provider or provider's spouse;	90705
(vi) A grandchild of the provider or provider's spouse.	90706
(b) In the case of a provider that is a person other than an individual, any of the following:	90707 90708
(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;	90709 90710 90711 90712 90713 90714 90715 90716
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	90717 90718 90719
(iii) A member of the provider's board of directors or trustees;	90720 90721
(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;	90722 90723 90724
(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the	90725 90726

persons specified in divisions (A)(8)(b)(i) to (iv) of this section; 90727  
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(vi) A person over which the provider has control of the day-to-day operation; 90729  
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(vii) A corporation that has a subsidiary relationship with the provider. 90731  
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(c) In the case of a provider that is a government entity, any of the following: 90733  
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(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement; 90735  
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(ii) An officer of the provider; 90741

(iii) A member of the provider's governing board; 90742

(iv) A person or government entity over which the provider has control of the day-to-day operation. 90743  
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(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities. 90745  
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(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code. 90748  
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**Sec. 5123.161.** A person or government entity that seeks to provide supported living shall apply to the director of developmental disabilities for a supported living certificate. 90751  
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Except as provided in sections 5123.166 and 5123.169 of the Revised Code, the director shall issue to the person or government 90754  
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entity a supported living certificate if the person or government 90756  
entity follows the application process established in rules 90757  
adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, 90758  
meets the applicable certification standards established in those 90759  
rules, and pays the certification fee established in those rules. 90760

**Sec. 5123.162.** (A) The director of developmental disabilities 90761  
may conduct surveys of persons and government entities that seek a 90762  
supported living certificate to determine whether the persons and 90763  
government entities meet the certification standards. The director 90764  
may also conduct surveys of providers to determine whether the 90765  
providers continue to meet the certification standards. The 90766  
director may assign to a county board of developmental 90767  
disabilities the responsibility to conduct either type of survey. 90768  
Each survey shall be conducted in accordance with rules adopted 90769  
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 90770

(B) Following each survey of a provider, the director shall 90772  
issue a report listing the date of the survey, any citations 90773  
issued as a result of the survey, and the statutes or rules that 90774  
purportedly have been violated and are the bases of the citations. 90775  
The director shall also do both of the following: 90776

(1) Specify a date by which the provider may appeal any of 90777  
the citations; 90778

(2) When appropriate, specify a timetable within which the 90779  
provider must submit a plan of correction describing how the 90780  
problems specified in the citations will be corrected and the date 90781  
by which the provider anticipates the problems will be corrected. 90782

(C) If the director initiates a proceeding to revoke a 90783  
provider's certification, the director shall include the report 90784  
required by division (B) of this section with the notice of the 90785  
proposed revocation the director sends to the provider. In this 90786

circumstance, the provider may not submit a plan of correction. 90787

(D) After a plan of correction is submitted, the director 90788  
shall approve or disapprove the plan. If the plan of correction is 90789  
approved, a copy of the approved plan shall be provided, not later 90790  
than five business days after it is approved, to any person or 90791  
government entity that requests it and made available on the 90792  
internet web site maintained by the department of developmental 90793  
disabilities. If the plan of correction is not approved and the 90794  
director initiates a proceeding to revoke the provider's 90795  
certification, a copy of the survey report shall be provided to 90796  
any person or government entity that requests it and shall be made 90797  
available on the internet web site maintained by the department. 90798

(E) In addition to survey reports described in this section, 90799  
all other records associated with surveys conducted under this 90800  
section are public records for the purpose of section 149.43 of 90801  
the Revised Code and shall be made available on the request of any 90802  
person or government entity. 90803

**Sec. 5123.163.** A supported living certificate is valid for a 90804  
period of time established in rules adopted under section 90805  
~~5123.1610~~ 5123.1611 of the Revised Code, unless any of the 90806  
following occur before the end of that period of time: 90807

(A) The director of developmental disabilities issues an 90808  
order requiring that action be taken against the certificate 90809  
holder under section 5123.166 of the Revised Code. 90810

(B) The director issues an order terminating the certificate 90811  
under section 5123.168 of the Revised Code. 90812

(C) The certificate holder voluntarily surrenders the 90813  
certificate to the director. 90814

**Sec. 5123.164.** Except as provided in sections 5123.166 and 90815  
5123.169 of the Revised Code, the director of developmental 90816

disabilities shall renew a supported living certificate if the 90817  
certificate holder follows the renewal process established in 90818  
rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised 90819  
Code, continues to meet the applicable certification standards 90820  
established in those rules, and pays the renewal fee established 90821  
in those rules. 90822

**Sec. 5123.166.** (A) If good cause exists as specified in 90823  
division (B) of this section and determined in accordance with 90824  
procedures established in rules adopted under section ~~5123.1610~~ 90825  
5123.1611 of the Revised Code, the director of developmental 90826  
disabilities may issue an adjudication order requiring that one of 90827  
the following actions be taken against a person or government 90828  
entity seeking or holding a supported living certificate: 90829

(1) Refusal to issue or renew a supported living certificate; 90830

(2) Revocation of a supported living certificate; 90831

(3) Suspension of a supported living certificate holder's 90832  
authority to do either or both of the following: 90833

(a) Continue to provide supported living to one or more 90834  
individuals from one or more counties who receive supported living 90835  
from the certificate holder at the time the director takes the 90836  
action; 90837

(b) Begin to provide supported living to one or more 90838  
individuals from one or more counties who do not receive supported 90839  
living from the certificate holder at the time the director takes 90840  
the action. 90841

(B) The following constitute good cause for taking action 90842  
under division (A) of this section against a person or government 90843  
entity seeking or holding a supported living certificate: 90844

(1) The person or government entity's failure to meet or 90845  
continue to meet the applicable certification standards 90846

established in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code; 90847  
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(2) The person or government entity violates section 5123.165 of the Revised Code; 90849  
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(3) The person or government entity's failure to satisfy the requirements of section 5123.081 or 5123.52 of the Revised Code; 90851  
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(4) Misfeasance; 90853

(5) Malfeasance; 90854

(6) Nonfeasance; 90855

(7) Confirmed abuse or neglect; 90856

(8) Financial irresponsibility; 90857

(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity. 90858  
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(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code. 90861  
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(D)(1) The director may issue an order requiring that action specified in division (A)(3) of this section be taken before a provider is provided notice and an opportunity for a hearing if all of the following are the case: 90864  
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(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards; 90868  
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(b) The director determines that the failure either represents a pattern of serious noncompliance or creates a substantial risk to the health or safety of an individual who receives or would receive supported living from the provider; 90871  
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(c) If the order will suspend the provider's authority to 90875

continue to provide supported living to an individual who receives 90876  
supported living from the provider at the time the director issues 90877  
the order, both of the following are the case: 90878

(i) The director makes the individual, or the individual's 90879  
guardian, aware of the director's determination under division 90880  
(D)(1)(b) of this section and the individual or guardian does not 90881  
select another provider. 90882

(ii) A county board of developmental disabilities has filed a 90883  
complaint with a probate court under section 5126.33 of the 90884  
Revised Code that includes facts describing the nature of abuse or 90885  
neglect that the individual has suffered due to the provider's 90886  
actions that are the basis for the director making the 90887  
determination under division (D)(1)(b) of this section and the 90888  
probate court does not issue an order authorizing the county board 90889  
to arrange services for the individual pursuant to an 90890  
individualized service plan developed for the individual under 90891  
section 5126.31 of the Revised Code. 90892

(2) If the director issues an order under division (D)(1) of 90893  
this section, sections 119.091 to 119.13 of the Revised Code and 90894  
all of the following apply: 90895

(a) The director shall send the provider notice of the order 90896  
by registered mail, return receipt requested, not later than 90897  
twenty-four hours after issuing the order and shall include in the 90898  
notice the reasons for the order, the citation to the law or rule 90899  
directly involved, and a statement that the provider will be 90900  
afforded a hearing if the provider requests it within ten days of 90901  
the time of receiving the notice. 90902

(b) If the provider requests a hearing within the required 90903  
time and the provider has provided the director the provider's 90904  
current address, the director shall immediately set, and notify 90905  
the provider of, the date, time, and place for the hearing. 90906

(c) The date of the hearing shall be not later than thirty 90907  
days after the director receives the provider's timely request for 90908  
the hearing. 90909

(d) The hearing shall be conducted in accordance with section 90910  
119.09 of the Revised Code, except for all of the following: 90911

(i) The hearing shall continue uninterrupted until its close, 90912  
except for weekends, legal holidays, and other interruptions the 90913  
provider and director agree to. 90914

(ii) If the director appoints a referee or examiner to 90915  
conduct the hearing, the referee or examiner, not later than ten 90916  
days after the date the referee or examiner receives a transcript 90917  
of the testimony and evidence presented at the hearing or, if the 90918  
referee or examiner does not receive the transcript or no such 90919  
transcript is made, the date that the referee or examiner closes 90920  
the record of the hearing, shall submit to the director a written 90921  
report setting forth the referee or examiner's findings of fact 90922  
and conclusions of law and a recommendation of the action the 90923  
director should take. 90924

(iii) The provider may, not later than five days after the 90925  
date the director, in accordance with section 119.09 of the 90926  
Revised Code, sends the provider or the provider's attorney or 90927  
other representative of record a copy of the referee or examiner's 90928  
report and recommendation, file with the director written 90929  
objections to the report and recommendation. 90930

(iv) The director shall approve, modify, or disapprove the 90931  
referee or examiner's report and recommendation not earlier than 90932  
six days, and not later than fifteen days, after the date the 90933  
director, in accordance with section 119.09 of the Revised Code, 90934  
sends a copy of the report and recommendation to the provider or 90935  
the provider's attorney or other representative of record. 90936

(3) The director may lift an order issued under division 90937



(D)(1) of this section even though a hearing regarding the order 90938  
is occurring or pending if the director determines that the 90939  
provider has taken action eliminating the good cause for issuing 90940  
the order. The hearing shall proceed unless the provider withdraws 90941  
the request for the hearing in a written letter to the director. 90942

(4) The director shall lift an order issued under division 90943  
(D)(1) of this section if both of the following are the case: 90944

(a) The provider provides the director a plan of compliance 90945  
the director determines is acceptable. 90946

(b) The director determines that the provider has implemented 90947  
the plan of compliance correctly. 90948

**Sec. 5123.167.** If the director of developmental disabilities 90949  
issues an adjudication order under section 5123.166 of the Revised 90950  
Code refusing to issue a supported living certificate to a person 90951  
or government entity ~~or, refusing~~ to renew a person or government 90952  
entity's supported living certificate, or revoking the person or 90953  
government entity's supported living certificate, neither the 90954  
person or government entity nor a related party of the person or 90955  
government entity may apply for another supported living 90956  
certificate earlier than the date that is ~~one year~~ five years 90957  
after the date the order is issued. If a person or government 90958  
entity's authority to provide medicaid-funded supported living is 90959  
revoked or renewal of the authority is refused pursuant to section 90960  
5123.1610 of the Revised Code, neither the person or government 90961  
entity nor a related party of the person or government entity may 90962  
apply for authority to provide medicaid-funded supported living 90963  
again earlier than the date this is five years after the date the 90964  
authority is revoked or expired. 90965

~~If the director issues an adjudication order under that~~ 90966  
~~section revoking a person or government entity's supported living~~ 90967  
~~certificate, neither the person or government entity nor a related~~ 90968

~~party of the person or government entity may apply for another supported living certificate earlier than the date that is five years after the date the order is issued.~~

**Sec. 5123.169.** (A) The director of developmental disabilities shall not issue a supported living certificate to an applicant or renew an applicant's supported living certificate if either of the following applies:

(1) The applicant fails to comply with division (C)(2) of this section;

(2) Except as provided in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, the applicant is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(B) Before issuing a supported living certificate to an applicant or renewing an applicant's supported living certificate, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while holding a supported living certificate, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in action being taken by the director against the applicant under section 5123.166 of the Revised Code.

(C)(1) As a condition of receiving a supported living certificate or having a supported living certificate renewed, an

applicant shall request the superintendent of the bureau of 91000  
criminal identification and investigation to conduct a criminal 91001  
records check of the applicant. If an applicant does not present 91002  
proof to the director that the applicant has been a resident of 91003  
this state for the five-year period immediately prior to the date 91004  
that the applicant applies for issuance or renewal of the 91005  
supported living certificate, the director shall require the 91006  
applicant to request that the superintendent obtain information 91007  
from the federal bureau of investigation as a part of the criminal 91008  
records check. If the applicant presents proof to the director 91009  
that the applicant has been a resident of this state for that 91010  
five-year period, the director may require the applicant to 91011  
request that the superintendent include information from the 91012  
federal bureau of investigation in the criminal records check. For 91013  
purposes of this division, an applicant may provide proof of 91014  
residency in this state by presenting, with a notarized statement 91015  
asserting that the applicant has been a resident of this state for 91016  
that five-year period, a valid driver's license, notification of 91017  
registration as an elector, a copy of an officially filed federal 91018  
or state tax form identifying the applicant's permanent residence, 91019  
or any other document the director considers acceptable. 91020

(2) Each applicant shall do all of the following: 91021

(a) Obtain a copy of the form prescribed pursuant to division 91022  
(C)(1) of section 109.572 of the Revised Code and a standard 91023  
impression sheet prescribed pursuant to division (C)(2) of section 91024  
109.572 of the Revised Code; 91025

(b) Complete the form and provide the applicant's fingerprint 91026  
impressions on the standard impression sheet; 91027

(c) Forward the completed form and standard impression sheet 91028  
to the superintendent at the time the criminal records check is 91029  
requested; 91030

- (d) Instruct the superintendent to submit the completed report of the criminal records check directly to the director; 91031  
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- (e) Pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of the applicant requested and conducted pursuant to this section. 91033  
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- (D) The director may request any other state or federal agency to supply the director with a written report regarding the criminal record of an applicant. The director may consider the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate. 91038  
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- (E) An applicant who seeks to be an independent provider or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with mental retardation or developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate. 91044  
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- (F)(1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following: 91054  
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- (a) The applicant who is the subject of the report or the applicant's representative; 91058  
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- (b) The director or the director's representative; 91060
- (c) Any court, hearing officer, or other necessary individual 91061

involved in a case dealing with any of the following:	91062
(i) The denial of a supported living certificate or refusal to renew a supported living certificate;	91063 91064
(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;	91065 91066
(iii) A civil or criminal action regarding the medicaid program.	91067 91068
(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified.	91069 91070 91071 91072 91073 91074 91075
(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.	91076 91077 91078 91079 91080
(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section.	91081 91082
<u>Sec. 5123.1610. (A) Both of the following apply if the department of medicaid, pursuant to section 5164.38 of the Revised Code, terminates or refuses to revalidate a provider agreement that authorizes a person or government entity to provide supported living under the medicaid program:</u>	91083 91084 91085 91086 91087
<u>(1) In the case of a terminated provider agreement, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement is</u>	91088 91089 91090 91091

terminated. 91092

(2) In the case of a provider agreement that expires because 91093  
the department of medicaid refuses to revalidate it, the person or 91094  
government entity's authority to provide medicaid-funded supported 91095  
living under a supported living certificate is automatically 91096  
revoked on the date that the provider agreement expires, unless 91097  
the expiration date of the provider agreement is the same as the 91098  
expiration date of the supported living certificate, in which case 91099  
the director of developmental disabilities shall refuse to renew 91100  
the person or government entity's authority to provide 91101  
medicaid-funded supported living under the certificate. 91102

(B) The director of developmental disabilities is not 91103  
required to issue an adjudication order in accordance with Chapter 91104  
119. of the Revised Code to do either of the following pursuant to 91105  
this section: 91106

(1) Revoke a person or government entity's authority to 91107  
provide medicaid-funded supported living; 91108

(2) Refuse to renew a person or government entity's authority 91109  
to provide medicaid-funded supported living. 91110

(C) This section does not affect a person or government 91111  
entity's authority to provide nonmedicaid-funded supported living 91112  
under a supported living certificate. 91113

**Sec. ~~5123.1610~~ 5123.1611.** The director of developmental 91114  
disabilities shall adopt rules under Chapter 119. of the Revised 91115  
Code establishing all of the following: 91116

(A) The extent to which a county board of developmental 91117  
disabilities may provide supported living; 91118

(B) The application process for obtaining a supported living 91119  
certificate under section 5123.161 of the Revised Code; 91120

(C) The certification standards a person or government entity 91121

must meet to obtain a supported living certificate to provide 91122  
supported living; 91123

(D) The certification fee for a supported living certificate, 91124  
which shall be deposited into the program fee fund created under 91125  
section 5123.033 of the Revised Code; 91126

(E) The period of time a supported living certificate is 91127  
valid; 91128

(F) The process for renewing a supported living certificate 91129  
under section 5123.164 of the Revised Code; 91130

(G) The renewal fee for a supported living certificate, which 91131  
shall be deposited into the program fee fund created under section 91132  
5123.033 of the Revised Code; 91133

(H) Procedures for conducting surveys under section 5123.162 91134  
of the Revised Code; 91135

(I) Procedures for determining whether there is good cause to 91136  
take action under section 5123.166 of the Revised Code against a 91137  
person or government entity seeking or holding a supported living 91138  
certificate; 91139

(J) Circumstances under which the director may issue a 91140  
supported living certificate to an applicant or renew an 91141  
applicant's supported living certificate if the applicant is found 91142  
by a criminal records check required by section 5123.169 of the 91143  
Revised Code to have been convicted of, pleaded guilty to, or been 91144  
found eligible for intervention in lieu of conviction for a 91145  
disqualifying offense but meets standards in regard to 91146  
rehabilitation set by the director. 91147

**Sec. 5123.19.** (A) As used in sections 5123.19 to 5123.20 of 91148  
the Revised Code: 91149

(1) "Independent living arrangement" means an arrangement in 91150  
which a mentally retarded or developmentally disabled person 91151

resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(3) "Political subdivision" means a municipal corporation, county, or township.

(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with mental retardation or a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code;

(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;



(iv) A dwelling in which the only residents with mental 91182  
retardation or developmental disabilities are in independent 91183  
living arrangements or are being provided supported living. 91184

(B) Every person or government agency desiring to operate a 91185  
residential facility shall apply for licensure of the facility to 91186  
the director of developmental disabilities unless the residential 91187  
facility is subject to section 3721.02, 5103.03, 5119.33, or 91188  
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 91189  
Code. 91190

(C) Subject to section 5123.196 of the Revised Code, the 91191  
director of developmental disabilities shall license the operation 91192  
of residential facilities. An initial license shall be issued for 91193  
a period that does not exceed one year, unless the director denies 91194  
the license under division (D) of this section. A license shall be 91195  
renewed for a period that does not exceed three years, unless the 91196  
director refuses to renew the license under division (D) of this 91197  
section. The director, when issuing or renewing a license, shall 91198  
specify the period for which the license is being issued or 91199  
renewed. A license remains valid for the length of the licensing 91200  
period specified by the director, unless the license is 91201  
terminated, revoked, or voluntarily surrendered. 91202

(D) If it is determined that an applicant or licensee is not 91203  
in compliance with a provision of this chapter that applies to 91204  
residential facilities or the rules adopted under such a 91205  
provision, the director may deny issuance of a license, refuse to 91206  
renew a license, terminate a license, revoke a license, issue an 91207  
order for the suspension of admissions to a facility, issue an 91208  
order for the placement of a monitor at a facility, issue an order 91209  
for the immediate removal of residents, or take any other action 91210  
the director considers necessary consistent with the director's 91211  
authority under this chapter regarding residential facilities. In 91212  
the director's selection and administration of the sanction to be 91213

imposed, all of the following apply: 91214

(1) The director may deny, refuse to renew, or revoke a 91215  
license, if the director determines that the applicant or licensee 91216  
has demonstrated a pattern of serious noncompliance or that a 91217  
violation creates a substantial risk to the health and safety of 91218  
residents of a residential facility. 91219

(2) The director may terminate a license if more than twelve 91220  
consecutive months have elapsed since the residential facility was 91221  
last occupied by a resident or a notice required by division 91222  
~~(K)~~(J) of this section is not given. 91223

(3) The director may issue an order for the suspension of 91224  
admissions to a facility for any violation that may result in 91225  
sanctions under division (D)(1) of this section and for any other 91226  
violation specified in rules adopted under division ~~(H)~~(G)(2) of 91227  
this section. If the suspension of admissions is imposed for a 91228  
violation that may result in sanctions under division (D)(1) of 91229  
this section, the director may impose the suspension before 91230  
providing an opportunity for an adjudication under Chapter 119. of 91231  
the Revised Code. The director shall lift an order for the 91232  
suspension of admissions when the director determines that the 91233  
violation that formed the basis for the order has been corrected. 91234

(4) The director may order the placement of a monitor at a 91235  
residential facility for any violation specified in rules adopted 91236  
under division ~~(H)~~(G)(2) of this section. The director shall lift 91237  
the order when the director determines that the violation that 91238  
formed the basis for the order has been corrected. 91239

~~(5) If the director determines that two or more residential 91240  
facilities owned or operated by the same person or government 91241  
entity are not being operated in compliance with a provision of 91242  
this chapter that applies to residential facilities or the rules 91243  
adopted under such a provision, and the director's findings are 91244~~

~~based on the same or a substantially similar action, practice, 91245  
circumstance, or incident that creates a substantial risk to the 91246  
health and safety of the residents, the director shall conduct a 91247  
survey as soon as practicable at each residential facility owned 91248  
or operated by that person or government entity. The director may 91249  
take any action authorized by this section with respect to any 91250  
facility found to be operating in violation of a provision of this 91251  
chapter that applies to residential facilities or the rules 91252  
adopted under such a provision. 91253~~

~~(6)~~ When the director initiates license revocation 91254  
proceedings, no opportunity for submitting a plan of correction 91255  
shall be given. The director shall notify the licensee by letter 91256  
of the initiation of the proceedings. The letter shall list the 91257  
deficiencies of the residential facility and inform the licensee 91258  
that no plan of correction will be accepted. The director shall 91259  
also send a copy of the letter to the county board of 91260  
developmental disabilities. The Except in the case of a licensee 91261  
that is an ICF/IID, the county board shall send a copy of the 91262  
letter to each of the following: 91263

(a) Each resident who receives services from the licensee; 91264

(b) The guardian of each resident who receives services from 91265  
the licensee if the resident has a guardian; 91266

(c) The parent or guardian of each resident who receives 91267  
services from the licensee if the resident is a minor. 91268

~~(7)~~(6) Pursuant to rules which shall be adopted in accordance 91269  
with Chapter 119. of the Revised Code, the director may order the 91270  
immediate removal of residents from a residential facility 91271  
whenever conditions at the facility present an immediate danger of 91272  
physical or psychological harm to the residents. 91273

~~(8)~~(7) In determining whether a residential facility is being 91274  
operated in compliance with a provision of this chapter that 91275

applies to residential facilities or the rules adopted under such 91276  
a provision, or whether conditions at a residential facility 91277  
present an immediate danger of physical or psychological harm to 91278  
the residents, the director may rely on information obtained by a 91279  
county board of developmental disabilities or other governmental 91280  
agencies. 91281

~~(9)~~(8) In proceedings initiated to deny, refuse to renew, or 91282  
revoke licenses, the director may deny, refuse to renew, or revoke 91283  
a license regardless of whether some or all of the deficiencies 91284  
that prompted the proceedings have been corrected at the time of 91285  
the hearing. 91286

~~(E) The director shall establish a program under which public 91287  
notification may be made when the director has initiated license 91288  
revocation proceedings or has issued an order for the suspension 91289  
of admissions, placement of a monitor, or removal of residents. 91290  
The director shall adopt rules in accordance with Chapter 119. of 91291  
the Revised Code to implement this division. The rules shall 91292  
establish the procedures by which the public notification will be 91293  
made and specify the circumstances for which the notification must 91294  
be made. The rules shall require that public notification be made 91295  
if the director has taken action against the facility in the 91296  
eighteen-month period immediately preceding the director's latest 91297  
action against the facility and the latest action is being taken 91298  
for the same or a substantially similar violation of a provision 91299  
of this chapter that applies to residential facilities or the 91300  
rules adopted under such a provision. The rules shall specify a 91301  
method for removing or amending the public notification if the 91302  
director's action is found to have been unjustified or the 91303  
violation at the residential facility has been corrected. 91304~~

~~(F)~~(1) Except as provided in division ~~(F)~~(E)(2) of this 91305  
section, appeals from proceedings initiated to impose a sanction 91306  
under division (D) of this section shall be conducted in 91307

accordance with Chapter 119. of the Revised Code. 91308

(2) Appeals from proceedings initiated to order the 91309  
suspension of admissions to a facility shall be conducted in 91310  
accordance with Chapter 119. of the Revised Code, unless the order 91311  
was issued before providing an opportunity for an adjudication, in 91312  
which case all of the following apply: 91313

(a) The licensee may request a hearing not later than ten 91314  
days after receiving the notice specified in section 119.07 of the 91315  
Revised Code. 91316

(b) If a timely request for a hearing that includes the 91317  
licensee's current address is made, the hearing shall commence not 91318  
later than thirty days after the department receives the request. 91319

(c) After commencing, the hearing shall continue 91320  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 91321  
unless other interruptions are agreed to by the licensee and the 91322  
director. 91323

(d) If the hearing is conducted by a hearing examiner, the 91324  
hearing examiner shall file a report and recommendations not later 91325  
than ten days after the last of the following: 91326

(i) The close of the hearing; 91327

(ii) If a transcript of the proceedings is ordered, the 91328  
hearing examiner receives the transcript; 91329

(iii) If post-hearing briefs are timely filed, the hearing 91330  
examiner receives the briefs. 91331

(e) A copy of the written report and recommendation of the 91332  
hearing examiner shall be sent, by certified mail, to the licensee 91333  
and the licensee's attorney, if applicable, not later than five 91334  
days after the report is filed. 91335

(f) Not later than five days after the hearing examiner files 91336  
the report and recommendations, the licensee may file objections 91337

to the report and recommendations. 91338

(g) Not later than fifteen days after the hearing examiner 91339  
files the report and recommendations, the director shall issue an 91340  
order approving, modifying, or disapproving the report and 91341  
recommendations. 91342

(h) Notwithstanding the pendency of the hearing, the director 91343  
shall lift the order for the suspension of admissions when the 91344  
director determines that the violation that formed the basis for 91345  
the order has been corrected. 91346

~~(G)~~(F) Neither a person or government agency whose 91347  
application for a license to operate a residential facility is 91348  
denied nor a related party of the person or government agency may 91349  
apply for a license to operate a residential facility before the 91350  
date that is ~~one year~~ five years after the date of the denial. 91351  
Neither a licensee whose residential facility license is revoked 91352  
nor a related party of the licensee may apply for a residential 91353  
facility license before the date that is five years after the date 91354  
of the revocation. 91355

~~(H)~~(G) In accordance with Chapter 119. of the Revised Code, 91356  
the director shall adopt and may amend and rescind rules for 91357  
licensing and regulating the operation of residential facilities. 91358  
The rules for residential facilities that are ICFs/IID may differ 91359  
from those for other residential facilities. The rules shall 91360  
establish and specify the following: 91361

(1) Procedures and criteria for issuing and renewing 91362  
licenses, including procedures and criteria for determining the 91363  
length of the licensing period that the director must specify for 91364  
each license when it is issued or renewed; 91365

(2) Procedures and criteria for denying, refusing to renew, 91366  
terminating, and revoking licenses and for ordering the suspension 91367  
of admissions to a facility, placement of a monitor at a facility, 91368

and the immediate removal of residents from a facility;	91369
(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	91370 91371 91372
(4) Procedures for surveying residential facilities;	91373
<del>(5) Requirements for the training of residential facility personnel;</del>	91374 91375
<del>(6) Classifications for the various types of residential facilities;</del>	91376 91377
<del>(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;</del>	91378 91379 91380 91381
<del>(8)</del> <u>(6)</u> The maximum number of persons who may be served in a particular type of residential facility;	91382 91383
<del>(9)</del> <u>(7)</u> Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	91384 91385
<del>(10)</del> <u>(8)</u> Other standards for the operation of residential facilities and the services provided at residential facilities;	91386 91387
<del>(11)</del> <u>(9)</u> Procedures for waiving any provision of any rule adopted under this section.	91388 91389
<del>(I)</del> <u>(H)</u> (1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities <u>or the department of health</u> the	91390 91391 91392 91393 91394 91395 91396 91397 91398

responsibility to conduct any survey or inspection under this 91399  
section. 91400

(2) In conducting surveys, the director shall be given access 91401  
to the residential facility; all records, accounts, and any other 91402  
documents related to the operation of the facility; the licensee; 91403  
the residents of the facility; and all persons acting on behalf 91404  
of, under the control of, or in connection with the licensee. The 91405  
licensee and all persons on behalf of, under the control of, or in 91406  
connection with the licensee shall cooperate with the director in 91407  
conducting the survey. 91408

(3) Following each survey, the director shall provide the 91409  
licensee with a report listing the date of the survey, any 91410  
citations issued as a result of the survey, and the statutes or 91411  
rules that purportedly have been violated and are the bases of the 91412  
citations. The director shall also do both of the following: 91413

(a) Specify a date by which the licensee may appeal any of 91414  
the citations; 91415

(b) When appropriate, specify a timetable within which the 91416  
licensee must submit a plan of correction describing how the 91417  
problems specified in the citations will be corrected and, the 91418  
date by which the licensee anticipates the problems will be 91419  
corrected. 91420

(4) If the director initiates a proceeding to revoke a 91421  
license, the director shall include the report required by 91422  
division ~~(I)~~(H)(3) of this section with the notice of the proposed 91423  
revocation the director sends to the licensee. In this 91424  
circumstance, the licensee may not submit a plan of correction. 91425

(5) After a plan of correction is submitted, the director 91426  
shall approve or disapprove the plan. If the plan of correction is 91427  
approved, a copy of the approved plan shall be provided, not later 91428  
than five business days after it is approved, to any person or 91429



government entity who requests it and made available on the 91430  
internet web site maintained by the department of developmental 91431  
disabilities. If the plan of correction is not approved and the 91432  
director initiates a proceeding to revoke the license, a copy of 91433  
the survey report shall be provided to any person or government 91434  
entity that requests it and shall be made available on the 91435  
internet web site maintained by the department. 91436

(6) The director shall initiate disciplinary action against 91437  
any department employee who notifies or causes the notification to 91438  
any unauthorized person of an unannounced survey of a residential 91439  
facility by an authorized representative of the department. 91440

~~(J)~~(I) In addition to any other information which may be 91441  
required of applicants for a license pursuant to this section, the 91442  
director shall require each applicant to provide a copy of an 91443  
approved plan for a proposed residential facility pursuant to 91444  
section 5123.042 of the Revised Code. This division does not apply 91445  
to renewal of a license or to an applicant for an initial or 91446  
modified license who meets the requirements of section 5123.197 of 91447  
the Revised Code. 91448

~~(K)~~(J)(1) A licensee shall notify the owner of the building 91449  
in which the licensee's residential facility is located of any 91450  
significant change in the identity of the licensee or management 91451  
contractor before the effective date of the change if the licensee 91452  
is not the owner of the building. 91453

(2) Pursuant to rules, which shall be adopted in accordance 91454  
with Chapter 119. of the Revised Code, the director may require 91455  
notification to the department of any significant change in the 91456  
ownership of a residential facility or in the identity of the 91457  
licensee or management contractor. If the director determines that 91458  
a significant change of ownership is proposed, the director shall 91459  
consider the proposed change to be an application for development 91460  
by a new operator pursuant to section 5123.042 of the Revised Code 91461

and shall advise the applicant within sixty days of the 91462  
notification that the current license shall continue in effect or 91463  
a new license will be required pursuant to this section. If the 91464  
director requires a new license, the director shall permit the 91465  
facility to continue to operate under the current license until 91466  
the new license is issued, unless the current license is revoked, 91467  
refused to be renewed, or terminated in accordance with Chapter 91468  
119. of the Revised Code. 91469

(3) A licensee shall transfer to the new licensee or 91470  
management contractor all records related to the residents of the 91471  
facility following any significant change in the identity of the 91472  
licensee or management contractor. 91473

~~(L)~~(K) A county board of developmental disabilities and any 91474  
interested person may file complaints alleging violations of 91475  
statute or department rule relating to residential facilities with 91476  
the department. All complaints shall ~~be in writing and shall~~ state 91477  
the facts constituting the basis of the allegation. The department 91478  
shall not reveal the source of any complaint unless the 91479  
complainant agrees in writing to waive the right to 91480  
confidentiality or until so ordered by a court of competent 91481  
jurisdiction. 91482

The department shall adopt rules in accordance with Chapter 91483  
119. of the Revised Code establishing procedures for the receipt, 91484  
referral, investigation, and disposition of complaints filed with 91485  
the department under this division. 91486

~~(M) The department shall establish procedures for the 91487  
notification of interested parties of the transfer or interim care 91488  
of residents from residential facilities that are closing or are 91489  
losing their license. 91490~~

~~(N)~~(L) Before issuing a license under this section to a 91491  
residential facility that will accommodate at any time more than 91492

one mentally retarded or developmentally disabled individual, the 91493  
director shall, by first class mail, notify the following: 91494

(1) If the facility will be located in a municipal 91495  
corporation, the clerk of the legislative authority of the 91496  
municipal corporation; 91497

(2) If the facility will be located in unincorporated 91498  
territory, the clerk of the appropriate board of county 91499  
commissioners and the fiscal officer of the appropriate board of 91500  
township trustees. 91501

The director shall not issue the license for ten days after 91502  
mailing the notice, excluding Saturdays, Sundays, and legal 91503  
holidays, in order to give the notified local officials time in 91504  
which to comment on the proposed issuance. 91505

Any legislative authority of a municipal corporation, board 91506  
of county commissioners, or board of township trustees that 91507  
receives notice under this division of the proposed issuance of a 91508  
license for a residential facility may comment on it in writing to 91509  
the director within ten days after the director mailed the notice, 91510  
excluding Saturdays, Sundays, and legal holidays. If the director 91511  
receives written comments from any notified officials within the 91512  
specified time, the director shall make written findings 91513  
concerning the comments and the director's decision on the 91514  
issuance of the license. If the director does not receive written 91515  
comments from any notified local officials within the specified 91516  
time, the director shall continue the process for issuance of the 91517  
license. 91518

~~(O)~~(M) Any person may operate a licensed residential facility 91519  
that provides room and board, personal care, habilitation 91520  
services, and supervision in a family setting for at least six but 91521  
not more than eight persons with mental retardation or a 91522  
developmental disability as a permitted use in any residential 91523

district or zone, including any single-family residential district 91524  
or zone, of any political subdivision. These residential 91525  
facilities may be required to comply with area, height, yard, and 91526  
architectural compatibility requirements that are uniformly 91527  
imposed upon all single-family residences within the district or 91528  
zone. 91529

~~(P)~~(N) Any person may operate a licensed residential facility 91530  
that provides room and board, personal care, habilitation 91531  
services, and supervision in a family setting for at least nine 91532  
but not more than sixteen persons with mental retardation or a 91533  
developmental disability as a permitted use in any multiple-family 91534  
residential district or zone of any political subdivision, except 91535  
that a political subdivision that has enacted a zoning ordinance 91536  
or resolution establishing planned unit development districts may 91537  
exclude these residential facilities from those districts, and a 91538  
political subdivision that has enacted a zoning ordinance or 91539  
resolution may regulate these residential facilities in 91540  
multiple-family residential districts or zones as a conditionally 91541  
permitted use or special exception, in either case, under 91542  
reasonable and specific standards and conditions set out in the 91543  
zoning ordinance or resolution to: 91544

(1) Require the architectural design and site layout of the 91545  
residential facility and the location, nature, and height of any 91546  
walls, screens, and fences to be compatible with adjoining land 91547  
uses and the residential character of the neighborhood; 91548

(2) Require compliance with yard, parking, and sign 91549  
regulation; 91550

(3) Limit excessive concentration of these residential 91551  
facilities. 91552

~~(Q)~~(O) This section does not prohibit a political subdivision 91553  
from applying to residential facilities nondiscriminatory 91554

regulations requiring compliance with health, fire, and safety 91555  
regulations and building standards and regulations. 91556

~~(R)~~(P) Divisions ~~(O)~~ and ~~(P)~~(M) and (N) of this section are 91557  
not applicable to municipal corporations that had in effect on 91558  
June 15, 1977, an ordinance specifically permitting in residential 91559  
zones licensed residential facilities by means of permitted uses, 91560  
conditional uses, or special exception, so long as such ordinance 91561  
remains in effect without any substantive modification. 91562

~~(S)~~(O)(1) The director may issue an interim license to 91563  
operate a residential facility to an applicant for a license under 91564  
this section if either of the following is the case: 91565

(a) The director determines that an emergency exists 91566  
requiring immediate placement of persons in a residential 91567  
facility, that insufficient licensed beds are available, and that 91568  
the residential facility is likely to receive a permanent license 91569  
under this section within thirty days after issuance of the 91570  
interim license. 91571

(b) The director determines that the issuance of an interim 91572  
license is necessary to meet a temporary need for a residential 91573  
facility. 91574

(2) To be eligible to receive an interim license, an 91575  
applicant must meet the same criteria that must be met to receive 91576  
a permanent license under this section, except for any differing 91577  
procedures and time frames that may apply to issuance of a 91578  
permanent license. 91579

(3) An interim license shall be valid for thirty days and may 91580  
be renewed by the director for a period not to exceed one hundred 91581  
~~fifty~~ eighty days. 91582

(4) The director shall adopt rules in accordance with Chapter 91583  
119. of the Revised Code as the director considers necessary to 91584  
administer the issuance of interim licenses. 91585

~~(T)~~(R) Notwithstanding rules adopted pursuant to this section 91586  
establishing the maximum number of persons who may be served in a 91587  
particular type of residential facility, a residential facility 91588  
shall be permitted to serve the same number of persons being 91589  
served by the facility on the effective date of the rules or the 91590  
number of persons for which the facility is authorized pursuant to 91591  
a current application for a certificate of need with a letter of 91592  
support from the department of developmental disabilities and 91593  
which is in the review process prior to April 4, 1986. 91594

This division does not preclude the department from 91595  
suspending new admissions to a residential facility pursuant to a 91596  
written order issued under section 5124.70 of the Revised Code. 91597

~~(U)~~(S) The director may enter at any time, for purposes of 91598  
investigation, any home, facility, or other structure that has 91599  
been reported to the director or that the director has reasonable 91600  
cause to believe is being operated as a residential facility 91601  
without a license issued under this section. 91602

The director may petition the court of common pleas of the 91603  
county in which an unlicensed residential facility is located for 91604  
an order enjoining the person or governmental agency operating the 91605  
facility from continuing to operate without a license. The court 91606  
may grant the injunction on a showing that the person or 91607  
governmental agency named in the petition is operating a 91608  
residential facility without a license. The court may grant the 91609  
injunction, regardless of whether the residential facility meets 91610  
the requirements for receiving a license under this section. 91611

**Sec. 5123.196.** (A) Except as provided in division (E) of this 91612  
section, the director of developmental disabilities shall not 91613  
issue a license under section 5123.19 of the Revised Code on or 91614  
after July 1, 2003, if issuance will result in there being more 91615  
beds in all residential facilities licensed under that section 91616

than is permitted under division (B) of this section. 91617

(B) The maximum number of beds for the purpose of division 91618  
(A) of this section shall not exceed ten thousand eight hundred 91619  
thirty-eight minus, except as provided in division (C) of this 91620  
section, both of the following: 91621

(1) The number of such beds that cease to be residential 91622  
facility beds on or after July 1, 2003, because a residential 91623  
facility license is revoked, terminated, or not renewed for any 91624  
reason or is surrendered in accordance with section 5123.19 of the 91625  
Revised Code; 91626

(2) The number of such beds for which a licensee voluntarily 91627  
converts to use for supported living on or after July 1, 2003. 91628

(C) The director is not required to reduce the maximum number 91629  
of beds pursuant to division (B) of this section by a bed that 91630  
ceases to be a residential facility bed if the director determines 91631  
that the bed is needed to provide services to an individual with 91632  
mental retardation or a developmental disability who resided in 91633  
the residential facility in which the bed was located. 91634

(D) The director shall maintain an up-to-date written record 91635  
of the maximum number of residential facility beds provided for by 91636  
division (B) of this section. 91637

(E) The director may issue an interim license under division 91638  
~~(S)~~(Q) of section 5123.19 of the Revised Code and issue, pursuant 91639  
to rules adopted under division ~~(H)~~~~(11)~~(G)(9) of that section, a 91640  
waiver allowing a residential facility to admit more residents 91641  
than the facility is licensed to admit regardless of whether the 91642  
interim license or waiver will result in there being more beds in 91643  
all residential facilities licensed under that section than is 91644  
permitted under division (B) of this section. 91645

**Sec. 5123.198.** (A) As used in this section, "date of the 91646

commitment" means the date that an individual specified in 91647  
division (B) of this section begins to reside in a state-operated 91648  
ICF/IID after being committed to the ICF/IID pursuant to sections 91649  
5123.71 to 5123.76 of the Revised Code. 91650

(B) Except as provided in division (C) of this section, 91651  
whenever a resident of a residential facility is committed to a 91652  
state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of 91653  
the Revised Code, the department of developmental disabilities, 91654  
pursuant to an adjudication order issued in accordance with 91655  
Chapter 119. of the Revised Code, shall reduce by one the number 91656  
of residents for which the residential facility in which the 91657  
resident resided is licensed. 91658

(C) The department shall not reduce under division (B) of 91659  
this section the number of residents for which a residential 91660  
facility is licensed if any of the following are the case: 91661

(1) The resident of the residential facility who is committed 91662  
to a state-operated ICF/IID resided in the residential facility 91663  
because of the closure, on or after June 26, 2003, of another 91664  
state-operated ICF/IID; 91665

(2) The residential facility admits within ninety days of the 91666  
date of the commitment an individual who resides on the date of 91667  
the commitment in a state-operated ICF/IID or another residential 91668  
facility; 91669

(3) The department fails to do either of the following within 91670  
ninety days of the date of the commitment: 91671

(a) Identify an individual to whom all of the following 91672  
applies: 91673

(i) Resides on the date of the commitment in a state-operated 91674  
ICF/IID or another residential facility; 91675

(ii) Has indicated to the department an interest in 91676



relocating to the residential facility or has a parent or guardian 91677  
who has indicated to the department an interest for the individual 91678  
to relocate to the residential facility; 91679

(iii) The department determines the individual has needs that 91680  
the residential facility can meet. 91681

(b) Provide the residential facility with information about 91682  
the individual identified under division (C)(2)(a) of this section 91683  
that the residential facility needs in order to determine whether 91684  
the facility can meet the individual's needs. 91685

(4) If the department completes the actions specified in 91686  
divisions (C)(3)(a) and (b) of this section not later than ninety 91687  
days after the date of the commitment and except as provided in 91688  
division (D) of this section, the residential facility does all of 91689  
the following not later than ninety days after the date of the 91690  
commitment: 91691

(a) Evaluates the information provided by the department; 91692

(b) Assesses the identified individual's needs; 91693

(c) Determines that the residential facility cannot meet the 91694  
identified individual's needs. 91695

(5) If the department completes the actions specified in 91696  
divisions (C)(3)(a) and (b) of this section not later than ninety 91697  
days after the date of the commitment and the residential facility 91698  
determines that the residential facility can meet the identified 91699  
individual's needs, the individual, or a parent or guardian of the 91700  
individual, refuses placement in the residential facility. 91701

(D) The department may reduce under division (B) of this 91702  
section the number of residents for which a residential facility 91703  
is licensed even though the residential facility completes the 91704  
actions specified in division (C)(4) of this section not later 91705  
than ninety days after the date of the commitment if all of the 91706

following are the case: 91707

(1) The department disagrees with the residential facility's 91708  
determination that the residential facility cannot meet the 91709  
identified individual's needs. 91710

(2) The department issues a written decision pursuant to the 91711  
uniform procedures for admissions, transfers, and discharges 91712  
established by rules adopted under division ~~(H)(9)~~(G)(7) of 91713  
section 5123.19 of the Revised Code that the residential facility 91714  
should admit the identified individual. 91715

(3) After the department issues the written decision 91716  
specified in division (D)(2) of this section, the residential 91717  
facility refuses to admit the identified individual. 91718

(E) A residential facility that admits, refuses to admit, 91719  
transfers, or discharges a resident under this section shall 91720  
comply with the uniform procedures for admissions, transfers, and 91721  
discharges established by rules adopted under division 91722  
~~(H)(9)~~(G)(7) of section 5123.19 of the Revised Code. 91723

**Sec. 5123.376. (A) As used in this section:** 91724

(1) "Medicaid-certified capacity" has the same meaning as in 91725  
section 5124.01 of the Revised Code. 91726

(2) "Residential facility" has the same meaning as in section 91727  
5123.19 of the Revised Code. 91728

(B)(1) The director of developmental disabilities may change 91729  
the terms of an agreement entered into with a county board of 91730  
developmental disabilities or private, nonprofit agency pursuant 91731  
to section 5123.36 of the Revised Code or other statutory 91732  
authority in effect before July 1, 1980, regarding the 91733  
construction, acquisition, or renovation of a residential facility 91734  
if all of the following apply: 91735

(a) The agreement was entered into during the period 91736

beginning January 1, 1975, and ending December 31, 1984. 91737

(b) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 91738  
91739  
91740

(c) The residential facility is an ICF/IID and, before the conversion specified in division (B)(1)(d) of this section, the ICF/IID had a medicaid-certified capacity of at least sixteen. 91741  
91742  
91743

(d) The residential facility's operator converted at least fifty per cent of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 91744  
91745  
91746  
91747

(e) The county board or private, nonprofit agency applies to the director for the change in the agreement's terms. 91748  
91749

(2) The terms of an agreement that may be changed pursuant to division (B)(1) of this section include terms regarding the length of time the residential facility must be used as a residential facility. 91750  
91751  
91752  
91753

(C) The director may authorize a county board or nonprofit, private agency not to repay the amount of an outstanding balance otherwise owed pursuant to an agreement entered into pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a residential facility if all of the following apply: 91754  
91755  
91756  
91757  
91758  
91759  
91760

(1) The agreement was entered into during the period beginning January 1, 1975, and ending December 31, 1984. 91761  
91762

(2) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 91763  
91764  
91765

(3) Before the conversion specified in division (C)(4) of 91766

this section, the residential facility was an ICF/IID with a 91767  
medicaid-certified capacity of at least sixteen. 91768

(4) The residential facility's operator converted all of its 91769  
medicaid-certified beds from providing ICF/IID services to 91770  
providing home and community-based services in accordance with 91771  
section 5124.60 or 5124.61 of the Revised Code. 91772

(5) The county board or private, nonprofit agency applies to 91773  
the director for forgiveness of the outstanding balance. 91774

**Sec. 5123.621.** It is the intent of the general assembly that 91775  
all individuals being served on the effective date of this section 91776  
through the array of adult day services that exists on that date, 91777  
including services delivered in a sheltered workshop, be fully 91778  
informed of any new home and community-based services and their 91779  
option to receive those services. It is also the intent of the 91780  
general assembly that those individuals be permitted to continue 91781  
receiving services in a variety of settings as long as those 91782  
settings offer opportunities for community integration as 91783  
described in their individual service plans. 91784

**Sec. 5123.86.** (A) Except as provided in divisions (C), (D), 91785  
and (E), and (F) of this section, the chief medical officer shall 91786  
provide all information, including expected physical and medical 91787  
consequences, necessary to enable any resident of an institution 91788  
for the mentally retarded to give a fully informed, intelligent, 91789  
and knowing consent if any of the following procedures are 91790  
proposed: 91791

(1) Surgery; 91792

(2) ~~Convulsive therapy;~~ 91793

~~(3) Major aversive interventions;~~ 91794

~~(4) Sterilization;~~ 91795

~~(5)(3) Experimental procedures~~ 91796

~~(6) Any unusual or hazardous treatment procedures.~~ 91797

(B) No resident shall be subjected to ~~any of the procedures listed in division (A)(4), (5), or (6) of this section~~ sterilization without the resident's informed consent. 91798  
91799  
91800

(C) If a resident is physically or mentally unable to receive 91801  
the information required for surgery or an experimental procedure 91802  
under division (A)~~(1)~~ of this section, or has been adjudicated 91803  
incompetent, the information may be provided to the resident's 91804  
natural or court-appointed guardian, including an agency providing 91805  
guardianship services under contract with the department of 91806  
developmental disabilities under sections 5123.55 to 5123.59 of 91807  
the Revised Code, ~~who.~~ The guardian may give the informed, 91808  
intelligent, and knowing written consent for surgery or the 91809  
experimental procedure. ~~Consent for surgery shall not be provided~~ 91810  
~~by a guardian who is an officer or employee of the department of~~ 91811  
~~mental health and addiction services or the department of~~ 91812  
~~developmental disabilities.~~ 91813

If a resident is physically or mentally unable to receive the 91814  
information required for surgery or an experimental procedure 91815  
under division (A)~~(1)~~ of this section and has no guardian, then 91816  
the information, the recommendation of the chief medical officer, 91817  
and the concurring judgment of a licensed physician who is not a 91818  
full-time employee of the state may be provided to the court in 91819  
the county in which the institution is located, ~~which.~~ The court 91820  
may approve the surgery or experimental procedure. Before 91821  
approving the surgery or experimental procedure, the court shall 91822  
notify the Ohio protection and advocacy system created by section 91823  
5123.60 of the Revised Code, and shall notify the resident of the 91824  
resident's rights to consult with counsel, to have counsel 91825  
appointed by the court if the resident is indigent, and to contest 91826  
the recommendation of the chief medical officer. 91827

(D) If, in the judgment of two licensed physicians, delay in 91828  
obtaining consent for surgery would create a grave danger to the 91829  
health of a resident, emergency surgery may be performed without 91830  
the consent of the resident if the necessary information is 91831  
provided to the resident's guardian, including an agency providing 91832  
guardianship services under contract with the department of 91833  
developmental disabilities under sections 5123.55 to 5123.59 of 91834  
the Revised Code, or to the resident's spouse or next of kin to 91835  
enable that person or agency to give an informed, intelligent, and 91836  
knowing written consent. 91837

If the guardian, spouse, or next of kin cannot be contacted 91838  
through exercise of reasonable diligence, or if the guardian, 91839  
spouse, or next of kin is contacted, but refuses to consent, then 91840  
the emergency surgery may be performed upon the written 91841  
authorization of the chief medical officer and after court 91842  
approval has been obtained. However, if delay in obtaining court 91843  
approval would create a grave danger to the life of the resident, 91844  
the chief medical officer may authorize surgery, in writing, 91845  
without court approval. If the surgery is authorized without court 91846  
approval, the chief medical officer who made the authorization and 91847  
the physician who performed the surgery shall each execute an 91848  
affidavit describing the circumstances constituting the emergency 91849  
and warranting the surgery and the circumstances warranting their 91850  
not obtaining prior court approval. The affidavit shall be filed 91851  
with the court with which the request for prior approval would 91852  
have been filed within five court days after the surgery, and a 91853  
copy of the affidavit shall be placed in the resident's file and 91854  
shall be given to the guardian, spouse, or next of kin of the 91855  
resident, to the hospital at which the surgery was performed, and 91856  
to the Ohio protection and advocacy system created by section 91857  
5123.60 of the Revised Code. 91858

~~(E)(1) If it is the judgment of two licensed physicians, as 91859~~

~~described in division (E)(2) of this section, that a medical 91860  
emergency exists and delay in obtaining convulsive therapy creates 91861  
a grave danger to the life of a resident who is both mentally 91862  
retarded and mentally ill, convulsive therapy may be administered 91863  
without the consent of the resident if the resident is physically 91864  
or mentally unable to receive the information required for 91865  
convulsive therapy and if the necessary information is provided to 91866  
the resident's natural or court appointed guardian, including an 91867  
agency providing guardianship services under contract with the 91868  
department of developmental disabilities under sections 5123.55 to 91869  
5123.59 of the Revised Code, or to the resident's spouse or next 91870  
of kin to enable that person or agency to give an informed, 91871  
intelligent, and knowing written consent. If neither the 91872  
resident's guardian, spouse, nor next of kin can be contacted 91873  
through exercise of reasonable diligence, or if the guardian, 91874  
spouse, or next of kin is contacted, but refuses to consent, then 91875  
convulsive therapy may be performed upon the written authorization 91876  
of the chief medical officer and after court approval has been 91877  
obtained. 91878~~

~~(2) The two licensed physicians referred to in division 91879  
(E)(1) of this section shall not be associated with each other in 91880  
the practice of medicine or surgery by means of a partnership or 91881  
corporate arrangement, other business arrangement, or employment. 91882  
At least one of the physicians shall be a psychiatrist as defined 91883  
in division (E) of section 5122.01 of the Revised Code. 91884~~

~~(F) Major aversive interventions shall not be used unless a 91885  
resident continues to engage in behavior destructive to self or 91886  
others after other forms of therapy have been attempted. Major 91887  
aversive interventions shall not be applied to a voluntary 91888  
resident without the informed, intelligent, and knowing written 91889  
consent of the resident or the resident's guardian, including an 91890  
agency providing guardianship services under contract with the 91891~~

~~department of developmental disabilities under sections 5123.55 to 91892  
5123.59 of the Revised Code. 91893~~

~~(G)(1) This chapter does not authorize any form of compulsory 91894  
medical or psychiatric treatment of any resident who is being 91895  
treated by spiritual means through prayer alone in accordance with 91896  
a recognized religious method of healing. 91897~~

~~(2) For purposes of this section, "convulsive therapy" does 91898  
not include defibrillation. 91899~~

**Sec. 5124.101.** (A) The provider of an ICF/IID in peer group 1 91900  
or peer group 2 that becomes a downsized ICF/IID or partially 91901  
converted ICF/IID on or after July 1, 2013, or becomes a new 91902  
ICF/IID on or after that date, may file with the department of 91903  
developmental disabilities a cost report covering the period 91904  
specified in division (B) of this section if the following applies 91905  
to the ICF/IID: 91906

(1) In the case of an ICF/IID that becomes a downsized 91907  
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 91908  
the following on the day it becomes a downsized ICF/IID or 91909  
partially converted ICF/IID: 91910

(a) A medicaid-certified capacity that is at least ten per 91911  
cent less than its medicaid-certified capacity on the day 91912  
immediately preceding the day it becomes a downsized ICF/IID or 91913  
partially converted ICF/IID; 91914

(b) At least five fewer beds certified as ICF/IID beds than 91915  
it has on the day immediately preceding the day it becomes a 91916  
downsized ICF/IID or partially converted ICF/IID. 91917

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 91918  
a downsized ICF/IID and the downsized ICF/IID has either of the 91919  
following on the day it becomes a downsized ICF/IID: 91920

(a) A medicaid-certified capacity that is at least ten per 91921



cent less than its medicaid-certified capacity on the day 91922  
immediately preceding the day it becomes a downsized ICF/IID; 91923

(b) At least five fewer beds certified as ICF/IID beds than 91924  
it has on the day immediately preceding the day it becomes a 91925  
downsized ICF/IID. 91926

(B) A cost report filed under division (A) of this section 91927  
shall cover the period that begins and ends as follows: 91928

(1) In the case of an ICF/IID that becomes a downsized 91929  
ICF/IID or partially converted ICF/IID: 91930

(a) The period begins with the day that the ICF/IID becomes a 91931  
downsized ICF/IID or partially converted ICF/IID. 91932

(b) The period ends on the last day of the last month of the 91933  
first three full months of operation as a downsized ICF/IID or 91934  
partially converted ICF/IID. 91935

(2) In the case of a new ICF/IID: 91936

(a) The period begins with the day that the provider 91937  
agreement for the ICF/IID takes effect. 91938

(b) The period ends on the last day of the last month of the 91939  
first three full months that the provider agreement is in effect. 91940

(C) The department shall refuse to accept a cost report filed 91941  
under division (A) of this section if either of the following 91942  
apply: 91943

(1) Except as provided in division (E) of section 5124.10 of 91944  
the Revised Code, the provider fails to file the cost report with 91945  
the department not later than ninety days after the last day of 91946  
the period the cost report covers; 91947

(2) The cost report is incomplete or inadequate. 91948

(D) If the department accepts a cost report filed under 91949  
division (A) of this section, the department shall use that cost 91950

report, rather than the cost report that otherwise would be used 91951  
pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the 91952  
Revised Code, to determine the ICF/IID's medicaid payment rate in 91953  
accordance with this chapter for ICF/IID services the ICF/IID 91954  
provides during the period that begins and ends as follows: 91955

(1) The period begins on the following: 91956

(a) In the case of an ICF/IID that becomes a downsized 91957  
ICF/IID or partially converted ICF/IID: 91958

(i) The day that the ICF/IID becomes a downsized ICF/IID or 91959  
partially converted ICF/IID if that day is the first day of a 91960  
month; 91961

(ii) The first day of the month immediately following the 91962  
month that the ICF/IID becomes a downsized ICF/IID or partially 91963  
converted ICF/IID if division (D)(1)(a)(i) of this section does 91964  
not apply. 91965

(b) In the case of a new ICF/IID, the day that the ICF/IID's 91966  
provider agreement takes effect. 91967

(2) The period ends on the last day of the fiscal year that 91968  
immediately precedes the fiscal year for which the ICF/IID begins 91969  
to be paid a rate determined using a cost report that division (E) 91970  
of this section requires be filed in accordance with division (A) 91971  
of section 5124.10 of the Revised Code. 91972

(E)(1) If the department accepts a cost report filed under 91973  
division (A) of this section for an ICF/IID that becomes a 91974  
downsized ICF/IID or partially converted ICF/IID on or before the 91975  
first day of October of a calendar year, or for a new ICF/IID that 91976  
has a provider agreement that takes effect on or before that date, 91977  
the provider also shall file a cost report for the ICF/IID in 91978  
accordance with division (A) of section 5124.10 of the Revised 91979  
Code for the portion of that calendar year that the ICF/IID 91980  
operated as a downsized ICF/IID or partially converted ICF/IID or, 91981

in the case of a new ICF/IID, for the portion that the provider agreement was in effect. 91982  
91983

(2) If the department accepts a cost report filed under 91984  
division (A) of this section for an ICF/IID that becomes a 91985  
downsized ICF/IID or partially converted ICF/IID after the first 91986  
day of October of a calendar year, or for a new ICF/IID that has a 91987  
provider agreement that takes effect ~~on or~~ after that date, the 91988  
provider is not required to file a cost report for that calendar 91989  
year in accordance with division (A) of section 5124.10 of the 91990  
Revised Code. The provider shall file a cost report for the 91991  
ICF/IID in accordance with division (A) of section 5124.10 of the 91992  
Revised Code for the immediately following calendar year. 91993

(F) If the department accepts a cost report filed under 91994  
division (A) of this section, the following modifications shall be 91995  
made for the purpose of determining the medicaid payment rate for 91996  
ICF/IID services the ICF/IID provides during the period specified 91997  
in division (D) of this section: 91998

(1) In place of the annual average case mix score otherwise 91999  
used in determining the ICF/IID's per medicaid day payment rate 92000  
for direct care costs under division (A) of section 5124.19 of the 92001  
Revised Code, the ICF/IID's case mix score in effect on the last 92002  
day of the calendar quarter that ends during the period the cost 92003  
report covers (or, if more than one calendar quarter ends during 92004  
that period, the last of those calendar quarters) shall be used to 92005  
determine the ICF/IID's per medicaid day payment rate for direct 92006  
care costs. 92007

(2) If the ICF/IID becomes a downsized ICF/IID or partially 92008  
converted ICF/IID: 92009

(a) The ICF/IID shall not be subject to the limit on the 92010  
costs of ownership per diem payment rate specified in divisions 92011  
(B) and (C) of section 5124.17 of the Revised Code. 92012

(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code. 92013  
92014  
92015  
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(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless of whether the ICF/IID is in peer group 1 or peer group 2. 92017  
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**Sec. 5124.15.** (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to ~~5124.154~~ 5124.155 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following: 92022  
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(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code; 92029  
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92031

(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.19 of the Revised Code; 92032  
92033  
92034

(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised Code; 92035  
92036  
92037

(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.23 of the Revised Code. 92038  
92039  
92040

(B) The total per medicaid day payment rate for an ICF/IID in peer group 3 shall not exceed the average total per medicaid day 92041  
92042

payment rate in effect on July 1, 2013, for developmental centers. 92043

(C) The department shall adjust the total rate otherwise 92044  
determined under division (A) of this section as directed by the 92045  
general assembly through the enactment of law governing medicaid 92046  
payments to ICF/IID providers. 92047

(D) In addition to paying an ICF/IID provider the total rate 92048  
determined for the provider's ICF/IID under divisions (A), (B), 92049  
and (C) of this section for a fiscal year, the department, in 92050  
accordance with section 5124.25 of the Revised Code, may pay the 92051  
provider a rate add-on for pediatric ventilator-dependent outlier 92052  
ICF/IID services if the rate add-on is to be paid under that 92053  
section and the department approves the provider's application for 92054  
the rate add-on. The rate add-on is not to be part of the 92055  
ICF/IID's total rate. 92056

Sec. 5124.155. The total per medicaid day payment rate for 92057  
ICF/IID services an ICF/IID in peer group 1 provides to a medicaid 92058  
recipient who is admitted as a resident to the ICF/IID on or after 92059  
July 1, 2015, and is placed in the chronic behaviors and typical 92060  
adaptive needs classification or the typical adaptive needs and 92061  
non-significant behaviors classification established for the 92062  
grouper methodology prescribed in rules authorized by section 92063  
5124.192 of the Revised Code shall be the lesser of the following: 92064

(A) The rate determined for the ICF/IID under section 5124.15 92065  
of the Revised Code; 92066

(B) The following rate: 92067

(1) \$206.90 for ICF/IID services the ICF/IID provides to a 92068  
medicaid recipient in the chronic behaviors and typical adaptive 92069  
needs classification; 92070

(2) \$174.88 for ICF/IID services the ICF/IID provides to a 92071  
medicaid recipient in the typical adaptive needs and 92072

non-significant behaviors classification. 92073

**Sec. 5124.33.** No medicaid payment shall be made to an ICF/IID 92074  
provider for the day a medicaid recipient is discharged from the 92075  
ICF/IID, unless the recipient is discharged from the ICF/IID 92076  
because all of the beds in the ICF/IID are converted from 92077  
providing ICF/IID services to providing home and community-based 92078  
services pursuant to section 5124.60 or 5124.61 of the Revised 92079  
Code. 92080

**Sec. 5124.60.** (A) For the purpose of increasing the number of 92081  
slots available for home and community-based services, the 92082  
operator of an ICF/IID may convert some or all of the beds in the 92083  
ICF/IID from providing ICF/IID services to providing home and 92084  
community-based services if all of the following requirements are 92085  
met: 92086

(1) The operator provides the directors of health and 92087  
developmental disabilities at least ninety days' notice of the 92088  
operator's intent to make the conversion. 92089

(2) The operator complies with the requirements of sections 92090  
5124.50 to 5124.53 of the Revised Code regarding a voluntary 92091  
termination if those requirements are applicable. 92092

(3) If the operator intends to convert all of the ICF/IID's 92093  
beds, the operator notifies each of the ICF/IID's residents that 92094  
the ICF/IID is to cease providing ICF/IID services and inform each 92095  
resident that the resident may do either of the following: 92096

(a) Continue to receive ICF/IID services by transferring to 92097  
another ICF/IID that is willing and able to accept the resident if 92098  
the resident continues to qualify for ICF/IID services; 92099

(b) Begin to receive home and community-based services 92100  
instead of ICF/IID services from any provider of home and 92101  
community-based services that is willing and able to provide the 92102

services to the resident if the resident is eligible for the 92103  
services and a slot for the services is available to the resident. 92104

(4) If the operator intends to convert some but not all of 92105  
the ICF/IID's beds, the operator notifies each of the ICF/IID's 92106  
residents that the ICF/IID is to convert some of its beds from 92107  
providing ICF/IID services to providing home and community-based 92108  
services and inform each resident that the resident may do either 92109  
of the following: 92110

(a) Continue to receive ICF/IID services from any ICF/IID 92111  
that is willing and able to provide the services to the resident 92112  
if the resident continues to qualify for ICF/IID services; 92113

(b) Begin to receive home and community-based services 92114  
instead of ICF/IID services from any provider of home and 92115  
community-based services that is willing and able to provide the 92116  
services to the resident if the resident is eligible for the 92117  
services and a slot for the services is available to the resident. 92118

(5) The operator meets the requirements for providing home 92119  
and community-based services, including the following: 92120

(a) Such requirements applicable to a residential facility if 92121  
the operator maintains the facility's license as a residential 92122  
facility; 92123

(b) Such requirements applicable to a facility that is not 92124  
licensed as a residential facility if the operator surrenders the 92125  
facility's license as a residential facility under section 5123.19 92126  
of the Revised Code. 92127

(6) The director of developmental disabilities approves the 92128  
conversion. 92129

(B) A decision by the director of developmental disabilities 92130  
to approve or refuse to approve a proposed conversion of beds is 92131  
final. In making a decision, the director shall consider all of 92132

the following:	92133
(1) The fiscal impact on the ICF/IID if some but not all of the beds are converted;	92134 92135
(2) The fiscal impact on the medicaid program;	92136
(3) The availability of home and community-based services.	92137
(C) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the ICF/IID's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of the ICF/IID's beds are to be converted and how many of the beds are to continue to provide ICF/IID services. The notice to the director of developmental disabilities shall specify whether the operator wishes to surrender the ICF/IID's license as a residential facility under section 5123.19 of the Revised Code.	92138 92139 92140 92141 92142 92143 92144 92145 92146
(D)(1) If the director of developmental disabilities approves a conversion under division (B) of this section, the director of health shall do the following:	92147 92148 92149
(a) Terminate the ICF/IID's medicaid certification if the notice specifies that all of the ICF/IID's beds are to be converted;	92150 92151 92152
(b) Reduce the ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted.	92153 92154 92155
(2) The director of health shall notify the medicaid director of the termination or reduction. On receipt of the notice, the medicaid director shall do the following:	92156 92157 92158
(a) Terminate the operator's medicaid provider agreement that authorizes the operator to provide ICF/IID services at the ICF/IID if the ICF/IID's certification was terminated;	92159 92160 92161
(b) Amend the operator's medicaid provider agreement to	92162



reflect the ICF/IID's reduced medicaid-certified capacity if the 92163  
ICF/IID's medicaid-certified capacity is reduced. 92164

~~(3) In the case of action taken under division (D)(2)(a) of 92165  
this section, the operator The medicaid director is not entitled 92166  
to notice or a hearing under required to conduct an adjudication 92167  
in accordance with Chapter 119. of the Revised Code ~~before the~~ 92168  
~~medicaid director terminates the medicaid provider agreement when~~ 92169  
taking action under division (D)(2) of this section. 92170~~

**Sec. 5124.61.** (A) For the purpose of increasing the number of 92171  
slots available for home and community-based services, a person 92172  
who acquires, through a request for proposals issued by the 92173  
director of developmental disabilities, an ICF/IID for which a 92174  
residential facility license was previously surrendered or revoked 92175  
may convert some or all of the ICF/IID's beds from providing 92176  
ICF/IID services to providing home and community-based services if 92177  
all of the following requirements are met: 92178

(1) The person provides the directors of health and 92179  
developmental disabilities and medicaid director at least ninety 92180  
days' notice of the person's intent to make the conversion. 92181

(2) The person complies with the requirements of sections 92182  
5124.50 to 5124.53 of the Revised Code regarding a voluntary 92183  
termination if those requirements are applicable. 92184

(3) If the person intends to convert all of the ICF/IID's 92185  
beds, the person notifies each of the ICF/IID's residents that the 92186  
ICF/IID is to cease providing ICF/IID services and informs each 92187  
resident that the resident may do either of the following: 92188

(a) Continue to receive ICF/IID services by transferring to 92189  
another ICF/IID willing and able to accept the resident if the 92190  
resident continues to qualify for ICF/IID services; 92191

(b) Begin to receive home and community-based services 92192

instead of ICF/IID services from any provider of home and 92193  
community-based services that is willing and able to provide the 92194  
services to the resident if the resident is eligible for the 92195  
services and a slot for the services is available to the resident. 92196

(4) If the person intends to convert some but not all of the 92197  
ICF/IID's beds, the person notifies each of the ICF/IID's 92198  
residents that the ICF/IID is to convert some of its beds from 92199  
providing ICF/IID services to providing home and community-based 92200  
services and inform each resident that the resident may do either 92201  
of the following: 92202

(a) Continue to receive ICF/IID services from any that is 92203  
willing and able to provide the services to the resident if the 92204  
resident continues to qualify for ICF/IID services; 92205

(b) Begin to receive home and community-based services 92206  
instead of ICF/IID services from any provider of home and 92207  
community-based services that is willing and able to provide the 92208  
services to the resident if the resident is eligible for the 92209  
services and a slot for the services is available to the resident. 92210

(5) The person meets the requirements for providing home and 92211  
community-based services at a residential facility. 92212

(B) The notice provided to the directors under division 92213  
(A)(1) of this section shall specify whether some or all of the 92214  
ICF/IID's beds are to be converted. If some but not all of the 92215  
beds are to be converted, the notice shall specify how many of the 92216  
ICF/IID's beds are to be converted and how many of the beds are to 92217  
continue to provide ICF/IID services. 92218

(C) On receipt of a notice under division (A)(1) of this 92219  
section, the director of health shall do the following: 92220

(1) Terminate the ICF/IID's medicaid certification if the 92221  
notice specifies that all of the facility's beds are to be 92222  
converted; 92223

(2) Reduce the ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted.

(D) The director of health shall notify the medicaid director of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the medicaid director shall do the following:

(1) Terminate the person's medicaid provider agreement that authorizes the person to provide ICF/IID services at the ICF/IID if the ICF/IID's medicaid certification was terminated;

(2) Amend the person's medicaid provider agreement to reflect the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's medicaid-certified capacity is reduced.

~~The person medicaid director is not entitled required to notice or a hearing under conduct an adjudication in accordance with Chapter 119. of the Revised Code before the medicaid director terminates or amends the medicaid provider agreement when taking action under division (D)(1) or (2) of this section.~~

**Sec. 5124.67.** (A)(1) The department of developmental disabilities shall strive to achieve, not later than July 1, 2018, the following statewide reductions in ICF/IID beds:

(a) At least five hundred beds in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen or more beds;

(b) At least five hundred beds in ICFs/IID with any number of beds that convert some or all of their beds from providing ICF/IID services to providing home and community-based services pursuant to section 5124.60 or 5124.61 of the Revised Code.

(2) The department shall strive to achieve a reduction of at least one thousand two hundred ICF/IID beds through a combination of the methods specified in divisions (A)(1)(a) and (b) of this

section. 92254

(3) The department shall strive to achieve the reductions specified in division (A)(1)(b) of this section in accordance with the following interim time frames: 92255  
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(a) At least two hundred twenty-five ICF/IID beds converted by June 30, 2016; 92258  
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(b) At least one hundred twenty-five additional ICF/IID beds converted by June 30, 2017, for a total of at least three hundred fifty beds converted by that date. 92260  
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(B) In its efforts to achieve the reductions under division (A) of this section, the department shall collaborate with the Ohio association of county boards serving people with developmental disabilities, the Ohio provider resource association, the Ohio centers for intellectual disabilities formed by the Ohio health care association, and the values and faith alliance. The collaboration efforts may include the following: 92263  
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(1) Identifying ICFs/IID that may reduce the number of their beds to help achieve the reductions under division (A) of this section; 92270  
92271  
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(2) Encouraging ICF/IID providers to reduce the number of their ICFs/IID's beds; 92273  
92274

~~(3) Establishing interim time frames for making progress in achieving the reductions;~~ 92275  
92276

~~(4) Creating incentives for, and removing impediments to, the reductions;~~ 92277  
92278

~~(5)~~(4) In the case of ICF/IID beds that are converted to providing home and community-based services, developing a mechanism to compensate providers for beds that permanently cease to provide ICF/IID services. 92279  
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(C) The department shall meet not less than twice each year 92283

with the organizations specified in division (B) of this section 92284  
to do all of the following: 92285

(1) Review the progress being made in achieving the 92286  
reductions under division (A) of this section; 92287

(2) Prepare written reports on the progress; 92288

(3) Identify additional measures needed to achieve the 92289  
reductions. 92290

Sec. 5124.68. (A)(1) Except as provided in division (D) of 92291  
this section, an ICF/IID in peer group 1 shall not admit an 92292  
individual as a resident unless all of the following apply: 92293

(a) The provider of the ICF/IID provides written notice about 92294  
the individual's potential admission, and all information about 92295  
the individual in the provider's possession, to the county board 92296  
of developmental disabilities serving the county in which the 92297  
individual resides at the time the notice is provided. 92298

(b) The county board has provided to the individual and 92299  
department of developmental disabilities a copy of the findings 92300  
the county board makes pursuant to division (B) of this section; 92301

(c) Not later than seven business days after the provider 92302  
provides the county board the notice required by division 92303  
(A)(1)(a) of this section, the department determines that the 92304  
individual chooses to receive ICF/IID services from the ICF/IID 92305  
after being fully informed of all available alternatives. 92306

(2) For the purpose of division (A)(1)(a) of this section, 92307  
the provider of an ICF/IID in peer group 1 may provide a county 92308  
board written notices about multiple individuals' potential 92309  
admissions to the ICF/IID at the same time. 92310

(B) Not later than five business days after a county board 92311  
receives notice from the provider of an ICF/IID in peer group 1 92312  
about an individual seeking admission to the ICF/IID, the county 92313

board shall do both of the following: 92314

(1) Using the information included in the notification and the additional information, if any, the department specifies pursuant to division (C) of this section, evaluate the individual and counsel the individual about both of the following: 92315  
92316  
92317  
92318

(a) The nature, extent, and timing of the services that the individual needs; 92319  
92320

(b) The least restrictive environment in which the individual could receive the needed services. 92321  
92322

(2) Using the form prescribed under division (C) of this section, make findings about the individual based on the evaluation and counseling and provide a copy of the findings to the individual and the department. 92323  
92324  
92325  
92326

(C) The department shall prescribe the form to be used for the purpose of making findings pursuant to division (B)(2) of this section. The department may specify additional information that a county board is to use when evaluating and counseling individuals under division (B)(1) of this section. 92327  
92328  
92329  
92330  
92331

(D) Division (A) of this section does not apply to an individual seeking admission to an ICF/IID in peer group 1 if any of the following is the case: 92332  
92333  
92334

(1) The individual is a medicaid recipient receiving ICF/IID services on the date immediately preceding the date the individual is admitted to the ICF/IID. 92335  
92336  
92337

(2) The individual is a medicaid recipient returning to the ICF/IID following a temporary absence for which the ICF/IID is paid to reserve a bed for the individual pursuant to section 5124.34 of the Revised Code or during which the individual received rehabilitation services in another health care setting. 92338  
92339  
92340  
92341  
92342

(3) The requirements of divisions (A)(1)(a) and (b) of this 92343

section are satisfied but the department fails to make the 92344  
determination required by division (A)(1)(c) of this section 92345  
before the deadline specified in that division. 92346

Sec. 5124.69. (A) The department of developmental 92347  
disabilities shall develop and make available to all ICF/IID a 92348  
written pamphlet that describes all of the items and services 92349  
covered by medicaid as ICF/IID services and as home and 92350  
community-based services. The department shall develop the 92351  
pamphlet in consultation with persons and organizations interested 92352  
in matters pertaining to individuals eligible for ICF/IID services 92353  
and home and community-based services. 92354

(B) Each ICF/IID provider shall provide the pamphlet to the 92355  
residents of the ICF/IID who receive ICF/IID services, and the 92356  
guardians of such residents, and shall discuss the items and 92357  
services described in the pamphlet with those residents and their 92358  
guardians, as follows: 92359

(1) At least annually; 92360

(2) Any time such a resident, or resident's guardian, 92361  
requests to receive the pamphlet and to discuss the items and 92362  
services described in the pamphlet; 92363

(3) Any time such a resident, or resident's guardian, 92364  
expresses to the provider an interest in home and community-based 92365  
services. 92366

(C) If a resident of an ICF/IID who receives ICF/IID 92367  
services, or the resident's guardian, indicates to the ICF/IID 92368  
provider an interest in enrolling the resident in a medicaid 92369  
waiver component providing home and community-based services, the 92370  
provider shall refer the resident or guardian to the county board 92371  
of developmental disabilities serving the county in which the 92372  
resident would reside while enrolled in a medicaid waiver 92373

<u>component.</u>	92374
<u>(D) Not later than thirty days after a county board is</u>	92375
<u>contacted by an ICF/IID resident or resident's guardian who was</u>	92376
<u>referred to the county board pursuant to division (C) of this</u>	92377
<u>section, the county board, notwithstanding a waiting list for the</u>	92378
<u>component established pursuant to section 5126.042 of the Revised</u>	92379
<u>Code, shall enroll the resident in the component if all of the</u>	92380
<u>following apply:</u>	92381
<u>(1) The resident is eligible and chooses to enroll in the</u>	92382
<u>component.</u>	92383
<u>(2) The component has an available slot.</u>	92384
<u>(3) The director of developmental disabilities determines</u>	92385
<u>that the department has the funds necessary to pay the nonfederal</u>	92386
<u>share of the medicaid expenditures for the home and</u>	92387
<u>community-based services provided to the resident under the</u>	92388
<u>component.</u>	92389
<b><u>Sec. 5124.70.</u></b> (A) <u>This section does not apply to either of</u>	92390
<u>the following:</u>	92391
<u>(1) An ICF/IID to which both of the following apply:</u>	92392
<u>(a) On or before January 1, 2015, the ICF/IID became a</u>	92393
<u>downsized ICF/IID or partially converted ICF/IID.</u>	92394
<u>(b) On January 1, 2015, the ICF/IID's medicaid-certified</u>	92395
<u>capacity was at least twenty per cent less than the greatest</u>	92396
<u>medicaid-certified capacity it had before it became a downsized</u>	92397
<u>ICF/IID or partially converted ICF/IID.</u>	92398
<u>(2) An ICF/IID's sleeping room in which more than two</u>	92399
<u>residents reside if both of the following apply:</u>	92400
<u>(a) All of the residents of the sleeping room are under</u>	92401
<u>twenty-one years of age.</u>	92402



(b) The parents or guardians of all of the residents of the sleeping room consent to the residents residing in a sleeping room with more than two residents. 92403  
92404  
92405

(B) Except as provided in divisions (G) and (H) of this section, an ICF/IID provider shall not permit more than two residents to reside in the same sleeping room. 92406  
92407  
92408

(C)(1) If, on the effective date of this section, more than two residents of an ICF/IID reside in the same sleeping room, the ICF/IID provider shall submit to the department of developmental disabilities for its review a plan to come into compliance with division (B) of this section. The provider shall submit the plan not later than December 31, 2015. 92409  
92410  
92411  
92412  
92413  
92414

(2) The plan shall include all of the following: 92415

(a) The date by which not more than two residents will reside in the same sleeping room, which shall be not later than June 30, 2025; 92416  
92417  
92418

(b) Detailed descriptions of the actions the ICF/IID provider will take to come into compliance with division (B) of this section, which shall include becoming either a downsized ICF/IID or a partially converted ICF/IID; 92419  
92420  
92421  
92422

(c) The ICF/IID's projected medicaid-certified capacity for each year covered by the plan, which must demonstrate that the provider will make regular progress toward coming into compliance with division (B) of this section; 92423  
92424  
92425  
92426

(d) A discharge planning process that includes providing information to residents regarding home and community-based services; 92427  
92428  
92429

(e) Additional interim steps the provider will take to demonstrate that the provider is making regular progress toward coming into compliance with division (B) of this section. 92430  
92431  
92432

(3) The plan shall not include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six unless the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable. If the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable, the plan may include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six but not greater than eight.

(D) The department shall review each plan submitted under division (C) of this section and decide whether to approve the plan. In making this decision, the department shall consider both of the following:

(1) Whether the plan conforms to the requirements of division (C) of this section;

(2) The feasibility of completing the implementation as described in the plan.

(E) If the department approves an ICF/IID provider's plan under division (D) of this section, the provider shall submit to the department annual reports regarding the plan's implementation.

(F) The department may issue a written order to an ICF/IID provider that suspends new admissions to the ICF/IID if both of the following apply:

(1) The department has approved the provider's plan under division (D) of this section.

(2) The provider fails to do either of the following:

(a) Submit to the department an annual report required by division (E) of this section;

(b) Meet, to the department's satisfaction, the projected medicaid-certified capacity for the ICF/IID for a year as

specified in the plan and the failure is due to factors within the 92463  
provider's control. 92464

(G)(1) Before January 1, 2016, an ICF/IID provider may permit 92465  
more than two residents to reside in the same sleeping room if 92466  
more than two residents resided in the same sleeping room on the 92467  
effective date of this section. 92468

(2) On and after January 1, 2016, an ICF/IID provider may 92469  
permit more than two residents to reside in the same sleeping room 92470  
only if all of the following apply: 92471

(a) More than two residents resided in the same sleeping room 92472  
on the effective date of this section. 92473

(b) The provider has submitted a plan in accordance with 92474  
division (C) of this section. 92475

(c) Either of the following applies: 92476

(i) The department has approved and the provider complies 92477  
with the plan. 92478

(ii) The department has not decided whether to approve the 92479  
plan. 92480

(H) The department shall waive application of division (B) of 92481  
this section for an ICF/IID's sleeping room in which more than two 92482  
residents reside on June 30, 2025, if both of the following apply: 92483

(1) The same residents have continuously resided in the 92484  
sleeping room since the effective date of this section; 92485

(2) The department determines that at least three of these 92486  
residents want to continue to reside together in the sleeping 92487  
room. 92488

**Sec. 5126.042.** (A) As used in this section, "emergency 92489  
status" means a status that an individual with mental retardation 92490  
or developmental disabilities has when the individual is at risk 92491

of substantial self-harm or substantial harm to others if action 92492  
is not taken within thirty days. An "emergency status" may include 92493  
a status resulting from one or more of the following situations: 92494

(1) Loss of present residence for any reason, including legal 92495  
action; 92496

(2) Loss of present caretaker for any reason, including 92497  
serious illness of the caretaker, change in the caretaker's 92498  
status, or inability of the caretaker to perform effectively for 92499  
the individual; 92500

(3) Abuse, neglect, or exploitation of the individual; 92501

(4) Health and safety conditions that pose a serious risk to 92502  
the individual or others of immediate harm or death; 92503

(5) Change in the emotional or physical condition of the 92504  
individual that necessitates substantial accommodation that cannot 92505  
be reasonably provided by the individual's existing caretaker. 92506

(B) If a county board of developmental disabilities 92507  
determines that available resources are not sufficient to meet the 92508  
needs of all individuals who request non-medicaid programs or 92509  
services, it shall establish one or more waiting lists for the 92510  
non-medicaid programs or services in accordance with its plan 92511  
developed under section 5126.04 of the Revised Code. The board may 92512  
establish priorities for making placements on its waiting lists 92513  
established under this division. Any such priorities shall be 92514  
consistent with the board's plan and applicable law. 92515

(C) If a county board~~r~~ determines that available resources 92516  
are insufficient to meet the needs of all individuals who request 92517  
home and community-based services, it shall establish a waiting 92518  
list for the services. An individual's date of placement on the 92519  
waiting list shall be the date a request is made to the board for 92520  
the individual to receive the home and community-based services. 92521  
The board shall provide for an individual who has an emergency 92522

status to receive priority status on the waiting list. The board 92523  
shall also provide for an individual to whom any of the following 92524  
apply to receive priority status on the waiting list in accordance 92525  
with rules adopted under division (E) of this section: 92526

(1) The individual is receiving supported living, family 92527  
support services, or adult services for which no federal financial 92528  
participation is received under the medicaid program; 92529

(2) The individual's primary caregiver is at least sixty 92530  
years of age; 92531

(3) The individual has intensive needs as determined in 92532  
accordance with rules adopted under division (E) of this section; 92533

(4) The individual resides in an ICF/IID, as defined in 92534  
section 5124.01 of the Revised Code; 92535

(5) The individual resides in a nursing facility, as defined 92536  
in section 5165.01 of the Revised Code. 92537

(D) If two or more individuals on a waiting list established 92538  
under division (C) of this section ~~for home and community based~~ 92539  
~~services~~ have priority for the services pursuant to that division 92540  
~~(C)(1), (2), or (3) of this section~~, a county board shall use 92541  
criteria specified in rules adopted under division (E) of this 92542  
section in determining the order in which the individuals with 92543  
priority will be offered the services. An individual who has 92544  
priority for home and community-based services because the 92545  
individual has an emergency status has priority for the services 92546  
over all other individuals on the waiting list who do not have 92547  
emergency status. 92548

(E) The department of developmental disabilities shall adopt 92549  
rules in accordance with Chapter 119. of the Revised Code 92550  
governing waiting lists established under division (C) of this 92551  
section. The rules shall include procedures to be followed to 92552  
ensure that the due process rights of individuals placed on 92553

waiting lists are not violated. As part of the rules adopted under 92554  
this division, the department shall adopt rules establishing 92555  
criteria a county board shall use under division (D) of this 92556  
section in determining the order in which individuals with 92557  
priority for home and community-based services pursuant to 92558  
division (C)(1), (2), or (3) of this section will be offered the 92559  
services. 92560

(F) The following shall take precedence over the applicable 92561  
provisions of this section: 92562

(1) Medicaid rules and regulations; 92563

(2) Any specific requirements that may be contained within a 92564  
medicaid state plan amendment or waiver program that a county 92565  
board has authority to administer or with respect to which it has 92566  
authority to provide services, programs, or supports. 92567

**Sec. 5126.0510.** (A) Except as otherwise provided in an 92568  
agreement entered into under section 5123.048 of the Revised Code 92569  
and subject to divisions (B), (C), ~~and~~ (D), and (E) of this 92570  
section, a county board of developmental disabilities shall pay 92571  
the nonfederal share of medicaid expenditures for the following 92572  
home and community-based services provided to an individual with 92573  
mental retardation or other developmental disability who the 92574  
county board determines under section 5126.041 of the Revised Code 92575  
is eligible for county board services: 92576

(1) Home and community-based services provided by the county 92577  
board to such an individual; 92578

(2) Home and community-based services provided by a provider 92579  
other than the county board to such an individual who is enrolled 92580  
as of June 30, 2007, in the medicaid waiver component under which 92581  
the services are provided; 92582

(3) Home and community-based services provided by a provider 92583

other than the county board to such an individual who, pursuant to 92584  
a request the county board makes, enrolls in the medicaid waiver 92585  
component under which the services are provided after June 30, 92586  
2007; 92587

(4) Home and community-based services provided by a provider 92588  
other than the county board to such an individual for whom there 92589  
is in effect an agreement entered into under division ~~(E)~~(F) of 92590  
this section between the county board and director of 92591  
developmental disabilities. 92592

(B) In the case of medicaid expenditures for home and 92593  
community-based services for which division (A)(2) of this section 92594  
requires a county board to pay the nonfederal share, the following 92595  
shall apply to such services provided during fiscal year 2008 92596  
under the individual options medicaid waiver component: 92597

(1) The county board shall pay no less than the total amount 92598  
the county board paid as the nonfederal share for home and 92599  
community-based services provided in fiscal year 2007 under the 92600  
individual options medicaid waiver component; 92601

(2) The county board shall pay no more than the sum of the 92602  
following: 92603

(a) The total amount the county board paid as the nonfederal 92604  
share for home and community-based services provided in fiscal 92605  
year 2007 under the individual options medicaid waiver component; 92606

(b) An amount equal to one per cent of the total amount the 92607  
department of developmental disabilities and county board paid as 92608  
the nonfederal share for home and community-based services 92609  
provided in fiscal year 2007 under the individual options medicaid 92610  
waiver component to individuals the county board determined under 92611  
section 5126.041 of the Revised Code are eligible for county board 92612  
services. 92613

(C) A county board is not required to pay the nonfederal 92614

share of home and community-based services provided after June 30, 92615  
2008, that the county board is otherwise required by division 92616  
(A)(2) of this section to pay if the department of developmental 92617  
disabilities fails to comply with division (A) of section 92618  
5123.0416 of the Revised Code. 92619

(D) A county board is not required to pay the nonfederal 92620  
share of home and community-based services that the county board 92621  
is otherwise required by division (A)(3) of this section to pay if 92622  
both of the following apply: 92623

(1) The services are provided to an individual who enrolls in 92624  
the medicaid waiver component under which the services are 92625  
provided as the result of an order issued following a ~~state~~ 92626  
~~hearing, administrative~~ an appeal, made under section 5160.31 of 92627  
the Revised Code or an appeal of the order to a court of common 92628  
pleas ~~made under section 5101.35 of the Revised Code;~~ 92629

(2) There are more individuals who are eligible for services 92630  
from the county board enrolled in home and community-based 92631  
services than is required by section 5126.0512 of the Revised 92632  
Code. 92633

(E) A county board is not required to pay the nonfederal 92634  
share of home and community-based services that the county board 92635  
is otherwise required by division (A) of this section to pay if 92636  
the services are provided to an individual who enrolls, pursuant 92637  
to division (D) of section 5124.69 of the Revised Code, in the 92638  
medicaid waiver component under which the services are provided. 92639

(F) A county board may enter into an agreement with the 92640  
director of developmental disabilities under which the county 92641  
board agrees to pay the nonfederal share of medicaid expenditures 92642  
for one or more home and community-based services that the county 92643  
board is not otherwise required by division (A)(1), (2), or (3) of 92644  
this section to pay and that are provided to an individual the 92645



county board determines under section 5126.041 of the Revised Code 92646  
is eligible for county board services. The agreement shall specify 92647  
which home and community-based services the agreement covers. The 92648  
county board shall pay the nonfederal share of medicaid 92649  
expenditures for the home and community-based services that the 92650  
agreement covers as long as the agreement is in effect. 92651

**Sec. 5126.15.** (A) A county board of developmental 92652  
disabilities shall provide service and support administration to 92653  
each individual three years of age or older who is eligible for 92654  
service and support administration if the individual requests, or 92655  
a person on the individual's behalf requests, service and support 92656  
administration. A board shall provide service and support 92657  
administration to each individual receiving home and 92658  
community-based services. A board may provide, in accordance with 92659  
the service coordination requirements of 34 C.F.R. 303.23, service 92660  
and support administration to an individual under three years of 92661  
age eligible for early intervention services under 34 C.F.R. part 92662  
303. A board may provide service and support administration to an 92663  
individual who is not eligible for other services of the board. 92664  
Service and support administration shall be provided in accordance 92665  
with rules adopted under section 5126.08 of the Revised Code. 92666

A board may provide service and support administration by 92667  
directly employing service and support administrators or by 92668  
contracting with entities for the performance of service and 92669  
support administration. Individuals employed or under contract as 92670  
service and support administrators shall not be in the same 92671  
collective bargaining unit as employees who perform duties that 92672  
are not administrative. 92673

~~Individuals employed by a board as service~~ A service and 92674  
support ~~administrators~~ administrator shall ~~not be assigned~~ 92675  
~~responsibilities for implementing other services for individuals~~ 92676

~~and perform only the duties specified in division (B) of this section. While employed by or under contract with a board, a service and support administrator shall not neither be employed by or serve in a decision-making or policy-making capacity for any other entity that provides programs or services to individuals with mental retardation or developmental disabilities nor provide programs or services to individuals with mental retardation or developmental disabilities through self-employment. An individual employed as a conditional status service and support administrator shall perform the duties of service and support administration only under the supervision of a management employee who is a service and support administration supervisor.~~

~~(B) The individuals employed by or under contract with a board to provide service and support administration~~ A service and support administrator shall do all of the following:

(1) Establish an individual's eligibility for the services of the county board of developmental disabilities;

(2) Assess individual needs for services;

(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of developmental disabilities when services included in the plans are funded through medicaid;

(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;

(5) Assist individuals in making selections from among the providers they have chosen;

(6) Ensure that services are effectively coordinated and provided by appropriate providers;

(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the individual;

(8) Perform quality assurance reviews as a distinct function of service and support administration;

(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual.

**Sec. 5126.201.** (A) A person may be employed by or under contract with a county board of developmental disabilities as a conditional status service and support administrator only if either of the following is true:

~~(A)(1)~~ The person has at least an appropriate associate degree;

~~(B)(2)~~ The person meets both of the following requirements:

~~(1)(a)~~ The person was employed by the county board and performed service and support administration duties on June 30, 2005;

~~(2)(b)~~ The person holds a high school diploma or a general educational development certificate of high school equivalence.

(B) A conditional status service and support administrator shall perform the duties of service and support administration, as specified in division (B) of section 5126.15 of the Revised Code, only under the supervision of a management employee who is a service and support administration supervisor.

**Sec. 5139.03.** (A) The department of youth services shall

control and manage all state institutions or facilities 92736  
established or created for the training or rehabilitation of 92737  
delinquent children committed to the department, except where the 92738  
control and management of an institution or facility is vested by 92739  
law in another agency. The department shall employ, in addition to 92740  
other personnel authorized under Chapter 5139. of the Revised 92741  
Code, sufficient personnel to maintain food service and buildings 92742  
and grounds operations. 92743

(B) The department of youth services shall, insofar as 92744  
practicable, purchase foods and other commodities incident to food 92745  
service operations from the department of mental health and 92746  
addiction services. The department of youth services may enter 92747  
into agreements with the department of mental health and addiction 92748  
services providing for assistance and consultation in the 92749  
construction of, or major modifications to, capital facilities of 92750  
the department of youth services. 92751

(C) The directors of mental health and addiction services and 92752  
of youth services shall enter into written agreements to implement 92753  
this section. Such directors may, from time to time, amend any 92754  
agreements entered into under this section for the purposes of 92755  
making more efficient use of personnel, taking advantage of 92756  
economies in quantity purchasing, or for any other purpose which 92757  
is mutually advantageous to both the department of youth services 92758  
and the department of mental health and addiction services. 92759

~~The department of youth services may transfer any of its 92760  
excess or surplus supplies to a community corrections facility. 92761  
These supplies shall remain the property of the department for a 92762  
period of five years from the date of the transfer. After the 92763  
five year period, the supplies shall become the property of the 92764  
facility. 92765~~

**Sec. 5139.50.** (A) The release authority of the department of 92766

youth services is hereby created as a bureau in the department. 92767  
The release authority shall consist of a minimum of three, but not 92768  
more than five, members who are appointed by the director of youth 92769  
services and who have the qualifications specified in division (B) 92770  
of this section. The members of the release authority shall devote 92771  
their full time to the duties of the release authority and shall 92772  
neither seek nor hold other public office. The members shall be in 92773  
the unclassified civil service. 92774

(B) A person appointed as a member of the release authority 92775  
shall have a bachelor's degree from an accredited college or 92776  
university or equivalent relevant experience and shall have the 92777  
skills, training, or experience necessary to analyze issues of 92778  
law, administration, and public policy. The membership of the 92779  
release authority shall represent, insofar as practicable, the 92780  
diversity found in the children in the legal custody of the 92781  
department of youth services. 92782

In appointing the ~~five~~ members, the director shall ensure 92783  
that the appointments include all of the following: 92784

(1) At least ~~four members~~ one member who ~~have~~ has five or 92785  
more years of experience in criminal justice, juvenile justice, or 92786  
an equivalent relevant profession; 92787

(2) At least one member who has experience in victim services 92788  
or advocacy or who has been a victim of a crime or is a family 92789  
member of a victim; 92790

(3) At least one member who has experience in direct care 92791  
services to delinquent children. 92792

(C) ~~The initial appointments of members of the release~~ 92793  
~~authority shall be for a term of six years for the chairperson and~~ 92794  
~~one member, a term of four years for two members, and a term of~~ 92795  
~~two years for one member. Thereafter, members shall be appointed~~ 92796

~~for six year terms until the effective date of this amendment,~~ 92797  
~~after which members~~ Members shall be appointed for four-year 92798  
terms. At the conclusion of a term, a member shall hold office 92799  
until the appointment and qualification of the member's successor. 92800  
The director shall fill a vacancy occurring before the expiration 92801  
of a term for the remainder of that term and, if a member is on 92802  
extended leave or disability status for more than thirty work 92803  
days, may appoint an interim member to fulfill the duties of that 92804  
member. A member may be reappointed. A member may be removed for 92805  
good cause by the director. 92806

(D) The director of youth services shall designate as 92807  
chairperson of the release authority one of the members who has 92808  
experience in criminal justice, juvenile justice, or an equivalent 92809  
relevant profession. The chairperson shall be a managing officer 92810  
of the department, shall supervise the members of the board and 92811  
the other staff in the bureau, and shall perform all duties and 92812  
functions necessary to ensure that the release authority 92813  
discharges its responsibilities. The chairperson shall serve as 92814  
the official spokesperson for the release authority. 92815

(E) The release authority shall do all of the following: 92816

(1) Serve as the final and sole authority for making 92817  
decisions, in the interests of public safety and the children 92818  
involved, regarding the release and discharge of all children 92819  
committed to the legal custody of the department of youth 92820  
services, except children placed by a juvenile court on judicial 92821  
release to court supervision or on judicial release to department 92822  
of youth services supervision, children who have not completed a 92823  
prescribed minimum period of time or prescribed period of time in 92824  
a secure facility, or children who are required to remain in a 92825  
secure facility until they attain twenty-one years of age; 92826

(2) Establish written policies and procedures for conducting 92827  
reviews of the status for all youth in the custody of the 92828

department, setting or modifying dates of release and discharge, 92829  
specifying the duration, terms, and conditions of release to be 92830  
carried out in supervised release subject to the addition of 92831  
additional consistent terms and conditions by a court in 92832  
accordance with section 5139.51 of the Revised Code, and giving a 92833  
child notice of all reviews; 92834

(3) Maintain records of its official actions, decisions, 92835  
orders, and hearing summaries and make the records accessible in 92836  
accordance with division (D) of section 5139.05 of the Revised 92837  
Code; 92838

(4) Cooperate with public and private agencies, communities, 92839  
private groups, and individuals for the development and 92840  
improvement of its services; 92841

(5) Collect, develop, and maintain statistical information 92842  
regarding its services and decisions; 92843

(6) Submit to the director an annual report that includes a 92844  
description of the operations of the release authority, an 92845  
evaluation of its effectiveness, recommendations for statutory, 92846  
budgetary, or other changes necessary to improve its 92847  
effectiveness, and any other information required by the director. 92848

(F) The release authority may do any of the following: 92849

(1) Conduct inquiries, investigations, and reviews and hold 92850  
hearings and other proceedings necessary to properly discharge its 92851  
responsibilities; 92852

(2) Issue subpoenas, enforceable in a court of law, to compel 92853  
a person to appear, give testimony, or produce documentary 92854  
information or other tangible items relating to a matter under 92855  
inquiry, investigation, review, or hearing; 92856

(3) Administer oaths and receive testimony of persons under 92857  
oath; 92858

(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;

(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time.

(G) The release authority may delegate responsibilities to hearing officers or other designated staff under the release authority's auspices. However, the release authority shall not delegate its authority to make final decisions regarding policy or the release of a child.

The release authority shall adopt a written policy and procedures governing appeals of its release and discharge decisions.

(H) The legal staff of the department of youth services shall provide assistance to the release authority in the formulation of policy and in its handling of individual cases.

**Sec. 5147.07.** No articles or supplies manufactured under ~~sections 5147.01~~ this section or ~~sections 5147.12 to 5147.26~~ 5147.22 of the Revised Code by the labor of convicts of state correctional institutions shall be purchased from any other source for the state or its institutions unless the department of administrative services, in consultation with the department of rehabilitation and correction ~~first certifies, on requisition made, determines~~ that the articles or supplies cannot be furnished and issues a waiver under section 125.035 of the Revised Code.



**Sec. 5160.37.** (A) A medical assistance recipient's enrollment 92889  
in a medical assistance program gives an automatic right of 92890  
recovery to the department of medicaid and a county department of 92891  
job and family services against the liability of a third party for 92892  
the cost of medical assistance paid on behalf of the recipient. 92893  
When an action or claim is brought against a third party by a 92894  
medical assistance recipient, any payment, settlement or 92895  
compromise of the action or claim, or any court award or judgment, 92896  
is subject to the recovery right of the department of medicaid or 92897  
county department. Except in the case of a medical assistance 92898  
recipient who receives medical assistance through a medicaid 92899  
managed care organization, the department's or county department's 92900  
claim shall not exceed the amount of medical assistance paid by 92901  
the department or county department on behalf of the recipient. A 92902  
payment, settlement, compromise, judgment, or award that excludes 92903  
the cost of medical assistance paid for by the department or 92904  
county department shall not preclude a department from enforcing 92905  
its rights under this section. 92906

(B) In the case of a medical assistance recipient who 92907  
receives medical assistance through a medicaid managed care 92908  
organization, the amount of the department's or county 92909  
department's claim shall be the amount the medicaid managed care 92910  
organization pays for medical assistance rendered to the 92911  
recipient, even if that amount is more than the amount the 92912  
department or county department pays to the medicaid managed care 92913  
organization for the recipient's medical assistance. 92914

(C) A medical assistance recipient, and the recipient's 92915  
attorney, if any, shall cooperate with the departments. In 92916  
furtherance of this requirement, the medical assistance recipient, 92917  
or the recipient's attorney, if any, shall, not later than thirty 92918  
days after initiating informal recovery activity or filing a legal 92919  
recovery action against a third party, provide written notice of 92920

the activity or action to the department of medicaid or county 92921  
department if it has paid for medical assistance under a medical 92922  
assistance program. 92923

(D) The written notice that must be given under division (C) 92924  
of this section shall disclose the identity and address of any 92925  
third party against whom the medical assistance recipient has or 92926  
may have a right of recovery. 92927

(E) No settlement, compromise, judgment, or award or any 92928  
recovery in any action or claim by a medical assistance recipient 92929  
where the department or county department has a right of recovery 92930  
shall be made final without first giving the department or county 92931  
department written notice as described in division (C) of this 92932  
section and a reasonable opportunity to perfect its rights of 92933  
recovery. If the department or county department is not given the 92934  
appropriate written notice, the medical assistance recipient and, 92935  
if there is one, the recipient's attorney, are liable to reimburse 92936  
the department or county department for the recovery received to 92937  
the extent of medical assistance payments made by the department 92938  
or county department. 92939

(F) The department or county department shall be permitted to 92940  
enforce its recovery rights against the third party even though it 92941  
accepted prior payments in discharge of its rights under this 92942  
section if, at the time the department or county department 92943  
received such payments, it was not aware that additional medical 92944  
expenses had been incurred but had not yet been paid by the 92945  
department or county department. The third party becomes liable to 92946  
the department or county department as soon as the third party is 92947  
notified in writing of the valid claims for recovery under this 92948  
section. 92949

(G)(1) Subject to division (G)(2) of this section, the right 92950  
of recovery of the department or county department does not apply 92951  
to that portion of any judgment, award, settlement, or compromise 92952

of a claim, to the extent of attorneys' fees, costs, or other 92953  
expenses incurred by a medical assistance recipient in securing 92954  
the judgment, award, settlement, or compromise, or to the extent 92955  
of medical, surgical, and hospital expenses paid by such recipient 92956  
from the recipient's own resources. 92957

(2) Reasonable attorneys' fees, not to exceed one-third of 92958  
the total judgment, award, settlement, or compromise, plus costs 92959  
and other expenses incurred by the medical assistance recipient in 92960  
securing the judgment, award, settlement, or compromise, shall 92961  
first be deducted from the total judgment, award, settlement, or 92962  
compromise. After fees, costs, and other expenses are deducted 92963  
from the total judgment, award, settlement, or compromise, there 92964  
shall be a rebuttable presumption that the department of medicaid 92965  
or county department shall receive no less than one-half of the 92966  
remaining amount, or the actual amount of medical assistance paid, 92967  
whichever is less. A party may rebut the presumption in accordance 92968  
with division (L)(1) or (2) of this section, as applicable. 92969

(H) A right of recovery created by this section may be 92970  
enforced separately or jointly by the department of medicaid or 92971  
county department. To enforce its recovery rights, the department 92972  
or county department may do any of the following: 92973

(1) Intervene or join in any action or proceeding brought by 92974  
the medical assistance recipient or on the recipient's behalf 92975  
against any third party who may be liable for the cost of medical 92976  
assistance paid; 92977

(2) Institute and pursue legal proceedings against any third 92978  
party who may be liable for the cost of medical assistance paid; 92979

(3) Initiate legal proceedings in conjunction with any 92980  
injured, diseased, or disabled medical assistance recipient or the 92981  
recipient's attorney or representative. 92982

(I) A medical assistance recipient shall not assess attorney 92983

fees, costs, or other expenses against the department of medicaid 92984  
or a county department when the department or county department 92985  
enforces its right of recovery created by this section. 92986

(J) The right of recovery given to the department under this 92987  
section includes payments made by a third party under contract 92988  
with a person having a duty to support. 92989

(K) The department of medicaid may assign to a medical 92990  
assistance provider the right of recovery given to the department 92991  
under this section with respect to any claim for which the 92992  
department has notified the provider that the department intends 92993  
to recoup the department's prior payment for the claim. 92994

(L)(1) Prior to any payment to the department or a county 92995  
department pursuant to the department's or county department's 92996  
right of recovery under this section, a party that desires to 92997  
rebut the presumption in division (G) of this section shall submit 92998  
to the department or county department a request for a hearing in 92999  
accordance with the procedure the department establishes in rules 93000  
required by division (O) of this section. The amount sought by the 93001  
department or county department shall be held in escrow or in an 93002  
interest on lawyers' trust account until the hearing examiner 93003  
renders a decision or the case is otherwise concluded. A party 93004  
successfully rebuts the presumption by a showing of clear and 93005  
convincing evidence that a different allocation is warranted. 93006

(2) A medical assistance recipient who has repaid money, on 93007  
or after September 29, 2007, to the department or a county 93008  
department pursuant to the department's or county department's 93009  
right of recovery under this section, section 5160.38 of the 93010  
Revised Code, or former section 5101.58 or 5101.59 of the Revised 93011  
Code may request a hearing to rebut the presumption in division 93012  
(G) of this section. The request shall be made in accordance with 93013  
the procedure the department establishes for this purpose in rules 93014  
required by division (O) of this section. It must be made not 93015

later than one hundred eighty days after the effective date of 93016  
this amendment or ninety days after the payment is made, whichever 93017  
is later. A party successfully rebuts the presumption by a showing 93018  
of clear and convincing evidence that a different allocation is 93019  
warranted. 93020

(3) With respect to a hearing requested under division (L)(1) 93021  
or (2) of this section, all of the following are the case: 93022

(a) The hearing examiner may consider, but is not bound by 93023  
the allocation of, medical expenses specified in a settlement 93024  
agreement between the medical assistance recipient and the 93025  
relevant third party; 93026

(b) The department or county department may raise affirmative 93027  
defenses during the hearing, including the existence of a prior 93028  
settlement with the medical assistance recipient, the doctrine of 93029  
accord and satisfaction, or the common law principle of res 93030  
judicata; 93031

(c) If the parties agree, live testimony shall not be 93032  
presented at the hearing; 93033

(d) The hearing may be governed by rules adopted under 93034  
section 5160.02 of the Revised Code. If such rules are adopted, 93035  
Chapter 119. of the Revised Code applies to the hearing only to 93036  
the extent specified in those rules; 93037

(e) The hearing examiner's decision is binding on the 93038  
department or county department and the medical assistance 93039  
recipient unless the decision is reversed or modified on appeal to 93040  
the medicaid director as described in division (M) of this 93041  
section. 93042

(M)(1) A medical assistance recipient who disagrees with a 93043  
hearing examiner's decision under division (L) of this section may 93044  
file an administrative appeal with the medicaid director in 93045  
accordance with the procedure the department establishes for this 93046

purpose in rules required by division (O) of this section. A 93047  
hearing is not required during the administrative appeal, but the 93048  
director or the director's designee shall review the hearing 93049  
examiner's decision and any prior relevant administrative action. 93050  
After the review, the director or the director's designee shall 93051  
affirm, modify, remand, or reverse the hearing decision. A 93052  
decision made under this division is final and binding on the 93053  
department or county department and the medical assistance 93054  
recipient unless it is reversed or modified on appeal to a court 93055  
of common pleas as described in division (N) of this section. 93056

(2) An administrative appeal may be governed by rules adopted 93057  
under section 5160.02 of the Revised Code. If such rules are 93058  
adopted, Chapter 119. of the Revised Code applies to an 93059  
administrative appeal only to the extent specified in those rules. 93060

(N) A party to an administrative appeal described in division 93061  
(M) of this section may file an appeal with a court of common 93062  
pleas in accordance with section 119.12 of the Revised Code. 93063

(O) The medicaid director shall adopt rules under section 93064  
5160.02 of the Revised Code as necessary to implement this 93065  
section, including rules establishing procedures a party may use 93066  
to request a hearing under division (L)(1) or (2) of this section 93067  
or an administrative appeal under division (M)(1) of this section. 93068  
The rules shall be adopted in accordance with Chapter 119. of the 93069  
Revised Code. 93070

(P) Divisions (L) to (N) of this section are remedial in 93071  
nature and shall be liberally construed by the courts of this 93072  
state in accordance with section 1.11 of the Revised Code. Those 93073  
divisions specify the sole remedy available to a party who claims 93074  
the department or a county department has received or is to 93075  
receive more money than entitled to receive under this section, 93076  
section 5160.38 of the Revised Code, or former section 5101.58 or 93077  
5101.59 of the Revised Code. 93078

Sec. 5160.401. (A) A payment made by a third party under 93079  
division (A)(4) of section 5160.40 of the Revised Code on a claim 93080  
for payment of a medical item or service provided to a medical 93081  
assistance recipient is final on the date that is two years after 93082  
the payment was made to the department of medicaid or the 93083  
applicable medicaid managed care organization. After a claim is 93084  
final, the claim is subject to adjustment only if an action for 93085  
recovery of an overpayment was commenced under division (B) of 93086  
this section before the date the claim became final and the 93087  
recovery is agreed to by the department or medicaid managed care 93088  
organization under division (C) of this section. 93089

(B) If a third party determines that it overpaid a claim for 93090  
payment, the third party may seek to recover all or part of the 93091  
overpayment by filing a notice of its intent to seek recovery with 93092  
the department or medicaid managed care organization, as 93093  
applicable. The notice of recovery must be filed in writing before 93094  
the date the payment is final. The notice must specify all of the 93095  
following: 93096

(1) The full name of the medical assistance recipient who 93097  
received the medical item or service that is the subject of the 93098  
claim; 93099

(2) The date or dates on which the medical item or service 93100  
was provided; 93101

(3) The amount allegedly overpaid and the amount the third 93102  
party seeks to recover; 93103

(4) The claim number and any other number the department or 93104  
medicaid managed care organization has assigned to the claim; 93105

(5) The third party's rationale for seeking recovery; 93106

(6) The date the third party made the payment and the method 93107  
of payment used; 93108

<u>(7) If payment was made by check, the check number;</u>	93109
<u>(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.</u>	93110 93111 93112 93113 93114
<u>(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.</u>	93115 93116 93117 93118 93119 93120 93121 93122
<b>Sec. 5162.01.</b> (A) As used in the Revised Code:	93123
(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services.	93124 93125 93126 93127 93128 93129
(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	93130 93131 93132
(B) As used in this chapter:	93133
(1) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	93134 93135
(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20.	93136
(3) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	93137 93138



- (4) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). 93139  
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- (5) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 93145  
93146  
93147  
93148
- (6) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component. 93149  
93150  
93151
- (7) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 93152  
93153  
93154
- (8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 93155  
93156
- (9) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 93157  
93158
- (10) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 93159  
93160
- (11) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 93161  
93162
- (12) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code; 93163  
93164
- (13) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 93165  
93166
- ~~(13)~~(14) "Political subdivision" means a municipal corporation, township, county, school district, or other body 93167  
93168

corporate and politic responsible for governmental activities only 93169  
in a geographical area smaller than that of the state. 93170

~~(14)~~(15) "Prescribed drug" has the same meaning as in section 93171  
5164.01 of the Revised Code. 93172

~~(15)~~(16) "Provider agreement" has the same meaning as in 93173  
section 5164.01 of the Revised Code. 93174

~~(16)~~(17) "Qualified medicaid school provider" means the board 93175  
of education of a city, local, or exempted village school 93176  
district, the governing authority of a community school 93177  
established under Chapter 3314. of the Revised Code, the state 93178  
school for the deaf, and the state school for the blind to which 93179  
both of the following apply: 93180

(a) It holds a valid provider agreement. 93181

(b) It meets all other conditions for participation in the 93182  
medicaid school component of the medicaid program established in 93183  
rules authorized by section 5162.364 of the Revised Code. 93184

~~(17)~~(18) "State agency" means every organized body, office, 93185  
or agency, other than the department of medicaid, established by 93186  
the laws of the state for the exercise of any function of state 93187  
government. 93188

~~(18)~~(19) "Vendor offset" means a reduction of a medicaid 93189  
payment to a medicaid provider to correct a previous, incorrect 93190  
medicaid payment to that provider. 93191

**Sec. 5162.11.** (A) The department of medicaid shall enter into 93192  
an agreement with the department of administrative services for 93193  
the department of administrative services to contract through 93194  
competitive selection pursuant to section 125.07 of the Revised 93195  
Code with a vendor to perform an assessment of the data collection 93196  
and data warehouse functions of the medicaid data warehouse 93197  
system, including the ability to link the data sets of all 93198

agencies serving medicaid recipients. 93199

The assessment of the data system shall include functions 93200  
related to fraud and abuse detection, program management and 93201  
budgeting, and performance measurement capabilities of all 93202  
agencies serving medicaid recipients, including the departments of 93203  
aging, health, job and family services, medicaid, mental health 93204  
and addiction services, and developmental disabilities. 93205

A qualified vendor with whom the department of administrative 93206  
services contracts to assess the data system shall also assist the 93207  
medicaid agencies in the definition of the requirements for an 93208  
enhanced data system or a new data system and assist the 93209  
department of administrative services in the preparation of a 93210  
request for proposals to enhance or develop a data system. 93211

(B) Based on the assessment performed pursuant to division 93212  
(A) of this section, the department of administrative services 93213  
shall seek a qualified vendor through competitive selection 93214  
pursuant to ~~section 125.07~~ Chapter 125. of the Revised Code to 93215  
develop or enhance a data collection and data warehouse system for 93216  
the department of medicaid and all agencies serving medicaid 93217  
recipients. 93218

The department of medicaid shall seek enhanced federal 93219  
financial participation for ninety per cent of the funds required 93220  
to establish or enhance the data system. The department of 93221  
administrative services shall not award a contract for 93222  
establishing or enhancing the data system until the department of 93223  
medicaid receives approval from the United States secretary of 93224  
health and human services for the ninety per cent federal 93225  
financial participation. 93226

**Sec. 5162.12.** (A) The medicaid director ~~may~~ shall enter into 93227  
a contract with one or more persons to receive and process, on the 93228

director's behalf, requests for medicaid recipient or claims 93229  
payment data, data from reports of audits conducted under section 93230  
5165.109 of the Revised Code, or extracts or analyses of any of 93231  
the foregoing data made by persons who intend to use the items 93232  
prepared pursuant to the requests for commercial or academic 93233  
purposes. 93234

(B) At a minimum, a contract entered into under this section 93235  
shall do both of the following: 93236

(1) Authorize the contracting person to engage in the 93237  
activities described in division (A) of this section for 93238  
compensation, which must be stated as a percentage of the fees 93239  
paid by persons who are provided the items; 93240

(2) ~~Specify the schedule of fees~~ Require the contracting 93241  
person ~~is~~ to charge for ~~the items~~ an item prepared pursuant to a 93242  
request a fee in an amount equal to one hundred two per cent of 93243  
the cost the department of medicaid incurs in making the data used 93244  
to prepare the item available to the contracting person. 93245

(C) Except as required by federal or state law and subject to 93246  
division (E) of this section, both of the following conditions 93247  
apply with respect to a request for data described in division (A) 93248  
of this section: 93249

(1) The request shall be made through a person who has 93250  
entered into a contract with the medicaid director under this 93251  
section. 93252

(2) An item prepared pursuant to the request may be provided 93253  
to the department of medicaid and is confidential and not subject 93254  
to disclosure under section 149.43 or 1347.08 of the Revised Code. 93255

(D) The medicaid director shall use fees the director 93256  
receives pursuant to a contract entered into under this section to 93257  
pay obligations specified in contracts entered under this section. 93258

Any money remaining after the obligations are paid shall be 93259  
deposited in the health care services administration fund created 93260  
under section 5162.54 of the Revised Code. 93261

(E) This section does not apply to requests for medicaid 93262  
recipient or claims payment data, data from reports of audits 93263  
conducted under section 5165.109 of the Revised Code, or extracts 93264  
or analyses of any of the foregoing data that are for any of the 93265  
following purposes: 93266

(1) Treatment of medicaid recipients; 93267

(2) Payment of medicaid claims; 93268

(3) Establishment or management of medicaid third party 93269  
liability pursuant to sections 5160.35 to 5160.43 of the Revised 93270  
Code; 93271

(4) Compliance with the terms of an agreement the medicaid 93272  
director enters into for purposes of administering the medicaid 93273  
program; 93274

(5) Compliance with an operating protocol the executive 93275  
director of the office of health transformation or the executive 93276  
director's designee adopts under division (D) of section 191.06 of 93277  
the Revised Code. 93278

**Sec. 5162.13. (A)** On or before the first day of January of 93279  
each year, the department of medicaid shall complete a report on 93280  
the effectiveness of the medicaid program in meeting the health 93281  
care needs of low-income pregnant women, infants, and children. 93282  
The report shall include all of the following: ~~the~~ 93283

(1) The estimated number of pregnant women, infants, and 93284  
children eligible for the program; ~~the~~ 93285

(2) The actual number of eligible persons enrolled in the 93286  
program; ~~the~~ 93287

<u>(3) The actual number of enrolled pregnant women categorized</u>	93288
<u>by estimated gestational age at time of enrollment;</u>	93289
<u>(4) The number of prenatal, postpartum, and child health</u>	93290
<u>visits; a</u>	93291
<u>(5) The rates at which enrolled pregnant women receive</u>	93292
<u>addiction or mental health services, progesterone therapy, and any</u>	93293
<u>other service specified by the department;</u>	93294
<u>(6) A report on birth outcomes, including a comparison of</u>	93295
<u>low-birthweight births and infant mortality rates of medicaid</u>	93296
<u>recipients with the general female child-bearing and infant</u>	93297
<u>population in this state; and a</u>	93298
<u>(7) A comparison of the prenatal, delivery, and child health</u>	93299
<u>costs of the program with such costs of similar programs in other</u>	93300
<u>states, where available.</u>	93301
<u>(B) The department shall submit the report to the general</u>	93302
<u>assembly in accordance with section 101.68 of the Revised Code and</u>	93303
<u>to the joint medicaid oversight committee. The department also</u>	93304
<u>shall make the report available to the public.</u>	93305
<b>Sec. 5162.36.</b> <del>(A)</del> <del>(B)</del> The medicaid director shall create, in	93306
accordance with sections 5162.36 to <del>5162.364</del> <u>5162.365</u> of the	93307
Revised Code, the medicaid school component of the medicaid	93308
program.	93309
<b>Sec. 5162.361.</b> A qualified medicaid school provider	93310
participating in the medicaid school component of the medicaid	93311
program may submit a claim to the department of medicaid for	93312
federal financial participation for providing, in schools,	93313
services covered by the medicaid school component to medicaid	93314
recipients who are eligible for the services. No qualified	93315
medicaid school provider may submit such a claim before the	93316
provider incurs the cost of providing the service.	93317

The claim shall include certification of the qualified 93318  
medicaid school provider's expenditures for the service. The 93319  
certification shall show that the money the qualified medicaid 93320  
school provider used for the expenditures was nonfederal money the 93321  
provider may legally use for providing the service and that the 93322  
amount of the expenditures was sufficient to pay the full cost of 93323  
the service. 93324

Except as otherwise provided in sections 5162.36 to ~~5162.364~~ 93325  
5162.365 of the Revised Code ~~and rules authorized by sections~~ 93326  
~~5162.363 and 5162.364 of the Revised Code~~, a qualified medicaid 93327  
school provider is subject to all conditions of participation in 93328  
the medicaid program that generally apply to providers of goods 93329  
and services under the medicaid program, including conditions 93330  
regarding claims, audits, and recovery of overpayments. 93331

**Sec. 5162.363.** The department of medicaid shall enter into an 93332  
interagency agreement with the department of education under 93333  
section 5162.35 of the Revised Code that provides for the 93334  
department of education to administer the medicaid school 93335  
component of the medicaid program other than the aspects of the 93336  
component that sections 5162.36 to ~~5162.364~~ 5162.365 of the 93337  
Revised Code require the department of medicaid to administer. The 93338  
interagency agreement may include a provision that provides for 93339  
the department of education to pay to the department of medicaid 93340  
the nonfederal share of a portion of the administrative expenses 93341  
the department of medicaid incurs in administering the aspects of 93342  
the component that the department of medicaid administers. 93343

To the extent authorized by rules authorized by section 93344  
5162.021 of the Revised Code, the department of education shall 93345  
~~establish, in adopt~~ rules ~~adopted under section 5162.02 of the~~ 93346  
~~Revised Code~~, establishing a process by which qualified medicaid 93347  
school providers participating in the medicaid school component 93348

pay to the department of education the nonfederal share of the 93349  
department's expenses incurred in administering the component. The 93350  
rules shall be adopted in accordance with Chapter 119. of the 93351  
Revised Code. 93352

Sec. 5162.365. (A) A qualified medicaid school provider is 93353  
solely responsible for timely repaying any overpayment that the 93354  
provider receives under the medicaid school component of the 93355  
medicaid program and that is discovered by a federal or state 93356  
audit. This is the case regardless of whether the audit's finding 93357  
identifies the provider, department of medicaid, or department of 93358  
education as being responsible for the overpayment. 93359

(B) The department of medicaid shall not do any of the 93360  
following regarding an overpayment for which a qualified medicaid 93361  
school provider is responsible for repaying: 93362

(1) Make a payment to the federal government to meet or delay 93363  
the provider's repayment obligation; 93364

(2) Assume the provider's repayment obligation; 93365

(3) Forgive the provider's repayment obligation. 93366

(C) Each qualified medicaid school provider shall indemnify 93367  
and hold harmless the department of medicaid for any cost or 93368  
penalty resulting from a federal or state audit finding that a 93369  
claim submitted by the provider under section 5162.361 of the 93370  
Revised Code did not comply with a federal or state requirement 93371  
applicable to the claim, including a requirement of a medicaid 93372  
waiver component. 93373

**Sec. 5163.03.** (A) Subject to section 5163.05 of the Revised 93374  
Code, the medicaid program shall cover all mandatory eligibility 93375  
groups. 93376

(B) The medicaid program shall cover all of the optional 93377



eligibility groups that state statutes require the medicaid program to cover. 93378  
93379

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies: 93380  
93381

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group. 93382  
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(2) ~~State statutes do not address whether~~ Except as provided in division (D)(1) of this section, the medicaid program may cover covers the optional eligibility group on the effective date of this amendment. 93384  
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(D) The medicaid program shall not cover any optional eligibility group ~~that state~~ to which either of the following applies: 93388  
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(1) State statutes expressly prohibit the medicaid program from covering the optional eligibility group. 93391  
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(2) State statutes do not address whether the medicaid program may cover the optional eligibility group. 93393  
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**Sec. 5163.04.** The income eligibility threshold for an optional eligibility group shall be the following: 93395  
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(A) The percentage of the federal poverty line specified in state statute for the group; 93397  
93398

(B) If the income eligibility threshold for the group is not specified in state statute, a percentage of the federal poverty line not exceeding the percentage of the federal poverty line that, on the effective date of this section, is the group's income eligibility threshold. 93399  
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**Sec. 5163.06.** The medicaid program shall cover all of the following optional eligibility groups: 93404  
93405

(A) The group consisting of children placed with adoptive parents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII);

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(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the sixty-day period beginning on the last day of the pregnancy, infants, and children who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);

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(C) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV);

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(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);

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(E) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII);

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(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

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~~(G) The group consisting of nonpregnant individuals who may receive family planning services and supplies and are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI).~~

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**Sec. 5163.21.** (A)(1) This section applies only to either of 93435

the following: 93436

(a) Initial eligibility determinations for the medicaid program; 93437  
93438

(b) An appeal from an initial eligibility determination pursuant to section 5160.31 of the Revised Code. 93439  
93440

(2)(a) Except as provided in division (A)(2)(b) of this section, this section shall not be used by a court to determine the effect of a trust on an individual's initial eligibility for the medicaid program. 93441  
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(b) The prohibition in division (A)(2)(a) of this section does not apply to an appeal described in division (A)(1)(b) of this section. 93445  
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(B) As used in this section: 93448

(1) "Trust" means any arrangement in which a grantor transfers real or personal property to a trust with the intention that it be held, managed, or administered by at least one trustee for the benefit of the grantor or beneficiaries. "Trust" includes any legal instrument or device similar to a trust. 93449  
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(2) "Legal instrument or device similar to a trust" includes, but is not limited to, escrow accounts, investment accounts, partnerships, contracts, and other similar arrangements that are not called trusts under state law but are similar to a trust and to which all of the following apply: 93454  
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(a) The property in the trust is held, managed, retained, or administered by a trustee. 93459  
93460

(b) The trustee has an equitable, legal, or fiduciary duty to hold, manage, retain, or administer the property for the benefit of the beneficiary. 93461  
93462  
93463

(c) The trustee holds identifiable property for the 93464

beneficiary.	93465
(3) "Grantor" is a person who creates a trust, including all of the following:	93466
(a) An individual;	93467
(b) An individual's spouse;	93468
(c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;	93469
(d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.	93470
(4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.	93471
(5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries.	93472
(6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association.	93473
(7) "Applicant" is an individual who applies for medicaid or the individual's spouse.	93474
(8) "Recipient" is an individual who receives medicaid or the individual's spouse.	93475
(9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable:	93476
(a) A trust that provides that the trust can be terminated only by a court;	93477
(b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the	93478

grantor, beneficiary, or trustee. 93494

(10) "Irrevocable trust" is a trust that cannot be revoked by 93495  
the grantor or terminated by a court and that terminates only on 93496  
the occurrence of an event outside of the control or direction of 93497  
the beneficiary or grantor. 93498

(11) "Payment" is any disbursement from the principal or income 93499  
of the trust, including actual cash, noncash or property 93500  
disbursements, or the right to use and occupy real property. 93501

(12) "Payments to or for the benefit of the applicant or 93502  
recipient" is a payment to any person resulting in a direct or 93503  
indirect benefit to the applicant or recipient. 93504

(13) "Testamentary trust" is a trust that is established by a 93505  
will and does not take effect until after the death of the person 93506  
who created the trust. 93507

(14) "Home" means a home described in section 1613(a)(1) of 93508  
the "Social Security Act," 42 U.S.C. 1382b(a)(1). 93509

(C)(1) If an applicant or recipient is a beneficiary of a 93510  
trust, the applicant or recipient shall submit a complete copy of 93511  
the trust instrument to the county department of job and family 93512  
services and the department of medicaid. A copy shall be 93513  
considered complete if it contains all pages of the trust 93514  
instrument and all schedules, attachments, and accounting 93515  
statements referenced in or associated with the trust. The copy is 93516  
confidential and is not subject to disclosure under section 149.43 93517  
of the Revised Code. 93518

(2) On receipt of a copy of a trust instrument or otherwise 93519  
determining that an applicant or recipient is a beneficiary of a 93520  
trust, the county department of job and family services shall 93521  
determine what type of trust it is and shall treat the trust in 93522  
accordance with the appropriate provisions of this section and 93523  
rules adopted under section 5163.02 of the Revised Code governing 93524

trusts. The county department of job and family services may 93525  
determine that any of the following is the case regarding the 93526  
trust or portion of the trust: 93527

(a) It is a resource available to the applicant or recipient; 93528

(b) It contains income available to the applicant or 93529  
recipient; 93530

(c) Divisions (C)(2)(a) and (b) of this section are both 93531  
applicable; 93532

(d) Neither division (C)(2)(a) nor (b) of this section is 93533  
applicable. 93534

(3) Except as provided in division (F) of this section, a 93535  
trust or portion of a trust that is a resource available to the 93536  
applicant or recipient or contains income available to the 93537  
applicant or recipient shall be counted for purposes of 93538  
determining medicaid eligibility. 93539

(D)(1) A trust or legal instrument or device similar to a 93540  
trust shall be considered a medicaid qualifying trust if all of 93541  
the following apply: 93542

(a) The trust was established on or prior to August 10, 1993. 93543

(b) The trust was not established by a will. 93544

(c) The trust was established by an applicant or recipient. 93545

(d) The applicant or recipient is or may become the 93546  
beneficiary of all or part of the trust. 93547

(e) Payment from the trust is determined by one or more 93548  
trustees who are permitted to exercise any discretion with respect 93549  
to the distribution to the applicant or recipient. 93550

(2) If a trust meets the requirement of division (D)(1) of 93551  
this section, the amount of the trust that is considered by the 93552  
county department of job and family services to be a resource 93553

available to the applicant or recipient shall be the maximum 93554  
amount of payments permitted under the terms of the trust to be 93555  
distributed to the applicant or recipient, assuming the full 93556  
exercise of discretion by the trustee or trustees. The maximum 93557  
amount shall include only amounts that are permitted to be 93558  
distributed but are not distributed from either the income or 93559  
principal of the trust. 93560

(3) Amounts that are actually distributed from a medicaid 93561  
qualifying trust to a beneficiary for any purpose shall be treated 93562  
in accordance with rules adopted under section 5163.02 of the 93563  
Revised Code governing income. 93564

(4) Availability of a medicaid qualifying trust shall be 93565  
considered without regard to any of the following: 93566

(a) Whether or not the trust is irrevocable or was 93567  
established for purposes other than to enable a grantor to qualify 93568  
for medicaid; 93569

(b) Whether or not the trustee actually exercises discretion. 93570

(5) If any real or personal property is transferred to a 93571  
medicaid qualifying trust that is not distributable to the 93572  
applicant or recipient, the transfer shall be considered an 93573  
improper disposition of assets and shall be subject to section 93574  
5163.30 of the Revised Code and rules to implement that section 93575  
adopted under section 5163.02 of the Revised Code. 93576

(6) The baseline date for the look-back period for 93577  
disposition of assets involving a medicaid qualifying trust shall 93578  
be the date on which the applicant or recipient is both 93579  
institutionalized and first applies for medicaid. 93580

(E)(1) A trust or legal instrument or device similar to a 93581  
trust shall be considered a self-settled trust if all of the 93582  
following apply: 93583

(a) The trust was established on or after August 11, 1993. 93584

(b) The trust was not established by a will. 93585

(c) The trust was established by an applicant or recipient, spouse of an applicant or recipient, or a person, including a court or administrative body, with legal authority to act in place of or on behalf of an applicant, recipient, or spouse, or acting at the direction or on request of an applicant, recipient, or spouse. 93586  
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~~(2) A trust that meets the requirements of division (E)(1) of this section and is~~ (a) Except as provided in division (E)(2)(b) of this section, a revocable self-settled trust shall be treated by the county department of job and family services as follows: 93592  
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~~(a)(i)~~ (i) The corpus of the trust shall be considered a resource available to the applicant or recipient. 93596  
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~~(b)(ii)~~ (ii) Payments from the trust to or for the benefit of the applicant or recipient shall be considered unearned income of the applicant or recipient. 93598  
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~~(e)(iii)~~ (iii) Any other payments from the trust shall be considered an improper disposition of assets and shall be subject to section 5163.30 of the Revised Code and rules to implement that section adopted under section 5163.02 of the Revised Code. 93601  
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(b) The home of an applicant or recipient held in a revocable self-settled trust is not subject to division (E)(2)(a) of this section, is not a resource available to the applicant or recipient as described in division (C)(2)(a) of this section, and shall be excluded from the computation of spousal share determined pursuant to section 1924(c) of the "Social Security Act," 42 U.S.C. 1396r-5(c). 93605  
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(c) A transfer of an applicant's or recipient's home from a revocable self-settled trust to the applicant or recipient or that 93612  
93613



individual's spouse shall not be considered an improper 93614  
disposition of assets or a disposal of assets for less than fair 93615  
market value for which a period of medicaid ineligibility may be 93616  
imposed under section 5163.30 of the Revised Code. 93617

(3) ~~A trust that meets the requirements of division (E)(1) of~~ 93618  
~~this section and is an~~ An irrevocable self-settled trust shall be 93619  
treated by the county department of job and family services as 93620  
follows: 93621

(a) If there are any circumstances under which payment from 93622  
the trust could be made to or for the benefit of the applicant or 93623  
recipient, including a payment that can be made only in the 93624  
future, the portion from which payments could be made shall be 93625  
considered a resource available to the applicant or recipient. The 93626  
county department of job and family services shall not take into 93627  
account when payments can be made. 93628

(b) Any payment that is actually made to or for the benefit 93629  
of the applicant or recipient from either the corpus or income 93630  
shall be considered unearned income. 93631

(c) If a payment is made to someone other than to the 93632  
applicant or recipient and the payment is not for the benefit of 93633  
the applicant or recipient, the payment shall be considered an 93634  
improper disposition of assets and shall be subject to section 93635  
5163.30 of the Revised Code and rules to implement that section 93636  
adopted under section 5163.02 of the Revised Code. 93637

(d) The date of the disposition shall be the later of the 93638  
date of establishment of the trust or the date of the occurrence 93639  
of the event. 93640

(e) When determining the value of the disposed asset under 93641  
this provision, the value of the trust shall be its value on the 93642  
date payment to the applicant or recipient was foreclosed. 93643

(f) Any income earned or other resources added subsequent to 93644

the foreclosure date shall be added to the total value of the trust. 93645  
93646

(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value. 93647  
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(h) Any addition of assets after the foreclosure date shall be considered a separate disposition. 93651  
93652

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted under section 5163.02 of the Revised Code governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient. 93653  
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(5) The availability of a self-settled trust shall be considered without regard to any of the following: 93659  
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(a) The purpose for which the trust is established; 93661

(b) Whether the trustees have exercised or may exercise discretion under the trust; 93662  
93663

(c) Any restrictions on when or whether distributions may be made from the trust; 93664  
93665

(d) Any restrictions on the use of distributions from the trust. 93666  
93667

(6) The baseline date for the look-back period for dispositions of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medicaid. 93668  
93669  
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93671

(F) The principal or income from any of the following shall not be a resource available to the applicant or recipient: 93672  
93673

(1)(a) A special needs trust that meets all of the following 93674

requirements: 93675

(i) The trust contains assets of an applicant or recipient 93676  
under sixty-five years of age and may contain the assets of other 93677  
individuals. 93678

(ii) The applicant or recipient is disabled as defined in 93679  
rules adopted under section 5163.02 of the Revised Code. 93680

(iii) The trust is established for the benefit of the 93681  
applicant or recipient by a parent, grandparent, legal guardian, 93682  
or a court. 93683

(iv) The trust requires that on the death of the applicant or 93684  
recipient the state will receive all amounts remaining in the 93685  
trust up to an amount equal to the total amount of medicaid 93686  
payments made on behalf of the applicant or recipient. 93687

(b) If a special needs trust meets the requirements of 93688  
division (F)(1)(a) of this section and has been established for a 93689  
disabled applicant or recipient under sixty-five years of age, the 93690  
exemption for the trust granted pursuant to division (F) of this 93691  
section shall continue after the disabled applicant or recipient 93692  
becomes sixty-five years of age if the applicant or recipient 93693  
continues to be disabled as defined in rules adopted under section 93694  
5163.02 of the Revised Code. Except for income earned by the 93695  
trust, the grantor shall not add to or otherwise augment the trust 93696  
after the applicant or recipient attains sixty-five years of age. 93697  
An addition or augmentation of the trust by the applicant or 93698  
recipient with the applicant's own assets after the applicant or 93699  
recipient attains sixty-five years of age shall be treated as an 93700  
improper disposition of assets. 93701

(c) Cash distributions to the applicant or recipient shall be 93702  
counted as unearned income. All other distributions from the trust 93703  
shall be treated as provided in rules adopted under section 93704  
5163.02 of the Revised Code governing in-kind income. 93705

(d) Transfers of assets to a special needs trust shall not be 93706  
treated as an improper transfer of resources. An asset held prior 93707  
to the transfer to the trust shall be considered as a resource 93708  
available to the applicant or recipient, income available to the 93709  
applicant or recipient, or both a resource and income available to 93710  
the individual. 93711

(2)(a) A qualifying income trust that meets all of the 93712  
following requirements: 93713

(i) The trust is composed only of pension, social security, 93714  
and other income to the applicant or recipient, including 93715  
accumulated interest in the trust. 93716

(ii) The income is received by the individual and the right 93717  
to receive the income is not assigned or transferred to the trust. 93718

(iii) The trust requires that on the death of the applicant 93719  
or recipient the state will receive all amounts remaining in the 93720  
trust up to an amount equal to the total amount of medicaid 93721  
payments made on behalf of the applicant or recipient. 93722

(b) No resources shall be used to establish or augment the 93723  
trust. 93724

(c) If an applicant or recipient has irrevocably transferred 93725  
or assigned the applicant's or recipient's right to receive income 93726  
to the trust, the trust shall not be considered a qualifying 93727  
income trust by the county department of job and family services. 93728

(d) Income placed in a qualifying income trust shall not be 93729  
counted in determining an applicant's or recipient's eligibility 93730  
for medicaid. The recipient of the funds may place any income 93731  
directly into a qualifying income trust without those funds 93732  
adversely affecting the applicant's or recipient's eligibility for 93733  
medicaid. Income generated by the trust that remains in the trust 93734  
shall not be considered as income to the applicant or recipient. 93735

(e) All income placed in a qualifying income trust shall be 93736  
combined with any income available to the individual that is not 93737  
placed in the trust to arrive at a base income figure to be used 93738  
for spend down calculations. 93739

(f) The base income figure shall be used for post-eligibility 93740  
deductions, including personal needs allowance, monthly income 93741  
allowance, family allowance, and medical expenses not subject to 93742  
third party payment. Any income remaining shall be used toward 93743  
payment of patient liability. Payments made from a qualifying 93744  
income trust shall not be combined with the base income figure for 93745  
post-eligibility calculations. 93746

(g) The base income figure shall be used when determining the 93747  
spend down budget for the applicant or recipient. Any income 93748  
remaining after allowable deductions are permitted as provided 93749  
under rules adopted under section 5163.02 of the Revised Code 93750  
shall be considered the applicant's or recipient's spend down 93751  
liability. 93752

(3)(a) A pooled trust that meets all of the following 93753  
requirements: 93754

(i) The trust contains the assets of the applicant or 93755  
recipient of any age who is disabled as defined in rules adopted 93756  
under section 5163.02 of the Revised Code. 93757

(ii) The trust is established and managed by a nonprofit 93758  
organization. 93759

(iii) A separate account is maintained for each beneficiary 93760  
of the trust but, for purposes of investment and management of 93761  
funds, the trust pools the funds in these accounts. 93762

(iv) Accounts in the trust are established by the applicant 93763  
or recipient, the applicant's or recipient's parent, grandparent, 93764  
or legal guardian, or a court solely for the benefit of 93765  
individuals who are disabled. 93766

(v) The trust requires that, to the extent that any amounts remaining in the beneficiary's account on the death of the beneficiary are not retained by the trust, the trust pay to the state the amounts remaining in the trust up to an amount equal to the total amount of medicaid payments made on behalf of the beneficiary.

(b) Cash distributions to the applicant or recipient shall be counted as unearned income. All other distributions from the trust shall be treated as provided in rules adopted under section 5163.02 of the Revised Code governing in-kind income.

(c) Transfers of assets to a pooled trust shall not be treated as an improper disposition of assets. An asset held prior to the transfer to the trust shall be considered as a resource available to the applicant or recipient, income available to the applicant or recipient, or both a resource and income available to the applicant or recipient.

(4) A supplemental services trust that meets the requirements of section 5815.28 of the Revised Code and to which all of the following apply:

(a) A person may establish a supplemental services trust pursuant to section 5815.28 of the Revised Code only for another person who is eligible to receive services through one of the following agencies:

(i) The department of developmental disabilities;

(ii) A county board of developmental disabilities;

(iii) The department of mental health and addiction services;

(iv) A board of alcohol, drug addiction, and mental health services.

(b) A county department of job and family services shall not determine eligibility for another agency's program. An applicant

or recipient shall do one of the following: 93797

(i) Provide documentation from one of the agencies listed in 93798  
division (F)(4)(a) of this section that establishes that the 93799  
applicant or recipient was determined to be eligible for services 93800  
from the agency at the time of the creation of the trust; 93801

(ii) Provide an order from a court of competent jurisdiction 93802  
that states that the applicant or recipient was eligible for 93803  
services from one of the agencies listed in division (F)(4)(a) of 93804  
this section at the time of the creation of the trust. 93805

(c) At the time the trust is created, the trust principal 93806  
does not exceed the maximum amount permitted. The maximum amount 93807  
permitted in calendar year 2006 is two hundred twenty-two thousand 93808  
dollars. Each year thereafter, the maximum amount permitted is the 93809  
prior year's amount plus two thousand dollars. 93810

(d) A county department of job and family services shall 93811  
review the trust to determine whether it complies with the 93812  
provisions of section 5815.28 of the Revised Code. 93813

(e) Payments from supplemental services trusts shall be 93814  
exempt as long as the payments are for supplemental services as 93815  
defined in rules adopted under section 5163.02 of the Revised 93816  
Code. All supplemental services shall be purchased by the trustee 93817  
and shall not be purchased through direct cash payments to the 93818  
beneficiary. 93819

(f) If a trust is represented as a supplemental services 93820  
trust and a county department of job and family services 93821  
determines that the trust does not meet the requirements provided 93822  
in division (F)(4) of this section and section 5815.28 of the 93823  
Revised Code, the county department of job and family services 93824  
shall not consider it an exempt trust. 93825

(G)(1) A trust or legal instrument or device similar to a 93826  
trust shall be considered a trust established by an individual for 93827

the benefit of the applicant or recipient if all of the following 93828  
apply: 93829

(a) The trust is created by a person other than the applicant 93830  
or recipient. 93831

(b) The trust names the applicant or recipient as a 93832  
beneficiary. 93833

(c) The trust is funded with assets or property in which the 93834  
applicant or recipient has never held an ownership interest prior 93835  
to the establishment of the trust. 93836

(2) Any portion of a trust that meets the requirements of 93837  
division (G)(1) of this section shall be a resource available to 93838  
the applicant or recipient only if the trust permits the trustee 93839  
to expend principal, corpus, or assets of the trust for the 93840  
applicant's or recipient's medical care, care, comfort, 93841  
maintenance, health, welfare, general well being, or any 93842  
combination of these purposes. 93843

(3) A trust that meets the requirements of division (G)(1) of 93844  
this section shall be considered a resource available to the 93845  
applicant or recipient even if the trust contains any of the 93846  
following types of provisions: 93847

(a) A provision that prohibits the trustee from making 93848  
payments that would supplant or replace medicaid or other public 93849  
assistance; 93850

(b) A provision that prohibits the trustee from making 93851  
payments that would impact or have an effect on the applicant's or 93852  
recipient's right, ability, or opportunity to receive medicaid or 93853  
other public assistance; 93854

(c) A provision that attempts to prevent the trust or its 93855  
corpus or principal from being a resource available to the 93856  
applicant or recipient. 93857



(4) A trust that meets the requirements of division (G)(1) of this section shall not be counted as a resource available to the applicant or recipient if at least one of the following circumstances applies:

(a) If a trust contains a clear statement requiring the trustee to preserve a portion of the trust for another beneficiary or remainderman, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to preserve a portion of the trust shall not qualify as a clear statement requiring the trustee to preserve a portion of the trust.

(b) If a trust contains a clear statement requiring the trustee to use a portion of the trust for a purpose other than medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to limit the use of a portion of the trust shall not qualify as a clear statement requiring the trustee to use a portion of the trust for a particular purpose.

(c) If a trust contains a clear statement limiting the trustee to making fixed periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted under section 5163.02 of the Revised Code governing income. Terms of a trust that grant discretion to limit payments shall not qualify as a clear statement requiring the trustee to make fixed periodic payments.

(d) If a trust contains a clear statement that requires the trustee to terminate the trust if it is counted as a resource available to the applicant or recipient, the trust shall not be counted as such. Terms of a trust that grant discretion to

terminate the trust do not qualify as a clear statement requiring 93890  
the trustee to terminate the trust. 93891

(e) If a person obtains a judgment from a court of competent 93892  
jurisdiction that expressly prevents the trustee from using part 93893  
or all of the trust for the medical care, care, comfort, 93894  
maintenance, welfare, or general well being of the applicant or 93895  
recipient, the trust or that portion of the trust subject to the 93896  
court order shall not be counted as a resource available to the 93897  
applicant or recipient. 93898

(f) If a trust is specifically exempt from being counted as a 93899  
resource available to the applicant or recipient by a provision of 93900  
the Revised Code, rules, or federal law, the trust shall not be 93901  
counted as such. 93902

(g) If an applicant or recipient presents a final judgment 93903  
from a court demonstrating that the applicant or recipient was 93904  
unsuccessful in a civil action against the trustee to compel 93905  
payments from the trust, the trust shall not be counted as a 93906  
resource available to the applicant or recipient. 93907

(h) If an applicant or recipient presents a final judgment 93908  
from a court demonstrating that in a civil action against the 93909  
trustee the applicant or recipient was only able to compel limited 93910  
or periodic payments, the trust shall not be counted as a resource 93911  
available to the applicant or recipient and payments shall be 93912  
treated in accordance with rules adopted under section 5163.02 of 93913  
the Revised Code governing income. 93914

(i) If an applicant or recipient provides written 93915  
documentation showing that the cost of a civil action brought to 93916  
compel payments from the trust would be cost prohibitive, the 93917  
trust shall not be counted as a resource available to the 93918  
applicant or recipient. 93919

(5) Any actual payments to the applicant or recipient from a 93920

trust that meet the requirements of division (G)(1) of this 93921  
section, including trusts that are not counted as a resource 93922  
available to the applicant or recipient, shall be treated as 93923  
provided in rules adopted under section 5163.02 of the Revised 93924  
Code governing income. Payments to any person other than the 93925  
applicant or recipient shall not be considered income to the 93926  
applicant or recipient. Payments from the trust to a person other 93927  
than the applicant or recipient shall not be considered an 93928  
improper disposition of assets. 93929

**Sec. 5163.30.** (A) As used in this section: 93930

(1) "Assets" include all of an individual's income and 93931  
resources and those of the individual's spouse, including any 93932  
income or resources the individual or spouse is entitled to but 93933  
does not receive because of action by any of the following: 93934

(a) The individual or spouse; 93935

(b) A person or government entity, including a court or 93936  
administrative agency, with legal authority to act in place of or 93937  
on behalf of the individual or spouse; 93938

(c) A person or government entity, including a court or 93939  
administrative agency, acting at the direction or on the request 93940  
of the individual or spouse. 93941

(2) "Home and community-based services" means home and 93942  
community-based services furnished under a medicaid waiver granted 93943  
by the United States secretary of health and human services under 93944  
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 93945  
1396n(c) or (d). 93946

(3) "Institutionalized individual" means a resident of a 93947  
nursing facility, an inpatient in a medical institution for whom a 93948  
payment is made based on a level of care provided in a nursing 93949  
facility, or an individual described in the "Social Security Act," 93950

section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 93951

(4) "Look-back date" means the date that is a number of 93952  
months specified in rules adopted under section 5163.02 of the 93953  
Revised Code immediately before either of the following: 93954

(a) The date an individual becomes an institutionalized 93955  
individual if the individual is eligible for medicaid on that 93956  
date; 93957

(b) The date an individual applies for medicaid while an 93958  
institutionalized individual. 93959

(5) "Nursing facility equivalent services" means services 93960  
that are covered by the medicaid program, equivalent to nursing 93961  
facility services, provided by an institution that provides the 93962  
same level of care as a nursing facility, and provided to an 93963  
inpatient of the institution who is a medicaid recipient eligible 93964  
for medicaid-covered nursing facility equivalent services. 93965

(6) "Undue hardship" means being deprived of either of the 93966  
following: 93967

(a) Medical care such that an individual's health or life is 93968  
endangered; 93969

(b) Food, clothing, shelter, or other necessities of life. 93970

(B) Except as provided in division (C) of this section and 93971  
rules adopted under section 5163.02 of the Revised Code, an 93972  
institutionalized individual is ineligible for nursing facility 93973  
services, nursing facility equivalent services, and home and 93974  
community-based services if the individual or individual's spouse 93975  
disposes of assets for less than fair market value on or after the 93976  
look-back date. The institutionalized individual's ineligibility 93977  
shall begin on a date determined in accordance with rules adopted 93978  
under section 5163.02 of the Revised Code and shall continue for a 93979  
number of months determined in accordance with such rules. 93980

(C)(1) An institutionalized individual may be granted a waiver of all or a portion of the period of ineligibility to which the individual would otherwise be subjected under division (B) of this section if the ineligibility would cause an undue hardship for the individual. ~~An~~

(2) An institutionalized individual shall be granted a waiver of all or a portion of the period of ineligibility if the administrator of the nursing facility in which the individual resides has notified the individual of a proposed transfer or discharge under section 3721.16 of the Revised Code due to failure to pay for the care the nursing facility has provided to the individual, the individual or the individual's sponsor requests a hearing on the proposed transfer or discharge in accordance with section 3721.161 of the Revised Code, and the transfer or discharge is upheld by a final determination that is not subject to further appeal. ~~Waivers~~

(3) An institutionalized individual may be granted a waiver of all of the period of ineligibility if all of the assets that were disposed of for less than fair market value are returned to the individual or individual's spouse or if the individual or individual's spouse receives cash or other personal or real property that equals the difference between what the individual or individual's spouse received for the assets and the fair market value of the assets. Except as provided in division (C)(1) or (2) of this section, no waiver of any part of the period of ineligibility shall be granted if the amount the individual or individual's spouse receives is less than the difference between what the individual or individual's spouse received for the assets and the fair market value of the assets.

(4) Waivers shall be granted in accordance with rules adopted under section 5163.02 of the Revised Code.

(D) To secure compliance with this section, the medicaid

director may require an individual, as a condition of initial or 94013  
continued eligibility for medicaid, to provide documentation of 94014  
the individual's assets up to five years before the date the 94015  
individual becomes an institutionalized individual if the 94016  
individual is eligible for medicaid on that date or the date the 94017  
individual applies for medicaid while an institutionalized 94018  
individual. Documentation may include tax returns, records from 94019  
financial institutions, and real property records. 94020

**Sec. 5163.33.** (A) In determining the amount of income that a 94021  
medicaid recipient must apply monthly toward payment of the cost 94022  
of care in a nursing facility or ICF/IID, a county department of 94023  
job and family services shall deduct from the recipient's monthly 94024  
income a monthly personal needs allowance in accordance with the 94025  
"Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 94026

(B) In the case of a resident of a nursing facility, the 94027  
monthly personal needs allowance shall be ~~as follows:~~ 94028

~~(1) Prior to January 1, 2014, not less than forty dollars for 94029  
an individual resident and not less than eighty dollars for a 94030  
married couple if both spouses are residents of a nursing facility 94031  
and their incomes are considered available to each other in 94032  
determining eligibility;~~ 94033

~~(2) For calendar year 2014, not less than forty five dollars 94034  
for an individual resident and not less than ninety dollars for a 94035  
married couple if both spouses are residents of a nursing facility 94036  
and their incomes are considered available to each other in 94037  
determining eligibility;~~ 94038

~~(3) For calendar year 2015 and each calendar year thereafter, 94039  
not less than fifty dollars for an individual resident and not 94040  
less than one hundred dollars for a married couple if both spouses 94041  
are residents of a nursing facility and their incomes are 94042  
considered available to each other in determining eligibility. 94043~~

(C) In the case of a resident of an ICF/IID, the monthly personal needs allowance shall be as follows: 94044  
94045

(1) Prior to January 1, 2016, forty dollars unless the resident has earned income, in which case the monthly personal needs allowance shall be determined by the department of medicaid, or the department's designee, but shall not exceed one hundred five dollars; 94046  
94047  
94048  
94049  
94050

(2) For calendar year 2016 and each calendar year thereafter, not less than fifty dollars for an individual resident and not less than one hundred dollars for a married couple if both spouses are residents of an ICF/IID and their incomes are considered available to each other in determining eligibility. 94051  
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**Sec. 5164.01.** As used in this chapter: 94056

(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code. 94057  
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(B) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r). 94059  
94060  
94061

~~(B)~~(C) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code. 94062  
94063

~~(C)~~(D) "Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services. 94064  
94065  
94066

~~(D)~~(E) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 94067  
94068  
94069

~~(E)~~(F) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. 94070  
94071

~~(F)~~(G) "ICDS participant" means a dual eligible individual 94072

who participates in the integrated care delivery system. 94073

~~(G)~~(H) "ICF/IID" has the same meaning as in section 5124.01 94074  
of the Revised Code. 94075

~~(H)~~(I) "Integrated care delivery system" and "ICDS" mean the 94076  
demonstration project authorized by section 5164.91 of the Revised 94077  
Code. 94078

~~(I)~~(J) "Mandatory services" means the health care services 94079  
and items that must be covered by the medicaid state plan as a 94080  
condition of the state receiving federal financial participation 94081  
for the medicaid program. 94082

~~(J)~~(K) "Medicaid managed care organization" has the same 94083  
meaning as in section 5167.01 of the Revised Code. 94084

~~(K)~~(L) "Medicaid provider" means a person or government 94085  
entity with a valid provider agreement to provide medicaid 94086  
services to medicaid recipients. To the extent appropriate in the 94087  
context, "medicaid provider" includes a person or government 94088  
entity applying for a provider agreement, a former medicaid 94089  
provider, or both. 94090

~~(L)~~(M) "Medicaid services" means either or both of the 94091  
following: 94092

(1) Mandatory services; 94093

(2) Optional services that the medicaid program covers. 94094

~~(M)~~(N) "Nursing facility" has the same meaning as in section 94095  
5165.01 of the Revised Code. 94096

~~(N)~~(O) "Optional services" means the health care services and 94097  
items that may be covered by the medicaid state plan or a federal 94098  
medicaid waiver and for which the medicaid program receives 94099  
federal financial participation. 94100

~~(O)~~(P) "Prescribed drug" has the same meaning as in 42 C.F.R. 94101  
440.120. 94102



~~(P)~~(Q) "Provider agreement" means an agreement to which all 94103  
of the following apply: 94104

(1) It is between a medicaid provider and the department of 94105  
medicaid; 94106

(2) It provides for the medicaid provider to provide medicaid 94107  
services to medicaid recipients; 94108

(3) It complies with 42 C.F.R. 431.107(b). 94109

~~(Q)~~(R) "Terminal distributor of dangerous drugs" has the same 94110  
meaning as in section 4729.01 of the Revised Code. 94111

**Sec. 5164.38.** (A) As used in this section: 94112

(1) ~~"Adjudication" has the same meaning as in division (D) of~~ 94113  
~~section 119.01 of the Revised Code.~~ 94114

~~(2)~~ "Party" has the same meaning as in division (G) of 94115  
section 119.01 of the Revised Code. 94116

~~(3)~~(2) "Revalidate" means to approve a medicaid provider's 94117  
continued enrollment as a medicaid provider in accordance with the 94118  
revalidation process established in rules authorized by section 94119  
5164.32 of the Revised Code. 94120

(B) This section does not apply to either of the following: 94121

(1) Any action taken or decision made by the department of 94122  
medicaid with respect to entering into or refusing to enter into a 94123  
contract with a managed care organization pursuant to section 94124  
5167.10 of the Revised Code; 94125

(2) Any action taken by the department under division (D)(2) 94126  
of section 5124.60, division (D)(1) or (2) of section 5124.61, or 94127  
sections 5165.60 to 5165.89 of the Revised Code. 94128

(C) Except as provided in division (E) of this section and 94129  
section 5164.58 of the Revised Code, the department shall do any 94130  
of the following by issuing an order pursuant to an adjudication 94131

conducted in accordance with Chapter 119. of the Revised Code:	94132
(1) Refuse to enter into a provider agreement with a medicaid provider;	94133 94134
(2) Refuse to revalidate a medicaid provider's provider agreement;	94135 94136
(3) Suspend or terminate a medicaid provider's provider agreement;	94137 94138
(4) Take any action based upon a final fiscal audit of a medicaid provider.	94139 94140
(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.	94141 94142 94143 94144
(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following occur:	94145 94146 94147
(1) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited.	94148 94149 94150 94151 94152 94153 94154
(2) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the provider has not obtained the license, permit, certificate, or certification.	94155 94156 94157 94158 94159 94160 94161

(3) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or not revalidated, because of or pursuant to any of the following:

(a) The termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of medicaid, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state;

(b) Division (D) or (E) of section 5164.35 of the Revised Code;

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program in this state;

(d) The provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program;

(e) The provider or its owner, officer, authorized agent, associate, manager, or employee having been convicted of one of the offenses that caused the provider's provider agreement to be suspended pursuant to section 5164.36 of the Revised Code;

(f) The provider's failure to provide the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.

(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is

terminated or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation.

(5) Pursuant to either section 5164.36 or 5164.37 of the Revised Code, the medicaid provider's provider agreement is suspended and payments to the provider are suspended pending indictment of the provider.

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete;

(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by

regular mail. 94223

(G) The department may withhold payments for medicaid 94224  
services rendered by a medicaid provider during the pendency of 94225  
proceedings initiated under division (C)(1), (2), or (3) of this 94226  
section. If the proceedings are initiated under division (C)(4) of 94227  
this section, the department may withhold payments only to the 94228  
extent that they equal amounts determined in a final fiscal audit 94229  
as being due the state. This division does not apply if the 94230  
department fails to comply with section 119.07 of the Revised 94231  
Code, requests a continuance of the hearing, or does not issue a 94232  
decision within thirty days after the hearing is completed. This 94233  
division does not apply to nursing facilities and ICFs/IID. 94234

**Sec. 5164.57.** (A) ~~As used in this section, "adjudication" has 94235  
the same meaning as in section 119.01 of the Revised Code. 94236~~

~~(B)(1)~~ Except as provided in division ~~(B)(A)~~(2) of this 94237  
section, the department of medicaid may recover a medicaid payment 94238  
or portion of a payment made to a medicaid provider to which the 94239  
provider is not entitled if the department notifies the provider 94240  
of the overpayment during the five-year period immediately 94241  
following the end of the state fiscal year in which the 94242  
overpayment was made. 94243

(2) In the case of a hospital medicaid provider, if the 94244  
department determines as a result of a medicare or medicaid cost 94245  
report settlement that the provider received an amount under the 94246  
medicaid program to which the provider is not entitled, the 94247  
department may recover the overpayment if the department notifies 94248  
the provider of the overpayment during the later of the following: 94249

(a) The five-year period immediately following the end of the 94250  
state fiscal year in which the overpayment was made; 94251

(b) The one-year period immediately following the date the 94252

department receives from the United States centers for medicare 94253  
and medicaid services a completed, audited, medicare cost report 94254  
for the provider that applies to the state fiscal year in which 94255  
the overpayment was made. 94256

~~(C)~~(B) Among the overpayments that may be recovered under 94257  
this section are the following: 94258

(1) Payment for a medicaid service, or a day of service, not 94259  
rendered; 94260

(2) Payment for a day of service at a full per diem rate that 94261  
should have been paid at a percentage of the full per diem rate; 94262

(3) Payment for a medicaid service, or day of service, that 94263  
was paid by, or partially paid by, a third party, as defined in 94264  
section 5160.35 of the Revised Code, and the third party's payment 94265  
or partial payment was not offset against the amount paid by the 94266  
medicaid program to reduce or eliminate the amount that was paid 94267  
by the medicaid program; 94268

(4) Payment when a medicaid recipient's responsibility for 94269  
payment was understated and resulted in an overpayment to the 94270  
provider. 94271

~~(D)~~(C) The department may recover an overpayment under this 94272  
section prior to or after any of the following: 94273

(1) Adjudication of a final fiscal audit that section 5164.38 94274  
of the Revised Code requires to be conducted in accordance with 94275  
Chapter 119. of the Revised Code; 94276

(2) Adjudication of a finding under any other provision of 94277  
state statutes governing the medicaid program or the rules adopted 94278  
under those statutes; 94279

(3) Expiration of the time to issue a final fiscal audit that 94280  
section 5164.38 of the Revised Code requires to be conducted in 94281  
accordance with Chapter 119. of the Revised Code; 94282

(4) Expiration of the time to issue a finding under any other 94283  
provision of state statutes governing the medicaid program or the 94284  
rules adopted under those statutes. 94285

~~(E)~~(D)(1) Subject to division ~~(E)~~(D)(2) of this section, the 94286  
recovery of an overpayment under this section does not preclude 94287  
the department from subsequently doing the following: 94288

(a) Issuing a final fiscal audit in accordance with Chapter 94289  
119. of the Revised Code, as required under section 5164.38 of the 94290  
Revised Code; 94291

(b) Issuing a finding under any other provision of state 94292  
statutes governing the medicaid program or the rules adopted under 94293  
those statutes. 94294

(2) A final fiscal audit or finding issued subsequent to the 94295  
recovery of an overpayment under this section shall be reduced by 94296  
the amount of the prior recovery, as appropriate. 94297

~~(F)~~(E) Nothing in this section limits the department's 94298  
authority to recover overpayments pursuant to any other provision 94299  
of the Revised Code. 94300

**Sec. 5164.78.** The medicaid payment rate for medical 94301  
transportation services shall include a component that pays for 94302  
providers' fuel costs. The department of medicaid shall revise the 94303  
rate for the fuel component each month. The rate for the fuel 94304  
component for a month shall be at least five per cent higher than 94305  
the national average for fuel prices for the immediately preceding 94306  
month as reported by the United States energy information 94307  
administration. 94308

**Sec. 5165.15.** ~~(A)~~ Except as otherwise provided by sections 94309  
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 94310  
per medicaid day payment rate that the department of medicaid 94311  
shall pay a nursing facility provider for nursing facility 94312

services the provider's nursing facility provides during a fiscal year shall ~~equal~~ be determined as follows: 94313  
94314

(A) Determine the sum of all of the following: 94315

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code; 94316  
94317  
94318

(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code; 94319  
94320  
94321

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 94322  
94323  
94324

(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code; 94325  
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94327

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code; 94328  
94329  
94330

~~(6) The quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code~~ Sixteen dollars and forty-four cents. 94331  
94332  
94333

~~(B) In addition to paying a nursing facility provider the nursing facility's total rate determined under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5165.26 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate~~ From the sum determined under division (A) of this section, 94334  
94335  
94336  
94337  
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94340  
94341  
subtract one dollar and seventy-nine cents. 94342



(C) To the difference determined under division (B) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code. 94343  
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94345  
94346

**Sec. 5165.151.** (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 94347  
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94349  
94350  
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94352

(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.16 of the Revised Code. 94353  
94354  
94355

(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.17 of the Revised Code; 94356  
94357  
94358

(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division (D) of section 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section. 94359  
94360  
94361  
94362  
94363

(4) The initial rate for tax costs shall be the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (C) of section 5165.16 of the Revised Code. 94364  
94365  
94366  
94367

(5) The quality ~~incentive~~ payment shall be the mean quality payment made to rate determined for nursing facilities under section 5165.25 of the Revised Code. 94368  
94369  
94370

(6) Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to 94371  
94372

(5) of this section. 94373

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following: 94374  
94375

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group; 94376  
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94378  
94379  
94380

(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities. 94381  
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(C) Subject to division (D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter. 94389  
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94391  
94392

(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by section 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use 94393  
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the median annual average case-mix score for the new nursing 94404  
facility's peer group in lieu of the new nursing facility's 94405  
semiannual case-mix score until the new nursing facility submits 94406  
two consecutive quarterly assessment data that qualify for use in 94407  
calculating a case-mix score. 94408

**Sec. 5165.152.** The total per medicaid day payment rate 94409  
determined under section 5165.15 of the Revised Code shall not be 94410  
paid for nursing facility services provided to low resource 94411  
utilization residents. Instead, the total rate for such nursing 94412  
facility services shall be ~~one~~ the following: 94413

(A) One hundred ~~thirty~~ fifteen dollars per medicaid day if 94414  
the department of medicaid is satisfied that the nursing 94415  
facility's provider is cooperating with the long-term care 94416  
ombudsman program in efforts to help the nursing facility's low 94417  
resource utilization residents receive the services that are most 94418  
appropriate for such residents' level of care needs; 94419

(B) Ninety-one dollars and seventy cents per medicaid day if 94420  
division (A) of this section does not apply to the nursing 94421  
facility. 94422

**Sec. 5165.157.** (A) The medicaid director ~~may~~ shall establish 94423  
an alternative purchasing model for nursing facility services 94424  
provided by designated discrete units of nursing facilities to 94425  
medicaid recipients with specialized health care needs. ~~If the~~ 94426  
~~alternative purchasing model is established, the~~ The director 94427  
shall do all of the following with regard to the model: 94428

(1) Establish criteria that a discrete unit of a nursing 94429  
facility must meet to be designated as a unit that, under the 94430  
alternative purchasing model, may admit and provide nursing 94431  
facility services to medicaid recipients with specialized health 94432  
care needs; 94433

(2) Specify the health care conditions that medicaid recipients must have to have specialized health care needs, which may include dependency on a ventilator, severe traumatic brain injury, the need to be admitted to a long-term acute care hospital or rehabilitation hospital if not for nursing facility services, and other serious health care conditions;

(3) For each fiscal year, set the total per medicaid day payment rate for nursing facility services provided under the alternative purchasing model at either of the following:

(a) Sixty per cent of the statewide average of the total per medicaid day payment rate for long-term acute care hospital services as of the first day of the fiscal year;

(b) Another amount determined in accordance with an alternative methodology that includes improved health outcomes as a factor in determining the payment rate;

(4) Require, to the extent the director considers necessary, a medicaid recipient to obtain prior authorization for admission to a long-term acute care hospital or rehabilitation hospital as a condition of medicaid payment for long-term acute care hospital or rehabilitation hospital services.

(B) The criteria established under division (A)(1) of this section shall provide for a discrete unit of a nursing facility to be excluded from the alternative purchasing model if the unit is paid for nursing facility services in accordance with section 5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria may require the provider of a nursing facility that has a discrete unit designated for participation in the alternative purchasing model to report health outcome measurement data to the department of medicaid.

(C) A discrete unit of a nursing facility that provides nursing facility services to medicaid recipients with specialized

health care needs under the alternative purchasing model shall be 94465  
paid for those services in accordance with division (A)(3) of this 94466  
section instead of the total per medicaid day payment rate 94467  
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 94468  
of the Revised Code. 94469

**Sec. 5165.16.** (A) As used in this section: 94470

(1) "Applicable calendar year" means the following: 94471

(a) For the purpose of the department of medicaid's initial 94472  
determination under division (D) of this section of each peer 94473  
group's rate for ancillary and support costs, calendar year 2003; 94474

(b) For the purpose of the department's rebasings, the 94475  
calendar year the department selects. 94476

(2) "Rebasing" means a redetermination under division (D) of 94477  
this section of each peer group's rate for ancillary and support 94478  
costs using information from cost reports for an applicable 94479  
calendar year that is later than the applicable calendar year used 94480  
for the previous determination of such rates. 94481

(B) The department of medicaid shall determine each nursing 94482  
facility's per medicaid day payment rate for ancillary and support 94483  
costs. A nursing facility's rate shall be the rate determined 94484  
under division (D) of this section for the nursing facility's peer 94485  
group. However, for the period beginning October 1, 2013, and 94486  
ending on the first day of the first rebasing, the rate for a 94487  
nursing facility located in Mahoning or Stark county shall be the 94488  
rate determined for the following: 94489

(1) If the nursing facility has fewer than one hundred beds, 94490  
the nursing facilities in peer group three; 94491

(2) If the nursing facility has one hundred or more beds, the 94492  
nursing facilities in peer group four. 94493

(C) For the purpose of determining nursing facilities' rates 94494

for ancillary and support costs, the department shall establish 94495  
six peer groups. 94496

(1) Until the first rebasing occurs, the peer groups shall be 94497  
composed as follows: 94498

(a) Each nursing facility located in any of the following 94499  
counties shall be placed in peer group one or two: Brown, Butler, 94500  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 94501  
located in any of those counties that has fewer than one hundred 94502  
beds shall be placed in peer group one. Each nursing facility 94503  
located in any of those counties that has one hundred or more beds 94504  
shall be placed in peer group two. 94505

(b) Each nursing facility located in any of the following 94506  
counties shall be placed in peer group three or four: Ashtabula, 94507  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 94508  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 94509  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 94510  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 94511  
Union, and Wood. Each nursing facility located in any of those 94512  
counties that has fewer than one hundred beds shall be placed in 94513  
peer group three. Each nursing facility located in any of those 94514  
counties that has one hundred or more beds shall be placed in peer 94515  
group four. 94516

(c) Each nursing facility located in any of the following 94517  
counties shall be placed in peer group five or six: Adams, Allen, 94518  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 94519  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 94520  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 94521  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 94522  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 94523  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 94524  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 94525  
located in any of those counties that has fewer than one hundred 94526

beds shall be placed in peer group five. Each nursing facility 94527  
located in any of those counties that has one hundred or more beds 94528  
shall be placed in peer group six. 94529

(2) Beginning with the first rebasing, the peer groups shall 94530  
be composed as they are under division (C)(1) of this section 94531  
except as follows: 94532

(a) Each nursing facility that has fewer than one hundred 94533  
beds and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull 94534  
county shall be placed in peer group three rather than peer group 94535  
five. 94536

(b) Each nursing facility that has one hundred or more beds 94537  
and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull county 94538  
shall be placed in peer group four rather than peer group six. 94539

(D)(1) The department shall determine the rate for ancillary 94540  
and support costs for each peer group established under division 94541  
(C) of this section. The department is not required to conduct a 94542  
rebasing more than once every ten years. Except as necessary to 94543  
implement the amendments made to this section by Am. Sub. H.B. 153 94544  
and Sub. H.B. 303, both of the 129th general assembly, the rate 94545  
for ancillary and support costs determined under this division for 94546  
a peer group shall be used for subsequent years until the 94547  
department conducts a rebasing. To determine a peer group's rate 94548  
for ancillary and support costs, the department shall do all of 94549  
the following: 94550

(a) Subject to division (D)(2) of this section, determine the 94551  
rate for ancillary and support costs for each nursing facility in 94552  
the peer group for the applicable calendar year by using the 94553  
greater of the nursing facility's actual inpatient days for the 94554  
applicable calendar year or the inpatient days the nursing 94555  
facility would have had for the applicable calendar year if its 94556  
occupancy rate had been ninety per cent; 94557

(b) Subject to division (D)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (D)(1)(a) of this section;

(c) Multiply the rate for ancillary and support costs determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) Until the first rebasing occurs, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics, as that index existed on July 1, 2005;

(ii) Effective with the first rebasing and except as provided in division (D)(1)(c)(iii) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(iii) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(c)(ii) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.

(d) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(c) of this section by five and eight hundredths per cent.

(2) For the purpose of determining a nursing facility's occupancy rate under division (D)(1)(a) of this section, the



department shall include any beds that the nursing facility 94589  
removes from its medicaid-certified capacity unless the nursing 94590  
facility also removes the beds from its licensed bed capacity. 94591

(3) In making the identification under division (D)(1)(b) of 94592  
this section, the department shall exclude both of the following: 94593

(a) Nursing facilities that participated in the medicaid 94594  
program under the same provider for less than twelve months in the 94595  
applicable calendar year; 94596

(b) Nursing facilities whose ancillary and support costs are 94597  
more than one standard deviation from the mean desk-reviewed, 94598  
actual, allowable, per diem ancillary and support cost for all 94599  
nursing facilities in the nursing facility's peer group for the 94600  
applicable calendar year. 94601

(4) The department shall not redetermine a peer group's rate 94602  
for ancillary and support costs under this division based on 94603  
additional information that it receives after the rate is 94604  
determined. The department shall redetermine a peer group's rate 94605  
for ancillary and support costs only if the department made an 94606  
error in determining the rate based on information available to 94607  
the department at the time of the original determination. 94608

**Sec. 5165.17.** (A) As used in this section: 94609

(1) "Applicable calendar year" means the following: 94610

(a) For the purpose of the department of medicaid's initial 94611  
determination under division (D) of this section of each peer 94612  
group's rate for capital costs, calendar year 2003; 94613

(b) For the purpose of the department's rebasings, the 94614  
calendar year the department selects. 94615

(2) "Rebasing" means a redetermination under division (D) of 94616  
this section of each peer group's rate for capital costs using 94617  
information from cost reports for an applicable calendar year that 94618

is later than the applicable calendar year used for the previous 94619  
determination of such rates. 94620

(B) The department of medicaid shall determine each nursing 94621  
facility's per medicaid day payment rate for capital costs. A 94622  
nursing facility's rate shall be the rate determined under 94623  
division (D) of this section. However, for the period beginning 94624  
October 1, 2013, and ending on the first day of the first 94625  
rebasings, the rate for a nursing facility located in Mahoning or 94626  
Stark county shall be the rate determined for the following: 94627

(1) If the nursing facility has fewer than one hundred beds, 94628  
the nursing facilities in peer group three; 94629

(2) If the nursing facility has one hundred or more beds, the 94630  
nursing facilities in peer group four. 94631

(C) For the purpose of determining nursing facilities' rates 94632  
for capital costs, the department shall establish six peer groups. 94633

(1) Until the first rebasing occurs, the peer groups shall be 94634  
composed as follows: 94635

(a) Each nursing facility located in any of the following 94636  
counties shall be placed in peer group one or two: Brown, Butler, 94637  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 94638  
located in any of those counties that has fewer than one hundred 94639  
beds shall be placed in peer group one. Each nursing facility 94640  
located in any of those counties that has one hundred or more beds 94641  
shall be placed in peer group two. 94642

(b) Each nursing facility located in any of the following 94643  
counties shall be placed in peer group three or four: Ashtabula, 94644  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 94645  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 94646  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 94647  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 94648  
Union, and Wood. Each nursing facility located in any of those 94649

counties that has fewer than one hundred beds shall be placed in 94650  
peer group three. Each nursing facility located in any of those 94651  
counties that has one hundred or more beds shall be placed in peer 94652  
group four. 94653

(c) Each nursing facility located in any of the following 94654  
counties shall be placed in peer group five or six: Adams, Allen, 94655  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 94656  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 94657  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 94658  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 94659  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 94660  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 94661  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 94662  
located in any of those counties that has fewer than one hundred 94663  
beds shall be placed in peer group five. Each nursing facility 94664  
located in any of those counties that has one hundred or more beds 94665  
shall be placed in peer group six. 94666

(2) Beginning with the first rebasing, the peer groups shall 94667  
be composed as they are under division (C)(1) of this section 94668  
except as follows: 94669

(a) Each nursing facility that has fewer than one hundred 94670  
beds and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull 94671  
county shall be placed in peer group three rather than peer group 94672  
five. 94673

(b) Each nursing facility that has one hundred or more beds 94674  
and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull county 94675  
shall be placed in peer group four rather than peer group six. 94676

(D)(1) The department shall determine the rate for capital 94677  
costs for each peer group established under division (C) of this 94678  
section. The department is not required to conduct a rebasing more 94679  
than once every ten years. Except as necessary to implement the 94680

amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, the rate for capital costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for capital costs, the department shall do both of the following:

(a) Determine the rate for capital costs for the nursing facility in the peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year;

(b) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(a) of this section by five and eight hundredths per cent.

(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year, the department shall do both of the following:

(a) Subject to division (D)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) For the purpose of determining a nursing facility's

occupancy rate under division (D)(2)(a) of this section, the 94711  
department shall include any beds that the nursing facility 94712  
removes from its medicaid-certified capacity after June 30, 2005, 94713  
unless the nursing facility also removes the beds from its 94714  
licensed bed capacity. 94715

(4) The department shall not redetermine a peer group's rate 94716  
for capital costs under this division based on additional 94717  
information that it receives after the rate is determined. The 94718  
department shall redetermine a peer group's rate for capital costs 94719  
only if the department made an error in determining the rate based 94720  
on information available to the department at the time of the 94721  
original determination. 94722

(E) Buildings shall be depreciated using the straight line 94723  
method over forty years or over a different period approved by the 94724  
department. Components and equipment shall be depreciated using 94725  
the straight-line method over a period designated in rules adopted 94726  
under section 5165.02 of the Revised Code, consistent with the 94727  
guidelines of the American hospital association, or over a 94728  
different period approved by the department. Any rules authorized 94729  
by this division that specify useful lives of buildings, 94730  
components, or equipment apply only to assets acquired on or after 94731  
July 1, 1993. Depreciation for costs paid or reimbursed by any 94732  
government agency shall not be included in capital costs unless 94733  
that part of the payment under this chapter is used to reimburse 94734  
the government agency. 94735

(F) The capital cost basis of nursing facility assets shall 94736  
be determined in the following manner: 94737

(1) Except as provided in division (F)(3) of this section, 94738  
for purposes of calculating the rates to be paid for facilities 94739  
with dates of licensure on or before June 30, 1993, the capital 94740  
cost basis of each asset shall be equal to the desk-reviewed, 94741  
actual, allowable, capital cost basis that is listed on the 94742

facility's cost report for the calendar year preceding the fiscal 94743  
year during which the rate will be paid. 94744

(2) For facilities with dates of licensure after June 30, 94745  
1993, the capital cost basis shall be determined in accordance 94746  
with the principles of the medicare program, except as otherwise 94747  
provided in this chapter. 94748

(3) Except as provided in division (F)(4) of this section, if 94749  
a provider transfers an interest in a facility to another provider 94750  
after June 30, 1993, there shall be no increase in the capital 94751  
cost basis of the asset if the providers are related parties or 94752  
the provider to which the interest is transferred authorizes the 94753  
provider that transferred the interest to continue to operate the 94754  
facility under a lease, management agreement, or other 94755  
arrangement. If the previous sentence does not prohibit the 94756  
adjustment of the capital cost basis under this division, the 94757  
basis of the asset shall be adjusted by one-half of the change in 94758  
the consumer price index for all items for all urban consumers, as 94759  
published by the United States bureau of labor statistics, during 94760  
the time that the transferor held the asset. 94761

(4) If a provider transfers an interest in a facility to 94762  
another provider who is a related party, the capital cost basis of 94763  
the asset shall be adjusted as specified in division (F)(3) of 94764  
this section if all of the following conditions are met: 94765

(a) The related party is a relative of owner; 94766

(b) Except as provided in division (F)(4)(c)(ii) of this 94767  
section, the provider making the transfer retains no ownership 94768  
interest in the facility; 94769

(c) The department determines that the transfer is an arm's 94770  
length transaction pursuant to rules adopted under section 5165.02 94771  
of the Revised Code. The rules shall provide that a transfer is an 94772  
arm's length transaction if all of the following apply: 94773

(i) Once the transfer goes into effect, the provider that 94774  
made the transfer has no direct or indirect interest in the 94775  
provider that acquires the facility or the facility itself, 94776  
including interest as an owner, officer, director, employee, 94777  
independent contractor, or consultant, but excluding interest as a 94778  
creditor. 94779

(ii) The provider that made the transfer does not reacquire 94780  
an interest in the facility except through the exercise of a 94781  
creditor's rights in the event of a default. If the provider 94782  
reacquires an interest in the facility in this manner, the 94783  
department shall treat the facility as if the transfer never 94784  
occurred when the department calculates its reimbursement rates 94785  
for capital costs. 94786

(iii) The transfer satisfies any other criteria specified in 94787  
the rules. 94788

(d) Except in the case of hardship caused by a catastrophic 94789  
event, as determined by the department, or in the case of a 94790  
provider making the transfer who is at least sixty-five years of 94791  
age, not less than twenty years have elapsed since, for the same 94792  
facility, the capital cost basis was adjusted most recently under 94793  
division (F)(4) of this section or actual, allowable capital costs 94794  
was determined most recently under division (G)(9) of this 94795  
section. 94796

(G) As used in this division: 94797

"Imputed interest" means the lesser of the prime rate plus 94798  
two per cent or ten per cent. 94799

"Lease expense" means lease payments in the case of an 94800  
operating lease and depreciation expense and interest expense in 94801  
the case of a capital lease. 94802

"New lease" means a lease, to a different lessee, of a 94803  
nursing facility that previously was operated under a lease. 94804

(1) Subject to division (B) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (B) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:



(a) The annual depreciation expense that would be calculated 94837  
at the inception of the lease using the lessor's entire historical 94838  
capital asset cost basis; 94839

(b) The greater of the lessor's actual annual amortization of 94840  
financing costs and interest expense at the inception of the lease 94841  
or the imputed interest expense calculated at the inception of the 94842  
lease using seventy per cent of the lessor's historical capital 94843  
asset cost basis. 94844

(4) Subject to division (B) of this section, for a lease of a 94845  
facility with a date of licensure on or after May 27, 1992, that 94846  
was not initially operated under a lease and has been in existence 94847  
for ten years, actual, allowable capital costs shall include the 94848  
lesser of the annual lease expense or the annual depreciation 94849  
expense and imputed interest expense that would be calculated at 94850  
the inception of the lease using the entire historical capital 94851  
asset cost basis of one-half of the change in the consumer price 94852  
index for all items for all urban consumers, as published by the 94853  
United States bureau of labor statistics, during the time the 94854  
lessor held each asset until the beginning of the lease. 94855

(5) Subject to division (B) of this section, for a new lease 94856  
of a facility that was operated under a lease on May 27, 1992, 94857  
actual, allowable capital costs shall include the lesser of the 94858  
annual new lease expense or the annual old lease payment. If the 94859  
old lease was in effect for ten years or longer, the old lease 94860  
payment from the beginning of the old lease shall be adjusted by 94861  
one-half of the change in the consumer price index for all items 94862  
for all urban consumers, as published by the United States bureau 94863  
of labor statistics, from the beginning of the old lease to the 94864  
beginning of the new lease. 94865

(6) Subject to division (B) of this section, for a new lease 94866  
of a facility that was not in existence or that was in existence 94867  
but not operated under a lease on May 27, 1992, actual, allowable 94868

capital costs shall include the lesser of annual new lease expense 94869  
or the annual amount calculated for the old lease under division 94870  
(G)(2), (3), (4), or (6) of this section, as applicable. If the 94871  
old lease was in effect for ten years or longer, the lessor's 94872  
historical capital asset cost basis shall be, for purposes of 94873  
calculating the annual amount under division (G)(2), (3), (4), or 94874  
(6) of this section, adjusted by one-half of the change in the 94875  
consumer price index for all items for all urban consumers, as 94876  
published by the United States bureau of labor statistics, from 94877  
the beginning of the old lease to the beginning of the new lease. 94878

In the case of a lease under division (G)(3) of this section 94879  
of a facility for which a substantial commitment of money was made 94880  
after December 22, 1992, and before July 1, 1993, the old lease 94881  
payment shall be adjusted for the purpose of determining the 94882  
annual amount. 94883

(7) For any revision of a lease described in division (G)(1), 94884  
(2), (3), (4), (5), or (6) of this section, or for any subsequent 94885  
lease of a facility operated under such a lease, other than 94886  
execution of a new lease, the portion of actual, allowable capital 94887  
costs attributable to the lease shall be the same as before the 94888  
revision or subsequent lease. 94889

(8) Except as provided in division (G)(9) of this section, if 94890  
a provider leases an interest in a facility to another provider 94891  
who is a related party or previously operated the facility, the 94892  
related party's or previous operator's actual, allowable capital 94893  
costs shall include the lesser of the annual lease expense or the 94894  
reasonable cost to the lessor. 94895

(9) If a provider leases an interest in a facility to another 94896  
provider who is a related party, regardless of the date of the 94897  
lease, the related party's actual, allowable capital costs shall 94898  
include the annual lease expense, subject to the limitations 94899  
specified in divisions (G)(1) to (7) of this section, if all of 94900

the following conditions are met: 94901

(a) The related party is a relative of owner; 94902

(b) If the lessor retains an ownership interest, it is, 94903  
except as provided in division (G)(9)(c)(ii) of this section, in 94904  
only the real property and any improvements on the real property; 94905

(c) The department determines that the lease is an arm's 94906  
length transaction pursuant to rules adopted under section 5165.02 94907  
of the Revised Code. The rules shall provide that a lease is an 94908  
arm's length transaction if all of the following apply: 94909

(i) Once the lease goes into effect, the lessor has no direct 94910  
or indirect interest in the lessee or, except as provided in 94911  
division (G)(9)(b) of this section, the facility itself, including 94912  
interest as an owner, officer, director, employee, independent 94913  
contractor, or consultant, but excluding interest as a lessor. 94914

(ii) The lessor does not reacquire an interest in the 94915  
facility except through the exercise of a lessor's rights in the 94916  
event of a default. If the lessor reacquires an interest in the 94917  
facility in this manner, the department shall treat the facility 94918  
as if the lease never occurred when the department calculates its 94919  
reimbursement rates for capital costs. 94920

(iii) The lease satisfies any other criteria specified in the 94921  
rules. 94922

(d) Except in the case of hardship caused by a catastrophic 94923  
event, as determined by the department, or in the case of a lessor 94924  
who is at least sixty-five years of age, not less than twenty 94925  
years have elapsed since, for the same facility, the capital cost 94926  
basis was adjusted most recently under division (F)(4) of this 94927  
section or actual, allowable capital costs were determined most 94928  
recently under division (G)(9) of this section. 94929

(10) This division does not apply to leases of specific items 94930

of equipment. 94931

**Sec. 5165.19.** (A) As used in this section: 94932

(1) "Applicable calendar year" means the following: 94933

(a) For the purpose of the department of medicaid's initial 94934  
determination under division (D) of this section of each peer 94935  
group's cost per case-mix unit, calendar year 2003; 94936

(b) For the purpose of the department's rebasings, the 94937  
calendar year the department selects. 94938

(2) "Rebasing" means a redetermination under division (D) of 94939  
this section of each peer group's cost per case-mix unit using 94940  
information from cost reports for an applicable calendar year that 94941  
is later than the applicable calendar year used for the previous 94942  
determination of such costs. 94943

(B) Semiannually, the department of medicaid shall determine 94944  
each nursing facility's per medicaid day payment rate for direct 94945  
care costs by multiplying the facility's semiannual case-mix score 94946  
determined under section 5165.192 of the Revised Code by the cost 94947  
per case-mix unit determined under division (D) of this section 94948  
for the facility's peer group. However, for the period beginning 94949  
October 1, 2013, and ending on the first day of the first 94950  
rebasings, the rate for a nursing facility located in Mahoning or 94951  
Stark county shall be determined semiannually by multiplying the 94952  
facility's semiannual case-mix score determined under section 94953  
5165.192 of the Revised Code by the cost per case-mix unit 94954  
determined under division (D) of this section for the nursing 94955  
facilities in peer group two. 94956

(C) For the purpose of determining nursing facilities' rates 94957  
for direct care costs, the department shall establish three peer 94958  
groups. 94959

(1) Until the first rebasing occurs, the peer groups shall be 94960

composed as follows: 94961

(a) Each nursing facility located in any of the following 94962  
counties shall be placed in peer group one: Brown, Butler, 94963  
Clermont, Clinton, Hamilton, and Warren. 94964

(b) Each nursing facility located in any of the following 94965  
counties shall be placed in peer group two: Ashtabula, Champaign, 94966  
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 94967  
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 94968  
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 94969  
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 94970  
and Wood. 94971

(c) Each nursing facility located in any of the following 94972  
counties shall be placed in peer group three: Adams, Allen, 94973  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 94974  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 94975  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 94976  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 94977  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 94978  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 94979  
Washington, Wayne, Williams, and Wyandot. 94980

(2) Beginning with the first rebasing, the peer groups shall 94981  
be composed as they are under division (C)(1) of this section 94982  
except that each nursing facility located in Allen, Mahoning or, 94983  
Stark, or Trumbull county shall be placed in peer group two rather 94984  
than peer group three. 94985

(D)(1) The department shall determine a cost per case-mix 94986  
unit for each peer group established under division (C) of this 94987  
section. The department is not required to conduct a rebasing more 94988  
than once every ten years. Except as necessary to implement the 94989  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 94990  
303, both of the 129th general assembly, and H.B. 59 of the 130th 94991

general assembly, the cost per case-mix unit determined under this 94992  
division for a peer group shall be used for subsequent years until 94993  
the department conducts a rebasing. To determine a peer group's 94994  
cost per case-mix unit, the department shall do all of the 94995  
following: 94996

(a) Determine the cost per case-mix unit for each nursing 94997  
facility in the peer group for the applicable calendar year by 94998  
dividing each facility's desk-reviewed, actual, allowable, per 94999  
diem direct care costs for the applicable calendar year by the 95000  
facility's annual average case-mix score determined under section 95001  
5165.192 of the Revised Code for the applicable calendar year; 95002

(b) Subject to division (D)(2) of this section, identify 95003  
which nursing facility in the peer group is at the twenty-fifth 95004  
percentile of the cost per case-mix units determined under 95005  
division (D)(1)(a) of this section; 95006

(c) Calculate the amount that is two per cent above the cost 95007  
per case-mix unit determined under division (D)(1)(a) of this 95008  
section for the nursing facility identified under division 95009  
(D)(1)(b) of this section; 95010

(d) Using the index specified in division (D)(3) of this 95011  
section, multiply the rate of inflation for the eighteen-month 95012  
period beginning on the first day of July of the applicable 95013  
calendar year and ending the last day of December of the calendar 95014  
year immediately following the applicable calendar year by the 95015  
amount calculated under division (D)(1)(c) of this section; 95016

(e) Add the following to the amount calculated under division 95017  
(D)(1)(d) of this section: 95018

(i) Until the earlier of January 1, 2014, or when the first 95019  
rebasing occurs, one dollar and eighty-eight cents; 95020

(ii) Unless the first rebasing occurs before January 1, 2014, 95021  
beginning January 1, 2014, and until the first rebasing occurs, 95022

eighty-six cents. 95023

(f) Until the first rebasing occurs, increase the amount 95024  
calculated under division (D)(1)(e) of this section by five and 95025  
eight hundredths per cent. 95026

(2) In making the identification under division (D)(1)(b) of 95027  
this section, the department shall exclude both of the following: 95028

(a) Nursing facilities that participated in the medicaid 95029  
program under the same provider for less than twelve months in the 95030  
applicable calendar year; 95031

(b) Nursing facilities whose cost per case-mix unit is more 95032  
than one standard deviation from the mean cost per case-mix unit 95033  
for all nursing facilities in the nursing facility's peer group 95034  
for the applicable calendar year. 95035

(3) The following index shall be used for the purpose of the 95036  
calculation made under division (D)(1)(d) of this section: 95037

(a) Until the first rebasing occurs, the employment cost 95038  
index for total compensation, health services component, published 95039  
by the United States bureau of labor statistics, as the index 95040  
existed on July 1, 2005; 95041

(b) Effective with the first rebasing and except as provided 95042  
in division (D)(3)(c) of this section, the employment cost index 95043  
for total compensation, nursing and residential care facilities 95044  
occupational group, published by the United States bureau of labor 95045  
statistics; 95046

(c) If the United States bureau of labor statistics ceases to 95047  
publish the index specified in division (D)(3)(b) of this section, 95048  
the index the bureau subsequently publishes that covers nursing 95049  
facilities' staff costs. 95050

(4) The department shall not redetermine a peer group's cost 95051  
per case-mix unit under this division based on additional 95052

information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.

**Sec. 5165.192.** (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following:

(a) Every quarter, determine the following two case-mix scores for each nursing facility:

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low resource utilization resident;

(ii) A quarterly case-mix score that includes each resident regardless of payment source.

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(i) of this section;

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section.

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following:

(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code;

(b) Except as provided in rules authorized by this section,



the case-mix values established by the United States department of health and human services; 95083  
95084

(c) Except as modified in rules authorized by this section, 95085  
the grouper methodology ~~used on June 30, 1999, designated~~ by the 95086  
United States department of health and human services ~~for~~ 95087  
~~prospective payment of skilled nursing facilities under the~~ 95088  
~~medicare program as the resource utilization group (RUG)-IV, 48~~ 95089  
~~group model.~~ 95090

(B)(1) Subject to division (B)(2) of this section, the 95091  
department, for one or more months of a calendar quarter, may 95092  
assign to a nursing facility a case-mix score that is five per 95093  
cent less than the nursing facility's case-mix score for the 95094  
immediately preceding calendar quarter if any of the following 95095  
apply: 95096

(a) The provider does not timely submit complete and accurate 95097  
resident assessment data necessary to determine the nursing 95098  
facility's case-mix score for the calendar quarter; 95099

(b) The nursing facility was subject to an exception review 95100  
under section 5165.193 of the Revised Code for the immediately 95101  
preceding calendar quarter; 95102

(c) The nursing facility was assigned a case-mix score for 95103  
the immediately preceding calendar quarter. 95104

(2) Before assigning a case-mix score to a nursing facility 95105  
due to the submission of incorrect resident assessment data, the 95106  
department shall permit the provider to correct the data. The 95107  
department may assign the case-mix score if the provider fails to 95108  
submit the corrected resident assessment data not later than the 95109  
earlier of the forty-fifth day after the end of the calendar 95110  
quarter to which the data pertains or the deadline for submission 95111  
of such corrections established by regulations adopted by the 95112  
United States department of health and human services under Title 95113

XVIII and Title XIX. 95114

(3) If, for more than six months in a calendar year, a 95115  
provider is paid a rate determined for a nursing facility using a 95116  
case-mix score assigned to the nursing facility under division 95117  
(B)(1) of this section, the department may assign the nursing 95118  
facility a cost per case-mix unit that is five per cent less than 95119  
the nursing facility's actual or assigned cost per case-mix unit 95120  
for the immediately preceding calendar year. The department may 95121  
use the assigned cost per case-mix unit, instead of determining 95122  
the nursing facility's actual cost per case-mix unit in accordance 95123  
with section 5165.19 of the Revised Code, to establish the nursing 95124  
facility's rate for direct care costs for the fiscal year 95125  
immediately following the calendar year for which the cost per 95126  
case-mix unit is assigned. 95127

(4) The department shall take action under division (B)(1), 95128  
(2), or (3) of this section only in accordance with rules 95129  
authorized by this section. The department shall not take an 95130  
action that affects rates for prior payment periods except in 95131  
accordance with sections 5165.41 and 5165.42 of the Revised Code. 95132

(C) The medicaid director shall adopt rules under section 95133  
5165.02 of the Revised Code as necessary to implement this 95134  
section. 95135

(1) The rules shall do all of the following: 95136

(a) Specify the process for determining the semiannual and 95137  
annual average case-mix scores for nursing facilities; 95138

(b) Adjust the case-mix values specified in division 95139  
(A)(2)(b) of this section to reflect changes in relative wage 95140  
differentials that are specific to this state; 95141

(c) Express all of those case-mix values in numeric terms 95142  
that are different from the terms specified by the United States 95143  
department of health and human services but that do not alter the 95144

relationship of the case-mix values to one another; 95145

(d) Modify the grouper methodology specified in division 95146  
(A)(2)(c) of this section as follows: 95147

(i) Establish a different hierarchy for assigning residents 95148  
to case-mix categories under the methodology; 95149

(ii) Prohibit the use of the index maximizer element of the 95150  
methodology; 95151

(iii) Incorporate changes to the methodology the United 95152  
States department of health and human services makes after June 95153  
30, 1999; 95154

(iv) Make other changes the department determines are 95155  
necessary. 95156

(e) Establish procedures under which resident assessment data 95157  
shall be reviewed for accuracy and providers shall be notified of 95158  
any data that requires correction; 95159

(f) Establish procedures for providers to correct resident 95160  
assessment data and specify a reasonable period of time by which 95161  
providers shall submit the corrections. The procedures may limit 95162  
the content of corrections in the manner required by regulations 95163  
adopted by the United States department of health and human 95164  
services under Title XVIII and Title XIX. 95165

(g) Specify when and how the department will assign case-mix 95166  
scores or costs per case-mix unit to a nursing facility under 95167  
division (B) of this section if information necessary to calculate 95168  
the nursing facility's case-mix score is not provided or corrected 95169  
in accordance with the procedures established by the rules. 95170

(2) Notwithstanding any other provision of this chapter, the 95171  
rules may provide for the exclusion of case-mix scores assigned to 95172  
a nursing facility under division (B) of this section from the 95173  
determination of the nursing facility's semiannual or annual 95174

average case-mix score and the cost per case-mix unit for the 95175  
nursing facility's peer group. 95176

**Sec. 5165.23.** (A) Each fiscal year, the department of 95177  
medicaid shall determine the critical access incentive payment for 95178  
each nursing facility that qualifies as a critical access nursing 95179  
facility. To qualify as a critical access nursing facility for a 95180  
fiscal year, a nursing facility must meet all of the following 95181  
requirements: 95182

(1) The nursing facility must be located in an area that, on 95183  
December 31, 2011, was designated an empowerment zone under the 95184  
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 95185

(2) The nursing facility must have an occupancy rate of at 95186  
least eighty-five per cent as of the last day of the calendar year 95187  
immediately preceding the fiscal year. 95188

(3) The nursing facility must have a medicaid utilization 95189  
rate of at least sixty-five per cent as of the last day of the 95190  
calendar year immediately preceding the fiscal year. 95191

~~(4) The nursing facility must have been awarded at least five 95192  
points for meeting accountability measures under section 5165.25 95193  
of the Revised Code for the fiscal year and at least one of the 95194  
five points must have been awarded for meeting the accountability 95195  
measures identified in divisions (C)(9), (10), (11), (12), and 95196  
(14) of section 5165.25 of the Revised Code. 95197~~

(B) A critical access nursing facility's critical access 95198  
incentive payment for a fiscal year shall equal five per cent of 95199  
the portion of the nursing facility's total per medicaid day 95200  
payment rate for the fiscal year that is the sum of the rates ~~and~~ 95201  
~~payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 95202  
5165.15 of the Revised Code. 95203

**Sec. 5165.25.** (A) As used in this section: 95204

(1) "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days. 95205  
95206

(2) "Measurement period" means the following: 95207

(a) For fiscal year 2017, the period beginning July 1, 2015, and ending December 31, 2015; 95208  
95209

(b) For each subsequent fiscal year, the calendar year immediately preceding the fiscal year. 95210  
95211

(3) "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code. 95212  
95213

(4) "Short-stay resident" means a nursing facility resident who is not a long-stay resident. 95214  
95215

(B)(1) Using all of the funds made available for a fiscal year by the rate reductions under division (B) of section 5165.15 of the Revised Code, the department of medicaid shall determine a per medicaid day quality payment rate to be paid for that fiscal year to each nursing facility that meets at least one of the quality indicators specified in division (B)(2) of this section for the measurement period. The largest quality payment rate for a fiscal year shall be paid to nursing facilities that meet all of the quality indicators for the measurement period. 95216  
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(2) The following are the quality indicators to be used for the purpose of division (B)(1) of this section: 95225  
95226

(a) Not more than the target percentage of the nursing facility's short-stay residents had new or worsened pressure ulcers and not more than the target percentage of long-stay residents at high risk for pressure ulcers had pressure ulcers. 95227  
95228  
95229  
95230

(b) Not more than the target percentage of the nursing facility's short-stay residents newly received an antipsychotic medication and not more than the target percentage of the nursing facility's long-stay residents received an antipsychotic 95231  
95232  
95233  
95234

medication. 95235

(c) The number of the nursing facility's residents who had 95236  
avoidable inpatient hospital admissions did not exceed the target 95237  
rate. 95238

(d) The nursing facility's employee retention rate is at 95239  
least the target rate. 95240

(e) The nursing facility utilized the nursing home version of 95241  
the preferences for everyday living inventory for all of its 95242  
residents. 95243

(3) The department shall specify the target percentage for 95244  
the purpose of divisions (B)(2)(a) and (b) of this section. The 95245  
amount specified for division (B)(2)(a) of this section may differ 95246  
from the amount specified for division (B)(2)(b) of this section 95247  
and the amount specified for short-stay residents may differ from 95248  
the amount specified for long-stay residents. The department also 95249  
shall specify the target rate for the purpose of division 95250  
(B)(2)(c) of this section and the target rate for the purpose of 95251  
division (B)(2)(d) of this section. 95252

(C) If a nursing facility undergoes a change of operator 95253  
during a fiscal year, the per medicaid day quality payment rate to 95254  
be paid to the entering operator for nursing facility services 95255  
that the nursing facility provides during the period beginning on 95256  
the effective date of the change of operator and ending on the 95257  
last day of the fiscal year shall be the same amount as the per 95258  
medicaid day quality payment rate that was in effect on the day 95259  
immediately preceding the effective date of the change of operator 95260  
and paid to the nursing facility's exiting operator. For the 95261  
immediately following fiscal year, the per medicaid day quality 95262  
payment rate shall be the following: 95263

(1) If the effective date of the change of operator is on or 95264  
before the first day of October of the calendar year immediately 95265

preceding the fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the fiscal year; 95266  
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(2) If the effective date of the change of operator is after the first day of October of the calendar year immediately preceding the fiscal year, the mean per medicaid day quality payment rate for all nursing facilities for the fiscal year. 95269  
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**Sec. 5166.01.** As used in this chapter: 95273

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program. 95274  
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"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision. 95279  
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"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 95285  
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"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 95287  
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"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services. 95289  
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"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 95293  
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"Hospital long-term care unit" has the same meaning as in 95295

section 5168.40 of the Revised Code.	95296
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	95297 95298
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	95299 95300
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	95301 95302
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.	95303 95304 95305 95306 95307 95308
"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.	95309 95310
"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	95311 95312
"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.	95313 95314 95315 95316 95317 95318
"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.	95319 95320
"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.	95321 95322 95323 95324
"Ohio transitions II aging carve-out program" means the home	95325



and community-based services medicaid waiver component that is 95326  
known as Ohio transitions II aging carve-out and was created 95327  
pursuant to section 5166.11 of the Revised Code. 95328

"Provider agreement" has the same meaning as in section 95329  
5164.01 of the Revised Code. 95330

"Residential treatment facility" means a residential facility 95331  
licensed by the department of mental health and addiction services 95332  
under section 5119.34 of the Revised Code, or an institution 95333  
certified by the department of job and family services under 95334  
section 5103.03 of the Revised Code, that serves children and 95335  
either has more than sixteen beds or is part of a campus of 95336  
multiple facilities or institutions that, combined, have a total 95337  
of more than sixteen beds. 95338

"Skilled nursing facility" has the same meaning as in section 95339  
5165.01 of the Revised Code. 95340

"Unified long-term services and support medicaid waiver 95341  
component" means the medicaid waiver component authorized by 95342  
section 5166.14 of the Revised Code. 95343

**Sec. 5166.16.** (A) As used in this section and section 95344  
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 95345  
component" means all of the following: 95346

(1) The medicaid-funded component of the PASSPORT program, 95347  
unless it is terminated pursuant to division (C) of section 173.52 95348  
of the Revised Code; 95349

(2) The choices program, unless it is terminated pursuant to 95350  
division (B) of section 173.53 of the Revised Code; 95351

(3) The medicaid-funded component of the assisted living 95352  
program, unless it is terminated pursuant to division (C) of 95353  
section 173.54 of the Revised Code; 95354

(4) The Ohio home care waiver program, unless it is 95355

terminated pursuant to section 5166.12 of the Revised Code; 95356

(5) The Ohio transitions II aging carve-out program, unless 95357  
it is terminated pursuant to section 5166.13 of the Revised Code. 95358

(B) The medicaid director may create a home and 95359  
community-based services medicaid waiver component as part of the 95360  
integrated care delivery system. If the ICDS medicaid waiver 95361  
component is created, both of the following apply: 95362

(1) The department of medicaid shall administer it; 95363

(2) When it begins to accept enrollments, no ICDS participant 95364  
who is eligible for the ICDS medicaid waiver component shall be 95365  
enrolled in an ODA or MCD medicaid waiver component regardless of 95366  
whether the participant prefers to remain or be enrolled in an ODA 95367  
or MCD medicaid waiver component. 95368

(C) A dual eligible individual who is eligible for an ODA or 95369  
MCD medicaid waiver component may enroll in the component before 95370  
the individual becomes an ICDS participant. The dual eligible 95371  
individual shall disenroll from the ODA or MCD medicaid waiver 95372  
component and enroll in the ICDS medicaid waiver component once 95373  
the individual becomes an ICDS participant and it is possible to 95374  
enroll the individual in the ICDS medicaid waiver component. The 95375  
disenrollment from the ODA or MCD medicaid waiver component and 95376  
enrollment into the ICDS medicaid waiver component shall occur 95377  
regardless of whether the individual prefers to remain enrolled in 95378  
the ODA or MCD medicaid waiver component. 95379

(D) An ICDS participant's disenrollment from an ODA or MCD 95380  
medicaid waiver component and enrollment in the ICDS medicaid 95381  
waiver component resulting from division (B)(2) or (C) of this 95382  
section shall be accomplished without a disruption in the 95383  
participant's services under the components. 95384

**Sec. 5166.161.** The department of medicaid shall ensure that 95385

each ICDS participant who is a survivor of the Holocaust that 95386  
occurred in Europe during World War II receives, while enrolled in 95387  
the ICDS medicaid waiver component, home and community-based 95388  
services of the type and in at least the amount, duration, and 95389  
scope that the participant is assessed to need and would have 95390  
received if the participant were enrolled in an ODA or MCD 95391  
medicaid waiver component. 95392

**Sec. 5166.24.** A medicaid waiver component that the department 95393  
of developmental disabilities administers under section 5166.21 of 95394  
the Revised Code shall continue to cover adult day services 95395  
provided by sheltered workshops if the component covers those 95396  
services on the effective date of this section. 95397

A sheltered workshop with a provider agreement to provide 95398  
adult day services available under a medicaid waiver component 95399  
administered by the department of developmental disabilities shall 95400  
not decrease the number of medicaid recipients it is willing and 95401  
able to serve. 95402

**Sec. 5166.32.** If the department of medicaid terminates the 95403  
209(b) option, the department shall establish a medicaid waiver 95404  
component under which an individual who has cystic fibrosis and is 95405  
enrolled in the program for medically handicapped children 95406  
administered by the department of health under section 3701.023 of 95407  
the Revised Code or the program the department of health 95408  
administers pursuant to division (G) of that section may qualify 95409  
for medicaid under the same type of spenddown process that is part 95410  
of the 209(b) option. 95411

**Sec. 5166.33.** The department of medicaid shall establish a 95412  
medicaid waiver component under which medicaid recipients who are 95413  
married to each other retain eligibility for medicaid despite one 95414  
of the recipients having earnings from employment that causes the 95415

recipients to have countable family income exceeding the income 95416  
eligibility threshold for the eligibility group, or groups, under 95417  
which the recipients qualify for medicaid if both of the following 95418  
apply: 95419

(A) One of the recipients would qualify to participate in the 95420  
medicaid buy-in for workers with disabilities program if not for a 95421  
disability that, according to a physician's written evaluation, is 95422  
too severe for the recipient to have earnings from employment or 95423  
be an employed individual with a medically improved disability; 95424

(B) The other recipient's earnings from employment do not 95425  
cause the recipients to have countable family income, determined 95426  
in the same manner as income is determined for the medicaid buy-in 95427  
for workers with disabilities program under section 5163.093 of 95428  
the Revised Code, exceeding two hundred fifty per cent of the 95429  
federal poverty line. 95430

**Sec. 5166.51.** (A) The department of medicaid shall establish 95431  
a medicaid waiver component under which each medicaid recipient to 95432  
whom all of the following apply must, as a condition of medicaid 95433  
eligibility, enroll in health coverage described in division (B) 95434  
of this section: 95435

(1) The recipient has countable family income exceeding one 95436  
hundred per cent of the federal poverty line; 95437

(2) The recipient is at least twenty-one years of age; 95438

(3) The recipient is not aged, blind, or disabled; 95439

(4) The recipient is not pregnant. 95440

(B) The department shall provide for medicaid recipients 95441  
required to participate in the medicaid waiver component 95442  
established under this section to enroll in innovative and 95443  
value-based health coverage that is modeled on health savings 95444

accounts and uses premiums, copayments, or both. 95445

(C) A medicaid recipient required to participate in the 95446  
medicaid waiver component established under this section shall not 95447  
receive medicaid services under the fee-for-service component of 95448  
medicaid or be designated by the department for participation in 95449  
the care management system established under section 5167.03 of 95450  
the Revised Code. 95451

**Sec. 5167.03.** ~~(A)~~ As part of the medicaid program, the 95452  
department of medicaid shall establish a care management system. 95453  
The 95454

~~(B) The department shall implement the care management system~~ 95455  
~~in some or all counties and.~~ 95456

The department shall designate the medicaid recipients who 95457  
are required or permitted to participate in the system. Those who 95458  
shall be required to participate in the system include medicaid 95459  
recipients who receive cognitive behavioral therapy as described 95460  
in division (A)(2) of section 5167.16 of the Revised Code. In the 95461  
department's implementation of the system and designation of 95462  
participants, all of the following apply: 95463

~~(1) In the case of individuals who receive medicaid on the~~ 95464  
~~basis of being included in the category identified by the~~ 95465  
~~department as covered families and children, the department shall~~ 95466  
~~implement the care management system in all counties. All~~ 95467  
~~individuals included in the category shall be designated for~~ 95468  
~~participation, except for individuals included in one or more of~~ 95469  
~~the medicaid recipient groups specified in 42 C.F.R. 438.50(d).~~ 95470  
~~The department shall ensure that all participants are enrolled in~~ 95471  
~~medicaid managed care organizations that are health insuring~~ 95472  
~~corporations.~~ 95473

~~(2) In the case of individuals who receive medicaid on the~~ 95474

~~basis of being aged, blind, or disabled, the department shall 95475  
implement the care management system in all counties. Except as 95476  
provided in division (C) of this section, all individuals included 95477  
in the category shall be designated for participation. The 95478  
department shall ensure that all participants are enrolled in 95479  
medicaid managed care organizations that are health insuring 95480  
corporations. 95481~~

~~(3) Alcohol, drug addiction, and mental health services 95482  
covered by medicaid shall not be included in any component of the 95483  
care management system when the nonfederal share of the cost of 95484  
those services is provided by a board of alcohol, drug addiction, 95485  
and mental health services or a state agency other than the 95486  
department of medicaid, but the recipients of those services may 95487  
otherwise be designated for participation in the system. 95488~~

~~(C)(1) In designating participants who receive medicaid on 95489  
the basis of being aged, blind, or disabled, the department shall 95490  
not include any of the following, except as provided under 95491  
division (C)(2) of this section: 95492~~

~~(a) Individuals who are under twenty one years of age; 95493~~

~~(b) Individuals who are institutionalized; 95494~~

~~(c) Individuals who become eligible for medicaid by spending 95495  
down their income or resources to a level that meets the medicaid 95496  
program's financial eligibility requirements; 95497~~

~~(d) Dual eligible individuals; 95498~~

~~(e) Individuals to the extent that they are receiving 95499  
medicaid services through a medicaid waiver component. 95500~~

~~(2) The department may designate any of the following 95501  
individuals who receive medicaid on the basis of being aged, 95502  
blind, or disabled as individuals who are permitted or required to 95503  
participate in the care management system: 95504~~

<del>(a) Individuals who are under twenty one years of age;</del>	95505
<del>(b) Individuals who reside in a nursing facility;</del>	95506
<del>(c) Individuals who, as an alternative to receiving nursing facility services, are participating in a home and community based services medicaid waiver component;</del>	95507 95508 95509
<del>(d) Dual eligible individuals.</del>	95510
<del>(D) Subject to division (B) of this section, the</del>	95511
<del>The department may do both of the following under the care management system:</del>	95512 95513
<del>(1) Require <u>require</u> or permit participants in the system to obtain health care services from providers designated by the department;</del>	95514 95515 95516
<del>(2) Require. The department may <u>require</u> or permit participants in the system to obtain health care services through medicaid managed care organizations.</del>	95517 95518 95519
<u>Sec. 5167.04. (A) Subject to division (B) of this section, the department of medicaid shall include alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code.</u>	95520 95521 95522 95523 95524
<u>(B) All of the following apply to the manner in which division (A) of this section is implemented:</u>	95525 95526
<u>(1) The department shall begin to include the services in the system not later than January 1, 2018.</u>	95527 95528
<u>(2) Before January 1, 2018, any proposal by the department to include all or part of the services in all or part of the system is subject to review by the joint medicaid oversight committee under division (B) of section 103.42 of the Revised Code. The department may implement the proposal only if the committee</u>	95529 95530 95531 95532 95533

approves the proposal. 95534

(3) On and after January 1, 2018, any proposal by the 95535  
department to include all or part of the services in all or part 95536  
of the system is subject to monitoring by the committee under 95537  
division (A) of section 103.42 of the Revised Code, but approval 95538  
by the committee is no longer required before the proposal may be 95539  
implemented. 95540

**Sec. 5167.15. (A) As used in this section:** 95541

(1) "Certified community health worker" has the same meaning 95542  
as in section 4723.01 of the Revised Code. 95543

(2) "Community health worker services" means the services 95544  
described in section 4723.81 of the Revised Code. 95545

(3) "Qualified community hub" means a community-based agency 95546  
that meets both of the following criteria: 95547

(a) Uses the pathways community HUB model developed by the 95548  
community health access project in this state for the purposes of 95549  
coordinating two or more care coordination agencies and ensuring 95550  
that the agencies use pathways to connect at-risk individuals to 95551  
physical health, behavioral health, social, and employment 95552  
services; 95553

(b) Demonstrates to the medicaid director that it fully or 95554  
substantially complies with the pathways community HUB 95555  
certification standards developed by the rockville institute by 95556  
submitting to the director a copy of a document from that 95557  
institute stating that the community hub satisfies the standards 95558  
or has shown substantial progress toward satisfying the standards. 95559

(B)(1) Subject to divisions (B)(3) and (C) of this section, a 95560  
medicaid managed care organization shall provide to a medicaid 95561  
recipient who meets the criteria in division (B)(2) of this 95562  
section, or arrange for such recipient to receive, both of the 95563



following types of services provided by a certified community health worker: 95564  
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(a) Community health worker services; 95566

(b) Other services that are not community health worker services but are performed for the purpose of ensuring that the medicaid recipient is linked to employment services, housing, educational services, social services, or medically necessary physical and behavioral health services. 95567  
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(2) A medicaid recipient qualifies to receive the services specified in division (B)(1) of this section if the medicaid recipient is pregnant or capable of becoming pregnant, resides in a community specified in rules adopted under section 3701.142 of the Revised Code, has been recommended to receive the services by a physician or another licensed health professional specified in rules adopted under that section, and is enrolled in the medicaid managed care organization providing or arranging for the services. 95572  
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(3) The services described in division (B)(1) of this section must promote and facilitate healthy behaviors specified in rules adopted under section 3701.142 of the Revised Code across the following life course stages: preconception, prenatal, postpartum, and interconception. 95580  
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(C) A medicaid recipient who is to receive the services described in division (B)(1) of this section and who resides in a region served by a qualified community hub shall receive the services only from that community hub. 95585  
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**Sec. 5167.16.** (A) As used in this section: 95589

(1) "Help me grow program" means the program established by the department of health pursuant to section 3701.61 of the Revised Code. 95590  
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(2) "Targeted case management" has the same meaning as in 42 95593

C.F.R. 440.169(b). 95594

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for such recipient to receive, both of the following types of services: 95595  
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(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted care management benefit; 95599  
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(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit. 95602  
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(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of an infant or toddler under three years of age. 95606  
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(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it. 95612  
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**Sec. 5167.17.** When contracting under section 5167.10 of the Revised Code with a managed care organization that is a health insuring corporation, the department of medicaid shall require the health insuring corporation to provide enhanced care management services for pregnant women and women capable of becoming pregnant in the communities specified in rules adopted under section 3701.142 of the Revised Code. The contract shall specify that the 95617  
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services are to be provided in a manner intended to decrease the 95624  
incidence of prematurity, low birth weight, and infant mortality, 95625  
as well as improve the overall health status of women capable of 95626  
becoming pregnant for the purpose of ensuring optimal future birth 95627  
outcomes. 95628

**Sec. 5167.32.** Not later than July 1, 2016, the department of 95629  
medicaid shall implement strategies to improve the integrity of 95630  
the care management system, including strategies to do both of the 95631  
following: 95632

(A) Increase the department's oversight of medicaid managed 95633  
care organizations; 95634

(B) Provide incentives for identifying fraud, waste, and 95635  
abuse in the care management system. 95636

**Sec. 5167.33.** (A) Not later than July 1, 2018, each medicaid 95637  
managed care organization shall implement strategies that base 95638  
payments to providers on the value received from the providers' 95639  
services, including their success in reducing waste in the 95640  
provision of the services. Not later than July 1, 2020, each 95641  
medicaid managed care organization shall ensure that at least 95642  
fifty per cent of the aggregate net payments it makes to providers 95643  
are based on the value received from the providers' services. 95644

The department of medicaid may measure a medicaid managed 95645  
care organization's compliance with this section based on the 95646  
actions of the organization, the providers in the organization's 95647  
provider panel, the organization's subcontractors, or any 95648  
combination of the organization, providers, and subcontractors. 95649

(B) The medicaid director shall adopt rules under section 95650  
5167.02 of the Revised Code as necessary to implement this 95651  
section, including rules that specify how all of the following are 95652  
to be determined: 95653

<u>(1) The value received from a provider's services;</u>	95654
<u>(2) A provider's success in reducing waste in the provision of services;</u>	95655 95656
<u>(3) The percentage of a medicaid managed care organization's aggregate net payments to providers that are based on the value received from the providers' services.</u>	95657 95658 95659
<b>Sec. 5168.01.</b> As used in sections 5168.01 to 5168.14 of the Revised Code:	95660 95661
(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	95662 95663 95664 95665
(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	95666 95667 95668
(C) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5168.02 of the Revised Code.	95669 95670 95671
(D) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).	95672 95673 95674 95675 95676 95677
(E) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state-owned and -operated hospital with more than five hundred registered beds.	95678 95679 95680
(F)(1) "Hospital" means a nonfederal hospital to which either of the following applies:	95681 95682

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital, and provides inpatient hospital services, as defined in 42 C.F.R. 440.10;

(b) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system.

(2) "Hospital" does not include a hospital operated by a health insuring corporation that has been issued a certificate of authority under section 1751.05 of the Revised Code or a hospital that does not charge patients for services.

(G) "Indigent care pool" means the sum of the following:

(1) The total of assessments to be paid in a program year by all hospitals under section 5168.06 of the Revised Code, less the assessments deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code;

(2) The total amount of intergovernmental transfers required to be made in the same program year by governmental hospitals under section 5168.07 of the Revised Code, less the amount of transfers deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code;

(3) The total amount of federal matching funds that will be made available in the same program year as a result of funds distributed by the department of medicaid to hospitals under section 5168.09 of the Revised Code.

(H) "Intergovernmental transfer" means any transfer of money by a governmental hospital under section 5168.07 of the Revised

Code. 95714

(I) "Medicaid services" has the same meaning as in section 95715  
5164.01 of the Revised Code. 95716

(J) "Program year" means a period beginning the first day of 95717  
October, or a later date designated in rules adopted under section 95718  
5168.02 of the Revised Code, and ending the thirtieth day of 95719  
September, or an earlier date designated in rules adopted under 95720  
that section. 95721

(K) "Registered beds" means the total number of hospital beds 95722  
registered with the department of health, as reported in the most 95723  
recent "directory of registered hospitals" published by the 95724  
department of health. 95725

(L) "Third-party payer" means any person or government entity 95726  
that may be liable by law or contract to make payment to or on 95727  
behalf of an individual for health care services. "Third-party 95728  
payer" does not include a hospital. 95729

(M) "Total facility costs" means the total costs for all 95730  
services rendered to all patients, including the direct, indirect, 95731  
and overhead cost to the hospital of all services, supplies, 95732  
equipment, and capital related to the care of patients, regardless 95733  
of whether patients are enrolled in a health insuring corporation, 95734  
excluding costs associated with providing skilled nursing services 95735  
in distinct-part nursing facility units, as shown on the 95736  
hospital's cost report filed under section 5168.05 of the Revised 95737  
Code. Effective October 1, 1993, if rules adopted under section 95738  
5168.02 of the Revised Code so provide, "total facility costs" may 95739  
exclude costs associated with providing care to recipients of any 95740  
of the governmental programs listed in division (B) of that 95741  
section. 95742

(N) "Uncompensated care" means bad debt and charity care. 95743

**Sec. 5168.06.** (A) For the purpose of distributing funds to 95744  
hospitals under the medicaid program pursuant to sections 5168.01 95745  
to 5168.14 of the Revised Code and depositing funds ~~into the~~ 95746  
~~legislative budget services fund under section 5168.12 of the~~ 95747  
~~Revised Code and~~ into the health care services administration fund 95748  
created under section 5162.54 of the Revised Code, there is hereby 95749  
imposed an assessment on all hospitals. Each hospital's assessment 95750  
shall be based on total facility costs. All hospitals shall be 95751  
assessed according to the rate or rates established each program 95752  
year in rules adopted under section 5168.02 of the Revised Code. 95753  
The department shall assess all hospitals uniformly and in a 95754  
manner consistent with federal statutes and regulations. During 95755  
any program year, the department shall not assess any hospital 95756  
more than two per cent of the hospital's total facility costs. 95757

The department shall establish an assessment rate or rates 95758  
each program year that will do both of the following: 95759

(1) Yield funds that, when combined with intergovernmental 95760  
transfers and federal matching funds, will produce a program of 95761  
sufficient size to pay a substantial portion of the indigent care 95762  
provided by hospitals; 95763

(2) Yield funds that, when combined with intergovernmental 95764  
transfers and federal matching funds, will produce amounts for 95765  
distribution to disproportionate share hospitals that do not 95766  
exceed, in the aggregate, the limits prescribed by the United 95767  
States health care financing administration under the "Social 95768  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 95769

(B)(1) Except as provided in division (B)(3) of this section, 95770  
each hospital shall pay its assessment in periodic installments in 95771  
accordance with a schedule established in rules adopted under 95772  
section 5168.02 of the Revised Code. 95773

(2) The installments shall be equal in amount, unless either 95774

of the following applies: 95775

(a) The department makes adjustments during a program year 95776  
under division (D) of section 5168.08 of the Revised Code in the 95777  
total amount of hospitals' assessments; 95778

(b) The medicaid director determines that adjustments in the 95779  
amounts of installments are necessary for the administration of 95780  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 95781  
installments will not create cash flow difficulties for hospitals. 95782

(3) The director may adopt rules under section 5168.02 of the 95783  
Revised Code establishing alternate schedules for hospitals to pay 95784  
assessments under this section in order to reduce hospitals' cash 95785  
flow difficulties. 95786

**Sec. 5168.07.** (A) The department of medicaid may require 95787  
governmental hospitals to make intergovernmental transfers each 95788  
program year for the purpose of distributing funds to hospitals 95789  
under the medicaid program pursuant to sections 5168.01 to 5168.14 95790  
of the Revised Code and depositing funds ~~into the legislative~~ 95791  
~~budget services fund under section 5168.12 of the Revised Code and~~ 95792  
into the health care services administration fund created under 95793  
section 5162.54 of the Revised Code. The department shall not 95794  
require transfers in an amount that, when combined with hospital 95795  
assessments paid under section 5168.06 of the Revised Code and 95796  
federal matching funds, produce amounts for distribution to 95797  
disproportionate share hospitals that, in the aggregate, exceed 95798  
limits prescribed by the United States health care financing 95799  
administration under the "Social Security Act," section 1923(f), 95800  
42 U.S.C. 1396r-4(f). 95801

(B) Before or during each program year, the department shall 95802  
notify each governmental hospital of the amount of the 95803  
intergovernmental transfer it is required to make during the 95804  
program year. Each governmental hospital shall make 95805



intergovernmental transfers as required by the department under 95806  
this section in periodic installments, executed by electronic fund 95807  
transfer, in accordance with a schedule established in rules 95808  
adopted under section 5168.02 of the Revised Code. 95809

**Sec. 5168.10.** Except for moneys deposited into ~~the~~ 95810  
~~legislative budget services fund under section 5168.12 of the~~ 95811  
~~Revised Code and~~ the health care services administration fund 95812  
created under section 5162.54 of the Revised Code, the department 95813  
of medicaid shall not use money paid to the department under 95814  
sections 5168.06 and 5168.07 of the Revised Code or money that the 95815  
department pays to hospitals under section 5168.09 of the Revised 95816  
Code to replace any funds appropriated by the general assembly for 95817  
the medicaid program. 95818

**Sec. 5168.11.** (A) Except as provided in section ~~5168.12~~ 95819  
5162.54 of the Revised Code, all payments of assessments by 95820  
hospitals under section 5168.06 of the Revised Code and all 95821  
intergovernmental transfers under section 5168.07 of the Revised 95822  
Code shall be deposited in the state treasury to the credit of the 95823  
hospital care assurance program fund, hereby created. All 95824  
investment earnings of the hospital care assurance program fund 95825  
shall be credited to the fund. The department of medicaid shall 95826  
maintain records that show the amount of money in the hospital 95827  
care assurance program fund at any time that has been paid by each 95828  
hospital and the amount of any investment earnings on that amount. 95829  
All moneys credited to the hospital care assurance program fund 95830  
shall be used solely to make payments to hospitals under division 95831  
(D) of this section and section 5168.09 of the Revised Code. 95832

(B) All federal matching funds received as a result of the 95833  
department distributing funds from the hospital care assurance 95834  
program fund to hospitals under section 5168.09 of the Revised 95835  
Code shall be credited to the health care - federal fund created 95836

under section 5162.50 of the Revised Code. 95837

(C) All distributions of funds to hospitals under section 95838  
5168.09 of the Revised Code are conditional on: 95839

(1) Expiration of the time for appeals under section 5168.08 95840  
of the Revised Code without the filing of an appeal, or on court 95841  
determinations, in the event of appeals, that the hospital is 95842  
entitled to the funds; 95843

(2) The sum of the following being sufficient to distribute 95844  
the funds after the final determination of any appeals: 95845

(a) The available money in the hospital care assurance 95846  
program fund; 95847

(b) The available portion of the money in the health care - 95848  
federal fund that is credited to that fund pursuant to division 95849  
(B) of this section. 95850

(3) The hospital's compliance with section 5168.14 of the 95851  
Revised Code. 95852

(D) If an audit conducted by the department of the amounts of 95853  
payments made and funds received by hospitals under sections 95854  
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 95855  
amounts that, due to errors by the department, a hospital should 95856  
not have been required to pay but did pay, should have been 95857  
required to pay but did not pay, should not have received but did 95858  
receive, or should have received but did not receive, the 95859  
department shall: 95860

(1) Make payments to any hospital that the audit reveals paid 95861  
amounts it should not have been required to pay or did not receive 95862  
amounts it should have received; 95863

(2) Take action to recover from a hospital any amounts that 95864  
the audit reveals it should have been required to pay but did not 95865  
pay or that it should not have received but did receive. 95866

Payments made under division (D)(1) of this section shall be 95867  
made from the hospital care assurance program fund. Amounts 95868  
recovered under division (D)(2) of this section shall be deposited 95869  
to the credit of that fund. Any hospital may appeal the amount the 95870  
hospital is to be paid under division (D)(1) or the amount that is 95871  
to be recovered from the hospital under division (D)(2) of this 95872  
section to the court of common pleas of Franklin county. 95873

~~Sec. 5168.23. Unless rules adopted under section 5168.26 of~~ 95874  
~~the Revised Code establish a different payment schedule, each~~ 95875  
hospital shall pay the amount it is assessed under section 5168.21 95876  
of the Revised Code in accordance with ~~the following~~ a payment 95877  
schedule: 95878

~~(A) Twenty eight per cent of a hospital's assessment is due~~ 95879  
~~on the last business day of October of each assessment program~~ 95880  
~~year.~~ 95881

~~(B) Thirty one per cent of a hospital's assessment is due on~~ 95882  
~~the last business day of February of each assessment program year.~~ 95883

~~(C) Forty one per cent of a hospital's assessment is due on~~ 95884  
~~the last business day of May of each assessment program year~~ 95885  
the department of medicaid shall establish for each assessment program 95886  
year. The department shall consult with the Ohio hospital 95887  
association before establishing the payment schedule for any 95888  
assessment program year. The department shall include the payment 95889  
schedule in each preliminary determination notice the department 95890  
mails to hospitals under division (A) of section 5168.22 of the 95891  
Revised Code. 95892

**Sec. 5168.26.** (A) The medicaid director shall adopt rules in 95893  
accordance with Chapter 119. of the Revised Code as necessary to 95894  
implement sections 5168.20 to 5168.28 of the Revised Code, 95895  
including rules that specify the percentage of hospitals' total 95896

facility costs to be used in calculating hospitals' assessments 95897  
under section 5168.21 of the Revised Code. 95898

(B) The rules adopted under this section may do the 95899  
following: 95900

(1) Provide that a hospital's total facility costs for the 95901  
purpose of the assessment under section 5168.21 of the Revised 95902  
Code exclude any of the following: 95903

(a) A hospital's costs associated with providing care to 95904  
recipients of any of the following: 95905

(i) The medicaid program; 95906

(ii) The medicare program; 95907

(iii) The disability financial assistance program established 95908  
under Chapter 5115. of the Revised Code; 95909

(iv) The program for medically handicapped children 95910  
established under section 3701.023 of the Revised Code; 95911

(v) Services provided under the maternal and child health 95912  
services block grant established under Title V of the "Social 95913  
Security Act," 42 U.S.C. 701 et seq. 95914

(b) Any other category of hospital costs the director deems 95915  
appropriate under federal law and regulations governing the 95916  
medicaid program. 95917

(2) Subject to division (C) of this section, provide for the 95918  
percentage of hospitals' total facility costs used in calculating 95919  
hospitals' assessments to vary for different hospitals+ 95920

~~(3) To reduce hospitals' cash flow difficulties, establish a 95921  
schedule for hospitals to pay their assessments that is different 95922  
from the schedule established under section 5168.23 of the Revised 95923  
Code. 95924~~

(C) Before adopting rules authorized by division (B)(2) of 95925

this section that establish varied percentages to be used in 95926  
calculating hospitals' assessments, the director shall obtain a 95927  
waiver from the United States secretary of health and human 95928  
services under the "Social Security Act," section 1903(w)(3)(E), 95929  
42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 95930  
the assessments to not be imposed uniformly. 95931

**Sec. 5168.40.** As used in sections 5168.40 to 5168.56 of the 95932  
Revised Code: 95933

(A) "Bed surrender" means the following: 95934

(1) In the case of a nursing home, the removal of a bed from 95935  
a nursing home's licensed capacity in a manner that reduces the 95936  
total licensed capacity of all nursing homes and makes it 95937  
impossible for the bed to ever be a part of any nursing home's 95938  
licensed capacity; 95939

(2) In the case of a hospital, the removal of a hospital bed 95940  
from registration under section 3701.07 of the Revised Code as a 95941  
skilled nursing facility bed or long-term care bed in a manner 95942  
that reduces the total number of hospital beds registered under 95943  
that section as skilled nursing facility beds or long-term care 95944  
beds and makes it impossible for the bed to ever be registered as 95945  
a skilled nursing facility bed or long-term care bed. 95946

(B) "Change of operator" means an entering operator becoming 95947  
the operator of a nursing home or hospital in the place of the 95948  
exiting operator. 95949

(1) Actions that constitute a change of operator include the 95950  
following: 95951

(a) A change in an exiting operator's form of legal 95952  
organization, including the formation of a partnership or 95953  
corporation from a sole proprietorship; 95954

(b) A transfer of all the exiting operator's ownership 95955

interest in the operation of the nursing home or hospital to the 95956  
entering operator, regardless of whether ownership of any or all 95957  
of the real property or personal property associated with the 95958  
nursing home or hospital is also transferred; 95959

(c) A lease of the nursing home or hospital to the entering 95960  
operator or the exiting operator's termination of the exiting 95961  
operator's lease; 95962

(d) If the exiting operator is a partnership, dissolution of 95963  
the partnership; 95964

(e) If the exiting operator is a partnership, a change in 95965  
composition of the partnership unless both of the following apply: 95966

(i) The change in composition does not cause the 95967  
partnership's dissolution under state law. 95968

(ii) The partners agree that the change in composition does 95969  
not constitute a change in operator. 95970

(f) If the operator is a corporation, dissolution of the 95971  
corporation, a merger of the corporation into another corporation 95972  
that is the survivor of the merger, or a consolidation of one or 95973  
more other corporations to form a new corporation. 95974

(2) The following, alone, do not constitute a change of 95975  
operator: 95976

(a) A contract for an entity to manage a nursing home or 95977  
hospital as the operator's agent, subject to the operator's 95978  
approval of daily operating and management decisions; 95979

(b) A change of ownership, lease, or termination of a lease 95980  
of real property or personal property associated with a nursing 95981  
home or hospital if an entering operator does not become the 95982  
operator in place of an exiting operator; 95983

(c) If the operator is a corporation, a change of one or more 95984  
members of the corporation's governing body or transfer of 95985

ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital.

(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator.

(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator.

(F) "Franchise permit fee rate" means the rate determined in accordance with section 5168.41 of the Revised Code.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located:

(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;

(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code.

(I) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes

effect, the percentage in effect before the change; 96016

(2) For the part of the fiscal year beginning with the date 96017  
the indirect guarantee percentage changes, the new percentage. 96018

(J) "Medicaid days" and "nursing facility" have the same 96019  
meanings as in section 5165.01 of the Revised Code. 96020

(K)(1) "Nursing home" means all of the following: 96021

(a) A nursing home licensed under section 3721.02 or 3721.09 96022  
of the Revised Code, including any part of a home for the aging 96023  
licensed as a nursing home; 96024

(b) A facility or part of a facility, other than a hospital, 96025  
that is certified as a skilled nursing facility under Title XVIII; 96026

(c) A nursing facility, other than a portion of a hospital 96027  
certified as a nursing facility. 96028

(2) "Nursing home" does not include either of the following: 96029

(a) A county home, county nursing home, or district home 96030  
operated pursuant to Chapter 5155. of the Revised Code; 96031

(b) A nursing home maintained and operated by the department 96032  
of veterans services under section 5907.01 of the Revised Code. 96033

(L) "Operator" means the person or government entity 96034  
responsible for the daily operating and management decisions for a 96035  
nursing home or hospital. 96036

(M) "Title XIX" means Title XIX of the "Social Security Act," 96037  
42 U.S.C. 1396 et seq. 96038

(N) "Title XVIII" means Title XVIII of the "Social Security 96039  
Act," 42 U.S.C. 1395 et seq. 96040

**Sec. 5168.44.** If the United States secretary of health and 96041  
human services approves the waiver sought under section 5168.43 of 96042  
the Revised Code, the department of medicaid shall, for each 96043



nursing home and hospital that qualifies for a reduction of its 96044  
franchise permit fee rate under the waiver, reduce the franchise 96045  
permit fee rate in accordance with the terms of the waiver. For 96046  
purposes of the first fiscal year during which the waiver takes 96047  
effect, the department shall determine the amount of the reduction 96048  
not later than the effective date of the waiver and shall mail to 96049  
each nursing home and hospital qualifying for the reduction notice 96050  
of the reduction not later than the last day of the first month of 96051  
the quarter that begins after the United States secretary approves 96052  
the waiver. For purposes of subsequent fiscal years, the 96053  
department shall make such determinations and ~~mail such notices~~ 96054  
notify the nursing homes and hospitals in accordance with section 96055  
5168.47 of the Revised Code. 96056

**Sec. 5168.45.** (A) If the United States secretary of health 96057  
and human services approves the waiver sought under section 96058  
5168.43 of the Revised Code, the department of medicaid may do 96059  
both of the following regarding the franchise permit fee assessed 96060  
under section 5168.42 of the Revised Code: 96061

(1) Determine how much money the franchise permit fee would 96062  
have raised in a fiscal year if not for the waiver; 96063

(2) For each nursing home and hospital subject to the 96064  
franchise permit fee, other than a nursing home or hospital that 96065  
has its franchise permit fee rate reduced under section 5168.44 of 96066  
the Revised Code, uniformly increase the amount of the franchise 96067  
permit fee rate for a fiscal year to an amount that will have the 96068  
franchise permit fee raise an amount of money that does not exceed 96069  
the amount determined under division (A)(1) of this section for 96070  
that fiscal year. 96071

(B) If the department increases the franchise permit fee rate 96072  
in accordance with division (A) of this section for the first 96073

fiscal year during which the waiver takes effect, the department 96074  
shall determine the amount of the increase not later than the 96075  
effective date of the waiver and shall mail to each nursing home 96076  
and hospital subject to the increase notice of the increase not 96077  
later than the last day of the first month of the quarter that 96078  
begins after the United States secretary approves the waiver. If 96079  
the department increases the franchise permit fee rate in 96080  
accordance with division (A) of this section for a subsequent 96081  
fiscal year, the department shall make such determinations and 96082  
~~mail such notices~~ notify the nursing homes and hospitals in 96083  
accordance with section 5168.47 of the Revised Code. 96084

**Sec. 5168.47.** (A) Not later than the fifteenth day of 96085  
September of each year, the department of medicaid shall determine 96086  
the annual franchise permit fee for each nursing home and hospital 96087  
in accordance with section 5168.42 of the Revised Code and any 96088  
adjustments made in accordance with sections 5168.44 and 5168.45 96089  
of the Revised Code. 96090

(B) Not later than the first day of October of each year, the 96091  
department shall ~~mail to~~ notify, electronically or by United 96092  
States postal service, each nursing home and hospital ~~notice~~ of 96093  
the amount of the franchise permit fee that has been determined 96094  
for the nursing home or hospital. 96095

(C) Subject to section 5168.48 of the Revised Code, each 96096  
nursing home and hospital shall pay its fee under section 5168.42 96097  
of the Revised Code, as adjusted in accordance with sections 96098  
5168.44 and 5168.45 of the Revised Code, to the department in four 96099  
installment payments not later than forty-five days after the last 96100  
day of each October, December, March, and June. 96101

**Sec. 5168.48.** (A) Not later than the last day of February of 96102  
each year, the department of medicaid shall redetermine each 96103

nursing home's and hospital's franchise permit fee if one or more 96104  
bed surrenders occur during the period beginning on the first day 96105  
of May of the preceding calendar year and ending on the first day 96106  
of January of the calendar year in which the redetermination is 96107  
made. 96108

(B) In redetermining nursing homes' and hospitals' franchise 96109  
permit fees under this section, the department shall do both of 96110  
the following: 96111

(1) Provide for the redetermination to be conducted in a 96112  
manner consistent with the terms of the waiver sought under 96113  
section 5168.43 of the Revised Code; 96114

(2) Recalculate each nursing home's and hospital's franchise 96115  
permit fee in accordance with division (A) or (B) of section 96116  
5168.42 of the Revised Code with the following changes: 96117

(a) In the case of a nursing home or hospital for which one 96118  
or more bed surrenders occurred during the period beginning on the 96119  
first day of May of the preceding calendar year and ending on the 96120  
first day of January of the calendar year in which the 96121  
redetermination is made, the number of beds included in the 96122  
calculation for the purpose of division (A)(1) or (B)(1) of 96123  
section 5168.42 of the Revised Code shall exclude the beds for 96124  
which bed surrenders occurred during that period. 96125

(b) The number of days used in the calculation under division 96126  
(A)(2) or (B)(2) of section 5168.42 of the Revised Code shall be 96127  
the number of days in the first half of the calendar year in which 96128  
the redetermination is made. 96129

(c) The franchise permit fee rate shall reflect adjustments 96130  
made under sections 5168.44 and 5168.45 of the Revised Code. 96131

(C) Not later than the first day of March of each year, the 96132  
department shall ~~mail to~~ notify, electronically or by United 96133

States postal service, each nursing home and hospital ~~notice~~ of 96134  
the amount of its redetermined franchise permit fee. 96135

(D) Each nursing home and hospital shall pay its redetermined 96136  
fee to the department in two installment payments not later than 96137  
forty-five days after the last day of March and June of the 96138  
calendar year in which the redetermination is made. 96139

**Sec. 5168.49.** If a nursing home or hospital undergoes a 96140  
change of operator during a fiscal year, the responsibility for 96141  
paying the franchise permit fee that was determined for the 96142  
nursing home or hospital under section 5168.47 of the Revised 96143  
Code, or redetermined for the nursing home or hospital under 96144  
section 5168.48 of the Revised Code, for that fiscal year shall be 96145  
divided proportionally. The exiting operator shall be responsible 96146  
for paying the amount of the fee that is for the part of the 96147  
fiscal year that ends on the day before the effective date of the 96148  
change of operator. The entering operator shall be responsible for 96149  
paying the amount of the fee that is for the part of the fiscal 96150  
year that begins on the effective date of the change of operator. 96151  
The department of medicaid is not required to ~~mail a notice to~~ 96152  
notify the entering operator regarding the amount of that fiscal 96153  
year's fee for which the entering operator is responsible. 96154

**Sec. 5168.53.** (A) A nursing home or hospital may appeal the 96155  
fee assessed under section 5168.42 of the Revised Code, as 96156  
adjusted under section 5168.44 or 5168.45 of the Revised Code, and 96157  
redetermined under section 5168.48 of the Revised Code solely on 96158  
the grounds that the department of medicaid committed a material 96159  
error in determining or redetermining the amount of the fee. A 96160  
request for an appeal must be received by the department not later 96161  
than fifteen days after the date the department ~~mails~~ notifies the 96162  
~~notice~~ nursing home or hospital of the fee and must include 96163  
written materials setting forth the basis for the appeal. 96164

(B) If a nursing home or hospital submits a request for an appeal within the time required under division (A) of this section, the department shall hold a public hearing in Columbus not later than thirty days after the date the department receives the request for an appeal. The department shall, not later than ten days before the date of the hearing, ~~mail a notice~~ notify, electronically or by United States postal service, the nursing home or hospital of the date, time, and place of the hearing ~~to the nursing home or hospital~~. The department may hear all the requested appeals in one public hearing.

(C) On the basis of the evidence presented at the hearing or any other evidence submitted by the nursing home or hospital, the department may adjust a fee. The department's decision is final.

**Sec. 5168.60.** As used in sections 5168.60 to 5168.71 of the Revised Code:

(A) "Franchise permit fee rate" means the following:

(1) For fiscal year ~~2014~~ 2016, eighteen dollars and ~~twenty-four~~ seven cents;

(2) For fiscal year ~~2015~~ 2017 and each fiscal year thereafter, eighteen dollars and ~~seventeen~~ two cents.

(B) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date

the indirect guarantee percentage changes, the new percentage. 96195

(C) "ICF/IID" has the same meaning as in section 5124.01 of 96196  
the Revised Code. 96197

(D) "Medicaid-certified capacity" has the same meaning as in 96198  
section 5124.01 of the Revised Code. 96199

(E) "Provider agreement" has the same meaning as in section 96200  
5124.01 of the Revised Code. 96201

**Sec. 5168.63.** (A) Not later than the fifteenth day of August 96202  
of each year, the department of developmental disabilities shall 96203  
determine the annual franchise permit fee for each ICF/IID in 96204  
accordance with section 5168.61 of the Revised Code. 96205

(B) Not later than the first day of September of each year, 96206  
the department shall ~~mail to~~ notify, electronically or by United 96207  
States postal service, each ICF/IID ~~notice~~ of the amount of the 96208  
franchise permit fee the ICF/IID has been assessed under section 96209  
5168.61 of the Revised Code. 96210

(C) Subject to section 5168.64 of the Revised Code, each 96211  
ICF/IID shall pay its fee under section 5168.61 of the Revised 96212  
Code to the department in quarterly installment payments not later 96213  
than forty-five days after the last day of each September, 96214  
December, March, and June. 96215

**Sec. 5168.64.** (A) If the operator of an ICF/IID converts, 96216  
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 96217  
the ICF/IID's beds to providing home and community-based services 96218  
and the operator's provider agreement for the ICF/IID is 96219  
terminated as a consequence, the department of developmental 96220  
disabilities shall terminate the ICF/IID's franchise permit fee 96221  
effective on the first day of the quarter immediately following 96222  
the quarter in which the conversion takes place. 96223

(B)(1) If, during the period beginning on the first day of 96224  
May of a calendar year and ending on the first day of January of 96225  
the immediately following calendar year, the operator of an 96226  
ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the 96227  
Revised Code, ~~one or more~~ some but not all of the ICF/IID's beds 96228  
to providing home and community-based services and the ICF/IID's 96229  
medicaid-certified capacity is reduced as a consequence, the 96230  
~~department of developmental disabilities shall do the following:~~ 96231

~~(1) If the ICF/IID's medicaid certification is terminated 96232  
because of the conversion, terminate the ICF/IID's franchise 96233  
permit fee effective on the first day of the quarter immediately 96234  
following the quarter in which the department receives the notice 96235  
of the conversion from the director of health;~~ 96236

~~(2) If the ICF/IID's medicaid-certified capacity is reduced 96237  
because of the conversion, redetermine the ICF/IID's franchise 96238  
permit fee in accordance with division (B) of this section for the 96239  
second half of the fiscal year for which the fee is assessed.~~ 96240

~~(B)(1)~~ assessed. To redetermine ~~an~~ the ICF/IID's franchise 96241  
permit fee, the department shall multiply the franchise permit fee 96242  
rate by the product of the following: 96243

(a) The ICF/IID's medicaid-certified capacity as of the date 96244  
the conversion takes effect; 96245

(b) The number of days in the second half of the fiscal year 96246  
for which the redetermination is made. 96247

(2) The ICF/IID shall pay its franchise permit fee as 96248  
redetermined under division (B)(1) of this section in installment 96249  
payments not later than forty-five days after the last day of 96250  
March and June of the fiscal year for which the redetermination is 96251  
made. 96252

**Sec. 5168.67.** (A) An ICF/IID may appeal the franchise permit 96253

fee imposed under section 5168.61 of the Revised Code solely on 96254  
the grounds that the department of developmental disabilities 96255  
committed a material error in determining the amount of the fee. A 96256  
request for an appeal must be received by the department not later 96257  
than fifteen days after the date the department ~~mails~~ notifies the 96258  
~~notice~~ ICF/IID of the fee and must include written materials 96259  
setting forth the basis for the appeal. 96260

(B) If an ICF/IID submits a request for an appeal within the 96261  
time required under division (A) of this section, the department 96262  
shall hold a public hearing in Columbus not later than thirty days 96263  
after the date the department receives the request for an appeal. 96264  
The department shall, not later than ten days before the date of 96265  
the hearing, ~~mail a notice~~ notify, electronically or by United 96266  
States postal service, the ICF/IID of the date, time, and place of 96267  
the hearing ~~to the ICF/IID~~. The department may hear all requested 96268  
appeals in one public hearing. 96269

(C) On the basis of the evidence presented at the hearing or 96270  
any other evidence submitted by the ICF/IID, the department may 96271  
adjust a fee. The department's decision is final. 96272

**Sec. 5301.68.** An owner of land may grant a conservation 96273  
easement to the department of natural resources, a park district 96274  
created under Chapter 1545. of the Revised Code, a township park 96275  
district created under section 511.18 of the Revised Code, a 96276  
conservancy district created under Chapter 6101. of the Revised 96277  
Code, a soil and water conservation district created under Chapter 96278  
~~1515-~~ 940. of the Revised Code, a regional water and sewer 96279  
district created under Chapter 6119. of the Revised Code, a 96280  
county, a township, a municipal corporation, or a charitable 96281  
organization that is authorized to hold conservation easements by 96282  
division (B) of section 5301.69 of the Revised Code, in the form 96283  
of articles of dedication, easement, covenant, restriction, or 96284



condition. An owner of land also may grant an agricultural 96285  
easement to the director of agriculture; to a municipal 96286  
corporation, county, township, or soil and water conservation 96287  
district; or to a charitable organization described in division 96288  
(B) of section 5301.69 of the Revised Code. An owner of land may 96289  
grant an agricultural easement only on land that is valued for 96290  
purposes of real property taxation at its current value for 96291  
agricultural use under section 5713.31 of the Revised Code or that 96292  
constitutes a homestead when the easement is granted. 96293

All conservation easements and agricultural easements shall 96294  
be executed and recorded in the same manner as other instruments 96295  
conveying interests in land. 96296

**Sec. 5301.69.** (A) The director of natural resources, the 96297  
board of park commissioners of a park district created under 96298  
Chapter 1545. of the Revised Code, the board of park commissioners 96299  
of a township park district created under section 511.18 of the 96300  
Revised Code, the board of directors of a conservancy district 96301  
created under Chapter 6101. of the Revised Code, the board of 96302  
supervisors of a soil and water conservation district created 96303  
under Chapter ~~1515.08~~ 940. of the Revised Code, the board of 96304  
trustees of a regional water and sewer district created under 96305  
Chapter 6119. of the Revised Code, the board of county 96306  
commissioners of a county, the board of township trustees of a 96307  
township, or the legislative authority of a municipal corporation 96308  
may acquire conservation easements in the name of the state, the 96309  
district, or the county, township, or municipal corporation in the 96310  
same manner as other interests in land may be acquired under 96311  
section 307.02, 307.18, 505.10, 505.261, 511.23, 717.01, 940.06, 96312  
1501.01, ~~1515.08~~, 1545.11, 6101.15, or 6119.111 of the Revised 96313  
Code. Each officer, board, or authority acquiring a conservation 96314  
easement shall name an appropriate administrative officer, 96315  
department, or division to supervise and enforce the easement. 96316

(B) A charitable organization may acquire and hold 96317  
conservation easements if it is exempt from federal taxation under 96318  
subsection 501(a) and is described in subsection 501(c) of the 96319  
"Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C. 1, as 96320  
amended, and organized for any of the following purposes: the 96321  
preservation of land areas for public outdoor recreation or 96322  
education, or scenic enjoyment; the preservation of historically 96323  
important land areas or structures; or the protection of natural 96324  
environmental systems. Such a charitable organization also may 96325  
acquire and hold agricultural easements subject to the limitation 96326  
that it may do so only on land that is valued for purposes of real 96327  
property taxation at its current value for agricultural use under 96328  
section 5713.31 of the Revised Code or that constitutes a 96329  
homestead when the easement is granted. 96330

**Sec. 5501.73.** (A) After selecting a solicited or unsolicited 96331  
proposal for a public-private initiative, the department of 96332  
transportation shall enter into a public-private agreement for a 96333  
transportation facility with the selected private entity or any 96334  
configuration of private entities. An affected jurisdiction may be 96335  
a party to a public-private agreement entered into by the 96336  
department and a selected private entity or combination of private 96337  
entities. 96338

(B)(1) A public-private agreement under this section shall 96339  
provide for all of the following: 96340

~~(1)~~(a) Planning, acquisition, financing, development, design, 96341  
construction, reconstruction, replacement, improvement, 96342  
maintenance, management, repair, leasing, or operation of a 96343  
transportation facility; 96344

~~(2)~~(b) Term of the public-private agreement; 96345

~~(3)~~(c) Type of property interest, if any, the private entity 96346  
will have in the transportation facility; 96347

~~(4)~~(d) A specific plan to ensure proper maintenance of the transportation facility throughout the term of the agreement and a return of the facility to the department, if applicable, in good condition and repair;

~~(5)~~(e) Whether user fees, administrative fees, or other charges will be collected for use of the transportation facility in accordance with sections 5531.11 to 5531.18 of the Revised Code and the basis by which such user fees, administrative fees, or other charges shall be determined and modified;

~~(6)~~(f) Compliance with applicable federal, state, and local laws;

~~(7)~~(g) Grounds for termination of the public-private agreement by the department or operator;

~~(8)~~(h) Disposition of the facility upon completion of the agreement;

~~(9)~~(i) Procedures for amendment of the agreement;

~~(10)~~ A (j) If the agreement contains a construction services component, a contract performance bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director of transportation, conditioned upon the private entity or contractor performing the construction services portion of the work in accordance with the agreed upon terms, within the time prescribed, and in conformance with any other such terms and conditions as are specified by the director;

~~(11)~~ A (k) If the agreement contains a construction services component, a payment bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director, conditioned upon the payment for all labor, work performed, and materials furnished in connection with the agreement and any other such terms and conditions as are specified by the director construction services portion of the

<u>work.</u>	96379
<u>(2) As used in divisions (B)(1)(j) and (k), "construction services" means design-build, construction, reconstruction, replacement, improvement, or repair services.</u>	96380
	96381
	96382
(C) A public-private agreement under this section may provide for any of the following:	96383
	96384
(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;	96385
	96386
	96387
(2) Inspection by the department of construction of or improvements to the transportation facility;	96388
	96389
(3) Maintenance by the operator of a policy of liability insurance or self-insurance;	96390
	96391
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	96392
	96393
	96394
(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	96395
	96396
(6) Financing obligations of the operator and the department;	96397
(7) Apportionment of expenses between the operator and the department;	96398
	96399
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	96400
	96401
	96402
(9) Rights and remedies available in the event of default or delay;	96403
	96404
(10) Terms and conditions of indemnification of the operator by the department;	96405
	96406
(11) Assignment, subcontracting, or other delegation of	96407

responsibilities of the operator or the department under the 96408  
agreement to third parties, including other private entities and 96409  
other state agencies; 96410

(12) Sale or lease to the operator of private property 96411  
related to the transportation facility; 96412

(13) Traffic enforcement and other policing issues, including 96413  
any reimbursement by the private entity for such services. 96414

(D)(1) The director of transportation may include in any 96415  
public-private agreement under sections 5501.70 to 5501.83 of the 96416  
Revised Code a provision authorizing a binding dispute resolution 96417  
method for any controversy subsequently arising out of the 96418  
contract. The binding dispute resolution method may proceed only 96419  
upon agreement of all parties to the controversy. If all parties 96420  
do not agree to proceed to a binding dispute resolution, a party 96421  
having a claim against the department shall exhaust its 96422  
administrative remedies specified in the public-private agreement 96423  
prior to filing any action against the department in the court of 96424  
claims. 96425

No appeal from the determination of a technical expert lies 96426  
to any court, except that the court of common pleas of Franklin 96427  
County may issue an order vacating such a determination upon the 96428  
application of any party to the binding dispute resolution if any 96429  
of the following applies: 96430

(a) The determination was procured by corruption, fraud, or 96431  
undue means. 96432

(b) There was evidence of partiality or corruption on the 96433  
part of the technical expert. 96434

(c) The technical expert was guilty of misconduct in refusing 96435  
to postpone the hearing, upon sufficient cause shown, or in 96436  
refusing to hear evidence pertinent and material to the 96437  
controversy, or of any other misbehavior by which the rights of 96438

any party have been prejudiced. 96439

(2) As used in this division, "binding dispute resolution" 96440  
means a binding determination after review by a technical expert 96441  
of all relevant items, which may include documents, and by 96442  
interviewing appropriate personnel and visiting the project site 96443  
involved in the controversy. "Binding dispute resolution" does not 96444  
involve representation by legal counsel or advocacy by any person 96445  
on behalf of any party to the controversy. 96446

(E) No public-private agreement entered into under this 96447  
section shall be construed to transfer to a private entity the 96448  
director's authority to appropriate property under Chapters 163., 96449  
5501., and 5519. of the Revised Code. 96450

(F) Money collected by the department pursuant to an 96451  
agreement entered into under this section shall be deposited into 96452  
the state treasury to the credit of the highway operating fund 96453  
unless the agreement is related to a toll project under sections 96454  
5531.11 to 5531.18 of the Revised Code, in which case the money 96455  
shall be deposited as specified in the agreement. 96456

(G) Chapter 5525. of the Revised Code does not apply to 96457  
public-private agreements under sections 5501.70 to 5501.83 of the 96458  
Revised Code. 96459

Sec. 5502.132. There is hereby created in the state treasury 96460  
the Ohio investigative unit fund. The fund shall consist of any 96461  
nonfederal money received by the investigative unit of the 96462  
department of public safety that is not otherwise required to be 96463  
deposited into another fund under any provision of the Revised 96464  
Code. The director of public safety shall use the money in the 96465  
fund to pay the expenses of administering the law relative to the 96466  
powers and duties of the investigative unit. All investment 96467  
earnings shall be retained by the fund. 96468

**Sec. 5505.04.** (A)(1) The general administration and 96469  
management of the state highway patrol retirement system and the 96470  
making effective of this chapter are hereby vested in the state 96471  
highway patrol retirement board. The board may sue and be sued, 96472  
plead and be impleaded, contract and be contracted with, and do 96473  
all things necessary to carry out this chapter. 96474

The board shall consist of the following members: 96475

(a) The superintendent of the state highway patrol; 96476

(b) Two retirant members who reside in this state; 96477

(c) Five employee-members; 96478

(d) One member, known as the treasurer of state's investment 96479  
designee, who shall be appointed by the treasurer of state for a 96480  
term of four years and who shall have the following 96481  
qualifications: 96482

(i) The member is a resident of this state. 96483

(ii) Within the three years immediately preceding the 96484  
appointment, the member has not been employed by the public 96485  
employees retirement system, police and fire pension fund, state 96486  
teachers retirement system, school employees retirement system, or 96487  
state highway patrol retirement system or by any person, 96488  
partnership, or corporation that has provided to one of those 96489  
retirement systems services of a financial or investment nature, 96490  
including the management, analysis, supervision, or investment of 96491  
assets. 96492

(iii) The member has direct experience in the management, 96493  
analysis, supervision, or investment of assets. 96494

(iv) The member is not currently employed by the state or a 96495  
political subdivision of the state. 96496

(e) Two investment expert members, who shall be appointed to 96497

four-year terms. One investment expert member shall be appointed 96498  
by the governor, and one investment expert member shall be jointly 96499  
appointed by the speaker of the house of representatives and the 96500  
president of the senate. Each investment expert member shall have 96501  
the following qualifications: 96502

(i) Each investment expert member shall be a resident of this 96503  
state. 96504

(ii) Within the three years immediately preceding the 96505  
appointment, each investment expert member shall not have been 96506  
employed by the public employees retirement system, police and 96507  
fire pension fund, state teachers retirement system, school 96508  
employees retirement system, or state highway patrol retirement 96509  
system or by any person, partnership, or corporation that has 96510  
provided to one of those retirement systems services of a 96511  
financial or investment nature, including the management, 96512  
analysis, supervision, or investment of assets. 96513

(iii) Each investment expert member shall have direct 96514  
experience in the management, analysis, supervision, or investment 96515  
of assets. 96516

(2) The board shall annually elect a chairperson and 96517  
vice-chairperson from among its members. The vice-chairperson 96518  
shall act as chairperson in the absence of the chairperson. A 96519  
majority of the members of the board shall constitute a quorum and 96520  
any action taken shall be approved by a majority of the members of 96521  
the board. The board shall meet not less than once each year, upon 96522  
sufficient notice to the members. All meetings of the board shall 96523  
be open to the public except executive sessions as set forth in 96524  
division (G) of section 121.22 of the Revised Code, and any 96525  
portions of any sessions discussing medical records or the degree 96526  
of disability of a member excluded from public inspection by this 96527  
section. 96528



(3) Any member appointed under this section shall hold office 96529  
until the end of the member's term or, if later, the date the 96530  
member's successor takes office. 96531

(B) The attorney general shall prescribe procedures for the 96532  
adoption of rules authorized under this chapter, consistent with 96533  
the provision of section 111.15 of the Revised Code under which 96534  
all rules shall be filed in order to be effective. Such procedures 96535  
shall establish methods by which notice of proposed rules are 96536  
given to interested parties and rules adopted by the board 96537  
published and otherwise made available. When it files a rule with 96538  
the joint committee on agency rule review pursuant to section 96539  
111.15 of the Revised Code, the board shall submit to the Ohio 96540  
retirement study council a copy of the full text of the rule, and 96541  
if applicable, a copy of the rule summary and fiscal analysis 96542  
required by division (B) of section 127.18 of the Revised Code. 96543

(C)(1) As used in this division, "personal history record" 96544  
means information maintained by the board on an individual who is 96545  
a member, former member, retirant, or beneficiary that includes 96546  
the address, electronic mail address, telephone number, social 96547  
security number, record of contributions, correspondence with the 96548  
system, and other information the board determines to be 96549  
confidential. 96550

(2) The records of the board shall be open to public 96551  
inspection and may be made available in printed or electronic 96552  
format, except for the following which shall be excluded: the 96553  
member's, former member's, retirant's, or beneficiary's personal 96554  
history record and the amount of a monthly allowance or benefit 96555  
paid to a retirant, beneficiary, or survivor, except with the 96556  
written authorization of the individual concerned. 96557

(D) All medical reports and recommendations are privileged 96558  
except as follows: 96559

(1) Copies of such medical reports or recommendations shall 96560  
be made available to the individual's personal physician, 96561  
attorney, or authorized agent upon written release received from 96562  
such individual or such individual's agent, or when necessary for 96563  
the proper administration of the fund to the board-assigned 96564  
physician. 96565

(2) Documentation required by section 2929.193 of the Revised 96566  
Code shall be provided to a court holding a hearing under that 96567  
section. 96568

(E) Notwithstanding the exceptions to public inspection in 96569  
division (C)(2) of this section, the board may furnish the 96570  
following information: 96571

(1) If a member, former member, or retirant is subject to an 96572  
order issued under section 2907.15 of the Revised Code or an order 96573  
issued under division (A) or (B) of section 2929.192 of the 96574  
Revised Code or is convicted of or pleads guilty to a violation of 96575  
section 2921.41 of the Revised Code, on written request of a 96576  
prosecutor as defined in section 2935.01 of the Revised Code, the 96577  
board shall furnish to the prosecutor the information requested 96578  
from the individual's personal history record. 96579

(2) Pursuant to a court order issued under Chapters 3119., 96580  
3121., and 3123. of the Revised Code, the board shall furnish to a 96581  
court or child support enforcement agency the information required 96582  
under those chapters. 96583

(3) At the written request of any nonprofit organization or 96584  
association providing services to retirement system members, 96585  
retirants, or beneficiaries, the board shall provide to the 96586  
organization or association a list of the names and addresses of 96587  
members, former members, retirants, or beneficiaries if the 96588  
organization or association agrees to use such information solely 96589  
in accordance with its stated purpose of providing services to 96590

such individuals and not for the benefit of other persons, 96591  
organizations, or associations. The costs of compiling, copying, 96592  
and mailing the list shall be paid by such entity. 96593

(4) Within fourteen days after receiving from the director of 96594  
job and family services a list of the names and social security 96595  
numbers of recipients of public assistance pursuant to section 96596  
5101.181 of the Revised Code, the board shall inform the auditor 96597  
of state of the name, current or most recent employer address, and 96598  
social security number of each member whose name and social 96599  
security number are the same as those of a person whose name or 96600  
social security number was submitted by the director. The board 96601  
and its employees, except for purposes of furnishing the auditor 96602  
of state with information required by this section, shall preserve 96603  
the confidentiality of recipients of public assistance in 96604  
compliance with section 5101.181 of the Revised Code. 96605

(5) The system shall comply with orders issued under section 96606  
3105.87 of the Revised Code. 96607

On the written request of an alternate payee, as defined in 96608  
section 3105.80 of the Revised Code, the system shall furnish to 96609  
the alternate payee information on the amount and status of any 96610  
amounts payable to the alternate payee under an order issued under 96611  
section 3105.171 or 3105.65 of the Revised Code. 96612

(6) At the request of any person, the board shall make 96613  
available to the person copies of all documents, including 96614  
resumes, in the board's possession regarding filling a vacancy of 96615  
an employee member or retirant member of the board. The person who 96616  
made the request shall pay the cost of compiling, copying, and 96617  
mailing the documents. The information described in this division 96618  
is a public record. 96619

(7) The system shall provide the notice required by section 96620  
5505.263 of the Revised Code to the prosecutor assigned to the 96621

case. 96622

(8) The system may provide information requested by the 96623  
United States social security administration, United States 96624  
centers for medicare and medicaid, public employees retirement 96625  
system, Ohio public employees deferred compensation program, Ohio 96626  
police and fire pension fund, school employees retirement system, 96627  
state teachers retirement system, or Cincinnati retirement system. 96628

(F) A statement that contains information obtained from the 96629  
system's records that is certified and signed by an officer of the 96630  
retirement system and to which the system's official seal is 96631  
affixed, or copies of the system's records to which the signature 96632  
and seal are attached, shall be received as true copies of the 96633  
system's records in any court or before any officer of this state. 96634

(G) The board may maintain records in printed or electronic 96635  
format. 96636

(H) Notwithstanding the exceptions to public inspection in 96637  
division (C)(2) of this section or the privileges contained in 96638  
division (D) of this section, the board shall furnish to the 96639  
administrator of workers' compensation the records required under 96640  
section 5505.182 of the Revised Code. 96641

**Sec. 5505.068.** (A) As used in this section and in section 96642  
5505.0610 of the Revised Code: 96643

(1) "Agent" means a dealer, as defined in section 1707.01 of 96644  
the Revised Code, who is licensed under sections 1707.01 to 96645  
1707.45 of the Revised Code or under comparable laws of another 96646  
state or of the United States. 96647

(2) "Minority business enterprise" has the same meaning as in 96648  
section 122.71 of the Revised Code. 96649

(3) "Ohio-qualified agent" means an agent designated as such 96650  
by the state highway patrol retirement board. 96651

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state highway patrol retirement board. 96652  
96653  
96654

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients. 96655  
96656  
96657  
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(B) The state highway patrol retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements: 96659  
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96661

(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 96662  
96663

(2) The agent is authorized to conduct business in this state; 96664  
96665

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 96666  
96667

(C) The state highway patrol retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following: 96668  
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96670  
96671  
96672

(1) Commissions charged by the agent, both in the aggregate and on a per share basis; 96673  
96674

(2) The execution speed and trade settlement capabilities of the agent; 96675  
96676

(3) The responsiveness, reliability, and integrity of the agent; 96677  
96678

(4) The nature and value of research provided by the agent; 96679

(5) Any special capabilities of the agent. 96680

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.

(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

~~(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~

~~(1) The name of each agent designated as an Ohio qualified agent under this section;~~

~~(2) The name of each agent that executes securities transactions on behalf of the board;~~

~~(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~

~~(5) The amount of equity and fixed income trades that are~~

~~executed by agents that are minority business enterprises, 96711  
expressed as a percentage of all equity and fixed income trades 96712  
that are executed by agents on behalf of the board; 96713~~

~~(6) Any other information requested by the Ohio retirement 96714  
study council regarding the board's use of agents. 96715~~

**Sec. 5505.0610.** (A) The state highway patrol retirement board 96716  
shall, for the purposes of this section, designate an investment 96717  
manager as an Ohio-qualified investment manager if the investment 96718  
manager meets all of the following requirements: 96719

(1) The investment manager is subject to taxation under 96720  
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 96721

(2) The investment manager meets one of the following 96722  
requirements: 96723

(a) Has its corporate headquarters or principal place of 96724  
business in this state; 96725

(b) Employs at least five hundred individuals in this state; 96726

(c) Has a principal place of business in this state and 96727  
employs at least twenty residents of this state. 96728

(B)(1) The board shall, at least annually, establish a policy 96729  
with the goal to increase utilization by the board of 96730  
Ohio-qualified investment managers, when an Ohio-qualified 96731  
investment manager offers quality, services, and safety comparable 96732  
to other investment managers otherwise available to the board. The 96733  
policy shall also provide for the following: 96734

(a) A process whereby the board can develop a list of 96735  
Ohio-qualified investment managers and their investment products; 96736

(b) A process whereby the board can give public notice to 96737  
Ohio-qualified investment managers of the board's search for an 96738  
investment manager that includes the board's search criteria. 96739

(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The board's determination shall be final.

~~(C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~

~~(1) The name of each investment manager designated as an Ohio-qualified investment manager under this section;~~

~~(2) The name of each investment manager with which the board contracts;~~

~~(3) The amount of assets managed by Ohio-qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted;~~

~~(4) The compensation paid to Ohio-qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted;~~

~~(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.~~

Sec. 5505.182. Upon a member's receiving disability retirement under section 5505.18 of the Revised Code for post-traumatic stress disorder without an accompanying physical injury, the state highway patrol retirement board shall notify the administrator of workers' compensation of all of the following:

(A) The name of the member;

(B) That the member's post-traumatic stress disorder, without an accompanying physical injury, qualifies that member for disability retirement under section 5505.18 of the Revised Code;



(C) The effective date of the member's disability retirement; 96770

(D) The date that payments for the member's disability 96771  
retirement commence. 96772

**Sec. 5505.22.** The right of any individual to a pension, or to 96773  
the return of accumulated contributions, payable as provided under 96774  
this chapter, and all moneys and investments of the state highway 96775  
patrol retirement system and income from moneys or investments are 96776  
exempt from any state tax, except the tax imposed by section 96777  
5747.02 of the Revised Code, and are exempt from any county, 96778  
municipal, or other local tax, except income taxes imposed 96779  
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 96780  
Code, and, except as provided in sections 3105.171, 3105.65, 96781  
~~3115.32~~ 3115.501, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 96782  
5505.26, 5505.262, and 5505.263 of the Revised Code, shall not be 96783  
subject to execution, garnishment, attachment, the operation of 96784  
bankruptcy or insolvency laws, or any other process of law 96785  
whatsoever, and shall be unassignable except as specifically 96786  
provided in this chapter. 96787

**Sec. 5505.261.** (A) As used in this section, "alternate 96788  
payee," "benefit," "lump sum payment," "participant," and "public 96789  
retirement program" have the same meanings as in section 3105.80 96790  
of the Revised Code. 96791

(B) On receipt of an order issued under section 3105.171 or 96792  
3105.65 of the Revised Code, the state highway patrol retirement 96793  
system shall determine whether the order meets the requirements of 96794  
sections 3105.80 to 3105.90 of the Revised Code. The system shall 96795  
retain in the participant's record an order the system determines 96796  
meets the requirements. Not later than sixty days after receipt, 96797  
the system shall return to the court that issued the order any 96798  
order the system determines does not meet the requirements. 96799

(C) The system shall comply with an order retained under 96800  
division (B) of this section at either of the following times as 96801  
appropriate: 96802

(1) If the participant has applied for or is receiving a 96803  
benefit or has applied for but not yet received a lump sum 96804  
payment, as soon as practicable; 96805

(2) If the participant has not applied for a benefit or lump 96806  
sum payment, on application by the participant for a benefit or 96807  
lump sum payment. 96808

(D) If the system transfers a participant's service credit or 96809  
contributions made by or on behalf of a participant to a public 96810  
retirement program that is not named in the order, the system 96811  
shall do both of the following: 96812

(1) Notify the court that issued the order by sending the 96813  
court a copy of the order and the name and address of the public 96814  
retirement program to which the transfer was made. 96815

(2) Send a copy of the order to the public retirement program 96816  
to which the transfer was made. 96817

(E) If it receives a participant's service credit or 96818  
contributions and a copy of an order as provided in division (D) 96819  
of this section, the system shall administer the order as if it 96820  
were the public retirement program named in the order. 96821

(F) If a participant's benefit or lump sum payment is or will 96822  
be subject to more than one order described in section 3105.81 of 96823  
the Revised Code or to an order described in section 3105.81 of 96824  
the Revised Code and a withholding order under section 3111.23 or 96825  
3113.21 of the Revised Code, the system shall, after determining 96826  
that the amounts that are or will be withheld will cause the 96827  
benefit or lump sum payment to fall below the limits described in 96828  
section 3105.85 of the Revised Code, do all of the following: 96829

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the retirement system in accordance with division (G) of this section;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

**Sec. 5513.01.** (A) The director of transportation shall make all purchases of machinery, materials, supplies, or other articles in the manner provided in this section. In all cases except those in which the director provides written authorization for purchases by district deputy directors of transportation, the director shall make all such purchases at the central office of the department of transportation in Columbus. Before making any purchase at that office, the director, as provided in this section, shall give notice to bidders of the director's intention to purchase. Where the expenditure does not exceed the amount applicable to the

purchase of supplies specified in division ~~(B)~~(A) of section 96861  
125.05 of the Revised Code, ~~as adjusted pursuant to division (D)~~ 96862  
~~of that section~~, the director shall give such notice as the 96863  
director considers proper, or the director may make the purchase 96864  
without notice. Where the expenditure exceeds the amount 96865  
applicable to the purchase of supplies specified in division 96866  
~~(B)~~(A) of section 125.05 of the Revised Code, ~~as adjusted pursuant~~ 96867  
~~to division (D) of that section~~, the director shall give notice by 96868  
posting for not less than ten days a written, typed, or printed 96869  
invitation to bidders on a bulletin board. The director shall 96870  
locate the notice in a place in the offices assigned to the 96871  
department and open to the public during business hours. 96872

Producers or distributors of any product may notify the 96873  
director, in writing, of the class of articles for the furnishing 96874  
of which they desire to bid and their post-office addresses. In 96875  
that circumstance, the director shall mail copies of all 96876  
invitations to bidders relating to the purchase of such articles 96877  
to such persons by regular first class mail at least ten days 96878  
prior to the time fixed for taking bids. The director also may 96879  
mail copies of all invitations to bidders to news agencies or 96880  
other agencies or organizations distributing information of this 96881  
character. Requests for invitations are not valid and do not 96882  
require action by the director unless renewed by the director, 96883  
either annually or after such shorter period as the director may 96884  
prescribe by a general rule. 96885

The director shall include in an invitation to bidders a 96886  
brief statement of the general character of the article that it is 96887  
intended to purchase, the approximate quantity desired, and a 96888  
statement of the time and place where bids will be received, and 96889  
may relate to and describe as many different articles as the 96890  
director thinks proper, it being the intent and purpose of this 96891  
section to authorize the inclusion in a single invitation of as 96892

many different articles as the director desires to invite bids 96893  
upon at any given time. The director shall give invitations issued 96894  
during each calendar year consecutive numbers, and ensure that the 96895  
number assigned to each invitation appears on all copies thereof. 96896  
In all cases where notice is required by this section, the 96897  
director shall require sealed bids, on forms prescribed and 96898  
furnished by the director. The director shall not permit the 96899  
modification of bids after they have been opened. 96900

(B) The director may permit a state agency, the Ohio turnpike 96901  
and infrastructure commission, any political subdivision, and any 96902  
state university or college to participate in contracts into which 96903  
the director has entered for the purchase of machinery, materials, 96904  
supplies, or other articles. The turnpike and infrastructure 96905  
commission and any political subdivision or state university or 96906  
college desiring to participate in such purchase contracts shall 96907  
file with the director a certified copy of the bylaws or rules of 96908  
the turnpike and infrastructure commission or the ordinance or 96909  
resolution of the legislative authority, board of trustees, or 96910  
other governing board requesting authorization to participate in 96911  
such contracts and agreeing to be bound by such terms and 96912  
conditions as the director prescribes. Purchases made by a state 96913  
agency, the turnpike and infrastructure commission, political 96914  
subdivisions, or state universities or colleges under this 96915  
division are exempt from any competitive bidding required by law 96916  
for the purchase of machinery, materials, supplies, or other 96917  
articles. 96918

(C) As used in this section: 96919

(1) "Political subdivision" means any county, township, 96920  
municipal corporation, conservancy district, township park 96921  
district, park district created under Chapter 1545. of the Revised 96922  
Code, port authority, regional transit authority, regional airport 96923  
authority, regional water and sewer district, county transit 96924

board, school district as defined in section 5513.04 of the Revised Code, regional planning commission formed under section 713.21 of the Revised Code, regional council of government formed under section 167.01 of the Revised Code, or other association of local governments established pursuant to an agreement under sections 307.14 to 307.19 of the Revised Code.

(2) "State university or college" has the same meaning as in division (A)(1) of section 3345.32 of the Revised Code.

(3) "Ohio turnpike and infrastructure commission" means the commission created by section 5537.02 of the Revised Code.

(4) "State agency" means every organized body, office, board, authority, commission, or agency established by the laws of the state for the exercise of any governmental or quasi-governmental function of state government, regardless of the funding source for that entity, other than any state institution of higher education, the office of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, or attorney general, the general assembly, the courts or any judicial agency, or any state retirement system or retirement program established by or referenced in the Revised Code.

**Sec. 5537.05.** (A) The Ohio turnpike and infrastructure commission may construct grade separations at intersections of any turnpike project with public roads and railroads, and change and adjust the lines and grades of those roads and railroads, and of public utility facilities, which change and adjustment of lines and grades of those roads shall be subject to the approval of the governmental agency having jurisdiction over the road, so as to accommodate them to the design of the grade separation. The cost of the grade separation and any damage incurred in changing and adjusting the lines and grades of roads, railroads, and public utility facilities shall be ascertained and paid by the commission

as a part of the cost of the turnpike project or from revenues or 96956  
state taxes. 96957

(1) If the commission finds it necessary to change the 96958  
location of any portion of any public road, railroad, or public 96959  
utility facility, it shall cause the same to be reconstructed at 96960  
the location the governmental agency having jurisdiction over such 96961  
road, railroad, or public utility facility considers most 96962  
favorable. The construction shall be of substantially the same 96963  
type and in as good condition as the original road, railroad, or 96964  
public utility facility. The cost of the reconstruction, 96965  
relocation, or removal and any damage incurred in changing the 96966  
location shall be ascertained and paid by the commission as a part 96967  
of the cost of the turnpike project or from revenues or state 96968  
taxes. 96969

(2) The commission may petition the board of county 96970  
commissioners of the county in which is situated any public road 96971  
or part thereof affected by the location therein of any turnpike 96972  
project, for the vacation or relocation of the road or any part 96973  
thereof, in the same manner and with the same force and effect as 96974  
is given to the director of transportation pursuant to sections 96975  
5553.04 to 5553.11 of the Revised Code. 96976

(B) The commission and its authorized agents and employees, 96977  
after proper notice, may enter upon any lands, waters, and 96978  
premises in the state for the purpose of making surveys, 96979  
soundings, drillings, and examinations that are necessary or 96980  
proper for the purposes of this chapter, and the entry shall not 96981  
be deemed a trespass, nor shall an entry for those purposes be 96982  
deemed an entry under any appropriation proceedings which may then 96983  
be pending, provided that before entering upon the premises of any 96984  
railroad notice shall be given to the superintendent of the 96985  
railroad involved at least five days in advance of entry, and 96986  
provided that no survey, sounding, drilling, and examination shall 96987

be made between the rails or so close to a railroad track as would 96988  
render the track unusable. The commission shall make reimbursement 96989  
for any actual damage resulting to such lands, waters, and 96990  
premises and to private property located in, on, along, over, or 96991  
under such lands, waters, and premises, as a result of such 96992  
activities. The state, subject to the approval of the governor, 96993  
hereby consents to the use of all lands owned by it, including 96994  
lands lying under water, that are necessary or proper for the 96995  
construction, maintenance, or operation of any turnpike project, 96996  
provided adequate consideration is provided for the use. 96997

(C) The commission may make reasonable provisions or rules 96998  
for the installation, construction, maintenance, repair, renewal, 96999  
relocation, and removal of public utility facilities in, on, 97000  
along, over, or under any turnpike project. Whenever the 97001  
commission determines that it is necessary that any public utility 97002  
facilities located in, on, along, over, or under any turnpike 97003  
project should be relocated in or removed from the turnpike 97004  
project, the public utility owning or operating the facilities 97005  
shall relocate or remove them in accordance with the order of the 97006  
commission. Except as otherwise provided in any license or other 97007  
agreement with the commission, the cost and expenses of such 97008  
relocation or removal, including the cost of installing the 97009  
facilities in a new location, the cost of any lands, or any rights 97010  
or interests in lands, and any other rights, acquired to 97011  
accomplish the relocation or removal, shall be ascertained and 97012  
paid by the commission as part of the cost of the turnpike project 97013  
or from revenues of the Ohio turnpike system. In case of any such 97014  
relocation or removal of facilities, the public utility owning or 97015  
operating them and its successors or assigns may maintain and 97016  
operate the facilities, with the necessary appurtenances, in the 97017  
new location, for as long a period, and upon the same terms, as it 97018  
had the right to maintain and operate the facilities in their 97019  
former location. 97020



(D) The commission is subject to Chapters ~~1515-~~ 940., 6131., 97021  
6133., 6135., and 6137. of the Revised Code and shall pay any 97022  
assessments levied under those chapters for an improvement or 97023  
maintenance of an improvement on land under the control or 97024  
ownership of the commission. 97025

**Sec. 5575.01.** (A) In the maintenance and repair of roads, the 97026  
board of township trustees may proceed either by contract or force 97027  
account, but, unless the exemption specified in division (C) of 97028  
this section applies, if the board wishes to proceed by force 97029  
account, it first shall cause the county engineer to complete the 97030  
force account assessment form developed by the auditor of state 97031  
under section 117.16 of the Revised Code. Except as otherwise 97032  
provided in sections 505.08 and 505.101 of the Revised Code, when 97033  
the board proceeds by contract, the contract shall, if the amount 97034  
involved exceeds ~~forty-five~~ ninety thousand dollars, be let by the 97035  
board to the lowest responsible bidder after advertisement for 97036  
bids once, not later than two weeks, prior to the date fixed for 97037  
the letting of the contract, in a newspaper of general circulation 97038  
within the township. If the amount involved is ~~forty-five~~ ninety 97039  
thousand dollars or less, a contract may be let without 97040  
competitive bidding, or the work may be done by force account. 97041  
Such a contract shall be performed under the supervision of a 97042  
member of the board or the township road superintendent. 97043

(B) Before undertaking the construction or reconstruction of 97044  
a township road, the board shall cause to be made by the county 97045  
engineer an estimate of the cost of the work, which estimate shall 97046  
include labor, material, freight, fuel, hauling, use of machinery 97047  
and equipment, and all other items of cost. If the board finds it 97048  
in the best interest of the public, it may, in lieu of 97049  
constructing the road by contract, proceed to construct the road 97050  
by force account. Except as otherwise provided under sections 97051  
505.08 and 505.101 of the Revised Code, where the total estimated 97052

cost of the work exceeds ~~fifteen~~ thirty thousand dollars per mile, 97053  
the board shall invite and receive competitive bids for furnishing 97054  
all the labor, materials, and equipment and doing the work, as 97055  
provided in section 5575.02 of the Revised Code, and shall 97056  
consider and reject them before ordering the work done by force 97057  
account. When such bids are received, considered, and rejected, 97058  
and the work is done by force account, the work shall be performed 97059  
in compliance with the plans and specifications upon which the 97060  
bids were based. 97061

(C) Force account assessment forms are not required under 97062  
division (A) of this section for road maintenance or repair 97063  
projects of less than ~~fifteen~~ forty-five thousand dollars, or 97064  
under division (B) of this section for road construction or 97065  
reconstruction projects of less than ~~five~~ fifteen thousand dollars 97066  
per mile. 97067

(D) All force account work under this section shall be done 97068  
under the direction of a member of the board or the township road 97069  
superintendent. 97070

**Sec. 5701.03.** As used in Title LVII of the Revised Code: 97071

(A) "Personal property" includes every tangible thing that is 97072  
the subject of ownership, whether animate or inanimate, including 97073  
a business fixture, and that does not constitute real property as 97074  
defined in section 5701.02 of the Revised Code. "Personal 97075  
property" also includes every share, portion, right, or interest, 97076  
either legal or equitable, in and to every ship, vessel, or boat, 97077  
used or designed to be used in business either exclusively or 97078  
partially in navigating any of the waters within or bordering on 97079  
this state, whether such ship, vessel, or boat is within the 97080  
jurisdiction of this state or elsewhere. "Personal property" does 97081  
not include money as defined in section 5701.04 of the Revised 97082  
Code, motor vehicles registered by the owner thereof, electricity, 97083

or, for purposes of any tax levied on personal property, patterns, 97084  
jigs, dies, or drawings that are held for use and not for sale in 97085  
the ordinary course of business, except to the extent that the 97086  
value of the electricity, patterns, jigs, dies, or drawings is 97087  
included in the valuation of inventory produced for sale. 97088

(B) "Business fixture" means an item of tangible personal 97089  
property that has become permanently attached or affixed to the 97090  
land or to a building, structure, or improvement, and that 97091  
primarily benefits the business conducted by the occupant on the 97092  
premises and not the realty. "Business fixture" includes, but is 97093  
not limited to, machinery, equipment, signs, cart paths, storage 97094  
bins and tanks, whether above or below ground, and broadcasting, 97095  
transportation, irrigation, transmission, and distribution 97096  
systems, whether above or below ground; and structures affixed to 97097  
or constructed over land that consist of soil and other natural 97098  
materials requiring regular maintenance, that primarily benefit 97099  
the business conducted on the premises, and that are depreciable 97100  
under 26 U.S.C. 167. "Business fixture" also means those portions 97101  
of buildings, structures, and improvements that are specially 97102  
designed, constructed, and used for the business conducted in the 97103  
building, structure, or improvement, including, but not limited 97104  
to, foundations and supports for machinery and equipment. 97105  
"Business fixture" does not include fixtures that are common to 97106  
buildings, including, but not limited to, heating, ventilation, 97107  
and air conditioning systems primarily used to control the 97108  
environment for people or animals, tanks, towers, and lines for 97109  
potable water or water for fire control, electrical and 97110  
communication lines, and other fixtures that primarily benefit the 97111  
realty and not the business conducted by the occupant on the 97112  
premises. 97113

**Sec. 5703.057.** (A) For the efficient administration of the 97114  
taxes and fees administered by the tax commissioner, the 97115

commissioner may require that any person filing a tax document 97116  
with the department of taxation provide identifying information, 97117  
which may include the person's social security number, federal 97118  
employer identification number, or other identification number 97119  
requested by the commissioner, subject to section 5703.361 of the 97120  
Revised Code. A person required by the commissioner to provide 97121  
identifying information who has experienced any change with 97122  
respect to that information shall notify the commissioner of the 97123  
change prior to, or upon, filing the next tax document requiring 97124  
such identifying information. 97125

(B) When transmitting or otherwise making use of a tax 97126  
document that contains a person's social security number, the 97127  
commissioner shall take all reasonable measures necessary to 97128  
ensure that the number is not capable of being viewed by the 97129  
general public, including, when necessary, masking the number so 97130  
that it is not readily discernible by the general public. 97131

(C)(1) If the commissioner makes a request for identifying 97132  
information and the commissioner does not receive valid 97133  
identifying information within thirty days of making the request, 97134  
the commissioner may impose a penalty upon the person to whom the 97135  
request was directed of up to one hundred dollars. If, after the 97136  
expiration of this thirty day period, the commissioner makes one 97137  
or more subsequent requests for identifying information and the 97138  
person to whom the subsequent request is directed fails to provide 97139  
valid identifying information within thirty days of the 97140  
commissioner's subsequent request, the commissioner may impose an 97141  
additional penalty of up to two hundred dollars for each 97142  
subsequent request not complied with in a timely fashion. 97143

(2) If a person required by the commissioner to provide 97144  
identifying information does not notify the commissioner of a 97145  
change with respect to that information as required under division 97146

(A) of this section within thirty days after filing the next tax document requiring such identifying information, the commissioner may impose a penalty of up to fifty dollars.

(3) The penalties provided for under divisions (C)(1) and (2) of this section may be billed and assessed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in division (D) of this section and any other penalties that may be imposed by the commissioner by law.

(D) Section 5703.26 of the Revised Code applies with respect to false or fraudulent identifying information provided by a person to the commissioner under this section.

**Sec. 5703.36.** If any company, firm, corporation, person, association, partnership, or public utility fails to make out and deliver to the tax commissioner any statement required by law, or to furnish the commissioner with any information requested, the commissioner shall ~~inform himself~~ become informed as best ~~he~~ the commissioner can on the matters necessary to be known in order to discharge ~~his~~ the commissioner's duties, subject to section 5703.361 of the Revised Code.

**Sec. 5703.361.** If the tax commissioner uses measures to reduce fraud by requiring a person to verify information about the person for the purpose of verifying the person's identity, the tax commissioner may not require a person to verify any information created or compiled more than five years preceding the current calendar year.

**Sec. 5703.85.** On or before September 1, 2015, and on or before the first day of every third month thereafter, the tax commissioner shall prepare a report that includes all of the following information:

(A) The number of inspections and investigations conducted during the preceding four months in relation to the enforcement of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code; 97177  
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(B) The number of violations of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code found during the preceding four months, organized by the type of violation; 97180  
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(C) The number of prosecutions brought during the preceding four months in relation to violations of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code; 97183  
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(D) The number of agents designated for enforcement of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code during the preceding four months. 97186  
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The commissioner shall submit the report to the chairperson of the standing committee of each house of the general assembly which normally considers tax legislation. 97189  
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**Sec. 5703.95.** (A) As used in this section and sections 5703.951 to 5703.954 of the Revised Code: 97192  
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(1) "Tax expenditure" has the same meaning as in section 5703.48 of the Revised Code. 97194  
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(2) "Tax expenditure review committee" means the committee created under section 5703.954 of the Revised Code. 97196  
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(B) The tax expenditure review committee shall review all tax expenditures created in the Revised Code once every two years. For tax expenditures created before April 15, 2015, the committee shall review one-half of such tax expenditures in every even-numbered year and one-half of such tax expenditures in every odd-numbered year. The committee shall review tax expenditures created on or after April 15, 2015, according to the following schedule: 97198  
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(1) Tax expenditures created in an even-numbered year shall 97206

be reviewed in every subsequent even-numbered year. 97207

(2) Tax expenditures created in an odd-numbered year shall be reviewed in every subsequent odd-numbered year. 97208  
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For the purposes of this section, a tax expenditure is created on the effective date of the amendment or enactment of the section of the Revised Code or other section of law that authorizes the tax expenditure. 97210  
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Sec. 5703.951. (A) The tax expenditure review committee shall hold at least one public hearing on a tax expenditure in each year in which the tax expenditure is scheduled for review under section 5703.95 of the Revised Code. The tax commissioner shall publish a notice of all such public hearings in the register of Ohio. During the public hearing on a tax expenditure, the committee shall allow any person to present testimony or evidence relevant to that tax expenditure. 97214  
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(B) On or before the date of the public hearing scheduled for a tax expenditure under division (A) of this section, the tax commissioner, and any other state official responsible for administering the tax expenditure, shall submit to the committee a report that does each of the following: 97222  
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(1) Explains the tax expenditure's purpose; 97227

(2) Expresses an opinion as to the public need for the tax expenditure; 97228  
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(3) Expresses an opinion as to whether the tax expenditure has been impeded or enhanced by existing statutes; 97230  
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(4) Describes how, if at all, the tax expenditure promotes economic growth and development; 97232  
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(5) Provides an estimate of the amount of tax revenue forgone each fiscal year as a result of the tax expenditure; 97234  
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<u>(6) Expresses an opinion as to whether the tax expenditure should be repealed;</u>	97236
	97237
<u>(7) Contains any other information relevant to the committee's appraisal of the tax expenditure.</u>	97238
	97239
<u>(C) Each year, beginning in 2016, the legislative service commission shall prepare and submit to the committee a report that describes each tax expenditure created in the Revised Code, identifies the tax expenditure's intended purpose, and, if applicable, appraises the tax expenditure's effectiveness using the methods prescribed in the act creating the tax expenditure.</u>	97240
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<u>(D) After the public hearing on a tax expenditure, the committee shall appraise the tax expenditure. In making its appraisal, the committee shall consider the reports submitted under divisions (B) and (C) of this section and information presented during the hearing, but is not limited to those sources. Upon the committee's request, the department of taxation, the office of budget and management, and any other state agency shall provide the committee with any information in its possession that the committee requires to appraise the tax expenditure. The legislative service commission shall provide drafting and clerical support to the committee.</u>	97246
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<u>Sec. 5703.952. On or before the first day of November of each year in which a tax expenditure is scheduled for review, the tax expenditure review committee shall prepare a report of its appraisal of the tax expenditure that contains all of the following:</u>	97257
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<u>(A) A statement of the purpose served by the tax expenditure;</u>	97262
<u>(B) An appraisal of the tax expenditure's effectiveness in serving its purpose;</u>	97263
	97264
<u>(C) An evaluation of whether the tax expenditure's purpose</u>	97265



<u>serves a public need;</u>	97266
<u>(D) An evaluation of whether other statutes have enhanced or impeded the tax expenditure's effectiveness in serving its purpose;</u>	97267 97268 97269
<u>(E) An appraisal of whether the tax expenditure promotes economic growth and development;</u>	97270 97271
<u>(F) An estimate of the amount of revenue lost each fiscal year because of the tax expenditure;</u>	97272 97273
<u>(G) A recommendation as to whether the tax expenditure should be repealed;</u>	97274 97275
<u>(H) Any other information the committee considers relevant.</u>	97276
<u>In an appendix to its report, the committee may include a draft of a bill that would improve the tax expenditure's effectiveness in serving its purpose; redefine the tax expenditure's purpose to serve or better serve a public need; retain or improve the statutes that enhance, or amend or repeal statutes that impede, the tax expenditure's effectiveness in serving its purpose; improve the tax expenditure's effectiveness in promoting economic growth and development; reduce the amount of revenue lost as a result of the tax expenditure; or repeal the tax expenditure.</u>	97277 97278 97279 97280 97281 97282 97283 97284 97285 97286
<u>The committee shall provide a copy of the report to the governor and to each member of the general assembly. The report is a public record for the purposes of section 149.43 of the Revised Code.</u>	97287 97288 97289 97290
<u>Sec. 5703.953. An act creating a tax expenditure shall specify all of the following:</u>	97291 97292
<u>(A) The purpose served by the tax expenditure;</u>	97293
<u>(B) Whether the tax expenditure shall be reviewed in every</u>	97294

even-numbered or odd-numbered year under section 5703.95 of the 97295  
Revised Code; 97296

(C) The class of taxpayers that will benefit from the tax 97297  
expenditure; 97298

(D) Methods to be used to appraise the tax expenditure's 97299  
effectiveness in serving its purpose. 97300

Division (D) of this section may be fulfilled by applying 97301  
general statutes or by enacting statutory provisions that apply 97302  
particularly to the tax expenditure. 97303

**Sec. 5703.954.** There is hereby created the tax expenditure 97304  
review committee composed of seven members. The president of the 97305  
senate, within fifteen days after the first day of the first 97306  
regular session of the general assembly, shall appoint two members 97307  
of the senate to the committee, one from each political party. The 97308  
speaker of the house of representatives, within fifteen days after 97309  
the first day of the first regular session of the general 97310  
assembly, shall appoint two members of the house of 97311  
representatives to the committee, one from each political party. 97312  
The governor, within fifteen days after the first day of the first 97313  
regular session of the general assembly and with the advice and 97314  
consent of the senate, shall appoint one member to the committee. 97315  
The tax commissioner and the director of budget and management or 97316  
their designees shall be ex officio, nonvoting members. 97317

A legislative member of the committee shall continue as a 97318  
member until the member's successor is appointed or until the 97319  
member ceases to be a member of the senate or house of 97320  
representatives, whichever is earlier. The member appointed by the 97321  
governor shall continue to be a member for a term ending on the 97322  
thirty-first day of December of each even-numbered year. The 97323  
member appointed by the governor continues to be a member after 97324  
the expiration of the member's term until the member's successor 97325

is appointed, or until thirty days have elapsed, whichever occurs first 97326  
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In the first regular session of the general assembly, the committee shall elect one of the members appointed from the house of representatives as chairperson of the committee and one of the members appointed from the senate as vice-chairperson of the committee. In the second regular session of the general assembly, the committee shall elect one of the members appointed from the senate as chairperson of the committee and one of the members appointed from the house of representatives as vice-chairperson of the committee. 97328  
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A vacancy on the committee shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of the term to which the member's predecessor was appointed shall continue as a member for the remainder of the unexpired term. 97337  
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Members of the committee shall serve without compensation, but shall be reimbursed for actual and necessary expenses they incur in the performance of their duties. 97342  
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The committee shall meet as often as necessary to perform its duties. The committee is a public body for the purposes of section 121.22 of the Revised Code. 97345  
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Three voting members of the committee constitute a quorum. The committee shall not take any action without the concurrence of at least three voting members. So long as a quorum is present, a vacancy on the committee does not impair the ability of the remaining members to perform the committee's duties. 97348  
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**Sec. 5705.19.** This section does not apply to school districts, county school financing districts, or lake facilities authorities. 97353  
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The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the total levy for current expenses of a detention facility district or district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current expenses of a combined district organized under sections 2151.65 and 2152.41 of the Revised Code shall not exceed four mills;

(B) For the payment of debt charges on certain described bonds, notes, or certificates of indebtedness of the subdivision issued subsequent to January 1, 1925;

(C) For the debt charges on all bonds, notes, and certificates of indebtedness issued and authorized to be issued prior to January 1, 1925;

(D) For a public library of, or supported by, the subdivision under whatever law organized or authorized to be supported;

(E) For a municipal university, not to exceed two mills over the limitation of one mill prescribed in section 3349.13 of the Revised Code;

(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;

(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in

municipal corporations, counties, or townships;	97387
(H) For parks and recreational purposes;	97388
(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company;	97389 97390 97391 97392 97393 97394 97395 97396 97397 97398 97399 97400
(J) For the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department;	97401 97402 97403 97404 97405 97406 97407 97408 97409 97410 97411
(K) For the maintenance and operation of a county home or detention facility;	97412 97413
(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code;	97414 97415 97416 97417

(M) For regional planning;	97418
(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	97419 97420 97421 97422 97423
(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;	97424 97425 97426
(P) For maintaining and operating sewage disposal plants and facilities;	97427 97428
(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;	97429 97430 97431 97432 97433 97434 97435
(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	97436 97437 97438 97439
(S) For the prevention, control, and abatement of air pollution;	97440 97441
(T) For maintaining and operating cemeteries;	97442
(U) For providing ambulance service, emergency medical service, or both;	97443 97444
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	97445 97446
(W) For the payment of the police officer employers'	97447

contribution or the firefighter employers' contribution required	97448
under sections 742.33 and 742.34 of the Revised Code;	97449
(X) For the construction and maintenance of a drainage	97450
improvement pursuant to section 6131.52 of the Revised Code;	97451
(Y) For providing or maintaining senior citizens services or	97452
facilities as authorized by section 307.694, 307.85, 505.70, or	97453
505.706 or division (EE) of section 717.01 of the Revised Code;	97454
(Z) For the provision and maintenance of zoological park	97455
services and facilities as authorized under section 307.76 of the	97456
Revised Code;	97457
(AA) For the maintenance and operation of a free public	97458
museum of art, science, or history;	97459
(BB) For the establishment and operation of a 9-1-1 system,	97460
as defined in section 128.01 of the Revised Code;	97461
(CC) For the purpose of acquiring, rehabilitating, or	97462
developing rail property or rail service. As used in this	97463
division, "rail property" and "rail service" have the same	97464
meanings as in section 4981.01 of the Revised Code. This division	97465
applies only to a county, township, or municipal corporation.	97466
(DD) For the purpose of acquiring property for, constructing,	97467
operating, and maintaining community centers as provided for in	97468
section 755.16 of the Revised Code;	97469
(EE) For the creation and operation of an office or joint	97470
office of economic development, for any economic development	97471
purpose of the office, and to otherwise provide for the	97472
establishment and operation of a program of economic development	97473
pursuant to sections 307.07 and 307.64 of the Revised Code, or to	97474
the extent that the expenses of a county land reutilization	97475
corporation organized under Chapter 1724. of the Revised Code are	97476
found by the board of county commissioners to constitute the	97477

promotion of economic development, for the payment of such 97478  
operations and expenses; 97479

(FF) For the purpose of acquiring, establishing, 97480  
constructing, improving, equipping, maintaining, or operating, or 97481  
any combination of the foregoing, a township airport, landing 97482  
field, or other air navigation facility pursuant to section 505.15 97483  
of the Revised Code; 97484

(GG) For the payment of costs incurred by a township as a 97485  
result of a contract made with a county pursuant to section 97486  
505.263 of the Revised Code in order to pay all or any part of the 97487  
cost of constructing, maintaining, repairing, or operating a water 97488  
supply improvement; 97489

(HH) For a board of township trustees to acquire, other than 97490  
by appropriation, an ownership interest in land, water, or 97491  
wetlands, or to restore or maintain land, water, or wetlands in 97492  
which the board has an ownership interest, not for purposes of 97493  
recreation, but for the purposes of protecting and preserving the 97494  
natural, scenic, open, or wooded condition of the land, water, or 97495  
wetlands against modification or encroachment resulting from 97496  
occupation, development, or other use, which may be styled as 97497  
protecting or preserving "greenspace" in the resolution, notice of 97498  
election, or ballot form. Except as otherwise provided in this 97499  
division, land is not acquired for purposes of recreation, even if 97500  
the land is used for recreational purposes, so long as no 97501  
building, structure, or fixture used for recreational purposes is 97502  
permanently attached or affixed to the land. Except as otherwise 97503  
provided in this division, land that previously has been acquired 97504  
in a township for these greenspace purposes may subsequently be 97505  
used for recreational purposes if the board of township trustees 97506  
adopts a resolution approving that use and no building, structure, 97507  
or fixture used for recreational purposes is permanently attached 97508  
or affixed to the land. The authorization to use greenspace land 97509



for recreational use does not apply to land located in a township 97510  
that had a population, at the time it passed its first greenspace 97511  
levy, of more than thirty-eight thousand within a county that had 97512  
a population, at that time, of at least eight hundred sixty 97513  
thousand. 97514

(II) For the support by a county of a crime victim assistance 97515  
program that is provided and maintained by a county agency or a 97516  
private, nonprofit corporation or association under section 307.62 97517  
of the Revised Code; 97518

(JJ) For any or all of the purposes set forth in divisions 97519  
(I) and (J) of this section. This division applies only to a 97520  
township. 97521

(KK) For a countywide public safety communications system 97522  
under section 307.63 of the Revised Code. This division applies 97523  
only to counties. 97524

(LL) For the support by a county of criminal justice services 97525  
under section 307.45 of the Revised Code; 97526

(MM) For the purpose of maintaining and operating a jail or 97527  
other detention facility as defined in section 2921.01 of the 97528  
Revised Code; 97529

(NN) For purchasing, maintaining, or improving, or any 97530  
combination of the foregoing, real estate on which to hold, and 97531  
the operating expenses of, agricultural fairs operated by a county 97532  
agricultural society or independent agricultural society under 97533  
Chapter 1711. of the Revised Code. This division applies only to a 97534  
county. 97535

(OO) For constructing, rehabilitating, repairing, or 97536  
maintaining sidewalks, walkways, trails, bicycle pathways, or 97537  
similar improvements, or acquiring ownership interests in land 97538  
necessary for the foregoing improvements; 97539

(PP) For both of the purposes set forth in divisions (G) and 97540  
(OO) of this section. 97541

(QQ) For both of the purposes set forth in divisions (H) and 97542  
(HH) of this section. This division applies only to a township. 97543

(RR) For the legislative authority of a municipal 97544  
corporation, board of county commissioners of a county, or board 97545  
of township trustees of a township to acquire agricultural 97546  
easements, as defined in section 5301.67 of the Revised Code, and 97547  
to supervise and enforce the easements. 97548

(SS) For both of the purposes set forth in divisions (BB) and 97549  
(KK) of this section. This division applies only to a county. 97550

(TT) For the maintenance and operation of a facility that is 97551  
organized in whole or in part to promote the sciences and natural 97552  
history under section 307.761 of the Revised Code. 97553

(UU) For the creation and operation of a county land 97554  
reutilization corporation and for any programs or activities of 97555  
the corporation found by the board of directors of the corporation 97556  
to be consistent with the purposes for which the corporation is 97557  
organized; 97558

(VV) For construction and maintenance of improvements and 97559  
expenses of soil and water conservation district programs under 97560  
Chapter 1515. of the Revised Code; 97561

(WW) For the OSU extension fund created under section 3335.35 97562  
of the Revised Code for the purposes prescribed under section 97563  
3335.36 of the Revised Code for the benefit of the citizens of a 97564  
county. This division applies only to a county. 97565

(XX) For a municipal corporation that withdraws or proposes 97566  
by resolution to withdraw from a regional transit authority under 97567  
section 306.55 of the Revised Code to provide transportation 97568  
services for the movement of persons within, from, or to the 97569

municipal corporation; 97570

(YY) For any combination of the purposes specified in 97571  
divisions (NN), (VV), and (WW) of this section. This division 97572  
applies only to a county. 97573

The resolution shall be confined to the purpose or purposes 97574  
described in one division of this section, to which the revenue 97575  
derived therefrom shall be applied. The existence in any other 97576  
division of this section of authority to levy a tax for any part 97577  
or all of the same purpose or purposes does not preclude the use 97578  
of such revenues for any part of the purpose or purposes of the 97579  
division under which the resolution is adopted. 97580

The resolution shall specify the amount of the increase in 97581  
rate that it is necessary to levy, the purpose of that increase in 97582  
rate, and the number of years during which the increase in rate 97583  
shall be in effect, which may or may not include a levy upon the 97584  
duplicate of the current year. The number of years may be any 97585  
number not exceeding five, except as follows: 97586

(1) When the additional rate is for the payment of debt 97587  
charges, the increased rate shall be for the life of the 97588  
indebtedness. 97589

(2) When the additional rate is for any of the following, the 97590  
increased rate shall be for a continuing period of time: 97591

(a) For the current expenses for a detention facility 97592  
district, a district organized under section 2151.65 of the 97593  
Revised Code, or a combined district organized under sections 97594  
2151.65 and 2152.41 of the Revised Code; 97595

(b) For providing a county's share of the cost of maintaining 97596  
and operating schools, district detention facilities, forestry 97597  
camps, or other facilities, or any combination thereof, 97598  
established under section 2151.65 or 2152.41 of the Revised Code 97599  
or under both of those sections. 97600

(3) When the additional rate is for either of the following, 97601  
the increased rate may be for a continuing period of time: 97602

(a) For the purposes set forth in division (I), (J), (U), or 97603  
(KK) of this section; 97604

(b) For the maintenance and operation of a joint recreation 97605  
district. 97606

(4) When the increase is for the purpose or purposes set 97607  
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 97608  
section, the tax levy may be for any specified number of years or 97609  
for a continuing period of time, as set forth in the resolution. 97610

A levy for one of the purposes set forth in division (G), 97611  
(I), (J), or (U) of this section may be reduced pursuant to 97612  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 97613  
the purposes set forth in division (G), (I), (J), or (U) of this 97614  
section may also be terminated or permanently reduced by the 97615  
taxing authority if it adopts a resolution stating that the 97616  
continuance of the levy is unnecessary and the levy shall be 97617  
terminated or that the millage is excessive and the levy shall be 97618  
decreased by a designated amount. 97619

A resolution of a detention facility district, a district 97620  
organized under section 2151.65 of the Revised Code, or a combined 97621  
district organized under both sections 2151.65 and 2152.41 of the 97622  
Revised Code may include both current expenses and other purposes, 97623  
provided that the resolution shall apportion the annual rate of 97624  
levy between the current expenses and the other purpose or 97625  
purposes. The apportionment need not be the same for each year of 97626  
the levy, but the respective portions of the rate actually levied 97627  
each year for the current expenses and the other purpose or 97628  
purposes shall be limited by the apportionment. 97629

Whenever a board of county commissioners, acting either as 97630  
the taxing authority of its county or as the taxing authority of a 97631

sewer district or subdistrict created under Chapter 6117. of the 97632  
Revised Code, by resolution declares it necessary to levy a tax in 97633  
excess of the ten-mill limitation for the purpose of constructing, 97634  
improving, or extending sewage disposal plants or sewage systems, 97635  
the tax may be in effect for any number of years not exceeding 97636  
twenty, and the proceeds of the tax, notwithstanding the general 97637  
provisions of this section, may be used to pay debt charges on any 97638  
obligations issued and outstanding on behalf of the subdivision 97639  
for the purposes enumerated in this paragraph, provided that any 97640  
such obligations have been specifically described in the 97641  
resolution. 97642

A resolution adopted by the legislative authority of a 97643  
municipal corporation that is for the purpose in division (XX) of 97644  
this section may be combined with the purpose provided in section 97645  
306.55 of the Revised Code, by vote of two-thirds of all members 97646  
of the legislative authority. The legislative authority may 97647  
certify the resolution to the board of elections as a combined 97648  
question. The question appearing on the ballot shall be as 97649  
provided in section 5705.252 of the Revised Code. 97650

The resolution shall go into immediate effect upon its 97651  
passage, and no publication of the resolution is necessary other 97652  
than that provided for in the notice of election 97653

When the electors of a subdivision or, in the case of a 97654  
qualifying library levy for the support of a library association 97655  
or private corporation, the electors of the association library 97656  
district, have approved a tax levy under this section, the taxing 97657  
authority of the subdivision may anticipate a fraction of the 97658  
proceeds of the levy and issue anticipation notes in accordance 97659  
with section 5705.191 or 5705.193 of the Revised Code. 97660

**Sec. 5705.194.** The board of education of any city, local, 97661  
exempted village, cooperative education, or joint vocational 97662

school district at any time may declare by resolution that the 97663  
revenue that will be raised by all tax levies which the district 97664  
is authorized to impose, when combined with state and federal 97665  
revenues, will be insufficient to provide for the emergency 97666  
requirements of the school district or to avoid an operating 97667  
deficit, and that it is therefore necessary to levy an additional 97668  
tax in excess of the ten-mill limitation. The resolution shall be 97669  
confined to a single purpose and shall specify that purpose. If 97670  
the levy is proposed to renew all or a portion of the proceeds 97671  
derived from one or more existing levies imposed pursuant to this 97672  
section, it shall be called a renewal levy and shall be so 97673  
designated on the ballot. If two or more existing levies are to be 97674  
included in a single renewal levy but are not scheduled to expire 97675  
in the same year, the resolution shall specify that the existing 97676  
levies to be renewed shall not be levied after the year preceding 97677  
the year in which the renewal levy is first imposed. 97678  
Notwithstanding the original purpose of any one or more existing 97679  
levies that are to be in any single renewal levy, the purpose of 97680  
the renewal levy may be either to avoid an operating deficit or to 97681  
provide for the emergency requirements of the school district. The 97682  
resolution shall further specify the amount of money it is 97683  
necessary to raise for the specified purpose for each calendar 97684  
year the millage is to be imposed; if a renewal levy, whether the 97685  
levy is to renew all, or a portion of, the proceeds derived from 97686  
one or more existing levies; and the number of years in which the 97687  
millage is to be in effect, which may include a levy upon the 97688  
current year's tax list. The number of years may be any number not 97689  
exceeding ten. 97690

The question shall be submitted at a special election on a 97691  
date specified in the resolution. The date shall not be earlier 97692  
than eighty days after the adoption and certification of the 97693  
resolution to the county auditor and shall be consistent with the 97694  
requirements of section 3501.01 of the Revised Code. A resolution 97695

for a renewal levy shall not be placed on the ballot unless the 97696  
question is submitted on a date on which a special election may be 97697  
held under division (D) of section 3501.01 of the Revised Code, 97698  
except for the first Tuesday after the first Monday in ~~February~~ 97699  
~~and~~ August, during the last year the levy to be renewed may be 97700  
extended on the real and public utility property tax list and 97701  
duplicate, or at any election held in the ensuing year, except 97702  
that if the resolution proposes renewing two or more existing 97703  
levies, the question shall be submitted on the date of the general 97704  
or primary election held during the last year at least one of the 97705  
levies to be renewed may be extended on that list and duplicate, 97706  
or at any election held during the ensuing year. For purposes of 97707  
this section, a levy shall be considered to be an "existing levy" 97708  
through the year following the last year it can be placed on the 97709  
real and public utility property tax list and duplicate. 97710

The submission of questions to the electors under this 97711  
section is subject to the limitation on the number of election 97712  
dates established by section 5705.214 of the Revised Code. 97713

The resolution shall go into immediate effect upon its 97714  
passage, and no publication of the resolution shall be necessary 97715  
other than that provided for in the notice of election. A copy of 97716  
the resolution shall immediately after its passing be certified to 97717  
the county auditor of the proper county. Section 5705.195 of the 97718  
Revised Code shall govern the arrangements for the submission of 97719  
questions to the electors under this section and other matters 97720  
concerning the election. Publication of notice of the election 97721  
shall be made in one newspaper of general circulation in the 97722  
county once a week for two consecutive weeks, or as provided in 97723  
section 7.16 of the Revised Code, prior to the election. If the 97724  
board of elections operates and maintains a web site, the board of 97725  
elections shall post notice of the election on its web site for 97726  
thirty days prior to the election. If a majority of the electors 97727

voting on the question submitted in an election vote in favor of 97728  
the levy, the board of education of the school district may make 97729  
the additional levy necessary to raise the amount specified in the 97730  
resolution for the purpose stated in the resolution. The tax levy 97731  
shall be included in the next tax budget that is certified to the 97732  
county budget commission. 97733

After the approval of the levy and prior to the time when the 97734  
first tax collection from the levy can be made, the board of 97735  
education may anticipate a fraction of the proceeds of the levy 97736  
and issue anticipation notes in an amount not exceeding the total 97737  
estimated proceeds of the levy to be collected during the first 97738  
year of the levy. 97739

The notes shall be issued as provided in section 133.24 of 97740  
the Revised Code, shall have principal payments during each year 97741  
after the year of their issuance over a period not to exceed five 97742  
years, and may have principal payment in the year of their 97743  
issuance. 97744

**Sec. 5705.21.** (A) At any time, the board of education of any 97745  
city, local, exempted village, cooperative education, or joint 97746  
vocational school district, by a vote of two-thirds of all its 97747  
members, may declare by resolution that the amount of taxes that 97748  
may be raised within the ten-mill limitation by levies on the 97749  
current tax duplicate will be insufficient to provide an adequate 97750  
amount for the necessary requirements of the school district, that 97751  
it is necessary to levy a tax in excess of such limitation for one 97752  
of the purposes specified in division (A), (D), (F), (H), or (DD) 97753  
of section 5705.19 of the Revised Code, for general permanent 97754  
improvements, for the purpose of operating a cultural center, for 97755  
the purpose of providing for school safety and security, or for 97756  
the purpose of providing education technology, and that the 97757  
question of such additional tax levy shall be submitted to the 97758



electors of the school district at a special election on a day to 97759  
be specified in the resolution. In the case of a qualifying 97760  
library levy for the support of a library association or private 97761  
corporation, the question shall be submitted to the electors of 97762  
the association library district. If the resolution states that 97763  
the levy is for the purpose of operating a cultural center, the 97764  
ballot shall state that the levy is "for the purpose of operating 97765  
the ..... (name of cultural center)."

As used in this division, "cultural center" means a 97767  
freestanding building, separate from a public school building, 97768  
that is open to the public for educational, musical, artistic, and 97769  
cultural purposes; "education technology" means, but is not 97770  
limited to, computer hardware, equipment, materials, and 97771  
accessories, equipment used for two-way audio or video, and 97772  
software; and "general permanent improvements" means permanent 97773  
improvements without regard to the limitation of division (F) of 97774  
section 5705.19 of the Revised Code that the improvements be a 97775  
specific improvement or a class of improvements that may be 97776  
included in a single bond issue. 97777

A resolution adopted under this division shall be confined to 97778  
a single purpose and shall specify the amount of the increase in 97779  
rate that it is necessary to levy, the purpose of the levy, and 97780  
the number of years during which the increase in rate shall be in 97781  
effect. The number of years may be any number not exceeding five 97782  
or, if the levy is for current expenses of the district or for 97783  
general permanent improvements, for a continuing period of time. 97784

(B)(1) The board of education of a qualifying school 97785  
district, by resolution, may declare that it is necessary to levy 97786  
a tax in excess of the ten-mill limitation for the purpose of 97787  
paying the current expenses of ~~the district and of~~ partnering 97788  
community schools and, if any of the levy proceeds are so 97789  
allocated, of the district. A qualifying school district that is 97790

not a municipal school district may allocate all of the levy 97791  
proceeds to partnering community schools. A municipal school 97792  
district shall allocate a portion of the levy proceeds to the 97793  
current expenses of the district. The resolution shall declare 97794  
that the question of the additional tax levy shall be submitted to 97795  
the electors of the school district at a special election on a day 97796  
to be specified in the resolution. The resolution shall state the 97797  
purpose of the levy, the rate of the tax expressed in mills per 97798  
dollar of taxable value, the number of such mills to be levied for 97799  
the current expenses of the partnering community schools and the 97800  
number of such mills, if any, to be levied for the current 97801  
expenses of the school district, the number of years the tax will 97802  
be levied, and the first year the tax will be levied. The number 97803  
of years the tax may be levied may be any number not exceeding ten 97804  
years, or for a continuing period of time. 97805

The levy of a tax for the current expenses of a partnering 97806  
community school under this section and the distribution of 97807  
proceeds from the tax by a qualifying school district to 97808  
partnering community schools is hereby determined to be a proper 97809  
public purpose. 97810

(2) The (a) If any portion of the levy proceeds are to be 97811  
allocated to the current expenses of the qualifying school 97812  
district, the form of the ballot at an election held pursuant to 97813  
division (B) of this section shall be as follows: 97814

"Shall a levy be imposed by the ..... (insert the name of 97815  
the qualifying school district) for the purpose of current 97816  
expenses of the school district and of partnering community 97817  
schools at a rate not exceeding ..... (insert the number of 97818  
mills) mills for each one dollar of valuation, ~~of which~~ ..... 97819  
(insert the number of mills to be allocated to partnering 97820  
community schools) mills is to be allocated to partnering 97821  
community schools), which amounts to ..... (insert the rate 97822

expressed in dollars and cents) for each one hundred dollars of 97823  
valuation, for ..... (insert the number of years the levy is to 97824  
be imposed, or that it will be levied for a continuing period of 97825  
time), beginning ..... (insert first year the tax is to be 97826  
levied), which will first be payable in calendar year ..... 97827  
(insert the first calendar year in which the tax would be 97828  
payable)? 97829

	FOR THE TAX LEVY		97830
	AGAINST THE TAX LEVY	"	97831

(b) If all of the levy proceeds are to be allocated to the 97832  
current expenses of partnering community schools, the form of the 97833  
ballot shall be as follows: 97834

"Shall a levy be imposed by the ..... (insert the name of 97835  
the qualifying school district) for the purpose of current 97836  
expenses of partnering community schools at a rate not exceeding 97837  
..... (insert the number of mills) mills for each one dollar of 97838  
valuation which amounts to ..... (insert the rate expressed in 97839  
dollars and cents) for each one hundred dollars of valuation, for 97840  
..... (insert the number of years the levy is to be imposed, or 97841  
that it will be levied for a continuing period of time), beginning 97842  
..... (insert first year the tax is to be levied), which will 97843  
first be payable in calendar year ..... (insert the first 97844  
calendar year in which the tax would be payable)? 97845

	<u>FOR THE TAX LEVY</u>		97846
	<u>AGAINST THE TAX LEVY</u>	"	97847

(3) Upon each receipt of a tax distribution by the qualifying 97848  
school district, the board of education shall credit the portion 97849  
allocated to partnering community schools to the partnering 97850  
community schools fund. All income from the investment of money in 97851  
the partnering community schools fund shall be credited to that 97852  
fund. 97853

(a) If the qualifying school district is a municipal school 97854

district, the board of education shall distribute the partnering 97855  
community schools amount among the then qualifying community 97856  
schools not more than forty-five days after the school district 97857  
receives and deposits each tax distribution. From each tax 97858  
distribution, each such partnering community school shall receive 97859  
a portion of the partnering community schools amount in the 97860  
proportion that the number of its resident students bears to the 97861  
aggregate number of resident students of all such partnering 97862  
community schools as of the date of receipt and deposit of the tax 97863  
distribution. 97864

(b) If the qualifying school district is not a municipal 97865  
school district, the board of education may distribute all or a 97866  
portion of the amount in the partnering community schools fund 97867  
during a fiscal year to partnering community schools ~~that were~~ 97868  
~~either sponsored by the district or entered into an agreement~~ 97869  
~~pursuant to division (B)(6)(b) of this section~~ on or before the 97870  
first day of June of the preceding fiscal year. Each such 97871  
partnering community school shall receive a portion of the amount 97872  
distributed by the board from the partnering community schools 97873  
fund during the fiscal year in the proportion that the number of 97874  
its resident students bears to the aggregate number of resident 97875  
students of all such partnering community schools as of the date 97876  
the school district received and deposited the most recent tax 97877  
distribution. On or before the fifteenth day of June of each 97878  
fiscal year, the board of education shall announce an estimated 97879  
allocation to partnering community schools for the ensuing fiscal 97880  
year. The board is not required to allocate to partnering 97881  
community schools the entire partnering community schools amount 97882  
in the fiscal year in which a tax distribution is received and 97883  
deposited in the partnering community schools fund. The estimated 97884  
allocation shall be published on the web site of the school 97885  
district and expressed as a dollar amount per resident student. 97886  
The actual allocation to community schools in a fiscal year need 97887

not conform to the estimate published by the school district so 97888  
long if the estimate was made in good faith. 97889

Distributions by a school district under division (B)(3)(b) 97890  
of this section shall be made in accordance with distribution 97891  
agreements entered into by the board of education and each 97892  
partnering community school eligible for distributions under this 97893  
division. The distribution agreements shall be certified to the 97894  
department of education each fiscal year before the thirtieth day 97895  
of July. Each agreement shall provide for at least three 97896  
distributions by the school district to the partnering community 97897  
school during the fiscal year and shall require the initial 97898  
distribution be made on or before the thirtieth day of July. 97899

(c) For the purposes of division (B) of this section, the 97900  
number of resident students shall be the number of such students 97901  
reported under section 3317.03 of the Revised Code and established 97902  
by the department of education as of the date of receipt and 97903  
deposit of the tax distribution. 97904

(4) To the extent an agreement whereby the qualifying school 97905  
district and a community school endorse each other's programs is 97906  
necessary for the community school to qualify as a partnering 97907  
community school under division (B)(6)(b) of this section, the 97908  
board of education of the school district shall certify to the 97909  
department of education the agreement along with the determination 97910  
that such agreement satisfies the requirements of that division. 97911  
The board's determination is conclusive. 97912

(5) For the purposes of Chapter 3317. of the Revised Code or 97913  
other laws referring to the "taxes charged and payable" for a 97914  
school district, the taxes charged and payable for a qualifying 97915  
school district that levies a tax under division (B) of this 97916  
section includes only the taxes charged and payable under that 97917  
levy for the current expenses of the school district, and does not 97918  
include the taxes charged and payable for the current expenses of 97919

partnering community schools. The taxes charged and payable for 97920  
the current expenses of partnering community schools shall not 97921  
affect the calculation of "state education aid" as defined in 97922  
section 5751.20 of the Revised Code. 97923

(6) As used in division (B) of this section: 97924

(a) "Qualifying school district" means a municipal school 97925  
district, as defined in section 3311.71 of the Revised Code or a 97926  
school district that ~~has an average daily membership, as reported~~ 97927  
~~under division (A) of section 3317.03 of the Revised Code, greater~~ 97928  
~~than sixty thousand and the majority of the territory of which~~ 97929  
~~district is located in a city with a population greater than seven~~ 97930  
~~hundred thousand according to the most recent federal decennial~~ 97931  
~~census contains within its territory a partnering community~~ 97932  
school. 97933

(b) "Partnering community school" means a community school 97934  
established under Chapter 3314. of the Revised Code that is 97935  
located within the territory of the qualifying school district and 97936  
~~that either meets one of the following criteria:~~ 97937

(i) If the qualifying school district is a municipal school 97938  
district, the community school is sponsored by the district or is 97939  
a party to an agreement with the district whereby the district and 97940  
the community school endorse each other's programs; 97941

(ii) If the qualifying school district is not a municipal 97942  
school district, the community school is sponsored by a sponsor 97943  
that was rated as "exemplary" in the ratings most recently 97944  
published under section 3314.016 of the Revised Code before the 97945  
resolution proposing the levy is certified to the board of 97946  
elections. 97947

(c) "Partnering community schools amount" means the product 97948  
obtained, as of the receipt and deposit of the tax distribution, 97949  
by multiplying the amount of a tax distribution by a fraction, the 97950

numerator of which is the number of mills per dollar of taxable value of the property tax to be allocated to partnering community schools, and the denominator of which is the total number of mills per dollar of taxable value authorized by the electors in the election held under division (B) of this section, each as set forth in the resolution levying the tax. If the resolution allocates all of the levy proceeds to partnering community schools, the "partnering schools amount" equals the amount of the tax distribution.

(d) "Partnering community schools fund" means a separate fund established by the board of education of a qualifying school district for the deposit of partnering community school amounts under this section.

(e) "Resident student" means a student enrolled in a partnering community school who is entitled to attend school in the qualifying school district under section 3313.64 or 3313.65 of the Revised Code.

(f) "Tax distribution" means a distribution of proceeds of the tax authorized by division (B) of this section under section 321.24 of the Revised Code and distributions that are attributable to that tax under sections 323.156 and 4503.068 of the Revised Code or other applicable law.

(C) A resolution adopted under this section shall specify the date of holding the election, which shall not be earlier than ninety days after the adoption and certification of the resolution and which shall be consistent with the requirements of section 3501.01 of the Revised Code.

A resolution adopted under this section may propose to renew one or more existing levies imposed under division (A) or (B) of this section or to increase or decrease a single levy imposed under either such division.

If the board of education imposes one or more existing levies 97982  
for the purpose specified in division (F) of section 5705.19 of 97983  
the Revised Code, the resolution may propose to renew one or more 97984  
of those existing levies, or to increase or decrease a single such 97985  
existing levy, for the purpose of general permanent improvements. 97986

If the resolution proposes to renew two or more existing 97987  
levies, the levies shall be levied for the same purpose. The 97988  
resolution shall identify those levies and the rates at which they 97989  
are levied. The resolution also shall specify that the existing 97990  
levies shall not be extended on the tax lists after the year 97991  
preceding the year in which the renewal levy is first imposed, 97992  
regardless of the years for which those levies originally were 97993  
authorized to be levied. 97994

If the resolution proposes to renew an existing levy imposed 97995  
under division (B) of this section, the rates allocated to the 97996  
qualifying school district and to partnering community schools 97997  
each may be increased or decreased or remain the same, and the 97998  
total rate may be increased, decreased, or remain the same. The 97999  
resolution and notice of election shall specify the number of the 98000  
mills to be levied for the current expenses of the partnering 98001  
community schools and the number of the mills, if any, to be 98002  
levied for the current expenses of the qualifying school district. 98003

A resolution adopted under this section shall go into 98004  
immediate effect upon its passage, and no publication of the 98005  
resolution shall be necessary other than that provided for in the 98006  
notice of election. A copy of the resolution shall immediately 98007  
after its passing be certified to the board of elections of the 98008  
proper county in the manner provided by section 5705.25 of the 98009  
Revised Code. That section shall govern the arrangements for the 98010  
submission of such question and other matters concerning the 98011  
election to which that section refers, including publication of 98012  
notice of the election, except that the election shall be held on 98013



the date specified in the resolution. In the case of a resolution 98014  
adopted under division (B) of this section, the publication of 98015  
notice of that election shall state the number of the mills, if 98016  
any, to be levied for the current expenses of partnering community 98017  
schools and the number of the mills to be levied for the current 98018  
expenses of the qualifying school district. If a majority of the 98019  
electors voting on the question so submitted in an election vote 98020  
in favor of the levy, the board of education may make the 98021  
necessary levy within the school district or, in the case of a 98022  
qualifying library levy for the support of a library association 98023  
or private corporation, within the association library district, 98024  
at the additional rate, or at any lesser rate in excess of the 98025  
ten-mill limitation on the tax list, for the purpose stated in the 98026  
resolution. A levy for a continuing period of time may be reduced 98027  
pursuant to section 5705.261 of the Revised Code. The tax levy 98028  
shall be included in the next tax budget that is certified to the 98029  
county budget commission. 98030

(D)(1) After the approval of a levy on the current tax list 98031  
and duplicate for current expenses, for recreational purposes, for 98032  
community centers provided for in section 755.16 of the Revised 98033  
Code, or for a public library of the district under division (A) 98034  
of this section, and prior to the time when the first tax 98035  
collection from the levy can be made, the board of education may 98036  
anticipate a fraction of the proceeds of the levy and issue 98037  
anticipation notes in a principal amount not exceeding fifty per 98038  
cent of the total estimated proceeds of the levy to be collected 98039  
during the first year of the levy. 98040

(2) After the approval of a levy for general permanent 98041  
improvements for a specified number of years or for permanent 98042  
improvements having the purpose specified in division (F) of 98043  
section 5705.19 of the Revised Code, the board of education may 98044  
anticipate a fraction of the proceeds of the levy and issue 98045

anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(3) After approval of a levy for general permanent improvements for a continuing period of time, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected in each year over a specified period of years, not exceeding ten, after the issuance of the notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed ten years, and may have a principal payment in the year of their issuance.

(4) After the approval of a levy on the current tax list and duplicate under division (B) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of the levy proceeds to be allocated to partnering community schools under that division shall not be included in the estimated proceeds anticipated under this division and shall not

be used to pay debt charges on any anticipation notes. 98078

The notes shall be issued as provided in section 133.24 of 98079  
the Revised Code, shall have principal payments during each year 98080  
after the year of their issuance over a period not to exceed five 98081  
years, and may have a principal payment in the year of their 98082  
issuance. 98083

(E) The submission of questions to the electors under this 98084  
section is subject to the limitation on the number of election 98085  
dates established by section 5705.214 of the Revised Code. 98086

(F) The board of education of any school district that levies 98087  
a tax under this section for the purpose of providing for school 98088  
safety and security may report to the department of education how 98089  
the district is using revenue from that tax. 98090

**Sec. 5705.212.** (A)(1) The board of education of any school 98091  
district, at any time and by a vote of two-thirds of all of its 98092  
members, may declare by resolution that the amount of taxes that 98093  
may be raised within the ten-mill limitation will be insufficient 98094  
to provide an adequate amount for the present and future 98095  
requirements of the school district, that it is necessary to levy 98096  
not more than five taxes in excess of that limitation for current 98097  
expenses, and that each of the proposed taxes first will be levied 98098  
in a different year, over a specified period of time. The board 98099  
shall identify the taxes proposed under this section as follows: 98100  
the first tax to be levied shall be called the "original tax." 98101  
Each tax subsequently levied shall be called an "incremental tax." 98102  
The rate of each incremental tax shall be identical, but the rates 98103  
of such incremental taxes need not be the same as the rate of the 98104  
original tax. The resolution also shall state that the question of 98105  
these additional taxes shall be submitted to the electors of the 98106  
school district at a special election. The resolution shall 98107  
specify separately for each tax proposed: the amount of the 98108

increase in rate that it is necessary to levy, expressed 98109  
separately for the original tax and each incremental tax; that the 98110  
purpose of the levy is for current expenses; the number of years 98111  
during which the original tax shall be in effect; a specification 98112  
that the last year in which the original tax is in effect shall 98113  
also be the last year in which each incremental tax shall be in 98114  
effect; and the year in which each tax first is proposed to be 98115  
levied. The original tax may be levied for any number of years not 98116  
exceeding ten, or for a continuing period of time. The resolution 98117  
shall specify the date of holding the special election, which 98118  
shall not be earlier than ninety days after the adoption and 98119  
certification of the resolution and shall be consistent with the 98120  
requirements of section 3501.01 of the Revised Code. 98121

(2) The board of education, by a vote of two-thirds of all of 98122  
its members, may adopt a resolution proposing to renew taxes 98123  
levied other than for a continuing period of time under division 98124  
(A)(1) of this section. Such a resolution shall provide for 98125  
levying a tax and specify all of the following: 98126

(a) That the tax shall be called and designated on the ballot 98127  
as a renewal levy; 98128

(b) The rate of the renewal tax, which shall be a single rate 98129  
that combines the rate of the original tax and each incremental 98130  
tax into a single rate. The rate of the renewal tax shall not 98131  
exceed the aggregate rate of the original and incremental taxes. 98132

(c) The number of years, not to exceed ten, that the renewal 98133  
tax will be levied, or that it will be levied for a continuing 98134  
period of time; 98135

(d) That the purpose of the renewal levy is for current 98136  
expenses; 98137

(e) Subject to the certification and notification 98138  
requirements of section 5705.251 of the Revised Code, that the 98139

question of the renewal levy shall be submitted to the electors of 98140  
the school district at the general election held during the last 98141  
year the original tax may be extended on the real and public 98142  
utility property tax list and duplicate or at a special election 98143  
held during the ensuing year. 98144

(3) A resolution adopted under division (A)(1) or (2) of this 98145  
section shall go into immediate effect upon its adoption and no 98146  
publication of the resolution is necessary other than that 98147  
provided for in the notice of election. Immediately after its 98148  
adoption, a copy of the resolution shall be certified to the board 98149  
of elections of the proper county in the manner provided by 98150  
division (A) of section 5705.251 of the Revised Code, and that 98151  
division shall govern the arrangements for the submission of the 98152  
question and other matters concerning the election to which that 98153  
section refers. The election shall be held on the date specified 98154  
in the resolution. If a majority of the electors voting on the 98155  
question so submitted in an election vote in favor of the taxes or 98156  
a renewal tax, the board of education, if the original or a 98157  
renewal tax is authorized to be levied for the current year, 98158  
immediately may make the necessary levy within the school district 98159  
at the authorized rate, or at any lesser rate in excess of the 98160  
ten-mill limitation, for the purpose stated in the resolution. No 98161  
tax shall be imposed prior to the year specified in the resolution 98162  
as the year in which it is first proposed to be levied. The rate 98163  
of the original tax and the rate of each incremental tax shall be 98164  
cumulative, so that the aggregate rate levied in any year is the 98165  
sum of the rates of both the original tax and all incremental 98166  
taxes levied in or prior to that year under the same proposal. A 98167  
tax levied for a continuing period of time under this section may 98168  
be reduced pursuant to section 5705.261 of the Revised Code. 98169

(B) Notwithstanding section 133.30 of the Revised Code, after 98170  
the approval of a tax to be levied in the current or the 98171

succeeding year and prior to the time when the first tax 98172  
collection from that levy can be made, the board of education may 98173  
anticipate a fraction of the proceeds of the levy and issue 98174  
anticipation notes in an amount not to exceed fifty per cent of 98175  
the total estimated proceeds of the levy to be collected during 98176  
the first year of the levy. The notes shall be sold as provided in 98177  
Chapter 133. of the Revised Code. If anticipation notes are 98178  
issued, they shall mature serially and in substantially equal 98179  
amounts during each year over a period not to exceed five years; 98180  
and the amount necessary to pay the interest and principal as the 98181  
anticipation notes mature shall be deemed appropriated for those 98182  
purposes from the levy, and appropriations from the levy by the 98183  
board of education shall be limited each fiscal year to the 98184  
balance available in excess of that amount. 98185

If the auditor of state has certified a deficit pursuant to 98186  
section 3313.483 of the Revised Code, the notes authorized under 98187  
this section may be sold in accordance with Chapter 133. of the 98188  
Revised Code, except that the board may sell the notes after 98189  
providing a reasonable opportunity for competitive bidding. 98190

(C)(1) The board of education of a qualifying school 98191  
district, at any time and by a vote of two-thirds of all its 98192  
members, may declare by resolution that it is necessary to levy 98193  
not more than five taxes in excess of the ten-mill limitation for 98194  
the current expenses of ~~the school district and of~~ partnering 98195  
community schools and, if any of the levy proceeds are so 98196  
allocated, of the school district, and that each of the proposed 98197  
taxes first will be levied in a different year, over a specified 98198  
period of time. A qualifying school district that is not a 98199  
municipal school district may allocate all of the levy proceeds to 98200  
partnering community schools. A municipal school district shall 98201  
allocate a portion of the levy proceeds to the current expenses of 98202  
the district. The board shall identify the taxes proposed under 98203

this division in the same manner as in division (A)(1) of this 98204  
section. The rate of each incremental tax shall be identical, but 98205  
the rates of such incremental taxes need not be the same as the 98206  
rate of the original tax. In addition to the specifications 98207  
required of the resolution in division (A) of this section, the 98208  
resolution shall state the number of the mills to be levied each 98209  
year for the current expenses of the partnering community schools 98210  
and the number of the mills, if any, to be levied each year for 98211  
the current expenses of the school district. The number of mills 98212  
for the current expenses of partnering community schools shall be 98213  
the same for each of the incremental taxes, and the number of 98214  
mills for the current expenses of the qualifying school district 98215  
shall be the same for each of the incremental taxes. 98216

The levy of taxes for the current expenses of a partnering 98217  
community school under division (C) of this section and the 98218  
distribution of proceeds from the tax by a qualifying school 98219  
district to partnering community schools is hereby determined to 98220  
be a proper public purpose. 98221

(2) The board of education, by a vote of two-thirds of all of 98222  
its members, may adopt a resolution proposing to renew taxes 98223  
levied other than for a continuing period of time under division 98224  
(C)(1) of this section. In such a renewal levy, the rates 98225  
allocated to the qualifying school district and to partnering 98226  
community schools each may be increased or decreased or remain the 98227  
same, and the total rate may be increased, decreased, or remain 98228  
the same. In addition to the requirements of division (A)(2) of 98229  
this section, the resolution shall state the number of the mills 98230  
to be levied for the current expenses of the partnering community 98231  
schools and the number of the mills to be levied for the current 98232  
expenses of the school district. 98233

(3) A resolution adopted under division (C)(1) or (2) of this 98234  
section is subject to the rules and procedures prescribed by 98235

division (A)(3) of this section. 98236

(4) The proceeds of each tax levied under division (C)(1) or 98237  
(2) of this section shall be credited and distributed in the 98238  
manner prescribed by division (B)(3) of section 5705.21 of the 98239  
Revised Code, and divisions (B)(4), (5), and (6) of that section 98240  
apply to taxes levied under division (C) of this section. 98241

(5) Notwithstanding section 133.30 of the Revised Code, after 98242  
the approval of a tax to be levied under division (C)(1) or (2) of 98243  
this section, in the current or succeeding year and prior to the 98244  
time when the first tax collection from that levy can be made, the 98245  
board of education may anticipate a fraction of the proceeds of 98246  
the levy for the current expenses of the qualifying school 98247  
district and issue anticipation notes in a principal amount not 98248  
exceeding fifty per cent of the estimated proceeds of the levy to 98249  
be collected during the first year of the levy and allocated to 98250  
the school district. The portion of levy proceeds to be allocated 98251  
to partnering community schools shall not be included in the 98252  
estimated proceeds anticipated under this division and shall not 98253  
be used to pay debt charges on any anticipation notes. 98254

The notes shall be sold as provided in Chapter 133. of the 98255  
Revised Code. If anticipation notes are issued, they shall mature 98256  
serially and in substantially equal amounts during each year over 98257  
a period not to exceed five years. The amount necessary to pay the 98258  
interest and principal as the anticipation notes mature shall be 98259  
deemed appropriated for those purposes from the levy, and 98260  
appropriations from the levy by the board of education shall be 98261  
limited each fiscal year to the balance available in excess of 98262  
that amount. 98263

If the auditor of state has certified a deficit pursuant to 98264  
section 3313.483 of the Revised Code, the notes authorized under 98265  
this section may be sold in accordance with Chapter 133. of the 98266  
Revised Code, except that the board may sell the notes after 98267



providing a reasonable opportunity for competitive bidding. 98268

As used in division (C) of this section, "qualifying school 98269  
district" and "partnering community schools" have the same 98270  
meanings as in section 5705.21 of the Revised Code. 98271

(D) The submission of questions to the electors under this 98272  
section is subject to the limitation on the number of election 98273  
dates established by section 5705.214 of the Revised Code. 98274

**Sec. 5705.214.** Not more than three elections during any 98275  
calendar year shall include the questions by a school district of 98276  
tax levies proposed under any one or any combination of the 98277  
following sections: sections 5705.194, 5705.199, 5705.21, 98278  
5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2112, and 98279  
5748.09 of the Revised Code. 98280

**Sec. 5705.2112.** (A) As used in this section: 98281

(1) "Qualifying partnership" has the same meaning as in 98282  
section 3318.71 of the Revised Code. 98283

(2) "Fiscal board" means the board of education of the school 98284  
district that is selected as the fiscal agent of a qualifying 98285  
partnership under division (D) of section 3318.71 of the Revised 98286  
Code. 98287

(3) "Participating school district" means a city, local, 98288  
exempted village, cooperative education, or joint vocational 98289  
school district that is a party to the qualifying partnership 98290  
agreement described in section 3318.71 of the Revised Code. 98291

(4) "Tax distribution" means a distribution of proceeds of 98292  
the tax authorized by this section under section 321.24 of the 98293  
Revised Code and distributions that are attributable to that tax 98294  
under sections 323.156 and 4503.068 of the Revised Code or other 98295  
applicable law. 98296

(5) "Acquisition of classroom facilities" has the same meaning as in section 3318.01 of the Revised Code. 98297  
98298

(B) The fiscal board of a qualifying partnership may levy a tax under this section in excess of the ten-mill limitation for the purpose of funding the acquisition of classroom facilities that benefit the qualifying partnership. The tax is subject to the approval of the electors of all participating school districts. Before proposing the tax to such electors, the fiscal board shall obtain identical resolutions adopted by two-thirds of the members of the board of education of each participating school district. The resolutions shall specify all of the following: 98299  
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98301  
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98307

(1) The rate of the levy; 98308

(2) The purpose of the levy, which shall be confined to the acquisition of classroom facilities; 98309  
98310

(3) The number of years during which the levy shall be in effect, which shall be for any number of years not exceeding ten; 98311  
98312

(4) That the question of the levy shall be submitted to the electors of each participating school district at a special election; 98313  
98314  
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(5) The date that such special election shall be held, which shall not be earlier than ninety days after the resolutions are certified to the board or boards of elections under division (C) of this section and which shall be consistent with the requirements of section 3501.01 of the Revised Code. 98316  
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(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Upon passing such a resolution, the board of education of a participating school district shall certify a copy of the resolution to the fiscal board of the qualifying partnership. Once the fiscal board 98321  
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receives an identical resolution from each participating school 98328  
district, the fiscal board shall certify copies of such 98329  
resolutions to the board of elections of the proper county or 98330  
counties in the manner provided by section 5705.25 of the Revised 98331  
Code. That section shall govern the arrangements for the 98332  
submission of the levy to the electors of each participating 98333  
school district and other matters concerning the election to which 98334  
that section refers, including publication of notice of the 98335  
election, except that the election shall be held on the date 98336  
specified in the resolutions and the notice shall be published in 98337  
newspapers of general circulation in all the participating school 98338  
districts. 98339

The question of the levy shall be submitted as a single 98340  
ballot issue to the electors of all the participating school 98341  
districts. If a majority of all such electors voting on the 98342  
question so submitted in the election vote in favor of the levy, 98343  
the fiscal board may make the necessary levy within the territory 98344  
of the participating school districts at the additional rate, or 98345  
at any lesser rate in excess of the ten-mill limitation on the tax 98346  
list, for the purpose stated in the resolutions. 98347

The submission of questions to the electors under this 98348  
section is subject to the limitation on the number of election 98349  
dates established by section 5705.214 of the Revised Code. 98350

(D) Each tax distribution shall be deposited to a special 98351  
fund, established for the purposes described in the resolutions 98352  
proposing the tax levy, in the county treasury of the county in 98353  
which the fiscal board of the qualifying partnership is located. 98354  
The fiscal board shall be the custodian of the amounts deposited 98355  
to such fund and shall have the same rights and responsibilities 98356  
with respect to the fund as boards of education do with respect to 98357  
other levy revenues. 98358

(E) The levy of a tax under this section for the purpose of 98359

funding the acquisition of classroom facilities benefiting a 98360  
qualifying partnership is hereby determined to be a proper public 98361  
purpose. For the purposes of Chapter 3317. of the Revised Code or 98362  
other laws referring to the "taxes charged and payable" for a 98363  
school district, the taxes charged and payable for a levy 98364  
authorized under this section are not included in the taxes 98365  
charged and payable for any participating school district. The 98366  
taxes charged and payable for a levy authorized under this section 98367  
shall not affect the calculation of "state education aid," as 98368  
defined in section 5751.20 of the Revised Code, for any 98369  
participating school district. 98370

(F)(1) After the approval of a levy under this section for a 98371  
specified number of years, the fiscal board of a qualifying 98372  
partnership may anticipate a fraction of the proceeds of the levy 98373  
and issue anticipation notes in a principal amount not exceeding 98374  
fifty per cent of the total estimated proceeds of the levy 98375  
remaining to be collected in each year over a period of five years 98376  
after the issuance of the notes. 98377

The notes shall be issued as provided in section 133.24 of 98378  
the Revised Code, shall have principal payments during each year 98379  
after the year of their issuance over a period not to exceed five 98380  
years, and may have a principal payment in the year of their 98381  
issuance. 98382

(2) The fiscal board of a qualifying partnership is a "taxing 98383  
authority" for the purposes of Chapter 133. of the Revised Code 98384  
with respect to the tax and securities authorized under this 98385  
section, and the treasurer of the school district serving as the 98386  
fiscal board is the fiscal officer for the purposes of that 98387  
chapter. 98388

**Sec. 5705.34.** When the budget commission has completed its 98389  
work with respect to a tax budget or other information required to 98390

be provided under section 5705.281 of the Revised Code, it shall 98391  
certify its action to the taxing authority, together with an 98392  
estimate by the county auditor of the rate of each tax necessary 98393  
to be levied by the taxing authority within its subdivision, 98394  
taxing unit, or, in the case of a qualifying library levy, within 98395  
the library district or association library district, and what 98396  
part thereof is in excess of, and what part within, the ten-mill 98397  
tax limitation. The certification shall also indicate the date on 98398  
which each tax levied by the taxing authority will expire. 98399

If a taxing authority levies a tax for a fixed sum of money 98400  
or to pay debt charges for the tax year for which the tax budget 98401  
is prepared, and a payment on account of that tax is payable to 98402  
the taxing authority for the tax year under section ~~5727.85,~~ 98403  
~~5727.86, 5751.21, or 5751.22~~ 5709.92, 5709.93, or 5709.94 of the 98404  
Revised Code, the county auditor, when estimating the rate at 98405  
which the tax shall be levied in the current year, shall estimate 98406  
the rate necessary to raise the required sum less the estimated 98407  
amount of any payments made for the tax year to a taxing unit for 98408  
fixed-sum levies under those sections. The estimated rate shall be 98409  
the rate of the levy that the budget commission certifies with its 98410  
action under this section. 98411

Each taxing authority, by ordinance or resolution, shall 98412  
authorize the necessary tax levies and certify them to the county 98413  
auditor before the first day of October in each year, or at such 98414  
later date as is approved by the tax commissioner, except that the 98415  
certification by the legislative authority of the city of 98416  
Cincinnati or by a board of education shall be made by the first 98417  
day of April or at such later date as is approved by the 98418  
commissioner, and except that a township board of park 98419  
commissioners that is appointed by the board of township trustees 98420  
and oversees a township park district that contains only 98421  
unincorporated territory shall authorize only those taxes approved 98422

by, and only at the rate approved by, the board of township trustees as required by division (C) of section 511.27 of the Revised Code. If the levying of a tax to be placed on the duplicate of the current year is approved by electors under sections 5705.01 to 5705.47 of the Revised Code; if the rate of a school district tax is increased due to the repeal of a school district income tax and property tax rate reduction at an election held pursuant to section 5748.04 of the Revised Code; or if refunding bonds to refund all or a part of the principal of bonds payable from a tax levy for the ensuing fiscal year are issued or sold and in the process of delivery, the budget commission shall reconsider and revise its action on the budget of the subdivision or school library district for whose benefit the tax is to be levied after the returns of such election are fully canvassed, or after the issuance or sale of such refunding bonds is certified to it.

**Sec. 5709.17.** The following property shall be exempted from taxation:

(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation;

(B) Real estate and tangible personal property held or occupied by a veterans' organization that qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and is incorporated under the laws of this state or the United States, except real estate held by such an organization for

the production of rental income in excess of thirty-six thousand 98454  
dollars in a tax year, before accounting for any cost or expense 98455  
incurred in the production of such income. For the purposes of 98456  
this division, rental income includes only income arising directly 98457  
from renting the real estate to others for consideration. 98458

(C) Tangible personal property held by a corporation 98459  
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 98460  
section 501(c)(3) of the Internal Revenue Code, and exempt from 98461  
taxation under section 501(a) of the Internal Revenue Code shall 98462  
be exempt from taxation if it is property obtained as described in 98463  
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 98464

(D) Real estate held or occupied by a fraternal organization 98465  
and used primarily for meetings of and the administration of the 98466  
fraternal organization, ~~except~~ or for providing, on a 98467  
not-for-profit basis, educational or health services real estate 98468  
held by such an organization for the production of rental income 98469  
in excess of thirty-six thousand dollars in a tax year, before 98470  
accounting for any cost or expense incurred in the production of 98471  
such income. As used in this division, "rental income" has the 98472  
same meaning as in division (B) of this section, and "fraternal 98473  
organization" means a domestic fraternal society, order, or 98474  
association operating under the lodge, council, or grange system 98475  
that qualifies for exemption from taxation under section 98476  
501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code 98477  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides 98478  
financial support for charitable purposes, as defined in division 98479  
(B)(12) of section 5739.02 of the Revised Code; and that has been 98480  
operating in this state with a state governing body for at least 98481  
eighty-five years. 98482

**Sec. 5709.62.** (A) In any municipal corporation that is 98483  
defined by the United States office of management and budget as a 98484

principal city of a metropolitan statistical area, the legislative 98485  
authority of the municipal corporation may designate one or more 98486  
areas within its municipal corporation as proposed enterprise 98487  
zones. Upon designating an area, the legislative authority shall 98488  
petition the director of development services for certification of 98489  
the area as having the characteristics set forth in division 98490  
(A)(1) of section 5709.61 of the Revised Code as amended by 98491  
Substitute Senate Bill No. 19 of the 120th general assembly. 98492  
Except as otherwise provided in division (E) of this section, on 98493  
and after July 1, 1994, legislative authorities shall not enter 98494  
into agreements under this section unless the legislative 98495  
authority has petitioned the director and the director has 98496  
certified the zone under this section as amended by that act; 98497  
however, all agreements entered into under this section as it 98498  
existed prior to July 1, 1994, and the incentives granted under 98499  
those agreements shall remain in effect for the period agreed to 98500  
under those agreements. Within sixty days after receiving such a 98501  
petition, the director shall determine whether the area has the 98502  
characteristics set forth in division (A)(1) of section 5709.61 of 98503  
the Revised Code, and shall forward the findings to the 98504  
legislative authority of the municipal corporation. If the 98505  
director certifies the area as having those characteristics, and 98506  
thereby certifies it as a zone, the legislative authority may 98507  
enter into an agreement with an enterprise under division (C) of 98508  
this section. 98509

(B) Any enterprise that wishes to enter into an agreement 98510  
with a municipal corporation under division (C) of this section 98511  
shall submit a proposal to the legislative authority of the 98512  
municipal corporation on a form prescribed by the director of 98513  
development services, together with the application fee 98514  
established under section 5709.68 of the Revised Code. The form 98515  
shall require the following information: 98516



(1) An estimate of the number of new employees whom the enterprise intends to hire, or of the number of employees whom the enterprise intends to retain, within the zone at a facility that is a project site, and an estimate of the amount of payroll of the enterprise attributable to these employees;

(2) An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility, including investment in new buildings, additions or improvements to existing buildings, machinery, equipment, furniture, fixtures, and inventory;

(3) A listing of the enterprise's current investment, if any, in a facility as of the date of the proposal's submission.

The enterprise shall review and update the listings required under this division to reflect material changes, and any agreement entered into under division (C) of this section shall set forth final estimates and listings as of the time the agreement is entered into. The legislative authority may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(C) Upon receipt and investigation of a proposal under division (B) of this section, if the legislative authority finds that the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and improve the economic climate of the municipal corporation, the legislative authority, on or before October 15, ~~2015~~ 2017, may do one of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a

facility and hire new employees, or preserve employment 98548  
opportunities for existing employees, in return for one or more of 98549  
the following incentives: 98550

(a) Exemption for a specified number of years, not to exceed 98551  
fifteen, of a specified portion, up to seventy-five per cent, of 98552  
the assessed value of tangible personal property first used in 98553  
business at the project site as a result of the agreement. If an 98554  
exemption for inventory is specifically granted in the agreement 98555  
pursuant to this division, the exemption applies to inventory 98556  
required to be listed pursuant to sections 5711.15 and 5711.16 of 98557  
the Revised Code, except that, in the instance of an expansion or 98558  
other situations in which an enterprise was in business at the 98559  
facility prior to the establishment of the zone, the inventory 98560  
that is exempt is that amount or value of inventory in excess of 98561  
the amount or value of inventory required to be listed in the 98562  
personal property tax return of the enterprise in the return for 98563  
the tax year in which the agreement is entered into. 98564

(b) Exemption for a specified number of years, not to exceed 98565  
fifteen, of a specified portion, up to seventy-five per cent, of 98566  
the increase in the assessed valuation of real property 98567  
constituting the project site subsequent to formal approval of the 98568  
agreement by the legislative authority; 98569

(c) Provision for a specified number of years, not to exceed 98570  
fifteen, of any optional services or assistance that the municipal 98571  
corporation is authorized to provide with regard to the project 98572  
site. 98573

(2) Enter into an agreement under which the enterprise agrees 98574  
to remediate an environmentally contaminated facility, to spend an 98575  
amount equal to at least two hundred fifty per cent of the true 98576  
value in money of the real property of the facility prior to 98577  
remediation as determined for the purposes of property taxation to 98578  
establish, expand, renovate, or occupy the remediated facility, 98579

and to hire new employees or preserve employment opportunities for 98580  
existing employees at the remediated facility, in return for one 98581  
or more of the following incentives: 98582

(a) Exemption for a specified number of years, not to exceed 98583  
fifteen, of a specified portion, not to exceed fifty per cent, of 98584  
the assessed valuation of the real property of the facility prior 98585  
to remediation; 98586

(b) Exemption for a specified number of years, not to exceed 98587  
fifteen, of a specified portion, not to exceed one hundred per 98588  
cent, of the increase in the assessed valuation of the real 98589  
property of the facility during or after remediation; 98590

(c) The incentive under division (C)(1)(a) of this section, 98591  
except that the percentage of the assessed value of such property 98592  
exempted from taxation shall not exceed one hundred per cent; 98593

(d) The incentive under division (C)(1)(c) of this section. 98594

(3) Enter into an agreement with an enterprise that plans to 98595  
purchase and operate a large manufacturing facility that has 98596  
ceased operation or announced its intention to cease operation, in 98597  
return for exemption for a specified number of years, not to 98598  
exceed fifteen, of a specified portion, up to one hundred per 98599  
cent, of the assessed value of tangible personal property used in 98600  
business at the project site as a result of the agreement, or of 98601  
the assessed valuation of real property constituting the project 98602  
site, or both. 98603

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 98604  
section, the portion of the assessed value of tangible personal 98605  
property or of the increase in the assessed valuation of real 98606  
property exempted from taxation under those divisions may exceed 98607  
seventy-five per cent in any year for which that portion is 98608  
exempted if the average percentage exempted for all years in which 98609  
the agreement is in effect does not exceed sixty per cent, or if 98610

the board of education of the city, local, or exempted village 98611  
school district within the territory of which the property is or 98612  
will be located approves a percentage in excess of seventy-five 98613  
per cent. 98614

(2) Notwithstanding any provision of the Revised Code to the 98615  
contrary, the exemptions described in divisions (C)(1)(a), (b), 98616  
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 98617  
be for up to fifteen years if the board of education of the city, 98618  
local, or exempted village school district within the territory of 98619  
which the property is or will be located approves a number of 98620  
years in excess of ten. 98621

(3) For the purpose of obtaining the approval of a city, 98622  
local, or exempted village school district under division (D)(1) 98623  
or (2) of this section, the legislative authority shall deliver to 98624  
the board of education a notice not later than forty-five days 98625  
prior to approving the agreement, excluding Saturdays, Sundays, 98626  
and legal holidays as defined in section 1.14 of the Revised Code. 98627  
The notice shall state the percentage to be exempted, an estimate 98628  
of the true value of the property to be exempted, and the number 98629  
of years the property is to be exempted. The board of education, 98630  
by resolution adopted by a majority of the board, shall approve or 98631  
disapprove the agreement and certify a copy of the resolution to 98632  
the legislative authority not later than fourteen days prior to 98633  
the date stipulated by the legislative authority as the date upon 98634  
which approval of the agreement is to be formally considered by 98635  
the legislative authority. The board of education may include in 98636  
the resolution conditions under which the board would approve the 98637  
agreement, including the execution of an agreement to compensate 98638  
the school district under division (B) of section 5709.82 of the 98639  
Revised Code. The legislative authority may approve the agreement 98640  
at any time after the board of education certifies its resolution 98641  
approving the agreement to the legislative authority, or, if the 98642

board approves the agreement conditionally, at any time after the 98643  
conditions are agreed to by the board and the legislative 98644  
authority. 98645

If a board of education has adopted a resolution waiving its 98646  
right to approve agreements and the resolution remains in effect, 98647  
approval of an agreement by the board is not required under this 98648  
division. If a board of education has adopted a resolution 98649  
allowing a legislative authority to deliver the notice required 98650  
under this division fewer than forty-five business days prior to 98651  
the legislative authority's approval of the agreement, the 98652  
legislative authority shall deliver the notice to the board not 98653  
later than the number of days prior to such approval as prescribed 98654  
by the board in its resolution. If a board of education adopts a 98655  
resolution waiving its right to approve agreements or shortening 98656  
the notification period, the board shall certify a copy of the 98657  
resolution to the legislative authority. If the board of education 98658  
rescinds such a resolution, it shall certify notice of the 98659  
rescission to the legislative authority. 98660

(4) The legislative authority shall comply with section 98661  
5709.83 of the Revised Code unless the board of education has 98662  
adopted a resolution under that section waiving its right to 98663  
receive such notice. 98664

(E) This division applies to zones certified by the director 98665  
of development services under this section prior to July 22, 1994. 98666

On or before October 15, ~~2015~~ 2017, the legislative authority 98667  
that designated a zone to which this division applies may enter 98668  
into an agreement with an enterprise if the legislative authority 98669  
finds that the enterprise satisfies one of the criteria described 98670  
in divisions (E)(1) to (5) of this section: 98671

(1) The enterprise currently has no operations in this state 98672  
and, subject to approval of the agreement, intends to establish 98673

operations in the zone; 98674

(2) The enterprise currently has operations in this state 98675  
and, subject to approval of the agreement, intends to establish 98676  
operations at a new location in the zone that would not result in 98677  
a reduction in the number of employee positions at any of the 98678  
enterprise's other locations in this state; 98679

(3) The enterprise, subject to approval of the agreement, 98680  
intends to relocate operations, currently located in another 98681  
state, to the zone; 98682

(4) The enterprise, subject to approval of the agreement, 98683  
intends to expand operations at an existing site in the zone that 98684  
the enterprise currently operates; 98685

(5) The enterprise, subject to approval of the agreement, 98686  
intends to relocate operations, currently located in this state, 98687  
to the zone, and the director of development services has issued a 98688  
waiver for the enterprise under division (B) of section 5709.633 98689  
of the Revised Code. 98690

The agreement shall require the enterprise to agree to 98691  
establish, expand, renovate, or occupy a facility in the zone and 98692  
hire new employees, or preserve employment opportunities for 98693  
existing employees, in return for one or more of the incentives 98694  
described in division (C) of this section. 98695

(F) All agreements entered into under this section shall be 98696  
in the form prescribed under section 5709.631 of the Revised Code. 98697  
After an agreement is entered into under this section, if the 98698  
legislative authority revokes its designation of a zone, or if the 98699  
director of development services revokes a zone's certification, 98700  
any entitlements granted under the agreement shall continue for 98701  
the number of years specified in the agreement. 98702

(G) Except as otherwise provided in this division, an 98703  
agreement entered into under this section shall require that the 98704

enterprise pay an annual fee equal to the greater of one per cent 98705  
of the dollar value of incentives offered under the agreement or 98706  
five hundred dollars; provided, however, that if the value of the 98707  
incentives exceeds two hundred fifty thousand dollars, the fee 98708  
shall not exceed two thousand five hundred dollars. The fee shall 98709  
be payable to the legislative authority once per year for each 98710  
year the agreement is effective on the days and in the form 98711  
specified in the agreement. Fees paid shall be deposited in a 98712  
special fund created for such purpose by the legislative authority 98713  
and shall be used by the legislative authority exclusively for the 98714  
purpose of complying with section 5709.68 of the Revised Code and 98715  
by the tax incentive review council created under section 5709.85 98716  
of the Revised Code exclusively for the purposes of performing the 98717  
duties prescribed under that section. The legislative authority 98718  
may waive or reduce the amount of the fee charged against an 98719  
enterprise, but such a waiver or reduction does not affect the 98720  
obligations of the legislative authority or the tax incentive 98721  
review council to comply with section 5709.68 or 5709.85 of the 98722  
Revised Code. 98723

(H) When an agreement is entered into pursuant to this 98724  
section, the legislative authority authorizing the agreement shall 98725  
forward a copy of the agreement to the director of development 98726  
services and to the tax commissioner within fifteen days after the 98727  
agreement is entered into. If any agreement includes terms not 98728  
provided for in section 5709.631 of the Revised Code affecting the 98729  
revenue of a city, local, or exempted village school district or 98730  
causing revenue to be forgone by the district, including any 98731  
compensation to be paid to the school district pursuant to section 98732  
5709.82 of the Revised Code, those terms also shall be forwarded 98733  
in writing to the director of development services along with the 98734  
copy of the agreement forwarded under this division. 98735

(I) After an agreement is entered into, the enterprise shall 98736

file with each personal property tax return required to be filed, 98737  
or annual report required to be filed under section 5727.08 of the 98738  
Revised Code, while the agreement is in effect, an informational 98739  
return, on a form prescribed by the tax commissioner for that 98740  
purpose, setting forth separately the property, and related costs 98741  
and values, exempted from taxation under the agreement. 98742

(J) Enterprises may agree to give preference to residents of 98743  
the zone within which the agreement applies relative to residents 98744  
of this state who do not reside in the zone when hiring new 98745  
employees under the agreement. 98746

(K) An agreement entered into under this section may include 98747  
a provision requiring the enterprise to create one or more 98748  
temporary internship positions for students enrolled in a course 98749  
of study at a school or other educational institution in the 98750  
vicinity, and to create a scholarship or provide another form of 98751  
educational financial assistance for students holding such a 98752  
position in exchange for the student's commitment to work for the 98753  
enterprise at the completion of the internship. 98754

(L) The tax commissioner's authority in determining the 98755  
accuracy of any exemption granted by an agreement entered into 98756  
under this section is limited to divisions (C)(1)(a) and (b), 98757  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 98758  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 98759  
and, as authorized by law, to enforcing any modification to, or 98760  
revocation of, that agreement by the legislative authority of a 98761  
municipal corporation or the director of development services. 98762

**Sec. 5709.63.** (A) With the consent of the legislative 98763  
authority of each affected municipal corporation or of a board of 98764  
township trustees, a board of county commissioners may, in the 98765  
manner set forth in section 5709.62 of the Revised Code, designate 98766  
one or more areas in one or more municipal corporations or in 98767



unincorporated areas of the county as proposed enterprise zones. A 98768  
board of county commissioners may designate no more than one area 98769  
within a township, or within adjacent townships, as a proposed 98770  
enterprise zone. The board shall petition the director of 98771  
development services for certification of the area as having the 98772  
characteristics set forth in division (A)(1) or (2) of section 98773  
5709.61 of the Revised Code as amended by Substitute Senate Bill 98774  
No. 19 of the 120th general assembly. Except as otherwise provided 98775  
in division (D) of this section, on and after July 1, 1994, boards 98776  
of county commissioners shall not enter into agreements under this 98777  
section unless the board has petitioned the director and the 98778  
director has certified the zone under this section as amended by 98779  
that act; however, all agreements entered into under this section 98780  
as it existed prior to July 1, 1994, and the incentives granted 98781  
under those agreements shall remain in effect for the period 98782  
agreed to under those agreements. The director shall make the 98783  
determination in the manner provided under section 5709.62 of the 98784  
Revised Code. 98785

Any enterprise wishing to enter into an agreement with the 98786  
board under division (B) or (D) of this section shall submit a 98787  
proposal to the board on the form and accompanied by the 98788  
application fee prescribed under division (B) of section 5709.62 98789  
of the Revised Code. The enterprise shall review and update the 98790  
estimates and listings required by the form in the manner required 98791  
under that division. The board may, on a separate form and at any 98792  
time, require any additional information necessary to determine 98793  
whether an enterprise is in compliance with an agreement and to 98794  
collect the information required to be reported under section 98795  
5709.68 of the Revised Code. 98796

(B) If the board of county commissioners finds that an 98797  
enterprise submitting a proposal is qualified by financial 98798  
responsibility and business experience to create and preserve 98799

employment opportunities in the zone and to improve the economic 98800  
climate of the municipal corporation or municipal corporations or 98801  
the unincorporated areas in which the zone is located and to which 98802  
the proposal applies, the board, on or before October 15, ~~2015~~ 98803  
2017, and with the consent of the legislative authority of each 98804  
affected municipal corporation or of the board of township 98805  
trustees may do either of the following: 98806

(1) Enter into an agreement with the enterprise under which 98807  
the enterprise agrees to establish, expand, renovate, or occupy a 98808  
facility in the zone and hire new employees, or preserve 98809  
employment opportunities for existing employees, in return for the 98810  
following incentives: 98811

(a) When the facility is located in a municipal corporation, 98812  
the board may enter into an agreement for one or more of the 98813  
incentives provided in division (C) of section 5709.62 of the 98814  
Revised Code, subject to division (D) of that section; 98815

(b) When the facility is located in an unincorporated area, 98816  
the board may enter into an agreement for one or more of the 98817  
following incentives: 98818

(i) Exemption for a specified number of years, not to exceed 98819  
fifteen, of a specified portion, up to sixty per cent, of the 98820  
assessed value of tangible personal property first used in 98821  
business at a project site as a result of the agreement. If an 98822  
exemption for inventory is specifically granted in the agreement 98823  
pursuant to this division, the exemption applies to inventory 98824  
required to be listed pursuant to sections 5711.15 and 5711.16 of 98825  
the Revised Code, except, in the instance of an expansion or other 98826  
situations in which an enterprise was in business at the facility 98827  
prior to the establishment of the zone, the inventory that is 98828  
exempt is that amount or value of inventory in excess of the 98829  
amount or value of inventory required to be listed in the personal 98830  
property tax return of the enterprise in the return for the tax 98831

year in which the agreement is entered into. 98832

(ii) Exemption for a specified number of years, not to exceed 98833  
fifteen, of a specified portion, up to sixty per cent, of the 98834  
increase in the assessed valuation of real property constituting 98835  
the project site subsequent to formal approval of the agreement by 98836  
the board; 98837

(iii) Provision for a specified number of years, not to 98838  
exceed fifteen, of any optional services or assistance the board 98839  
is authorized to provide with regard to the project site; 98840

(iv) The incentive described in division (C)(2) of section 98841  
5709.62 of the Revised Code. 98842

(2) Enter into an agreement with an enterprise that plans to 98843  
purchase and operate a large manufacturing facility that has 98844  
ceased operation or has announced its intention to cease 98845  
operation, in return for exemption for a specified number of 98846  
years, not to exceed fifteen, of a specified portion, up to one 98847  
hundred per cent, of tangible personal property used in business 98848  
at the project site as a result of the agreement, or of real 98849  
property constituting the project site, or both. 98850

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 98851  
this section, the portion of the assessed value of tangible 98852  
personal property or of the increase in the assessed valuation of 98853  
real property exempted from taxation under those divisions may 98854  
exceed sixty per cent in any year for which that portion is 98855  
exempted if the average percentage exempted for all years in which 98856  
the agreement is in effect does not exceed fifty per cent, or if 98857  
the board of education of the city, local, or exempted village 98858  
school district within the territory of which the property is or 98859  
will be located approves a percentage in excess of sixty per cent. 98860

(b) Notwithstanding any provision of the Revised Code to the 98861  
contrary, the exemptions described in divisions (B)(1)(b)(i), 98862

(ii), (iii), and (iv) and (B)(2) of this section may be for up to 98863  
fifteen years if the board of education of the city, local, or 98864  
exempted village school district within the territory of which the 98865  
property is or will be located approves a number of years in 98866  
excess of ten. 98867

(c) For the purpose of obtaining the approval of a city, 98868  
local, or exempted village school district under division 98869  
(C)(1)(a) or (b) of this section, the board of county 98870  
commissioners shall deliver to the board of education a notice not 98871  
later than forty-five days prior to approving the agreement, 98872  
excluding Saturdays, Sundays, and legal holidays as defined in 98873  
section 1.14 of the Revised Code. The notice shall state the 98874  
percentage to be exempted, an estimate of the true value of the 98875  
property to be exempted, and the number of years the property is 98876  
to be exempted. The board of education, by resolution adopted by a 98877  
majority of the board, shall approve or disapprove the agreement 98878  
and certify a copy of the resolution to the board of county 98879  
commissioners not later than fourteen days prior to the date 98880  
stipulated by the board of county commissioners as the date upon 98881  
which approval of the agreement is to be formally considered by 98882  
the board of county commissioners. The board of education may 98883  
include in the resolution conditions under which the board would 98884  
approve the agreement, including the execution of an agreement to 98885  
compensate the school district under division (B) of section 98886  
5709.82 of the Revised Code. The board of county commissioners may 98887  
approve the agreement at any time after the board of education 98888  
certifies its resolution approving the agreement to the board of 98889  
county commissioners, or, if the board of education approves the 98890  
agreement conditionally, at any time after the conditions are 98891  
agreed to by the board of education and the board of county 98892  
commissioners. 98893

If a board of education has adopted a resolution waiving its 98894

right to approve agreements and the resolution remains in effect, 98895  
approval of an agreement by the board of education is not required 98896  
under division (C) of this section. If a board of education has 98897  
adopted a resolution allowing a board of county commissioners to 98898  
deliver the notice required under this division fewer than 98899  
forty-five business days prior to approval of the agreement by the 98900  
board of county commissioners, the board of county commissioners 98901  
shall deliver the notice to the board of education not later than 98902  
the number of days prior to such approval as prescribed by the 98903  
board of education in its resolution. If a board of education 98904  
adopts a resolution waiving its right to approve agreements or 98905  
shortening the notification period, the board of education shall 98906  
certify a copy of the resolution to the board of county 98907  
commissioners. If the board of education rescinds such a 98908  
resolution, it shall certify notice of the rescission to the board 98909  
of county commissioners. 98910

(2) The board of county commissioners shall comply with 98911  
section 5709.83 of the Revised Code unless the board of education 98912  
has adopted a resolution under that section waiving its right to 98913  
receive such notice. 98914

(D) This division applies to zones certified by the director 98915  
of development services under this section prior to July 22, 1994. 98916

On or before October 15, ~~2015~~ 2017, and with the consent of 98917  
the legislative authority of each affected municipal corporation 98918  
or board of township trustees of each affected township, the board 98919  
of county commissioners that designated a zone to which this 98920  
division applies may enter into an agreement with an enterprise if 98921  
the board finds that the enterprise satisfies one of the criteria 98922  
described in divisions (D)(1) to (5) of this section: 98923

(1) The enterprise currently has no operations in this state 98924  
and, subject to approval of the agreement, intends to establish 98925  
operations in the zone; 98926

(2) The enterprise currently has operations in this state 98927  
and, subject to approval of the agreement, intends to establish 98928  
operations at a new location in the zone that would not result in 98929  
a reduction in the number of employee positions at any of the 98930  
enterprise's other locations in this state; 98931

(3) The enterprise, subject to approval of the agreement, 98932  
intends to relocate operations, currently located in another 98933  
state, to the zone; 98934

(4) The enterprise, subject to approval of the agreement, 98935  
intends to expand operations at an existing site in the zone that 98936  
the enterprise currently operates; 98937

(5) The enterprise, subject to approval of the agreement, 98938  
intends to relocate operations, currently located in this state, 98939  
to the zone, and the director of development services has issued a 98940  
waiver for the enterprise under division (B) of section 5709.633 98941  
of the Revised Code. 98942

The agreement shall require the enterprise to agree to 98943  
establish, expand, renovate, or occupy a facility in the zone and 98944  
hire new employees, or preserve employment opportunities for 98945  
existing employees, in return for one or more of the incentives 98946  
described in division (B) of this section. 98947

(E) All agreements entered into under this section shall be 98948  
in the form prescribed under section 5709.631 of the Revised Code. 98949  
After an agreement under this section is entered into, if the 98950  
board of county commissioners revokes its designation of a zone, 98951  
or if the director of development services revokes a zone's 98952  
certification, any entitlements granted under the agreement shall 98953  
continue for the number of years specified in the agreement. 98954

(F) Except as otherwise provided in this division, an 98955  
agreement entered into under this section shall require that the 98956  
enterprise pay an annual fee equal to the greater of one per cent 98957

of the dollar value of incentives offered under the agreement or 98958  
five hundred dollars; provided, however, that if the value of the 98959  
incentives exceeds two hundred fifty thousand dollars, the fee 98960  
shall not exceed two thousand five hundred dollars. The fee shall 98961  
be payable to the board of county commissioners once per year for 98962  
each year the agreement is effective on the days and in the form 98963  
specified in the agreement. Fees paid shall be deposited in a 98964  
special fund created for such purpose by the board and shall be 98965  
used by the board exclusively for the purpose of complying with 98966  
section 5709.68 of the Revised Code and by the tax incentive 98967  
review council created under section 5709.85 of the Revised Code 98968  
exclusively for the purposes of performing the duties prescribed 98969  
under that section. The board may waive or reduce the amount of 98970  
the fee charged against an enterprise, but such waiver or 98971  
reduction does not affect the obligations of the board or the tax 98972  
incentive review council to comply with section 5709.68 or 5709.85 98973  
of the Revised Code, respectively. 98974

(G) With the approval of the legislative authority of a 98975  
municipal corporation or the board of township trustees of a 98976  
township in which a zone is designated under division (A) of this 98977  
section, the board of county commissioners may delegate to that 98978  
legislative authority or board any powers and duties of the board 98979  
of county commissioners to negotiate and administer agreements 98980  
with regard to that zone under this section. 98981

(H) When an agreement is entered into pursuant to this 98982  
section, the board of county commissioners authorizing the 98983  
agreement or the legislative authority or board of township 98984  
trustees that negotiates and administers the agreement shall 98985  
forward a copy of the agreement to the director of development 98986  
services and to the tax commissioner within fifteen days after the 98987  
agreement is entered into. If any agreement includes terms not 98988  
provided for in section 5709.631 of the Revised Code affecting the 98989

revenue of a city, local, or exempted village school district or 98990  
causing revenue to be foregone by the district, including any 98991  
compensation to be paid to the school district pursuant to section 98992  
5709.82 of the Revised Code, those terms also shall be forwarded 98993  
in writing to the director of development services along with the 98994  
copy of the agreement forwarded under this division. 98995

(I) After an agreement is entered into, the enterprise shall 98996  
file with each personal property tax return required to be filed, 98997  
or annual report that is required to be filed under section 98998  
5727.08 of the Revised Code, while the agreement is in effect, an 98999  
informational return, on a form prescribed by the tax commissioner 99000  
for that purpose, setting forth separately the property, and 99001  
related costs and values, exempted from taxation under the 99002  
agreement. 99003

(J) Enterprises may agree to give preference to residents of 99004  
the zone within which the agreement applies relative to residents 99005  
of this state who do not reside in the zone when hiring new 99006  
employees under the agreement. 99007

(K) An agreement entered into under this section may include 99008  
a provision requiring the enterprise to create one or more 99009  
temporary internship positions for students enrolled in a course 99010  
of study at a school or other educational institution in the 99011  
vicinity, and to create a scholarship or provide another form of 99012  
educational financial assistance for students holding such a 99013  
position in exchange for the student's commitment to work for the 99014  
enterprise at the completion of the internship. 99015

(L) The tax commissioner's authority in determining the 99016  
accuracy of any exemption granted by an agreement entered into 99017  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 99018  
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 99019  
this section as it pertains to divisions (C)(2)(a), (b), and (c) 99020  
of section 5709.62 of the Revised Code, and divisions (B)(1) to 99021



(10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to, or revocation of, that agreement by the board of county commissioners or the director of development services or, if the board's powers and duties are delegated under division (G) of this section, by the legislative authority of a municipal corporation or board of township trustees.

**Sec. 5709.632.** (A)(1) The legislative authority of a municipal corporation defined by the United States office of management and budget as a principal city of a metropolitan statistical area may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in the municipal corporation as a proposed enterprise zone.

(2) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed urban jobs and enterprise zones, except that a board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed urban jobs and enterprise zone.

(3) The legislative authority or board of county commissioners may petition the director of development services for certification of the area as having the characteristics set forth in division (A)(3) of section 5709.61 of the Revised Code. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in that division and forward the findings to the legislative authority or board of county commissioners. If the director certifies the area as having those characteristics and thereby

certifies it as a zone, the legislative authority or board may 99053  
enter into agreements with enterprises under division (B) of this 99054  
section. Any enterprise wishing to enter into an agreement with a 99055  
legislative authority or board of county commissioners under this 99056  
section and satisfying one of the criteria described in divisions 99057  
(B)(1) to (5) of this section shall submit a proposal to the 99058  
legislative authority or board on the form prescribed under 99059  
division (B) of section 5709.62 of the Revised Code and shall 99060  
review and update the estimates and listings required by the form 99061  
in the manner required under that division. The legislative 99062  
authority or board may, on a separate form and at any time, 99063  
require any additional information necessary to determine whether 99064  
an enterprise is in compliance with an agreement and to collect 99065  
the information required to be reported under section 5709.68 of 99066  
the Revised Code. 99067

(B) Prior to entering into an agreement with an enterprise, 99068  
the legislative authority or board of county commissioners shall 99069  
determine whether the enterprise submitting the proposal is 99070  
qualified by financial responsibility and business experience to 99071  
create and preserve employment opportunities in the zone and to 99072  
improve the economic climate of the municipal corporation or 99073  
municipal corporations or the unincorporated areas in which the 99074  
zone is located and to which the proposal applies, and whether the 99075  
enterprise satisfies one of the following criteria: 99076

(1) The enterprise currently has no operations in this state 99077  
and, subject to approval of the agreement, intends to establish 99078  
operations in the zone; 99079

(2) The enterprise currently has operations in this state 99080  
and, subject to approval of the agreement, intends to establish 99081  
operations at a new location in the zone that would not result in 99082  
a reduction in the number of employee positions at any of the 99083  
enterprise's other locations in this state; 99084

(3) The enterprise, subject to approval of the agreement, 99085  
intends to relocate operations, currently located in another 99086  
state, to the zone; 99087

(4) The enterprise, subject to approval of the agreement, 99088  
intends to expand operations at an existing site in the zone that 99089  
the enterprise currently operates; 99090

(5) The enterprise, subject to approval of the agreement, 99091  
intends to relocate operations, currently located in this state, 99092  
to the zone, and the director of development services has issued a 99093  
waiver for the enterprise under division (B) of section 5709.633 99094  
of the Revised Code. 99095

(C) If the legislative authority or board determines that the 99096  
enterprise is so qualified and satisfies one of the criteria 99097  
described in divisions (B)(1) to (5) of this section, the 99098  
legislative authority or board may, after complying with section 99099  
5709.83 of the Revised Code and on or before October 15, ~~2015~~ 99100  
2017, and, in the case of a board of commissioners, with the 99101  
consent of the legislative authority of each affected municipal 99102  
corporation or of the board of township trustees, enter into an 99103  
agreement with the enterprise under which the enterprise agrees to 99104  
establish, expand, renovate, or occupy a facility in the zone and 99105  
hire new employees, or preserve employment opportunities for 99106  
existing employees, in return for the following incentives: 99107

(1) When the facility is located in a municipal corporation, 99108  
a legislative authority or board of commissioners may enter into 99109  
an agreement for one or more of the incentives provided in 99110  
division (C) of section 5709.62 of the Revised Code, subject to 99111  
division (D) of that section; 99112

(2) When the facility is located in an unincorporated area, a 99113  
board of commissioners may enter into an agreement for one or more 99114  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 99115

(B)(3) of section 5709.63 of the Revised Code, subject to division 99116  
(C) of that section. 99117

(D) All agreements entered into under this section shall be 99118  
in the form prescribed under section 5709.631 of the Revised Code. 99119  
After an agreement under this section is entered into, if the 99120  
legislative authority or board of county commissioners revokes its 99121  
designation of the zone, or if the director of development 99122  
services revokes the zone's certification, any entitlements 99123  
granted under the agreement shall continue for the number of years 99124  
specified in the agreement. 99125

(E) Except as otherwise provided in this division, an 99126  
agreement entered into under this section shall require that the 99127  
enterprise pay an annual fee equal to the greater of one per cent 99128  
of the dollar value of incentives offered under the agreement or 99129  
five hundred dollars; provided, however, that if the value of the 99130  
incentives exceeds two hundred fifty thousand dollars, the fee 99131  
shall not exceed two thousand five hundred dollars. The fee shall 99132  
be payable to the legislative authority or board of commissioners 99133  
once per year for each year the agreement is effective on the days 99134  
and in the form specified in the agreement. Fees paid shall be 99135  
deposited in a special fund created for such purpose by the 99136  
legislative authority or board and shall be used by the 99137  
legislative authority or board exclusively for the purpose of 99138  
complying with section 5709.68 of the Revised Code and by the tax 99139  
incentive review council created under section 5709.85 of the 99140  
Revised Code exclusively for the purposes of performing the duties 99141  
prescribed under that section. The legislative authority or board 99142  
may waive or reduce the amount of the fee charged against an 99143  
enterprise, but such waiver or reduction does not affect the 99144  
obligations of the legislative authority or board or the tax 99145  
incentive review council to comply with section 5709.68 or 5709.85 99146  
of the Revised Code, respectively. 99147

(F) With the approval of the legislative authority of a 99148  
municipal corporation or the board of township trustees of a 99149  
township in which a zone is designated under division (A)(2) of 99150  
this section, the board of county commissioners may delegate to 99151  
that legislative authority or board any powers and duties of the 99152  
board to negotiate and administer agreements with regard to that 99153  
zone under this section. 99154

(G) When an agreement is entered into pursuant to this 99155  
section, the legislative authority or board of commissioners 99156  
authorizing the agreement shall forward a copy of the agreement to 99157  
the director of development services and to the tax commissioner 99158  
within fifteen days after the agreement is entered into. If any 99159  
agreement includes terms not provided for in section 5709.631 of 99160  
the Revised Code affecting the revenue of a city, local, or 99161  
exempted village school district or causing revenue to be forgone 99162  
by the district, including any compensation to be paid to the 99163  
school district pursuant to section 5709.82 of the Revised Code, 99164  
those terms also shall be forwarded in writing to the director of 99165  
development services along with the copy of the agreement 99166  
forwarded under this division. 99167

(H) After an agreement is entered into, the enterprise shall 99168  
file with each personal property tax return required to be filed 99169  
while the agreement is in effect, an informational return, on a 99170  
form prescribed by the tax commissioner for that purpose, setting 99171  
forth separately the property, and related costs and values, 99172  
exempted from taxation under the agreement. 99173

(I) An agreement entered into under this section may include 99174  
a provision requiring the enterprise to create one or more 99175  
temporary internship positions for students enrolled in a course 99176  
of study at a school or other educational institution in the 99177  
vicinity, and to create a scholarship or provide another form of 99178  
educational financial assistance for students holding such a 99179

position in exchange for the student's commitment to work for the 99180  
enterprise at the completion of the internship. 99181

**Sec. 5709.67.** (A) Except as otherwise provided in sections 99182  
5709.61 to 5709.69 of the Revised Code, the director of 99183  
development shall administer those sections and shall adopt rules 99184  
necessary to implement and administer the enterprise zone program. 99185  
The director shall assign to each zone currently certified a 99186  
unique designation by which the zone shall be identified for 99187  
purposes of administering sections 5709.61 to 5709.69 of the 99188  
Revised Code. The tax commissioner shall administer all other tax 99189  
incentives provided under sections 5709.61 to 5709.69 of the 99190  
Revised Code and shall adopt rules necessary to carry out that 99191  
duty. No tax incentive qualification certificate or employee tax 99192  
credit certificate shall be issued or remain in effect unless the 99193  
enterprise applying for or holding the certificate complies with 99194  
all such rules. The director of job and family services shall 99195  
administer the incentive provided under division (B)(1) of section 99196  
5709.66 of the Revised Code and shall adopt rules necessary to 99197  
carry out that duty. No extension of benefits certificate shall be 99198  
issued or remain in effect unless the enterprise applying for or 99199  
holding the certificate complies with all such rules. 99200

(B) Not later than the first day of August each year, the 99201  
director of development shall report to the general assembly on 99202  
all of the following for the preceding calendar year: 99203

(1) The cost to the state of the tax and other incentives 99204  
provided under sections 5709.61 to 5709.69 of the Revised Code; 99205

(2) The number of tax incentive qualification certificates, 99206  
employee tax credit certificates, and extension of benefits 99207  
certificates issued; 99208

(3) The names of the municipal corporations and counties that 99209  
have entered agreements under sections 5709.62, 5709.63, and 99210

5709.632 of the Revised Code; 99211

(4) The number of new employees hired as a result of the tax 99212  
and other incentives provided under sections 5709.61 to 5709.69 of 99213  
the Revised Code; 99214

(5) Information on agreement terms concerning school district 99215  
revenue that are not provided for in section 5709.631 of the 99216  
Revised Code and that are forwarded to the director under division 99217  
(H) of section 5709.62, division (H) of section 5709.63, or 99218  
division (G) of section 5709.632 of the Revised Code. 99219

The report shall include a finding by the director as to 99220  
whether the incentives provided under sections 5709.61 to 5709.69 99221  
of the Revised Code have resulted in the creation of more 99222  
positions in the state than would have been created without the 99223  
incentives. The director shall send a copy of the report to each 99224  
member of the general assembly and to the director of the 99225  
legislative service commission. 99226

~~(C) All forms used in connection with the administration of 99227  
sections 5709.61 to 5709.69 of the Revised Code, except forms 99228  
administered directly by the tax commissioner, by the director of 99229  
job and family services, or by a county or municipal corporation, 99230  
are subject to review and approval by the state forms management 99231  
control center under sections 125.91 to 125.98 of the Revised 99232  
Code. 99233~~

**Sec. 5709.73.** (A) As used in this section and section 5709.74 99234  
of the Revised Code: 99235

(1) "Business day" means a day of the week excluding 99236  
Saturday, Sunday, and a legal holiday as defined in section 1.14 99237  
of the Revised Code. 99238

(2) "Further improvements" or "improvements" means the 99239  
increase in the assessed value of real property that would first 99240

appear on the tax list and duplicate of real and public utility 99241  
property after the effective date of a resolution adopted under 99242  
this section were it not for the exemption granted by that 99243  
resolution. For purposes of division (B) of this section, 99244  
"improvements" do not include any property used or to be used for 99245  
residential purposes. For this purpose, "property that is used or 99246  
to be used for residential purposes" means property that, as 99247  
improved, is used or to be used for purposes that would cause the 99248  
tax commissioner to classify the property as residential property 99249  
in accordance with rules adopted by the commissioner under section 99250  
5713.041 of the Revised Code. 99251

(3) "Housing renovation" means a project carried out for 99252  
residential purposes. 99253

(4) "Incentive district" has the same meaning as in section 99254  
5709.40 of the Revised Code, except that a blighted area is in the 99255  
unincorporated area of a township. 99256

(5) "Project" and "public infrastructure improvement" have 99257  
the same meanings as in section 5709.40 of the Revised Code. 99258

(B) A board of township trustees may, by unanimous vote, 99259  
adopt a resolution that declares to be a public purpose any public 99260  
infrastructure improvements made that are necessary for the 99261  
development of certain parcels of land located in the 99262  
unincorporated area of the township. Except with the approval 99263  
under division (D) of this section of the board of education of 99264  
each city, local, or exempted village school district within which 99265  
the improvements are located, the resolution may exempt from real 99266  
property taxation not more than seventy-five per cent of further 99267  
improvements to a parcel of land that directly benefits from the 99268  
public infrastructure improvements, for a period of not more than 99269  
ten years. The resolution shall specify the percentage of the 99270  
further improvements to be exempted and the life of the exemption. 99271



(C)(1) A board of township trustees may adopt, by unanimous 99272  
vote, a resolution creating an incentive district and declaring 99273  
improvements to parcels within the district to be a public purpose 99274  
and, except as provided in division (F) of this section, exempt 99275  
from taxation as provided in this section, but no board of 99276  
township trustees of a township that has a population that exceeds 99277  
twenty-five thousand, as shown by the most recent federal 99278  
decennial census, shall adopt a resolution that creates an 99279  
incentive district if the sum of the taxable value of real 99280  
property in the proposed district for the preceding tax year and 99281  
the taxable value of all real property in the township that would 99282  
have been taxable in the preceding year were it not for the fact 99283  
that the property was in an existing incentive district and 99284  
therefore exempt from taxation exceeds twenty-five per cent of the 99285  
taxable value of real property in the township for the preceding 99286  
tax year. The district shall be located within the unincorporated 99287  
area of the township and shall not include any territory that is 99288  
included within a district created under division (B) of section 99289  
5709.78 of the Revised Code. The resolution shall delineate the 99290  
boundary of the district and specifically identify each parcel 99291  
within the district. A district may not include any parcel that is 99292  
or has been exempted from taxation under division (B) of this 99293  
section or that is or has been within another district created 99294  
under this division. A resolution may create more than one 99295  
district, and more than one resolution may be adopted under 99296  
division (C)(1) of this section. 99297

(2) Not later than thirty days prior to adopting a resolution 99298  
under division (C)(1) of this section, if the township intends to 99299  
apply for exemptions from taxation under section 5709.911 of the 99300  
Revised Code on behalf of owners of real property located within 99301  
the proposed incentive district, the board shall conduct a public 99302  
hearing on the proposed resolution. Not later than thirty days 99303  
prior to the public hearing, the board shall give notice of the 99304

public hearing and the proposed resolution by first class mail to 99305  
every real property owner whose property is located within the 99306  
boundaries of the proposed incentive district that is the subject 99307  
of the proposed resolution. 99308

(3)(a) A resolution adopted under division (C)(1) of this 99309  
section shall specify the life of the incentive district and the 99310  
percentage of the improvements to be exempted, shall designate the 99311  
public infrastructure improvements made, to be made, or in the 99312  
process of being made, that benefit or serve, or, once made, will 99313  
benefit or serve parcels in the district. The resolution also 99314  
shall identify one or more specific projects being, or to be, 99315  
undertaken in the district that place additional demand on the 99316  
public infrastructure improvements designated in the resolution. 99317  
The project identified may, but need not be, the project under 99318  
division (C)(3)(b) of this section that places real property in 99319  
use for commercial or industrial purposes. 99320

A resolution adopted under division (C)(1) of this section on 99321  
or after March 30, 2006, shall not designate police or fire 99322  
equipment as public infrastructure improvements, and no service 99323  
payment provided for in section 5709.74 of the Revised Code and 99324  
received by the township under the resolution shall be used for 99325  
police or fire equipment. 99326

(b) A resolution adopted under division (C)(1) of this 99327  
section may authorize the use of service payments provided for in 99328  
section 5709.74 of the Revised Code for the purpose of housing 99329  
renovations within the incentive district, provided that the 99330  
resolution also designates public infrastructure improvements that 99331  
benefit or serve the district, and that a project within the 99332  
district places real property in use for commercial or industrial 99333  
purposes. Service payments may be used to finance or support 99334  
loans, deferred loans, and grants to persons for the purpose of 99335  
housing renovations within the district. The resolution shall 99336

designate the parcels within the district that are eligible for 99337  
housing renovations. The resolution shall state separately the 99338  
amount or the percentages of the expected aggregate service 99339  
payments that are designated for each public infrastructure 99340  
improvement and for the purpose of housing renovations. 99341

(4) Except with the approval of the board of education of 99342  
each city, local, or exempted village school district within the 99343  
territory of which the incentive district is or will be located, 99344  
and subject to division (E) of this section, the life of an 99345  
incentive district shall not exceed ten years, and the percentage 99346  
of improvements to be exempted shall not exceed seventy-five per 99347  
cent. With approval of the board of education, the life of a 99348  
district may be not more than thirty years, and the percentage of 99349  
improvements to be exempted may be not more than one hundred per 99350  
cent. The approval of a board of education shall be obtained in 99351  
the manner provided in division (D) of this section. 99352

(D) Improvements with respect to a parcel may be exempted 99353  
from taxation under division (B) of this section, and improvements 99354  
to parcels within an incentive district may be exempted from 99355  
taxation under division (C) of this section, for up to ten years 99356  
or, with the approval of the board of education of the city, 99357  
local, or exempted village school district within which the parcel 99358  
or district is located, for up to thirty years. The percentage of 99359  
the improvements exempted from taxation may, with such approval, 99360  
exceed seventy-five per cent, but shall not exceed one hundred per 99361  
cent. Not later than forty-five business days prior to adopting a 99362  
resolution under this section declaring improvements to be a 99363  
public purpose that is subject to approval by a board of education 99364  
under this division, the board of township trustees shall deliver 99365  
to the board of education a notice stating its intent to adopt a 99366  
resolution making that declaration. The notice regarding 99367  
improvements with respect to a parcel under division (B) of this 99368

section shall identify the parcels for which improvements are to 99369  
be exempted from taxation, provide an estimate of the true value 99370  
in money of the improvements, specify the period for which the 99371  
improvements would be exempted from taxation and the percentage of 99372  
the improvements that would be exempted, and indicate the date on 99373  
which the board of township trustees intends to adopt the 99374  
resolution. The notice regarding improvements made under division 99375  
(C) of this section to parcels within an incentive district shall 99376  
delineate the boundaries of the district, specifically identify 99377  
each parcel within the district, identify each anticipated 99378  
improvement in the district, provide an estimate of the true value 99379  
in money of each such improvement, specify the life of the 99380  
district and the percentage of improvements that would be 99381  
exempted, and indicate the date on which the board of township 99382  
trustees intends to adopt the resolution. The board of education, 99383  
by resolution adopted by a majority of the board, may approve the 99384  
exemption for the period or for the exemption percentage specified 99385  
in the notice; may disapprove the exemption for the number of 99386  
years in excess of ten, may disapprove the exemption for the 99387  
percentage of the improvements to be exempted in excess of 99388  
seventy-five per cent, or both; or may approve the exemption on 99389  
the condition that the board of township trustees and the board of 99390  
education negotiate an agreement providing for compensation to the 99391  
school district equal in value to a percentage of the amount of 99392  
taxes exempted in the eleventh and subsequent years of the 99393  
exemption period or, in the case of exemption percentages in 99394  
excess of seventy-five per cent, compensation equal in value to a 99395  
percentage of the taxes that would be payable on the portion of 99396  
the improvements in excess of seventy-five per cent were that 99397  
portion to be subject to taxation, or other mutually agreeable 99398  
compensation. 99399

The board of education shall certify its resolution to the 99400  
board of township trustees not later than fourteen days prior to 99401

the date the board of township trustees intends to adopt the 99402  
resolution as indicated in the notice. If the board of education 99403  
and the board of township trustees negotiate a mutually acceptable 99404  
compensation agreement, the resolution may declare the 99405  
improvements a public purpose for the number of years specified in 99406  
the resolution or, in the case of exemption percentages in excess 99407  
of seventy-five per cent, for the exemption percentage specified 99408  
in the resolution. In either case, if the board of education and 99409  
the board of township trustees fail to negotiate a mutually 99410  
acceptable compensation agreement, the resolution may declare the 99411  
improvements a public purpose for not more than ten years, and 99412  
shall not exempt more than seventy-five per cent of the 99413  
improvements from taxation. If the board of education fails to 99414  
certify a resolution to the board of township trustees within the 99415  
time prescribed by this section, the board of township trustees 99416  
thereupon may adopt the resolution and may declare the 99417  
improvements a public purpose for up to thirty years or, in the 99418  
case of exemption percentages proposed in excess of seventy-five 99419  
per cent, for the exemption percentage specified in the 99420  
resolution. The board of township trustees may adopt the 99421  
resolution at any time after the board of education certifies its 99422  
resolution approving the exemption to the board of township 99423  
trustees, or, if the board of education approves the exemption on 99424  
the condition that a mutually acceptable compensation agreement be 99425  
negotiated, at any time after the compensation agreement is agreed 99426  
to by the board of education and the board of township trustees. 99427  
If a mutually acceptable compensation agreement is negotiated 99428  
between the board of township trustees and the board of education, 99429  
including agreements for payments in lieu of taxes under section 99430  
5709.74 of the Revised Code, the board of township trustees shall 99431  
compensate the joint vocational school district within which the 99432  
parcel or district is located at the same rate and under the same 99433  
terms received by the city, local, or exempted village school 99434

district. 99435

If a board of education has adopted a resolution waiving its 99436  
right to approve exemptions from taxation under this section and 99437  
the resolution remains in effect, approval of such exemptions by 99438  
the board of education is not required under division (D) of this 99439  
section. If a board of education has adopted a resolution allowing 99440  
a board of township trustees to deliver the notice required under 99441  
division (D) of this section fewer than forty-five business days 99442  
prior to adoption of the resolution by the board of township 99443  
trustees, the board of township trustees shall deliver the notice 99444  
to the board of education not later than the number of days prior 99445  
to the adoption as prescribed by the board of education in its 99446  
resolution. If a board of education adopts a resolution waiving 99447  
its right to approve exemptions or shortening the notification 99448  
period, the board of education shall certify a copy of the 99449  
resolution to the board of township trustees. If the board of 99450  
education rescinds the resolution, it shall certify notice of the 99451  
rescission to the board of township trustees. 99452

If the board of township trustees is not required by division 99453  
(D) of this section to notify the board of education of the board 99454  
of township trustees' intent to declare improvements to be a 99455  
public purpose, the board of township trustees shall comply with 99456  
the notice requirements imposed under section 5709.83 of the 99457  
Revised Code before taking formal action to adopt the resolution 99458  
making that declaration, unless the board of education has adopted 99459  
a resolution under that section waiving its right to receive the 99460  
notice. 99461

(E)(1) If a proposed resolution under division (C)(1) of this 99462  
section exempts improvements with respect to a parcel within an 99463  
incentive district for more than ten years, or the percentage of 99464  
the improvement exempted from taxation exceeds seventy-five per 99465  
cent, not later than forty-five business days prior to adopting 99466

the resolution the board of township trustees shall deliver to the 99467  
board of county commissioners of the county within which the 99468  
incentive district is or will be located a notice that states its 99469  
intent to adopt a resolution creating an incentive district. The 99470  
notice shall include a copy of the proposed resolution, identify 99471  
the parcels for which improvements are to be exempted from 99472  
taxation, provide an estimate of the true value in money of the 99473  
improvements, specify the period of time for which the 99474  
improvements would be exempted from taxation, specify the 99475  
percentage of the improvements that would be exempted from 99476  
taxation, and indicate the date on which the board of township 99477  
trustees intends to adopt the resolution. 99478

(2) The board of county commissioners, by resolution adopted 99479  
by a majority of the board, may object to the exemption for the 99480  
number of years in excess of ten, may object to the exemption for 99481  
the percentage of the improvement to be exempted in excess of 99482  
seventy-five per cent, or both. If the board of county 99483  
commissioners objects, the board may negotiate a mutually 99484  
acceptable compensation agreement with the board of township 99485  
trustees. In no case shall the compensation provided to the board 99486  
of county commissioners exceed the property taxes foregone due to 99487  
the exemption. If the board of county commissioners objects, and 99488  
the board of county commissioners and board of township trustees 99489  
fail to negotiate a mutually acceptable compensation agreement, 99490  
the resolution adopted under division (C)(1) of this section shall 99491  
provide to the board of county commissioners compensation in the 99492  
eleventh and subsequent years of the exemption period equal in 99493  
value to not more than fifty per cent of the taxes that would be 99494  
payable to the county or, if the board of county commissioner's 99495  
objection includes an objection to an exemption percentage in 99496  
excess of seventy-five per cent, compensation equal in value to 99497  
not more than fifty per cent of the taxes that would be payable to 99498  
the county, on the portion of the improvement in excess of 99499

seventy-five per cent, were that portion to be subject to 99500  
taxation. The board of county commissioners shall certify its 99501  
resolution to the board of township trustees not later than thirty 99502  
days after receipt of the notice. 99503

(3) If the board of county commissioners does not object or 99504  
fails to certify its resolution objecting to an exemption within 99505  
thirty days after receipt of the notice, the board of township 99506  
trustees may adopt its resolution, and no compensation shall be 99507  
provided to the board of county commissioners. If the board of 99508  
county commissioners timely certifies its resolution objecting to 99509  
the trustees' resolution, the board of township trustees may adopt 99510  
its resolution at any time after a mutually acceptable 99511  
compensation agreement is agreed to by the board of county 99512  
commissioners and the board of township trustees, or, if no 99513  
compensation agreement is negotiated, at any time after the board 99514  
of township trustees agrees in the proposed resolution to provide 99515  
compensation to the board of county commissioners of fifty per 99516  
cent of the taxes that would be payable to the county in the 99517  
eleventh and subsequent years of the exemption period or on the 99518  
portion of the improvement in excess of seventy-five per cent, 99519  
were that portion to be subject to taxation. 99520

(F) Service payments in lieu of taxes that are attributable 99521  
to any amount by which the effective tax rate of either a renewal 99522  
levy with an increase or a replacement levy exceeds the effective 99523  
tax rate of the levy renewed or replaced, or that are attributable 99524  
to an additional levy, for a levy authorized by the voters for any 99525  
of the following purposes on or after January 1, 2006, and which 99526  
are provided pursuant to a resolution creating an incentive 99527  
district under division (C)(1) of this section that is adopted on 99528  
or after January 1, 2006, shall be distributed to the appropriate 99529  
taxing authority as required under division (C) of section 5709.74 99530  
of the Revised Code in an amount equal to the amount of taxes from 99531



that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

(1) A tax levied under division (L) of section 5705.19 or section 5705.191 of the Revised Code for community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or families;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;

(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;

(9) A tax levied under division (A), (F), or (H) of section

5705.19 of the Revised Code for parks and recreational purposes of 99562  
a joint recreation district organized pursuant to division (B) of 99563  
section 755.14 of the Revised Code; 99564

(10) A tax levied under section 1545.20 or 1545.21 of the 99565  
Revised Code for park district purposes; 99566

(11) A tax levied under section 5705.191 of the Revised Code 99567  
for the purpose of making appropriations for public assistance; 99568  
human or social services; public relief; public welfare; public 99569  
health and hospitalization; and support of general hospitals; 99570

(12) A tax levied under section 3709.29 of the Revised Code 99571  
for a general health district program. 99572

(G) An exemption from taxation granted under this section 99573  
commences with the tax year specified in the resolution so long as 99574  
the year specified in the resolution commences after the effective 99575  
date of the resolution. If the resolution specifies a year 99576  
commencing before the effective date of the resolution or 99577  
specifies no year whatsoever, the exemption commences with the tax 99578  
year in which an exempted improvement first appears on the tax 99579  
list and duplicate of real and public utility property and that 99580  
commences after the effective date of the resolution. In lieu of 99581  
stating a specific year, the resolution may provide that the 99582  
exemption commences in the tax year in which the value of an 99583  
improvement exceeds a specified amount or in which the 99584  
construction of one or more improvements is completed, provided 99585  
that such tax year commences after the effective date of the 99586  
resolution. With respect to the exemption of improvements to 99587  
parcels under division (B) of this section, the resolution may 99588  
allow for the exemption to commence in different tax years on a 99589  
parcel-by-parcel basis, with a separate exemption term specified 99590  
for each parcel. 99591

Except as otherwise provided in this division, the exemption 99592

ends on the date specified in the resolution as the date the 99593  
improvement ceases to be a public purpose or the incentive 99594  
district expires, or ends on the date on which the public 99595  
infrastructure improvements and housing renovations are paid in 99596  
full from the township public improvement tax increment equivalent 99597  
fund established under section 5709.75 of the Revised Code, 99598  
whichever occurs first. The exemption of an improvement with 99599  
respect to a parcel or within an incentive district may end on a 99600  
later date, as specified in the resolution, if the board of 99601  
township trustees and the board of education of the city, local, 99602  
or exempted village school district within which the parcel or 99603  
district is located have entered into a compensation agreement 99604  
under section 5709.82 of the Revised Code with respect to the 99605  
improvement and the board of education has approved the term of 99606  
the exemption under division (D) of this section, but in no case 99607  
shall the improvement be exempted from taxation for more than 99608  
thirty years. The board of township trustees may, by majority 99609  
vote, adopt a resolution permitting the township to enter into 99610  
such agreements as the board finds necessary or appropriate to 99611  
provide for the construction or undertaking of public 99612  
infrastructure improvements and housing renovations. Any exemption 99613  
shall be claimed and allowed in the same or a similar manner as in 99614  
the case of other real property exemptions. If an exemption status 99615  
changes during a tax year, the procedure for the apportionment of 99616  
the taxes for that year is the same as in the case of other 99617  
changes in tax exemption status during the year. 99618

(H) The board of township trustees may issue the notes of the 99619  
township to finance all costs pertaining to the construction or 99620  
undertaking of public infrastructure improvements and housing 99621  
renovations made pursuant to this section. The notes shall be 99622  
signed by the board and attested by the signature of the township 99623  
fiscal officer, shall bear interest not to exceed the rate 99624  
provided in section 9.95 of the Revised Code, and are not subject 99625

to Chapter 133. of the Revised Code. The resolution authorizing 99626  
the issuance of the notes shall pledge the funds of the township 99627  
public improvement tax increment equivalent fund established 99628  
pursuant to section 5709.75 of the Revised Code to pay the 99629  
interest on and principal of the notes. The notes, which may 99630  
contain a clause permitting prepayment at the option of the board, 99631  
shall be offered for sale on the open market or given to the 99632  
vendor or contractor if no sale is made. 99633

(I) The township, not later than fifteen days after the 99634  
adoption of a resolution under this section, shall submit to the 99635  
director of development services a copy of the resolution. On or 99636  
before the thirty-first day of March of each year, the township 99637  
shall submit a status report to the director of development 99638  
services. The report shall indicate, in the manner prescribed by 99639  
the director, the progress of the project during each year that 99640  
the exemption remains in effect, including a summary of the 99641  
receipts from service payments in lieu of taxes; expenditures of 99642  
money from the fund created under section 5709.75 of the Revised 99643  
Code; a description of the public infrastructure improvements and 99644  
housing renovations financed with the expenditures; and a 99645  
quantitative summary of changes in private investment resulting 99646  
from each project. 99647

(J) Nothing in this section shall be construed to prohibit a 99648  
board of township trustees from declaring to be a public purpose 99649  
improvements with respect to more than one parcel. 99650

If a parcel is located in a new community district in which 99651  
the new community authority imposes a community development charge 99652  
on the basis of rentals received from leases of real property as 99653  
described in division (L)(2) of section 349.01 of the Revised 99654  
Code, the parcel may not be exempted from taxation under this 99655  
section. 99656

(K) A board of township trustees that adopted a resolution 99657

under this section prior to July 21, 1994, may amend that 99658  
resolution to include any additional public infrastructure 99659  
improvement. A board of township trustees that seeks by the 99660  
amendment to utilize money from its township public improvement 99661  
tax increment equivalent fund for land acquisition in aid of 99662  
industry, commerce, distribution, or research, demolition on 99663  
private property, or stormwater and flood remediation projects may 99664  
do so provided that the board currently is a party to a 99665  
hold-harmless agreement with the board of education of the city, 99666  
local, or exempted village school district within the territory of 99667  
which are located the parcels that are subject to an exemption. 99668  
For the purposes of this division, a "hold-harmless agreement" 99669  
means an agreement under which the board of township trustees 99670  
agrees to compensate the school district for one hundred per cent 99671  
of the tax revenue that the school district would have received 99672  
from further improvements to parcels designated in the resolution 99673  
were it not for the exemption granted by the resolution. 99674

(L) Notwithstanding the limitation prescribed by division (D) 99675  
of this section on the number of years that improvements to a 99676  
parcel or parcels may be exempted from taxation, a board of 99677  
trustees of a township with a population of fifteen thousand or 99678  
more may amend a resolution originally adopted under this section 99679  
before December 31, 1994, to extend the exemption of improvements 99680  
to the parcel or parcels included in such resolution for an 99681  
additional period not to exceed fifteen years. The amendment shall 99682  
not increase the percentage of improvements to the parcel or 99683  
parcels exempted from taxation. The board of township trustees 99684  
shall comply with the notice requirements imposed under section 99685  
5709.83 of the Revised Code before taking formal action to adopt 99686  
an amendment authorized under this division unless the board of 99687  
education has adopted a resolution under that section waiving its 99688  
right to receive the notice. The board of township trustees shall 99689  
deliver an identical notice to the board of county commissioners 99690

of each county in which the exempted parcels are located. 99691

Sec. 5709.92. (A) As used in this section: 99692

(1) "School district" means a city, local, or exempted village school district. 99693  
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(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code. 99695  
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(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(2)(a) of this section. 99701  
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(a) The state education aid for fiscal year 2015; 99704

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes; 99705  
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(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges; 99711  
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(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding 99716  
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taxes levied for joint vocational school district purposes or 99721  
levied under section 5705.23 of the Revised Code; 99722

(e) The amount certified for fiscal year 2015 under division 99723  
(A)(2) of section 3317.08 of the Revised Code; 99724

(f) Distributions received during calendar year 2014 from 99725  
taxes levied under section 718.09 of the Revised Code; 99726

(g) Distributions received during fiscal year 2015 from the 99727  
gross casino revenue county student fund. 99728

(4)(a) "State education aid" for a school district means the 99729  
sum of state amounts computed for the district under sections 99730  
3317.022 and 3317.0212 of the Revised Code after any amounts are 99731  
added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of 99732  
the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, 99733  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 99734

(b) "State education aid" for a joint vocational district 99735  
means the amount computed for the district under section 3317.16 99736  
of the Revised Code after any amounts are added or subtracted 99737  
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 99738  
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 99739  
DISTRICTS." 99740

(5) "Taxes charged and payable" means taxes charged and 99741  
payable after the reduction required by section 319.301 of the 99742  
Revised Code but before the reductions required by sections 99743  
319.302 and 323.152 of the Revised Code. 99744

(6) "Capacity quintile" means the capacity measure quintiles 99745  
determined under division (B) of this section. 99746

(7) "Threshold per cent" means the following: 99747

(a) For a school district in the lowest capacity quintile, 99748  
one per cent for fiscal year 2016; for fiscal year 2017 and each 99749  
year thereafter, the sum of the prior year's threshold per cent 99750

plus one percentage point. 99751

(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-fourth percentage points. 99752  
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(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-half percentage points. 99757  
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(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and three-fourths percentage points. 99761  
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(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus two percentage points. 99766  
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(f) For a joint vocational school district, two per cent for fiscal year 2016; for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points. 99770  
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(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(2)(b) of this section. 99773  
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(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division 99779  
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(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities. 99782  
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(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes. 99789  
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(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes. 99793  
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(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes. 99797  
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(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes. 99801  
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(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015. 99805  
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(15) "Qualifying school district" means a school district within whose territory a nuclear power plant is located and for which the ratio of current expense allocation to total resources is ten per cent or more. 99808  
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(16) "Production equipment tax loss" means the amount 99812

computed for a school district or joint vocational school district 99813  
under division (B)(3) of section 5727.09 of the Revised Code. 99814

(B) The department of education shall rank all school 99815  
districts in the order of districts' capacity measures determined 99816  
under section 3317.018 of the Revised Code from lowest to highest, 99817  
and divide such ranking into quintiles, with the first quintile 99818  
containing the twenty per cent of school districts having the 99819  
lowest capacity measure and the fifth quintile containing the 99820  
twenty per cent of school districts having the highest capacity 99821  
measure. This calculation and ranking shall be performed once, in 99822  
fiscal year 2016, and used for subsequent years for the purpose of 99823  
division (A)(7) of this section. 99824

(C)(1) In fiscal year 2016, payments shall be made to school 99825  
districts and joint vocational school districts other than 99826  
qualifying school districts equal to the sum of the amounts 99827  
described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this 99828  
section. In fiscal year 2017 and subsequent fiscal years, payments 99829  
shall be made to school districts and joint vocational school 99830  
districts other than qualifying school districts equal to the 99831  
amount described in division (C)(1)(a) or (b) of this section. In 99832  
fiscal year 2016 and subsequent fiscal years, payments shall be 99833  
made to qualifying school districts equal to the sum of the 99834  
amounts described in divisions (A)(3)(b) and (c) of this section. 99835

(a) If the ratio of the current expense allocation to total 99836  
resources is equal to or less than the district's threshold per 99837  
cent, zero; 99838

(b) If the ratio of the current expense allocation to total 99839  
resources is greater than the district's threshold per cent, the 99840  
difference between the current expense allocation and the product 99841  
of the threshold percentage and total resources; 99842

(c) For fiscal year 2016, the product of the non-current 99843

expense allocation multiplied by fifty per cent. 99844

(2)(a) "Total resources" used to compute payments under 99845  
division (C)(1) of this section shall be reduced to the extent 99846  
that payments distributed in fiscal year 2015 were attributable to 99847  
levies no longer charged and payable for tax year 2014. 99848

(b) "Current expense allocation" used to compute payments 99849  
under division (C)(1) of this section shall be reduced to the 99850  
extent that the payments distributed in fiscal year 2015 were 99851  
attributable to levies no longer charged and payable for tax year 99852  
2014. 99853

(3) The department of education shall report to each school 99854  
district and joint vocational school district the apportionment of 99855  
the payments under division (C)(1) of this section among the 99856  
district's funds based on qualifying levies. 99857

(D)(1) Except as provided in division (D)(2) of this section, 99858  
payments in the following amounts shall be made to school 99859  
districts and joint vocational school districts in tax years 2016 99860  
through 2021: 99861

(a) In tax year 2016, the sum of the district's operating TPP 99862  
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 99863

(b) In tax year 2017, the sum of the district's operating TPP 99864  
fixed-sum levy losses and eighty per cent of operating S.B. 3 99865  
fixed-sum levy losses. 99866

(c) In tax year 2018, the sum of eighty per cent of the 99867  
district's operating TPP fixed-sum levy losses and sixty per cent 99868  
of its operating S.B. 3 fixed-sum levy losses. 99869

(d) In tax year 2019, the sum of sixty per cent of the 99870  
district's operating TPP fixed-sum levy losses and forty per cent 99871  
of its operating S.B. 3 fixed-sum levy losses. 99872

(e) In tax year 2020, the sum of forty per cent of the 99873

district's operating TPP fixed-sum levy losses and twenty per cent 99874  
of its operating S.B. 3 fixed-sum levy losses. 99875

(f) In tax year 2021, twenty per cent of the district's 99876  
operating TPP fixed-sum levy losses. 99877

No payment shall be made under division (D)(1) of this 99878  
section after tax year 2021. 99879

(2) In the case of a qualifying school district, payments 99880  
shall be made in tax year 2016 and subsequent tax years equal to 99881  
one hundred per cent of the sum of the district's operating TPP 99882  
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 99883

(3) Amounts are payable under division (D) of this section 99884  
for fixed-sum levy losses only to the extent of such losses for 99885  
qualifying levies that remain in effect for the current tax year. 99886  
For this purpose, a qualifying levy levied under section 5705.194 99887  
or 5705.213 of the Revised Code remains in effect for the current 99888  
tax year only if a tax levied under either of those sections is 99889  
charged and payable for the current tax year for an annual sum at 99890  
least equal to the annual sum levied by the board of education for 99891  
tax year 2004 under those sections less the amount of the payment 99892  
under this division. 99893

(E)(1) For fixed-sum levies for debt purposes, payments shall 99894  
be made to school districts and joint vocational school districts 99895  
equal to one hundred per cent of the district's fixed-sum levy 99896  
loss determined under division (E) of section 5751.20 and division 99897  
(H) of section 5727.84 of the Revised Code as in effect before 99898  
July 1, 2015, and paid in tax year 2014. No payment shall be made 99899  
for qualifying levies that are no longer charged and payable. 99900

(2) Beginning in 2016, by the thirty-first day of January of 99901  
each year, the tax commissioner shall review the calculation of 99902  
fixed-sum levy loss for debt purposes determined under division 99903  
(E) of section 5751.20 and division (H) of section 5727.84 of the 99904

Revised Code as in effect before July 1, 2015. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year is no longer charged and payable, a revised calculation for that year and all subsequent years shall be made. 99905  
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(F)(1) For taxes levied within the ten-mill limitation for debt purposes in tax year 1998 in the case of electric company tax value losses, and in tax year 1999 in the case of natural gas company tax value losses, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5727.85 of the Revised Code as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2016. 99910  
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(2) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the loss computed under division (D) of section 5751.21 as in effect before July 1, 2015, as if the tax were a fixed-rate levy, but those payments shall extend through fiscal year 2018. 99919  
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(G) If all the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section and division (D) of section 5709.94 of the Revised Code as follows: 99926  
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(1) For a merger of two or more districts, the production equipment tax loss, fixed-sum levy losses, total resources, current expense allocation, and non-current expense allocation of 99934  
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the successor district shall be the sum of such items for each of 99937  
the districts involved in the merger. 99938

(2) If property is transferred from one district to a 99939  
previously existing district, the amount of the production 99940  
equipment tax loss, total resources, current expense allocation, 99941  
and non-current expense allocation that shall be transferred to 99942  
the recipient district shall be an amount equal to the production 99943  
equipment tax loss for the preceding tax year and the total 99944  
resources, current expense allocation, and non-current expense 99945  
allocation of the transferor district times a fraction, the 99946  
numerator of which is the number of pupils being transferred to 99947  
the recipient district, measured, in the case of a school 99948  
district, by formula ADM as defined in section 3317.02 of the 99949  
Revised Code or, in the case of a joint vocational school 99950  
district, by formula ADM as defined for a joint vocational school 99951  
district in that section, and the denominator of which is the 99952  
formula ADM of the transferor district. 99953

(3) After December 31, 2010, if property is transferred from 99954  
one or more districts to a district that is newly created out of 99955  
the transferred property, the newly created district shall be 99956  
deemed not to have any production equipment tax loss, total 99957  
resources, current expense allocation, total allocation, or 99958  
non-current expense allocation. 99959

(4) If the recipient district under division (G)(2) of this 99960  
section or the newly created district under division (G)(3) of 99961  
this section is assuming debt from one or more of the districts 99962  
from which the property was transferred and any of the districts 99963  
losing the property had fixed-sum levy losses or production 99964  
equipment tax losses, the department of education, in consultation 99965  
with the tax commissioner, shall make an equitable division of the 99966  
reimbursements for those losses. 99967

(H) The payments required by divisions (C), (D), (E), and (F) 99968

of this section shall be distributed periodically to each school 99969  
and joint vocational school district by the department of 99970  
education unless otherwise provided for. Except as provided in 99971  
division (D) of this section, if a levy that is a qualifying levy 99972  
is not charged and payable in any year after 2014, payments to the 99973  
school district or joint vocational school district shall be 99974  
reduced to the extent that the payments distributed in fiscal year 99975  
2015 were attributable to the levy loss of that levy. 99976

**Sec. 5709.93.** (A) As used in this section: 99977

(1) "Taxes charged and payable" means taxes charged and 99978  
payable after the reduction required by section 319.301 of the 99979  
Revised Code but before the reductions required by sections 99980  
319.302 and 323.152 of the Revised Code. 99981

(2) "Threshold per cent" means two per cent for fiscal year 99982  
2016; and, for fiscal year 2017 and thereafter, the sum of the 99983  
prior year's threshold per cent plus two percentage points. 99984

(3) "Public library" means a county, municipal, school 99985  
district, or township public library that receives the proceeds of 99986  
a tax levied under section 5705.23 of the Revised Code. 99987

(4) "Local taxing unit" means a subdivision or taxing unit, 99988  
as defined in section 5705.01 of the Revised Code, a park district 99989  
created under Chapter 1545. of the Revised Code, or a township 99990  
park district established under section 511.23 of the Revised 99991  
Code, but excludes school districts and joint vocational school 99992  
districts. 99993

(5) "Municipal current expense allocation" means the sum of 99994  
the payments received by a municipal corporation in calendar year 99995  
2014 for current expense levy losses under division (A)(1)(e)(ii) 99996  
of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 99997  
of the Revised Code as they existed at that time. 99998

<u>(6) "Current expense allocation" means the sum of the</u>	99999
<u>payments received by a local taxing unit or public library in</u>	100000
<u>calendar year 2014 for current expense levy losses under division</u>	100001
<u>(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section</u>	100002
<u>5751.22 of the Revised Code as they existed at that time, less any</u>	100003
<u>reduction required under division (B)(2) of this section.</u>	100004
<u>(7) "TPP inside millage debt levy loss" means payments made</u>	100005
<u>to local taxing units in calendar year 2014 under division (A)(3)</u>	100006
<u>of section 5751.22 of the Revised Code as that section existed at</u>	100007
<u>that time.</u>	100008
<u>(8) "S.B. 3 inside millage debt levy loss" means payments</u>	100009
<u>made to local taxing units in calendar year 2014 under section</u>	100010
<u>(A)(4) of section 5727.86 of the Revised Code as that section</u>	100011
<u>existed at that time.</u>	100012
<u>(9) "Qualifying levy" means a levy for which payment was made</u>	100013
<u>in calendar year 2014 under division (A)(1) of section 5727.86 and</u>	100014
<u>divisions (A)(1) and (2) of section 5751.22 of the Revised Code as</u>	100015
<u>they existed at that time.</u>	100016
<u>(10) "Total resources," in the case of county mental health</u>	100017
<u>and disability related functions, means the sum of the amounts in</u>	100018
<u>divisions (A)(10)(a) and (b) of this section less any reduction</u>	100019
<u>required under division (B)(1) of this section.</u>	100020
<u>(a) The sum of the payments received by the county for mental</u>	100021
<u>health and developmental disability related functions in calendar</u>	100022
<u>year 2014 under division (A)(1) of section 5727.86 and division</u>	100023
<u>(A)(1) of section 5751.22 of the Revised Code as they existed at</u>	100024
<u>that time;</u>	100025
<u>(b) With respect to taxes levied by the county for mental</u>	100026
<u>health and developmental disability related purposes, the taxes</u>	100027
<u>charged and payable for such purposes against all property on the</u>	100028
<u>tax list of real and public utility property for tax year 2014.</u>	100029



(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 100030  
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(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 100034  
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(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 100038  
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(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 100042  
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 100046  
100047  
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 100050  
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(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 100054  
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(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 100058  
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of the Revised Code as they existed at that time; 100061

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 100062  
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(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section. 100066  
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(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 100071  
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(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 100075  
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(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges; 100082  
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100086

(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code; 100087  
100088  
100089

(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 100090  
100091

<u>2015.</u>	100092
<u>(15) "Total resources," in the case of a municipal</u>	100093
<u>corporation, means the sum of the amounts in divisions (A)(15)(a)</u>	100094
<u>to (h) of this section less any reduction required under division</u>	100095
<u>(B)(1) or (2) of this section.</u>	100096
<u>(a) The sum of the payments received by the municipal</u>	100097
<u>corporation in calendar year 2014 for current expense levy losses</u>	100098
<u>under division (A)(1) of section 5727.86 and division (A)(1) of</u>	100099
<u>section 5751.22 of the Revised Code as they existed at that time;</u>	100100
<u>(b) The municipal corporation's percentage share of county</u>	100101
<u>undivided local government fund allocations as certified to the</u>	100102
<u>tax commissioner for calendar year 2015 by the county auditor</u>	100103
<u>under division (J) of section 5747.51 of the Revised Code or</u>	100104
<u>division (F) of section 5747.53 of the Revised Code multiplied by</u>	100105
<u>the total amount actually distributed in calendar year 2014 from</u>	100106
<u>the county undivided local government fund;</u>	100107
<u>(c) The sum of the amounts distributed to the municipal</u>	100108
<u>corporation in calendar year 2014 pursuant to section 5747.50 of</u>	100109
<u>the Revised Code;</u>	100110
<u>(d) With respect to taxes levied by the municipal</u>	100111
<u>corporation, the taxes charged and payable against all property on</u>	100112
<u>the tax list of real and public utility property for municipal</u>	100113
<u>current expenses for tax year 2014;</u>	100114
<u>(e) The amount of admissions tax collected by the municipal</u>	100115
<u>corporation in calendar year 2013, or if such information has not</u>	100116
<u>yet been reported to the tax commissioner, in the most recent year</u>	100117
<u>before 2013 for which the municipal corporation has reported data</u>	100118
<u>to the commissioner;</u>	100119
<u>(f) The amount of income taxes collected by the municipal</u>	100120
<u>corporation in calendar year 2013 as certified to the tax</u>	100121
<u>commissioner under section 5747.50 of the Revised Code in 2013, or</u>	100122

<u>if such information has not yet been reported to the commissioner,</u>	100123
<u>in the most recent year before 2014 for which the municipal</u>	100124
<u>corporation has reported such data to the commissioner;</u>	100125
<u>(g) The sum of the amounts distributed to the municipal</u>	100126
<u>corporation from the gross casino revenue host city fund from July</u>	100127
<u>2014 through April 2015;</u>	100128
<u>(h) The sum of the amounts distributed to the municipal</u>	100129
<u>corporation from the gross casino revenue county fund from July</u>	100130
<u>2014 through April 2015.</u>	100131
<u>(16) "Total resources," in the case of a township, means the</u>	100132
<u>sum of the amounts in divisions (A)(16)(a) to (c) of this section</u>	100133
<u>less any reduction required under division (B)(1) or (2) of this</u>	100134
<u>section.</u>	100135
<u>(a) The sum of the payments received by the township in</u>	100136
<u>calendar year 2014 pursuant to division (A)(1) of section 5727.86</u>	100137
<u>of the Revised Code and division (A)(1) of section 5751.22 of the</u>	100138
<u>Revised Code as they existed at that time, excluding payments</u>	100139
<u>received for debt purposes;</u>	100140
<u>(b) The township's percentage share of county undivided local</u>	100141
<u>government fund allocations as certified to the tax commissioner</u>	100142
<u>for calendar year 2015 by the county auditor under division (J) of</u>	100143
<u>section 5747.51 of the Revised Code or division (F) of section</u>	100144
<u>5747.53 of the Revised Code multiplied by the total amount</u>	100145
<u>actually distributed in calendar year 2014 from the county</u>	100146
<u>undivided local government fund;</u>	100147
<u>(c) With respect to taxes levied by the township, the taxes</u>	100148
<u>charged and payable against all property on the tax list of real</u>	100149
<u>and public utility property for tax year 2014 excluding taxes</u>	100150
<u>charged and payable for the purpose of paying debt charges or from</u>	100151
<u>levies imposed under section 5705.23 of the Revised Code.</u>	100152
<u>(17) "Total resources," in the case of a local taxing unit</u>	100153

that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A)(17)(a) to (e) of this section less any reduction required under division (B)(1) of this section. 100154  
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(a) The sum of the payments received by the local taxing unit in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 100158  
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(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 100162  
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(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from a levy imposed under section 5705.23 of the Revised Code; 100169  
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(d) The amount received from the tax commissioner during calendar year 2014 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code; 100174  
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(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the chancellor of higher education and reported to the state controlling board. 100177  
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(18) "Total resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the 100182  
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Revised Code, means the sum of the amounts in divisions (A)(18)(a) to (d) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the library district from the county public library fund in calendar year 2014, as reported to the tax commissioner by the county auditor.

(19) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: library; airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including

the word "equipment," unless the levy is for combined operating 100216  
and equipment; employee termination fund; fire pension or any levy 100217  
containing the word "pension," including police pensions; 100218  
fireman's fund or any practically similar name; sinking fund; road 100219  
improvements or any levy containing the word "road"; fire truck or 100220  
apparatus; flood or any levy containing the word "flood"; 100221  
conservancy district; county health; note retirement; sewage, or 100222  
any levy containing the words "sewage" or "sewer"; park 100223  
improvement; parkland acquisition; storm drain; street or any levy 100224  
name containing the word "street"; lighting, or any levy name 100225  
containing the word "lighting"; and water. 100226

(20) "Operating fixed-rate levy loss" means, in the case of 100227  
local taxing units other than municipal corporations, fixed-rate 100228  
levy losses of levies imposed for purposes other than paying debt 100229  
charges or, in the case of municipal corporations, fixed-rate levy 100230  
losses of municipal current expense property tax levies. 100231

(21) "Qualifying local taxing unit" means a local taxing 100232  
unit, other than a county or municipal corporation, within whose 100233  
territory a nuclear power plant is located, including a public 100234  
library on behalf of which a tax is levied under section 5705.23 100235  
of the Revised Code on a tax list that includes the property of a 100236  
nuclear power plant. 100237

(22)(a) "Qualifying municipal corporation" means a municipal 100238  
corporation in the territory of which a qualifying end user is 100239  
located. 100240

(b) "Qualifying end user" means an end user of at least seven 100241  
million qualifying kilowatt hours of electricity annually. 100242

(c) "Qualifying kilowatt hours" means kilowatt hours of 100243  
electricity generated by a renewable energy resource, as defined 100244  
in section 5727.01 of the Revised Code, using wind energy and the 100245  
distribution of which is subject to the tax levied under section 100246

<u>5727.81 of the Revised Code for any measurement period beginning</u>	100247
<u>after June 30, 2015.</u>	100248
<u>(23) Any term used in this section has the same meaning as in</u>	100249
<u>section 5727.84 or 5751.20 of the Revised Code unless otherwise</u>	100250
<u>defined by this section.</u>	100251
<u>(B)(1) "Total resources" used to compute payments to be made</u>	100252
<u>under division (C) of this section shall be reduced to the extent</u>	100253
<u>that payments distributed in calendar year 2014 were attributable</u>	100254
<u>to levies no longer charged and payable.</u>	100255
<u>(2) "Current expense allocation" used to compute payments to</u>	100256
<u>be made under division (C) of this section shall be reduced to the</u>	100257
<u>extent that payments distributed in calendar year 2014 were</u>	100258
<u>attributable to levies no longer charged and payable.</u>	100259
<u>(C)(1) Except as provided in divisions (C)(2) and (D) of this</u>	100260
<u>section, the tax commissioner shall compute payments for operating</u>	100261
<u>fixed-rate levy losses of local taxing units and public libraries</u>	100262
<u>for fiscal year 2016 and each year thereafter as prescribed in</u>	100263
<u>divisions (C)(1)(a) and (b) and (2) of this section:</u>	100264
<u>(a) For public libraries and local taxing units other than</u>	100265
<u>municipal corporations:</u>	100266
<u>(i) If the ratio of current expense allocation to total</u>	100267
<u>resources is equal to or less than the threshold per cent, zero;</u>	100268
<u>(ii) If the ratio of current expense allocation to total</u>	100269
<u>resources is greater than the threshold per cent, the current</u>	100270
<u>expense allocation minus the product of total resources multiplied</u>	100271
<u>by the threshold per cent.</u>	100272
<u>(b) For municipal corporations:</u>	100273
<u>(i) If the ratio of the municipal current expense allocation</u>	100274
<u>to total resources is equal to or less than the threshold per</u>	100275
<u>cent, zero;</u>	100276



(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent. 100277  
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(2) In the case of a qualifying local taxing unit for which the ratio of current expense allocation to total resources is ten per cent or more, the payment to be made under division (C) of this section for fiscal year 2016 and each year thereafter, in lieu of the payment computed under division (C)(1)(a) of this section, shall equal the amount described in division (A)(16)(a) of this section if the qualifying local taxing unit is a township, division (A)(18)(a) if the qualifying local taxing unit is a public library, and division (A)(17)(a) if the qualifying local taxing unit is not a township or public library. 100281  
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(3) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable. 100291  
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(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter. 100301  
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(2) No payment shall be made for TPP inside millage debt levy 100308

loss in calendar year 2018 or thereafter. No payment shall be made 100309  
for S.B.3 inside millage debt levy loss in calendar year 2017 or 100310  
thereafter. 100311

(E) For a qualifying municipal corporation, the tax 100312  
commissioner shall compute payments for fiscal year 2016 and each 100313  
ensuing fiscal year in an amount equal to the amount of tax 100314  
imposed under section 5727.81 of the Revised Code and paid on the 100315  
basis of qualifying kilowatt hours of electricity distributed 100316  
through the meter of a qualifying end user located in the 100317  
municipal corporation for measurement periods ending in the 100318  
preceding calendar year. The payment shall be computed regardless 100319  
of whether the qualifying municipal corporation qualifies for a 100320  
payment under any other division of this section for the fiscal 100321  
year in which the payment is computed under this division. For the 100322  
purposes of this division, the commissioner may require an 100323  
electric distribution company distributing qualifying kilowatt 100324  
hours or, if the end user is a self-assessing purchaser, the end 100325  
user, to report to the commissioner the number of qualifying 100326  
kilowatt hours distributed through the meter of the qualifying end 100327  
user. 100328

(F)(1) The payments required to be made under divisions (C) 100329  
and (D) of this section shall be paid from local government 100330  
tangible property tax replacement fund to the county undivided 100331  
income tax fund in the proper county treasury. Beginning in August 100332  
2015, one-half of the amount determined under each of those 100333  
divisions shall be paid on or before the last day of August each 100334  
year, and one-half shall be paid on or before the last day of 100335  
February each year. Within thirty days after receipt of such 100336  
payments, the county treasurer shall distribute amounts determined 100337  
under this section to the proper local taxing unit or public 100338  
library as if they had been levied and collected as taxes, and the 100339  
local taxing unit or public library shall allocate the amounts so 100340

received among its funds in the same proportions as if those 100341  
amounts had been levied and collected as taxes. 100342

(2) On or before the last day of August and of February of 100343  
each fiscal year that follows a calendar year in which taxes are 100344  
paid on the basis of qualifying kilowatt hours of electricity 100345  
distributed through the meter of a qualifying end user located in 100346  
a qualifying municipal corporation, one-half of the payment 100347  
computed under division (E) of this section shall be paid from the 100348  
local government tangible personal property tax replacement fund 100349  
directly to the qualifying municipal corporation. The municipal 100350  
corporation shall credit the payments to a special fund created 100351  
for the purpose of providing grants or other financial assistance 100352  
to the qualifying end user or to compensate the municipal 100353  
corporation for municipal income tax or other tax credits or 100354  
reductions as the legislative authority may grant to the 100355  
qualifying end user. Such grants or other financial assistance may 100356  
be provided for by ordinance or resolution of the legislative 100357  
authority of the qualifying municipal corporation and may continue 100358  
for as long as is provided by the ordinance or resolution. 100359

(G) If all or a part of the territories of two or more local 100360  
taxing units are merged, or unincorporated territory of a township 100361  
is annexed by a municipal corporation, the tax commissioner shall 100362  
adjust the payments made under this section and division (E) of 100363  
section 5709.94 of the Revised Code to each of the local taxing 100364  
units in proportion to the square mileage of the merged or annexed 100365  
territory as a percentage of the total square mileage of the 100366  
jurisdiction from which the territory originated, or as otherwise 100367  
provided by a written agreement between the legislative 100368  
authorities of the local taxing units certified to the 100369  
commissioner not later than the first day of June of the calendar 100370  
year in which the payment is to be made. 100371

<u>Sec. 5709.94. (A) As used in this section:</u>	100372
<u>(1) "School district," "joint vocational school district,"</u>	100373
<u>"local taxing unit," "state education aid," and "recognized</u>	100374
<u>valuation" have the same meanings as in section 5727.84 of the</u>	100375
<u>Revised Code.</u>	100376
<u>(2) "Electric company," "energy company," and "energy</u>	100377
<u>conversion equipment" have the same meanings as in section 5727.01</u>	100378
<u>of the Revised Code.</u>	100379
<u>(3) "State education aid offset" means the amount determined</u>	100380
<u>for each school district or joint vocational school district under</u>	100381
<u>division (C) of this section.</u>	100382
<u>(B) On or before the last day of December of each year, the</u>	100383
<u>tax commissioner shall determine for each school district and</u>	100384
<u>joint vocational school district its production equipment tax</u>	100385
<u>loss, which shall equal the value of all tangible personal</u>	100386
<u>property of an electric company or energy company that is not</u>	100387
<u>transmission or distribution property or energy conversion</u>	100388
<u>equipment, as it would have been assessed by the tax commissioner</u>	100389
<u>and apportioned to the school district or joint vocational school</u>	100390
<u>district for that tax year if the property were taxable property</u>	100391
<u>and the assessment rate applicable to such property were</u>	100392
<u>twenty-four per cent.</u>	100393
<u>(C) On or before July 31, 2017, and each thirty-first day of</u>	100394
<u>July thereafter, the department of education shall determine the</u>	100395
<u>state education offset for each school district and joint</u>	100396
<u>vocational school district. The state education offset shall equal</u>	100397
<u>the difference obtained by subtracting the amount described in</u>	100398
<u>division (C)(2) of this section from the amount described in</u>	100399
<u>division (C)(1) of this section:</u>	100400
<u>(1) The state education aid computed for the school district</u>	100401

or joint vocational school district for the current fiscal year as 100402  
of the thirty-first day of July; 100403

(2) The state education aid that would be computed for the 100404  
school district or joint vocational school district for the 100405  
current fiscal year as of the thirty-first day of July if the 100406  
recognized valuation of the district included the production 100407  
equipment tax value loss calculated for the district under 100408  
division (B) of this section. 100409

On or before the fifth day of August of each such year, the 100410  
department of education shall certify the amounts determined under 100411  
division (C) of this section to the tax commissioner. 100412

(D) On or before the twenty-eighth day of February and the 100413  
thirty-first day of August of each year, beginning in 2017, the 100414  
tax commissioner shall make payments to each school district and 100415  
joint vocational school district from the production equipment 100416  
property tax replacement fund created by section 321.24 of the 100417  
Revised Code. The amount paid to each district shall equal the 100418  
difference obtained by subtracting the amount described in 100419  
division (D)(2) of this section from the amount described in 100420  
division (D)(1) of this section, provided that the difference is 100421  
greater than zero: 100422

(1) One-half of the amount calculated for the school district 100423  
or joint vocational school district for the preceding tax year 100424  
under division (B)(1) of section 5727.09 of the Revised Code; 100425

(2) One-half of the state education aid offset calculated for 100426  
the district under division (C) of this section for the fiscal 100427  
year that includes the date on which the payment is to be made. 100428

(E) On or before the twenty-eighth day of February and the 100429  
thirty-first day of August of each year, beginning in 2017, the 100430  
tax commissioner shall make payments to each local taxing unit 100431  
from the production equipment property tax replacement fund. The 100432

amount paid to each district shall equal one-half of the amount 100433  
calculated for the taxing unit for the preceding tax year under 100434  
division (B)(1) of section 5727.09 of the Revised Code. 100435

(F) The payments required to be made under divisions (D) and 100436  
(E) of this section shall be paid from the production equipment 100437  
property tax replacement fund to the county undivided income tax 100438  
fund in the proper county treasury. Within thirty days after 100439  
receipt of such payments, the county treasurer shall distribute 100440  
amounts determined under this section to the proper school 100441  
district, joint vocational school district, or local taxing unit 100442  
as if they had been levied and collected as taxes, and the school 100443  
district, joint vocational school district, or local taxing unit 100444  
shall allocate the amounts so received among its funds in the same 100445  
proportions as if those amounts had been levied and collected as 100446  
taxes. 100447

(G)(1) On the first day of June of each year, beginning in 100448  
2018, the director of budget and management shall transfer any 100449  
balance remaining in the production equipment property tax 100450  
replacement fund after the payments have been made under divisions 100451  
(D) and (E) of this section to the general revenue fund. 100452

(2) If the total amount in the production equipment property 100453  
tax replacement fund is insufficient to make all payments under 100454  
divisions (D) and (E) of this section at the time the payments are 100455  
to be made, the director of budget and management shall transfer 100456  
from the general revenue fund to the production equipment property 100457  
tax replacement fund the difference between the total amount to be 100458  
paid and the total amount in the production equipment property tax 100459  
replacement fund. 100460

**Sec. 5713.031.** For the purposes of section 5713.03 of the 100461  
Revised Code, when determining the true value in money of a golf 100462  
course property that has not been the subject of a recent arm's 100463

length sale and for which appraisal as a golf course use is 100464  
justified as either the highest and best use or as a special 100465  
purpose use, the county auditor shall determine the true value 100466  
pursuant to division (A) or (B) of this section. 100467

(A) For golf courses that operate primarily on a for-profit, 100468  
daily-fee basis, the true value in money shall be determined using 100469  
the income approach as described in the uniform rules and methods 100470  
of valuing and assessing real property as adopted, prescribed, and 100471  
promulgated by the tax commissioner. The value of all tangible and 100472  
intangible personal property that contributes to the net operating 100473  
income used in the income approach shall be deducted from the 100474  
resulting valuation in order to determine the true value in money 100475  
of the taxable property only. The capitalization rate used shall 100476  
reflect all anticipated risks of the golf course operation, 100477  
including weather-related risks and competition from golf courses 100478  
that are exempted from taxation. The county auditor of a county in 100479  
which a golf course is located may request the owner of the golf 100480  
course to provide income and expense data on a form prescribed by 100481  
the tax commissioner. No document containing data provided 100482  
pursuant to this division shall be deemed a public document or 100483  
record, but shall be a confidential document for use only in 100484  
assessing the taxable property and shall not be subject to 100485  
inspection or copying as public records pursuant to section 149.43 100486  
of the Revised Code. If an owner declines within thirty days of 100487  
such request to provide this data and the auditor is thereafter 100488  
unable to determine the true value in money of the taxable 100489  
property using the income approach, the property shall be valued 100490  
in accordance with division (B) of this section. 100491

(B) For all other golf courses, the true value in money shall 100492  
be determined using the market data approach in combination with 100493  
the cost approach. 100494

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 100495  
5715.01 of the Revised Code: 100496

(A) "Land devoted exclusively to agricultural use" means: 100497

(1) Tracts, lots, or parcels of land totaling not less than 100498  
ten acres to which, during the three calendar years prior to the 100499  
year in which application is filed under section 5713.31 of the 100500  
Revised Code, and through the last day of May of such year, one or 100501  
more of the following apply: 100502

(a) The tracts, lots, or parcels of land were devoted 100503  
exclusively to commercial animal or poultry husbandry, 100504  
aquaculture, algaculture meaning the farming of algae, apiculture, 100505  
the production for a commercial purpose of timber, field crops, 100506  
tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, 100507  
or flowers, or the growth of timber for a noncommercial purpose, 100508  
if the land on which the timber is grown is contiguous to or part 100509  
of a parcel of land under common ownership that is otherwise 100510  
devoted exclusively to agricultural use. 100511

(b) The tracts, lots, or parcels of land were devoted 100512  
exclusively to biodiesel production, biomass energy production, 100513  
electric or heat energy production, or biologically derived 100514  
methane gas production if the land on which the production 100515  
facility is located is contiguous to or part of a parcel of land 100516  
under common ownership that is otherwise devoted exclusively to 100517  
agricultural use, provided that at least fifty per cent of the 100518  
feedstock used in the production was derived from parcels of land 100519  
under common ownership or leasehold. 100520

(c) The tracts, lots, or parcels of land were devoted to and 100521  
qualified for payments or other compensation under a land 100522  
retirement or conservation program under an agreement with an 100523  
agency of the federal government. 100524



(2) Tracts, lots, or parcels of land totaling less than ten acres that, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code and through the last day of May of such year, were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental trees, sod, or flowers where such activities produced an average yearly gross income of at least twenty-five hundred dollars during such three-year period or where there is evidence of an anticipated gross income of such amount from such activities during the tax year in which application is made, or were devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government;

(3) A tract, lot, or parcel of land taxed under sections 5713.22 to 5713.26 of the Revised Code is not land devoted exclusively to agricultural use;

(4) Tracts, lots, or parcels of land, or portions thereof that, during the previous three consecutive calendar years have been designated as land devoted exclusively to agricultural use, but such land has been lying idle or fallow for up to one year and no action has occurred to such land that is either inconsistent with the return of it to agricultural production or converts the land devoted exclusively to agricultural use as defined in this section. Such land shall remain designated as land devoted exclusively to agricultural use provided that beyond one year, but less than three years, the landowner proves good cause as determined by the board of revision.

(5) Tracts, lots, or parcels of land, or portions thereof that, during the previous three consecutive calendar years have

been designated as land devoted exclusively to agricultural use, 100557  
but such land has been lying idle or fallow because of dredged 100558  
material being stored or deposited on such land pursuant to a 100559  
contract between the land's owner and the department of natural 100560  
resources or the United States army corps of engineers and no 100561  
action has occurred to the land that is either inconsistent with 100562  
the return of it to agricultural production or converts the land 100563  
devoted exclusively to agricultural use. Such land shall remain 100564  
designated as land devoted exclusively to agricultural use until 100565  
the last year in which dredged material is stored or deposited on 100566  
the land pursuant to such a contract, but not to exceed five 100567  
years. 100568

"Land devoted exclusively to agricultural use" includes 100569  
tracts, lots, or parcels of land or portions thereof that are used 100570  
for conservation practices, provided that the tracts, lots, or 100571  
parcels of land or portions thereof comprise twenty-five per cent 100572  
or less of the total of the tracts, lots, or parcels of land that 100573  
satisfy the criteria established in division (A)(1), (2), ~~or~~ (4), 100574  
or (5) of this section together with the tracts, lots, or parcels 100575  
of land or portions thereof that are used for conservation 100576  
practices. 100577

(B) "Conversion of land devoted exclusively to agricultural 100578  
use" means any of the following: 100579

(1) The failure of the owner of land devoted exclusively to 100580  
agricultural use during the next preceding calendar year to file a 100581  
renewal application under section 5713.31 of the Revised Code 100582  
without good cause as determined by the board of revision; 100583

(2) The failure of the new owner of such land to file an 100584  
initial application under that section without good cause as 100585  
determined by the board of revision; 100586

(3) The failure of such land or portion thereof to qualify as 100587

land devoted exclusively to agricultural use for the current 100588  
calendar year as requested by an application filed under such 100589  
section; 100590

(4) The failure of the owner of the land described in 100591  
division (A)(4) or (5) of this section to act on such land in a 100592  
manner that is consistent with the return of the land to 100593  
agricultural production after three years. 100594

The construction or installation of an energy facility, as 100595  
defined in section 5727.01 of the Revised Code, on a portion of a 100596  
tract, lot, or parcel of land devoted exclusively to agricultural 100597  
use shall not cause the remaining portion of the tract, lot, or 100598  
parcel to be regarded as a conversion of land devoted exclusively 100599  
to agricultural use if the remaining portion of the tract, lot, or 100600  
parcel continues to be devoted exclusively to agricultural use. 100601

(C) "Tax savings" means the difference between the dollar 100602  
amount of real property taxes levied in any year on land valued 100603  
and assessed in accordance with its current agricultural use value 100604  
and the dollar amount of real property taxes that would have been 100605  
levied upon such land if it had been valued and assessed for such 100606  
year in accordance with Section 2 of Article XII, Ohio 100607  
Constitution. 100608

(D) "Owner" includes, but is not limited to, any person 100609  
owning a fee simple, fee tail, or life estate or a buyer on a land 100610  
installment contract. 100611

(E) "Conservation practices" are practices used to abate soil 100612  
erosion as required in the management of the farming operation, 100613  
and include, but are not limited to, the installation, 100614  
construction, development, planting, or use of grass waterways, 100615  
terraces, diversions, filter strips, field borders, windbreaks, 100616  
riparian buffers, wetlands, ponds, and cover crops for that 100617  
purpose. 100618

(F) "Wetlands" has the same meaning as in section 6111.02 of the Revised Code. 100619  
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(G) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats or any combination of those reagents and that meets the American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels. 100621  
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(H) "Biologically derived methane gas" means gas from the anaerobic digestion of organic materials, including animal waste and agricultural crops and residues. 100626  
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(I) "Biomass energy" means energy that is produced from organic material derived from plants or animals and available on a renewable basis, including, but not limited to, agricultural crops, tree crops, crop by-products, and residues. 100629  
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(J) "Electric or heat energy" means electric or heat energy generated from manure, cornstalks, soybean waste, or other agricultural feedstocks. 100633  
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(K) "Dredged material" means material that is excavated or dredged from waters of this state. "Dredged material" does not include material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products. 100636  
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**Sec. 5715.01.** (A) The tax commissioner shall direct and supervise the assessment for taxation of all real property. The commissioner shall adopt, prescribe, and promulgate rules for the determination of true value and taxable value of real property by uniform rule for such values and for the determination of the current agricultural use value of land devoted exclusively to agricultural use. The uniform rules shall prescribe methods of determining the true value and taxable value of real property and 100641  
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shall also prescribe the method for determining the current 100649  
agricultural use value of land devoted exclusively to agricultural 100650  
use, which method shall reflect standard and modern appraisal 100651  
techniques that take into consideration: the productivity of the 100652  
soil under normal management practices; the average price patterns 100653  
of the crops and products produced to determine the income 100654  
potential to be capitalized; the market value of the land for 100655  
agricultural use; and other pertinent factors. The rules shall 100656  
provide that in determining the true value of lands or 100657  
improvements thereon for tax purposes, all facts and circumstances 100658  
relating to the value of the property, its availability for the 100659  
purposes for which it is constructed or being used, its obsolete 100660  
character, if any, the income capacity of the property, if any, 100661  
and any other factor that tends to prove its true value shall be 100662  
used. In determining the true value of minerals or rights to 100663  
minerals for the purpose of real property taxation, the tax 100664  
commissioner shall not include in the value of the minerals or 100665  
rights to minerals the value of any tangible personal property 100666  
used in the recovery of those minerals. 100667

(B) The taxable value shall be that per cent of true value in 100668  
money, or current agricultural use value in the case of land 100669  
valued in accordance with section 5713.31 of the Revised Code, the 100670  
commissioner by rule establishes, but it shall not exceed 100671  
thirty-five per cent. The uniform rules shall also prescribe 100672  
methods of making the appraisals set forth in section 5713.03 of 100673  
the Revised Code and definitions as needed to clarify such 100674  
methods. If methods and definitions are not explicitly set forth 100675  
by rule, appraisals of real estate shall be made in accordance 100676  
with the methods and definitions prescribed by the fourteenth 100677  
edition of the appraisal of real estate and the fifth edition of 100678  
the dictionary of real estate appraisal published by the appraisal 100679  
institute. The rules established by the commissioner under this 100680  
section shall be applied uniformly to all parcels. The taxable 100681

value of each tract, lot, or parcel of real property and 100682  
improvements thereon, determined in accordance with the uniform 100683  
rules and methods prescribed thereby, shall be the taxable value 100684  
of the tract, lot, or parcel for all purposes of sections 5713.01 100685  
to 5713.26, 5715.01 to 5715.51, and 5717.01 to 5717.06 of the 100686  
Revised Code. County auditors shall, under the direction and 100687  
supervision of the commissioner, be the chief assessing officers 100688  
of their respective counties, and shall list and value the real 100689  
property within their respective counties for taxation in 100690  
accordance with this section and sections 5713.03 and 5713.31 of 100691  
the Revised Code and with such rules of the commissioner. There 100692  
shall also be a board in each county, known as the county board of 100693  
revision, which shall hear complaints and revise assessments of 100694  
real property for taxation. 100695

(C) The commissioner shall neither adopt nor enforce any rule 100696  
that requires true value for any tax year to be any value other 100697  
than the true value in money on the tax lien date of such tax year 100698  
or that requires taxable value to be obtained in any way other 100699  
than by reducing the true value, or in the case of land valued in 100700  
accordance with section 5713.31 of the Revised Code, its current 100701  
agricultural use value, by a specified, uniform percentage. 100702

**Sec. 5715.39.** (A) The tax commissioner may remit real 100703  
property taxes, manufactured home taxes, penalties, and interest 100704  
found by the commissioner to have been illegally assessed. The 100705  
commissioner also may remit any penalty charged against any real 100706  
property or manufactured or mobile home that was the subject of an 100707  
application for exemption from taxation under section 5715.27 of 100708  
the Revised Code if the commissioner determines that the applicant 100709  
requested such exemption in good faith. The commissioner shall 100710  
include notice of the remission in the commissioner's 100711  
certification to the county auditor required under that section. 100712

(B) The county auditor, upon consultation with the county treasurer, shall remit a penalty for late payment of any real property taxes or manufactured home taxes when:

(1) The taxpayer could not make timely payment of the tax because of the negligence or error of the county auditor or county treasurer in the performance of a statutory duty relating to the levy or collection of such tax.

(2) In cases other than those described in division (B)(1) of this section, and except as provided in division (B)(5) of this section, the taxpayer failed to receive a tax bill or a correct tax bill, and the taxpayer made a good faith effort to obtain such bill within thirty days after the last day for payment of the tax.

(3) The tax was not timely paid because of the death or serious injury of the taxpayer, or the taxpayer's confinement in a hospital within sixty days preceding the last day for payment of the tax if, in any case, the tax was subsequently paid within sixty days after the last day for payment of such tax.

(4) The taxpayer demonstrates that the full payment was properly deposited in the mail in sufficient time for the envelope to be postmarked by the United States postal service on or before the last day for payment of such tax. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the date of payment of such tax.

(5) With respect to the first payment due after a taxpayer fully satisfies a mortgage against a parcel of real property, the mortgagee failed to notify the auditor of the satisfaction of the mortgage, and the tax bill was not sent to the taxpayer.

(C) The board of revision shall remit a penalty for late payment of any real property taxes or manufactured homes taxes if, in cases other than those described in division (B)(1) to ~~(4)~~(5) of this section, the taxpayer's failure to make timely payment of

the tax is due to reasonable cause and not willful neglect. 100744

(D) The taxpayer, upon application within sixty days after 100745  
the mailing of the county auditor's or board of revision's 100746  
decision, may request the tax commissioner to review the denial of 100747  
the remission of a penalty by the auditor or board. The 100748  
application may be filed in person or by certified mail. If the 100749  
application is filed by certified mail, the date of the United 100750  
States postmark placed on the sender's receipt by the postal 100751  
service shall be treated as the date of filing. The commissioner 100752  
shall consider the application, determine whether the penalty 100753  
should be remitted, and certify the determination to the taxpayer, 100754  
to the county treasurer, and to the county auditor, who shall 100755  
correct the tax list and duplicate accordingly. The commissioner 100756  
may issue orders and instructions for the uniform implementation 100757  
of this section by all county boards of revision, county auditors, 100758  
and county treasurers, and such orders and instructions shall be 100759  
followed by such officers and boards. 100760

(E) This section shall not provide to the taxpayer any remedy 100761  
with respect to any matter that the taxpayer may be authorized to 100762  
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 100763  
the Revised Code. 100764

(F) Applications for remission, and documents of any kind 100765  
related to those applications, filed with the tax commissioner 100766  
under this section are public records within the meaning of 100767  
section 149.43 of the Revised Code unless otherwise excepted under 100768  
that section. 100769

**Sec. 5725.22.** (A) The treasurer of state shall maintain an 100770  
intangible property tax list of taxes levied by section 5707.03 of 100771  
the Revised Code and certified by the tax commissioner pursuant to 100772  
sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised 100773  
Code, and a separate list of taxes levied by section 5725.18 of 100774



the Revised Code and certified by the superintendent of insurance 100775  
pursuant to section 5725.20 of the Revised Code. 100776

(B)(1) With respect to taxes levied under section 5725.18 of 100777  
the Revised Code, the treasurer of state, upon receipt of an 100778  
assessment, shall compute the taxes at the rates prescribed by law 100779  
and enter the taxes on the proper tax list. The treasurer shall 100780  
collect, and the taxpayer shall pay, all such taxes and any 100781  
interest applicable thereto. Payments may be made by mail, in 100782  
person, or by any other means authorized by the treasurer. The 100783  
treasurer shall render a daily itemized statement to the 100784  
superintendent of insurance of the amount of taxes collected and 100785  
the name of the domestic insurance company from whom collected. 100786  
The treasurer of state may adopt rules concerning the methods and 100787  
timeliness of payments under this division. 100788

(2) With respect to taxes levied under section 5707.03 of the 100789  
Revised Code, any assessment certified to the treasurer of state 100790  
shall reflect the taxes computed at the rates prescribed by law. 100791  
Upon receipt of such an assessment, the treasurer shall enter the 100792  
taxes on the proper tax list. The tax commissioner shall collect, 100793  
and the taxpayer shall pay, all such taxes and any interest 100794  
applicable thereto. Payments may be made by mail, in person, or by 100795  
any other means authorized by the commissioner. The commissioner 100796  
shall immediately forward to the treasurer any payments received 100797  
under this division, together with any information necessary for 100798  
the treasurer to properly credit such payments. The commissioner 100799  
may adopt rules concerning the method and timeliness of payments 100800  
under this division. 100801

(C) Each tax bill issued pursuant to this section shall 100802  
separately reflect the taxes due, interest, if any, due date, and 100803  
any other information considered necessary. The With respect to 100804  
taxes levied under section 5725.18 of the Revised Code, the last 100805  
day on which payment may be made without penalty shall be the 100806

fifteenth day of June, unless that day is not a business day as 100807  
defined in section 5709.40 of the Revised Code, in which case the 100808  
payment may be made on the next business day. With respect to 100809  
taxes levied under section 5707.03 of the Revised Code, the last 100810  
day on which payment may be made without penalty shall be at least 100811  
twenty but not more than thirty days from the date of mailing the 100812  
tax bill. The treasurer of state or tax commissioner, as 100813  
appropriate, shall ~~mail~~ issue the tax bill, and, if the tax bill 100814  
is issued by mail, the mailing thereof shall be prima-facie 100815  
evidence of receipt thereof by the taxpayer. 100816

The treasurer or commissioner, as appropriate, shall refund 100817  
taxes as provided in this section, but no refund shall be made to 100818  
a taxpayer having a delinquent claim certified pursuant to this 100819  
section that remains unpaid. The treasurer or commissioner may 100820  
consult the attorney general regarding such claims. Refunds shall 100821  
be paid from the tax refund fund created by section 5703.052 of 100822  
the Revised Code. 100823

(D)(1) Within twenty days after receipt of any preliminary 100824  
assessment of taxes levied under section 5725.18 of the Revised 100825  
Code, the treasurer of state shall issue a tax bill, but if such 100826  
preliminary assessment reflects a late filed tax return, the 100827  
treasurer of state shall add interest as provided in division (A) 100828  
of section 5725.221 of the Revised Code and issue a tax bill. 100829

(2) ~~Within twenty days after~~ After receipt of any amended or 100830  
final assessment of taxes levied under section 5725.18 of the 100831  
Revised Code, the treasurer of state shall ascertain the 100832  
difference between the total taxes computed on such assessment and 100833  
the total taxes computed on the most recent assessment certified 100834  
for the same tax year. If the difference is a deficiency, the 100835  
treasurer of state shall add interest as provided in division 100836  
(B)(1) of section 5725.221 of the Revised Code and issue a tax 100837  
bill. Unless an exigency exists, the treasurer shall issue the tax 100838

bill on or before the fifteenth day of May. In the case of an 100839  
exigency, the treasurer shall issue the tax bill as soon as 100840  
possible after the fifteenth day of May and may extend the due 100841  
date for payment of the tax prescribed by division (C) of this 100842  
section. If the difference is an excess, the treasurer of state 100843  
shall add interest as provided in division (B)(2) of section 100844  
5725.221 of the Revised Code and certify the name of the taxpayer 100845  
and the amount to be refunded to the director of budget and 100846  
management for payment to the taxpayer. If the taxpayer has a 100847  
deficiency for one tax year and an excess for another tax year, or 100848  
any combination thereof for more than two tax years, the treasurer 100849  
of state may determine the net result after adding interest, if 100850  
applicable, and, depending on such result, proceed to ~~mail~~ issue a 100851  
tax bill or certify a refund. 100852

(E)(1) Except as provided in division (E)(2) of this section, 100853  
within twenty days after certifying to the treasurer of state an 100854  
amended or final assessment, or a preliminary assessment of a 100855  
dealer in intangibles that has failed to file a report or disclose 100856  
taxable property, the tax commissioner shall ascertain the 100857  
difference between the total taxes computed on such assessment and 100858  
the total taxes computed on the most recent assessment certified 100859  
for the same tax year, if any. If the difference is a deficiency, 100860  
the commissioner shall add interest as provided in division (B)(1) 100861  
of section 5725.221 of the Revised Code and issue a tax bill. If 100862  
the difference is an excess, the commissioner shall add interest 100863  
as provided in division (B)(2) of section 5725.221 of the Revised 100864  
Code and certify the name of the taxpayer and the amount to be 100865  
refunded to the director of budget and management for payment to 100866  
the taxpayer. If the taxpayer has a deficiency for one tax year 100867  
and excess for another tax year, or any combination thereof for 100868  
more than two tax years, the commissioner may determine the net 100869  
result after adding interest, if applicable, and, depending on 100870  
such result, proceed to mail a tax bill or certify a refund. 100871

(2) The tax commissioner may issue a tax bill for any 100872  
deficiency resulting from an assessment at the time the 100873  
commissioner issues the assessment. 100874

(F) ~~If~~ With respect to taxes levied under section 5707.03 of 100875  
the Revised Code, if a taxpayer fails to pay all taxes and 100876  
interest, if any, on or before the due date shown on the tax bill 100877  
but makes payment within ten calendar days of such date, the 100878  
~~treasurer of state or tax commissioner, as appropriate,~~ shall add 100879  
a penalty equal to five per cent of the taxes due. If payment is 100880  
not made within ten days of such date, the ~~treasurer or~~ 100881  
commissioner shall add a penalty equal to ten per cent of the 100882  
taxes due. The ~~treasurer or~~ commissioner shall prepare a 100883  
delinquent claim for each tax bill on which penalties were added 100884  
and certify such claims to the attorney general for collection. 100885  
~~The attorney general shall transmit a copy of each claim certified~~ 100886  
~~by the treasurer to the superintendent of insurance.~~ For each 100887  
claim certified by the ~~treasurer or~~ commissioner, the attorney 100888  
general shall proceed to collect the delinquent taxes, penalties, 100889  
and interest thereon in the manner prescribed by law. 100890

(G) With respect to taxes levied under section 5725.18 of the 100891  
Revised Code, if a taxpayer fails to pay all taxes and interest, 100892  
if any, on or before the due date shown on the tax bill issued by 100893  
the treasurer of state, the treasurer shall add a penalty equal to 100894  
five hundred dollars for each month the taxpayer fails to pay all 100895  
taxes and interest due. The treasurer may add an additional 100896  
penalty, not to exceed ten per cent of the taxes and interest due, 100897  
if the taxpayer fails to demonstrate that the taxpayer made a good 100898  
faith effort to pay all taxes and interest on or before the due 100899  
date shown on the tax bill. The treasurer shall prepare a 100900  
delinquent claim for each tax bill on which penalties were added 100901  
and certify such claims to the attorney general for collection. 100902  
The attorney general shall transmit a copy of each claim certified 100903

by the treasurer to the superintendent of insurance. For each 100904  
claim certified by the treasurer, the attorney general shall 100905  
proceed to collect the delinquent taxes, penalties, and interest 100906  
thereon in the manner prescribed by law. 100907

**Sec. 5725.33.** (A) Except as otherwise provided in this 100908  
section, terms used in this section have the same meaning as 100909  
section 45D of the Internal Revenue Code, any related proposed, 100910  
temporary or final regulations promulgated under the Internal 100911  
Revenue Code, any rules or guidance of the internal revenue 100912  
service or the United States department of the treasury, and any 100913  
related rules or guidance issued by the community development 100914  
financial institutions fund of the United States department of the 100915  
treasury, as such law, regulations, rules, and guidance exist on 100916  
October 16, 2009. 100917

As used in this section: 100918

(1) "Adjusted purchase price" means the amount paid for the 100919  
portion of a qualified equity ~~investments multiplied by the~~ 100920  
~~qualified low income community investments made by the issuer in~~ 100921  
~~projects located in this state as a percentage of the total amount~~ 100922  
~~of qualified low income community investments made by the issuer~~ 100923  
~~in projects located in all states on the credit allowance date~~ 100924  
~~during the applicable tax year, subject to divisions (B)(1) and~~ 100925  
~~(2) investment approved or certified by the director of~~ 100926  
development services for a qualified community development entity 100927  
in accordance with rules adopted under division (E) of this 100928  
section. 100929

(2) "Applicable percentage" means zero per cent for each of 100930  
the first two credit allowance dates, seven per cent for the third 100931  
credit allowance date, and eight per cent for the four following 100932  
credit allowance dates. 100933

(3) "Credit allowance date" means the date, on or after 100934

January 1, 2010, a qualified equity investment is made and each of 100935  
the six anniversary dates thereafter. For qualified equity 100936  
investments made after October 16, 2009, but before January 1, 100937  
2010, the initial credit allowance date is January 1, 2010, and 100938  
each of the six anniversary dates thereafter is on the first day 100939  
of January of each year. 100940

(4) "Qualified active low-income community business" excludes 100941  
any business that derives or projects to derive fifteen per cent 100942  
or more of annual revenue from the rental or sale of real 100943  
property, except any business that is a special purpose entity 100944  
principally owned by a principal user of that property formed 100945  
solely for the purpose of renting, either directly or indirectly, 100946  
or selling real property back to such principal user if such 100947  
principal user does not derive fifteen per cent or more of its 100948  
gross annual revenue from the rental or sale of real property. 100949

(5) "Qualified community development entity" includes only 100950  
entities: 100951

(a) That have entered into an allocation agreement with the 100952  
community development financial institutions fund of the United 100953  
States department of the treasury with respect to credits 100954  
authorized by section 45D of the Internal Revenue Code; 100955

(b) Whose service area includes any portion of this state; 100956  
and 100957

(c) That will designate an equity investment in such entities 100958  
as a qualified equity investment for purposes of both section 45D 100959  
of the Internal Revenue Code and this section. 100960

(6) "Qualified equity investment" is limited to an equity 100961  
investment in a qualified community development entity that: 100962

(a) Is acquired after October 16, 2009, at its original 100963  
issuance solely in exchange for cash; 100964

(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments in qualified active low-income community businesses in this state, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments in those businesses; and

(c) Is designated by the issuer as a qualified equity investment.

"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price ~~of qualified low-income community investments~~, subject to divisions (B)(1) and (2) of this section:

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred

in the sale or repayment, in another qualified low-income 100997  
community investment in this state within twelve months of the 100998  
receipt of such capital. If the qualified low-income community 100999  
investment is sold or repaid after the sixth anniversary of the 101000  
issuance of the qualified equity investment, the qualified 101001  
low-income community investment shall be considered held by the 101002  
qualified community development entity through the seventh 101003  
anniversary of the qualified equity investment's issuance. 101004

(2) The qualified low-income community investment made in 101005  
this state shall equal the sum of the qualified low-income 101006  
community investments in each qualified active low-income 101007  
community business in this state, not to exceed two million five 101008  
hundred sixty-four thousand dollars, in which the qualified 101009  
community development entity invests, including such investments 101010  
in any such businesses in this state related to that qualified 101011  
active low-income community business through majority ownership or 101012  
control. 101013

The credit shall be claimed in the order prescribed by 101014  
section 5725.98 of the Revised Code. If the amount of the credit 101015  
exceeds the amount of tax otherwise due after deducting all other 101016  
credits in that order, the excess may be carried forward and 101017  
applied to the tax due for not more than four ensuing years. 101018

By claiming a tax credit under this section, an insurance 101019  
company waives its rights under section 5725.222 of the Revised 101020  
Code with respect to the time limitation for the assessment of 101021  
taxes as it relates to credits claimed that later become subject 101022  
to recapture under division (E) of this section. 101023

(C) The amount of qualified equity investments on the basis 101024  
of which credits may be claimed under this section and sections 101025  
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 101026  
the amount, estimated by the director of development, that would 101027  
cause the total amount of credits allowed each fiscal year to 101028



exceed ten million dollars, computed without regard to the 101029  
potential for taxpayers to carry tax credits forward to later 101030  
years. 101031

(D) If any amount of the federal tax credit allowed for a 101032  
qualified equity investment for which a credit was received under 101033  
this section is recaptured under section 45D of the Internal 101034  
Revenue Code, or if the director of development services 101035  
determines that an investment for which a tax credit is claimed 101036  
under this section is not a qualified equity investment or that 101037  
the proceeds of an investment for which a tax credit is claimed 101038  
under this section are used to make qualified low-income community 101039  
investments other than in a qualified active low-income community 101040  
business in this state, all or a portion of the credit received on 101041  
account of that investment shall be paid by the insurance company 101042  
that received the credit to the superintendent of insurance. The 101043  
amount to be recovered shall be determined by the director of 101044  
development services pursuant to rules adopted under division (E) 101045  
of this section. The director shall certify any amount due under 101046  
this division to the superintendent of insurance, and the 101047  
superintendent shall notify the treasurer of state of the amount 101048  
due. Upon notification, the treasurer shall invoice the insurance 101049  
company for the amount due. The amount due is payable not later 101050  
than thirty days after the date the treasurer invoices the 101051  
insurance company. The amount due shall be considered to be tax 101052  
due under section 5725.18 of the Revised Code, and may be 101053  
collected by assessment without regard to the time limitations 101054  
imposed under section 5725.222 of the Revised Code for the 101055  
assessment of taxes by the superintendent. All amounts collected 101056  
under this division shall be credited as revenue from the tax 101057  
levied under section 5725.18 of the Revised Code. 101058

(E) The tax credits authorized under this section and 101059  
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 101060

be administered by the department of development services. The 101061  
director of development services, in consultation with the tax 101062  
commissioner and the superintendent of insurance, pursuant to 101063  
Chapter 119. of the Revised Code, shall adopt rules for the 101064  
administration of this section and sections 5726.54, 5729.16, and 101065  
5733.58 of the Revised Code. The rules shall provide for 101066  
determining the recovery of credits under division (D) of this 101067  
section and under sections 5726.54, 5729.16, and 5733.58 of the 101068  
Revised Code, including prorating the amount of the credit to be 101069  
recovered on any reasonable basis, the manner in which credits may 101070  
be allocated among claimants, and the amount of any application or 101071  
other fees to be charged in connection with a recovery. 101072

(F) There is hereby created in the state treasury the new 101073  
markets tax credit operating fund. The director of development 101074  
services is authorized to charge reasonable application and other 101075  
fees in connection with the administration of tax credits 101076  
authorized by this section and sections 5726.54, 5729.16, and 101077  
5733.58 of the Revised Code. Any such fees collected shall be 101078  
credited to the fund. The director of development services shall 101079  
use money in the fund to pay expenses related to the 101080  
administration of tax credits authorized under sections 5725.33, 101081  
5726.54, 5729.16, and 5733.58 of the Revised Code. 101082

(G) Tax credits earned or allocated to a pass-through entity, 101083  
as that term is defined in section 5733.04 of the Revised Code, 101084  
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 101085  
Code may be allocated to persons having a direct or indirect 101086  
ownership interest in the pass-through entity for such persons' 101087  
direct use in accordance with the provisions of any mutual 101088  
agreement between such persons. 101089

**Sec. 5725.98.** (A) To provide a uniform procedure for 101090  
calculating the amount of tax imposed by section 5725.18 of the 101091

Revised Code that is due under this chapter, a taxpayer shall 101092  
claim any credits and offsets against tax liability to which it is 101093  
entitled in the following order: 101094

(1) The credit for an insurance company or insurance company 101095  
group under section 5729.031 of the Revised Code; 101096

(2) The credit for eligible employee training costs under 101097  
section 5725.31 of the Revised Code; 101098

(3) The credit for purchasers of qualified low-income 101099  
community investments under section 5725.33 of the Revised Code; 101100

(4) The nonrefundable job retention credit under division 101101  
(B)~~(1)~~ of section 122.171 of the Revised Code; 101102

(5) The offset of assessments by the Ohio life and health 101103  
insurance guaranty association permitted by section 3956.20 of the 101104  
Revised Code; 101105

(6) The refundable credit for rehabilitating a historic 101106  
building under section 5725.34 of the Revised Code. 101107

(7) The refundable credit for Ohio job retention under former 101108  
division (B)(2) or (3) of section 122.171 of the Revised Code as 101109  
those divisions existed before the effective date of the amendment 101110  
of this section by H.B. 64 of the 131st general assembly; 101111

(8) The refundable credit for Ohio job creation under section 101112  
5725.32 of the Revised Code; 101113

(9) The refundable credit under section 5725.19 of the 101114  
Revised Code for losses on loans made under the Ohio venture 101115  
capital program under sections 150.01 to 150.10 of the Revised 101116  
Code. 101117

(B) For any credit except the refundable credits enumerated 101118  
in this section, the amount of the credit for a taxable year shall 101119  
not exceed the tax due after allowing for any other credit that 101120

precedes it in the order required under this section. Any excess 101121  
amount of a particular credit may be carried forward if authorized 101122  
under the section creating that credit. Nothing in this chapter 101123  
shall be construed to allow a taxpayer to claim, directly or 101124  
indirectly, a credit more than once for a taxable year. 101125

**Sec. 5726.01.** As used in this chapter: 101126

(A) "Affiliated group" means a group of two or more persons 101127  
with fifty per cent or greater of the value of each person's 101128  
ownership interests owned or controlled directly, indirectly, or 101129  
constructively through related interests by common owners during 101130  
all or any portion of the taxable year, and the common owners. 101131  
"Affiliated group" includes, but is not limited to, any person 101132  
eligible to be included in a consolidated elected taxpayer group 101133  
under section 5751.011 of the Revised Code or a combined taxpayer 101134  
group under section 5751.012 of the Revised Code. 101135

(B) "Bank organization" means any of the following: 101136

(1) A national bank organized and operating as a national 101137  
bank association pursuant to the "National Bank Act," 13 Stat. 100 101138  
(1864), 12 U.S.C. 21, et seq.; 101139

(2) A federal savings association or federal savings bank 101140  
chartered under 12 U.S.C. 1464; 101141

(3) A bank, banking association, trust company, savings and 101142  
loan association, savings bank, or other banking institution that 101143  
is organized or incorporated under the laws of the United States, 101144  
any state, or a foreign country; 101145

(4) Any corporation organized and operating pursuant to 12 101146  
U.S.C. 611, et seq.; 101147

(5) Any agency or branch of a foreign bank, as those terms 101148  
are defined in 12 U.S.C. 3101; 101149

(6) An entity licensed as a small business investment company 101150

under the "Small Business Investment Act of 1958," 72 Stat. 689, 101151  
15 U.S.C. 661, et seq.† 101152

~~(7) A company chartered under the "Farm Credit Act of 1933," 101153  
48 Stat. 257, or a successor of such a company. 101154~~

"Bank organization" does not include an institution organized 101155  
under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a 101156  
successor of such an institution, a company chartered under the 101157  
"Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a 101158  
company, an association formed pursuant to 12 U.S.C. 2279c-1, an 101159  
insurance company, or a credit union. 101160

(C) "Call report" means the consolidated reports of condition 101161  
and income prescribed by the federal financial institutions 101162  
examination council that a person is required to file with a 101163  
federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 101164  
324, or 12 U.S.C. 1817. 101165

(D) "Captive finance company" means a person that derived at 101166  
least seventy-five per cent of its gross income for the current 101167  
taxable year and the two taxable years preceding the current 101168  
taxable year from one or more of the following transactions: 101169

(1) Financing transactions with members of its affiliated 101170  
group; 101171

(2) Financing transactions with or for customers of products 101172  
manufactured or sold by a member of its affiliated group; 101173

(3) Financing transactions with or for a distributor or 101174  
franchisee that sells, leases, or services a product manufactured 101175  
or sold by a member of the person's affiliated group; 101176

(4) Financing transactions with or for a supplier to a member 101177  
of the person's affiliated group in connection with the member's 101178  
manufacturing business; 101179

(5) Issuing bonds or other publicly traded debt instruments 101180

for the benefit of the affiliated group; 101181

(6) Short-term or long-term investments whereby the person 101182  
invests the cash reserves of the affiliated group and the 101183  
affiliated group utilizes the proceeds from the investments. 101184

For the purposes of division (D) of this section, "financing 101185  
transaction" means making or selling loans, extending credit, 101186  
leasing, earning or receiving subvention, including interest 101187  
supplements and other support costs related thereto, or acquiring, 101188  
selling, or servicing accounts receivable, notes, loans, leases, 101189  
debt, or installment obligations that arise from the sale or lease 101190  
of tangible personal property or the performance of services, and 101191  
"gross income" has the same meaning as in section 61 of the 101192  
Internal Revenue Code and includes income from transactions 101193  
between the captive finance company and other members of its 101194  
affiliated group. 101195

A person that has not been in continuous existence for the 101196  
two taxable years preceding the current taxable year qualifies as 101197  
a "captive finance company" for purposes of division (D) of this 101198  
section if the person derived at least seventy-five per cent of 101199  
its gross income for the period of its existence from one or more 101200  
of the transactions described in divisions (D)(1) to (6) of this 101201  
section. 101202

"Captive finance company" does not include a small dollar 101203  
lender. 101204

(E) "Credit union" means a nonprofit cooperative financial 101205  
institution organized or chartered under the laws of this state, 101206  
any other state, or the United States. 101207

(F) "Diversified savings and loan holding company" has the 101208  
same meaning as in 12 U.S.C. 1467a, as that section existed on 101209  
January 1, 2012. 101210

(G) "Document of creation" means the articles of 101211

incorporation of a corporation, articles of organization of a 101212  
limited liability company, registration of a foreign limited 101213  
liability company, certificate of limited partnership, 101214  
registration of a foreign limited partnership, registration of a 101215  
domestic or foreign limited liability partnership, or registration 101216  
of a trade name. 101217

(H) "Financial institution" means a bank organization, a 101218  
holding company of a bank organization, or a nonbank financial 101219  
organization, except when one of the following applies: 101220

(1) If two or more such entities are consolidated for the 101221  
purposes of filing an FR Y-9, "financial institution" means a 101222  
group consisting of all entities that are included in the FR Y-9. 101223

(2) If two or more such entities are consolidated for the 101224  
purposes of filing a call report, "financial institution" means a 101225  
group consisting of all entities that are included in the call 101226  
report and that are not included in a group described in division 101227  
(H)(1) of this section. 101228

(3) If a bank organization is owned directly by a 101229  
grandfathered unitary savings and loan holding company or directly 101230  
or indirectly by an entity that was a grandfathered unitary 101231  
savings and loan holding company on January 1, 2012, "financial 101232  
institution" means a group consisting only of that bank 101233  
organization and the entities included in that bank organization's 101234  
call report, notwithstanding division (H)(1) or (2) of this 101235  
section. 101236

"Financial institution" does not include a diversified 101237  
savings and loan holding company, a grandfathered unitary savings 101238  
and loan holding company, any entity that was a grandfathered 101239  
unitary savings and loan holding company on January 1, 2012, or 101240  
any entity that is not a bank organization or owned by a bank 101241  
organization and that is owned directly or indirectly by an entity 101242

that was a grandfathered unitary savings and loan holding company 101243  
on January 1, 2012. 101244

(I) "FR Y-9" means the consolidated or parent-only financial 101245  
statements that a holding company is required to file with the 101246  
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 101247  
holding company required to file both consolidated and parent-only 101248  
financial statements, "FR Y-9" means the consolidated financial 101249  
statements that the holding company is required to file. 101250

(J) "Grandfathered unitary savings and loan holding company" 101251  
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 101252  
section existed on December 31, 1999. 101253

(K) "Gross receipts" means all items of income, without 101254  
deduction for expenses. If the reporting person for a taxpayer is 101255  
a holding company, "gross receipts" includes all items of income 101256  
reported on the FR Y-9 filed by the holding company. If the 101257  
reporting person for a taxpayer is a bank organization, "gross 101258  
receipts" includes all items of income reported on the call report 101259  
filed by the bank organization. If the reporting person for a 101260  
taxpayer is a nonbank financial organization, "gross receipts" 101261  
includes all items of income reported in accordance with generally 101262  
accepted accounting principles. 101263

(L) "Insurance company" means every corporation, association, 101264  
and society engaged in the business of insurance of any character, 101265  
or engaged in the business of entering into contracts 101266  
substantially amounting to insurance of any character, or of 101267  
indemnifying or guaranteeing against loss or damage, or acting as 101268  
surety on bonds or undertakings. "Insurance company" also includes 101269  
any health insuring corporation as defined in section 1751.01 of 101270  
the Revised Code. 101271

(M)(1) "Nonbank financial organization" means every person 101272  
that is not a bank organization or a holding company of a bank 101273



organization and that engages in business primarily as a small 101274  
dollar lender. "Nonbank financial organization" does not include 101275  
an institution organized under the "Federal Farm Loan Act," 39 101276  
Stat. 360 (1916), or a successor of such an institution, an 101277  
insurance company, a captive finance company, a credit union, an 101278  
institution organized and operated exclusively for charitable 101279  
purposes within the meaning of section 501(c)(3) of the Internal 101280  
Revenue Code, or a person that facilitates or services one or more 101281  
securitizations for a bank organization, a holding company of a 101282  
bank organization, a captive finance company, or any member of the 101283  
person's affiliated group. 101284

(2) A person is engaged in business primarily as a small 101285  
dollar lender if the person has, for the taxable year, gross 101286  
income from the activities described in division (O) of this 101287  
section that exceeds the person's gross income from all other 101288  
activities. As used in division (M) of this section, "gross 101289  
income" has the same meaning as in section 61 of the Internal 101290  
Revenue Code, and income from transactions between the person and 101291  
the other members of the affiliated group shall be eliminated, and 101292  
any sales, exchanges, and other dispositions of commercial paper 101293  
to persons outside the affiliated group produces gross income only 101294  
to the extent the proceeds from such transactions exceed the 101295  
affiliated group's basis in such commercial paper. 101296

(N) "Reporting person" means one of the following: 101297

(1) In the case of a financial institution described in 101298  
division (H)(1) of this section, the top-tier holding company 101299  
required to file an FR Y-9. 101300

(2) In the case of a financial institution described in 101301  
division (H)(2) or (3) of this section, the bank organization 101302  
required to file the call report. 101303

(3) In the case of a bank organization or nonbank financial 101304

organization that is not included in a group described in division 101305  
(H)(1) or (2) of this section, the bank organization or nonbank 101306  
financial organization. 101307

(O) "Small dollar lender" means any person engaged primarily 101308  
in the business of loaning money to individuals, provided that the 101309  
loan amounts do not exceed five thousand dollars and the duration 101310  
of the loans do not exceed twelve months. A "small dollar lender" 101311  
does not include a bank organization, credit union, or captive 101312  
finance company. 101313

(P) "Tax year" means the calendar year for which the tax 101314  
levied under section 5726.02 of the Revised Code is required to be 101315  
paid. 101316

(Q) "Taxable year" means the calendar year preceding the year 101317  
in which an annual report is required to be filed under section 101318  
5726.03 of the Revised Code. 101319

(R) "Taxpayer" means a financial institution subject to the 101320  
tax levied under section 5726.02 of the Revised Code. 101321

(S) "Total equity capital" means the sum of the common stock 101322  
at par value, perpetual preferred stock and related surplus, other 101323  
surplus not related to perpetual preferred stock, retained 101324  
earnings, accumulated other comprehensive income, treasury stock, 101325  
unearned employee stock ownership plan shares, and other equity 101326  
components of a financial institution. "Total equity capital" 101327  
shall not include any noncontrolling (minority) interests as 101328  
reported on an FR Y-9 or call report, unless such interests are in 101329  
a bank organization or a bank holding company. 101330

(T) "Total Ohio equity capital" means the portion of the 101331  
total equity capital of a financial institution apportioned to 101332  
Ohio pursuant to section 5726.05 of the Revised Code. 101333

(U) "Holding company" does not include a diversified savings 101334  
and loan holding company, a grandfathered unitary savings and loan 101335

holding company, any entity that was a grandfathered unitary 101336  
savings and loan holding company on January 1, 2012, or any entity 101337  
that is not a bank organization or owned by a bank organization 101338  
and that is owned directly or indirectly by an entity that was a 101339  
grandfathered unitary savings and loan holding company on January 101340  
1, 2012. 101341

(V) "Securitization" means transferring one or more assets to 101342  
one or more persons and subsequently issuing securities backed by 101343  
the right to receive payment from the asset or assets so 101344  
transferred. 101345

**Sec. 5726.50.** (A) A taxpayer may claim a refundable tax 101346  
credit against the tax imposed under this chapter for each person 101347  
included in the annual report of the taxpayer that is granted a 101348  
credit by the tax credit authority under section 122.17 or former 101349  
division (B)(2) or (3) of section 122.171 of the Revised Code as 101350  
those divisions existed before the effective date of the amendment 101351  
of this section by H.B. 64 of the 131st general assembly. Such a 101352  
credit shall not be claimed for any tax year following the 101353  
calendar year in which a relocation of employment positions occurs 101354  
in violation of an agreement entered into under section 122.17 or 101355  
122.171 of the Revised Code. For the purpose of making tax 101356  
payments under this chapter, taxes equal to the amount of the 101357  
refundable credit shall be considered to be paid on the first day 101358  
of the tax year. 101359

(B) A taxpayer may claim a nonrefundable tax credit against 101360  
the tax imposed under this chapter for each person included in the 101361  
annual report of the taxpayer that is granted a nonrefundable 101362  
credit by the tax credit authority under division (B)~~(1)~~ of 101363  
section 122.171 of the Revised Code. A taxpayer may claim against 101364  
the tax imposed by this chapter any unused portion of the credits 101365  
authorized under division (B) of section 5733.0610 of the Revised 101366

Code. 101367

(C) The credits authorized in divisions (A) and (B) of this 101368  
section shall be claimed in the order required under section 101369  
5726.98 of the Revised Code. If the amount of a credit authorized 101370  
in division (A) of this section exceeds the tax otherwise due 101371  
under section 5726.02 of the Revised Code after deducting all 101372  
other credits preceding the credit in the order prescribed in 101373  
section 5726.98 of the Revised Code, the excess shall be refunded 101374  
to the taxpayer. 101375

**Sec. 5726.54.** (A) Any term used in this section has the same 101376  
meaning as in section 5725.33 of the Revised Code. 101377

(B) A taxpayer may claim a nonrefundable credit against the 101378  
tax imposed by this chapter for each person included in the annual 101379  
report of the taxpayer that holds a qualified equity investment on 101380  
a credit allowance date occurring in the calendar year immediately 101381  
preceding the tax year for which the tax is due. The credit shall 101382  
be computed in the same manner prescribed for the computation of 101383  
credits allowed under section 5725.33 of the Revised Code. 101384

By claiming a tax credit under this section, a taxpayer 101385  
waives its rights under section 5726.20 of the Revised Code with 101386  
respect to the time limitation for the assessment of taxes as it 101387  
relates to credits claimed under this section that later become 101388  
subject to recapture under division (D) of this section. 101389

A taxpayer may claim against the tax imposed by this chapter 101390  
any unused portion of the credits authorized under sections 101391  
5725.33 and 5733.58 of the Revised Code, but only to the extent of 101392  
the remaining carry forward period authorized by those sections. 101393

The credit shall be claimed in the order prescribed by 101394  
section 5726.98 of the Revised Code. If the amount of the credit 101395  
exceeds the amount of tax otherwise due after deducting all other 101396

credits preceding the credit in the order prescribed in section 101397  
5726.98 of the Revised Code, the excess may be carried forward for 101398  
not more than four ensuing tax years. 101399

(C) The total amount of qualified equity investments on the 101400  
basis of which credits may be claimed under this section and 101401  
sections 5725.33, 5729.16, and 5733.58 of the Revised Code is 101402  
subject to the limitation of division (C) of section 5725.33 of 101403  
the Revised Code. 101404

(D) If any amount of a federal tax credit allowed for a 101405  
qualified equity investment for which a credit was received under 101406  
this section is recaptured under section 45D of the Internal 101407  
Revenue Code, or if the director of development services 101408  
determines that an investment for which a tax credit is claimed 101409  
under this section is not a qualified equity investment or that 101410  
the proceeds of an investment for which a tax credit is claimed 101411  
under this section are used to make qualified low-income community 101412  
investments other than in a qualified active low-income community 101413  
business in this state, all or a portion of the credit received on 101414  
account of that investment shall be paid by the taxpayer that 101415  
received the credit to the tax commissioner. The amount to be 101416  
recovered shall be determined by the director pursuant to rules 101417  
adopted under section 5725.33 of the Revised Code. The director 101418  
shall certify any amount due under this division to the tax 101419  
commissioner, and the commissioner shall notify the taxpayer of 101420  
the amount due. The amount due is payable not later than thirty 101421  
days after the day the commissioner issues the notice. The amount 101422  
due shall be considered to be tax due under section 5726.02 of the 101423  
Revised Code, and may be collected by assessment without regard to 101424  
the limitations imposed under section 5726.20 of the Revised Code 101425  
for the assessment of taxes by the commissioner. All amounts 101426  
collected under this division shall be credited as revenue from 101427  
the tax levied under section 5726.02 of the Revised Code. 101428

~~Sec. 5727.031. (A) For tax year 2009 and each tax year~~ 101429  
~~thereafter, a~~ A person that is engaged in some other primary 101430  
business to which the supplying of electricity to others is 101431  
incidental shall file a report under section 5727.08 of the 101432  
Revised Code as an electric company but shall only report therein 101433  
as taxable property the amounts required in divisions (B) and (C) 101434  
of this section. All time limits and other procedural requirements 101435  
of this chapter for the reporting and assessment of property of 101436  
electric companies apply to persons required to file a report 101437  
under this section. For the purposes of this section, "the 101438  
supplying of electricity to others" shall not include donating all 101439  
of the electricity a person generates to a political subdivision 101440  
of the state. 101441

(B) A person subject to this section shall report the true 101442  
value of the ~~boilers, machinery, equipment, and any personal~~ 101443  
transmission and distribution property and energy conversion 101444  
equipment used to supply electricity to others, ~~which shall be the~~ 101445  
~~sum of the following:~~ 101446

~~(1) The true value of the property that is production~~ 101447  
~~equipment as it would be determined for an electric company under~~ 101448  
~~section 5727.11 of the Revised Code multiplied by the per cent of~~ 101449  
~~the electricity generated in the preceding calendar year that was~~ 101450  
~~not used by the person who generated it; plus~~ 101451

~~(2) The true value of the property that is not production~~ 101452  
~~equipment~~ as it would be determined for an electric company under 101453  
section 5727.11 of the Revised Code multiplied by the per cent of 101454  
the electricity generated in the preceding calendar year that was 101455  
not used by the person who generated it. 101456

(C) The property reported under division (B) of this section 101457  
shall be listed and assessed at an amount equal to ~~the sum of the~~ 101458  
~~products determined under divisions (C)(1) and (2) of this~~ 101459

<del>section.</del>	101460
<del>(1) Multiply the portion of the true value determined under</del>	101461
<del>division (B)(1) of this section by the assessment rate in section</del>	101462
<del>5727.111 of the Revised Code that is applicable to the production</del>	101463
<del>equipment of an electric company;</del>	101464
<del>(2) Multiply the portion of the true value determined under</del>	101465
<del>division (B)(2) of this section <u>multiplied</u> by the assessment rate</del>	101466
<del>in section 5727.111 of the Revised Code that is applicable to the</del>	101467
<del>property of an electric company that is not production equipment.</del>	101468
<b>Sec. 5727.06.</b> (A) Except as otherwise provided by law, the	101469
following constitutes the taxable property of a public utility,	101470
interexchange telecommunications company, or public utility	101471
property lessor that shall be assessed by the tax commissioner:	101472
(1) For tax years before tax year 2006:	101473
(a) In the case of a railroad company, all real property and	101474
tangible personal property owned or operated by the railroad	101475
company in this state on the thirty-first day of December of the	101476
preceding year;	101477
(b) In the case of a water transportation company, all	101478
tangible personal property, except watercraft, owned or operated	101479
by the water transportation company in this state on the	101480
thirty-first day of December of the preceding year and all	101481
watercraft owned or operated by the water transportation company	101482
in this state during the preceding calendar year;	101483
(c) In the case of all other public utilities and	101484
interexchange telecommunications companies, all tangible personal	101485
property that on the thirty-first day of December of the preceding	101486
year was both located in this state and:	101487
(i) Owned by the public utility or interexchange	101488
telecommunications company; or	101489

(ii) Leased by the public utility or interexchange telecommunications company under a sale and leaseback transaction.	101490 101491
(2) For tax years 2006, 2007, and 2008:	101492
(a) In the case of a railroad company, all real property used in railroad operations and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;	101493 101494 101495 101496
(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;	101497 101498 101499 101500 101501 101502
(c) In the case of all other public utilities except telephone and telegraph companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and either owned by the public utility or leased by the public utility under a sale and leaseback transaction.	101503 101504 101505 101506 101507 101508
(3) For tax year 2009 and each tax year thereafter:	101509
(a) In the case of a railroad company, all real property used in railroad operations and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;	101510 101511 101512 101513
(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;	101514 101515 101516 101517 101518 101519



(c) In the case of all other public utilities except 101520  
telephone ~~and, telegraph, electric, and energy~~ companies, all 101521  
tangible personal property that on the thirty-first day of 101522  
December of the preceding year was both located in this state and 101523  
either owned by the public utility or leased by the public utility 101524  
under a sale and leaseback transaction, ~~and that is not exempted~~ 101525  
~~from taxation under section 5727.75 of the Revised Code;~~ 101526

(d) In the case of a public utility property lessor, all 101527  
personal property that on the thirty-first day of December of the 101528  
preceding year was both located in this state and leased, in other 101529  
than a sale and leaseback transaction, to a public utility other 101530  
than a railroad, telephone, telegraph, or water transportation 101531  
company, and that is not exempted from taxation under section 101532  
5727.75 of the Revised Code. The assessment rate used under 101533  
section 5727.111 of the Revised Code shall be based on the 101534  
assessment rate that would apply if the public utility owned the 101535  
property, ~~and that is not exempted from taxation under section~~ 101536  
~~5727.75 of the Revised Code.~~ 101537

(4) For tax years 2005 and 2006, in the case of telephone, 101538  
telegraph, or interexchange telecommunications companies, all 101539  
tangible personal property that on the thirty-first day of 101540  
December of the preceding year was both located in this state and 101541  
either owned by the telephone, telegraph, or interexchange 101542  
telecommunications company or leased by the telephone, telegraph, 101543  
or interexchange telecommunications company under a sale and 101544  
leaseback transaction. 101545

(5)(a) For tax year 2007 and thereafter, in the case of 101546  
telephone, telegraph, or interexchange telecommunications 101547  
companies, all tangible personal property shall be listed and 101548  
assessed for taxation under Chapter 5711. of the Revised Code, but 101549  
the tangible personal property shall be valued in accordance with 101550  
this chapter using the composite annual allowances and other 101551

valuation procedures prescribed under section 5727.11 of the 101552  
Revised Code by the tax commissioner for such property for tax 101553  
year 2006, notwithstanding any section of Chapter 5711. of the 101554  
Revised Code to the contrary. 101555

(b) A telephone, telegraph, or interexchange 101556  
telecommunications company subject to division (A)(5)(a) of this 101557  
section shall file a combined return with the tax commissioner in 101558  
accordance with section 5711.13 of the Revised Code even if the 101559  
company has tangible personal property in only one county. Such a 101560  
company also is subject to the issuance of a preliminary 101561  
assessment certificate by the tax commissioner under section 101562  
5711.25 of the Revised Code. Such a company is not required to 101563  
file a county supplemental return under section 5711.131 of the 101564  
Revised Code. 101565

(6) In the case of an electric company or energy company, ~~for~~ 101566  
~~tax year 2011 and each tax year thereafter,~~ all transmission and 101567  
distribution tangible personal property and energy conversion 101568  
equipment that on the thirty-first day of December of the 101569  
preceding year was both located in this state and either owned by 101570  
the company or leased by the company under a sale and leaseback 101571  
transaction, and that is not exempted from taxation under section 101572  
5727.75 of the Revised Code. 101573

(B) This division applies to tax years before tax year 2007. 101574

In the case of an interexchange telecommunications company, 101575  
all taxable property shall be subject to the provisions of this 101576  
chapter and shall be valued by the commissioner in accordance with 101577  
division (A) of section 5727.11 of the Revised Code. A person 101578  
described by this division shall file the report required by 101579  
section 5727.08 of the Revised Code. Persons described in this 101580  
division shall not be considered taxpayers, as defined in division 101581  
(B) of section 5711.01 of the Revised Code, and shall not be 101582  
required to file a return and list their taxable property under 101583

any provision of Chapter 5711. of the Revised Code. 101584

(C) The lien of the state for taxes levied each year on the 101585  
real and personal property of public utilities and interexchange 101586  
telecommunications companies and on the personal property of 101587  
public utility property lessors shall attach thereto on the 101588  
thirty-first day of December of the preceding year. 101589

(D) Property that is required by division (A)(3)(b) of this 101590  
section to be assessed by the tax commissioner under this chapter 101591  
shall not be listed by the owner of the property under Chapter 101592  
5711. of the Revised Code. 101593

(E) The ten-thousand-dollar exemption provided for in 101594  
division (C)(3) of section 5709.01 of the Revised Code does not 101595  
apply to any personal property that is valued under this chapter. 101596

(F) The tax commissioner may adopt rules governing the 101597  
listing of the taxable property of public utilities and 101598  
interexchange telecommunications companies and the determination 101599  
of true value. 101600

Sec. 5727.09. (A) As used in this section, "qualified 101601  
generation equipment" means the tangible personal property of an 101602  
electric company or energy company that is not transmission and 101603  
distribution property or energy conversion property and that, for 101604  
tax year 2015, was required by section 5727.06 of the Revised Code 101605  
to be assessed by the tax commissioner. For the purpose of making 101606  
the calculations required by this division, the value of qualified 101607  
generation equipment shall be determined in accordance with 101608  
section 5727.11 of the Revised Code as that section existed before 101609  
the enactment of this section. 101610

(B) On or before October 1, 2016, and the first day of 101611  
October of each year thereafter, the tax commissioner shall 101612  
determine all of the following amounts: 101613

(1) For each taxing unit, the amount of taxes that would be charged and payable for the tax year on qualified generation equipment apportioned to the taxing unit under section 5727.15 of the Revised Code if such equipment were taxable property and the assessment rate applicable to such property were twenty-four per cent;

(2) The sum of the amounts determined under division (B)(1) of this section for all taxing units;

(3) The percentage that, if multiplied by the true value of all taxable property of every electric company and energy company for the tax year, would produce the amount determined under division (B)(2) of this section.

**Sec. 5727.11.** (A) Except as otherwise provided in this section, the true value of all taxable property, except property of a railroad company, required by section 5727.06 of the Revised Code to be assessed by the tax commissioner shall be determined by a method of valuation using cost as capitalized on the public utility's books and records less composite annual allowances as prescribed by the commissioner. If the commissioner finds that application of this method will not result in the determination of true value of the public utility's taxable property, the commissioner may use another method of valuation.

(B)(1) Except as provided in division (B)(2) of this section, the true value of current gas stored underground is the cost of that gas shown on the books and records of the public utility on the thirty-first day of December of the preceding year.

(2) For tax year 2001 and thereafter, the true value of current gas stored underground is the quotient obtained by dividing (a) the average value of the current gas stored underground, which shall be determined by adding the value of the gas on hand at the end of each calendar month in the calendar year

preceding the tax year, or, if applicable, the last day of 101645  
business of each month for a partial month, divided by (b) the 101646  
total number of months the natural gas company was in business 101647  
during the calendar year prior to the beginning of the tax year. 101648  
~~with~~ With the approval of the tax commissioner, a natural gas 101649  
company may use a date other than the end of a calendar month to 101650  
value its current gas stored underground. 101651

(C) The true value of noncurrent gas stored underground is 101652  
thirty-five per cent of the cost of that gas shown on the books 101653  
and records of the public utility on the thirty-first day of 101654  
December of the preceding year. 101655

(D)(1) Except as provided in division (D)(2) of this section, 101656  
the true value of ~~the production equipment of an electric company~~ 101657  
~~and the true value of~~ all taxable property of a rural electric 101658  
company is the equipment's or property's cost as capitalized on 101659  
the company's books and records less fifty per cent of that cost 101660  
as an allowance for depreciation and obsolescence. 101661

(2) The true value of the ~~production equipment or~~ energy 101662  
conversion equipment of an electric company, rural electric 101663  
company, or energy company purchased, transferred, or placed into 101664  
service after October 5, 1999, is the purchase price of the 101665  
equipment as capitalized on the company's books and records less 101666  
composite annual allowances as prescribed by the tax commissioner. 101667

(E) The true value of taxable property, except property of a 101668  
railroad company, required by section 5727.06 of the Revised Code 101669  
to be assessed by the tax commissioner shall not include the 101670  
allowance for funds used during construction or interest during 101671  
construction that has been capitalized on the public utility's 101672  
books and records as part of the total cost of the taxable 101673  
property. This division shall not apply to the taxable property of 101674  
an electric company or a rural electric company, excluding 101675  
transmission and distribution property, first placed into service 101676

after December 31, 2000, or to the taxable property a person 101677  
purchases, which includes transfers, if that property was used in 101678  
business by the seller prior to the purchase. 101679

(F) The true value of watercraft owned or operated by a water 101680  
transportation company shall be determined by multiplying the true 101681  
value of the watercraft as determined under division (A) of this 101682  
section by a fraction, the numerator of which is the number of 101683  
revenue-earning miles traveled by the watercraft in the waters of 101684  
this state and the denominator of which is the number of 101685  
revenue-earning miles traveled by the watercraft in all waters. 101686

(G) The cost of property subject to a sale and leaseback 101687  
transaction is the cost of the property as capitalized on the 101688  
books and records of the public utility owning the property 101689  
immediately prior to the sale and leaseback transaction. 101690

(H) The cost as capitalized on the books and records of a 101691  
public utility includes amounts capitalized that represent 101692  
regulatory assets, if such amounts previously were included on the 101693  
company's books and records as capitalized costs of taxable 101694  
personal property. 101695

(I) Any change in the composite annual allowances as 101696  
prescribed by the commissioner on a prospective basis shall not be 101697  
admissible in any judicial or administrative action or proceeding 101698  
as evidence of value with regard to prior years' taxes. 101699  
Information about the business, property, or transactions of any 101700  
taxpayer obtained by the commissioner for the purpose of adopting 101701  
or modifying the composite annual allowances shall not be subject 101702  
to discovery or disclosure. 101703

**Sec. 5727.111.** The taxable property of each public utility, 101704  
except a railroad company, and of each interexchange 101705  
telecommunications company shall be assessed at the following 101706  
percentages of true value: 101707

(A) In the case of a rural electric company, fifty per cent	101708
in the case of its taxable transmission and distribution property	101709
and its energy conversion equipment, and twenty-five per cent for	101710
all its other taxable property;	101711
(B) In the case of a telephone or telegraph company,	101712
twenty-five per cent for taxable property first subject to	101713
taxation in this state for tax year 1995 or thereafter for tax	101714
years before tax year 2007, and pursuant to division (H) of	101715
section 5711.22 of the Revised Code for tax year 2007 and	101716
thereafter, and the following for all other taxable property:	101717
(1) For tax years prior to 2005, eighty-eight per cent;	101718
(2) For tax year 2005, sixty-seven per cent;	101719
(3) For tax year 2006, forty-six per cent;	101720
(4) For tax year 2007 and thereafter, pursuant to division	101721
(H) of section 5711.22 of the Revised Code.	101722
(C) Twenty-five per cent in the case of a natural gas	101723
company.	101724
(D) Eighty-eight per cent in the case of a pipe-line,	101725
<del>water works,</del> or heating company;	101726
(E)(1) For tax year 2005, eighty-eight per cent in the case	101727
of the taxable transmission and distribution property of an	101728
electric company, and twenty-five per cent for all its other	101729
taxable property;	101730
(2) For tax <del>year</del> <u>years</u> 2006 <del>and each tax year thereafter</del>	101731
<u>through 2015</u> , in the case of an electric company, eighty-five per	101732
cent in the case of its taxable transmission and distribution	101733
property and its energy conversion equipment, and twenty-four per	101734
cent for all its other taxable property;	101735
(3) <u>For tax year 2016 and each tax year thereafter, in the</u>	101736
<u>case of an electric company, eighty-five per cent plus the</u>	101737

percentage determined for the tax year under division (B)(3) of section 5727.09 of the Revised Code. 101738  
101739

(F)(1) Twenty-five per cent in the case of an interexchange telecommunications company for tax years before tax year 2007; 101740  
101741

(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter. 101742  
101743

(G) Twenty-five per cent in the case of a water transportation company; 101744  
101745

(H)(1) For tax year years 2011 and each tax year thereafter through 2015, in the case of an energy company, twenty-four per cent in the case of its taxable production equipment, and eighty-five per cent for all its other taxable property; 101746  
101747  
101748  
101749

(2) For tax year 2016 and each tax year thereafter, in the case of an energy company, eighty-five per cent plus the percentage determined for the tax year under division (B)(3) of section 5727.09 of the Revised Code. 101750  
101751  
101752  
101753

(I) In the case of a water-works company, twenty-five per cent for taxable property first subject to taxation in this state for tax year 2015 or thereafter, and eighty-eight per cent for all its other taxable property. 101754  
101755  
101756  
101757

**Sec. 5727.15.** When all the taxable property of a public utility is located in one taxing district, the tax commissioner shall apportion the total taxable value thereof to that taxing district. 101758  
101759  
101760  
101761

When taxable property of a public utility is located in more than one taxing district, the commissioner shall apportion the total taxable value thereof among the taxing districts as follows: 101762  
101763  
101764

(A)(1) In the case of a telegraph, interexchange telecommunications, or telephone company that owns miles of wire in this state, the value apportioned to each taxing district shall 101765  
101766  
101767



be the same percentage of the total value apportioned to all 101768  
taxing districts as the miles of wire owned by the company within 101769  
the taxing district are to the total miles of wire owned by the 101770  
company within this state; 101771

(2) In the case of a telegraph, interexchange 101772  
telecommunications, or telephone company that does not own miles 101773  
of wire in this state, the value apportioned to each taxing 101774  
district shall be the same percentage of the total value 101775  
apportioned to all taxing districts as the cost of the taxable 101776  
property physically located in the taxing district is of the total 101777  
cost of all taxable property physically located in this state. 101778

(B) In the case of a railroad company: 101779

(1) The taxable value of real and personal property not used 101780  
in railroad operations shall be apportioned according to its 101781  
situs; 101782

(2) The taxable value of personal property used in railroad 101783  
operations shall be apportioned to each taxing district in 101784  
proportion to the miles of track and trackage rights, weighted to 101785  
reflect the relative use of such personal property in each taxing 101786  
district; 101787

(3) The taxable value of real property used in railroad 101788  
operations shall be apportioned to each taxing district in 101789  
proportion to its relative value in each taxing district. 101790

~~(C)(1) Prior to tax year 2001, in the case of an electric 101791  
company: 101792~~

~~(a) Seventy per cent of the taxable value of all production 101793  
equipment and of all station equipment that is not production 101794  
equipment shall be apportioned to the taxing district in which 101795  
such property is physically located; and 101796~~

~~(b) The remaining value of such property, together with the 101797~~

~~value of all other taxable personal property, shall be apportioned 101798  
to each taxing district in the per cent that the cost of all 101799  
transmission and distribution property physically located in the 101800  
taxing district is of the total cost of all transmission and 101801  
distribution property physically located in this state. 101802~~

~~(c) If an electric company's taxable value for the current 101803  
year includes the value of any production equipment at a plant at 101804  
which the initial cost of the plant's production equipment 101805  
exceeded one billion dollars, then prior to making the 101806  
apportionments required for that company by division (C)(1)(a) and 101807  
(b) of this section, the tax commissioner shall do the following: 101808~~

~~(i) Subtract four hundred twenty million dollars from the 101809  
total taxable value of the production equipment at that plant for 101810  
the current tax year. 101811~~

~~(ii) Multiply the difference thus obtained by a fraction, the 101812  
numerator of which is the portion of the taxable value of that 101813  
plant's production equipment included in the company's total value 101814  
for the current tax year, and the denominator of which is the 101815  
total taxable value of such equipment included in the total 101816  
taxable value of all electric companies for such year; 101817~~

~~(iii) Apportion the product thus obtained to taxing districts 101818  
in the manner prescribed in division (C)(1)(b) of this section. 101819~~

~~(iv) Deduct the amounts so apportioned from the taxable value 101820  
of the company's production equipment at the plant, prior to 101821  
making the apportionments required by divisions (C)(1)(a) and (b) 101822  
of this section. 101823~~

~~For purposes of division (C)(1)(c) of this section, "initial 101824  
cost" applies only to production equipment of plants placed in 101825  
commercial operation on or after January 1, 1987, and means the 101826  
cost of all production equipment at a plant for the first year the 101827  
plant's equipment was subject to taxation. 101828~~

~~(2) For tax year 2001 and thereafter, in~~ In the case of an 101829  
electric company~~+~~ 101830

~~(a) The taxable value of all production equipment shall be~~ 101831  
~~apportioned to the taxing district in which such property is~~ 101832  
~~physically located; and~~ 101833

~~(b) The~~ or an energy company, the value of taxable ~~personal~~ 101834  
property, including energy conversion equipment ~~but excluding~~ 101835  
~~production equipment,~~ shall be apportioned to each taxing district 101836  
in the proportion that the cost of such ~~other~~ taxable ~~personal~~ 101837  
property physically located in each taxing district is of the 101838  
total cost of such ~~other~~ taxable ~~personal~~ property physically 101839  
located in this state. 101840

~~(D) For tax year 2011 and thereafter, in the case of the~~ 101841  
~~taxable property of an energy company:~~ 101842

~~(1) The taxable value of all production equipment shall be~~ 101843  
~~apportioned to the taxing district in which such property is~~ 101844  
~~physically located.~~ 101845

~~(2) The taxable value of all other taxable property,~~ 101846  
~~including energy conversion equipment, shall be apportioned to~~ 101847  
~~each taxing district in the proportion that the cost of such other~~ 101848  
~~taxable property physically located in each taxing district is of~~ 101849  
~~the total cost of such other taxable property physically located~~ 101850  
~~in this state.~~ 101851

~~(E)~~ In the case of all other public utilities, the taxable 101852  
value of the property to be apportioned shall be apportioned to 101853  
each taxing district in proportion to the entire cost of such 101854  
property within this state. 101855

**Sec. 5727.75.** (A) For purposes of this section: 101856

(1) "Qualified energy project" means an energy project 101857  
certified by the director of development services pursuant to this 101858

section. 101859

(2) "Energy project" means a project to provide electric 101860  
power through the construction, installation, and use of an energy 101861  
facility. 101862

(3) "Alternative energy zone" means a county declared as such 101863  
by the board of county commissioners under division (E)(1)(b) or 101864  
(c) of this section. 101865

(4) "Full-time equivalent employee" means the total number of 101866  
employee-hours for which compensation was paid to individuals 101867  
employed at a qualified energy project for services performed at 101868  
the project during the calendar year divided by two thousand 101869  
eighty hours. 101870

(5) "Solar energy project" means an energy project composed 101871  
of an energy facility using solar panels to generate electricity. 101872

(B)(1) Tangible personal property of a qualified energy 101873  
project using renewable energy resources is exempt from taxation 101874  
for tax years 2011 through ~~2016~~ 2021 if all of the following 101875  
conditions are satisfied: 101876

(a) On or before December 31, ~~2015~~ 2020, the owner or a 101877  
lessee pursuant to a sale and leaseback transaction of the project 101878  
submits an application to the power siting board for a certificate 101879  
under section 4906.20 of the Revised Code, or if that section does 101880  
not apply, submits an application for any approval, consent, 101881  
permit, or certificate or satisfies any condition required by a 101882  
public agency or political subdivision of this state for the 101883  
construction or initial operation of an energy project. 101884

(b) Construction or installation of the energy facility 101885  
begins on or after January 1, 2009, and before January 1, ~~2016~~ 101886  
2021. For the purposes of this division, construction begins on 101887  
the earlier of the date of application for a certificate or other 101888  
approval or permit described in division (B)(1)(a) of this 101889

section, or the date the contract for the construction or 101890  
installation of the energy facility is entered into. 101891

(c) For a qualified energy project with a nameplate capacity 101892  
of five megawatts or greater, a board of county commissioners of a 101893  
county in which property of the project is located has adopted a 101894  
resolution under division (E)(1)(b) or (c) of this section to 101895  
approve the application submitted under division (E) of this 101896  
section to exempt the property located in that county from 101897  
taxation. A board's adoption of a resolution rejecting an 101898  
application or its failure to adopt a resolution approving the 101899  
application does not affect the tax-exempt status of the qualified 101900  
energy project's property that is located in another county. 101901

(2) If tangible personal property of a qualified energy 101902  
project using renewable energy resources was exempt from taxation 101903  
under this section beginning in any of tax years ~~2011, 2012, 2013,~~ 101904  
~~2014, 2015, or 2016~~ through 2021, and the certification under 101905  
division (E)(2) of this section has not been revoked, the tangible 101906  
personal property of the qualified energy project is exempt from 101907  
taxation for tax year ~~2017~~ 2022 and all ensuing tax years if the 101908  
property was placed into service before January 1, ~~2017~~ 2022, as 101909  
certified in the construction progress report required under 101910  
division (F)(2) of this section. Tangible personal property that 101911  
has not been placed into service before that date is taxable 101912  
property subject to taxation to the extent provided by section 101913  
5727.06 of the Revised Code. An energy project for which 101914  
certification has been revoked is ineligible for further exemption 101915  
under this section. Revocation does not affect the tax-exempt 101916  
status of the project's tangible personal property for the tax 101917  
year in which revocation occurs or any prior tax year. 101918

(C) Tangible personal property of a qualified energy project 101919  
using clean coal technology, advanced nuclear technology, or 101920  
cogeneration technology is exempt from taxation for the first tax 101921

year that the property would be listed for taxation and all 101922  
subsequent years if all of the following circumstances are met: 101923

(1) The property was placed into service before January 1, 101924  
2021. Tangible personal property that has not been placed into 101925  
service before that date is taxable property subject to taxation 101926  
to the extent provided by section 5727.06 of the Revised Code. 101927

(2) For such a qualified energy project with a nameplate 101928  
capacity of five megawatts or greater, a board of county 101929  
commissioners of a county in which property of the qualified 101930  
energy project is located has adopted a resolution under division 101931  
(E)(1)(b) or (c) of this section to approve the application 101932  
submitted under division (E) of this section to exempt the 101933  
property located in that county from taxation. A board's adoption 101934  
of a resolution rejecting the application or its failure to adopt 101935  
a resolution approving the application does not affect the 101936  
tax-exempt status of the qualified energy project's property that 101937  
is located in another county. 101938

(3) The certification for the qualified energy project issued 101939  
under division (E)(2) of this section has not been revoked. An 101940  
energy project for which certification has been revoked is 101941  
ineligible for exemption under this section. Revocation does not 101942  
affect the tax-exempt status of the project's tangible personal 101943  
property for the tax year in which revocation occurs or any prior 101944  
tax year. 101945

(D) Except as otherwise provided in this section, real 101946  
property of a qualified energy project is exempt from taxation for 101947  
any tax year for which the tangible personal property of the 101948  
qualified energy project is exempted under this section. 101949

(E)(1)(a) A person may apply to the director of development 101950  
services for certification of an energy project as a qualified 101951  
energy project on or before the following dates: 101952

(i) December 31, ~~2015~~ 2020, for an energy project using renewable energy resources;

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology.

(b) The director shall forward a copy of each application for certification of an energy project with a nameplate capacity of five megawatts or greater to the board of county commissioners of each county in which the project is located and to each taxing unit with territory located in each of the affected counties. Any board that receives from the director a copy of an application submitted under this division shall adopt a resolution approving or rejecting the application unless it has adopted a resolution under division (E)(1)(c) of this section. A resolution adopted under division (E)(1)(b) or (c) of this section may require an annual service payment to be made in addition to the service payment required under division (G) of this section. The sum of the service payment required in the resolution and the service payment required under division (G) of this section shall not exceed nine thousand dollars per megawatt of nameplate capacity located in the county. The resolution shall specify the time and manner in which the payments required by the resolution shall be paid to the county treasurer. The county treasurer shall deposit the payment to the credit of the county's general fund to be used for any purpose for which money credited to that fund may be used.

The board shall send copies of the resolution by certified mail to the owner of the facility and the director within thirty days after receipt of the application, or a longer period of time if authorized by the director.

(c) A board of county commissioners may adopt a resolution declaring the county to be an alternative energy zone and declaring all applications submitted to the director of

development services under this division after the adoption of the 101985  
resolution, and prior to its repeal, to be approved by the board. 101986

All tangible personal property and real property of an energy 101987  
project with a nameplate capacity of five megawatts or greater is 101988  
taxable if it is located in a county in which the board of county 101989  
commissioners adopted a resolution rejecting the application 101990  
submitted under this division or failed to adopt a resolution 101991  
approving the application under division (E)(1)(b) or (c) of this 101992  
section. 101993

(2) The director shall certify an energy project if all of 101994  
the following circumstances exist: 101995

(a) The application was timely submitted. 101996

(b) For an energy project with a nameplate capacity of five 101997  
megawatts or greater, a board of county commissioners of at least 101998  
one county in which the project is located has adopted a 101999  
resolution approving the application under division (E)(1)(b) or 102000  
(c) of this section. 102001

(c) No portion of the project's facility was used to supply 102002  
electricity before December 31, 2009. 102003

(3) The director shall deny a certification application if 102004  
the director determines the person has failed to comply with any 102005  
requirement under this section. The director may revoke a 102006  
certification if the director determines the person, or subsequent 102007  
owner or lessee pursuant to a sale and leaseback transaction of 102008  
the qualified energy project, has failed to comply with any 102009  
requirement under this section. Upon certification or revocation, 102010  
the director shall notify the person, owner, or lessee, the tax 102011  
commissioner, and the county auditor of a county in which the 102012  
project is located of the certification or revocation. Notice 102013  
shall be provided in a manner convenient to the director. 102014

(F) The owner or a lessee pursuant to a sale and leaseback 102015



transaction of a qualified energy project shall do each of the 102016  
following: 102017

(1) Comply with all applicable regulations; 102018

(2) File with the director of development services a 102019  
certified construction progress report before the first day of 102020  
March of each year during the energy facility's construction or 102021  
installation indicating the percentage of the project completed, 102022  
and the project's nameplate capacity, as of the preceding 102023  
thirty-first day of December. Unless otherwise instructed by the 102024  
director of development services, the owner or lessee of an energy 102025  
project shall file a report with the director on or before the 102026  
first day of March each year after completion of the energy 102027  
facility's construction or installation indicating the project's 102028  
nameplate capacity as of the preceding thirty-first day of 102029  
December. Not later than sixty days after June 17, 2010, the owner 102030  
or lessee of an energy project, the construction of which was 102031  
completed before June 17, 2010, shall file a certificate 102032  
indicating the project's nameplate capacity. 102033

(3) File with the director of development services, in a 102034  
manner prescribed by the director, a report of the total number of 102035  
full-time equivalent employees, and the total number of full-time 102036  
equivalent employees domiciled in Ohio, who are employed in the 102037  
construction or installation of the energy facility; 102038

(4) For energy projects with a nameplate capacity of five 102039  
megawatts or greater, repair all roads, bridges, and culverts 102040  
affected by construction as reasonably required to restore them to 102041  
their preconstruction condition, as determined by the county 102042  
engineer in consultation with the local jurisdiction responsible 102043  
for the roads, bridges, and culverts. In the event that the county 102044  
engineer deems any road, bridge, or culvert to be inadequate to 102045  
support the construction or decommissioning of the energy 102046  
facility, the road, bridge, or culvert shall be rebuilt or 102047

reinforced to the specifications established by the county 102048  
engineer prior to the construction or decommissioning of the 102049  
facility. The owner or lessee of the facility shall post a bond in 102050  
an amount established by the county engineer and to be held by the 102051  
board of county commissioners to ensure funding for repairs of 102052  
roads, bridges, and culverts affected during the construction. The 102053  
bond shall be released by the board not later than one year after 102054  
the date the repairs are completed. The energy facility owner or 102055  
lessee pursuant to a sale and leaseback transaction shall post a 102056  
bond, as may be required by the Ohio power siting board in the 102057  
certificate authorizing commencement of construction issued 102058  
pursuant to section 4906.10 of the Revised Code, to ensure funding 102059  
for repairs to roads, bridges, and culverts resulting from 102060  
decommissioning of the facility. The energy facility owner or 102061  
lessee and the county engineer may enter into an agreement 102062  
regarding specific transportation plans, reinforcements, 102063  
modifications, use and repair of roads, financial security to be 102064  
provided, and any other relevant issue. 102065

(5) Provide or facilitate training for fire and emergency 102066  
responders for response to emergency situations related to the 102067  
energy project and, for energy projects with a nameplate capacity 102068  
of five megawatts or greater, at the person's expense, equip the 102069  
fire and emergency responders with proper equipment as reasonably 102070  
required to enable them to respond to such emergency situations; 102071

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 102072  
employees employed in the construction or installation of the 102073  
energy project to total full-time equivalent employees employed in 102074  
the construction or installation of the energy project of not less 102075  
than eighty per cent in the case of a solar energy project, and 102076  
not less than fifty per cent in the case of any other energy 102077  
project. In the case of an energy project for which certification 102078  
from the power siting board is required under section 4906.20 of 102079

the Revised Code, the number of full-time equivalent employees 102080  
employed in the construction or installation of the energy project 102081  
equals the number actually employed or the number projected to be 102082  
employed in the certificate application, if such projection is 102083  
required under regulations adopted pursuant to section 4906.03 of 102084  
the Revised Code, whichever is greater. For all other energy 102085  
projects, the number of full-time equivalent employees employed in 102086  
the construction or installation of the energy project equals the 102087  
number actually employed or the number projected to be employed by 102088  
the director of development services, whichever is greater. To 102089  
estimate the number of employees to be employed in the 102090  
construction or installation of an energy project, the director 102091  
shall use a generally accepted job-estimating model in use for 102092  
renewable energy projects, including but not limited to the job 102093  
and economic development impact model. The director may adjust an 102094  
estimate produced by a model to account for variables not 102095  
accounted for by the model. 102096

(7) For energy projects with a nameplate capacity in excess 102097  
of two megawatts, establish a relationship with a member of the 102098  
university system of Ohio as defined in section 3345.011 of the 102099  
Revised Code or with a person offering an apprenticeship program 102100  
registered with the employment and training administration within 102101  
the United States department of labor or with the apprenticeship 102102  
council created by section 4139.02 of the Revised Code, to educate 102103  
and train individuals for careers in the wind or solar energy 102104  
industry. The relationship may include endowments, cooperative 102105  
programs, internships, apprenticeships, research and development 102106  
projects, and curriculum development. 102107

(8) Offer to sell power or renewable energy credits from the 102108  
energy project to electric distribution utilities or electric 102109  
service companies subject to renewable energy resource 102110  
requirements under section 4928.64 of the Revised Code that have 102111

issued requests for proposal for such power or renewable energy 102112  
credits. If no electric distribution utility or electric service 102113  
company issues a request for proposal on or before December 31, 102114  
2010, or accepts an offer for power or renewable energy credits 102115  
within forty-five days after the offer is submitted, power or 102116  
renewable energy credits from the energy project may be sold to 102117  
other persons. Division (F)(8) of this section does not apply if: 102118

(a) The owner or lessee is a rural electric company or a 102119  
municipal power agency as defined in section 3734.058 of the 102120  
Revised Code. 102121

(b) The owner or lessee is a person that, before completion 102122  
of the energy project, contracted for the sale of power or 102123  
renewable energy credits with a rural electric company or a 102124  
municipal power agency. 102125

(c) The owner or lessee contracts for the sale of power or 102126  
renewable energy credits from the energy project before June 17, 102127  
2010. 102128

(9) Make annual service payments as required by division (G) 102129  
of this section and as may be required in a resolution adopted by 102130  
a board of county commissioners under division (E) of this 102131  
section. 102132

(G) The owner or a lessee pursuant to a sale and leaseback 102133  
transaction of a qualified energy project shall make annual 102134  
service payments in lieu of taxes to the county treasurer on or 102135  
before the final dates for payments of taxes on public utility 102136  
personal property on the real and public utility personal property 102137  
tax list for each tax year for which property of the energy 102138  
project is exempt from taxation under this section. The county 102139  
treasurer shall allocate the payment on the basis of the project's 102140  
physical location. Upon receipt of a payment, or if timely payment 102141  
has not been received, the county treasurer shall certify such 102142

receipt or non-receipt to the director of development services and 102143  
tax commissioner in a form determined by the director and 102144  
commissioner, respectively. Each payment shall be in the following 102145  
amount: 102146

(1) In the case of a solar energy project, seven thousand 102147  
dollars per megawatt of nameplate capacity located in the county 102148  
as of December 31, 2010, for tax year 2011, as of December 31, 102149  
2011, for tax year 2012, as of December 31, 2012, for tax year 102150  
2013, as of December 31, 2013, for tax year 2014, as of December 102151  
31, 2014, for tax year 2015, as of December 31, 2015, for tax year 102152  
2016, and as of December 31, 2016, for tax year 2017 and each tax 102153  
year thereafter; 102154

(2) In the case of any other energy project using renewable 102155  
energy resources, the following: 102156

(a) If the project maintains during the construction or 102157  
installation of the energy facility a ratio of Ohio-domiciled 102158  
full-time equivalent employees to total full-time equivalent 102159  
employees of not less than seventy-five per cent, six thousand 102160  
dollars per megawatt of nameplate capacity located in the county 102161  
as of the thirty-first day of December of the preceding tax year; 102162

(b) If the project maintains during the construction or 102163  
installation of the energy facility a ratio of Ohio-domiciled 102164  
full-time equivalent employees to total full-time equivalent 102165  
employees of less than seventy-five per cent but not less than 102166  
sixty per cent, seven thousand dollars per megawatt of nameplate 102167  
capacity located in the county as of the thirty-first day of 102168  
December of the preceding tax year; 102169

(c) If the project maintains during the construction or 102170  
installation of the energy facility a ratio of Ohio-domiciled 102171  
full-time equivalent employees to total full-time equivalent 102172  
employees of less than sixty per cent but not less than fifty per 102173

cent, eight thousand dollars per megawatt of nameplate capacity 102174  
located in the county as of the thirty-first day of December of 102175  
the preceding tax year. 102176

(3) In the case of an energy project using clean coal 102177  
technology, advanced nuclear technology, or cogeneration 102178  
technology, the following: 102179

(a) If the project maintains during the construction or 102180  
installation of the energy facility a ratio of Ohio-domiciled 102181  
full-time equivalent employees to total full-time equivalent 102182  
employees of not less than seventy-five per cent, six thousand 102183  
dollars per megawatt of nameplate capacity located in the county 102184  
as of the thirty-first day of December of the preceding tax year; 102185

(b) If the project maintains during the construction or 102186  
installation of the energy facility a ratio of Ohio-domiciled 102187  
full-time equivalent employees to total full-time equivalent 102188  
employees of less than seventy-five per cent but not less than 102189  
sixty per cent, seven thousand dollars per megawatt of nameplate 102190  
capacity located in the county as of the thirty-first day of 102191  
December of the preceding tax year; 102192

(c) If the project maintains during the construction or 102193  
installation of the energy facility a ratio of Ohio-domiciled 102194  
full-time equivalent employees to total full-time equivalent 102195  
employees of less than sixty per cent but not less than fifty per 102196  
cent, eight thousand dollars per megawatt of nameplate capacity 102197  
located in the county as of the thirty-first day of December of 102198  
the preceding tax year. 102199

(H) The director of development services in consultation with 102200  
the tax commissioner shall adopt rules pursuant to Chapter 119. of 102201  
the Revised Code to implement and enforce this section. 102202

**Sec. 5727.80.** As used in sections 5727.80 to 5727.95 of the 102203

Revised Code: 102204

(A) "Electric distribution company" means either of the 102205  
following: 102206

(1) A person who distributes electricity through a meter of 102207  
an end user in this state or to an unmetered location in this 102208  
state; 102209

(2) The end user of electricity in this state, if the end 102210  
user obtains electricity that is not distributed or transmitted to 102211  
the end user by an electric distribution company that is required 102212  
to remit the tax imposed by section 5727.81 of the Revised Code. 102213  
~~"Electric~~ 102214

"Electric distribution company" does not include ~~the~~ an end 102215  
user of electricity in this state who self-generates electricity 102216  
that is used directly by that end user on the same site that the 102217  
electricity is generated or a person that donates all of the 102218  
electricity the person generates to a political subdivision of the 102219  
state. Division (A)(2) of this section shall not apply to a 102220  
political subdivision in this state that is the end user of 102221  
electricity that is donated to the political subdivision. 102222

(B) "Kilowatt hour" means one thousand watt hours of 102223  
electricity. 102224

(C) For an electric distribution company, "meter of an end 102225  
user in this state" means the last meter used to measure the 102226  
kilowatt hours distributed by an electric distribution company to 102227  
a location in this state, or the last meter located outside of 102228  
this state that is used to measure the kilowatt hours consumed at 102229  
a location in this state. 102230

(D) "Person" has the same meaning as in section 5701.01 of 102231  
the Revised Code, but also includes a political subdivision of the 102232  
state. 102233

- (E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity. 102234  
102235  
102236
- (F) "Qualified end user" means an end user of electricity that uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process. 102237  
102238  
102239  
102240
- (G) "Qualified regeneration" means a process to convert electricity to a form of stored energy by means such as using electricity to compress air for storage or to pump water to an elevated storage reservoir, if such stored energy is subsequently used to generate electricity for sale to others primarily during periods when there is peak demand for electricity. 102241  
102242  
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102245  
102246
- (H) "Qualified regeneration meter" means the last meter used to measure electricity used in a qualified regeneration process. 102247  
102248
- (I) "Qualifying manufacturing process" means the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured. 102249  
102250  
102251  
102252
- (J) "Self-assessing purchaser" means a purchaser that meets all the requirements of, and pays the excise tax in accordance with, division (C) of section 5727.81 of the Revised Code. 102253  
102254  
102255
- (K) "Natural gas distribution company" means a natural gas company or a combined company, as defined in section 5727.01 of the Revised Code, that is subject to the excise tax imposed by section 5727.24 of the Revised Code and that distributes natural gas through a meter of an end user in this state or to an unmetered location in this state. 102256  
102257  
102258  
102259  
102260  
102261
- (L) "MCF" means one thousand cubic feet. 102262
- (M) For a natural gas distribution company, "meter of an end 102263



user in this state" means the last meter used to measure the MCF 102264  
of natural gas distributed by a natural gas distribution company 102265  
to a location in this state, or the last meter located outside of 102266  
this state that is used to measure the natural gas consumed at a 102267  
location in this state. 102268

(N) "Flex customer" means an industrial or a commercial 102269  
facility that has consumed more than one billion cubic feet of 102270  
natural gas a year at a single location during any of the previous 102271  
five years, or an industrial or a commercial end user of natural 102272  
gas that purchases natural gas distribution services from a 102273  
natural gas distribution company at discounted rates or charges 102274  
established in any of the following: 102275

(1) A special arrangement subject to review and regulation by 102276  
the public utilities commission under section 4905.31 of the 102277  
Revised Code; 102278

(2) A special arrangement with a natural gas distribution 102279  
company pursuant to a municipal ordinance; 102280

(3) A variable rate schedule that permits rates to vary 102281  
between defined amounts, provided that the schedule is on file 102282  
with the public utilities commission. 102283

An end user that meets this definition on January 1, 2000, or 102284  
thereafter is a "flex customer" for purposes of determining the 102285  
rate of taxation under division (D) of section 5727.811 of the 102286  
Revised Code. 102287

**Sec. 5727.81.** (A) For the purpose of raising revenue ~~for~~ 102288  
~~public education and to fund the needs of this state and its local~~ 102289  
~~government operations governments,~~ an excise tax is hereby levied 102290  
and imposed on an electric distribution company for all 102291  
electricity distributed by such company at the following rates per 102292  
kilowatt hour of electricity distributed in a thirty-day period by 102293

the company through a meter of an end user in this state:		102294
KILOWATT HOURS DISTRIBUTED	RATE PER	102295
TO AN END USER	KILOWATT HOUR	102296
For the first 2,000	\$.00465	102297
For the next 2,001 to 15,000	\$.00419	102298
For 15,001 and above	\$.00363	102299

If no meter is used to measure the kilowatt hours of  
electricity distributed by the company, the rates shall apply to  
the estimated kilowatt hours of electricity distributed to an  
unmetered location in this state.

The electric distribution company shall base the monthly tax  
on the kilowatt hours of electricity distributed to an end user  
through the meter of the end user that is not measured for a  
thirty-day period by dividing the days in the measurement period  
into the total kilowatt hours measured during the measurement  
period to obtain a daily average usage. The tax shall be  
determined by obtaining the sum of divisions (A)(1), (2), and (3)  
of this section and multiplying that amount by the number of days  
in the measurement period:

(1) Multiplying \$0.00465 per kilowatt hour for the first  
sixty-seven kilowatt hours distributed using a daily average;

(2) Multiplying \$0.00419 for the next sixty-eight to five  
hundred kilowatt hours distributed using a daily average;

(3) Multiplying \$0.00363 for the remaining kilowatt hours  
distributed using a daily average.

Except as provided in division (C) of this section, the  
electric distribution company shall pay the tax to the tax  
commissioner in accordance with section 5727.82 of the Revised  
Code, unless required to remit each tax payment by electronic  
funds transfer to the treasurer of state in accordance with  
section 5727.83 of the Revised Code.

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state;

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. For the meter reading period including July 1, 2008, through the meter reading period including December 31, 2010, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and a percentage of the total price of all electricity distributed to that meter or location equal to three and one-half per cent. For the meter reading period including January 1, 2011, and thereafter, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00257 per kilowatt hour for the first five hundred million kilowatt hours, and \$.001832 per kilowatt hour for each kilowatt hour in excess of five hundred million kilowatt hours, distributed to that meter or location during the registration year.

A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more than forty-five million

kilowatt hours in other than its qualifying manufacturing process, 102388  
may elect to self-assess the tax as allowed by this division with 102389  
respect to the electricity used in other than its qualifying 102390  
manufacturing process. 102391

Payment of the tax shall be made directly to the tax 102392  
commissioner in accordance with divisions (A)(4) and (5) of 102393  
section 5727.82 of the Revised Code, or the treasurer of state in 102394  
accordance with section 5727.83 of the Revised Code. If the 102395  
electric distribution company serving the self-assessing purchaser 102396  
is a municipal electric utility and the purchaser is within the 102397  
municipal corporation's corporate limits, payment shall be made to 102398  
such municipal corporation's general fund and reports shall be 102399  
filed in accordance with divisions (A)(4) and (5) of section 102400  
5727.82 of the Revised Code, except that "municipal corporation" 102401  
shall be substituted for "treasurer of state" and "tax 102402  
commissioner." A self-assessing purchaser that pays the excise tax 102403  
as provided in this division shall not be required to pay the tax 102404  
to the electric distribution company from which its electricity is 102405  
distributed. If a self-assessing purchaser's receipt of 102406  
electricity is not subject to the tax as measured under this 102407  
division, the tax on the receipt of such electricity shall be 102408  
measured and paid as provided in division (A) of this section. 102409

(3) In the case of the acquisition of a package, unless the 102410  
elements of the package are separately stated isolating the total 102411  
price of electricity from the price of the remaining elements of 102412  
the package, the tax imposed under this section applies to the 102413  
entire price of the package. If the elements of the package are 102414  
separately stated, the tax imposed under this section applies to 102415  
the total price of the electricity. 102416

(4) Any electric supplier that sells electricity as part of a 102417  
package shall separately state to the purchaser the total price of 102418  
the electricity and, upon request by the tax commissioner, the 102419

total price of each of the other elements of the package. 102420

(5) The tax commissioner may adopt rules relating to the 102421  
computation of the total price of electricity with respect to 102422  
self-assessing purchasers, which may include rules to establish 102423  
the total price of electricity purchased as part of a package. 102424

(6) An annual application for registration as a 102425  
self-assessing purchaser shall be made for each qualifying meter 102426  
or location on a form prescribed by the tax commissioner. The 102427  
registration year begins on the first day of May and ends on the 102428  
following thirtieth day of April. Persons may apply after the 102429  
first day of May for the remainder of the registration year. In 102430  
the case of an applicant applying on the basis of an estimated 102431  
consumption of forty-five million kilowatt hours over the course 102432  
of the succeeding twelve months, the applicant shall provide such 102433  
information as the tax commissioner considers to be necessary to 102434  
estimate such consumption. At the time of making the application 102435  
and by the first day of May of each year, a self-assessing 102436  
purchaser shall pay a fee of five hundred dollars to the tax 102437  
commissioner, or to the treasurer of state as provided in section 102438  
5727.83 of the Revised Code, for each qualifying meter or 102439  
location. The tax commissioner shall immediately pay to the 102440  
treasurer of state all amounts that the tax commissioner receives 102441  
under this section. The treasurer of state shall deposit such 102442  
amounts into the kilowatt hour excise tax administration fund, 102443  
which is hereby created in the state treasury. Money in the fund 102444  
shall be used to defray the tax commissioner's cost in 102445  
administering the tax owed under section 5727.81 of the Revised 102446  
Code by self-assessing purchasers. After the application is 102447  
approved by the tax commissioner, the registration shall remain in 102448  
effect for the current registration year, or until canceled by the 102449  
registrant upon written notification to the commissioner of the 102450  
election to pay the tax in accordance with division (A) of this 102451

section, or until canceled by the tax commissioner for not paying 102452  
the tax or fee under division (C) of this section or for not 102453  
meeting the qualifications in division (C)(2) of this section. The 102454  
tax commissioner shall give written notice to the electric 102455  
distribution company from which electricity is delivered to a 102456  
self-assessing purchaser of the purchaser's self-assessing status, 102457  
and the electric distribution company is relieved of the 102458  
obligation to pay the tax imposed by division (A) of this section 102459  
for electricity distributed to that self-assessing purchaser until 102460  
it is notified by the tax commissioner that the self-assessing 102461  
purchaser's registration is canceled. Within fifteen days of 102462  
notification of the canceled registration, the electric 102463  
distribution company shall be responsible for payment of the tax 102464  
imposed by division (A) of this section on electricity distributed 102465  
to a purchaser that is no longer registered as a self-assessing 102466  
purchaser. A self-assessing purchaser with a canceled registration 102467  
must file a report and remit the tax imposed by division (A) of 102468  
this section on all electricity it receives for any measurement 102469  
period prior to the tax being reported and paid by the electric 102470  
distribution company. A self-assessing purchaser whose 102471  
registration is canceled by the tax commissioner is not eligible 102472  
to register as a self-assessing purchaser for two years after the 102473  
registration is canceled. 102474

(7) If the tax commissioner cancels the self-assessing 102475  
registration of a purchaser registered on the basis of its 102476  
estimated consumption because the purchaser does not consume at 102477  
least forty-five million kilowatt hours of electricity over the 102478  
course of the twelve-month period for which the estimate was made, 102479  
the tax commissioner shall assess and collect from the purchaser 102480  
the difference between (a) the amount of tax that would have been 102481  
payable under division (A) of this section on the electricity 102482  
distributed to the purchaser during that period and (b) the amount 102483  
of tax paid by the purchaser on such electricity pursuant to 102484

division (C)(2) of this section. The assessment shall be paid 102485  
within sixty days after the tax commissioner issues it, regardless 102486  
of whether the purchaser files a petition for reassessment under 102487  
section 5727.89 of the Revised Code covering that period. If the 102488  
purchaser does not pay the assessment within the time prescribed, 102489  
the amount assessed is subject to the additional charge and the 102490  
interest prescribed by divisions (B) and (C) of section 5727.82 of 102491  
the Revised Code, and is subject to assessment under section 102492  
5727.89 of the Revised Code. If the purchaser is a qualified end 102493  
user, division (C)(7) of this section applies only to electricity 102494  
it consumes in other than its qualifying manufacturing process. 102495

(D) The tax imposed by this section does not apply to the 102496  
distribution of any kilowatt hours of electricity to the federal 102497  
government, to an end user located at a federal facility that uses 102498  
electricity for the enrichment of uranium, to a qualified 102499  
regeneration meter, or to an end user for any day the end user is 102500  
a qualified end user. The exemption under this division for a 102501  
qualified end user only applies to the manufacturing location 102502  
where the qualified end user uses more than three million kilowatt 102503  
hours per day in a qualifying manufacturing process. 102504

(E) All revenue arising from the tax imposed by this section 102505  
shall be credited to the general revenue fund except as provided 102506  
by division (C) of this section and section 5727.82 of the Revised 102507  
Code. 102508

**Sec. 5727.811.** (A) For the purpose of raising revenue ~~for~~ 102509  
~~public education and to fund the needs of this state and its local~~ 102510  
~~government operations~~ governments, an excise tax is hereby levied 102511  
on every natural gas distribution company for all natural gas 102512  
volumes billed by, or on behalf of, the company beginning with the 102513  
measurement period that includes July 1, 2001. Except as provided 102514  
in divisions (C) or (D) of this section, the tax shall be levied 102515



at the following rates per MCF of natural gas distributed by the company through a meter of an end user in this state:

MCF DISTRIBUTED TO AN END USER	RATE PER MCF
For the first 100 MCF per month	\$.1593
For the next 101 to 2000 MCF per month	\$.0877
For 2001 and above MCF per month	\$.0411

If no meter is used to measure the MCF of natural gas distributed by the company, the rates shall apply to the estimated MCF of natural gas distributed to an unmetered location in this state.

(B) A natural gas distribution company shall base the tax on the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be consumed by the end user as reflected on the end user's customer statement from the natural gas distribution company. Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment to the treasurer of state in accordance with section 5727.83 of the Revised Code.

(C) A natural gas distribution company with seventy thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company.

(D) A natural gas distribution company shall pay the tax imposed by this section at the rate of \$.02 per MCF of natural gas distributed by the company through the meter of a flex customer.

The natural gas distribution company correspondingly shall reduce 102548  
the per MCF rate that it charges the flex customer for natural gas 102549  
distribution services by \$.02 per MCF of natural gas distributed 102550  
to the flex customer. 102551

(E) Except as provided in division (F) of this section, each 102552  
natural gas distribution company shall pay the tax imposed by this 102553  
section in all of the following circumstances: 102554

(1) The natural gas is distributed by the company through a 102555  
meter of an end user in this state; 102556

(2) The natural gas distribution company is distributing 102557  
natural gas through a meter located in another state, but the 102558  
natural gas is consumed in this state in the manner prescribed by 102559  
the tax commissioner; 102560

(3) The natural gas distribution company is distributing 102561  
natural gas in this state without the use of a meter, but the 102562  
natural gas is consumed in this state as estimated and in the 102563  
manner prescribed by the tax commissioner. 102564

(F) The tax levied by this section does not apply to the 102565  
distribution of natural gas to the federal government, or natural 102566  
gas produced by an end user in this state that is consumed by that 102567  
end user or its affiliates and is not distributed through the 102568  
facilities of a natural gas company. 102569

(G) All revenue arising from the tax imposed by this section 102570  
shall be credited to the general revenue fund. 102571

**Sec. 5727.84.** ~~(A)~~ No determinations, computations, 102572  
certifications, or payments shall be made under this section after 102573  
June 30, 2015. 102574

(A) As used in this section and sections 5727.85, 5727.86, 102575  
and 5727.87 of the Revised Code: 102576

(1) "School district" means a city, local, or exempted 102577

village school district. 102578

(2) "Joint vocational school district" means a joint 102579  
vocational school district created under section 3311.16 of the 102580  
Revised Code, and includes a cooperative education school district 102581  
created under section 3311.52 or 3311.521 of the Revised Code and 102582  
a county school financing district created under section 3311.50 102583  
of the Revised Code. 102584

(3) "Local taxing unit" means a subdivision or taxing unit, 102585  
as defined in section 5705.01 of the Revised Code, a park district 102586  
created under Chapter 1545. of the Revised Code, or a township 102587  
park district established under section 511.23 of the Revised 102588  
Code, but excludes school districts and joint vocational school 102589  
districts. 102590

(4) "State education aid," for a school district, means the 102591  
following: 102592

(a) For fiscal years prior to fiscal year 2010, the sum of 102593  
state aid amounts computed for the district under former sections 102594  
3317.029, 3317.052, and 3317.053 of the Revised Code and the 102595  
following provisions, as they existed for the applicable fiscal 102596  
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 102597  
3317.022; divisions (B), (C), and (D) of section 3317.023; 102598  
divisions (G), (L), and (N) of section 3317.024; and sections 102599  
3317.0216, 3317.0217, 3317.04, and 3317.05 of the Revised Code; 102600  
and the adjustments required by: division (C) of section 3310.08; 102601  
division (C)(2) of section 3310.41; division (C) of section 102602  
3314.08; division (D)(2) of section 3314.091; division (D) of 102603  
former section 3314.13; divisions (E), (K), (L), (M), and (N) of 102604  
section 3317.023; division (C) of section 3317.20; and sections 102605  
3313.979 and 3313.981 of the Revised Code. However, when 102606  
calculating state education aid for a school district for fiscal 102607  
years 2008 and 2009, include the amount computed for the district 102608  
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 102609

as subsequently amended, instead of division (D) of section 102610  
3317.022 of the Revised Code; and include amounts calculated under 102611  
Section 269.30.80 of H.B. 119 of the 127th general assembly, as 102612  
subsequently amended. 102613

(b) For fiscal years 2010 and 2011, the sum of the amounts 102614  
computed for the district under former sections 3306.052, 3306.12, 102615  
3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3317.053 of 102616  
the Revised Code and the following provisions, as they existed for 102617  
the applicable fiscal year: division (G) of section 3317.024; 102618  
section 3317.05 of the Revised Code; and the adjustments required 102619  
by division (C) of section 3310.08; division (C)(2) of section 102620  
3310.41; division (C) of section 3314.08; division (D)(2) of 102621  
section 3314.091; division (D) of former section 3314.13; 102622  
divisions (E), (K), (L), (M), and (N) of section 3317.023; 102623  
division (C) of section 3317.20; and sections 3313.979, 3313.981, 102624  
and 3326.33 of the Revised Code. 102625

(c) For fiscal years 2012 and 2013, the amount paid in 102626  
accordance with the section of H.B. 153 of the 129th general 102627  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 102628  
SCHOOL DISTRICTS" and the adjustments required by division (C) of 102629  
section 3310.08; division (C)(2) of section 3310.41; section 102630  
3310.55; division (C) of section 3314.08; division (D)(2) of 102631  
section 3314.091; division (D) of former section 3314.13; 102632  
divisions (B), (H), (I), (J), and (K) of section 3317.023; 102633  
division (C) of section 3317.20; and sections 3313.979 and 102634  
3313.981 of the Revised Code; 102635

(d) For fiscal year 2014 and each fiscal year thereafter, the 102636  
sum of amounts computed for and paid to the district under section 102637  
3317.022 of the Revised Code; and the adjustments required by 102638  
division (C) of section 3310.08, division (C)(2) of section 102639  
3310.41, section 3310.55, division (C) of section 3314.08, 102640  
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 102641

(K) of section 3317.023, and sections 3313.978, 3313.981, 102642  
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 102643  
However, for fiscal years 2014 and 2015, the amount computed for 102644  
the district under the section of this act entitled "TRANSITIONAL 102645  
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 102646  
shall be included. 102647

(5) "State education aid," for a joint vocational school 102648  
district, means the following: 102649

(a) For fiscal years prior to fiscal year 2010, the sum of 102650  
the state aid amounts computed for the district under division (N) 102651  
of section 3317.024 and section 3317.16 of the Revised Code. 102652  
However, when calculating state education aid for a joint 102653  
vocational school district for fiscal years 2008 and 2009, include 102654  
the amount computed for the district under Section 269.30.90 of 102655  
H.B. 119 of the 127th general assembly, as subsequently amended. 102656

(b) For fiscal years 2010 and 2011, the amount computed for 102657  
the district in accordance with the section of H.B. 1 of the 128th 102658  
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 102659  
DISTRICTS." 102660

(c) For fiscal years 2012 and 2013, the amount paid in 102661  
accordance with the section of H.B. 153 of the 129th general 102662  
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 102663

(d) For fiscal year 2014 and each fiscal year thereafter, the 102664  
amount computed for the district under section 3317.16 of the 102665  
Revised Code; except that, for fiscal years 2014 and 2015, the 102666  
amount computed for the district under the section of this act 102667  
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 102668  
shall be included. 102669

(6) "State education aid offset" means the amount determined 102670  
for each school district or joint vocational school district under 102671  
division (A)(1) of section 5727.85 of the Revised Code. 102672

(7) "Recognized valuation" means the amount computed for a school district pursuant to section 3317.015 of the Revised Code.	102673 102674
(8) "Electric company tax value loss" means the amount determined under division (D) of this section.	102675 102676
(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	102677 102678
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	102679 102680
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	102681 102682
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	102683 102684
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies charged and payable pursuant to section 5705.194 of the Revised Code.	102685 102686 102687 102688 102689
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	102690 102691
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	102692 102693 102694
(16) "Total resources" and "total library resources" have the same meanings as in section 5751.20 of the Revised Code.	102695 102696
(17) "2011 current expense S.B. 3 allocation" means the sum of payments received by a school district or joint vocational school district in fiscal year 2011 for current expense levy losses pursuant to division (C)(2) of section 5727.85 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2011	102697 102698 102699 102700 102701 102702

current expense S.B. 3 allocation" used to compute payments to be 102703  
made under division (C)(3) of section 5727.85 of the Revised Code 102704  
in the tax years following the last year the levy is charged and 102705  
payable shall be reduced to the extent that those payments are 102706  
attributable to the fixed-rate levy loss of that levy. 102707

(18) "2010 current expense S.B. 3 allocation" means the sum 102708  
of payments received by a municipal corporation in calendar year 102709  
2010 for current expense levy losses pursuant to division (A)(1) 102710  
of section 5727.86 of the Revised Code, excluding any such 102711  
payments received for current expense levy losses attributable to 102712  
a tax levied under section 5705.23 of the Revised Code. If a 102713  
fixed-rate levy eligible for reimbursement is not charged and 102714  
payable in any year after tax year 2010, "2010 current expense 102715  
S.B. 3 allocation" used to compute payments to be made under 102716  
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 102717  
in the tax years following the last year the levy is charged and 102718  
payable shall be reduced to the extent that those payments are 102719  
attributable to the fixed-rate levy loss of that levy. 102720

(19) "2010 S.B. 3 allocation" means the sum of payments 102721  
received by a local taxing unit during calendar year 2010 pursuant 102722  
to division (A)(1) of section 5727.86 of the Revised Code, 102723  
excluding any such payments received for fixed-rate levy losses 102724  
attributable to a tax levied under section 5705.23 of the Revised 102725  
Code. If a fixed-rate levy eligible for reimbursement is not 102726  
charged and payable in any year after tax year 2010, "2010 S.B. 3 102727  
allocation" used to compute payments to be made under division 102728  
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 102729  
years following the last year the levy is charged and payable 102730  
shall be reduced to the extent that those payments are 102731  
attributable to the fixed-rate levy loss of that levy. 102732

(20) "Total S.B. 3 allocation" means, in the case of a school 102733  
district or joint vocational school district, the sum of the 102734

payments received in fiscal year 2011 pursuant to divisions (C)(2) 102735  
and (D) of section 5727.85 of the Revised Code. In the case of a 102736  
local taxing unit, "total S.B. 3 allocation" means the sum of 102737  
payments received by the unit in calendar year 2010 pursuant to 102738  
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 102739  
excluding any such payments received for fixed-rate levy losses 102740  
attributable to a tax levied under section 5705.23 of the Revised 102741  
Code. If a fixed-rate levy eligible for reimbursement is not 102742  
charged and payable in any year after tax year 2010, "total S.B. 3 102743  
allocation" used to compute payments to be made under division 102744  
(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 102745  
5727.86 of the Revised Code in the tax years following the last 102746  
year the levy is charged and payable shall be reduced to the 102747  
extent that those payments are attributable to the fixed-rate levy 102748  
loss of that levy as would be computed under division (C)(2) of 102749  
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 102750  
Revised Code. 102751

(21) "2011 non-current expense S.B. 3 allocation" means the 102752  
difference of a school district's or joint vocational school 102753  
district's total S.B. 3 allocation minus the sum of the school 102754  
district's 2011 current expense S.B. 3 allocation and the portion 102755  
of the school district's total S.B. 3 allocation constituting 102756  
reimbursement for debt levies pursuant to division (D) of section 102757  
5727.85 of the Revised Code. 102758

(22) "2010 non-current expense S.B. 3 allocation" means the 102759  
difference of a municipal corporation's total S.B. 3 allocation 102760  
minus the sum of its 2010 current expense S.B. 3 allocation and 102761  
the portion of its total S.B. 3 allocation constituting 102762  
reimbursement for debt levies pursuant to division (A)(4) of 102763  
section 5727.86 of the Revised Code. 102764

(23) "S.B. 3 allocation for library purposes" means, in the 102765  
case of a county, municipal corporation, school district, or 102766



township public library that receives the proceeds of a tax levied 102767  
under section 5705.23 of the Revised Code, the sum of the payments 102768  
received by the public library in calendar year 2010 pursuant to 102769  
section 5727.86 of the Revised Code for fixed-rate levy losses 102770  
attributable to a tax levied under section 5705.23 of the Revised 102771  
Code. If a fixed-rate levy authorized under section 5705.23 of the 102772  
Revised Code that is eligible for reimbursement is not charged and 102773  
payable in any year after tax year 2010, "S.B. 3 allocation for 102774  
library purposes" used to compute payments to be made under 102775  
division (A)(1)(f) of section 5727.86 of the Revised Code in the 102776  
tax years following the last year the levy is charged and payable 102777  
shall be reduced to the extent that those payments are 102778  
attributable to the fixed-rate levy loss of that levy as would be 102779  
computed under division (A)(1)(b) of section 5727.86 of the 102780  
Revised Code. 102781

(24) "Threshold per cent" means, in the case of a school 102782  
district or joint vocational school district, two per cent for 102783  
fiscal year 2012 and four per cent for fiscal years 2013 and 102784  
thereafter. In the case of a local taxing unit or public library 102785  
that receives the proceeds of a tax levied under section 5705.23 102786  
of the Revised Code, "threshold per cent" means two per cent for 102787  
calendar year 2011, four per cent for calendar year 2012, and six 102788  
per cent for calendar years 2013 and thereafter. 102789

(B) The kilowatt-hour tax receipts fund is hereby created in 102790  
the state treasury and shall consist of money arising from the tax 102791  
imposed by section 5727.81 of the Revised Code. All money in the 102792  
kilowatt-hour tax receipts fund shall be credited as follows: 102793

Fiscal Year	General Revenue Fund	School District Property Tax Replacement Fund	Local Government Property Tax Replacement Fund	
2001-2011	63.0%	25.4%	11.6%	102795
<del>2012 and</del>	88.0%	9.0%	3.0%	102796

~~thereafter~~

2012-2015

(C) The natural gas tax receipts fund is hereby created in 102797  
the state treasury and shall consist of money arising from the tax 102798  
imposed by section 5727.811 of the Revised Code. All money in the 102799  
fund shall be credited as follows: 102800

~~(1) For~~ for fiscal years before fiscal year 2012: 102801

~~(a)~~ (1) Sixty-eight and seven-tenths per cent shall be 102802  
credited to the school district property tax replacement fund for 102803  
the purpose of making the payments described in section 5727.85 of 102804  
the Revised Code. 102805

~~(b)~~ (2) Thirty-one and three-tenths per cent shall be credited 102806  
to the local government property tax replacement fund for the 102807  
purpose of making the payments described in section 5727.86 of the 102808  
Revised Code. 102809

~~(2) For fiscal years 2012 and thereafter, one hundred per 102810  
cent to the general revenue fund. 102811~~

(D) Not later than January 1, 2002, the tax commissioner 102812  
shall determine for each taxing district its electric company tax 102813  
value loss, which is the sum of the applicable amounts described 102814  
in divisions (D)(1) to (4) of this section: 102815

(1) The difference obtained by subtracting the amount 102816  
described in division (D)(1)(b) from the amount described in 102817  
division (D)(1)(a) of this section. 102818

(a) The value of electric company and rural electric company 102819  
tangible personal property as assessed by the tax commissioner for 102820  
tax year 1998 on a preliminary assessment, or an amended 102821  
preliminary assessment if issued prior to March 1, 1999, and as 102822  
apportioned to the taxing district for tax year 1998; 102823

(b) The value of electric company and rural electric company 102824

tangible personal property as assessed by the tax commissioner for 102825  
tax year 1998 had the property been apportioned to the taxing 102826  
district for tax year 2001, and assessed at the rates in effect 102827  
for tax year 2001. 102828

(2) The difference obtained by subtracting the amount 102829  
described in division (D)(2)(b) from the amount described in 102830  
division (D)(2)(a) of this section. 102831

(a) The three-year average for tax years 1996, 1997, and 1998 102832  
of the assessed value from nuclear fuel materials and assemblies 102833  
assessed against a person under Chapter 5711. of the Revised Code 102834  
from the leasing of them to an electric company for those 102835  
respective tax years, as reflected in the preliminary assessments; 102836

(b) The three-year average assessed value from nuclear fuel 102837  
materials and assemblies assessed under division (D)(2)(a) of this 102838  
section for tax years 1996, 1997, and 1998, as reflected in the 102839  
preliminary assessments, using an assessment rate of twenty-five 102840  
per cent. 102841

(3) In the case of a taxing district having a nuclear power 102842  
plant within its territory, any amount, resulting in an electric 102843  
company tax value loss, obtained by subtracting the amount 102844  
described in division (D)(1) of this section from the difference 102845  
obtained by subtracting the amount described in division (D)(3)(b) 102846  
of this section from the amount described in division (D)(3)(a) of 102847  
this section. 102848

(a) The value of electric company tangible personal property 102849  
as assessed by the tax commissioner for tax year 2000 on a 102850  
preliminary assessment, or an amended preliminary assessment if 102851  
issued prior to March 1, 2001, and as apportioned to the taxing 102852  
district for tax year 2000; 102853

(b) The value of electric company tangible personal property 102854  
as assessed by the tax commissioner for tax year 2001 on a 102855

preliminary assessment, or an amended preliminary assessment if 102856  
issued prior to March 1, 2002, and as apportioned to the taxing 102857  
district for tax year 2001. 102858

(4) In the case of a taxing district having a nuclear power 102859  
plant within its territory, the difference obtained by subtracting 102860  
the amount described in division (D)(4)(b) of this section from 102861  
the amount described in division (D)(4)(a) of this section, 102862  
provided that such difference is greater than ten per cent of the 102863  
amount described in division (D)(4)(a) of this section. 102864

(a) The value of electric company tangible personal property 102865  
as assessed by the tax commissioner for tax year 2005 on a 102866  
preliminary assessment, or an amended preliminary assessment if 102867  
issued prior to March 1, 2006, and as apportioned to the taxing 102868  
district for tax year 2005; 102869

(b) The value of electric company tangible personal property 102870  
as assessed by the tax commissioner for tax year 2006 on a 102871  
preliminary assessment, or an amended preliminary assessment if 102872  
issued prior to March 1, 2007, and as apportioned to the taxing 102873  
district for tax year 2006. 102874

(E) Not later than January 1, 2002, the tax commissioner 102875  
shall determine for each taxing district its natural gas company 102876  
tax value loss, which is the sum of the amounts described in 102877  
divisions (E)(1) and (2) of this section: 102878

(1) The difference obtained by subtracting the amount 102879  
described in division (E)(1)(b) from the amount described in 102880  
division (E)(1)(a) of this section. 102881

(a) The value of all natural gas company tangible personal 102882  
property, other than property described in division (E)(2) of this 102883  
section, as assessed by the tax commissioner for tax year 1999 on 102884  
a preliminary assessment, or an amended preliminary assessment if 102885  
issued prior to March 1, 2000, and apportioned to the taxing 102886

district for tax year 1999; 102887

(b) The value of all natural gas company tangible personal 102888  
property, other than property described in division (E)(2) of this 102889  
section, as assessed by the tax commissioner for tax year 1999 had 102890  
the property been apportioned to the taxing district for tax year 102891  
2001, and assessed at the rates in effect for tax year 2001. 102892

(2) The difference in the value of current gas obtained by 102893  
subtracting the amount described in division (E)(2)(b) from the 102894  
amount described in division (E)(2)(a) of this section. 102895

(a) The three-year average assessed value of current gas as 102896  
assessed by the tax commissioner for tax years 1997, 1998, and 102897  
1999 on a preliminary assessment, or an amended preliminary 102898  
assessment if issued prior to March 1, 2001, and as apportioned in 102899  
the taxing district for those respective years; 102900

(b) The three-year average assessed value from current gas 102901  
under division (E)(2)(a) of this section for tax years 1997, 1998, 102902  
and 1999, as reflected in the preliminary assessment, using an 102903  
assessment rate of twenty-five per cent. 102904

(F) The tax commissioner may request that natural gas 102905  
companies, electric companies, and rural electric companies file a 102906  
report to help determine the tax value loss under divisions (D) 102907  
and (E) of this section. The report shall be filed within thirty 102908  
days of the commissioner's request. A company that fails to file 102909  
the report or does not timely file the report is subject to the 102910  
penalty in section 5727.60 of the Revised Code. 102911

(G) Not later than January 1, 2002, the tax commissioner 102912  
shall determine for each school district, joint vocational school 102913  
district, and local taxing unit its fixed-rate levy loss, which is 102914  
the sum of its electric company tax value loss multiplied by the 102915  
tax rate in effect in tax year 1998 for fixed-rate levies and its 102916  
natural gas company tax value loss multiplied by the tax rate in 102917

effect in tax year 1999 for fixed-rate levies. 102918

(H) Not later than January 1, 2002, the tax commissioner 102919  
shall determine for each school district, joint vocational school 102920  
district, and local taxing unit its fixed-sum levy loss, which is 102921  
the amount obtained by subtracting the amount described in 102922  
division (H)(2) of this section from the amount described in 102923  
division (H)(1) of this section: 102924

(1) The sum of the electric company tax value loss multiplied 102925  
by the tax rate in effect in tax year 1998, and the natural gas 102926  
company tax value loss multiplied by the tax rate in effect in tax 102927  
year 1999, for fixed-sum levies for all taxing districts within 102928  
each school district, joint vocational school district, and local 102929  
taxing unit. For the years 2002 through 2006, this computation 102930  
shall include school district emergency levies that existed in 102931  
1998 in the case of the electric company tax value loss, and 1999 102932  
in the case of the natural gas company tax value loss, and all 102933  
other fixed-sum levies that existed in 1998 in the case of the 102934  
electric company tax value loss and 1999 in the case of the 102935  
natural gas company tax value loss and continue to be charged in 102936  
the tax year preceding the distribution year. For the years 2007 102937  
through 2016 in the case of school district emergency levies, and 102938  
for all years after 2006 in the case of all other fixed-sum 102939  
levies, this computation shall exclude all fixed-sum levies that 102940  
existed in 1998 in the case of the electric company tax value loss 102941  
and 1999 in the case of the natural gas company tax value loss, 102942  
but are no longer in effect in the tax year preceding the 102943  
distribution year. For the purposes of this section, an emergency 102944  
levy that existed in 1998 in the case of the electric company tax 102945  
value loss, and 1999 in the case of the natural gas company tax 102946  
value loss, continues to exist in a year beginning on or after 102947  
January 1, 2007, but before January 1, 2017, if, in that year, the 102948  
board of education levies a school district emergency levy for an 102949

annual sum at least equal to the annual sum levied by the board in 102950  
tax year 1998 or 1999, respectively, less the amount of the 102951  
payment certified under this division for 2002. 102952

(2) The total taxable value in tax year 1999 less the tax 102953  
value loss in each school district, joint vocational school 102954  
district, and local taxing unit multiplied by one-fourth of one 102955  
mill. 102956

If the amount computed under division (H) of this section for 102957  
any school district, joint vocational school district, or local 102958  
taxing unit is greater than zero, that amount shall equal the 102959  
fixed-sum levy loss reimbursed pursuant to division (F) of section 102960  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 102961  
of the Revised Code, and the one-fourth of one mill that is 102962  
subtracted under division (H)(2) of this section shall be 102963  
apportioned among all contributing fixed-sum levies in the 102964  
proportion of each levy to the sum of all fixed-sum levies within 102965  
each school district, joint vocational school district, or local 102966  
taxing unit. 102967

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 102968  
section, in computing the tax value loss, fixed-rate levy loss, 102969  
and fixed-sum levy loss, the tax commissioner shall use the 102970  
greater of the 1998 tax rate or the 1999 tax rate in the case of 102971  
levy losses associated with the electric company tax value loss, 102972  
but the 1999 tax rate shall not include for this purpose any tax 102973  
levy approved by the voters after June 30, 1999, and the tax 102974  
commissioner shall use the greater of the 1999 or the 2000 tax 102975  
rate in the case of levy losses associated with the natural gas 102976  
company tax value loss. 102977

(J) Not later than January 1, 2002, the tax commissioner 102978  
shall certify to the department of education the tax value loss 102979  
determined under divisions (D) and (E) of this section for each 102980  
taxing district, the fixed-rate levy loss calculated under 102981

division (G) of this section, and the fixed-sum levy loss 102982  
calculated under division (H) of this section. The calculations 102983  
under divisions (G) and (H) of this section shall separately 102984  
display the levy loss for each levy eligible for reimbursement. 102985

(K) Not later than September 1, 2001, the tax commissioner 102986  
shall certify the amount of the fixed-sum levy loss to the county 102987  
auditor of each county in which a school district with a fixed-sum 102988  
levy loss has territory. 102989

**Sec. 5727.85.** ~~(A) No determinations, computations,~~ 102990  
~~certifications, or payments shall be made under this section after~~ 102991  
~~June 30, 2015.~~ 102992

~~(A)~~ By the thirty-first day of July of each year, beginning 102993  
in 2002 and ending in 2010, the department of education shall 102994  
determine the following for each school district and each joint 102995  
vocational school district: 102996

(1) The state education aid offset, which, except as provided 102997  
in division (A)(1)(c) of this section, is the difference obtained 102998  
by subtracting the amount described in division (A)(1)(b) of this 102999  
section from the amount described in division (A)(1)(a) of this 103000  
section: 103001

(a) The state education aid computed for the school district 103002  
or joint vocational school district for the current fiscal year as 103003  
of the thirty-first day of July; 103004

(b) The state education aid that would be computed for the 103005  
school district or joint vocational school district for the 103006  
current fiscal year as of the thirty-first day of July if the 103007  
recognized valuation included the tax value loss for the school 103008  
district or joint vocational school district; 103009

(c) The state education aid offset for fiscal year 2010 and 103010  
fiscal year 2011 equals the greater of the state education aid 103011



offset calculated for that fiscal year under divisions (A)(1)(a) 103012  
and (b) of this section or the state education aid offset 103013  
calculated for fiscal year 2009. 103014

(2) For fiscal years 2008 through 2011, the greater of zero 103015  
or the difference obtained by subtracting the state education aid 103016  
offset determined under division (A)(1) of this section from the 103017  
fixed-rate levy loss certified under division (J) of section 103018  
5727.84 of the Revised Code for all taxing districts in each 103019  
school district and joint vocational school district. 103020

By the fifth day of August of each such year, the department 103021  
of education shall certify the amount so determined under division 103022  
(A)(1) of this section to the director of budget and management. 103023

(B) Not later than the thirty-first day of October of the 103024  
years 2006 through 2010, the department of education shall 103025  
determine all of the following for each school district: 103026

(1) The amount obtained by subtracting the district's state 103027  
education aid computed for fiscal year 2002 from the district's 103028  
state education aid computed for the current fiscal year as of the 103029  
fifteenth day of July, by including in the definition of 103030  
recognized valuation the machinery and equipment, inventory, 103031  
furniture and fixtures, and telephone property tax value losses, 103032  
as defined in section 5751.20 of the Revised Code, for the school 103033  
district or joint vocational school district for the preceding tax 103034  
year; 103035

(2) The inflation-adjusted property tax loss. The 103036  
inflation-adjusted property tax loss equals the fixed-rate levy 103037  
loss, excluding the tax loss from levies within the ten-mill 103038  
limitation to pay debt charges, determined under division ~~(G)~~(D) 103039  
of section 5727.84 of the Revised Code for all taxing districts in 103040  
each school district, plus the product obtained by multiplying 103041  
that loss by the cumulative percentage increase in the consumer 103042

price index from January 1, 2002, to the thirtieth day of June of 103043  
the current year. 103044

(3) The difference obtained by subtracting the amount 103045  
computed under division (B)(1) from the amount of the 103046  
inflation-adjusted property tax loss. If this difference is zero 103047  
or a negative number, no further payments shall be made under 103048  
division (C) of this section to the school district from the 103049  
school district property tax replacement fund. 103050

(C) Beginning in 2002 for school districts and beginning in 103051  
August 2011 for joint vocational school districts, the department 103052  
of education shall pay from the school district property tax 103053  
replacement fund to each school district all of the following: 103054

(1) In February 2002, one-half of the fixed-rate levy loss 103055  
certified under division ~~(J)~~(G) of section 5727.84 of the Revised 103056  
Code between the twenty-first and twenty-eighth days of February. 103057

(2) From August 2002 through February 2011, one-half of the 103058  
amount calculated for that fiscal year under division (A)(2) of 103059  
this section between the twenty-first and twenty-eighth days of 103060  
August and of February, provided the difference computed under 103061  
division (B)(3) of this section is not less than or equal to zero. 103062

(3) For fiscal years 2012 and thereafter, the sum of the 103063  
amounts in divisions (C)(3)(a) or (b) and (c) of this section 103064  
shall be paid on or before the thirty-first day of August and the 103065  
twenty-eighth day of February: 103066

(a) If the ratio of 2011 current expense S.B. 3 allocation to 103067  
total resources is equal to or less than the threshold per cent, 103068  
zero; 103069

(b) If the ratio of 2011 current expense S.B. 3 allocation to 103070  
total resources is greater than the threshold per cent, fifty per 103071  
cent of the difference of 2011 current expense S.B. 3 allocation 103072  
minus the product of total resources multiplied by the threshold 103073

per cent; 103074

(c) Fifty per cent of the product of 2011 non-current expense 103075  
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 103076  
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 103077

The department of education shall report to each school 103078  
district the apportionment of the payments among the school 103079  
district's funds based on the certifications under division (J) of 103080  
section 5727.84 of the Revised Code. 103081

(D) For taxes levied within the ten-mill limitation for debt 103082  
purposes in tax year 1998 in the case of electric company tax 103083  
value losses, and in tax year 1999 in the case of natural gas 103084  
company tax value losses, payments shall be made equal to one 103085  
hundred per cent of the loss computed as if the tax were a 103086  
fixed-rate levy, but those payments shall extend from fiscal year 103087  
2006 through fiscal year 2016. 103088

(E) Not later than January 1, 2002, for all taxing districts 103089  
in each joint vocational school district, the tax commissioner 103090  
shall certify to the department of education the fixed-rate levy 103091  
loss determined under division (G) of section 5727.84 of the 103092  
Revised Code. From February 2002 through February 2011, the 103093  
department shall pay from the school district property tax 103094  
replacement fund to the joint vocational school district one-half 103095  
of the amount calculated for that fiscal year under division 103096  
(A)(2) of this section between the twenty-first and twenty-eighth 103097  
days of August and of February. 103098

(F)(1) Not later than January 1, 2002, for each fixed-sum 103099  
levy levied by each school district or joint vocational school 103100  
district and for each year for which a determination is made under 103101  
division (H) of section 5727.84 of the Revised Code that a 103102  
fixed-sum levy loss is to be reimbursed, the tax commissioner 103103  
shall certify to the department of education the fixed-sum levy 103104

loss determined under that division. The certification shall cover 103105  
a time period sufficient to include all fixed-sum levies for which 103106  
the tax commissioner made such a determination. The department 103107  
shall pay from the school district property tax replacement fund 103108  
to the school district or joint vocational school district 103109  
one-half of the fixed-sum levy loss so certified for each year 103110  
between the twenty-first and twenty-eighth days of August and of 103111  
February. 103112

(2) Beginning in 2003, by the thirty-first day of January of 103113  
each year, the tax commissioner shall review the certification 103114  
originally made under division (F)(1) of this section. If the 103115  
commissioner determines that a debt levy that had been scheduled 103116  
to be reimbursed in the current year has expired, a revised 103117  
certification for that and all subsequent years shall be made to 103118  
the department of education. 103119

(G) If the balance of the half-mill equalization fund created 103120  
under section 3318.18 of the Revised Code is insufficient to make 103121  
the full amount of payments required under division (D) of that 103122  
section, the department of education, at the end of the third 103123  
quarter of the fiscal year, shall certify to the director of 103124  
budget and management the amount of the deficiency, and the 103125  
director shall transfer an amount equal to the deficiency from the 103126  
school district property tax replacement fund to the half-mill 103127  
equalization fund. 103128

(H) Beginning in August 2002, and ending in May 2011, the 103129  
director of budget and management shall transfer from the school 103130  
district property tax replacement fund to the general revenue fund 103131  
each of the following: 103132

(1) Between the twenty-eighth day of August and the fifth day 103133  
of September, the lesser of one-half of the amount certified for 103134  
that fiscal year under division (A)(2) of this section or the 103135  
balance in the school district property tax replacement fund; 103136

(2) Between the first and fifth days of May, the lesser of 103137  
one-half of the amount certified for that fiscal year under 103138  
division (A)(2) of this section or the balance in the school 103139  
district property tax replacement fund. 103140

(I) On the first day of June each year, the director of 103141  
budget and management shall transfer any balance remaining in the 103142  
school district property tax replacement fund after the payments 103143  
have been made under divisions (C), (D), (E), (F), (G), and (H) of 103144  
this section to the half-mill equalization fund created under 103145  
section 3318.18 of the Revised Code to the extent required to make 103146  
any payments in the current fiscal year under that section, and 103147  
shall transfer the remaining balance to the general revenue fund. 103148

(J) After fiscal year 2002, if the total amount in the school 103149  
district property tax replacement fund is insufficient to make all 103150  
payments under divisions (C), (D), (E), (F), and (G) of this 103151  
section at the time the payments are to be made, the director of 103152  
budget and management shall transfer from the general revenue fund 103153  
to the school district property tax replacement fund the 103154  
difference between the total amount to be paid and the total 103155  
amount in the school district property tax replacement fund, 103156  
except that no transfer shall be made by reason of a deficiency to 103157  
the extent that it results from the amendment of section 5727.84 103158  
of the Revised Code by Amended Substitute House Bill No. 95 of the 103159  
125th general assembly. 103160

(K) If all of the territory of a school district or joint 103161  
vocational school district is merged with an existing district, or 103162  
if a part of the territory of a school district or joint 103163  
vocational school district is transferred to an existing or new 103164  
district, the department of education, in consultation with the 103165  
tax commissioner, shall adjust the payments made under this 103166  
section as follows: 103167

(1) For the merger of all of the territory of two or more 103168

districts, the total resources, 2011 current expense S.B. 3 103169  
allocation, total 2011 S.B. 3 allocation, 2011 non-current expense 103170  
S.B. 3 allocation, and fixed-sum levy loss of the successor 103171  
district shall be equal to the sum of the total resources, 2011 103172  
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 103173  
2011 non-current expense S.B. 3 allocation, and fixed-sum levy 103174  
loss for each of the districts involved in the merger. 103175

(2) For the transfer of a part of one district's territory to 103176  
an existing district, the amount of the total resources, 2011 103177  
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 103178  
and 2011 non-current expense S.B. 3 allocation that is transferred 103179  
to the recipient district shall be an amount equal to the 103180  
transferring district's total resources, 2011 current expense S.B. 103181  
3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current 103182  
expense S.B. 3 allocation times a fraction, the numerator of which 103183  
is the number of pupils being transferred to the recipient 103184  
district, measured, in the case of a school district, by formula 103185  
ADM as that term is defined in section 3317.02 of the Revised Code 103186  
or, in the case of a joint vocational school district, by formula 103187  
ADM as defined for a joint vocational school district in that 103188  
section, and the denominator of which is the average daily 103189  
membership or formula ADM of the transferor district. Fixed-sum 103190  
levy losses for both districts shall be determined under division 103191  
(K)(4) of this section. 103192

(3) For the transfer of a part of the territory of one or 103193  
more districts to create a new district: 103194

(a) If the new district is created on or after January 1, 103195  
2000, but before January 1, 2005, the new district shall be paid 103196  
its current fixed-rate levy loss through August 2009. In February 103197  
2010, August 2010, and February 2011, the new district shall be 103198  
paid fifty per cent of the lesser of: (i) the amount calculated 103199  
under division (C)(2) of this section or (ii) an amount equal to 103200

seventy per cent of the new district's fixed-rate levy loss. 103201

Beginning in fiscal year 2012, the new district shall be paid 103202  
as provided in division (C) of this section. 103203

Fixed-sum levy losses for the districts shall be determined 103204  
under division (K)(4) of this section. 103205

(b) If the new district is created on or after January 1, 103206  
2005, the new district shall be deemed not to have any fixed-rate 103207  
levy loss or, except as provided in division (K)(4) of this 103208  
section, fixed-sum levy loss. The district or districts from which 103209  
the territory was transferred shall have no reduction in their 103210  
fixed-rate levy loss, or, except as provided in division (K)(4) of 103211  
this section, their fixed-sum levy loss. 103212

(4) If a recipient district under division (K)(2) of this 103213  
section or a new district under division (K)(3)(a) or (b) of this 103214  
section takes on debt from one or more of the districts from which 103215  
territory was transferred, and any of the districts transferring 103216  
the territory had fixed-sum levy losses, the department of 103217  
education, in consultation with the tax commissioner, shall make 103218  
an equitable division of the fixed-sum levy losses. 103219

**Sec. 5727.86.** ~~(A) No determinations, computations,~~ 103220  
~~certifications, or payments shall be made under this section after~~ 103221  
~~June 30, 2015.~~ 103222

(A) The tax commissioner shall compute the payments to be 103223  
made to each local taxing unit, and to each public library that 103224  
receives the proceeds of a tax levied under section 5705.23 of the 103225  
Revised Code, for each year according to divisions (A)(1), (2), 103226  
(3), and (4) and division (E) of this section, and shall 103227  
distribute the payments in the manner prescribed by division (C) 103228  
of this section. The calculation of the fixed-sum levy loss shall 103229  
cover a time period sufficient to include all fixed-sum levies for 103230

which the tax commissioner determined, pursuant to division (H) of 103231  
section 5727.84 of the Revised Code, that a fixed-sum levy loss is 103232  
to be reimbursed. 103233

(1) Except as provided in divisions (A)(3) and (4) of this 103234  
section, the following amounts shall be paid on or before the 103235  
thirty-first day of August and the twenty-eighth day of February: 103236

(a) For years 2002 through 2006, fifty per cent of the 103237  
fixed-rate levy loss computed under division (G) of section 103238  
5727.84 of the Revised Code; 103239

(b) For years 2007 through 2010, forty per cent of the 103240  
fixed-rate levy loss computed under division (G) of section 103241  
5727.84 of the Revised Code; 103242

(c) For the payment in 2011 to be made on or before the 103243  
twentieth day of February, the amount required to be paid in 2010 103244  
on or before the twentieth day of February; 103245

(d) For the payment in 2011 to be made on or before the 103246  
thirty-first day of August, the sum of the amounts in divisions 103247  
(A)(1)(d)(i) or (ii) and (iii) of this section: 103248

(i) If the ratio of fifty per cent of the taxing unit's 2010 103249  
S.B. 3 allocation to its total resources is equal to or less than 103250  
the threshold per cent, zero; 103251

(ii) If the ratio of fifty per cent of the taxing unit's 2010 103252  
S.B. 3 allocation to its total resources is greater than the 103253  
threshold per cent, the difference of fifty per cent of the 2010 103254  
S.B. 3 allocation minus the product of total resources multiplied 103255  
by the threshold per cent; 103256

(iii) In the case of a municipal corporation, fifty per cent 103257  
of the product of its 2010 non-current expense S.B. 3 allocation 103258  
multiplied by seventy-five per cent. 103259

(e) For 2012 and each year thereafter, the sum of the amounts 103260



in divisions (A)(1)(e)(i) or (ii) and (iii) of this section:	103261
(i) If the ratio of the taxing unit's 2010 S.B. 3 allocation to its total resources is equal to or less than the threshold per cent, zero;	103262 103263 103264
(ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation to its total resources is greater than the threshold per cent, fifty per cent of the difference of the 2010 S.B. 3 allocation minus the product of total resources multiplied by the threshold per cent;	103265 103266 103267 103268 103269
(iii) In the case of a municipal corporation, fifty per cent of the product of its 2010 non-current expense S.B. 3 allocation multiplied by fifty per cent for year 2012 and by twenty-five per cent for years 2013 and thereafter.	103270 103271 103272 103273
(f) For the payment in 2012 to be made to a public library on or before the thirty-first day of August and for all such payments to be made in 2013 and thereafter, the amount in division (A)(1)(f)(i) or (ii) of this section:	103274 103275 103276 103277
(i) If the ratio of S.B. 3 allocation for library purposes to total library resources is equal to or less than the threshold per cent, zero;	103278 103279 103280
(ii) If the ratio of S.B. 3 allocation for library purposes to total library resources is greater than the threshold per cent, fifty per cent of the difference of the S.B. 3 allocation for library purposes minus the product of total library resources multiplied by the threshold per cent.	103281 103282 103283 103284 103285
(2) For fixed-sum levy losses determined under division (H) of section 5727.84 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2002 and thereafter.	103286 103287 103288 103289
(3) A local taxing unit in a county of less than two hundred	103290

fifty square miles that receives eighty per cent or more of its 103291  
combined general fund and bond retirement fund revenues from 103292  
property taxes and rollbacks based on 1997 actual revenues as 103293  
presented in its 1999 tax budget, and in which electric companies 103294  
and rural electric companies comprise over twenty per cent of its 103295  
property valuation, shall receive one hundred per cent of its 103296  
fixed-rate levy losses from electric company tax value losses 103297  
certified under division (A) of this section in years 2002 to 103298  
2010. Beginning in 2011, payments for such local taxing units 103299  
shall be determined under division (A)(1) of this section. 103300

(4) For taxes levied within the ten-mill limitation or 103301  
pursuant to a municipal charter for debt purposes in tax year 1998 103302  
in the case of electric company tax value losses, and in tax year 103303  
1999 in the case of natural gas company tax value losses, payments 103304  
shall be made equal to one hundred per cent of the loss computed 103305  
as if the tax were a fixed-rate levy, but those payments shall 103306  
extend from 2011 through 2016 if the levy was charged and payable 103307  
for debt purposes in tax year 2010. If the levy is not charged and 103308  
payable for debt purposes in tax year 2010 or any following tax 103309  
year before tax year 2016, payments for that levy shall be made 103310  
under division (A)(1) of this section beginning with the first 103311  
year after the year the levy is charged and payable for a purpose 103312  
other than debt. For the purposes of this division, taxes levied 103313  
pursuant to a municipal charter refer to taxes levied pursuant to 103314  
a provision of a municipal charter that permits the tax to be 103315  
levied without prior voter approval. 103316

(B) Beginning in 2003, by the thirty-first day of January of 103317  
each year, the tax commissioner shall review the calculation 103318  
originally made under division (A) of this section of the 103319  
fixed-sum levy loss determined under division (H) of section 103320  
5727.84 of the Revised Code. If the commissioner determines that a 103321  
fixed-sum levy that had been scheduled to be reimbursed in the 103322

current year has expired, a revised calculation for that and all 103323  
subsequent years shall be made. 103324

(C) Payments to local taxing units and public libraries 103325  
required to be made under divisions (A) and (E) of this section 103326  
shall be paid from the local government property tax replacement 103327  
fund to the county undivided income tax fund in the proper county 103328  
treasury. The county treasurer shall distribute amounts paid under 103329  
division (A) of this section to the proper local taxing unit or 103330  
public library as if they had been levied and collected as taxes, 103331  
and the local taxing unit or public library shall apportion the 103332  
amounts so received among its funds in the same proportions as if 103333  
those amounts had been levied and collected as taxes. Except in 103334  
the case of amounts distributed to the county as a local taxing 103335  
unit, amounts distributed under division (E)(2) of this section 103336  
shall be credited to the general fund of the local taxing unit 103337  
that receives them. Amounts distributed to each county as a local 103338  
taxing unit under division (E)(2) of this section shall be 103339  
credited in the proportion that the current taxes charged and 103340  
payable from each levy of or by the county bears to the total 103341  
current taxes charged and payable from all levies of or by the 103342  
county. 103343

(D) By February 5, 2002, the tax commissioner shall estimate 103344  
the amount of money in the local government property tax 103345  
replacement fund in excess of the amount necessary to make 103346  
payments in that month under division (C) of this section. 103347  
Notwithstanding division (A) of this section, the tax commissioner 103348  
may pay any local taxing unit, from those excess funds, nine and 103349  
four-tenths times the amount computed for 2002 under division 103350  
(A)(1) of this section. A payment made under this division shall 103351  
be in lieu of the payment to be made in February 2002 under 103352  
division (A)(1) of this section. A local taxing unit receiving a 103353  
payment under this division will no longer be entitled to any 103354

further payments under division (A)(1) of this section. A payment 103355  
made under this division shall be paid from the local government 103356  
property tax replacement fund to the county undivided income tax 103357  
fund in the proper county treasury. The county treasurer shall 103358  
distribute the payment to the proper local taxing unit as if it 103359  
had been levied and collected as taxes, and the local taxing unit 103360  
shall apportion the amounts so received among its funds in the 103361  
same proportions as if those amounts had been levied and collected 103362  
as taxes. 103363

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 103364  
2005, and 2006, and on the thirty-first day of January and July of 103365  
2007 through January 2011, if the amount credited to the local 103366  
government property tax replacement fund exceeds the amount needed 103367  
to be distributed from the fund under division (A) of this section 103368  
in the following month, the tax commissioner shall distribute the 103369  
excess to each county as follows: 103370

(a) One-half shall be distributed to each county in 103371  
proportion to each county's population. 103372

(b) One-half shall be distributed to each county in the 103373  
proportion that the amounts determined under divisions (G) and (H) 103374  
of section 5727.84 of the Revised Code for all local taxing units 103375  
in the county is of the total amounts so determined for all local 103376  
taxing units in the state. 103377

(2) The amounts distributed to each county under division (E) 103378  
of this section shall be distributed by the county auditor to each 103379  
local taxing unit in the county in the proportion that the unit's 103380  
current taxes charged and payable are of the total current taxes 103381  
charged and payable of all the local taxing units in the county. 103382  
If the amount that the county auditor determines to be distributed 103383  
to a local taxing unit is less than five dollars, that amount 103384  
shall not be distributed, and the amount not distributed shall 103385  
remain credited to the county undivided income tax fund. At the 103386

time of the next distribution under division (E)(2) of this 103387  
section, any amount that had not been distributed in the prior 103388  
distribution shall be added to the amount available for the next 103389  
distribution prior to calculation of the amount to be distributed. 103390  
As used in this division, "current taxes charged and payable" 103391  
means the taxes charged and payable as most recently determined 103392  
for local taxing units in the county. 103393

After January 2011, any amount that exceeds the amount needed 103394  
to be distributed from the fund under division (A) of this section 103395  
in the following month shall be transferred to the general revenue 103396  
fund. 103397

(F) If the total amount in the local government property tax 103398  
replacement fund is insufficient to make all payments under 103399  
division (C) of this section at the times the payments are to be 103400  
made, the director of budget and management shall transfer from 103401  
the general revenue fund to the local government property tax 103402  
replacement fund the difference between the total amount to be 103403  
paid and the amount in the local government property tax 103404  
replacement fund, except that no transfer shall be made by reason 103405  
of a deficiency to the extent that it results from the amendment 103406  
of section 5727.84 of the Revised Code by Amended Substitute House 103407  
Bill 95 of the 125th general assembly. 103408

(G) If all or a part of the territories of two or more local 103409  
taxing units are merged, or unincorporated territory of a township 103410  
is annexed by a municipal corporation, the tax commissioner shall 103411  
adjust the payments made under this section to each of the local 103412  
taxing units in proportion to the square mileage apportioned to 103413  
the merged or annexed territory, or as otherwise provided by a 103414  
written agreement between the legislative authorities of the local 103415  
taxing units certified to the tax commissioner not later than the 103416  
first day of June of the calendar year in which the payment is to 103417  
be made. 103418

Sec. 5729.16. (A) Terms used in this section have the same 103419  
meaning as in section 5725.33 of the Revised Code. 103420

(B) There is hereby allowed a nonrefundable credit against 103421  
the tax imposed by section 5729.03 or 5729.06 of the Revised Code 103422  
for a foreign insurance company holding a qualified equity 103423  
investment on the credit allowance date occurring in the calendar 103424  
year for which the tax is due. The credit shall be computed in the 103425  
same manner prescribed for the computation of credits allowed 103426  
under section 5725.33 of the Revised Code. 103427

The credit shall be claimed in the order prescribed by 103428  
section 5729.98 of the Revised Code. If the amount of the credit 103429  
exceeds the amount of tax otherwise due after deducting all other 103430  
credits in that order, the excess may be carried forward and 103431  
applied to the tax due for not more than four ensuing years. 103432

By claiming a tax credit under this section, an insurance 103433  
company waives its rights under section 5729.102 of the Revised 103434  
Code with respect to the time limitation for the assessment of 103435  
taxes as it relates to credits claimed that later become subject 103436  
to recapture under division (D) of this section. 103437

(C) The total amount of qualified equity investments on the 103438  
basis of which credits may be claimed under this section, section 103439  
5725.33, and section 5733.58 of the Revised Code is subject to the 103440  
limitation of division (C) of section 5725.33 of the Revised Code. 103441

(D) If any amount of a federal tax credit allowed for a 103442  
qualified equity investment for which a credit was received under 103443  
this section is recaptured under section 45D of the Internal 103444  
Revenue Code, or if the director of development services 103445  
determines that an investment for which a tax credit is claimed 103446  
under this section is not a qualified equity investment or that 103447  
the proceeds of an investment for which a tax credit is claimed 103448  
under this section are used to make qualified low-income community 103449

investments other than in a qualified active low-income community 103450  
business in this state, all or a portion of the credit received on 103451  
account of that investment shall be paid by the insurance company 103452  
that received the credit to the superintendent of insurance. The 103453  
amount to be recovered shall be determined by the director of 103454  
development services pursuant to rules adopted under section 103455  
5725.33 of the Revised Code. The director shall certify any amount 103456  
due under this division to the superintendent of insurance, and 103457  
the superintendent shall notify the treasurer of state of the 103458  
amount due. Upon notification, the treasurer shall invoice the 103459  
insurance company for the amount due. The amount due is payable 103460  
not later than thirty days after the date the treasurer invoices 103461  
the insurance company. The amount due shall be considered to be 103462  
tax due under section 5729.03 or 5729.06 of the Revised Code, as 103463  
applicable, and may be collected by assessment without regard to 103464  
the time limitations imposed under section 5729.102 of the Revised 103465  
Code for the assessment of taxes by the superintendent. All 103466  
amounts collected under this division shall be credited as revenue 103467  
from the tax levied under section 5729.03 of the Revised Code. 103468

**Sec. 5729.98.** (A) To provide a uniform procedure for 103469  
calculating the amount of tax due under this chapter, a taxpayer 103470  
shall claim any credits and offsets against tax liability to which 103471  
it is entitled in the following order: 103472

(1) The credit for an insurance company or insurance company 103473  
group under section 5729.031 of the Revised Code; 103474

(2) The credit for eligible employee training costs under 103475  
section 5729.07 of the Revised Code; 103476

(3) The credit for purchases of qualified low-income 103477  
community investments under section 5729.16 of the Revised Code; 103478

(4) The nonrefundable job retention credit under division 103479  
(B)~~(1)~~ of section 122.171 of the Revised Code; 103480

(5) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code; 103481  
103482  
103483

(6) The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code. 103484  
103485

(7) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly; 103486  
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(8) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code; 103491  
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(9) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 103493  
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 103497  
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**Sec. 5733.0610.** (A) A refundable corporation franchise tax credit granted by the tax credit authority under section 122.17 or former division (B)(2) or (3) of section 122.171 of the Revised Code, as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly, may be claimed under this chapter in the order required 103505  
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under section 5733.98 of the Revised Code. For purposes of making 103511  
tax payments under this chapter, taxes equal to the amount of the 103512  
refundable credit shall be considered to be paid to this state on 103513  
the first day of the tax year. The refundable credit shall not be 103514  
claimed for any tax years following the calendar year in which a 103515  
relocation of employment positions occurs in violation of an 103516  
agreement entered into under section 122.17 or 122.171 of the 103517  
Revised Code. 103518

(B) A nonrefundable corporation franchise tax credit granted 103519  
by the tax credit authority under division (B)~~(1)~~ of section 103520  
122.171 of the Revised Code may be claimed under this chapter in 103521  
the order required under section 5733.98 of the Revised Code. 103522

**Sec. 5733.58.** (A) Terms used in this section have the same 103523  
meaning as in section 5725.33 of the Revised Code. 103524

(B) There is hereby allowed a nonrefundable credit against 103525  
the tax imposed by section 5733.06 of the Revised Code for a 103526  
financial institution holding a qualified equity investment on the 103527  
credit allowance date occurring in the calendar year immediately 103528  
preceding the tax year for which the tax is due. The credit shall 103529  
be computed in the same manner prescribed for the computation of 103530  
credits allowed under section 5725.33 of the Revised Code. 103531

By claiming a tax credit under this section, a financial 103532  
institution waives its rights under section 5733.11 of the Revised 103533  
Code with respect to the time limitation for the assessment of 103534  
taxes as it relates to credits claimed that later become subject 103535  
to recapture under division (D) of this section. 103536

The credit shall be claimed in the order prescribed by 103537  
section 5733.98 of the Revised Code. If the amount of the credit 103538  
exceeds the amount of tax otherwise due after deducting all other 103539  
credits in that order, the excess may be carried forward and 103540  
applied to the tax due for not more than four ensuing tax years. 103541

(C) The total amount of qualified equity investments on the 103542  
basis of which credits may be claimed under this section and 103543  
sections 5725.33 and 5729.16 of the Revised Code is subject to the 103544  
limitation of division (C) of section 5725.33 of the Revised Code. 103545

(D) If any amount of a federal tax credit allowed for a 103546  
qualified equity investment for which a credit was received under 103547  
this section is recaptured under section 45D of the Internal 103548  
Revenue Code, or if the director of development services 103549  
determines that an investment for which a tax credit is claimed 103550  
under this section is not a qualified equity investment or that 103551  
the proceeds of an investment for which a tax credit is claimed 103552  
under this section are used to make qualified low-income community 103553  
investments other than in a qualified active low-income community 103554  
business in this state, all or a portion of the credit received on 103555  
account of that investment shall be paid by the financial 103556  
institution that received the credit to the tax commissioner. The 103557  
amount to be recovered shall be determined by the director of 103558  
development services pursuant to rules adopted under section 103559  
5725.33 of the Revised Code. The director shall certify any amount 103560  
due under this division to the tax commissioner, and the 103561  
commissioner shall notify the financial institution of the amount 103562  
due. The amount due is payable not later than thirty days after 103563  
the day the commissioner issues the notice. The amount due shall 103564  
be considered to be tax due under section 5733.06 of the Revised 103565  
Code, and may be collected by assessment without regard to the 103566  
limitations imposed under section 5733.11 of the Revised Code for 103567  
the assessment of taxes by the commissioner. All amounts collected 103568  
under this division shall be credited as revenue from the tax 103569  
levied under section 5733.06 of the Revised Code. 103570

**Sec. 5736.01.** As used in this chapter: 103571

(A) "Calendar quarter" and "person" have the same meanings as 103572

in section 5751.01 of the Revised Code. 103573

(B) "Distribution system" means a bulk transfer or terminal 103574  
system for the distribution of motor fuel consisting of 103575  
refineries, pipelines, marine vessels, and terminals. For the 103576  
purposes of this section, motor fuel that is in a refinery, 103577  
pipeline, terminal, or marine vessel or that is en route to a 103578  
refinery, pipeline, or terminal via any method of transportation 103579  
is in a "distribution system." Motor fuel is "outside of a 103580  
distribution system" if the fuel is in a fuel storage facility, 103581  
including, but not limited to, a bulk plant that is not part of a 103582  
refinery or terminal, is in the fuel supply tank of an engine or 103583  
motor vehicle, or is being transported by a marine vessel, tank 103584  
car, rail car, trailer, truck, or other suitable equipment to a 103585  
fuel storage facility that is not in a distribution system. 103586

(C) "Dyed diesel fuel," "import," "motor fuel," "public 103587  
highways," "gasoline," "diesel fuel," "licensed motor fuel 103588  
dealer," "licensed permissive motor fuel dealer," and "terminal" 103589  
have the same meanings as in section 5735.01 of the Revised Code. 103590  
"Gallons" means gross gallons as defined in section 5735.01 of the 103591  
Revised Code. 103592

(D) "First sale of motor fuel within this state" means the 103593  
initial sale of motor fuel to a point outside a distribution 103594  
system, wherever the sale occurs, without regard to where title 103595  
transfers or other conditions of sale, when sold for delivery to a 103596  
location in this state as that location is shown on the bill of 103597  
lading or other similar document issued by the terminal, refinery, 103598  
or supplier. "First sale of motor fuel within this state" excludes 103599  
the following: 103600

(1) Motor fuel exchanges; 103601

(2) The sale of motor fuel on which the petroleum activity 103602  
tax imposed by this chapter was paid in a prior quarterly tax 103603

payment period and on which the supplier may claim a bad debt. As 103604  
used in this division, "bad debt" has the same meaning as in 103605  
section 5751.01 of the Revised Code. 103606

(E)(1) "Calculated gross receipts" means the sum of the 103607  
following: 103608

~~(1)(a)~~ With respect to sales of gasoline, the product 103609  
obtained by multiplying ~~(a)(i)~~ the total number of gallons of 103610  
gasoline first sold within this state by a supplier during the tax 103611  
period by ~~(b)(ii)~~ the average wholesale price of a gallon of 103612  
unleaded regular gasoline for the calendar quarter that begins six 103613  
months before the upcoming calendar quarter, as published by the 103614  
tax commissioner under division (C) of section 5736.02 of the 103615  
Revised Code; 103616

~~(2)(b) With respect to sales of propane, the product obtained~~ 103617  
~~by multiplying (i) the total number of gallons of propane first~~ 103618  
~~sold within this state by a supplier during the tax period by (ii)~~ 103619  
~~the average wholesale price of a gallon of propane for the~~ 103620  
~~calendar quarter that begins six months before the upcoming~~ 103621  
~~calendar quarter, as published by the tax commissioner under~~ 103622  
~~division (C) of section 5736.02 of the Revised Code;~~ 103623

~~(c)~~ With respect to sales of motor fuel that is not gasoline 103624  
~~or propane~~, the product obtained by multiplying ~~(a)(i)~~ the total 103625  
number of gallons of motor fuel first sold within this state by a 103626  
supplier during the tax period by ~~(b)(ii)~~ the average wholesale 103627  
price of a gallon of diesel fuel for the calendar quarter that 103628  
begins six months before the upcoming calendar quarter, as 103629  
published by the tax commissioner under division (C) of section 103630  
5736.02 of the Revised Code. 103631

~~(2) A supplier that has acquired blend stocks or additives~~ 103632  
~~with respect to which the tax imposed by this chapter has~~ 103633  
~~previously been paid may exclude the product of the following~~ 103634

amounts from the calculation of the supplier's "calculated gross receipts" under division (E) of this section, provided that the supplier uses the blend stocks or additives for blending with motor fuel: 103635  
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(a) The number of gallons of the blend stocks or additives; 103639

(b) The average wholesale price of a gallon of such blend stocks or additives for the calendar quarter in which the tax was paid on the blend stocks or additives. 103640  
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The supplier may rely upon an invoice issued by the seller of the blend stocks or additives as evidence that the tax imposed by this section has been remitted with respect to the blend stocks or additives, provided that the invoice lists the tax as a separate charge, the seller is included on the list maintained by the tax commissioner under section 5736.041 of the Revised Code, and the supplier maintains the invoice in accordance with section 5736.12 of the Revised Code. 103643  
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(F) "Motor fuel used to propel vehicles on public highways and waterways" includes motor fuel used for the operation of licensed motor vehicles employed in the maintenance, construction, or repair of public highways. "Motor fuel used to propel vehicles on public highways and waterways" does not include dyed diesel fuel. 103651  
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(G) "Rack" means a mechanism capable of delivering motor fuel from a refinery, terminal, or marine vessel into a railroad tank car, transport truck, tank wagon, fuel supply tank, marine vessel, or other means of transport outside of a distribution system. 103657  
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(H) "Refinery" means a facility used to produce motor fuel and from which motor fuel may be removed by pipeline, by vessel, or at a rack. 103661  
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(I) "Supplier" means any of the following: 103664

(1) A person that sells, exchanges, transfers, or otherwise distributes motor fuel from a terminal or refinery rack to a point outside of a distribution system, if the person distributes such motor fuel at a location in this state;

(2) A person that imports or causes the importation of motor fuel for sale, exchange, transfer, or other distribution by the person to a point outside of a distribution system in this state;

(3) A person that knowingly purchases motor fuel from an unlicensed supplier.

(J) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(K) "Taxpayer" means a person subject to the tax imposed by this chapter.

(L) "Waterways" means all streams, lakes, ponds, marshes, water courses, and all other bodies of surface water, natural or artificial, which are situated wholly or partially within this state or within its jurisdiction, except private impounded bodies of water.

(M) "Motor fuel exchange" means an exchange of motor fuel between two or more suppliers, licensed motor fuel dealers, or licensed permissive motor fuel dealers if delivery occurs at a refinery, terminal, pipeline, or marine vessel and if the parties agree that neither party requires monetary compensation from the other party for the exchanged fuel other than compensation for differences in product location, grade, or handling.

**Sec. 5736.02.** (A)(1) Beginning with the tax period that commences July 1, 2014, and continuing for every tax period thereafter, there is hereby levied an excise tax on each supplier measured by the supplier's calculated gross receipts derived from

the first sale of motor fuel within this state. The tax due shall 103695  
be computed by multiplying ~~sixty five one hundredths of one per~~ 103696  
~~cent~~ by the supplier's calculated gross receipts by one of the 103697  
following tax rates: 103698

(a) If the calculated gross receipts are received from the 103699  
sale of dyed diesel fuel and the end consumer of the dyed diesel 103700  
fuel is a railroad company as described in division (D)(9) of 103701  
section 5727.01 of the Revised Code, the rate established in 103702  
division (A) of section 5751.03 of the Revised Code; 103703

(b) For all other calculated gross receipts, six and 103704  
five-tenths mills. 103705

(2) All revenue from the tax shall be distributed as follows: 103706

~~(1)~~(a) All revenue from the tax as measured by calculated 103707  
gross receipts derived from the sale of motor fuel used for 103708  
propelling vehicles on public highways and waterways shall be used 103709  
for the purposes of maintaining the state highway system, funding 103710  
the enforcement of traffic laws, and covering the costs of 103711  
hospitalization of indigent persons injured in motor vehicle 103712  
accidents on the public highways. 103713

~~(2)~~(b) All revenue not distributed as required by division 103714  
(A)~~(1)~~(2)(a) of this section shall be used for the purpose of 103715  
funding the needs of this state and its local governments. 103716

(B) The tax imposed by this section is in addition to any 103717  
other taxes or fees imposed under the Revised Code. 103718

(C) The tax commissioner shall determine and publish, on the 103719  
web site of the department of taxation, the statewide average 103720  
wholesale prices of a gallon of unleaded regular gasoline, of a 103721  
gallon of propane, and of a gallon of diesel fuel for each 103722  
calendar quarter. The commissioner's determination is presumed to 103723  
be correct unless clearly erroneous. The figure shall be published 103724

at least fifteen days before the beginning of the calendar 103725  
quarter. The commissioner shall base the average price on pricing 103726  
information available from the United States energy information 103727  
administration or, if such information is not available from that 103728  
agency, from another publicly available source selected by the 103729  
commissioner. The commissioner shall first make reasonable efforts 103730  
to obtain data specific to this state before using national data 103731  
to determine the average wholesale price. The price shall not 103732  
include any federal or state excise taxes on the gasoline or 103733  
diesel fuel, or the tax imposed by this chapter. The price shall 103734  
be rounded up to the nearest one-tenth of one cent. 103735

(D) Nothing in this chapter prohibits a person from 103736  
separately or proportionately billing or invoicing the tax imposed 103737  
by this section to a purchaser of motor fuel. 103738

(E) The tax imposed by this section applies only to suppliers 103739  
having a substantial nexus with this state, as that term is 103740  
defined in section 5751.01 of the Revised Code. A supplier that 103741  
does not have substantial nexus with the state may voluntarily 103742  
obtain a license from the commissioner under section 5736.06 of 103743  
the Revised Code. A supplier that voluntarily obtains a license 103744  
from the commissioner is entitled to the same benefits and is 103745  
subject to the same duties and requirements as are suppliers 103746  
required to be licensed with the commissioner. 103747

**Sec. 5736.50.** (A) A taxpayer granted a credit by the tax 103748  
credit authority under section 122.17 or former division (B)(2) or 103749  
(3) of section 122.171 of the Revised Code, as those divisions 103750  
existed before the effective date of the amendment of this section 103751  
by H.B. 64 of the 131st general assembly, may claim a refundable 103752  
credit against the tax imposed under this chapter. For the purpose 103753  
of making tax payments under this chapter, taxes equal to the 103754  
amount of the refundable credit shall be considered to be paid on 103755



the first day of the tax period. 103756

(B) A ~~taxpayer granted a nonrefundable credit granted~~ by the 103757  
tax credit authority under division (B)~~(1)~~ of section 122.171 of 103758  
the Revised Code may ~~claim a nonrefundable tax credit~~ be claimed 103759  
against the tax imposed under this chapter. 103760

(C) Credits authorized in division (A) or (B) of this section 103761  
shall not be claimed for any tax period beginning after the date 103762  
on which a relocation of employment positions occurs in violation 103763  
of an agreement entered into under section 122.17 or 122.171 of 103764  
the Revised Code. 103765

(D) A taxpayer may claim any unused portion of the credit 103766  
authorized under division (B) of section 5751.50 of the Revised 103767  
Code against the tax imposed under this chapter. No credit shall 103768  
be allowed under this division if the credit was available against 103769  
the tax imposed under section 5751.02 of the Revised Code except 103770  
to the extent the credit was not applied against that tax. 103771

(E) The amount of a credit claimed under division (B) or (D) 103772  
of this section shall not exceed the tax otherwise due for the tax 103773  
period. If the credit allowed under division (B) or (D) of this 103774  
section exceeds the tax otherwise due, the excess may be carried 103775  
forward to the extent authorized by section 122.171 of the Revised 103776  
Code. 103777

If a taxpayer is authorized to claim credits under division 103778  
(A) and either or both of divisions (B) and (D) of this section 103779  
for the same tax period, the taxpayer shall claim the credit 103780  
allowed under division (B) or (D) before the credit allowed under 103781  
division (A) of this section. 103782

**Sec. 5739.01.** As used in this chapter: 103783

(A) "Person" includes individuals, receivers, assignees, 103784  
trustees in bankruptcy, estates, firms, partnerships, 103785

associations, joint-stock companies, joint ventures, clubs, 103786  
societies, corporations, the state and its political subdivisions, 103787  
and combinations of individuals of any form. 103788

(B) "Sale" and "selling" include all of the following 103789  
transactions for a consideration in any manner, whether absolutely 103790  
or conditionally, whether for a price or rental, in money or by 103791  
exchange, and by any means whatsoever: 103792

(1) All transactions by which title or possession, or both, 103793  
of tangible personal property, is or is to be transferred, or a 103794  
license to use or consume tangible personal property is or is to 103795  
be granted; 103796

(2) All transactions by which lodging by a hotel is or is to 103797  
be furnished to transient guests; 103798

(3) All transactions by which: 103799

(a) An item of tangible personal property is or is to be 103800  
repaired, except property, the purchase of which would not be 103801  
subject to the tax imposed by section 5739.02 of the Revised Code; 103802

(b) An item of tangible personal property is or is to be 103803  
installed, except property, the purchase of which would not be 103804  
subject to the tax imposed by section 5739.02 of the Revised Code 103805  
or property that is or is to be incorporated into and will become 103806  
a part of a production, transmission, transportation, or 103807  
distribution system for the delivery of a public utility service; 103808

(c) The service of washing, cleaning, waxing, polishing, or 103809  
painting a motor vehicle is or is to be furnished; 103810

(d) Until August 1, 2003, industrial laundry cleaning 103811  
services are or are to be provided and, on and after August 1, 103812  
2003, laundry and dry cleaning services are or are to be provided; 103813

(e) Automatic data processing, computer services, or 103814  
electronic information services are or are to be provided for use 103815

in business when the true object of the transaction is the receipt 103816  
by the consumer of automatic data processing, computer services, 103817  
or electronic information services rather than the receipt of 103818  
personal or professional services to which automatic data 103819  
processing, computer services, or electronic information services 103820  
are incidental or supplemental. Notwithstanding any other 103821  
provision of this chapter, such transactions that occur between 103822  
members of an affiliated group are not sales. An "affiliated 103823  
group" means two or more persons related in such a way that one 103824  
person owns or controls the business operation of another member 103825  
of the group. In the case of corporations with stock, one 103826  
corporation owns or controls another if it owns more than fifty 103827  
per cent of the other corporation's common stock with voting 103828  
rights. 103829

(f) Telecommunications service, including prepaid calling 103830  
service, prepaid wireless calling service, or ancillary service, 103831  
is or is to be provided, but not including coin-operated telephone 103832  
service; 103833

(g) Landscaping and lawn care service is or is to be 103834  
provided; 103835

(h) Private investigation and security service is or is to be 103836  
provided; 103837

(i) Information services or tangible personal property is 103838  
provided or ordered by means of a nine hundred telephone call; 103839

(j) Building maintenance and janitorial service is or is to 103840  
be provided; 103841

(k) Employment service is or is to be provided; 103842

(l) Employment placement service is or is to be provided; 103843

(m) Exterminating service is or is to be provided; 103844

(n) Physical fitness facility service is or is to be 103845

provided; 103846

(o) Recreation and sports club service is or is to be 103847  
provided; 103848

(p) On and after August 1, 2003, satellite broadcasting 103849  
service is or is to be provided; 103850

(q) On and after August 1, 2003, personal care service is or 103851  
is to be provided to an individual. As used in this division, 103852  
"personal care service" includes skin care, the application of 103853  
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 103854  
piercing, tanning, massage, and other similar services. "Personal 103855  
care service" does not include a service provided by or on the 103856  
order of a licensed physician or licensed chiropractor, or the 103857  
cutting, coloring, or styling of an individual's hair. 103858

(r) On and after August 1, 2003, the transportation of 103859  
persons by motor vehicle or aircraft is or is to be provided, when 103860  
the transportation is entirely within this state, except for 103861  
transportation provided by an ambulance service, by a transit bus, 103862  
as defined in section 5735.01 of the Revised Code, and 103863  
transportation provided by a citizen of the United States holding 103864  
a certificate of public convenience and necessity issued under 49 103865  
U.S.C. 41102; 103866

(s) On and after August 1, 2003, motor vehicle towing service 103867  
is or is to be provided. As used in this division, "motor vehicle 103868  
towing service" means the towing or conveyance of a wrecked, 103869  
disabled, or illegally parked motor vehicle. 103870

(t) On and after August 1, 2003, snow removal service is or 103871  
is to be provided. As used in this division, "snow removal 103872  
service" means the removal of snow by any mechanized means, but 103873  
does not include the providing of such service by a person that 103874  
has less than five thousand dollars in sales of such service 103875  
during the calendar year. 103876

(u) Electronic publishing service is or is to be provided to 103877  
a consumer for use in business, except that such transactions 103878  
occurring between members of an affiliated group, as defined in 103879  
division (B)(3)(e) of this section, are not sales. 103880

(v) Hotel intermediary service is or is to be provided. 103881

(4) All transactions by which printed, imprinted, 103882  
overprinted, lithographic, multilithic, blueprinted, photostatic, 103883  
or other productions or reproductions of written or graphic matter 103884  
are or are to be furnished or transferred; 103885

(5) The production or fabrication of tangible personal 103886  
property for a consideration for consumers who furnish either 103887  
directly or indirectly the materials used in the production of 103888  
fabrication work; and include the furnishing, preparing, or 103889  
serving for a consideration of any tangible personal property 103890  
consumed on the premises of the person furnishing, preparing, or 103891  
serving such tangible personal property. Except as provided in 103892  
section 5739.03 of the Revised Code, a construction contract 103893  
pursuant to which tangible personal property is or is to be 103894  
incorporated into a structure or improvement on and becoming a 103895  
part of real property is not a sale of such tangible personal 103896  
property. The construction contractor is the consumer of such 103897  
tangible personal property, provided that the sale and 103898  
installation of carpeting, the sale and installation of 103899  
agricultural land tile, the sale and erection or installation of 103900  
portable grain bins, or the provision of landscaping and lawn care 103901  
service and the transfer of property as part of such service is 103902  
never a construction contract. 103903

As used in division (B)(5) of this section: 103904

(a) "Agricultural land tile" means fired clay or concrete 103905  
tile, or flexible or rigid perforated plastic pipe or tubing, 103906  
incorporated or to be incorporated into a subsurface drainage 103907

system appurtenant to land used or to be used primarily in 103908  
production by farming, agriculture, horticulture, or floriculture. 103909  
The term does not include such materials when they are or are to 103910  
be incorporated into a drainage system appurtenant to a building 103911  
or structure even if the building or structure is used or to be 103912  
used in such production. 103913

(b) "Portable grain bin" means a structure that is used or to 103914  
be used by a person engaged in farming or agriculture to shelter 103915  
the person's grain and that is designed to be disassembled without 103916  
significant damage to its component parts. 103917

(6) All transactions in which all of the shares of stock of a 103918  
closely held corporation are transferred, or an ownership interest 103919  
in a pass-through entity, as defined in section 5733.04 of the 103920  
Revised Code, is transferred, if the corporation or pass-through 103921  
entity is not engaging in business and its entire assets consist 103922  
of boats, planes, motor vehicles, or other tangible personal 103923  
property operated primarily for the use and enjoyment of the 103924  
shareholders or owners; 103925

(7) All transactions in which a warranty, maintenance or 103926  
service contract, or similar agreement by which the vendor of the 103927  
warranty, contract, or agreement agrees to repair or maintain the 103928  
tangible personal property of the consumer is or is to be 103929  
provided; 103930

(8) The transfer of copyrighted motion picture films used 103931  
solely for advertising purposes, except that the transfer of such 103932  
films for exhibition purposes is not a sale; 103933

(9) On and after August 1, 2003, all transactions by which 103934  
tangible personal property is or is to be stored, except such 103935  
property that the consumer of the storage holds for sale in the 103936  
regular course of business; 103937

(10) All transactions in which "guaranteed auto protection" 103938

is provided whereby a person promises to pay to the consumer the 103939  
difference between the amount the consumer receives from motor 103940  
vehicle insurance and the amount the consumer owes to a person 103941  
holding title to or a lien on the consumer's motor vehicle in the 103942  
event the consumer's motor vehicle suffers a total loss under the 103943  
terms of the motor vehicle insurance policy or is stolen and not 103944  
recovered, if the protection and its price are included in the 103945  
purchase or lease agreement; 103946

(11)(a) Except as provided in division (B)(11)(b) of this 103947  
section, on and after October 1, 2009, all transactions by which 103948  
health care services are paid for, reimbursed, provided, 103949  
delivered, arranged for, or otherwise made available by a medicaid 103950  
health insuring corporation pursuant to the corporation's contract 103951  
with the state. 103952

(b) If the centers for medicare and medicaid services of the 103953  
United States department of health and human services determines 103954  
that the taxation of transactions described in division (B)(11)(a) 103955  
of this section constitutes an impermissible health care-related 103956  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 103957  
1396b(w), and regulations adopted thereunder, the medicaid 103958  
director shall notify the tax commissioner of that determination. 103959  
Beginning with the first day of the month following that 103960  
notification, the transactions described in division (B)(11)(a) of 103961  
this section are not sales for the purposes of this chapter or 103962  
Chapter 5741. of the Revised Code. The tax commissioner shall 103963  
order that the collection of taxes under sections 5739.02, 103964  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 103965  
5741.023 of the Revised Code shall cease for transactions 103966  
occurring on or after that date. 103967

(12) All transactions by which a specified digital product is 103968  
provided for permanent use or less than permanent use, regardless 103969  
of whether continued payment is required. 103970

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition



of hospital or blood bank service, or the practice of veterinary 104003  
medicine, surgery, and dentistry. In addition to being consumers 104004  
of drugs administered by them or by their assistants according to 104005  
their direction, veterinarians also are consumers of drugs that 104006  
under federal law may be dispensed only by or upon the order of a 104007  
licensed veterinarian or physician, when transferred by them to 104008  
others for a consideration to provide treatment to animals as 104009  
directed by the veterinarian. 104010

(3) A person who performs a facility management, or similar 104011  
service contract for a contractee is a consumer of all tangible 104012  
personal property and services purchased for use in connection 104013  
with the performance of such contract, regardless of whether title 104014  
to any such property vests in the contractee. The purchase of such 104015  
property and services is not subject to the exception for resale 104016  
under division (E)(1) of this section. 104017

(4)(a) In the case of a person who purchases printed matter 104018  
for the purpose of distributing it or having it distributed to the 104019  
public or to a designated segment of the public, free of charge, 104020  
that person is the consumer of that printed matter, and the 104021  
purchase of that printed matter for that purpose is a sale. 104022

(b) In the case of a person who produces, rather than 104023  
purchases, printed matter for the purpose of distributing it or 104024  
having it distributed to the public or to a designated segment of 104025  
the public, free of charge, that person is the consumer of all 104026  
tangible personal property and services purchased for use or 104027  
consumption in the production of that printed matter. That person 104028  
is not entitled to claim exemption under division (B)(42)(f) of 104029  
section 5739.02 of the Revised Code for any material incorporated 104030  
into the printed matter or any equipment, supplies, or services 104031  
primarily used to produce the printed matter. 104032

(c) The distribution of printed matter to the public or to a 104033  
designated segment of the public, free of charge, is not a sale to 104034

the members of the public to whom the printed matter is 104035  
distributed or to any persons who purchase space in the printed 104036  
matter for advertising or other purposes. 104037

(5) A person who makes sales of any of the services listed in 104038  
division (B)(3) of this section is the consumer of any tangible 104039  
personal property used in performing the service. The purchase of 104040  
that property is not subject to the resale exception under 104041  
division (E)(1) of this section. 104042

(6) A person who engages in highway transportation for hire 104043  
is the consumer of all packaging materials purchased by that 104044  
person and used in performing the service, except for packaging 104045  
materials sold by such person in a transaction separate from the 104046  
service. 104047

(7) In the case of a transaction for health care services 104048  
under division (B)(11) of this section, a medicaid health insuring 104049  
corporation is the consumer of such services. The purchase of such 104050  
services by a medicaid health insuring corporation is not subject 104051  
to the exception for resale under division (E)(1) of this section 104052  
or to the exemptions provided under divisions (B)(12), (18), (19), 104053  
and (22) of section 5739.02 of the Revised Code. 104054

(E) "Retail sale" and "sales at retail" include all sales, 104055  
except those in which the purpose of the consumer is to resell the 104056  
thing transferred or benefit of the service provided, by a person 104057  
engaging in business, in the form in which the same is, or is to 104058  
be, received by the person. 104059

(F) "Business" includes any activity engaged in by any person 104060  
with the object of gain, benefit, or advantage, either direct or 104061  
indirect. "Business" does not include the activity of a person in 104062  
managing and investing the person's own funds. 104063

(G) "Engaging in business" means commencing, conducting, or 104064  
continuing in business, and liquidating a business when the 104065

liquidator thereof holds itself out to the public as conducting 104066  
such business. Making a casual sale is not engaging in business. 104067

(H)(1)(a) "Price," except as provided in divisions (H)(2), 104068  
(3), and (4) of this section, means the total amount of 104069  
consideration, including cash, credit, property, and services, for 104070  
which tangible personal property or services are sold, leased, or 104071  
rented, valued in money, whether received in money or otherwise, 104072  
without any deduction for any of the following: 104073

(i) The vendor's cost of the property sold; 104074

(ii) The cost of materials used, labor or service costs, 104075  
interest, losses, all costs of transportation to the vendor, all 104076  
taxes imposed on the vendor, including the tax imposed under 104077  
Chapter 5751. of the Revised Code, and any other expense of the 104078  
vendor; 104079

(iii) Charges by the vendor for any services necessary to 104080  
complete the sale; 104081

(iv) On and after August 1, 2003, delivery charges. As used 104082  
in this division, "delivery charges" means charges by the vendor 104083  
for preparation and delivery to a location designated by the 104084  
consumer of tangible personal property or a service, including 104085  
transportation, shipping, postage, handling, crating, and packing. 104086

(v) Installation charges; 104087

(vi) Credit for any trade-in. 104088

(b) "Price" includes consideration received by the vendor 104089  
from a third party, if the vendor actually receives the 104090  
consideration from a party other than the consumer, and the 104091  
consideration is directly related to a price reduction or discount 104092  
on the sale; the vendor has an obligation to pass the price 104093  
reduction or discount through to the consumer; the amount of the 104094  
consideration attributable to the sale is fixed and determinable 104095

by the vendor at the time of the sale of the item to the consumer; 104096  
and one of the following criteria is met: 104097

(i) The consumer presents a coupon, certificate, or other 104098  
document to the vendor to claim a price reduction or discount 104099  
where the coupon, certificate, or document is authorized, 104100  
distributed, or granted by a third party with the understanding 104101  
that the third party will reimburse any vendor to whom the coupon, 104102  
certificate, or document is presented; 104103

(ii) The consumer identifies the consumer's self to the 104104  
seller as a member of a group or organization entitled to a price 104105  
reduction or discount. A preferred customer card that is available 104106  
to any patron does not constitute membership in such a group or 104107  
organization. 104108

(iii) The price reduction or discount is identified as a 104109  
third party price reduction or discount on the invoice received by 104110  
the consumer, or on a coupon, certificate, or other document 104111  
presented by the consumer. 104112

(c) "Price" does not include any of the following: 104113

(i) Discounts, including cash, term, or coupons that are not 104114  
reimbursed by a third party that are allowed by a vendor and taken 104115  
by a consumer on a sale; 104116

(ii) Interest, financing, and carrying charges from credit 104117  
extended on the sale of tangible personal property or services, if 104118  
the amount is separately stated on the invoice, bill of sale, or 104119  
similar document given to the purchaser; 104120

(iii) Any taxes legally imposed directly on the consumer that 104121  
are separately stated on the invoice, bill of sale, or similar 104122  
document given to the consumer. For the purpose of this division, 104123  
the tax imposed under Chapter 5751. of the Revised Code is not a 104124  
tax directly on the consumer, even if the tax or a portion thereof 104125  
is separately stated. 104126

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services 104159  
under division (B)(11) of this section, "price" means the amount 104160  
of managed care premiums received each month by a medicaid health 104161  
insuring corporation. 104162

(I) "Receipts" means the total amount of the prices of the 104163  
sales of vendors, provided that the dollar value of gift cards 104164  
distributed pursuant to an awards, loyalty, or promotional 104165  
program, and cash discounts allowed and taken on sales at the time 104166  
they are consummated are not included, minus any amount deducted 104167  
as a bad debt pursuant to section 5739.121 of the Revised Code. 104168  
"Receipts" does not include the sale price of property returned or 104169  
services rejected by consumers when the full sale price and tax 104170  
are refunded either in cash or by credit. 104171

(J) "Place of business" means any location at which a person 104172  
engages in business. 104173

(K) "Premises" includes any real property or portion thereof 104174  
upon which any person engages in selling tangible personal 104175  
property at retail or making retail sales and also includes any 104176  
real property or portion thereof designated for, or devoted to, 104177  
use in conjunction with the business engaged in by such person. 104178

(L) "Casual sale" means a sale of an item of tangible 104179  
personal property that was obtained by the person making the sale, 104180  
through purchase or otherwise, for the person's own use and was 104181  
previously subject to any state's taxing jurisdiction on its sale 104182  
or use, and includes such items acquired for the seller's use that 104183  
are sold by an auctioneer employed directly by the person for such 104184  
purpose, provided the location of such sales is not the 104185  
auctioneer's permanent place of business. As used in this 104186  
division, "permanent place of business" includes any location 104187  
where such auctioneer has conducted more than two auctions during 104188  
the year. 104189

(M) "Hotel" means every establishment kept, used, maintained, 104190  
advertised, or held out to the public to be a place where sleeping 104191  
accommodations are offered to guests, in which five or more rooms 104192  
are used for the accommodation of such guests, whether the rooms 104193  
are in one or several structures, except as otherwise provided in 104194  
division (G) of section 5739.09 of the Revised Code. 104195

(N) "Transient guests" means persons occupying a room or 104196  
rooms for sleeping accommodations for less than thirty consecutive 104197  
days. 104198

(O) "Making retail sales" means the effecting of transactions 104199  
wherein one party is obligated to pay the price and the other 104200  
party is obligated to provide a service or to transfer title to or 104201  
possession of the item sold. "Making retail sales" does not 104202  
include the preliminary acts of promoting or soliciting the retail 104203  
sales, other than the distribution of printed matter which 104204  
displays or describes and prices the item offered for sale, nor 104205  
does it include delivery of a predetermined quantity of tangible 104206  
personal property or transportation of property or personnel to or 104207  
from a place where a service is performed. 104208

(P) "Used directly in the rendition of a public utility 104209  
service" means that property that is to be incorporated into and 104210  
will become a part of the consumer's production, transmission, 104211  
transportation, or distribution system and that retains its 104212  
classification as tangible personal property after such 104213  
incorporation; fuel or power used in the production, transmission, 104214  
transportation, or distribution system; and tangible personal 104215  
property used in the repair and maintenance of the production, 104216  
transmission, transportation, or distribution system, including 104217  
only such motor vehicles as are specially designed and equipped 104218  
for such use. Tangible personal property and services used 104219  
primarily in providing highway transportation for hire are not 104220  
used directly in the rendition of a public utility service. In 104221

this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United



States census bureau. 104253

(V) "Legislative authority" means, with respect to a regional 104254  
transit authority, the board of trustees thereof, and with respect 104255  
to a county that is a transit authority, the board of county 104256  
commissioners. 104257

(W) "Territory of the transit authority" means all of the 104258  
area included within the territorial boundaries of a transit 104259  
authority as they from time to time exist. Such territorial 104260  
boundaries must at all times include all the area of a single 104261  
county or all the area of the most populous county that is a part 104262  
of such transit authority. County population shall be measured by 104263  
the most recent census taken by the United States census bureau. 104264

(X) "Providing a service" means providing or furnishing 104265  
anything described in division (B)(3) of this section for 104266  
consideration. 104267

(Y)(1)(a) "Automatic data processing" means processing of 104268  
others' data, including keypunching or similar data entry services 104269  
together with verification thereof, or providing access to 104270  
computer equipment for the purpose of processing data. 104271

(b) "Computer services" means providing services consisting 104272  
of specifying computer hardware configurations and evaluating 104273  
technical processing characteristics, computer programming, and 104274  
training of computer programmers and operators, provided in 104275  
conjunction with and to support the sale, lease, or operation of 104276  
taxable computer equipment or systems. 104277

(c) "Electronic information services" means providing access 104278  
to computer equipment by means of telecommunications equipment for 104279  
the purpose of either of the following: 104280

(i) Examining or acquiring data stored in or accessible to 104281  
the computer equipment; 104282

(ii) Placing data into the computer equipment to be retrieved 104283  
by designated recipients with access to the computer equipment. 104284

For transactions occurring on or after the effective date of 104285  
the amendment of this section by H.B. 157 of the 127th general 104286  
assembly, December 21, 2007, "electronic information services" 104287  
does not include electronic publishing as defined in division 104288  
(LLL) of this section. 104289

(d) "Automatic data processing, computer services, or 104290  
electronic information services" shall not include personal or 104291  
professional services. 104292

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 104293  
section, "personal and professional services" means all services 104294  
other than automatic data processing, computer services, or 104295  
electronic information services, including but not limited to: 104296

(a) Accounting and legal services such as advice on tax 104297  
matters, asset management, budgetary matters, quality control, 104298  
information security, and auditing and any other situation where 104299  
the service provider receives data or information and studies, 104300  
alters, analyzes, interprets, or adjusts such material; 104301

(b) Analyzing business policies and procedures; 104302

(c) Identifying management information needs; 104303

(d) Feasibility studies, including economic and technical 104304  
analysis of existing or potential computer hardware or software 104305  
needs and alternatives; 104306

(e) Designing policies, procedures, and custom software for 104307  
collecting business information, and determining how data should 104308  
be summarized, sequenced, formatted, processed, controlled, and 104309  
reported so that it will be meaningful to management; 104310

(f) Developing policies and procedures that document how 104311  
business events and transactions are to be authorized, executed, 104312

and controlled;	104313
(g) Testing of business procedures;	104314
(h) Training personnel in business procedure applications;	104315
(i) Providing credit information to users of such information	104316
by a consumer reporting agency, as defined in the "Fair Credit	104317
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	104318
as hereafter amended, including but not limited to gathering,	104319
organizing, analyzing, recording, and furnishing such information	104320
by any oral, written, graphic, or electronic medium;	104321
(j) Providing debt collection services by any oral, written,	104322
graphic, or electronic means.	104323
The services listed in divisions (Y)(2)(a) to (j) of this	104324
section are not automatic data processing or computer services.	104325
(Z) "Highway transportation for hire" means the	104326
transportation of personal property belonging to others for	104327
consideration by any of the following:	104328
(1) The holder of a permit or certificate issued by this	104329
state or the United States authorizing the holder to engage in	104330
transportation of personal property belonging to others for	104331
consideration over or on highways, roadways, streets, or any	104332
similar public thoroughfare;	104333
(2) A person who engages in the transportation of personal	104334
property belonging to others for consideration over or on	104335
highways, roadways, streets, or any similar public thoroughfare	104336
but who could not have engaged in such transportation on December	104337
11, 1985, unless the person was the holder of a permit or	104338
certificate of the types described in division (Z)(1) of this	104339
section;	104340
(3) A person who leases a motor vehicle to and operates it	104341
for a person described by division (Z)(1) or (2) of this section.	104342

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service

providers, as defined in 47 C.F.R. 20.3;	104374
(h) Ancillary service;	104375
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	104376 104377
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	104378 104379 104380 104381 104382
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	104383 104384 104385 104386 104387
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	104388 104389 104390
(c) "Directory assistance" means an ancillary service of providing telephone number or address information.	104391 104392
(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.	104393 104394 104395 104396 104397
(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.	104398 104399 104400 104401 104402
(3) "900 service" means an inbound toll telecommunications	104403

service purchased by a subscriber that allows the subscriber's 104404  
customers to call in to the subscriber's prerecorded announcement 104405  
or live service, and which is typically marketed under the name 104406  
"900 service" and any subsequent numbers designated by the federal 104407  
communications commission. "900 service" does not include the 104408  
charge for collection services provided by the seller of the 104409  
telecommunications service to the subscriber, or services or 104410  
products sold by the subscriber to the subscriber's customer. 104411

(4) "Prepaid calling service" means the right to access 104412  
exclusively telecommunications services, which must be paid for in 104413  
advance and which enables the origination of calls using an access 104414  
number or authorization code, whether manually or electronically 104415  
dialed, and that is sold in predetermined units or dollars of 104416  
which the number declines with use in a known amount. 104417

(5) "Prepaid wireless calling service" means a 104418  
telecommunications service that provides the right to utilize 104419  
mobile telecommunications service as well as other 104420  
non-telecommunications services, including the download of digital 104421  
products delivered electronically, and content and ancillary 104422  
services, that must be paid for in advance and that is sold in 104423  
predetermined units or dollars of which the number declines with 104424  
use in a known amount. 104425

(6) "Value-added non-voice data service" means a 104426  
telecommunications service in which computer processing 104427  
applications are used to act on the form, content, code, or 104428  
protocol of the information or data primarily for a purpose other 104429  
than transmission, conveyance, or routing. 104430

(7) "Coin-operated telephone service" means a 104431  
telecommunications service paid for by inserting money into a 104432  
telephone accepting direct deposits of money to operate. 104433

(8) "Customer" has the same meaning as in section 5739.034 of 104434

the Revised Code. 104435

(BB) "Laundry and dry cleaning services" means removing soil 104436  
or dirt from towels, linens, articles of clothing, or other fabric 104437  
items that belong to others and supplying towels, linens, articles 104438  
of clothing, or other fabric items. "Laundry and dry cleaning 104439  
services" does not include the provision of self-service 104440  
facilities for use by consumers to remove soil or dirt from 104441  
towels, linens, articles of clothing, or other fabric items. 104442

(CC) "Magazines distributed as controlled circulation 104443  
publications" means magazines containing at least twenty-four 104444  
pages, at least twenty-five per cent editorial content, issued at 104445  
regular intervals four or more times a year, and circulated 104446  
without charge to the recipient, provided that such magazines are 104447  
not owned or controlled by individuals or business concerns which 104448  
conduct such publications as an auxiliary to, and essentially for 104449  
the advancement of the main business or calling of, those who own 104450  
or control them. 104451

(DD) "Landscaping and lawn care service" means the services 104452  
of planting, seeding, sodding, removing, cutting, trimming, 104453  
pruning, mulching, aerating, applying chemicals, watering, 104454  
fertilizing, and providing similar services to establish, promote, 104455  
or control the growth of trees, shrubs, flowers, grass, ground 104456  
cover, and other flora, or otherwise maintaining a lawn or 104457  
landscape grown or maintained by the owner for ornamentation or 104458  
other nonagricultural purpose. However, "landscaping and lawn care 104459  
service" does not include the providing of such services by a 104460  
person who has less than five thousand dollars in sales of such 104461  
services during the calendar year. 104462

(EE) "Private investigation and security service" means the 104463  
performance of any activity for which the provider of such service 104464  
is required to be licensed pursuant to Chapter 4749. of the 104465  
Revised Code, or would be required to be so licensed in performing 104466

such services in this state, and also includes the services of 104467  
conducting polygraph examinations and of monitoring or overseeing 104468  
the activities on or in, or the condition of, the consumer's home, 104469  
business, or other facility by means of electronic or similar 104470  
monitoring devices. "Private investigation and security service" 104471  
does not include special duty services provided by off-duty police 104472  
officers, deputy sheriffs, and other peace officers regularly 104473  
employed by the state or a political subdivision. 104474

(FF) "Information services" means providing conversation, 104475  
giving consultation or advice, playing or making a voice or other 104476  
recording, making or keeping a record of the number of callers, 104477  
and any other service provided to a consumer by means of a nine 104478  
hundred telephone call, except when the nine hundred telephone 104479  
call is the means by which the consumer makes a contribution to a 104480  
recognized charity. 104481

(GG) "Research and development" means designing, creating, or 104482  
formulating new or enhanced products, equipment, or manufacturing 104483  
processes, and also means conducting scientific or technological 104484  
inquiry and experimentation in the physical sciences with the goal 104485  
of increasing scientific knowledge which may reveal the bases for 104486  
new or enhanced products, equipment, or manufacturing processes. 104487

(HH) "Qualified research and development equipment" means 104488  
capitalized tangible personal property, and leased personal 104489  
property that would be capitalized if purchased, used by a person 104490  
primarily to perform research and development. Tangible personal 104491  
property primarily used in testing, as defined in division (A)(4) 104492  
of section 5739.011 of the Revised Code, or used for recording or 104493  
storing test results, is not qualified research and development 104494  
equipment unless such property is primarily used by the consumer 104495  
in testing the product, equipment, or manufacturing process being 104496  
created, designed, or formulated by the consumer in the research 104497  
and development activity or in recording or storing such test 104498



results. 104499

(II) "Building maintenance and janitorial service" means 104500  
cleaning the interior or exterior of a building and any tangible 104501  
personal property located therein or thereon, including any 104502  
services incidental to such cleaning for which no separate charge 104503  
is made. However, "building maintenance and janitorial service" 104504  
does not include the providing of such service by a person who has 104505  
less than five thousand dollars in sales of such service during 104506  
the calendar year. As used in this division, "cleaning" does not 104507  
include sanitation services necessary for an establishment 104508  
described in 21 U.S.C. 608 to comply with rules and regulations 104509  
adopted pursuant to that section. 104510

(JJ) "Employment service" means providing or supplying 104511  
personnel, on a temporary or long-term basis, to perform work or 104512  
labor under the supervision or control of another, when the 104513  
personnel so provided or supplied receive their wages, salary, or 104514  
other compensation from the provider or supplier of the employment 104515  
service or from a third party that provided or supplied the 104516  
personnel to the provider or supplier. "Employment service" does 104517  
not include: 104518

(1) Acting as a contractor or subcontractor, where the 104519  
personnel performing the work are not under the direct control of 104520  
the purchaser. 104521

(2) Medical and health care services. 104522

(3) Supplying personnel to a purchaser pursuant to a contract 104523  
of at least one year between the service provider and the 104524  
purchaser that specifies that each employee covered under the 104525  
contract is assigned to the purchaser on a permanent basis. 104526

(4) Transactions between members of an affiliated group, as 104527  
defined in division (B)(3)(e) of this section. 104528

(5) Transactions where the personnel so provided or supplied 104529

by a provider or supplier to a purchaser of an employment service 104530  
are then provided or supplied by that purchaser to a third party 104531  
as an employment service, except "employment service" does include 104532  
the transaction between that purchaser and the third party. 104533

(KK) "Employment placement service" means locating or finding 104534  
employment for a person or finding or locating an employee to fill 104535  
an available position. 104536

(LL) "Exterminating service" means eradicating or attempting 104537  
to eradicate vermin infestations from a building or structure, or 104538  
the area surrounding a building or structure, and includes 104539  
activities to inspect, detect, or prevent vermin infestation of a 104540  
building or structure. 104541

(MM) "Physical fitness facility service" means all 104542  
transactions by which a membership is granted, maintained, or 104543  
renewed, including initiation fees, membership dues, renewal fees, 104544  
monthly minimum fees, and other similar fees and dues, by a 104545  
physical fitness facility such as an athletic club, health spa, or 104546  
gymnasium, which entitles the member to use the facility for 104547  
physical exercise. 104548

(NN) "Recreation and sports club service" means all 104549  
transactions by which a membership is granted, maintained, or 104550  
renewed, including initiation fees, membership dues, renewal fees, 104551  
monthly minimum fees, and other similar fees and dues, by a 104552  
recreation and sports club, which entitles the member to use the 104553  
facilities of the organization. "Recreation and sports club" means 104554  
an organization that has ownership of, or controls or leases on a 104555  
continuing, long-term basis, the facilities used by its members 104556  
and includes an aviation club, gun or shooting club, yacht club, 104557  
card club, swimming club, tennis club, golf club, country club, 104558  
riding club, amateur sports club, or similar organization. 104559

(OO) "Livestock" means farm animals commonly raised for food, 104560

food production, or other agricultural purposes, including, but 104561  
not limited to, cattle, sheep, goats, swine, poultry, and captive 104562  
deer. "Livestock" does not include invertebrates, amphibians, 104563  
reptiles, domestic pets, animals for use in laboratories or for 104564  
exhibition, or other animals not commonly raised for food or food 104565  
production. 104566

(PP) "Livestock structure" means a building or structure used 104567  
exclusively for the housing, raising, feeding, or sheltering of 104568  
livestock, and includes feed storage or handling structures and 104569  
structures for livestock waste handling. 104570

(QQ) "Horticulture" means the growing, cultivation, and 104571  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 104572  
and nursery stock. As used in this division, "nursery stock" has 104573  
the same meaning as in section 927.51 of the Revised Code. 104574

(RR) "Horticulture structure" means a building or structure 104575  
used exclusively for the commercial growing, raising, or 104576  
overwintering of horticultural products, and includes the area 104577  
used for stocking, storing, and packing horticultural products 104578  
when done in conjunction with the production of those products. 104579

(SS) "Newspaper" means an unbound publication bearing a title 104580  
or name that is regularly published, at least as frequently as 104581  
biweekly, and distributed from a fixed place of business to the 104582  
public in a specific geographic area, and that contains a 104583  
substantial amount of news matter of international, national, or 104584  
local events of interest to the general public. 104585

(TT) "Professional racing team" means a person that employs 104586  
at least twenty full-time employees for the purpose of conducting 104587  
a motor vehicle racing business for profit. The person must 104588  
conduct the business with the purpose of racing one or more motor 104589  
racing vehicles in at least ten competitive professional racing 104590  
events each year that comprise all or part of a motor racing 104591

series sanctioned by one or more motor racing sanctioning 104592  
organizations. A "motor racing vehicle" means a vehicle for which 104593  
the chassis, engine, and parts are designed exclusively for motor 104594  
racing, and does not include a stock or production model vehicle 104595  
that may be modified for use in racing. For the purposes of this 104596  
division: 104597

(1) A "competitive professional racing event" is a motor 104598  
vehicle racing event sanctioned by one or more motor racing 104599  
sanctioning organizations, at which aggregate cash prizes in 104600  
excess of eight hundred thousand dollars are awarded to the 104601  
competitors. 104602

(2) "Full-time employee" means an individual who is employed 104603  
for consideration for thirty-five or more hours a week, or who 104604  
renders any other standard of service generally accepted by custom 104605  
or specified by contract as full-time employment. 104606

(UU)(1) "Lease" or "rental" means any transfer of the 104607  
possession or control of tangible personal property for a fixed or 104608  
indefinite term, for consideration. "Lease" or "rental" includes 104609  
future options to purchase or extend, and agreements described in 104610  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 104611  
the amount of consideration may be increased or decreased by 104612  
reference to the amount realized upon the sale or disposition of 104613  
the property. "Lease" or "rental" does not include: 104614

(a) A transfer of possession or control of tangible personal 104615  
property under a security agreement or a deferred payment plan 104616  
that requires the transfer of title upon completion of the 104617  
required payments; 104618

(b) A transfer of possession or control of tangible personal 104619  
property under an agreement that requires the transfer of title 104620  
upon completion of required payments and payment of an option 104621  
price that does not exceed the greater of one hundred dollars or 104622

one per cent of the total required payments; 104623

(c) Providing tangible personal property along with an 104624  
operator for a fixed or indefinite period of time, if the operator 104625  
is necessary for the property to perform as designed. For purposes 104626  
of this division, the operator must do more than maintain, 104627  
inspect, or set up the tangible personal property. 104628

(2) "Lease" and "rental," as defined in division (UU) of this 104629  
section, shall not apply to leases or rentals that exist before 104630  
June 26, 2003. 104631

(3) "Lease" and "rental" have the same meaning as in division 104632  
(UU)(1) of this section regardless of whether a transaction is 104633  
characterized as a lease or rental under generally accepted 104634  
accounting principles, the Internal Revenue Code, Title XIII of 104635  
the Revised Code, or other federal, state, or local laws. 104636

(VV) "Mobile telecommunications service" has the same meaning 104637  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 104638  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 104639  
on and after August 1, 2003, includes related fees and ancillary 104640  
services, including universal service fees, detailed billing 104641  
service, directory assistance, service initiation, voice mail 104642  
service, and vertical services, such as caller ID and three-way 104643  
calling. 104644

(WW) "Certified service provider" has the same meaning as in 104645  
section 5740.01 of the Revised Code. 104646

(XX) "Satellite broadcasting service" means the distribution 104647  
or broadcasting of programming or services by satellite directly 104648  
to the subscriber's receiving equipment without the use of ground 104649  
receiving or distribution equipment, except the subscriber's 104650  
receiving equipment or equipment used in the uplink process to the 104651  
satellite, and includes all service and rental charges, premium 104652  
channels or other special services, installation and repair 104653

service charges, and any other charges having any connection with 104654  
the provision of the satellite broadcasting service. 104655

(YY) "Tangible personal property" means personal property 104656  
that can be seen, weighed, measured, felt, or touched, or that is 104657  
in any other manner perceptible to the senses. For purposes of 104658  
this chapter and Chapter 5741. of the Revised Code, "tangible 104659  
personal property" includes motor vehicles, electricity, water, 104660  
gas, steam, and prewritten computer software. 104661

(ZZ) "Direct mail" means printed material delivered or 104662  
distributed by United States mail or other delivery service to a 104663  
mass audience or to addressees on a mailing list provided by the 104664  
consumer or at the direction of the consumer when the cost of the 104665  
items are not billed directly to the recipients. "Direct mail" 104666  
includes tangible personal property supplied directly or 104667  
indirectly by the consumer to the direct mail vendor for inclusion 104668  
in the package containing the printed material. "Direct mail" does 104669  
not include multiple items of printed material delivered to a 104670  
single address. 104671

(AAA) "Computer" means an electronic device that accepts 104672  
information in digital or similar form and manipulates it for a 104673  
result based on a sequence of instructions. 104674

(BBB) "Computer software" means a set of coded instructions 104675  
designed to cause a computer or automatic data processing 104676  
equipment to perform a task. 104677

(CCC) "Delivered electronically" means delivery of computer 104678  
software from the seller to the purchaser by means other than 104679  
tangible storage media. 104680

(DDD) "Prewritten computer software" means computer software, 104681  
including prewritten upgrades, that is not designed and developed 104682  
by the author or other creator to the specifications of a specific 104683  
purchaser. The combining of two or more prewritten computer 104684

software programs or prewritten portions thereof does not cause 104685  
the combination to be other than prewritten computer software. 104686  
"Prewritten computer software" includes software designed and 104687  
developed by the author or other creator to the specifications of 104688  
a specific purchaser when it is sold to a person other than the 104689  
purchaser. If a person modifies or enhances computer software of 104690  
which the person is not the author or creator, the person shall be 104691  
deemed to be the author or creator only of such person's 104692  
modifications or enhancements. Prewritten computer software or a 104693  
prewritten portion thereof that is modified or enhanced to any 104694  
degree, where such modification or enhancement is designed and 104695  
developed to the specifications of a specific purchaser, remains 104696  
prewritten computer software; provided, however, that where there 104697  
is a reasonable, separately stated charge or an invoice or other 104698  
statement of the price given to the purchaser for the modification 104699  
or enhancement, the modification or enhancement shall not 104700  
constitute prewritten computer software. 104701

(EEE)(1) "Food" means substances, whether in liquid, 104702  
concentrated, solid, frozen, dried, or dehydrated form, that are 104703  
sold for ingestion or chewing by humans and are consumed for their 104704  
taste or nutritional value. "Food" does not include alcoholic 104705  
beverages, dietary supplements, soft drinks, or tobacco. 104706

(2) As used in division (EEE)(1) of this section: 104707

(a) "Alcoholic beverages" means beverages that are suitable 104708  
for human consumption and contain one-half of one per cent or more 104709  
of alcohol by volume. 104710

(b) "Dietary supplements" means any product, other than 104711  
tobacco, that is intended to supplement the diet and that is 104712  
intended for ingestion in tablet, capsule, powder, softgel, 104713  
gelcap, or liquid form, or, if not intended for ingestion in such 104714  
a form, is not represented as conventional food for use as a sole 104715  
item of a meal or of the diet; that is required to be labeled as a 104716

dietary supplement, identifiable by the "supplement facts" box 104717  
found on the label, as required by 21 C.F.R. 101.36; and that 104718  
contains one or more of the following dietary ingredients: 104719

(i) A vitamin; 104720

(ii) A mineral; 104721

(iii) An herb or other botanical; 104722

(iv) An amino acid; 104723

(v) A dietary substance for use by humans to supplement the 104724  
diet by increasing the total dietary intake; 104725

(vi) A concentrate, metabolite, constituent, extract, or 104726  
combination of any ingredient described in divisions 104727  
(EEE)(2)(b)(i) to (v) of this section. 104728

(c) "Soft drinks" means nonalcoholic beverages that contain 104729  
natural or artificial sweeteners. "Soft drinks" does not include 104730  
beverages that contain milk or milk products, soy, rice, or 104731  
similar milk substitutes, or that contains greater than fifty per 104732  
cent vegetable or fruit juice by volume. 104733

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 104734  
tobacco, or any other item that contains tobacco. 104735

(FFF) "Drug" means a compound, substance, or preparation, and 104736  
any component of a compound, substance, or preparation, other than 104737  
food, dietary supplements, or alcoholic beverages that is 104738  
recognized in the official United States pharmacopoeia, official 104739  
homeopathic pharmacopoeia of the United States, or official 104740  
national formulary, and supplements to them; is intended for use 104741  
in the diagnosis, cure, mitigation, treatment, or prevention of 104742  
disease; or is intended to affect the structure or any function of 104743  
the body. 104744

(GGG) "Prescription" means an order, formula, or recipe 104745  
issued in any form of oral, written, electronic, or other means of 104746



transmission by a duly licensed practitioner authorized by the 104747  
laws of this state to issue a prescription. 104748

(HHH) "Durable medical equipment" means equipment, including 104749  
repair and replacement parts for such equipment, that can 104750  
withstand repeated use, is primarily and customarily used to serve 104751  
a medical purpose, generally is not useful to a person in the 104752  
absence of illness or injury, and is not worn in or on the body. 104753  
"Durable medical equipment" does not include mobility enhancing 104754  
equipment. 104755

(III) "Mobility enhancing equipment" means equipment, 104756  
including repair and replacement parts for such equipment, that is 104757  
primarily and customarily used to provide or increase the ability 104758  
to move from one place to another and is appropriate for use 104759  
either in a home or a motor vehicle, that is not generally used by 104760  
persons with normal mobility, and that does not include any motor 104761  
vehicle or equipment on a motor vehicle normally provided by a 104762  
motor vehicle manufacturer. "Mobility enhancing equipment" does 104763  
not include durable medical equipment. 104764

(JJJ) "Prosthetic device" means a replacement, corrective, or 104765  
supportive device, including repair and replacement parts for the 104766  
device, worn on or in the human body to artificially replace a 104767  
missing portion of the body, prevent or correct physical deformity 104768  
or malfunction, or support a weak or deformed portion of the body. 104769  
As used in this division, "prosthetic device" does not include 104770  
corrective eyeglasses, contact lenses, or dental prosthesis. 104771

(KKK)(1) "Fractional aircraft ownership program" means a 104772  
program in which persons within an affiliated group sell and 104773  
manage fractional ownership program aircraft, provided that at 104774  
least one hundred airworthy aircraft are operated in the program 104775  
and the program meets all of the following criteria: 104776

(a) Management services are provided by at least one program 104777

manager within an affiliated group on behalf of the fractional owners. 104778  
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(b) Each program aircraft is owned or possessed by at least one fractional owner. 104780  
104781

(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 104782  
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(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 104785  
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(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 104787  
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(2) As used in division (KKK)(1) of this section: 104790

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 104791  
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(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section. 104793  
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 104797  
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program 104804  
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manager to the fractional owners, including, at a minimum, the 104808  
establishment and implementation of safety guidelines; the 104809  
coordination of the scheduling of the program aircraft and crews; 104810  
program aircraft maintenance; program aircraft insurance; crew 104811  
training for crews employed, furnished, or contracted by the 104812  
program manager or the fractional owner; the satisfaction of 104813  
record-keeping requirements; and the development and use of an 104814  
operations manual and a maintenance manual for the fractional 104815  
aircraft ownership program. 104816

(e) "Program manager" means the person that offers management 104817  
services to fractional owners pursuant to a management services 104818  
agreement under division (KKK)(1)(e) of this section. 104819

(LLL) "Electronic publishing" means providing access to one 104820  
or more of the following primarily for business customers, 104821  
including the federal government or a state government or a 104822  
political subdivision thereof, to conduct research: news; 104823  
business, financial, legal, consumer, or credit materials; 104824  
editorials, columns, reader commentary, or features; photos or 104825  
images; archival or research material; legal notices, identity 104826  
verification, or public records; scientific, educational, 104827  
instructional, technical, professional, trade, or other literary 104828  
materials; or other similar information which has been gathered 104829  
and made available by the provider to the consumer in an 104830  
electronic format. Providing electronic publishing includes the 104831  
functions necessary for the acquisition, formatting, editing, 104832  
storage, and dissemination of data or information that is the 104833  
subject of a sale. 104834

(MMM) "Medicaid health insuring corporation" means a health 104835  
insuring corporation that holds a certificate of authority under 104836  
Chapter 1751. of the Revised Code and is under contract with the 104837  
department of job and family services pursuant to section 5111.17 104838  
of the Revised Code. 104839

(NNN) "Managed care premium" means any premium, capitation, 104840  
or other payment a medicaid health insuring corporation receives 104841  
for providing or arranging for the provision of health care 104842  
services to its members or enrollees residing in this state. 104843

(OOO) "Captive deer" means deer and other cervidae that have 104844  
been legally acquired, or their offspring, that are privately 104845  
owned for agricultural or farming purposes. 104846

(PPP) "Gift card" means a document, card, certificate, or 104847  
other record, whether tangible or intangible, that may be redeemed 104848  
by a consumer for a dollar value when making a purchase of 104849  
tangible personal property or services. 104850

(QQQ) "Specified digital product" means an electronically 104851  
transferred digital audiovisual work, digital audio work, or 104852  
digital book. 104853

As used in division (QQQ) of this section: 104854

(1) "Digital audiovisual work" means a series of related 104855  
images that, when shown in succession, impart an impression of 104856  
motion, together with accompanying sounds, if any. 104857

(2) "Digital audio work" means a work that results from the 104858  
fixation of a series of musical, spoken, or other sounds, 104859  
including digitized sound files that are downloaded onto a device 104860  
and that may be used to alert the customer with respect to a 104861  
communication. 104862

(3) "Digital book" means a work that is generally recognized 104863  
in the ordinary and usual sense as a book. 104864

(4) "Electronically transferred" means obtained by the 104865  
purchaser by means other than tangible storage media. 104866

(RRR) "Hotel intermediary service" means acting as a person, 104867  
other than a hotel, that brokers, coordinates, or otherwise 104868  
arranges for the purchase, sale, use, or possession of lodging at 104869

hotels to or by transient guests. 104870

**Sec. 5739.02.** For the purpose of providing revenue with which 104871  
to meet the needs of the state, for the use of the general revenue 104872  
fund of the state, for the purpose of securing a thorough and 104873  
efficient system of common schools throughout the state, for the 104874  
purpose of affording revenues, in addition to those from general 104875  
property taxes, permitted under constitutional limitations, and 104876  
from other sources, for the support of local governmental 104877  
functions, and for the purpose of reimbursing the state for the 104878  
expense of administering this chapter, an excise tax is hereby 104879  
levied on each retail sale made in this state. 104880

(A)(1) The tax shall be collected as provided in section 104881  
5739.025 of the Revised Code. The rate of the tax shall be five 104882  
and three-fourths per cent. The tax applies and is collectible 104883  
when the sale is made, regardless of the time when the price is 104884  
paid or delivered. 104885

(2) In the case of the lease or rental, with a fixed term of 104886  
more than thirty days or an indefinite term with a minimum period 104887  
of more than thirty days, of any motor vehicles designed by the 104888  
manufacturer to carry a load of not more than one ton, watercraft, 104889  
outboard motor, or aircraft, or of any tangible personal property, 104890  
other than motor vehicles designed by the manufacturer to carry a 104891  
load of more than one ton, to be used by the lessee or renter 104892  
primarily for business purposes, the tax shall be collected by the 104893  
vendor at the time the lease or rental is consummated and shall be 104894  
calculated by the vendor on the basis of the total amount to be 104895  
paid by the lessee or renter under the lease agreement. If the 104896  
total amount of the consideration for the lease or rental includes 104897  
amounts that are not calculated at the time the lease or rental is 104898  
executed, the tax shall be calculated and collected by the vendor 104899  
at the time such amounts are billed to the lessee or renter. In 104900

the case of an open-end lease or rental, the tax shall be 104901  
calculated by the vendor on the basis of the total amount to be 104902  
paid during the initial fixed term of the lease or rental, and for 104903  
each subsequent renewal period as it comes due. As used in this 104904  
division, "motor vehicle" has the same meaning as in section 104905  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 104906  
unit attached to the watercraft. 104907

A lease with a renewal clause and a termination penalty or 104908  
similar provision that applies if the renewal clause is not 104909  
exercised is presumed to be a sham transaction. In such a case, 104910  
the tax shall be calculated and paid on the basis of the entire 104911  
length of the lease period, including any renewal periods, until 104912  
the termination penalty or similar provision no longer applies. 104913  
The taxpayer shall bear the burden, by a preponderance of the 104914  
evidence, that the transaction or series of transactions is not a 104915  
sham transaction. 104916

(3) Except as provided in division (A)(2) of this section, in 104917  
the case of a sale, the price of which consists in whole or in 104918  
part of the lease or rental of tangible personal property, the tax 104919  
shall be measured by the installments of that lease or rental. 104920

(4) In the case of a sale of a physical fitness facility 104921  
service or recreation and sports club service, the price of which 104922  
consists in whole or in part of a membership for the receipt of 104923  
the benefit of the service, the tax applicable to the sale shall 104924  
be measured by the installments thereof. 104925

(B) The tax does not apply to the following: 104926

(1) Sales to the state or any of its political subdivisions, 104927  
or to any other state or its political subdivisions if the laws of 104928  
that state exempt from taxation sales made to this state and its 104929  
political subdivisions; 104930

(2) Sales of food for human consumption off the premises 104931

where sold;	104932
(3) Sales of food sold to students only in a cafeteria,	104933
dormitory, fraternity, or sorority maintained in a private,	104934
public, or parochial school, college, or university;	104935
(4) Sales of newspapers and sales or transfers of magazines	104936
distributed as controlled circulation publications;	104937
(5) The furnishing, preparing, or serving of meals without	104938
charge by an employer to an employee provided the employer records	104939
the meals as part compensation for services performed or work	104940
done;	104941
(6) Sales of motor fuel upon receipt, use, distribution, or	104942
sale of which in this state a tax is imposed by the law of this	104943
state, but this exemption shall not apply to the sale of motor	104944
fuel on which a refund of the tax is allowable under division (A)	104945
of section 5735.14 of the Revised Code; and the tax commissioner	104946
may deduct the amount of tax levied by this section applicable to	104947
the price of motor fuel when granting a refund of motor fuel tax	104948
pursuant to division (A) of section 5735.14 of the Revised Code	104949
and shall cause the amount deducted to be paid into the general	104950
revenue fund of this state;	104951
(7) Sales of natural gas by a natural gas company, of water	104952
by a water-works company, or of steam by a heating company, if in	104953
each case the thing sold is delivered to consumers through pipes	104954
or conduits, and all sales of communications services by a	104955
telegraph company, all terms as defined in section 5727.01 of the	104956
Revised Code, and sales of electricity delivered through wires;	104957
(8) Casual sales by a person, or auctioneer employed directly	104958
by the person to conduct such sales, except as to such sales of	104959
motor vehicles, watercraft or outboard motors required to be	104960
titled under section 1548.06 of the Revised Code, watercraft	104961
documented with the United States coast guard, snowmobiles, and	104962

all-purpose vehicles as defined in section 4519.01 of the Revised Code; 104963  
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(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization. 104965  
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(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school. 104981  
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(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station. 104988  
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(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state; 104991  
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(11) Except for transactions that are sales under division 104994  
(B)(3)(r) of section 5739.01 of the Revised Code, the 104995  
transportation of persons or property, unless the transportation 104996  
is by a private investigation and security service; 104997

(12) Sales of tangible personal property or services to 104998  
churches, to organizations exempt from taxation under section 104999  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 105000  
nonprofit organizations operated exclusively for charitable 105001  
purposes in this state, no part of the net income of which inures 105002  
to the benefit of any private shareholder or individual, and no 105003  
substantial part of the activities of which consists of carrying 105004  
on propaganda or otherwise attempting to influence legislation; 105005  
sales to offices administering one or more homes for the aged or 105006  
one or more hospital facilities exempt under section 140.08 of the 105007  
Revised Code; and sales to organizations described in division (D) 105008  
of section 5709.12 of the Revised Code. 105009

"Charitable purposes" means the relief of poverty; the 105010  
improvement of health through the alleviation of illness, disease, 105011  
or injury; the operation of an organization exclusively for the 105012  
provision of professional, laundry, printing, and purchasing 105013  
services to hospitals or charitable institutions; the operation of 105014  
a home for the aged, as defined in section 5701.13 of the Revised 105015  
Code; the operation of a radio or television broadcasting station 105016  
that is licensed by the federal communications commission as a 105017  
noncommercial educational radio or television station; the 105018  
operation of a nonprofit animal adoption service or a county 105019  
humane society; the promotion of education by an institution of 105020  
learning that maintains a faculty of qualified instructors, 105021  
teaches regular continuous courses of study, and confers a 105022  
recognized diploma upon completion of a specific curriculum; the 105023  
operation of a parent-teacher association, booster group, or 105024  
similar organization primarily engaged in the promotion and 105025

support of the curricular or extracurricular activities of a 105026  
primary or secondary school; the operation of a community or area 105027  
center in which presentations in music, dramatics, the arts, and 105028  
related fields are made in order to foster public interest and 105029  
education therein; the production of performances in music, 105030  
dramatics, and the arts; or the promotion of education by an 105031  
organization engaged in carrying on research in, or the 105032  
dissemination of, scientific and technological knowledge and 105033  
information primarily for the public. 105034

Nothing in this division shall be deemed to exempt sales to 105035  
any organization for use in the operation or carrying on of a 105036  
trade or business, or sales to a home for the aged for use in the 105037  
operation of independent living facilities as defined in division 105038  
(A) of section 5709.12 of the Revised Code. 105039

(13) Building and construction materials and services sold to 105040  
construction contractors for incorporation into a structure or 105041  
improvement to real property under a construction contract with 105042  
this state or a political subdivision of this state, or with the 105043  
United States government or any of its agencies; building and 105044  
construction materials and services sold to construction 105045  
contractors for incorporation into a structure or improvement to 105046  
real property that are accepted for ownership by this state or any 105047  
of its political subdivisions, or by the United States government 105048  
or any of its agencies at the time of completion of the structures 105049  
or improvements; building and construction materials sold to 105050  
construction contractors for incorporation into a horticulture 105051  
structure or livestock structure for a person engaged in the 105052  
business of horticulture or producing livestock; building 105053  
materials and services sold to a construction contractor for 105054  
incorporation into a house of public worship or religious 105055  
education, or a building used exclusively for charitable purposes 105056  
under a construction contract with an organization whose purpose 105057

is as described in division (B)(12) of this section; building 105058  
materials and services sold to a construction contractor for 105059  
incorporation into a building under a construction contract with 105060  
an organization exempt from taxation under section 501(c)(3) of 105061  
the Internal Revenue Code of 1986 when the building is to be used 105062  
exclusively for the organization's exempt purposes; building and 105063  
construction materials sold for incorporation into the original 105064  
construction of a sports facility under section 307.696 of the 105065  
Revised Code; building and construction materials and services 105066  
sold to a construction contractor for incorporation into real 105067  
property outside this state if such materials and services, when 105068  
sold to a construction contractor in the state in which the real 105069  
property is located for incorporation into real property in that 105070  
state, would be exempt from a tax on sales levied by that state; 105071  
building and construction materials for incorporation into a 105072  
transportation facility pursuant to a public-private agreement 105073  
entered into under sections 5501.70 to 5501.83 of the Revised 105074  
Code; and, until one calendar year after the construction of a 105075  
convention center that qualifies for property tax exemption under 105076  
section 5709.084 of the Revised Code is completed, building and 105077  
construction materials and services sold to a construction 105078  
contractor for incorporation into the real property comprising 105079  
that convention center; 105080

(14) Sales of ships or vessels or rail rolling stock used or 105081  
to be used principally in interstate or foreign commerce, and 105082  
repairs, alterations, fuel, and lubricants for such ships or 105083  
vessels or rail rolling stock; 105084

(15) Sales to persons primarily engaged in any of the 105085  
activities mentioned in division (B)(42)(a), (g), or (h) of this 105086  
section, to persons engaged in making retail sales, or to persons 105087  
who purchase for sale from a manufacturer tangible personal 105088  
property that was produced by the manufacturer in accordance with 105089

specific designs provided by the purchaser, of packages, including 105090  
material, labels, and parts for packages, and of machinery, 105091  
equipment, and material for use primarily in packaging tangible 105092  
personal property produced for sale, including any machinery, 105093  
equipment, and supplies used to make labels or packages, to 105094  
prepare packages or products for labeling, or to label packages or 105095  
products, by or on the order of the person doing the packaging, or 105096  
sold at retail. "Packages" includes bags, baskets, cartons, 105097  
crates, boxes, cans, bottles, bindings, wrappings, and other 105098  
similar devices and containers, but does not include motor 105099  
vehicles or bulk tanks, trailers, or similar devices attached to 105100  
motor vehicles. "Packaging" means placing in a package. Division 105101  
(B)(15) of this section does not apply to persons engaged in 105102  
highway transportation for hire. 105103

(16) Sales of food to persons using supplemental nutrition 105104  
assistance program benefits to purchase the food. As used in this 105105  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 105106  
federal regulations adopted pursuant to the Food and Nutrition Act 105107  
of 2008. 105108

(17) Sales to persons engaged in farming, agriculture, 105109  
horticulture, or floriculture, of tangible personal property for 105110  
use or consumption primarily in the production by farming, 105111  
agriculture, horticulture, or floriculture of other tangible 105112  
personal property for use or consumption primarily in the 105113  
production of tangible personal property for sale by farming, 105114  
agriculture, horticulture, or floriculture; or material and parts 105115  
for incorporation into any such tangible personal property for use 105116  
or consumption in production; and of tangible personal property 105117  
for such use or consumption in the conditioning or holding of 105118  
products produced by and for such use, consumption, or sale by 105119  
persons engaged in farming, agriculture, horticulture, or 105120  
floriculture, except where such property is incorporated into real 105121

property;	105122
(18) Sales of drugs for a human being that may be dispensed	105123
only pursuant to a prescription; insulin as recognized in the	105124
official United States pharmacopoeia; urine and blood testing	105125
materials when used by diabetics or persons with hypoglycemia to	105126
test for glucose or acetone; hypodermic syringes and needles when	105127
used by diabetics for insulin injections; epoetin alfa when	105128
purchased for use in the treatment of persons with medical	105129
disease; hospital beds when purchased by hospitals, nursing homes,	105130
or other medical facilities; and medical oxygen and medical	105131
oxygen-dispensing equipment when purchased by hospitals, nursing	105132
homes, or other medical facilities;	105133
(19) Sales of prosthetic devices, durable medical equipment	105134
for home use, or mobility enhancing equipment, when made pursuant	105135
to a prescription and when such devices or equipment are for use	105136
by a human being.	105137
(20) Sales of emergency and fire protection vehicles and	105138
equipment to nonprofit organizations for use solely in providing	105139
fire protection and emergency services, including trauma care and	105140
emergency medical services, for political subdivisions of the	105141
state;	105142
(21) Sales of tangible personal property manufactured in this	105143
state, if sold by the manufacturer in this state to a retailer for	105144
use in the retail business of the retailer outside of this state	105145
and if possession is taken from the manufacturer by the purchaser	105146
within this state for the sole purpose of immediately removing the	105147
same from this state in a vehicle owned by the purchaser;	105148
(22) Sales of services provided by the state or any of its	105149
political subdivisions, agencies, instrumentalities, institutions,	105150
or authorities, or by governmental entities of the state or any of	105151
its political subdivisions, agencies, instrumentalities,	105152

institutions, or authorities;	105153
(23) Sales of motor vehicles to nonresidents of this state	105154
under the circumstances described in division (B) of section	105155
5739.029 of the Revised Code;	105156
(24) Sales to persons engaged in the preparation of eggs for	105157
sale of tangible personal property used or consumed directly in	105158
such preparation, including such tangible personal property used	105159
for cleaning, sanitizing, preserving, grading, sorting, and	105160
classifying by size; packages, including material and parts for	105161
packages, and machinery, equipment, and material for use in	105162
packaging eggs for sale; and handling and transportation equipment	105163
and parts therefor, except motor vehicles licensed to operate on	105164
public highways, used in intraplant or interplant transfers or	105165
shipment of eggs in the process of preparation for sale, when the	105166
plant or plants within or between which such transfers or	105167
shipments occur are operated by the same person. "Packages"	105168
includes containers, cases, baskets, flats, fillers, filler flats,	105169
cartons, closure materials, labels, and labeling materials, and	105170
"packaging" means placing therein.	105171
(25)(a) Sales of water to a consumer for residential use;	105172
(b) Sales of water by a nonprofit corporation engaged	105173
exclusively in the treatment, distribution, and sale of water to	105174
consumers, if such water is delivered to consumers through pipes	105175
or tubing.	105176
(26) Fees charged for inspection or reinspection of motor	105177
vehicles under section 3704.14 of the Revised Code;	105178
(27) Sales to persons licensed to conduct a food service	105179
operation pursuant to section 3717.43 of the Revised Code, of	105180
tangible personal property primarily used directly for the	105181
following:	105182
(a) To prepare food for human consumption for sale;	105183

(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	105184 105185 105186 105187
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	105188 105189
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	105190 105191
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	105192 105193 105194 105195
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	105196 105197 105198
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	105199 105200 105201
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	105202 105203 105204 105205 105206 105207
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	105208 105209 105210 105211 105212
(34) Sales to a telecommunications service vendor, mobile	105213

telecommunications service vendor, or satellite broadcasting 105214  
service vendor of tangible personal property and services used 105215  
directly and primarily in transmitting, receiving, switching, or 105216  
recording any interactive, one- or two-way electromagnetic 105217  
communications, including voice, image, data, and information, 105218  
through the use of any medium, including, but not limited to, 105219  
poles, wires, cables, switching equipment, computers, and record 105220  
storage devices and media, and component parts for the tangible 105221  
personal property. The exemption provided in this division shall 105222  
be in lieu of all other exemptions under division (B)(42)(a) or 105223  
(n) of this section to which the vendor may otherwise be entitled, 105224  
based upon the use of the thing purchased in providing the 105225  
telecommunications, mobile telecommunications, or satellite 105226  
broadcasting service. 105227

(35)(a) Sales where the purpose of the consumer is to use or 105228  
consume the things transferred in making retail sales and 105229  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 105230  
certificates, or other advertising material that prices and 105231  
describes tangible personal property offered for retail sale. 105232

(b) Sales to direct marketing vendors of preliminary 105233  
materials such as photographs, artwork, and typesetting that will 105234  
be used in printing advertising material; and of printed matter 105235  
that offers free merchandise or chances to win sweepstake prizes 105236  
and that is mailed to potential customers with advertising 105237  
material described in division (B)(35)(a) of this section; 105238

(c) Sales of equipment such as telephones, computers, 105239  
facsimile machines, and similar tangible personal property 105240  
primarily used to accept orders for direct marketing retail sales. 105241

(d) Sales of automatic food vending machines that preserve 105242  
food with a shelf life of forty-five days or less by refrigeration 105243  
and dispense it to the consumer. 105244



For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility

service, except that the sales tax levied by this section shall be 105308  
collected upon all meals, drinks, and food for human consumption 105309  
sold when transporting persons. Persons engaged in rendering 105310  
services in the exploration for, and production of, crude oil and 105311  
natural gas for others are deemed engaged directly in the 105312  
exploration for, and production of, crude oil and natural gas. 105313  
This paragraph does not exempt from "retail sale" or "sales at 105314  
retail" the sale of tangible personal property that is to be 105315  
incorporated into a structure or improvement to real property. 105316

(b) To hold the thing transferred as security for the 105317  
performance of an obligation of the vendor; 105318

(c) To resell, hold, use, or consume the thing transferred as 105319  
evidence of a contract of insurance; 105320

(d) To use or consume the thing directly in commercial 105321  
fishing; 105322

(e) To incorporate the thing transferred as a material or a 105323  
part into, or to use or consume the thing transferred directly in 105324  
the production of, magazines distributed as controlled circulation 105325  
publications; 105326

(f) To use or consume the thing transferred in the production 105327  
and preparation in suitable condition for market and sale of 105328  
printed, imprinted, overprinted, lithographic, multilithic, 105329  
blueprinted, photostatic, or other productions or reproductions of 105330  
written or graphic matter; 105331

(g) To use the thing transferred, as described in section 105332  
5739.011 of the Revised Code, primarily in a manufacturing 105333  
operation to produce tangible personal property for sale; 105334

(h) To use the benefit of a warranty, maintenance or service 105335  
contract, or similar agreement, as described in division (B)(7) of 105336  
section 5739.01 of the Revised Code, to repair or maintain 105337  
tangible personal property, if all of the property that is the 105338

subject of the warranty, contract, or agreement would not be 105339  
subject to the tax imposed by this section; 105340

(i) To use the thing transferred as qualified research and 105341  
development equipment; 105342

(j) To use or consume the thing transferred primarily in 105343  
storing, transporting, mailing, or otherwise handling purchased 105344  
sales inventory in a warehouse, distribution center, or similar 105345  
facility when the inventory is primarily distributed outside this 105346  
state to retail stores of the person who owns or controls the 105347  
warehouse, distribution center, or similar facility, to retail 105348  
stores of an affiliated group of which that person is a member, or 105349  
by means of direct marketing. This division does not apply to 105350  
motor vehicles registered for operation on the public highways. As 105351  
used in this division, "affiliated group" has the same meaning as 105352  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 105353  
"direct marketing" has the same meaning as in division (B)(35) of 105354  
this section. 105355

(k) To use or consume the thing transferred to fulfill a 105356  
contractual obligation incurred by a warrantor pursuant to a 105357  
warranty provided as a part of the price of the tangible personal 105358  
property sold or by a vendor of a warranty, maintenance or service 105359  
contract, or similar agreement the provision of which is defined 105360  
as a sale under division (B)(7) of section 5739.01 of the Revised 105361  
Code; 105362

(l) To use or consume the thing transferred in the production 105363  
of a newspaper for distribution to the public; 105364

(m) To use tangible personal property to perform a service 105365  
listed in division (B)(3) of section 5739.01 of the Revised Code, 105366  
if the property is or is to be permanently transferred to the 105367  
consumer of the service as an integral part of the performance of 105368  
the service; 105369

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft

used primarily in a fractional aircraft ownership program, and 105401  
sales of services for the repair, modification, and maintenance of 105402  
such aircraft, and machinery, equipment, and supplies primarily 105403  
used to provide those services. 105404

(45) Sales of telecommunications service that is used 105405  
directly and primarily to perform the functions of a call center. 105406  
As used in this division, "call center" means any physical 105407  
location where telephone calls are placed or received in high 105408  
volume for the purpose of making sales, marketing, customer 105409  
service, technical support, or other specialized business 105410  
activity, and that employs at least fifty individuals that engage 105411  
in call center activities on a full-time basis, or sufficient 105412  
individuals to fill fifty full-time equivalent positions. 105413

(46) Sales by a telecommunications service vendor of 900 105414  
service to a subscriber. This division does not apply to 105415  
information services, as defined in division (FF) of section 105416  
5739.01 of the Revised Code. 105417

(47) Sales of value-added non-voice data service. This 105418  
division does not apply to any similar service that is not 105419  
otherwise a telecommunications service. 105420

(48)(a) Sales of machinery, equipment, and software to a 105421  
qualified direct selling entity for use in a warehouse or 105422  
distribution center primarily for storing, transporting, or 105423  
otherwise handling inventory that is held for sale to independent 105424  
salespersons who operate as direct sellers and that is held 105425  
primarily for distribution outside this state; 105426

(b) As used in division (B)(48)(a) of this section: 105427

(i) "Direct seller" means a person selling consumer products 105428  
to individuals for personal or household use and not from a fixed 105429  
retail location, including selling such product at in-home product 105430  
demonstrations, parties, and other one-on-one selling. 105431

(ii) "Qualified direct selling entity" means an entity 105432  
selling to direct sellers at the time the entity enters into a tax 105433  
credit agreement with the tax credit authority pursuant to section 105434  
122.17 of the Revised Code, provided that the agreement was 105435  
entered into on or after January 1, 2007. Neither contingencies 105436  
relevant to the granting of, nor later developments with respect 105437  
to, the tax credit shall impair the status of the qualified direct 105438  
selling entity under division (B)(48) of this section after 105439  
execution of the tax credit agreement by the tax credit authority. 105440

(c) Division (B)(48) of this section is limited to machinery, 105441  
equipment, and software first stored, used, or consumed in this 105442  
state within the period commencing June 24, 2008, and ending on 105443  
the date that is five years after that date. 105444

(49) Sales of materials, parts, equipment, or engines used in 105445  
the repair or maintenance of aircraft or avionics systems of such 105446  
aircraft, and sales of repair, remodeling, replacement, or 105447  
maintenance services in this state performed on aircraft or on an 105448  
aircraft's avionics, engine, or component materials or parts. As 105449  
used in division (B)(49) of this section, "aircraft" means 105450  
aircraft of more than six thousand pounds maximum certified 105451  
takeoff weight or used exclusively in general aviation. 105452

(50) Sales of full flight simulators that are used for pilot 105453  
or flight-crew training, sales of repair or replacement parts or 105454  
components, and sales of repair or maintenance services for such 105455  
full flight simulators. "Full flight simulator" means a replica of 105456  
a specific type, or make, model, and series of aircraft cockpit. 105457  
It includes the assemblage of equipment and computer programs 105458  
necessary to represent aircraft operations in ground and flight 105459  
conditions, a visual system providing an out-of-the-cockpit view, 105460  
and a system that provides cues at least equivalent to those of a 105461  
three-degree-of-freedom motion system, and has the full range of 105462  
capabilities of the systems installed in the device as described 105463

in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations. 105464  
105465

(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code. 105466  
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(52)(a) Sales to a qualifying corporation. 105469

(b) As used in division (B)(52) of this section: 105470

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply: 105471  
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(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year. 105479  
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(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility. 105485  
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(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code. 105489  
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(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video 105491  
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service or programming, audio service or programming, or 105494  
electronically transferred digital audiovisual or audio work. As 105495  
used in division (B)(53) of this section, "cable service" and 105496  
"cable service provider" have the same meanings as in section 105497  
1332.01 of the Revised Code, and "video service," "video service 105498  
provider," and "video programming" have the same meanings as in 105499  
section 1332.21 of the Revised Code. 105500

(54) Sales of forklifts to a qualifying business used 105501  
primarily by that business for transporting completed manufactured 105502  
products from the manufacturing facility in which those products 105503  
were manufactured to a place from which those products will be 105504  
transported from that facility. As used in division (B)(54) of 105505  
this section: 105506

(a) "Qualifying business" means a person that is classified 105507  
as being in the transportation and warehousing sector by the North 105508  
American industrial classification system and that is primarily 105509  
engaged in the business of transporting tangible personal property 105510  
in trucks owned and operated by the person to destinations outside 105511  
this state. 105512

(b) "Truck" has the same meaning as in section 4501.01 of the 105513  
Revised Code. 105514

(c) "Completed product" and "manufacturing facility" have the 105515  
same meanings as in section 5739.011 of the Revised Code. 105516

(C) For the purpose of the proper administration of this 105517  
chapter, and to prevent the evasion of the tax, it is presumed 105518  
that all sales made in this state are subject to the tax until the 105519  
contrary is established. 105520

(D) The levy of this tax on retail sales of recreation and 105521  
sports club service shall not prevent a municipal corporation from 105522  
levying any tax on recreation and sports club dues or on any 105523  
income generated by recreation and sports club dues. 105524

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

**Sec. 5739.026.** (A) A board of county commissioners may levy a tax of one-fourth or one-half of one per cent on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase an existing rate of one-fourth of one per cent to one-half of one per cent, to pay the expenses of administering the tax and, except as provided in division (A)(6) of this section, for any one or more of the following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent:

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority;

(2) To provide additional revenues for a transit authority operating in the county;

(3) To provide additional revenue for the county's general

fund; 105556

(4) To provide additional revenue for permanent improvements 105557  
within the county to be distributed by the community improvements 105558  
board in accordance with section 307.283 and to pay principal, 105559  
interest, and premium on bonds issued under section 307.284 of the 105560  
Revised Code; 105561

(5) To provide additional revenue for the acquisition, 105562  
construction, equipping, or repair of any specific permanent 105563  
improvement or any class or group of permanent improvements, which 105564  
improvement or class or group of improvements shall be enumerated 105565  
in the resolution required by division (D) of this section, and to 105566  
pay principal, interest, premium, and other costs associated with 105567  
the issuance of bonds or notes in anticipation of bonds issued 105568  
pursuant to Chapter 133. of the Revised Code for the acquisition, 105569  
construction, equipping, or repair of the specific permanent 105570  
improvement or class or group of permanent improvements; 105571

(6) To provide revenue for the implementation and operation 105572  
of a 9-1-1 system in the county. If the tax is levied or the rate 105573  
increased exclusively for such purpose, the tax shall not be 105574  
levied or the rate increased for more than five years. At the end 105575  
of the last year the tax is levied or the rate increased, any 105576  
balance remaining in the special fund established for such purpose 105577  
shall remain in that fund and be used exclusively for such purpose 105578  
until the fund is completely expended, and, notwithstanding 105579  
section 5705.16 of the Revised Code, the board of county 105580  
commissioners shall not petition for the transfer of money from 105581  
such special fund, and the tax commissioner shall not approve such 105582  
a petition. 105583

If the tax is levied or the rate increased for such purpose 105584  
for more than five years, the board of county commissioners also 105585  
shall levy the tax or increase the rate of the tax for one or more 105586  
of the purposes described in divisions (A)(1) to (5) of this 105587

section and shall prescribe the method for allocating the revenues 105588  
from the tax each year in the manner required by division (C) of 105589  
this section. 105590

(7) To provide additional revenue for the operation or 105591  
maintenance of a detention facility, as that term is defined under 105592  
division (F) of section 2921.01 of the Revised Code; 105593

(8) To provide revenue to finance the construction or 105594  
renovation of a sports facility, but only if the tax is levied for 105595  
that purpose in the manner prescribed by section 5739.028 of the 105596  
Revised Code. 105597

As used in division (A)(8) of this section: 105598

(a) "Sports facility" means a facility intended to house 105599  
major league professional athletic teams. 105600

(b) "Constructing" or "construction" includes providing 105601  
fixtures, furnishings, and equipment. 105602

(9) To provide additional revenue for the acquisition of 105603  
agricultural easements, as defined in section 5301.67 of the 105604  
Revised Code; to pay principal, interest, and premium on bonds 105605  
issued under section 133.60 of the Revised Code; and for the 105606  
supervision and enforcement of agricultural easements held by the 105607  
county; 105608

(10) To provide revenue for the provision of ambulance, 105609  
paramedic, or other emergency medical services; 105610

(11) To provide revenue for the operation of a lake 105611  
facilities authority and the remediation of an impacted watershed 105612  
by a lake facilities authority, as provided in Chapter 353. of the 105613  
Revised Code. 105614

Pursuant to section 755.171 of the Revised Code, a board of 105615  
county commissioners may pledge and contribute revenue from a tax 105616  
levied for the purpose of division (A)(5) of this section to the 105617

payment of debt charges on bonds issued under section 755.17 of 105618  
the Revised Code. 105619

The rate of tax shall be a multiple of one-fourth of one per 105620  
cent, unless a portion of the rate of an existing tax levied under 105621  
section 5739.023 of the Revised Code has been reduced, and the 105622  
rate of tax levied under this section has been increased, pursuant 105623  
to section 5739.028 of the Revised Code, in which case the 105624  
aggregate of the rates of tax levied under this section and 105625  
section 5739.023 of the Revised Code shall be a multiple of 105626  
one-fourth of one per cent. The tax shall be levied and the rate 105627  
increased pursuant to a resolution adopted by a majority of the 105628  
members of the board. The board shall deliver a certified copy of 105629  
the resolution to the tax commissioner, not later than the 105630  
sixty-fifth day prior to the date on which the tax is to become 105631  
effective, which shall be the first day of a calendar quarter. 105632

Prior to the adoption of any resolution to levy the tax or to 105633  
increase the rate of tax exclusively for the purpose set forth in 105634  
division (A)(3) of this section, the board of county commissioners 105635  
shall conduct two public hearings on the resolution, the second 105636  
hearing to be no fewer than three nor more than ten days after the 105637  
first. Notice of the date, time, and place of the hearings shall 105638  
be given by publication in a newspaper of general circulation in 105639  
the county, or as provided in section 7.16 of the Revised Code, 105640  
once a week on the same day of the week for two consecutive weeks. 105641  
The second publication shall be no fewer than ten nor more than 105642  
thirty days prior to the first hearing. Except as provided in 105643  
division (E) of this section, the resolution shall be subject to a 105644  
referendum as provided in sections 305.31 to 305.41 of the Revised 105645  
Code. If the resolution is adopted as an emergency measure 105646  
necessary for the immediate preservation of the public peace, 105647  
health, or safety, it must receive an affirmative vote of all of 105648  
the members of the board of county commissioners and shall state 105649

the reasons for the necessity. 105650

If the tax is for more than one of the purposes set forth in 105651  
divisions (A)(1) to (7), (9), and (10) of this section, or is 105652  
exclusively for one of the purposes set forth in division (A)(1), 105653  
(2), (4), (5), (6), (7), (9), or (10) of this section, the 105654  
resolution shall not go into effect unless it is approved by a 105655  
majority of the electors voting on the question of the tax. 105656

(B) The board of county commissioners shall adopt a 105657  
resolution under section 351.02 of the Revised Code creating the 105658  
convention facilities authority, or under section 307.283 of the 105659  
Revised Code creating the community improvements board, before 105660  
adopting a resolution levying a tax for the purpose of a 105661  
convention facilities authority under division (A)(1) of this 105662  
section or for the purpose of a community improvements board under 105663  
division (A)(4) of this section. 105664

(C)(1) If the tax is to be used for more than one of the 105665  
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 105666  
this section, the board of county commissioners shall establish 105667  
the method that will be used to determine the amount or proportion 105668  
of the tax revenue received by the county during each year that 105669  
will be distributed for each of those purposes, including, if 105670  
applicable, provisions governing the reallocation of a convention 105671  
facilities authority's allocation if the authority is dissolved 105672  
while the tax is in effect. The allocation method may provide that 105673  
different proportions or amounts of the tax shall be distributed 105674  
among the purposes in different years, but it shall clearly 105675  
describe the method that will be used for each year. Except as 105676  
otherwise provided in division (C)(2) of this section, the 105677  
allocation method established by the board is not subject to 105678  
amendment during the life of the tax. 105679

(2) Subsequent to holding a public hearing on the proposed 105680  
amendment, the board of county commissioners may amend the 105681

allocation method established under division (C)(1) of this 105682  
section for any year, if the amendment is approved by the 105683  
governing board of each entity whose allocation for the year would 105684  
be reduced by the proposed amendment. In the case of a tax that is 105685  
levied for a continuing period of time, the board may not so amend 105686  
the allocation method for any year before the sixth year that the 105687  
tax is in effect. 105688

(a) If the additional revenues provided to the convention 105689  
facilities authority are pledged by the authority for the payment 105690  
of convention facilities authority revenue bonds for as long as 105691  
such bonds are outstanding, no reduction of the authority's 105692  
allocation of the tax shall be made for any year except to the 105693  
extent that the reduced authority allocation, when combined with 105694  
the authority's other revenues pledged for that purpose, is 105695  
sufficient to meet the debt service requirements for that year on 105696  
such bonds. 105697

(b) If the additional revenues provided to the county are 105698  
pledged by the county for the payment of bonds or notes described 105699  
in division (A)(4) or (5) of this section, for as long as such 105700  
bonds or notes are outstanding, no reduction of the county's or 105701  
the community improvements board's allocation of the tax shall be 105702  
made for any year, except to the extent that the reduced county or 105703  
community improvements board allocation is sufficient to meet the 105704  
debt service requirements for that year on such bonds or notes. 105705

(c) If the additional revenues provided to the transit 105706  
authority are pledged by the authority for the payment of revenue 105707  
bonds issued under section 306.37 of the Revised Code, for as long 105708  
as such bonds are outstanding, no reduction of the authority's 105709  
allocation of tax shall be made for any year, except to the extent 105710  
that the authority's reduced allocation, when combined with the 105711  
authority's other revenues pledged for that purpose, is sufficient 105712  
to meet the debt service requirements for that year on such bonds. 105713

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate of tax shall state the rate of the tax or the rate of the increase; the purpose or purposes for which it is to be levied; the number of years for which it is to be levied or that it is for a continuing period of time; the allocation method required by division (C) of this section; and if required to be submitted to the electors of the county under division (A) of this section, the date of the election at which the proposal shall be submitted to the electors of the county, which shall be not less than ninety days after the certification of a copy of the resolution to the board of elections and, if the tax is to be levied exclusively for the purpose set forth in division (A)(3) of this section, shall not occur in ~~February~~ or August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. If approved by a majority of the electors, the tax shall become effective on the first day of a calendar quarter next following the sixty-fifth day following the date the board of county commissioners and tax commissioner receive from the board of elections the certification of the results of the election, except as provided in division (E) of this section.

(2)(a) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is not adopted as an emergency measure may direct the



board of elections to submit the question of levying the tax or 105746  
increasing the rate of the tax to the electors of the county at a 105747  
special election held on the date specified by the board of county 105748  
commissioners in the resolution, provided that the election occurs 105749  
not less than ninety days after the resolution is certified to the 105750  
board of elections and the election is not held in ~~February or~~ 105751  
August of any year. Upon certification of the resolution to the 105752  
board of elections, the board of county commissioners shall notify 105753  
the tax commissioner in writing of the levy question to be 105754  
submitted to the electors. No resolution adopted under division 105755  
(D)(2)(a) of this section shall go into effect unless approved by 105756  
a majority of those voting upon it and, except as provided in 105757  
division (E) of this section, not until the first day of a 105758  
calendar quarter following the expiration of sixty-five days from 105759  
the date the tax commissioner receives notice from the board of 105760  
elections of the affirmative vote. 105761

(b) A resolution specifying that the tax is to be used 105762  
exclusively for the purpose set forth in division (A)(3) of this 105763  
section that is adopted as an emergency measure shall become 105764  
effective as provided in division (A) of this section, but may 105765  
direct the board of elections to submit the question of repealing 105766  
the tax or increase in the rate of the tax to the electors of the 105767  
county at the next general election in the county occurring not 105768  
less than ninety days after the resolution is certified to the 105769  
board of elections. Upon certification of the resolution to the 105770  
board of elections, the board of county commissioners shall notify 105771  
the tax commissioner in writing of the levy question to be 105772  
submitted to the electors. The ballot question shall be the same 105773  
as that prescribed in section 5739.022 of the Revised Code. The 105774  
board of elections shall notify the board of county commissioners 105775  
and the tax commissioner of the result of the election immediately 105776  
after the result has been declared. If a majority of the qualified 105777  
electors voting on the question of repealing the tax or increase 105778

in the rate of the tax vote for repeal of the tax or repeal of the 105779  
increase, the board of county commissioners, on the first day of a 105780  
calendar quarter following the expiration of sixty-five days after 105781  
the date the board and tax commissioner received notice of the 105782  
result of the election, shall, in the case of a repeal of the tax, 105783  
cease to levy the tax, or, in the case of a repeal of an increase 105784  
in the rate of the tax, cease to levy the increased rate and levy 105785  
the tax at the rate at which it was imposed immediately prior to 105786  
the increase in rate. 105787

(c) A board of county commissioners, by resolution, may 105788  
reduce the rate of a tax levied exclusively for the purpose set 105789  
forth in division (A)(3) of this section to a lower rate 105790  
authorized by this section. Any such reduction shall be made 105791  
effective on the first day of the calendar quarter next following 105792  
the sixty-fifth day after the tax commissioner receives a 105793  
certified copy of the resolution from the board. 105794

(E) If a vendor makes a sale in this state by printed catalog 105795  
and the consumer computed the tax on the sale based on local rates 105796  
published in the catalog, any tax levied or repealed or rate 105797  
changed under this section shall not apply to such a sale until 105798  
the first day of a calendar quarter following the expiration of 105799  
one hundred twenty days from the date of notice by the tax 105800  
commissioner pursuant to division (G) of this section. 105801

(F) The tax levied pursuant to this section shall be in 105802  
addition to the tax levied by section 5739.02 of the Revised Code 105803  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 105804  
Revised Code. 105805

A county that levies a tax pursuant to this section shall 105806  
levy a tax at the same rate pursuant to section 5741.023 of the 105807  
Revised Code. 105808

The additional tax levied by the county shall be collected 105809

pursuant to section 5739.025 of the Revised Code. 105810

Any tax levied pursuant to this section is subject to the 105811  
exemptions provided in section 5739.02 of the Revised Code and in 105812  
addition shall not be applicable to sales not within the taxing 105813  
power of a county under the Constitution of the United States or 105814  
the Ohio Constitution. 105815

(G) Upon receipt from a board of county commissioners of a 105816  
certified copy of a resolution required by division (A) of this 105817  
section, or from the board of elections a notice of the results of 105818  
an election required by division (D)(1), (2)(a), (b), or (c) of 105819  
this section, the tax commissioner shall provide notice of a tax 105820  
rate change in a manner that is reasonably accessible to all 105821  
affected vendors. The commissioner shall provide this notice at 105822  
least sixty days prior to the effective date of the rate change. 105823  
The commissioner, by rule, may establish the method by which 105824  
notice will be provided. 105825

**Sec. 5739.029.** (A) Notwithstanding sections 5739.02, 105826  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 105827  
5741.023 of the Revised Code, and except as otherwise provided in 105828  
division (B) of this section, the tax due under this chapter on 105829  
the sale of a motor vehicle required to be titled under Chapter 105830  
4505. of the Revised Code by a motor vehicle dealer to a consumer 105831  
that is a nonresident of this state shall be the lesser of the 105832  
amount of tax that would be due under this chapter and Chapter 105833  
5741. of the Revised Code if the total combined rate were six per 105834  
cent, or the amount of tax that would be due to the state in which 105835  
the consumer titles or registers the motor vehicle or to which the 105836  
consumer removes the vehicle for use. 105837

(B) No tax is due under this section, any other section of 105838  
this chapter, or Chapter 5741. of the Revised Code under any of 105839  
the following circumstances: 105840

(1)(a) The consumer intends to immediately remove the motor vehicle from this state for use outside this state; 105841  
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(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required; 105843  
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(c) The consumer executes an affidavit as required under division (C) of this section affirming the consumer's intentions under divisions (B)(1)(a) and (b) of this section; and 105846  
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(d) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use provides an exemption under circumstances substantially similar to those described in division (B)(1) of this section. 105849  
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(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state. 105853  
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(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles. 105857  
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(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer. 105861  
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A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit. 105868  
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(D) A motor vehicle dealer making a sale subject to the tax 105871  
under division (A) of this section shall collect the tax due 105872  
unless the sale is subject to the exception under division (B) of 105873  
this section or unless the sale is not otherwise subject to taxes 105874  
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 105875  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 105876  
the case of a sale under the circumstances described in division 105877  
(B)(1) of this section, the dealer shall retain one copy of the 105878  
affidavit and file the original and the other copy with the clerk 105879  
of the court of common pleas. If tax is due under division (A) of 105880  
this section, the dealer shall remit the tax collected ~~to the~~ 105881  
~~clerk at the time the dealer obtains the Ohio certificate of title~~ 105882  
~~in the name of the consumer~~ as required under section 4505.06 of 105883  
the Revised Code. The clerk shall forward the original affidavit 105884  
to the tax commissioner in the manner prescribed by the 105885  
commissioner. 105886

Unless a sale is excepted from taxation under division (B) of 105887  
this section or the dealer makes an election under division (B)(5) 105888  
of section 4505.06 of the Revised Code, upon receipt of an 105889  
application for certificate of title a clerk of the court of 105890  
common pleas shall collect the sales tax due under division (A) of 105891  
this section. ~~The clerk shall~~ and remit the tax collected to the 105892  
tax commissioner in the manner prescribed by the commissioner. 105893

(E) If a motor vehicle is purchased by a corporation 105894  
described in division (B)(6) of section 5739.01 of the Revised 105895  
Code, the state of residence of the consumer for the purposes of 105896  
this section is the state of residence of the corporation's 105897  
principal shareholder. 105898

(F) Any provision of this chapter or of Chapter 5741. of the 105899  
Revised Code that is not inconsistent with this section applies to 105900  
sales described in division (A) of this section. 105901

(G) As used in this section: 105902

(1) For the purposes of this section only, the sale or purchase of a motor vehicle does not include a lease or rental of a motor vehicle subject to division (A)(2) or (3) of section 5739.02 or division (A)(2) or (3) of section 5741.02 of the Revised Code;

(2) "State," except in reference to "this state," means any state, district, commonwealth, or territory of the United States and any province of Canada.

**Sec. 5739.08.** The levy of an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests pursuant to section 5739.02 and division (B) of section 5739.01 of the Revised Code does not prevent any of the following:

(A) A municipal corporation or township from levying an excise tax for any lawful purpose not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests in addition to the tax levied by section 5739.02 of the Revised Code. If a municipal corporation or township repeals a tax imposed under division (A) of this section, and a county in which the municipal corporation or township has territory has a tax imposed under division (C) of section 5739.09 of the Revised Code in effect, the municipal corporation or township may not reimpose its tax as long as that county tax remains in effect. A municipal corporation or township in which a tax is levied under division (B)(2) of section 351.021 of the Revised Code may not increase the rate of its tax levied under division (A) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(B) A municipal corporation or a township from levying an additional excise tax not to exceed three per cent on such

transactions pursuant to division (B) of section 5739.09 of the Revised Code. Such tax is in addition to any tax imposed under division (A) of this section.

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(C) A county from levying an excise tax pursuant to division (A) of section 5739.09 of the Revised Code;

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(D) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (C) of section 5739.09 of the Revised Code. Such a tax is in addition to any tax imposed under division (C) of this section.

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(E) A convention facilities authority, as defined in division (A) of section 351.01 of the Revised Code, from levying the excise taxes provided for in divisions (B) and (C) of section 351.021 of the Revised Code;

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(F) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (D) of section 5739.09 of the Revised Code. Such tax is in addition to any tax imposed under division (C) or (D) of this section.

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(G) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (E) of section 5739.09 of the Revised Code. Such a tax is in addition to any tax imposed under division (C), (D), or (F) of this section.

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A tax levied by the legislative authority of a municipal corporation pursuant to this section on transactions by which lodging by a hotel is or is to be furnished to transient guests shall include transactions done by or through a provider of hotel intermediary services, as defined in section 5739.01 of the Revised Code, and shall be levied on the basis of the total price paid by the consumer for hotel lodging as advertised by the provider of hotel intermediary services.

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**Sec. 5739.09.** (A)(1) A board of county commissioners may, by

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resolution adopted by a majority of the members of the board, levy 105964  
an excise tax not to exceed three per cent on transactions by 105965  
which lodging by a hotel is or is to be furnished to transient 105966  
guests. The board shall establish all regulations necessary to 105967  
provide for the administration and allocation of the tax. The 105968  
regulations may prescribe the time for payment of the tax, and may 105969  
provide for the imposition of a penalty or interest, or both, for 105970  
late payments, provided that the penalty does not exceed ten per 105971  
cent of the amount of tax due, and the rate at which interest 105972  
accrues does not exceed the rate per annum prescribed pursuant to 105973  
section 5703.47 of the Revised Code. Except as provided in 105974  
divisions (A)(2), (3), (4), (5), (6), ~~and (7), (8), (9), and (10)~~ 105975  
of this section, the regulations shall provide, after deducting 105976  
the real and actual costs of administering the tax, for the return 105977  
to each municipal corporation or township that does not levy an 105978  
excise tax on the transactions, a uniform percentage of the tax 105979  
collected in the municipal corporation or in the unincorporated 105980  
portion of the township from each transaction, not to exceed 105981  
thirty-three and one-third per cent. The remainder of the revenue 105982  
arising from the tax shall be deposited in a separate fund and 105983  
shall be spent solely to make contributions to the convention and 105984  
visitors' bureau operating within the county, including a pledge 105985  
and contribution of any portion of the remainder pursuant to an 105986  
agreement authorized by section 307.678 or 307.695 of the Revised 105987  
Code, provided that if the board of county commissioners of an 105988  
eligible county as defined in section 307.678 or 307.695 of the 105989  
Revised Code adopts a resolution amending a resolution levying a 105990  
tax under this division to provide that revenue from the tax shall 105991  
be used by the board as described in either division (D) of 105992  
section 307.678 or division (H) of section 307.695 of the Revised 105993  
Code, the remainder of the revenue shall be used as described in 105994  
the resolution making that amendment. Except as provided in 105995  
division (A)(2), (3), (4), (5), (6), ~~or (7), (8), or (10)~~ or (H) 105996



of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

The board of county commissioners of an eligible county as defined in section 307.678 of the Revised Code may, by resolution, amend a resolution levying a tax under this division to provide that revenue from the tax, not to exceed five hundred thousand

dollars each year, may be used as described in division (D) of 106029  
section 307.678 of the Revised Code. 106030

(2) A board of county commissioners that levies an excise tax 106031  
under division (A)(1) of this section on June 30, 1997, at a rate 106032  
of three per cent, and that has pledged revenue from the tax to an 106033  
agreement entered into under section 307.695 of the Revised Code 106034  
or, in the case of the board of county commissioners of an 106035  
eligible county as defined in section 307.695 of the Revised Code, 106036  
has amended a resolution levying a tax under division (C) of this 106037  
section to provide that proceeds from the tax shall be used by the 106038  
board as described in division (H) of section 307.695 of the 106039  
Revised Code, may, at any time by a resolution adopted by a 106040  
majority of the members of the board, amend the resolution levying 106041  
a tax under division (A)(1) of this section to provide for an 106042  
increase in the rate of that tax up to seven per cent on each 106043  
transaction; to provide that revenue from the increase in the rate 106044  
shall be used as described in division (H) of section 307.695 of 106045  
the Revised Code or be spent solely to make contributions to the 106046  
convention and visitors' bureau operating within the county to be 106047  
used specifically for promotion, advertising, and marketing of the 106048  
region in which the county is located; and to provide that the 106049  
rate in excess of the three per cent levied under division (A)(1) 106050  
of this section shall remain in effect at the rate at which it is 106051  
imposed for the duration of the period during which any agreement 106052  
is in effect that was entered into under section 307.695 of the 106053  
Revised Code by the board of county commissioners levying a tax 106054  
under division (A)(1) of this section, the duration of the period 106055  
during which any securities issued by the board under division (I) 106056  
of section 307.695 of the Revised Code are outstanding, or the 106057  
duration of the period during which the board owns a project as 106058  
defined in section 307.695 of the Revised Code, whichever duration 106059  
is longest. The amendment also shall provide that no portion of 106060  
that revenue need be returned to townships or municipal 106061

corporations as would otherwise be required under division (A)(1) 106062  
of this section. 106063

(3) A board of county commissioners that levies a tax under 106064  
division (A)(1) of this section on March 18, 1999, at a rate of 106065  
three per cent may, by resolution adopted not later than 106066  
forty-five days after March 18, 1999, amend the resolution levying 106067  
the tax to provide for all of the following: 106068

(a) That the rate of the tax shall be increased by not more 106069  
than an additional four per cent on each transaction; 106070

(b) That all of the revenue from the increase in the rate 106071  
shall be pledged and contributed to a convention facilities 106072  
authority established by the board of county commissioners under 106073  
Chapter 351. of the Revised Code on or before November 15, 1998, 106074  
and used to pay costs of constructing, maintaining, operating, and 106075  
promoting a facility in the county, including paying bonds, or 106076  
notes issued in anticipation of bonds, as provided by that 106077  
chapter; 106078

(c) That no portion of the revenue arising from the increase 106079  
in rate need be returned to municipal corporations or townships as 106080  
otherwise required under division (A)(1) of this section; 106081

(d) That the increase in rate shall not be subject to 106082  
diminution by initiative or referendum or by law while any bonds, 106083  
or notes in anticipation of bonds, issued by the authority under 106084  
Chapter 351. of the Revised Code to which the revenue is pledged, 106085  
remain outstanding in accordance with their terms, unless 106086  
provision is made by law or by the board of county commissioners 106087  
for an adequate substitute therefor that is satisfactory to the 106088  
trustee if a trust agreement secures the bonds. 106089

Division (A)(3) of this section does not apply to the board 106090  
of county commissioners of any county in which a convention center 106091  
or facility exists or is being constructed on November 15, 1998, 106092

or of any county in which a convention facilities authority levies 106093  
a tax pursuant to section 351.021 of the Revised Code on that 106094  
date. 106095

As used in division (A)(3) of this section, "cost" and 106096  
"facility" have the same meanings as in section 351.01 of the 106097  
Revised Code, and "convention center" has the same meaning as in 106098  
section 307.695 of the Revised Code. 106099

(4)(a) A board of county commissioners that levies a tax 106100  
under division (A)(1) of this section on June 30, 2002, at a rate 106101  
of three per cent may, by resolution adopted not later than 106102  
September 30, 2002, amend the resolution levying the tax to 106103  
provide for all of the following: 106104

(i) That the rate of the tax shall be increased by not more 106105  
than an additional three and one-half per cent on each 106106  
transaction; 106107

(ii) That all of the revenue from the increase in rate shall 106108  
be pledged and contributed to a convention facilities authority 106109  
established by the board of county commissioners under Chapter 106110  
351. of the Revised Code on or before May 15, 2002, and be used to 106111  
pay costs of constructing, expanding, maintaining, operating, or 106112  
promoting a convention center in the county, including paying 106113  
bonds, or notes issued in anticipation of bonds, as provided by 106114  
that chapter; 106115

(iii) That no portion of the revenue arising from the 106116  
increase in rate need be returned to municipal corporations or 106117  
townships as otherwise required under division (A)(1) of this 106118  
section; 106119

(iv) That the increase in rate shall not be subject to 106120  
diminution by initiative or referendum or by law while any bonds, 106121  
or notes in anticipation of bonds, issued by the authority under 106122  
Chapter 351. of the Revised Code to which the revenue is pledged, 106123

remain outstanding in accordance with their terms, unless 106124  
provision is made by law or by the board of county commissioners 106125  
for an adequate substitute therefor that is satisfactory to the 106126  
trustee if a trust agreement secures the bonds. 106127

(b) Any board of county commissioners that, pursuant to 106128  
division (A)(4)(a) of this section, has amended a resolution 106129  
levying the tax authorized by division (A)(1) of this section may 106130  
further amend the resolution to provide that the revenue referred 106131  
to in division (A)(4)(a)(ii) of this section shall be pledged and 106132  
contributed both to a convention facilities authority to pay the 106133  
costs of constructing, expanding, maintaining, or operating one or 106134  
more convention centers in the county, including paying bonds, or 106135  
notes issued in anticipation of bonds, as provided in Chapter 351. 106136  
of the Revised Code, and to a convention and visitors' bureau to 106137  
pay the costs of promoting one or more convention centers in the 106138  
county. 106139

As used in division (A)(4) of this section, "cost" has the 106140  
same meaning as in section 351.01 of the Revised Code, and 106141  
"convention center" has the same meaning as in section 307.695 of 106142  
the Revised Code. 106143

(5)(a) As used in division (A)(5) of this section: 106144

(i) "Port authority" means a port authority created under 106145  
Chapter 4582. of the Revised Code. 106146

(ii) "Port authority military-use facility" means port 106147  
authority facilities on which or adjacent to which is located an 106148  
installation of the armed forces of the United States, a reserve 106149  
component thereof, or the national guard and at least part of 106150  
which is made available for use, for consideration, by the armed 106151  
forces of the United States, a reserve component thereof, or the 106152  
national guard. 106153

(b) For the purpose of contributing revenue to pay operating 106154

expenses of a port authority that operates a port authority 106155  
military-use facility, the board of county commissioners of a 106156  
county that created, participated in the creation of, or has 106157  
joined such a port authority may do one or both of the following: 106158

(i) Amend a resolution previously adopted under division 106159  
(A)(1) of this section to designate some or all of the revenue 106160  
from the tax levied under the resolution to be used for that 106161  
purpose, notwithstanding that division; 106162

(ii) Amend a resolution previously adopted under division 106163  
(A)(1) of this section to increase the rate of the tax by not more 106164  
than an additional two per cent and use the revenue from the 106165  
increase exclusively for that purpose. 106166

(c) If a board of county commissioners amends a resolution to 106167  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 106168  
of this section, the board also may amend the resolution to 106169  
specify that the increase in rate of the tax does not apply to 106170  
"hotels," as otherwise defined in section 5739.01 of the Revised 106171  
Code, having fewer rooms used for the accommodation of guests than 106172  
a number of rooms specified by the board. 106173

(6) A board of county commissioners of a county organized 106174  
under a county charter adopted pursuant to Article X, Section 3, 106175  
Ohio Constitution, and that levies an excise tax under division 106176  
(A)(1) of this section at a rate of three per cent and levies an 106177  
additional excise tax under division (E) of this section at a rate 106178  
of one and one-half per cent may, by resolution adopted not later 106179  
than January 1, 2008, by a majority of the members of the board, 106180  
amend the resolution levying a tax under division (A)(1) of this 106181  
section to provide for an increase in the rate of that tax by not 106182  
more than an additional one per cent on transactions by which 106183  
lodging by a hotel is or is to be furnished to transient guests. 106184  
Notwithstanding divisions (A)(1) and (E) of this section, the 106185  
resolution shall provide that all of the revenue from the increase 106186

in rate, after deducting the real and actual costs of 106187  
administering the tax, shall be used to pay the costs of 106188  
improving, expanding, equipping, financing, or operating a 106189  
convention center by a convention and visitors' bureau in the 106190  
county. The increase in rate shall remain in effect for the period 106191  
specified in the resolution, not to exceed ten years. The increase 106192  
in rate shall be subject to the regulations adopted under division 106193  
(A)(1) of this section, except that the resolution may provide 106194  
that no portion of the revenue from the increase in the rate shall 106195  
be returned to townships or municipal corporations as would 106196  
otherwise be required under that division. 106197

(7) Division (A)(7) of this section applies only to a county 106198  
with a population greater than sixty-five thousand and less than 106199  
seventy thousand according to the most recent federal decennial 106200  
census and in which, on December 31, 2006, an excise tax is levied 106201  
under division (A)(1) of this section at a rate not less than and 106202  
not greater than three per cent, and in which the most recent 106203  
increase in the rate of that tax was enacted or took effect in 106204  
November 1984. 106205

The board of county commissioners of a county to which this 106206  
division applies, by resolution adopted by a majority of the 106207  
members of the board, may increase the rate of the tax by not more 106208  
than one per cent on transactions by which lodging by a hotel is 106209  
or is to be furnished to transient guests. The increase in rate 106210  
shall be for the purpose of paying expenses deemed necessary by 106211  
the convention and visitors' bureau operating in the county to 106212  
promote travel and tourism. The increase in rate shall remain in 106213  
effect for the period specified in the resolution, not to exceed 106214  
twenty years, provided that the increase in rate may not continue 106215  
beyond the time when the purpose for which the increase is levied 106216  
ceases to exist. If revenue from the increase in rate is pledged 106217  
to the payment of debt charges on securities, the increase in rate 106218

is not subject to diminution by initiative or referendum or by law 106219  
for so long as the securities are outstanding, unless provision is 106220  
made by law or by the board of county commissioners for an 106221  
adequate substitute for that revenue that is satisfactory to the 106222  
trustee if a trust agreement secures payment of the debt charges. 106223  
The increase in rate shall be subject to the regulations adopted 106224  
under division (A)(1) of this section, except that the resolution 106225  
may provide that no portion of the revenue from the increase in 106226  
the rate shall be returned to townships or municipal corporations 106227  
as would otherwise be required under division (A)(1) of this 106228  
section. A resolution adopted under division (A)(7) of this 106229  
section is subject to referendum under sections 305.31 to 305.99 106230  
of the Revised Code. 106231

(8)(a) Division (A)(8) of this section applies only to a 106232  
county satisfying all of the following: 106233

(i) The population of the county is greater than one hundred 106234  
seventy-five thousand and less than two hundred twenty-five 106235  
thousand according to the most recent federal decennial census. 106236

(ii) An amusement park with an average yearly attendance in 106237  
excess of two million guests is located in the county. 106238

(iii) On December 31, 2014, an excise tax was levied in the 106239  
county under division (A)(1) of this section at a rate of three 106240  
per cent. 106241

(b) The board of county commissioners of a county to which 106242  
this division applies, by resolution adopted by a majority of the 106243  
members of the board, may increase the rate of the tax by not more 106244  
than one per cent on transactions by which lodging by a hotel is 106245  
or is to be furnished to transient guests. The increase in rate 106246  
shall be for the purpose of paying the costs of constructing and 106247  
maintaining county-owned facilities designed to host sporting 106248  
events and paying expenses deemed necessary by the convention and 106249



visitors' bureau operating in the county to promote travel and 106250  
tourism with reference to the sports facilities. The increase in 106251  
rate shall remain in effect for the period specified in the 106252  
resolution. If revenue from the increase in rate is pledged to the 106253  
payment of debt charges on securities, the increase in rate is not 106254  
subject to diminution by initiative or referendum or by law for so 106255  
long as the securities are outstanding, unless provision is made 106256  
by law or by the board of county commissioners for an adequate 106257  
substitute for that revenue that is satisfactory to the trustee if 106258  
a trust agreement secures payment of the debt charges. The 106259  
increase in rate shall be subject to the regulations adopted under 106260  
division (A)(1) of this section, except that the resolution may 106261  
provide that no portion of the revenue from the increase in the 106262  
rate shall be returned to townships or municipal corporations as 106263  
would otherwise be required under division (A)(1) of this section. 106264

(9) The board of county commissioners of a county with a 106265  
population greater than seventy-five thousand and less than 106266  
seventy-eight thousand, by resolution adopted by a majority of the 106267  
members of the board not later than October 15, 2015, may increase 106268  
the rate of the tax by not more than one per cent on transactions 106269  
by which lodging by a hotel is or is to be furnished to transient 106270  
guests. The increase in rate shall be for the purposes described 106271  
in section 307.679 of the Revised Code or for the promotion of 106272  
travel and tourism in the county, including travel and tourism to 106273  
sports facilities. The increase in rate shall remain in effect for 106274  
the period specified in the resolution and as necessary to fulfill 106275  
the county's obligations under a cooperative agreement entered 106276  
into under section 307.679 of the Revised Code. If the resolution 106277  
is adopted by the board before the effective date of the enactment 106278  
of this division but after that enactment becomes law, the 106279  
increase in rate shall become effective beginning on the effective 106280  
date of the enactment of this division. If revenue from the 106281  
increase in rate is pledged to the payment of debt charges on 106282

securities, or to substitute for other revenues pledged to the 106283  
payment of such debt, the increase in rate is not subject to 106284  
diminution by initiative or referendum or by law for so long as 106285  
the securities are outstanding, unless provision is made by law or 106286  
by the board of county commissioners for an adequate substitute 106287  
for that revenue that is satisfactory to the trustee if a trust 106288  
agreement secures payment of the debt charges. The increase in 106289  
rate shall be subject to the regulations adopted under division 106290  
(A)(1) of this section, except that no portion of the revenue from 106291  
the increase in the rate shall be returned to townships or 106292  
municipal corporations as would otherwise be required under 106293  
division (A)(1) of this section. 106294

(10) Division (A)(10) of this section applies only to 106295  
counties satisfying either of the following: 106296

(a) A county that, on July 1, 2015, does not levy an excise 106297  
tax under division (A)(1) of this section and that has a 106298  
population of at least thirty-nine thousand but not more than 106299  
forty thousand according to the 2010 federal decennial census; 106300

(b) A county that, on July 1, 2015, levies an excise tax 106301  
under division (A)(1) of this section at a rate of three per cent 106302  
and that has a population of at least seventy-one thousand but not 106303  
more than seventy-five thousand according to 2010 federal 106304  
decennial census. 106305

The board of county commissioners of a county to which 106306  
division (A)(10) of this section applies, by resolution adopted by 106307  
a majority of the members of the board, may levy an excise tax at 106308  
a rate not to exceed three per cent on transactions by which 106309  
lodging by a hotel is or is to be furnished to transient guests 106310  
for the purpose of acquiring, constructing, equipping, or 106311  
repairing permanent improvements, as defined in section 133.01 of 106312  
the Revised Code. If the board does not levy a tax under division 106313  
(A)(1) of this section, the board shall establish regulations 106314

necessary to provide for the administration of the tax, which may 106315  
prescribe the time for payment of the tax and the imposition of 106316  
penalty or interest subject to the limitations on penalty and 106317  
interest provided in division (A)(1) of this section. No portion 106318  
of the revenue shall be returned to townships or municipal 106319  
corporations in the county unless otherwise provided by resolution 106320  
of the board. The tax shall apply throughout the territory of the 106321  
county, including in any township or municipal corporation levying 106322  
an excise tax under division (B) of this section or division (A) 106323  
of section 5739.08 of the Revised Code. The levy of the tax is 106324  
subject to referendum as provided under section 305.31 of the 106325  
Revised Code. 106326

The tax shall remain in effect for the period specified in 106327  
the resolution. If revenue from the increase in rate is pledged to 106328  
the payment of debt charges on securities, the increase in rate is 106329  
not subject to diminution by initiative or referendum or by law 106330  
for so long as the securities are outstanding unless provision is 106331  
made by law or by the board for an adequate substitute for that 106332  
revenue that is satisfactory to the trustee if a trust agreement 106333  
secures payment of the debt charges. 106334

(B)(1) The legislative authority of a municipal corporation 106335  
or the board of trustees of a township that is not wholly or 106336  
partly located in a county that has in effect a resolution levying 106337  
an excise tax pursuant to division (A)(1) of this section may, by 106338  
ordinance or resolution, levy an excise tax not to exceed three 106339  
per cent on transactions by which lodging by a hotel is or is to 106340  
be furnished to transient guests. The legislative authority of the 106341  
municipal corporation or the board of trustees of the township 106342  
shall deposit at least fifty per cent of the revenue from the tax 106343  
levied pursuant to this division into a separate fund, which shall 106344  
be spent solely to make contributions to convention and visitors' 106345  
bureaus operating within the county in which the municipal 106346

corporation or township is wholly or partly located, and the 106347  
balance of that revenue shall be deposited in the general fund. 106348  
The municipal corporation or township shall establish all 106349  
regulations necessary to provide for the administration and 106350  
allocation of the tax. The regulations may prescribe the time for 106351  
payment of the tax, and may provide for the imposition of a 106352  
penalty or interest, or both, for late payments, provided that the 106353  
penalty does not exceed ten per cent of the amount of tax due, and 106354  
the rate at which interest accrues does not exceed the rate per 106355  
annum prescribed pursuant to section 5703.47 of the Revised Code. 106356  
The levy of a tax under this division is in addition to any tax 106357  
imposed on the same transaction by a municipal corporation or a 106358  
township as authorized by division (A) of section 5739.08 of the 106359  
Revised Code. 106360

(2)(a) The legislative authority of the most populous 106361  
municipal corporation located wholly or partly in a county in 106362  
which the board of county commissioners has levied a tax under 106363  
division (A)(4) of this section may amend, on or before September 106364  
30, 2002, that municipal corporation's ordinance or resolution 106365  
that levies an excise tax on transactions by which lodging by a 106366  
hotel is or is to be furnished to transient guests, to provide for 106367  
all of the following: 106368

(i) That the rate of the tax shall be increased by not more 106369  
than an additional one per cent on each transaction; 106370

(ii) That all of the revenue from the increase in rate shall 106371  
be pledged and contributed to a convention facilities authority 106372  
established by the board of county commissioners under Chapter 106373  
351. of the Revised Code on or before May 15, 2002, and be used to 106374  
pay costs of constructing, expanding, maintaining, operating, or 106375  
promoting a convention center in the county, including paying 106376  
bonds, or notes issued in anticipation of bonds, as provided by 106377  
that chapter; 106378

(iii) That the increase in rate shall not be subject to 106379  
diminution by initiative or referendum or by law while any bonds, 106380  
or notes in anticipation of bonds, issued by the authority under 106381  
Chapter 351. of the Revised Code to which the revenue is pledged, 106382  
remain outstanding in accordance with their terms, unless 106383  
provision is made by law, by the board of county commissioners, or 106384  
by the legislative authority, for an adequate substitute therefor 106385  
that is satisfactory to the trustee if a trust agreement secures 106386  
the bonds. 106387

(b) The legislative authority of a municipal corporation 106388  
that, pursuant to division (B)(2)(a) of this section, has amended 106389  
its ordinance or resolution to increase the rate of the tax 106390  
authorized by division (B)(1) of this section may further amend 106391  
the ordinance or resolution to provide that the revenue referred 106392  
to in division (B)(2)(a)(ii) of this section shall be pledged and 106393  
contributed both to a convention facilities authority to pay the 106394  
costs of constructing, expanding, maintaining, or operating one or 106395  
more convention centers in the county, including paying bonds, or 106396  
notes issued in anticipation of bonds, as provided in Chapter 351. 106397  
of the Revised Code, and to a convention and visitors' bureau to 106398  
pay the costs of promoting one or more convention centers in the 106399  
county. 106400

As used in division (B)(2) of this section, "cost" has the 106401  
same meaning as in section 351.01 of the Revised Code, and 106402  
"convention center" has the same meaning as in section 307.695 of 106403  
the Revised Code. 106404

(C) For the purposes described in section 307.695 of the 106405  
Revised Code and to cover the costs of administering the tax, a 106406  
board of county commissioners of a county where a tax imposed 106407  
under division (A)(1) of this section is in effect may, by 106408  
resolution adopted within ninety days after July 15, 1985, by a 106409  
majority of the members of the board, levy an additional excise 106410

tax not to exceed three per cent on transactions by which lodging 106411  
by a hotel is or is to be furnished to transient guests. The tax 106412  
authorized by this division shall be in addition to any tax that 106413  
is levied pursuant to division (A) of this section, but it shall 106414  
not apply to transactions subject to a tax levied by a municipal 106415  
corporation or township pursuant to the authorization granted by 106416  
division (A) of section 5739.08 of the Revised Code. The board 106417  
shall establish all regulations necessary to provide for the 106418  
administration and allocation of the tax. The regulations may 106419  
prescribe the time for payment of the tax, and may provide for the 106420  
imposition of a penalty or interest, or both, for late payments, 106421  
provided that the penalty does not exceed ten per cent of the 106422  
amount of tax due, and the rate at which interest accrues does not 106423  
exceed the rate per annum prescribed pursuant to section 5703.47 106424  
of the Revised Code. All revenues arising from the tax shall be 106425  
expended in accordance with section 307.695 of the Revised Code. 106426  
The board of county commissioners of an eligible county as defined 106427  
in section 307.695 of the Revised Code may, by resolution adopted 106428  
by a majority of the members of the board, amend the resolution 106429  
levying a tax under this division to provide that the revenue from 106430  
the tax shall be used by the board as described in division (H) of 106431  
section 307.695 of the Revised Code. A tax imposed under this 106432  
division shall remain in effect at the rate at which it is imposed 106433  
for the duration of the period during which any agreement entered 106434  
into by the board under section 307.695 of the Revised Code is in 106435  
effect, the duration of the period during which any securities 106436  
issued by the board under division (I) of section 307.695 of the 106437  
Revised Code are outstanding, or the duration of the period during 106438  
which the board owns a project as defined in section 307.695 of 106439  
the Revised Code, whichever duration is longest. 106440

(D) For the purpose of providing contributions under division 106441  
(B)(1) of section 307.671 of the Revised Code to enable the 106442  
acquisition, construction, and equipping of a port authority 106443

educational and cultural facility in the county and, to the extent 106444  
provided for in the cooperative agreement authorized by that 106445  
section, for the purpose of paying debt service charges on bonds, 106446  
or notes in anticipation of bonds, described in division (B)(1)(b) 106447  
of that section, a board of county commissioners, by resolution 106448  
adopted within ninety days after December 22, 1992, by a majority 106449  
of the members of the board, may levy an additional excise tax not 106450  
to exceed one and one-half per cent on transactions by which 106451  
lodging by a hotel is or is to be furnished to transient guests. 106452  
The excise tax authorized by this division shall be in addition to 106453  
any tax that is levied pursuant to divisions (A), (B), and (C) of 106454  
this section, to any excise tax levied pursuant to section 5739.08 106455  
of the Revised Code, and to any excise tax levied pursuant to 106456  
section 351.021 of the Revised Code. The board of county 106457  
commissioners shall establish all regulations necessary to provide 106458  
for the administration and allocation of the tax that are not 106459  
inconsistent with this section or section 307.671 of the Revised 106460  
Code. The regulations may prescribe the time for payment of the 106461  
tax, and may provide for the imposition of a penalty or interest, 106462  
or both, for late payments, provided that the penalty does not 106463  
exceed ten per cent of the amount of tax due, and the rate at 106464  
which interest accrues does not exceed the rate per annum 106465  
prescribed pursuant to section 5703.47 of the Revised Code. All 106466  
revenues arising from the tax shall be expended in accordance with 106467  
section 307.671 of the Revised Code and division (D) of this 106468  
section. The levy of a tax imposed under this division may not 106469  
commence prior to the first day of the month next following the 106470  
execution of the cooperative agreement authorized by section 106471  
307.671 of the Revised Code by all parties to that agreement. The 106472  
tax shall remain in effect at the rate at which it is imposed for 106473  
the period of time described in division (C) of section 307.671 of 106474  
the Revised Code for which the revenue from the tax has been 106475  
pledged by the county to the corporation pursuant to that section, 106476

but, to any extent provided for in the cooperative agreement, for 106477  
no lesser period than the period of time required for payment of 106478  
the debt service charges on bonds, or notes in anticipation of 106479  
bonds, described in division (B)(1)(b) of that section. 106480

(E) For the purpose of paying the costs of acquiring, 106481  
constructing, equipping, and improving a municipal educational and 106482  
cultural facility, including debt service charges on bonds 106483  
provided for in division (B) of section 307.672 of the Revised 106484  
Code, and for any additional purposes determined by the county in 106485  
the resolution levying the tax or amendments to the resolution, 106486  
including subsequent amendments providing for paying costs of 106487  
acquiring, constructing, renovating, rehabilitating, equipping, 106488  
and improving a port authority educational and cultural performing 106489  
arts facility, as defined in section 307.674 of the Revised Code, 106490  
and including debt service charges on bonds provided for in 106491  
division (B) of section 307.674 of the Revised Code, the 106492  
legislative authority of a county, by resolution adopted within 106493  
ninety days after June 30, 1993, by a majority of the members of 106494  
the legislative authority, may levy an additional excise tax not 106495  
to exceed one and one-half per cent on transactions by which 106496  
lodging by a hotel is or is to be furnished to transient guests. 106497  
The excise tax authorized by this division shall be in addition to 106498  
any tax that is levied pursuant to divisions (A), (B), (C), and 106499  
(D) of this section, to any excise tax levied pursuant to section 106500  
5739.08 of the Revised Code, and to any excise tax levied pursuant 106501  
to section 351.021 of the Revised Code. The legislative authority 106502  
of the county shall establish all regulations necessary to provide 106503  
for the administration and allocation of the tax. The regulations 106504  
may prescribe the time for payment of the tax, and may provide for 106505  
the imposition of a penalty or interest, or both, for late 106506  
payments, provided that the penalty does not exceed ten per cent 106507  
of the amount of tax due, and the rate at which interest accrues 106508  
does not exceed the rate per annum prescribed pursuant to section 106509



5703.47 of the Revised Code. All revenues arising from the tax 106510  
shall be expended in accordance with section 307.672 of the 106511  
Revised Code and this division. The levy of a tax imposed under 106512  
this division shall not commence prior to the first day of the 106513  
month next following the execution of the cooperative agreement 106514  
authorized by section 307.672 of the Revised Code by all parties 106515  
to that agreement. The tax shall remain in effect at the rate at 106516  
which it is imposed for the period of time determined by the 106517  
legislative authority of the county. That period of time shall not 106518  
exceed fifteen years, except that the legislative authority of a 106519  
county with a population of less than two hundred fifty thousand 106520  
according to the most recent federal decennial census, by 106521  
resolution adopted by a majority of its members before the 106522  
original tax expires, may extend the duration of the tax for an 106523  
additional period of time. The additional period of time by which 106524  
a legislative authority extends a tax levied under this division 106525  
shall not exceed fifteen years. 106526

(F) The legislative authority of a county that has levied a 106527  
tax under division (E) of this section may, by resolution adopted 106528  
within one hundred eighty days after January 4, 2001, by a 106529  
majority of the members of the legislative authority, amend the 106530  
resolution levying a tax under that division to provide for the 106531  
use of the proceeds of that tax, to the extent that it is no 106532  
longer needed for its original purpose as determined by the 106533  
parties to a cooperative agreement amendment pursuant to division 106534  
(D) of section 307.672 of the Revised Code, to pay costs of 106535  
acquiring, constructing, renovating, rehabilitating, equipping, 106536  
and improving a port authority educational and cultural performing 106537  
arts facility, including debt service charges on bonds provided 106538  
for in division (B) of section 307.674 of the Revised Code, and to 106539  
pay all obligations under any guaranty agreements, reimbursement 106540  
agreements, or other credit enhancement agreements described in 106541  
division (C) of section 307.674 of the Revised Code. The 106542

resolution may also provide for the extension of the tax at the 106543  
same rate for the longer of the period of time determined by the 106544  
legislative authority of the county, but not to exceed an 106545  
additional twenty-five years, or the period of time required to 106546  
pay all debt service charges on bonds provided for in division (B) 106547  
of section 307.672 of the Revised Code and on port authority 106548  
revenue bonds provided for in division (B) of section 307.674 of 106549  
the Revised Code. All revenues arising from the amendment and 106550  
extension of the tax shall be expended in accordance with section 106551  
307.674 of the Revised Code, this division, and division (E) of 106552  
this section. 106553

(G) For purposes of a tax levied by a county, township, or 106554  
municipal corporation under this section or section 5739.08 of the 106555  
Revised Code, a board of county commissioners, board of township 106556  
trustees, or the legislative authority of a municipal corporation 106557  
may adopt a resolution or ordinance at any time specifying that 106558  
"hotel," as otherwise defined in section 5739.01 of the Revised 106559  
Code, includes the following: 106560

(1) Establishments in which fewer than five rooms are used 106561  
for the accommodation of guests. 106562

(2) Establishments at which rooms are used for the 106563  
accommodation of guests regardless of whether each room is 106564  
accessible through its own keyed entry or several rooms are 106565  
accessible through the same keyed entry; and, in determining the 106566  
number of rooms, all rooms are included regardless of the number 106567  
of structures in which the rooms are situated or the number of 106568  
parcels of land on which the structures are located if the 106569  
structures are under the same ownership and the structures are not 106570  
identified in advertisements of the accommodations as distinct 106571  
establishments. For the purposes of division (G)(2) of this 106572  
section, two or more structures are under the same ownership if 106573  
they are owned by the same person, or if they are owned by two or 106574

more persons the majority of the ownership interests of which are 106575  
owned by the same person. 106576

The resolution or ordinance may apply to a tax imposed 106577  
pursuant to this section prior to the adoption of the resolution 106578  
or ordinance if the resolution or ordinance so states, but the tax 106579  
shall not apply to transactions by which lodging by such an 106580  
establishment is provided to transient guests prior to the 106581  
adoption of the resolution or ordinance. 106582

(H)(1) As used in this division: 106583

(a) "Convention facilities authority" has the same meaning as 106584  
in section 351.01 of the Revised Code. 106585

(b) "Convention center" has the same meaning as in section 106586  
307.695 of the Revised Code. 106587

(2) Notwithstanding any contrary provision of division (D) of 106588  
this section, the legislative authority of a county with a 106589  
population of one million or more according to the most recent 106590  
federal decennial census that has levied a tax under division (D) 106591  
of this section may, by resolution adopted by a majority of the 106592  
members of the legislative authority, provide for the extension of 106593  
such levy and may provide that the proceeds of that tax, to the 106594  
extent that they are no longer needed for their original purpose 106595  
as defined by a cooperative agreement entered into under section 106596  
307.671 of the Revised Code, shall be deposited into the county 106597  
general revenue fund. The resolution shall provide for the 106598  
extension of the tax at a rate not to exceed the rate specified in 106599  
division (D) of this section for a period of time determined by 106600  
the legislative authority of the county, but not to exceed an 106601  
additional forty years. 106602

(3) The legislative authority of a county with a population 106603  
of one million or more that has levied a tax under division (A)(1) 106604  
of this section may, by resolution adopted by a majority of the 106605

members of the legislative authority, increase the rate of the tax 106606  
levied by such county under division (A)(1) of this section to a 106607  
rate not to exceed five per cent on transactions by which lodging 106608  
by a hotel is or is to be furnished to transient guests. 106609  
Notwithstanding any contrary provision of division (A)(1) of this 106610  
section, the resolution may provide that all collections resulting 106611  
from the rate levied in excess of three per cent, after deducting 106612  
the real and actual costs of administering the tax, shall be 106613  
deposited in the county general fund. 106614

(4) The legislative authority of a county with a population 106615  
of one million or more that has levied a tax under division (A)(1) 106616  
of this section may, by resolution adopted on or before August 30, 106617  
2004, by a majority of the members of the legislative authority, 106618  
provide that all or a portion of the proceeds of the tax levied 106619  
under division (A)(1) of this section, after deducting the real 106620  
and actual costs of administering the tax and the amounts required 106621  
to be returned to townships and municipal corporations with 106622  
respect to the first three per cent levied under division (A)(1) 106623  
of this section, shall be deposited in the county general fund, 106624  
provided that such proceeds shall be used to satisfy any pledges 106625  
made in connection with an agreement entered into under section 106626  
307.695 of the Revised Code. 106627

(5) No amount collected from a tax levied, extended, or 106628  
required to be deposited in the county general fund under division 106629  
(H) of this section shall be contributed to a convention 106630  
facilities authority, corporation, or other entity created after 106631  
July 1, 2003, for the principal purpose of constructing, 106632  
improving, expanding, equipping, financing, or operating a 106633  
convention center unless the mayor of the municipal corporation in 106634  
which the convention center is to be operated by that convention 106635  
facilities authority, corporation, or other entity has consented 106636  
to the creation of that convention facilities authority, 106637

corporation, or entity. Notwithstanding any contrary provision of 106638  
section 351.04 of the Revised Code, if a tax is levied by a county 106639  
under division (H) of this section, the board of county 106640  
commissioners of that county may determine the manner of 106641  
selection, the qualifications, the number, and terms of office of 106642  
the members of the board of directors of any convention facilities 106643  
authority, corporation, or other entity described in division 106644  
(H)(5) of this section. 106645

(6)(a) No amount collected from a tax levied, extended, or 106646  
required to be deposited in the county general fund under division 106647  
(H) of this section may be used for any purpose other than paying 106648  
the direct and indirect costs of constructing, improving, 106649  
expanding, equipping, financing, or operating a convention center 106650  
and for the real and actual costs of administering the tax, 106651  
unless, prior to the adoption of the resolution of the legislative 106652  
authority of the county authorizing the levy, extension, increase, 106653  
or deposit, the county and the mayor of the most populous 106654  
municipal corporation in that county have entered into an 106655  
agreement as to the use of such amounts, provided that such 106656  
agreement has been approved by a majority of the mayors of the 106657  
other municipal corporations in that county. The agreement shall 106658  
provide that the amounts to be used for purposes other than paying 106659  
the convention center or administrative costs described in 106660  
division (H)(6)(a) of this section be used only for the direct and 106661  
indirect costs of capital improvements, including the financing of 106662  
capital improvements. 106663

(b) If the county in which the tax is levied has an 106664  
association of mayors and city managers, the approval of that 106665  
association of an agreement described in division (H)(6)(a) of 106666  
this section shall be considered to be the approval of the 106667  
majority of the mayors of the other municipal corporations for 106668  
purposes of that division. 106669

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (H) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

(I)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this

section for a period of time determined by the legislative 106702  
authority of the county, but not to exceed an additional forty 106703  
years. 106704

(3) The legislative authority of a county with a population 106705  
of one million two hundred thousand or more that has levied a tax 106706  
under division (A)(1) of this section may, by resolution adopted 106707  
by a majority of the members of the legislative authority, 106708  
increase the rate of the tax levied by such county under division 106709  
(A)(1) of this section to a rate not to exceed five per cent on 106710  
transactions by which lodging by a hotel is or is to be furnished 106711  
to transient guests. Notwithstanding any contrary provision of 106712  
division (A)(1) of this section, the resolution shall provide that 106713  
all collections resulting from the rate levied in excess of three 106714  
per cent, after deducting the real and actual costs of 106715  
administering the tax, shall be used for paying the direct and 106716  
indirect costs of constructing, improving, expanding, equipping, 106717  
financing, or operating a convention center. 106718

(4) The legislative authority of a county with a population 106719  
of one million two hundred thousand or more that has levied a tax 106720  
under division (A)(1) of this section may, by resolution adopted 106721  
on or before July 1, 2008, by a majority of the members of the 106722  
legislative authority, provide that all or a portion of the 106723  
proceeds of the tax levied under division (A)(1) of this section, 106724  
after deducting the real and actual costs of administering the tax 106725  
and the amounts required to be returned to townships and municipal 106726  
corporations with respect to the first three per cent levied under 106727  
division (A)(1) of this section, shall be used to satisfy any 106728  
pledges made in connection with an agreement entered into under 106729  
section 307.695 of the Revised Code or shall otherwise be used for 106730  
paying the direct and indirect costs of constructing, improving, 106731  
expanding, equipping, financing, or operating a convention center. 106732

(5) Any amount collected from a tax levied or extended under 106733

division (I) of this section may be contributed to a convention 106734  
facilities authority created before July 1, 2005, but no amount 106735  
collected from a tax levied or extended under division (I) of this 106736  
section may be contributed to a convention facilities authority, 106737  
corporation, or other entity created after July 1, 2005, unless 106738  
the mayor of the municipal corporation in which the convention 106739  
center is to be operated by that convention facilities authority, 106740  
corporation, or other entity has consented to the creation of that 106741  
convention facilities authority, corporation, or entity. 106742

(J)(1) Except as provided in division (J)(2) of this section, 106743  
money collected by a county and distributed under this section to 106744  
a convention and visitors' bureau in existence as of June 30, 106745  
2013, the effective date of H.B. 59 of the 130th general assembly, 106746  
except for any such money pledged, as of that effective date, to 106747  
the payment of debt service charges on bonds, notes, securities, 106748  
or lease agreements, shall be used solely for tourism sales, 106749  
marketing and promotion, and their associated costs, including, 106750  
but not limited to, operational and administrative costs of the 106751  
bureau, sales and marketing, and maintenance of the physical 106752  
bureau structure. 106753

(2) A convention and visitors' bureau that has entered into 106754  
an agreement under section 307.678 of the Revised Code may use 106755  
revenue it receives from a tax levied under division (A)(1) of 106756  
this section as described in division (D) of section 307.678 of 106757  
the Revised Code. 106758

(K) The board of county commissioners of a county with a 106759  
population between one hundred three thousand and one hundred 106760  
seven thousand according to the most recent federal decennial 106761  
census, by resolution adopted by a majority of the members of the 106762  
board within six months after September 15, 2014, the effective 106763  
date of H.B. 483 of the 130th general assembly, may levy a tax not 106764  
to exceed three per cent on transactions by which a hotel is or is 106765



to be furnished to transient guests. The purpose of the tax shall 106766  
be to pay the costs of expanding, maintaining, or operating a 106767  
soldiers' memorial and the costs of administering the tax. All 106768  
revenue arising from the tax shall be credited to one or more 106769  
special funds in the county treasury and shall be spent solely for 106770  
the purposes of paying those costs. The board of county 106771  
commissioners shall adopt all rules necessary to provide for the 106772  
administration of the tax subject to the same limitations on 106773  
imposing penalty or interest under division (A)(1) of this 106774  
section. 106775

As used in this division "soldiers' memorial" means a 106776  
memorial constructed and funded under Chapter 345. of the Revised 106777  
Code. 106778

(L) A board of county commissioners of an eligible county, by 106779  
resolution adopted by a majority of the members of the board, may 106780  
levy an excise tax at the rate of up to three per cent on 106781  
transactions by which lodging by a hotel is or is to be furnished 106782  
to transient guests for the purpose of paying the costs of 106783  
permanent improvements at sites at which one or more agricultural 106784  
societies conduct fairs or exhibits, paying the costs of 106785  
maintaining or operating such permanent improvements, and paying 106786  
the costs of administering the tax. A resolution adopted under 106787  
this division shall direct the board of elections to submit the 106788  
question of the proposed lodging tax to the electors of the county 106789  
at a special election held on the date specified by the board in 106790  
the resolution, provided that the election occurs not less than 106791  
ninety days after a certified copy of the resolution is 106792  
transmitted to the board of elections. A resolution submitted to 106793  
the electors under this division shall not go into effect unless 106794  
it is approved by a majority of those voting upon it. The 106795  
resolution takes effect on the date the board of county 106796  
commissioners receives notification from the board of elections of 106797

an affirmative vote. 106798

The tax shall remain in effect for the period specified in 106799  
the resolution, not to exceed five years. All revenue arising from 106800  
the tax shall be credited to one or more special funds in the 106801  
county treasury and shall be spent solely for the purposes of 106802  
paying the costs of such permanent improvements and maintaining or 106803  
operating the improvements. Revenue allocated for the use of a 106804  
county agricultural society may be credited to the county 106805  
agricultural society fund created in section 1711.16 of the 106806  
Revised Code upon appropriation by the board. If revenue is 106807  
credited to that fund, it shall be expended only as provided in 106808  
that section. 106809

The board of county commissioners shall adopt all rules 106810  
necessary to provide for the administration of the tax. The rules 106811  
may prescribe the time for payment of the tax, and may provide for 106812  
the imposition or penalty or interest, or both, for late payments, 106813  
provided that the penalty does not exceed ten per cent of the 106814  
amount of tax due, and the rate at which interest accrues does not 106815  
exceed the rate per annum prescribed in section 5703.47 of the 106816  
Revised Code. 106817

As used in this division, "eligible county" means a county in 106818  
which a county agricultural society or independent agricultural 106819  
society is organized under section 1711.01 or 1711.02 of the 106820  
Revised Code, provided the agricultural society owns a facility or 106821  
site in the county at which an annual harness horse race is 106822  
conducted where one-day attendance equals at least forty thousand 106823  
attendees. 106824

(M) As used in this division, "eligible county" means a 106825  
county in which a tax is levied under division (A) of this section 106826  
at a rate of three per cent and whose territory includes a part of 106827  
Lake Erie the shoreline of which represents at least fifty per 106828  
cent of the linear length of the county's border with other 106829

counties of this state. 106830

The board of county commissioners of an eligible county that 106831  
has entered into an agreement with a port authority in the county 106832  
under section 4582.56 of the Revised Code may levy an additional 106833  
lodging tax on transactions by which lodging by a hotel is or is 106834  
to be furnished to transient guests for the purpose of financing 106835  
lakeshore improvement projects constructed or financed by the port 106836  
authority under that section. The resolution levying the tax shall 106837  
specify the purpose of the tax, the rate of the tax, which shall 106838  
not exceed two per cent, and the number of years the tax will be 106839  
levied or that it will be levied for a continuing period of time. 106840  
The tax shall be administered pursuant to the regulations adopted 106841  
by the board under division (A) of this section, except that all 106842  
the proceeds of the tax levied under this division shall be 106843  
pledged to the payment of the costs, including debt charges, of 106844  
lakeshore improvements undertaken by a port authority pursuant to 106845  
the agreement under section 4582.56 of the Revised Code. No 106846  
revenue from the tax may be used to pay the current expenses of 106847  
the port authority. 106848

A resolution levying a tax under this division is subject to 106849  
referendum under sections 305.31 to 305.41 and 305.99 of the 106850  
Revised Code. 106851

(N) A tax levied by a county, township, or municipal 106852  
corporation under this section on transactions by which lodging by 106853  
a hotel is or is to be furnished to transient guests shall include 106854  
transactions done by or through a provider of hotel intermediary 106855  
services, as defined in section 5739.01 of the Revised Code, and 106856  
shall be levied on the basis of the total price paid by the 106857  
consumer for hotel lodging as advertised by the provider of hotel 106858  
intermediary services. 106859

**Sec. 5739.101.** (A) The legislative authority of a municipal 106860

corporation, by ordinance or resolution, or of a township, by 106861  
resolution, may declare the municipal corporation or township to 106862  
be a resort area for the purposes of this section, if all of the 106863  
following criteria are met: 106864

(1) According to statistics published by the federal 106865  
government based on data compiled during the most recent decennial 106866  
census of the United States, at least sixty-two per cent of total 106867  
housing units in the municipal corporation or township are 106868  
classified as "for seasonal, recreational, or occasional use"; 106869

(2) Entertainment and recreation facilities are provided 106870  
within the municipal corporation or township that are primarily 106871  
intended to provide seasonal leisure time activities for persons 106872  
other than permanent residents of the municipal corporation or 106873  
township; 106874

(3) The municipal corporation or township experiences 106875  
seasonal peaks of employment and demand for government services as 106876  
a direct result of the seasonal population increase. 106877

(B) For the purpose of providing revenue for its general 106878  
fund, the legislative authority of a municipal corporation or 106879  
township, in its ordinance or resolution declaring itself a resort 106880  
area under this section, may levy a tax on the privilege of 106881  
engaging in the business of either of the following: 106882

(1) Making sales in the municipal corporation or township, 106883  
whether wholesale or retail, but including sales of food only to 106884  
the extent such sales are subject to the tax levied under section 106885  
5739.02 of the Revised Code; 106886

(2) Intrastate transportation of passengers or property 106887  
primarily to or from the municipal corporation or township by a 106888  
railroad, watercraft, or motor vehicle subject to regulation by 106889  
the public utilities commission, except not including 106890  
transportation of passengers as part of a tour or cruise in which 106891

the passengers will stay in the municipal corporation or township 106892  
for no more than one hour. 106893

The tax is imposed upon and shall be paid by the person 106894  
making the sales or transporting the passengers or property. The 106895  
rate of the tax shall be one-half, one, or one and one-half per 106896  
cent of the person's gross receipts derived from making the sales 106897  
or transporting the passengers or property to or from the 106898  
municipal corporation or township. 106899

(C) The tax For the purpose of fostering and developing 106900  
tourism in a tourism development district designated under section 106901  
503.56 or 715.014 of the Revised Code, the legislative authority 106902  
of a municipal corporation or township, by ordinance or resolution 106903  
adopted on or before December 31, 2018, may levy a tax on the 106904  
privilege of engaging in the business of making sales in the 106905  
tourism development district, whether wholesale or retail, but 106906  
including sales of food only to the extent such sales are subject 106907  
to the tax levied under section 5739.02 of the Revised Code. 106908

The tax is imposed upon and shall be paid by the person 106909  
making the sales. The rate of the tax shall be one-half, one, one 106910  
and one-half, or two per cent of the person's gross receipts 106911  
derived from making the sales in the tourism development district. 106912

(D) A tax levied under division (B) or (C) of this section 106913  
shall take effect on the first day of the month that begins at 106914  
least sixty days after the effective date of the ordinance or 106915  
resolution ~~in~~ by which it is levied. The legislative authority 106916  
shall certify copies of the ordinance or resolution to the tax 106917  
commissioner and treasurer of state within five days after its 106918  
adoption. In addition, one time each week during the two weeks 106919  
following the adoption of the ordinance or resolution, the 106920  
legislative authority shall cause to be published in a newspaper 106921  
of general circulation in the municipal corporation or township, 106922  
or as provided in section 7.16 of the Revised Code, a notice 106923

explaining the tax and stating the rate of the tax, the date it will take effect, and that persons subject to the tax must register with the tax commissioner under section 5739.103 of the Revised Code.

~~(D)~~(E) No more than once a year, and subject to the rates prescribed in division (B) or (C) of this section, the legislative authority of the municipal corporation or township, by ordinance or resolution, may increase or decrease the rate of a tax levied under this section. The legislative authority, by ordinance or resolution, at any time may repeal such a tax. The legislative authority shall certify to the tax commissioner and treasurer of state copies of the ordinance or resolution repealing or changing the rate of the tax within five days after its adoption. In addition, one time each week during the two weeks following the adoption of the ordinance or resolution, the legislative authority shall cause to be published in a newspaper of general circulation in the municipal corporation or township, or as provided in section 7.16 of the Revised Code, notice of the repeal or change.

(F) A person may separately or proportionately bill or invoice a tax levied pursuant to division (B) or (C) of this section to another person.

**Sec. 5739.102.** A person who is liable for a tax levied under section 5739.101 of the Revised Code shall file a return with the tax commissioner showing the person's taxable gross receipts from sales described under division (B)(1) or (2) or (C) of that section. The tax commissioner shall prescribe the form of the return, and the six- or twelve-month reporting period. The person shall file the return on or before the last day of the month following the end of the reporting period prescribed by the commissioner, and shall include with the return payment of the tax for the period. The remittance shall be made payable to the

treasurer of state. 106955

Upon receipt of a return, the tax commissioner shall credit 106956  
any money included with it to the resort area excise tax fund, 106957  
which is hereby created. Within forty-five days after the end of 106958  
each month, the commissioner shall provide for the distribution of 106959  
all money paid during that month into the resort area excise tax 106960  
fund to the appropriate municipal corporations and townships, 106961  
after first subtracting and crediting to the general revenue fund 106962  
one per cent to cover the costs of administering the excise tax. 106963

If a person liable for the tax fails to file a return or pay 106964  
the tax as required under this section and the rules of the tax 106965  
commissioner, the person shall pay an additional charge of the 106966  
greater of fifty dollars or ten per cent of the tax due for the 106967  
return period. The additional charge shall be considered revenue 106968  
arising from the tax levied under section 5739.101 of the Revised 106969  
Code, and may be collected by assessment in the manner provided in 106970  
section 5739.13 of the Revised Code. The tax commissioner may 106971  
remit all or a portion of the charge. 106972

**Sec. 5739.103.** No person shall exercise the privilege of 106973  
engaging in a business described under division (B)(1) or (2) or 106974  
(C) of section 5739.101 of the Revised Code in a municipal 106975  
corporation or township that has imposed a tax under division (B) 106976  
or (C) of that section without first registering with the tax 106977  
commissioner. The tax commissioner shall prescribe the form of the 106978  
registration. 106979

**Sec. 5739.13.** (A) If any vendor collects the tax imposed by 106980  
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 106981  
the Revised Code, and fails to remit the tax to the state as 106982  
prescribed, or on the sale of a motor vehicle, watercraft, or 106983  
outboard motor required to be titled, fails to remit payment ~~to a~~ 106984

~~clerk of a court of common pleas~~ as provided in section 1548.06 or 106985  
4505.06 of the Revised Code, the vendor shall be personally liable 106986  
for any tax collected and not remitted. The tax commissioner may 106987  
make an assessment against such vendor based upon any information 106988  
in the commissioner's possession. 106989

If any vendor fails to collect the tax or any consumer fails 106990  
to pay the tax imposed by or pursuant to section 5739.02, 106991  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 106992  
transaction subject to the tax, the vendor or consumer shall be 106993  
personally liable for the amount of the tax applicable to the 106994  
transaction. The commissioner may make an assessment against 106995  
either the vendor or consumer, as the facts may require, based 106996  
upon any information in the commissioner's possession. 106997

An assessment against a vendor when the tax imposed by or 106998  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 106999  
the Revised Code has not been collected or paid, shall not 107000  
discharge the purchaser's or consumer's liability to reimburse the 107001  
vendor for the tax applicable to such transaction. 107002

An assessment issued against either, pursuant to this 107003  
section, shall not be considered an election of remedies, nor a 107004  
bar to an assessment against the other for the tax applicable to 107005  
the same transaction, provided that no assessment shall be issued 107006  
against any person for the tax due on a particular transaction if 107007  
the tax on that transaction actually has been paid by another. 107008

The commissioner may make an assessment against any vendor 107009  
who fails to file a return or remit the proper amount of tax 107010  
required by this chapter, or against any consumer who fails to pay 107011  
the proper amount of tax required by this chapter. When 107012  
information in the possession of the commissioner indicates that 107013  
the amount required to be collected or paid under this chapter is 107014  
greater than the amount remitted by the vendor or paid by the 107015  
consumer, the commissioner may audit a sample of the vendor's 107016



sales or the consumer's purchases for a representative period, to 107017  
ascertain the per cent of exempt or taxable transactions or the 107018  
effective tax rate and may issue an assessment based on the audit. 107019  
The commissioner shall make a good faith effort to reach agreement 107020  
with the vendor or consumer in selecting a representative sample. 107021

The commissioner may make an assessment, based on any 107022  
information in the commissioner's possession, against any person 107023  
who fails to file a return or remit the proper amount of tax 107024  
required by section 5739.102 of the Revised Code. 107025

The commissioner may issue an assessment on any transaction 107026  
for which any tax imposed under this chapter or Chapter 5741. of 107027  
the Revised Code was due and unpaid on the date the vendor or 107028  
consumer was informed by an agent of the tax commissioner of an 107029  
investigation or audit. If the vendor or consumer remits any 107030  
payment of the tax for the period covered by the assessment after 107031  
the vendor or consumer was informed of the investigation or audit, 107032  
the payment shall be credited against the amount of the 107033  
assessment. 107034

The commissioner shall give the party assessed written notice 107035  
of the assessment in the manner provided in section 5703.37 of the 107036  
Revised Code. With the notice, the commissioner shall provide 107037  
instructions on how to petition for reassessment and request a 107038  
hearing on the petition. 107039

(B) Unless the party assessed files with the commissioner 107040  
within sixty days after service of the notice of assessment, 107041  
either personally or by certified mail, a written petition for 107042  
reassessment, signed by the party assessed or that party's 107043  
authorized agent having knowledge of the facts, the assessment 107044  
becomes final and the amount of the assessment is due from the 107045  
party assessed and payable to the treasurer of state and remitted 107046  
to the tax commissioner. The petition shall indicate the 107047  
objections of the party assessed, but additional objections may be 107048

raised in writing if received by the commissioner prior to the 107049  
date shown on the final determination. If the petition has been 107050  
properly filed, the commissioner shall proceed under section 107051  
5703.60 of the Revised Code. 107052

(C) After an assessment becomes final, if any portion of the 107053  
assessment remains unpaid, including accrued interest, a certified 107054  
copy of the commissioner's entry making the assessment final may 107055  
be filed in the office of the clerk of the court of common pleas 107056  
in the county in which the place of business of the party assessed 107057  
is located or the county in which the party assessed resides. If 107058  
the party assessed maintains no place of business in this state 107059  
and is not a resident of this state, the certified copy of the 107060  
entry may be filed in the office of the clerk of the court of 107061  
common pleas of Franklin county. 107062

Immediately upon the filing of the entry, the clerk shall 107063  
enter a judgment for the state against the party assessed in the 107064  
amount shown on the entry. The judgment may be filed by the clerk 107065  
in a loose-leaf book entitled "~~special judgments for state,~~ 107066  
~~county, and transit authority~~ and local retail sales tax" or, if 107067  
appropriate, "special judgments for resort area excise tax," and 107068  
shall have the same effect as other judgments. Execution shall 107069  
issue upon the judgment upon the request of the tax commissioner, 107070  
and all laws applicable to sales on execution shall apply to sales 107071  
made under the judgment except as otherwise provided in this 107072  
chapter. 107073

If the assessment is not paid in its entirety within sixty 107074  
days after the date the assessment was issued, the portion of the 107075  
assessment consisting of tax due shall bear interest at the rate 107076  
per annum prescribed by section 5703.47 of the Revised Code from 107077  
the day the tax commissioner issues the assessment until the 107078  
assessment is paid or until it is certified to the attorney 107079  
general for collection under section 131.02 of the Revised Code, 107080

whichever comes first. If the unpaid portion of the assessment is 107081  
certified to the attorney general for collection, the entire 107082  
unpaid portion of the assessment shall bear interest at the rate 107083  
per annum prescribed by section 5703.47 of the Revised Code from 107084  
the date of certification until the date it is paid in its 107085  
entirety. Interest shall be paid in the same manner as the tax and 107086  
may be collected by issuing an assessment under this section. 107087

(D) All money collected by the tax commissioner under this 107088  
section shall be paid to the treasurer of state, and when paid 107089  
shall be considered as revenue arising from the taxes imposed by 107090  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 107091

**Sec. 5741.01.** As used in this chapter: 107092

(A) "Person" includes individuals, receivers, assignees, 107093  
trustees in bankruptcy, estates, firms, partnerships, 107094  
associations, joint-stock companies, joint ventures, clubs, 107095  
societies, corporations, business trusts, governments, and 107096  
combinations of individuals of any form. 107097

(B) "Storage" means and includes any keeping or retention in 107098  
this state for use or other consumption in this state. 107099

(C) "Use" means and includes the exercise of any right or 107100  
power incidental to the ownership of the thing used. A thing is 107101  
also "used" in this state if its consumer gives or otherwise 107102  
distributes it, without charge, to recipients in this state. 107103

(D) "Purchase" means acquired or received for a 107104  
consideration, whether such acquisition or receipt was effected by 107105  
a transfer of title, or of possession, or of both, or a license to 107106  
use or consume; whether such transfer was absolute or conditional, 107107  
and by whatever means the transfer was effected; and whether the 107108  
consideration was money, credit, barter, or exchange. Purchase 107109  
includes production, even though the article produced was used, 107110

stored, or consumed by the producer. The transfer of copyrighted 107111  
motion picture films for exhibition purposes is not a purchase, 107112  
except such films as are used solely for advertising purposes. 107113

(E) "Seller" means the person from whom a purchase is made, 107114  
and includes every person engaged in this state or elsewhere in 107115  
the business of selling tangible personal property or providing a 107116  
service for storage, use, or other consumption or benefit in this 107117  
state; and when, in the opinion of the tax commissioner, it is 107118  
necessary for the efficient administration of this chapter, to 107119  
regard any salesperson, representative, peddler, or canvasser as 107120  
the agent of a dealer, distributor, supervisor, or employer under 107121  
whom the person operates, or from whom the person obtains tangible 107122  
personal property, sold by the person for storage, use, or other 107123  
consumption in this state, irrespective of whether or not the 107124  
person is making such sales on the person's own behalf, or on 107125  
behalf of such dealer, distributor, supervisor, or employer, the 107126  
commissioner may regard the person as such agent, and may regard 107127  
such dealer, distributor, supervisor, or employer as the seller. 107128  
"Seller" does not include any person to the extent the person 107129  
provides a communications medium, such as, but not limited to, 107130  
newspapers, magazines, radio, television, or cable television, by 107131  
means of which sellers solicit purchases of their goods or 107132  
services. 107133

(F) "Consumer" means any person who has purchased tangible 107134  
personal property or has been provided a service for storage, use, 107135  
or other consumption or benefit in this state. "Consumer" does not 107136  
include a person who receives, without charge, tangible personal 107137  
property or a service. 107138

A person who performs a facility management or similar 107139  
service contract for a contractee is a consumer of all tangible 107140  
personal property and services purchased for use in connection 107141  
with the performance of such contract, regardless of whether title 107142

to any such property vests in the contractee. The purchase of such 107143  
property and services is not subject to the exception for resale 107144  
under division (E) of section 5739.01 of the Revised Code. 107145

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 107146  
of this section, has the same meaning as in division (H)(1) of 107147  
section 5739.01 of the Revised Code. 107148

(2) In the case of watercraft, outboard motors, or new motor 107149  
vehicles, "price" has the same meaning as in divisions (H)(2) and 107150  
(3) of section 5739.01 of the Revised Code. 107151

(3) In the case of a nonresident business consumer that 107152  
purchases and uses tangible personal property outside this state 107153  
and subsequently temporarily stores, uses, or otherwise consumes 107154  
such tangible personal property in the conduct of business in this 107155  
state, the consumer or the tax commissioner may determine the 107156  
price based on the value of the temporary storage, use, or other 107157  
consumption, in lieu of determining the price pursuant to division 107158  
(G)(1) of this section. A price determination made by the consumer 107159  
is subject to review and redetermination by the commissioner. 107160

(4) In the case of tangible personal property held in this 107161  
state as inventory for sale or lease, and that is temporarily 107162  
stored, used, or otherwise consumed in a taxable manner, the price 107163  
is the value of the temporary use. A price determination made by 107164  
the consumer is subject to review and redetermination by the 107165  
commissioner. 107166

(5) In the case of tangible personal property originally 107167  
purchased and used by the consumer outside this state, and that 107168  
becomes permanently stored, used, or otherwise consumed in this 107169  
state more than six months after its acquisition by the consumer, 107170  
the consumer or the commissioner may determine the price based on 107171  
the current value of such tangible personal property, in lieu of 107172  
determining the price pursuant to division (G)(1) of this section. 107173

A price determination made by the consumer is subject to review 107174  
and redetermination by the commissioner. 107175

(6) If a consumer produces tangible personal property for 107176  
sale and removes that property from inventory for the consumer's 107177  
own use, the price is the produced cost of that tangible personal 107178  
property. 107179

(H) "Nexus with this state" means that the seller engages in 107180  
continuous and widespread solicitation of purchases from residents 107181  
of this state or otherwise purposefully directs its business 107182  
activities at residents of this state. 107183

(I)(1) "Substantial nexus with this state" means that the 107184  
seller has sufficient contact with this state, in accordance with 107185  
Section 8 of Article I of the Constitution of the United States, 107186  
to allow the state to require the seller to collect and remit use 107187  
tax on sales of tangible personal property or services made to 107188  
consumers in this state. "~~Substantial~~ 107189

(2) "Substantial nexus with this state" exists is presumed to 107190  
exist when the seller does any of the following: 107191

~~(1) Maintains a~~ (a) Uses an office, distribution facility, 107192  
warehouse, storage facility, or similar place of business within 107193  
this state, whether operated by ~~employees or agents of the seller,~~ 107194  
~~by a member of an affiliated group, as defined in division~~ 107195  
~~(B)(3)(e) of section 5739.01 of the Revised Code, of which the~~ 107196  
~~seller is a member, or by a franchisee using a trade name of the~~ 107197  
seller; or any other person, other than a common carrier acting in 107198  
its capacity as a common carrier. 107199

~~(2)(b) Regularly has~~ uses employees, agents, representatives, 107200  
solicitors, installers, ~~repairmen, salesmen~~ repairers, 107201  
salespersons, or other ~~individuals~~ persons in this state for the 107202  
purpose of conducting the business of the seller; or either to 107203  
engage in a business with the same or a similar industry 107204

classification as the seller selling a similar product or line of 107205  
products as the seller, or to use trademarks, service marks, or 107206  
trade names in this state that are the same or substantially 107207  
similar to those used by the seller. 107208

~~(3)(c)~~ Uses a any person, other than a common carrier acting 107209  
in its capacity as a common carrier, in this state for any of the 107210  
purpose of receiving following purposes: 107211

(i) Receiving or processing orders of the seller's goods or 107212  
services; 107213

(ii) Using that person's employees or facilities in this 107214  
state to advertise, promote, or facilitate sales by the seller to 107215  
customers; 107216

(iii) Delivering, installing, assembling, or performing 107217  
maintenance services for the seller's customers; 107218

(iv) Facilitating the seller's delivery of tangible personal 107219  
property to customers in this state by allowing the seller's 107220  
customers to pick up property sold by the seller at an office, 107221  
distribution facility, warehouse, storage facility, or similar 107222  
place of business. 107223

~~(4)(d)~~ Makes regular deliveries of tangible personal property 107224  
into this state by means other than common carrier+. 107225

~~(5)(e)~~ Has membership in an affiliated group, as described in 107226  
division (B)(3)(e) of section 5739.01 of the Revised Code, at 107227  
least one other member of which person that has substantial nexus 107228  
with this state+. 107229

~~(6)(f)~~ Owns tangible personal property that is rented or 107230  
leased to a consumer in this state, or offers tangible personal 107231  
property, on approval, to consumers in this state+. 107232

~~(7)~~ Except as provided in section 5703.65 of the Revised 107233  
Code, is registered with the secretary of state to do business in 107234

~~this state or is registered or licensed by any state agency, 107235  
board, or commission to transact business in this state or to make 107236  
sales to persons in this state; 107237~~

~~(8) Has any other contact with this state that would allow 107238  
this state to require the seller to collect and remit use tax 107239  
under Section 8 of Article I of the Constitution of the United 107240  
States. 107241~~

(g) Enters into an agreement with one or more residents of 107242  
this state under which the resident, for a commission or other 107243  
consideration, directly or indirectly refers potential customers 107244  
to the seller, whether by a link on a web site, an in-person oral 107245  
presentation, telemarketing, or otherwise, provided the cumulative 107246  
gross receipts from sales to consumers referred to the seller by 107247  
all such residents exceeded ten thousand dollars during the 107248  
preceding twelve months. 107249

(h) Furnishes hotel intermediary service by brokering, 107250  
coordinating, or otherwise arranging for the purchase, sale, use, 107251  
or possession of lodging at hotels located in this state. 107252

(3) A seller presumed to have substantial nexus with this 107253  
state under divisions (I)(2)(a) to (f) of this section may rebut 107254  
that presumption by demonstrating that activities described in any 107255  
of those divisions that are conducted by a person in this state on 107256  
the seller's behalf are not significantly associated with the 107257  
seller's ability to establish or maintain a market in this state 107258  
for the seller's sales. 107259

(4) A seller presumed to have substantial nexus with this 107260  
state under division (I)(2)(g) of this section may rebut that 107261  
presumption by submitting proof that each resident engaged by the 107262  
seller as described in that division did not engage in any 107263  
activity within this state during the preceding twelve months that 107264  
was significantly associated with the seller's ability to 107265



establish or maintain the seller's market in this state during the 107266  
preceding twelve months. Such proof may consist of sworn written 107267  
statements from all the residents with whom the seller has an 107268  
agreement stating that the resident did not engage in any 107269  
solicitation in this state on behalf of the seller during the 107270  
preceding twelve months if such statements are provided and 107271  
obtained in good faith. 107272

(5) A seller that does not have substantial nexus with this 107273  
state, and any affiliated person of the seller, before selling or 107274  
leasing tangible personal property or services to a state agency, 107275  
shall register with the tax commissioner in the same manner as a 107276  
seller described in division (A)(1) of section 5741.17 of the 107277  
Revised Code. 107278

(6) As used in division (I) of this section: 107279

(a) "Affiliated person" means any person that is a member of 107280  
the same controlled group of corporations as the seller or any 107281  
other person that, notwithstanding the form of organization, bears 107282  
the same ownership relationship to the seller as a corporation 107283  
that is a member of the same controlled group of corporations. 107284

(b) "Controlled group of corporations" has the same meaning 107285  
as in section 1563(a) of the Internal Revenue Code. 107286

(c) "State agency" has the same meaning as in section 1.60 of 107287  
the Revised Code. 107288

(J) "Fiscal officer" means, with respect to a regional 107289  
transit authority, the secretary-treasurer thereof, and with 107290  
respect to a county which is a transit authority, the fiscal 107291  
officer of the county transit board appointed pursuant to section 107292  
306.03 of the Revised Code or, if the board of county 107293  
commissioners operates the county transit system, the county 107294  
auditor. 107295

(K) "Territory of the transit authority" means all of the 107296

area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(L) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority which includes territory in more than one county must include all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(M) "Providing a service" has the same meaning as in ~~division~~ ~~(X)~~ of section 5739.01 of the Revised Code.

(N) "Other consumption" includes receiving the benefits of a service.

(O) "Lease" or "rental" has the same meaning as in ~~division~~ ~~(UU)~~ of section 5739.01 of the Revised Code.

(P) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(Q) "Remote sale" means a sale for which the seller could not be legally required to pay, collect, or remit a tax imposed under this chapter or Chapter 5739. of the Revised Code, unless otherwise provided by the laws of the United States.

(R) "Remote seller" means a seller that ~~makes remote sales to one or more consumers~~ lacks substantial nexus with this state but is required to register with the tax commissioner under section

5741.17 of the Revised Code pursuant to federal law authorizing states to require such sellers to register, collect, and remit use tax. A seller that is not required to register with the commissioner under division (A) of section 5741.17 of the Revised Code but registers voluntarily under division (B) of that section is not a "remote seller." A seller that registers with the commissioner under section 5741.17 of the Revised Code after the effective date of any federal law that authorizes states to require sellers that lack substantial nexus with the state to register, collect, and remit use tax is presumed to be a "remote seller." The seller or the commissioner may rebut this presumption with evidence that the seller has substantial nexus with this state.

(S) "Remote small seller" means a remote seller that has gross annual receipts from remote sales in the United States not exceeding one million dollars for the preceding calendar year. For the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section 707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify as a remote small seller.

(T) "Hotel intermediary service," "hotel," and "transient guest" have the same meanings as in section 5739.01 of the Revised Code.

**Sec. 5741.03.** (A) One hundred per cent of all money deposited into the state treasury under sections 5741.01 to 5741.22 of the Revised Code that is not required to be distributed as provided in division (B) of this section shall be credited to the general revenue fund.

(B) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes from billings and assessments received during that month, or shown on tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes, which amounts shall be determined in the manner provided in section 5739.21 of the Revised Code. The director of budget and management shall transfer, from the general revenue fund, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund created by division (C) of section 5739.21 of the Revised Code, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer or to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs the commissioner incurs in administering such taxes levied by a county or transit authority.

(C)(1) Not later than the first day of each January and ~~of~~ July ~~each calendar year beginning July 1, 2015~~ following the date remote sellers are first required to register, collect, and remit use tax under this chapter, the tax commissioner and the director of budget and management shall jointly determine the amount of tax imposed by section 5741.02 of the Revised Code and remitted under this chapter by remote sellers during the six-month period ending on the preceding last day of November and of May, respectively, reduced by ~~any such tax remitted by sellers pursuant to an~~

~~agreement entered into under section 5740.03 of the Revised Code~~ 107392  
~~during the six month period and by any refunds issued during the~~ 107393  
~~six-month period to remote sellers from the tax refund fund on~~ 107394  
~~account of that tax.~~ 107395

(2) Not later than that ~~first~~ last day of each January and ~~of~~ 107396  
~~July of the calendar year beginning July 1, 2015 following the~~ 107397  
~~date the commissioner and the director make a determination under~~ 107398  
~~division (C)(1) of this section,~~ the director of budget and 107399  
management shall transfer from the general revenue fund to the 107400  
income tax reduction fund the amount determined under that 107401  
~~division (C)(1) of this section, less one half of the amount of~~ 107402  
~~that tax remitted during fiscal year 2013 by remote sellers that~~ 107403  
~~voluntarily registered under section 5741.17 of the Revised Code.~~ 107404  
Amounts transferred to the income tax reduction fund under this 107405  
~~section~~ division shall be included in the determination of the 107406  
percentage under division (B)(2) of section 131.44 of the Revised 107407  
Code required to be made by the thirty-first day of July of the 107408  
calendar year in which the commissioner makes the certifications 107409  
under this division. 107410

**Sec. 5741.12.** (A) Each seller required by section 5741.17 of 107411  
the Revised Code to register with the tax commissioner, and any 107412  
seller authorized by the commissioner to collect the tax imposed 107413  
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 107414  
of the Revised Code is subject to the same requirements and 107415  
entitled to the same deductions and discount for prompt payments 107416  
as are vendors under section 5739.12 of the Revised Code, and the 107417  
same monetary allowances as are vendors under section 5739.06 of 107418  
the Revised Code. The powers and duties of the commissioner with 107419  
respect to returns and tax remittances under this section shall be 107420  
identical with those prescribed in section 5739.12 of the Revised 107421  
Code. 107422

(B) Every person storing, using, or consuming tangible personal property or receiving the benefit of a service, the storage, use, consumption, or receipt of which is subject to the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, when such tax was not paid to a seller, shall, on or before the twenty-third day of each month, file with the tax commissioner a return for the preceding month in such form as is prescribed by the commissioner, showing such information as the commissioner deems necessary, and shall pay the tax shown on the return to be due. Remittance shall be made payable to the treasurer of state. The commissioner may require consumers to file returns and pay the tax at other than monthly intervals, if the commissioner determines that such filing is necessary for the efficient administration of the tax. If the commissioner determines that a consumer's tax liability is not such as to merit monthly filing, the commissioner may authorize the consumer to file returns and pay tax at less frequent intervals.

Any consumer required to file a return and pay the tax under this section whose payment for any year equals or exceeds the amount shown in division (A) of section 5741.121 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section.

(C) Every Except as provided in division (B)(5) of section 4505.06 of the Revised Code, every person storing, using, or consuming a motor vehicle, watercraft, or outboard motor, the ownership of which must be evidenced by certificate of title, shall file the return required by this section and pay the tax due at or prior to the time of filing an application for certificate of title.

**Sec. 5741.17.** (A)(1) Except as otherwise provided in

divisions (A)(2), (3), and (4) of this section, every seller of 107454  
tangible personal property or services who has substantial nexus 107455  
with this state shall register with the tax commissioner and 107456  
supply any information concerning the seller's contacts with this 107457  
state that may be required by the commissioner. 107458

(2) A seller who is licensed as a vendor pursuant to section 107459  
5739.17 of the Revised Code shall not be required to register with 107460  
the commissioner pursuant to this section if all sales to 107461  
consumers in this state are made under the authority of the 107462  
seller's vendor's license. 107463

(3) A Unless the seller has substantial nexus with this state 107464  
pursuant to division (I)(2)(g) of section 5741.01 of the Revised 107465  
Code, a seller is not required to register under this section if 107466  
the seller has no contact with this state other than an agency 107467  
relationship with a person engaged in the business of 107468  
telemarketing in this state and engaged by the seller exclusively 107469  
for the purpose of solicitation of customers in other states. 107470

(4) A seller is not required to register under this section 107471  
if the seller has no contact with this state other than the 107472  
ownership of property that is located at the facility of a printer 107473  
with which the seller has contracted for printing and that 107474  
consists of the final printed product, property that becomes a 107475  
part of the final printed product, or copy from which the final 107476  
printed product is produced. 107477

(B) A seller who does not have substantial nexus with this 107478  
state may voluntarily register with the commissioner. A seller who 107479  
voluntarily registers with the commissioner under this section is 107480  
entitled to the same benefits and is subject to the same duties 107481  
and requirements as a seller required to be registered with the 107482  
commissioner under this chapter. 107483

The commissioner shall maintain an alphabetical index of all 107484

sellers registered under this chapter and records of the use tax 107485  
reported and paid. Upon request, this information shall be made 107486  
available to the treasurer of state. 107487

(C) A remote small seller is not required to register under 107488  
this section. 107489

**Sec. 5743.01.** As used in this chapter: 107490

(A) "Person" includes individuals, firms, partnerships, 107491  
associations, joint-stock companies, corporations, combinations of 107492  
individuals of any form, and the state and any of its political 107493  
subdivisions. 107494

(B) "Wholesale dealer" includes only those persons: 107495

(1) Who bring in or cause to be brought into this state 107496  
unstamped cigarettes purchased directly from the manufacturer, 107497  
producer, or importer of cigarettes for sale in this state but 107498  
does not include persons who bring in or cause to be brought into 107499  
this state cigarettes with respect to which no evidence of tax 107500  
payment is required thereon as provided in section 5743.04 of the 107501  
Revised Code; or 107502

(2) Who are engaged in the business of selling cigarettes or 107503  
tobacco products to others for the purpose of resale. 107504

"Wholesale dealer" does not include any cigarette 107505  
manufacturer, export warehouse proprietor, or importer with a 107506  
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 107507  
in this state only to wholesale dealers holding valid and current 107508  
licenses under section 5743.15 of the Revised Code or to an export 107509  
warehouse proprietor or another manufacturer. 107510

(C) "Retail dealer" includes: 107511

(1) In reference to dealers in cigarettes, every person other 107512  
than a wholesale dealer engaged in the business of selling 107513  
cigarettes in this state, regardless of whether the person is 107514



located in this state or elsewhere, and regardless of quantity, 107515  
amount, or number of sales; 107516

(2) In reference to dealers in tobacco products, any person 107517  
in this state engaged in the business of selling tobacco products 107518  
to ultimate consumers in this state, regardless of quantity, 107519  
amount, or number of sales. 107520

(D) "Sale" includes exchange, barter, gift, offer for sale, 107521  
and distribution, and includes transactions in interstate or 107522  
foreign commerce. 107523

(E) "Cigarettes" includes any roll for smoking made wholly or 107524  
in part of tobacco, irrespective of size or shape, and whether or 107525  
not such tobacco is flavored, adulterated, or mixed with any other 107526  
ingredient, the wrapper or cover of which is made of paper, 107527  
reconstituted cigarette tobacco, homogenized cigarette tobacco, 107528  
cigarette tobacco sheet, or any similar materials other than cigar 107529  
tobacco. 107530

(F) "Package" means the individual package, box, or other 107531  
container in or from which retail sales of cigarettes are normally 107532  
made or intended to be made. 107533

(G) "Storage" includes any keeping or retention of cigarettes 107534  
or tobacco products for use or consumption in this state. 107535

(H) "Use" includes the exercise of any right or power 107536  
incidental to the ownership of cigarettes or tobacco products. 107537

(I) "Tobacco product" or "other tobacco product" means any 107538  
product made from tobacco, other than cigarettes, that is made for 107539  
smoking or chewing, or both, and snuff. 107540

(J) "Wholesale price" means the invoice price, including all 107541  
federal excise taxes, at which the manufacturer of the tobacco 107542  
product sells the tobacco product to unaffiliated distributors, 107543  
excluding any discounts based on the method of payment of the 107544

invoice or on time of payment of the invoice. If the taxpayer buys 107545  
from other than a manufacturer, "wholesale price" means the 107546  
invoice price, including all federal excise taxes and excluding 107547  
any discounts based on the method of payment of the invoice or on 107548  
time of payment of the invoice. 107549

(K) "Distributor" means: 107550

(1) Any manufacturer who sells, barter, exchanges, or 107551  
distributes tobacco products to a retail dealer in the state, 107552  
except when selling to a retail dealer that has filed with the 107553  
manufacturer a signed statement agreeing to pay and be liable for 107554  
the tax imposed by section 5743.51 of the Revised Code; 107555

(2) Any wholesale dealer located in the state who receives 107556  
tobacco products from a manufacturer, or who receives tobacco 107557  
products on which the tax imposed by this chapter has not been 107558  
paid; 107559

(3) Any wholesale dealer located outside the state who sells, 107560  
barter, exchanges, or distributes tobacco products to a wholesale 107561  
or retail dealer in the state; or 107562

(4) Any retail dealer who receives tobacco products on which 107563  
the tax has not or will not be paid by another distributor, 107564  
including a retail dealer that has filed a signed statement with a 107565  
manufacturer in which the retail dealer agrees to pay and be 107566  
liable for the tax that would otherwise be imposed on the 107567  
manufacturer by section 5743.51 of the Revised Code. 107568

(L) "Taxpayer" means any person liable for the tax imposed by 107569  
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 107570

(M) "Seller" means any person located outside this state 107571  
engaged in the business of selling tobacco products to consumers 107572  
for storage, use, or other consumption in this state. 107573

(N) "Manufacturer" means any person who manufactures and 107574

sells cigarettes or tobacco products. 107575

(O) "Importer" means any person that is authorized, under a 107576  
valid permit issued under Section 5713 of the Internal Revenue 107577  
Code, to import finished cigarettes into the United States, either 107578  
directly or indirectly. 107579

(P) "Little cigar" means any roll for smoking, other than 107580  
cigarettes, made wholly or in part of tobacco that uses an 107581  
integrated cellulose acetate filter or other filter and is wrapped 107582  
in any substance containing tobacco, other than natural leaf 107583  
tobacco. 107584

(Q) "Premium cigar" means any roll for smoking, other than 107585  
cigarettes and little cigars, that is made wholly or in part of 107586  
tobacco and that has all of the following characteristics: 107587

(1) The binder and wrapper of the roll consist entirely of 107588  
leaf tobacco. 107589

(2) The roll contains no filter or tip, nor any mouthpiece 107590  
consisting of a material other than tobacco. 107591

(3) The weight of one thousand such rolls is at least six 107592  
pounds. 107593

(R) "Maximum tax amount" means fifty cents plus the tax 107594  
adjustment factor computed under this division. 107595

In April of each year beginning in 2016, the tax commissioner 107596  
shall compute a tax adjustment factor by multiplying fifty cents 107597  
by the cumulative percentage increase in the consumer price index 107598  
(all items, all urban consumers) prepared by the bureau of labor 107599  
statistics of the United States department of labor from January 107600  
1, 2015, to the last day of December of the preceding year and 107601  
rounding the resulting product to the nearest one cent; provided, 107602  
that the tax adjustment factor for any year shall not be less than 107603  
that for the immediately preceding year. The maximum tax amount 107604

resulting from the computation of the tax adjustment factor 107605  
applies on and after the ensuing first day of July through the 107606  
thirtieth day of June thereafter. 107607

**Sec. 5743.02.** To provide revenues for the general revenue 107608  
fund, an excise tax on sales of cigarettes is hereby levied at the 107609  
rate of ~~sixty-two~~ eighty-two and one-half mills on each cigarette. 107610

Only one sale of the same article shall be used in computing 107611  
the amount of tax due. 107612

The treasurer of state shall place to the credit of the tax 107613  
refund fund created by section 5703.052 of the Revised Code, out 107614  
of receipts from the tax levied by this section, amounts equal to 107615  
the refunds certified by the tax commissioner pursuant to section 107616  
5743.05 of the Revised Code. The balance of taxes collected under 107617  
such section, after the credits to the tax refund fund, shall be 107618  
paid into the general revenue fund. 107619

**Sec. 5743.05.** The tax commissioner shall sell all stamps 107620  
provided for by section 5743.03 of the Revised Code. The stamps 107621  
shall be sold at their face value, except the commissioner shall, 107622  
by rule, authorize the sale of stamps to wholesale dealers in this 107623  
state, or to wholesale dealers outside this state, at a discount 107624  
of not less than one and eight-tenths per cent or more than ten 107625  
per cent of their face value, as a commission for affixing and 107626  
canceling the stamps. 107627

The commissioner, by rule, shall authorize the delivery of 107628  
stamps to wholesale dealers in this state and to wholesale dealers 107629  
outside this state on credit. If such a dealer has not been in 107630  
good credit standing with this state for five consecutive years 107631  
preceding the purchase, the commissioner shall require the dealer 107632  
to file with the commissioner a bond to the state in the amount 107633  
and in the form prescribed by the commissioner, with surety to the 107634

satisfaction of the commissioner, conditioned on payment to the 107635  
treasurer of state or the commissioner within thirty days or the 107636  
following twenty-third day of June, whichever comes first for 107637  
stamps delivered within that time. If such a dealer has been in 107638  
good credit standing with this state for five consecutive years 107639  
preceding the purchase, the commissioner shall not require that 107640  
the dealer file such a bond but shall require payment for the 107641  
stamps within thirty days after purchase of the stamps or the 107642  
following twenty-third day of June, whichever comes first. Stamps 107643  
sold to a dealer not required to file a bond shall be sold at face 107644  
value. The maximum amount that may be sold on credit to a dealer 107645  
not required to file a bond shall equal one hundred ten per cent 107646  
of the dealer's average monthly purchases over the preceding 107647  
calendar year. The maximum amount shall be adjusted to reflect any 107648  
changes in the tax rate and may be adjusted, upon application to 107649  
the commissioner by the dealer, to reflect changes in the business 107650  
operations of the dealer. The maximum amount shall be applicable 107651  
to the period ~~of~~ between the first day of July through April to 107652  
the following twenty-third day of June. Payment by a dealer not 107653  
required to file a bond shall be remitted by electronic funds 107654  
transfer as prescribed by section 5743.051 of the Revised Code. If 107655  
a dealer not required to file a bond fails to make the payment in 107656  
full within the ~~thirty-day~~ required payment period, the 107657  
commissioner shall not thereafter sell stamps to that dealer until 107658  
the dealer pays the outstanding amount, including penalty and 107659  
interest on that amount as prescribed in this chapter, and the 107660  
commissioner thereafter may require the dealer to file a bond 107661  
until the dealer is restored to good standing. The commissioner 107662  
shall limit delivery of stamps on credit to the period running 107663  
from the first day of July of the fiscal year until the ~~first~~ 107664  
twenty-third day of the following ~~May~~ June. Any discount allowed 107665  
as a commission for affixing and canceling stamps shall be allowed 107666  
with respect to sales of stamps on credit. 107667

The commissioner shall redeem and pay for any destroyed, 107668  
unused, or spoiled tax stamps at their net value, and shall refund 107669  
to wholesale dealers the net amount of state and county taxes paid 107670  
erroneously or paid on cigarettes that have been sold in 107671  
interstate or foreign commerce or that have become unsalable, and 107672  
the net amount of county taxes that were paid on cigarettes that 107673  
have been sold at retail or for retail sale outside a taxing 107674  
county. 107675

An application for a refund of tax shall be filed with the 107676  
commissioner, on the form prescribed by the commissioner for that 107677  
purpose, within three years from the date the tax stamps are 107678  
destroyed or spoiled, from the date of the erroneous payment, or 107679  
from the date that cigarettes on which taxes have been paid have 107680  
been sold in interstate or foreign commerce or have become 107681  
unsalable. 107682

On the filing of the application, the commissioner shall 107683  
determine the amount of refund to which the applicant is entitled, 107684  
payable from receipts of the state tax, and, if applicable, 107685  
payable from receipts of a county tax. If the amount is less than 107686  
that claimed, the commissioner shall certify the amount to the 107687  
director of budget and management and treasurer of state for 107688  
payment from the tax refund fund created by section 5703.052 of 107689  
the Revised Code. If the amount is less than that claimed, the 107690  
commissioner shall proceed in accordance with section 5703.70 of 107691  
the Revised Code. 107692

If a refund is granted for payment of an illegal or erroneous 107693  
assessment issued by the department, the refund shall include 107694  
interest on the amount of the refund from the date of the 107695  
overpayment. The interest shall be computed at the rate per annum 107696  
prescribed by section 5703.47 of the Revised Code. 107697

**Sec. 5743.32.** To provide revenue for the general revenue fund 107698

of the state, an excise tax is hereby levied on the use, 107699  
consumption, or storage for consumption of cigarettes by consumers 107700  
in this state at the rate of ~~sixty-two~~ eighty-two and one-half 107701  
mills on each cigarette. The tax shall not apply if the tax levied 107702  
by section 5743.02 of the Revised Code has been paid. 107703

The money received into the state treasury from the excise 107704  
tax levied by this section shall be credited to the general 107705  
revenue fund. 107706

**Sec. 5743.51.** (A) To provide revenue for the general revenue 107707  
fund of the state, an excise tax on tobacco products is hereby 107708  
levied at one of the following rates: 107709

(1) For tobacco products other than little cigars or premium 107710  
cigars, ~~seventeen~~ twenty-two and one-half per cent of the 107711  
wholesale price of the tobacco product received by a distributor 107712  
or sold by a manufacturer to a retail dealer located in this 107713  
state. 107714

(2) For invoices dated October 1, 2013, or later, 107715  
thirty-seven per cent of the wholesale price of little cigars 107716  
received by a distributor or sold by a manufacturer to a retail 107717  
dealer located in this state. 107718

(3) For premium cigars received by a distributor or sold by a 107719  
manufacturer to a retail dealer located in this state, the lesser 107720  
of twenty-two and one-half per cent of the wholesale price of such 107721  
premium cigars or the maximum tax amount per each such premium 107722  
cigar. 107723

Each distributor who brings tobacco products, or causes 107724  
tobacco products to be brought, into this state for distribution 107725  
within this state, or any out-of-state distributor who sells 107726  
tobacco products to wholesale or retail dealers located in this 107727  
state for resale by those wholesale or retail dealers is liable 107728

for the tax imposed by this section. Only one sale of the same 107729  
article shall be used in computing the amount of the tax due. 107730

(B) The treasurer of state shall place to the credit of the 107731  
tax refund fund created by section 5703.052 of the Revised Code, 107732  
out of the receipts from the tax levied by this section, amounts 107733  
equal to the refunds certified by the tax commissioner pursuant to 107734  
section 5743.53 of the Revised Code. The balance of the taxes 107735  
collected under this section shall be paid into the general 107736  
revenue fund. 107737

(C) The commissioner may adopt rules as are necessary to 107738  
assist in the enforcement and administration of sections 5743.51 107739  
to 5743.66 of the Revised Code, including rules providing for the 107740  
remission of penalties imposed. 107741

(D) A manufacturer is not liable for payment of the tax 107742  
imposed by this section for sales of tobacco products to a retail 107743  
dealer that has filed a signed statement with the manufacturer in 107744  
which the retail dealer agrees to pay and be liable for the tax, 107745  
as long as the manufacturer has provided a copy of the statement 107746  
to the tax commissioner. 107747

**Sec. 5743.62.** (A) To provide revenue for the general revenue 107748  
fund of the state, an excise tax is hereby levied on the seller of 107749  
tobacco products in this state at one of the following rates: 107750

(1) For tobacco products other than little cigars or premium 107751  
cigars, ~~seventeen~~ twenty-two and one-half per cent of the 107752  
wholesale price of the tobacco product whenever the tobacco 107753  
product is delivered to a consumer in this state for the storage, 107754  
use, or other consumption of such tobacco products. 107755

(2) For little cigars, thirty-seven per cent of the wholesale 107756  
price of the little cigars whenever the little cigars are 107757  
delivered to a consumer in this state for the storage, use, or 107758



other consumption of the little cigars. 107759

(3) For premium cigars, whenever the premium cigars are 107760  
delivered to a consumer in this state for the storage, use, or 107761  
other consumption of the premium cigars, the lesser of twenty-two 107762  
and one-half per cent of the wholesale price of such premium 107763  
cigars or the maximum tax amount per each such premium cigar. 107764

The tax imposed by this section applies only to sellers 107765  
having nexus in this state, as defined in section 5741.01 of the 107766  
Revised Code. 107767

(B) A seller of tobacco products who has nexus in this state 107768  
as defined in section 5741.01 of the Revised Code shall register 107769  
with the tax commissioner and supply any information concerning 107770  
the seller's contacts with this state as may be required by the 107771  
tax commissioner. A seller who does not have nexus in this state 107772  
may voluntarily register with the tax commissioner. A seller who 107773  
voluntarily registers with the tax commissioner is entitled to the 107774  
same benefits and is subject to the same duties and requirements 107775  
as a seller required to be registered with the tax commissioner 107776  
under this division. 107777

(C) Each seller of tobacco products subject to the tax levied 107778  
by this section, on or before the last day of each month, shall 107779  
file with the tax commissioner a return for the preceding month 107780  
showing any information the tax commissioner finds necessary for 107781  
the proper administration of sections 5743.51 to 5743.66 of the 107782  
Revised Code, together with remittance of the tax due, payable to 107783  
the treasurer of state. The return and payment of the tax required 107784  
by this section shall be filed in such a manner that it is 107785  
received by the tax commissioner on or before the last day of the 107786  
month following the reporting period. If the return is filed and 107787  
the amount of the tax shown on the return to be due is paid on or 107788  
before the date the return is required to be filed, the seller is 107789  
entitled to a discount equal to two and five-tenths per cent of 107790

the amount shown on the return to be due. 107791

(D) The tax commissioner shall immediately forward to the 107792  
treasurer of state all money received from the tax levied by this 107793  
section, and the treasurer shall credit the amount to the general 107794  
revenue fund. 107795

(E) Each seller of tobacco products subject to the tax levied 107796  
by this section shall mark on the invoices of tobacco products 107797  
sold that the tax levied by that section has been paid and shall 107798  
indicate the seller's account number as assigned by the tax 107799  
commissioner. 107800

**Sec. 5743.63.** (A) To provide revenue for the general revenue 107801  
fund of the state, an excise tax is hereby levied on the storage, 107802  
use, or other consumption of tobacco products at one of the 107803  
following rates: 107804

(1) For tobacco products other than little cigars or premium 107805  
cigars, ~~seventeen~~ twenty-two and one-half per cent of the 107806  
wholesale price of the tobacco product. 107807

(2) For little cigars, thirty-seven per cent of the wholesale 107808  
price of the little cigars. 107809

(3) For premium cigars, the lesser of twenty-two and one-half 107810  
per cent of the wholesale price of the premium cigars or the 107811  
maximum tax amount per each premium cigar. 107812

The tax levied under division (A) of this section is imposed 107813  
only if the tax has not been paid by the seller as provided in 107814  
section 5743.62 of the Revised Code, or by the distributor as 107815  
provided in section 5743.51 of the Revised Code. 107816

(B) Each person subject to the tax levied by this section, on 107817  
or before the last day of each month, shall file with the tax 107818  
commissioner a return for the preceding month showing any 107819  
information the tax commissioner finds necessary for the proper 107820

administration of sections 5743.51 to 5743.66 of the Revised Code, 107821  
together with remittance of the tax due, payable to the treasurer 107822  
of state. The return and payment of the tax required by this 107823  
section shall be filed in such a manner that it is received by the 107824  
tax commissioner on or before the last day of the month following 107825  
the reporting period. 107826

(C) The tax commissioner shall immediately forward to the 107827  
treasurer of state all money received from the tax levied by this 107828  
section, and the treasurer shall credit the amount to the general 107829  
revenue fund. 107830

**Sec. 5747.01.** Except as otherwise expressly provided or 107831  
clearly appearing from the context, any term used in this chapter 107832  
that is not otherwise defined in this section has the same meaning 107833  
as when used in a comparable context in the laws of the United 107834  
States relating to federal income taxes or if not used in a 107835  
comparable context in those laws, has the same meaning as in 107836  
section 5733.40 of the Revised Code. Any reference in this chapter 107837  
to the Internal Revenue Code includes other laws of the United 107838  
States relating to federal income taxes. 107839

As used in this chapter: 107840

(A) "Adjusted gross income" or "Ohio adjusted gross income" 107841  
means federal adjusted gross income, as defined and used in the 107842  
Internal Revenue Code, adjusted as provided in this section: 107843

(1) Add interest or dividends on obligations or securities of 107844  
any state or of any political subdivision or authority of any 107845  
state, other than this state and its subdivisions and authorities. 107846

(2) Add interest or dividends on obligations of any 107847  
authority, commission, instrumentality, territory, or possession 107848  
of the United States to the extent that the interest or dividends 107849  
are exempt from federal income taxes but not from state income 107850

taxes. 107851

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States. 107852  
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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income. 107858  
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(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 107860  
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. 107864  
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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net 107873  
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income included in the adjusted gross income of a beneficiary 107883  
shall reduce the undistributed net income of the trust commencing 107884  
with the earliest years of the accumulation period. 107885

(7) Deduct the amount of wages and salaries, if any, not 107886  
otherwise allowable as a deduction but that would have been 107887  
allowable as a deduction in computing federal adjusted gross 107888  
income for the taxable year, had the targeted jobs credit allowed 107889  
and determined under sections 38, 51, and 52 of the Internal 107890  
Revenue Code not been in effect. 107891

(8) Deduct any interest or interest equivalent on public 107892  
obligations and purchase obligations to the extent that the 107893  
interest or interest equivalent is included in federal adjusted 107894  
gross income. 107895

(9) Add any loss or deduct any gain resulting from the sale, 107896  
exchange, or other disposition of public obligations to the extent 107897  
that the loss has been deducted or the gain has been included in 107898  
computing federal adjusted gross income. 107899

(10) Deduct or add amounts, as provided under section 5747.70 107900  
of the Revised Code, related to contributions to variable college 107901  
savings program accounts made or tuition units purchased pursuant 107902  
to Chapter 3334. of the Revised Code. 107903

(11)(a) Deduct, to the extent not otherwise allowable as a 107904  
deduction or exclusion in computing federal or Ohio adjusted gross 107905  
income for the taxable year, the amount the taxpayer paid during 107906  
the taxable year for medical care insurance and qualified 107907  
long-term care insurance for the taxpayer, the taxpayer's spouse, 107908  
and dependents. No deduction for medical care insurance under 107909  
division (A)(11) of this section shall be allowed either to any 107910  
taxpayer who is eligible to participate in any subsidized health 107911  
plan maintained by any employer of the taxpayer or of the 107912  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 107913

application would be entitled to, benefits under part A of Title 107914  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 107915  
301, as amended. For the purposes of division (A)(11)(a) of this 107916  
section, "subsidized health plan" means a health plan for which 107917  
the employer pays any portion of the plan's cost. The deduction 107918  
allowed under division (A)(11)(a) of this section shall be the net 107919  
of any related premium refunds, related premium reimbursements, or 107920  
related insurance premium dividends received during the taxable 107921  
year. 107922

(b) Deduct, to the extent not otherwise deducted or excluded 107923  
in computing federal or Ohio adjusted gross income during the 107924  
taxable year, the amount the taxpayer paid during the taxable 107925  
year, not compensated for by any insurance or otherwise, for 107926  
medical care of the taxpayer, the taxpayer's spouse, and 107927  
dependents, to the extent the expenses exceed seven and one-half 107928  
per cent of the taxpayer's federal adjusted gross income. 107929

(c) Deduct, to the extent not otherwise deducted or excluded 107930  
in computing federal or Ohio adjusted gross income, any amount 107931  
included in federal adjusted gross income under section 105 or not 107932  
excluded under section 106 of the Internal Revenue Code solely 107933  
because it relates to an accident and health plan for a person who 107934  
otherwise would be a "qualifying relative" and thus a "dependent" 107935  
under section 152 of the Internal Revenue Code but for the fact 107936  
that the person fails to meet the income and support limitations 107937  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 107938

(d) For purposes of division (A)(11) of this section, 107939  
"medical care" has the meaning given in section 213 of the 107940  
Internal Revenue Code, subject to the special rules, limitations, 107941  
and exclusions set forth therein, and "qualified long-term care" 107942  
has the same meaning given in section 7702B(c) of the Internal 107943  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 107944  
of this section, "dependent" includes a person who otherwise would 107945

be a "qualifying relative" and thus a "dependent" under section 107946  
152 of the Internal Revenue Code but for the fact that the person 107947  
fails to meet the income and support limitations under section 107948  
152(d)(1)(B) and (C) of the Internal Revenue Code. 107949

(12)(a) Deduct any amount included in federal adjusted gross 107950  
income solely because the amount represents a reimbursement or 107951  
refund of expenses that in any year the taxpayer had deducted as 107952  
an itemized deduction pursuant to section 63 of the Internal 107953  
Revenue Code and applicable United States department of the 107954  
treasury regulations. The deduction otherwise allowed under 107955  
division (A)(12)(a) of this section shall be reduced to the extent 107956  
the reimbursement is attributable to an amount the taxpayer 107957  
deducted under this section in any taxable year. 107958

(b) Add any amount not otherwise included in Ohio adjusted 107959  
gross income for any taxable year to the extent that the amount is 107960  
attributable to the recovery during the taxable year of any amount 107961  
deducted or excluded in computing federal or Ohio adjusted gross 107962  
income in any taxable year. 107963

(13) Deduct any portion of the deduction described in section 107964  
1341(a)(2) of the Internal Revenue Code, for repaying previously 107965  
reported income received under a claim of right, that meets both 107966  
of the following requirements: 107967

(a) It is allowable for repayment of an item that was 107968  
included in the taxpayer's adjusted gross income for a prior 107969  
taxable year and did not qualify for a credit under division (A) 107970  
or (B) of section 5747.05 of the Revised Code for that year; 107971

(b) It does not otherwise reduce the taxpayer's adjusted 107972  
gross income for the current or any other taxable year. 107973

(14) Deduct an amount equal to the deposits made to, and net 107974  
investment earnings of, a medical savings account during the 107975  
taxable year, in accordance with section 3924.66 of the Revised 107976

Code. The deduction allowed by division (A)(14) of this section 107977  
does not apply to medical savings account deposits and earnings 107978  
otherwise deducted or excluded for the current or any other 107979  
taxable year from the taxpayer's federal adjusted gross income. 107980

(15)(a) Add an amount equal to the funds withdrawn from a 107981  
medical savings account during the taxable year, and the net 107982  
investment earnings on those funds, when the funds withdrawn were 107983  
used for any purpose other than to reimburse an account holder 107984  
for, or to pay, eligible medical expenses, in accordance with 107985  
section 3924.66 of the Revised Code; 107986

(b) Add the amounts distributed from a medical savings 107987  
account under division (A)(2) of section 3924.68 of the Revised 107988  
Code during the taxable year. 107989

(16) Add any amount claimed as a credit under section 107990  
5747.059 or 5747.65 of the Revised Code to the extent that such 107991  
amount satisfies either of the following: 107992

(a) The amount was deducted or excluded from the computation 107993  
of the taxpayer's federal adjusted gross income as required to be 107994  
reported for the taxpayer's taxable year under the Internal 107995  
Revenue Code; 107996

(b) The amount resulted in a reduction of the taxpayer's 107997  
federal adjusted gross income as required to be reported for any 107998  
of the taxpayer's taxable years under the Internal Revenue Code. 107999

(17) Deduct the amount contributed by the taxpayer to an 108000  
individual development account program established by a county 108001  
department of job and family services pursuant to sections 329.11 108002  
to 329.14 of the Revised Code for the purpose of matching funds 108003  
deposited by program participants. On request of the tax 108004  
commissioner, the taxpayer shall provide any information that, in 108005  
the tax commissioner's opinion, is necessary to establish the 108006  
amount deducted under division (A)(17) of this section. 108007



(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179

depreciation expense allowed to any pass-through entity in which 108040  
the taxpayer has a direct or indirect ownership interest. 108041

(iii) Subject to division (A)(20)(a)(v) of this section, for 108042  
taxable years beginning in 2012 or thereafter, if the increase in 108043  
income taxes withheld by the taxpayer is equal to or greater than 108044  
ten per cent of income taxes withheld by the taxpayer during the 108045  
taxpayer's immediately preceding taxable year, "two-thirds" shall 108046  
be substituted for "five-sixths" for the purpose of divisions 108047  
(A)(20)(a)(i) and (ii) of this section. 108048

(iv) Subject to division (A)(20)(a)(v) of this section, for 108049  
taxable years beginning in 2012 or thereafter, a taxpayer is not 108050  
required to add an amount under division (A)(20) of this section 108051  
if the increase in income taxes withheld by the taxpayer and by 108052  
any pass-through entity in which the taxpayer has a direct or 108053  
indirect ownership interest is equal to or greater than the sum of 108054  
(I) the amount of qualifying section 179 depreciation expense and 108055  
(II) the amount of depreciation expense allowed to the taxpayer by 108056  
subsection (k) of section 168 of the Internal Revenue Code, and 108057  
including the taxpayer's proportionate or distributive shares of 108058  
such amounts allowed to any such pass-through entities. 108059

(v) If a taxpayer directly or indirectly incurs a net 108060  
operating loss for the taxable year for federal income tax 108061  
purposes, to the extent such loss resulted from depreciation 108062  
expense allowed by subsection (k) of section 168 of the Internal 108063  
Revenue Code and by qualifying section 179 depreciation expense, 108064  
"the entire" shall be substituted for "five-sixths of the" for the 108065  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 108066

The tax commissioner, under procedures established by the 108067  
commissioner, may waive the add-backs related to a pass-through 108068  
entity if the taxpayer owns, directly or indirectly, less than 108069  
five per cent of the pass-through entity. 108070

(b) Nothing in division (A)(20) of this section shall be 108071  
construed to adjust or modify the adjusted basis of any asset. 108072

(c) To the extent the add-back required under division 108073  
(A)(20)(a) of this section is attributable to property generating 108074  
nonbusiness income or loss allocated under section 5747.20 of the 108075  
Revised Code, the add-back shall be situated to the same location 108076  
as the nonbusiness income or loss generated by the property for 108077  
the purpose of determining the credit under division (A) of 108078  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 108079  
be apportioned, subject to one or more of the four alternative 108080  
methods of apportionment enumerated in section 5747.21 of the 108081  
Revised Code. 108082

(d) For the purposes of division (A)(20)(a)(v) of this 108083  
section, net operating loss carryback and carryforward shall not 108084  
include the allowance of any net operating loss deduction 108085  
carryback or carryforward to the taxable year to the extent such 108086  
loss resulted from depreciation allowed by section 168(k) of the 108087  
Internal Revenue Code and by the qualifying section 179 108088  
depreciation expense amount. 108089

(e) For the purposes of divisions (A)(20) and (21) of this 108090  
section: 108091

(i) "Income taxes withheld" means the total amount withheld 108092  
and remitted under sections 5747.06 and 5747.07 of the Revised 108093  
Code by an employer during the employer's taxable year. 108094

(ii) "Increase in income taxes withheld" means the amount by 108095  
which the amount of income taxes withheld by an employer during 108096  
the employer's current taxable year exceeds the amount of income 108097  
taxes withheld by that employer during the employer's immediately 108098  
preceding taxable year. 108099

(iii) "Qualifying section 179 depreciation expense" means the 108100  
difference between (I) the amount of depreciation expense directly 108101

or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such

depreciation results in or increases a federal net operating loss 108133  
carryback or carryforward. If no such deduction is available for a 108134  
taxable year, the taxpayer may carry forward the amount not 108135  
deducted in such taxable year to the next taxable year and add 108136  
that amount to any deduction otherwise available under division 108137  
(A)(21)(a) of this section for that next taxable year. The 108138  
carryforward of amounts not so deducted shall continue until the 108139  
entire addition required by division (A)(20)(a) of this section 108140  
has been deducted. 108141

(d) No refund shall be allowed as a result of adjustments 108142  
made by division (A)(21) of this section. 108143

(22) Deduct, to the extent not otherwise deducted or excluded 108144  
in computing federal or Ohio adjusted gross income for the taxable 108145  
year, the amount the taxpayer received during the taxable year as 108146  
reimbursement for life insurance premiums under section 5919.31 of 108147  
the Revised Code. 108148

(23) Deduct, to the extent not otherwise deducted or excluded 108149  
in computing federal or Ohio adjusted gross income for the taxable 108150  
year, the amount the taxpayer received during the taxable year as 108151  
a death benefit paid by the adjutant general under section 5919.33 108152  
of the Revised Code. 108153

(24) Deduct, to the extent included in federal adjusted gross 108154  
income and not otherwise allowable as a deduction or exclusion in 108155  
computing federal or Ohio adjusted gross income for the taxable 108156  
year, military pay and allowances received by the taxpayer during 108157  
the taxable year for active duty service in the United States 108158  
~~army, air force, navy, marine corps, or coast guard~~ uniformed 108159  
services or reserve components thereof or the national guard. The 108160  
deduction may not be claimed for military pay and allowances 108161  
received by the taxpayer while the taxpayer is stationed in this 108162  
state. 108163

(25) Deduct, to the extent not otherwise allowable as a 108164  
deduction or exclusion in computing federal or Ohio adjusted gross 108165  
income for the taxable year and not otherwise compensated for by 108166  
any other source, the amount of qualified organ donation expenses 108167  
incurred by the taxpayer during the taxable year, not to exceed 108168  
ten thousand dollars. A taxpayer may deduct qualified organ 108169  
donation expenses only once for all taxable years beginning with 108170  
taxable years beginning in 2007. 108171

For the purposes of division (A)(25) of this section: 108172

(a) "Human organ" means all or any portion of a human liver, 108173  
pancreas, kidney, intestine, or lung, and any portion of human 108174  
bone marrow. 108175

(b) "Qualified organ donation expenses" means travel 108176  
expenses, lodging expenses, and wages and salary forgone by a 108177  
taxpayer in connection with the taxpayer's donation, while living, 108178  
of one or more of the taxpayer's human organs to another human 108179  
being. 108180

(26) Deduct, to the extent not otherwise deducted or excluded 108181  
in computing federal or Ohio adjusted gross income for the taxable 108182  
year, amounts received by the taxpayer as retired personnel pay 108183  
for service in the uniformed services or reserve components 108184  
thereof, or the national guard, or received by the surviving 108185  
spouse or former spouse of such a taxpayer under the survivor 108186  
benefit plan on account of such a taxpayer's death. If the 108187  
taxpayer receives income on account of retirement paid under the 108188  
federal civil service retirement system or federal employees 108189  
retirement system, or under any successor retirement program 108190  
enacted by the congress of the United States that is established 108191  
and maintained for retired employees of the United States 108192  
government, and such retirement income is based, in whole or in 108193  
part, on credit for the taxpayer's uniformed service, the 108194  
deduction allowed under this division shall include only that 108195

portion of such retirement income that is attributable to the 108196  
taxpayer's uniformed service, to the extent that portion of such 108197  
retirement income is otherwise included in federal adjusted gross 108198  
income and is not otherwise deducted under this section. Any 108199  
amount deducted under division (A)(26) of this section is not 108200  
included in a taxpayer's adjusted gross income for the purposes of 108201  
section 5747.055 of the Revised Code. No amount may be deducted 108202  
under division (A)(26) of this section on the basis of which a 108203  
credit was claimed under section 5747.055 of the Revised Code. 108204

(27) Deduct, to the extent not otherwise deducted or excluded 108205  
in computing federal or Ohio adjusted gross income for the taxable 108206  
year, the amount the taxpayer received during the taxable year 108207  
from the military injury relief fund created in section ~~5101.98~~ 108208  
5902.05 of the Revised Code. 108209

(28) Deduct, to the extent not otherwise deducted or excluded 108210  
in computing federal or Ohio adjusted gross income for the taxable 108211  
year, the amount the taxpayer received as a veterans bonus during 108212  
the taxable year from the Ohio department of veterans services as 108213  
authorized by Section 2r of Article VIII, Ohio Constitution. 108214

(29) Deduct, to the extent not otherwise deducted or excluded 108215  
in computing federal or Ohio adjusted gross income for the taxable 108216  
year, any income derived from a transfer agreement or from the 108217  
enterprise transferred under that agreement under section 4313.02 108218  
of the Revised Code. 108219

(30) Deduct, to the extent not otherwise deducted or excluded 108220  
in computing federal or Ohio adjusted gross income for the taxable 108221  
year, Ohio college opportunity or federal Pell grant amounts 108222  
received by the taxpayer or the taxpayer's spouse or dependent 108223  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 108224  
1070a, et seq., and used to pay room or board furnished by the 108225  
educational institution for which the grant was awarded at the 108226  
institution's facilities, including meal plans administered by the 108227

institution. For the purposes of this division, receipt of a grant 108228  
includes the distribution of a grant directly to an educational 108229  
institution and the crediting of the grant to the enrollee's 108230  
account with the institution. 108231

(31) ~~Deduct~~ For taxable years beginning in 2013 and 2014, 108232  
deduct one-half of the ~~taxpayer's~~ individual's Ohio small business 108233  
~~investor~~ income, the deduction not to exceed sixty-two thousand 108234  
five hundred dollars for each spouse if spouses file separate 108235  
returns under section 5747.08 of the Revised Code or one hundred 108236  
twenty-five thousand dollars for all other ~~taxpayers.~~ No 108237  
~~pass-through entity may claim a deduction under this division~~ 108238  
individuals. 108239

For the purposes of this division, "Ohio small business 108240  
~~investor~~ income" means the portion of a ~~taxpayer's~~ an individual's 108241  
adjusted gross income, computed without regard to the deduction 108242  
under division (A)(31) of this section, that is business income, 108243  
reduced by deductions from business income and apportioned or 108244  
allocated to this state under sections 5747.21 and 5747.22 of the 108245  
Revised Code, to the extent not otherwise deducted or excluded in 108246  
computing federal or Ohio adjusted gross income for the taxable 108247  
year. 108248

(B) "Business income" means income, including gain or loss, 108249  
arising from transactions, activities, and sources in the regular 108250  
course of a trade or business and includes income, gain, or loss 108251  
from real property, tangible property, and intangible property if 108252  
the acquisition, rental, management, and disposition of the 108253  
property constitute integral parts of the regular course of a 108254  
trade or business operation. "Business income" includes income, 108255  
including gain or loss, from a partial or complete liquidation of 108256  
a business, including, but not limited to, gain or loss from the 108257  
sale or other disposition of goodwill. 108258

(C) "Nonbusiness income" means all income other than business 108259



income and may include, but is not limited to, compensation, rents 108260  
and royalties from real or tangible personal property, capital 108261  
gains, interest, dividends and distributions, patent or copyright 108262  
royalties, or lottery winnings, prizes, and awards. 108263

(D) "Compensation" means any form of remuneration paid to an 108264  
employee for personal services. 108265

(E) "Fiduciary" means a guardian, trustee, executor, 108266  
administrator, receiver, conservator, or any other person acting 108267  
in any fiduciary capacity for any individual, trust, or estate. 108268

(F) "Fiscal year" means an accounting period of twelve months 108269  
ending on the last day of any month other than December. 108270

(G) "Individual" means any natural person. 108271

(H) "Internal Revenue Code" means the "Internal Revenue Code 108272  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 108273

(I) "Resident" means any of the following, provided that 108274  
division (I)(3) of this section applies only to taxable years of a 108275  
trust beginning in 2002 or thereafter: 108276

(1) An individual who is domiciled in this state, subject to 108277  
section 5747.24 of the Revised Code; 108278

(2) The estate of a decedent who at the time of death was 108279  
domiciled in this state. The domicile tests of section 5747.24 of 108280  
the Revised Code are not controlling for purposes of division 108281  
(I)(2) of this section. 108282

(3) A trust that, in whole or part, resides in this state. If 108283  
only part of a trust resides in this state, the trust is a 108284  
resident only with respect to that part. 108285

For the purposes of division (I)(3) of this section: 108286

(a) A trust resides in this state for the trust's current 108287  
taxable year to the extent, as described in division (I)(3)(d) of 108288  
this section, that the trust consists directly or indirectly, in 108289

whole or in part, of assets, net of any related liabilities, that 108290  
were transferred, or caused to be transferred, directly or 108291  
indirectly, to the trust by any of the following: 108292

(i) A person, a court, or a governmental entity or 108293  
instrumentality on account of the death of a decedent, but only if 108294  
the trust is described in division (I)(3)(e)(i) or (ii) of this 108295  
section; 108296

(ii) A person who was domiciled in this state for the 108297  
purposes of this chapter when the person directly or indirectly 108298  
transferred assets to an irrevocable trust, but only if at least 108299  
one of the trust's qualifying beneficiaries is domiciled in this 108300  
state for the purposes of this chapter during all or some portion 108301  
of the trust's current taxable year; 108302

(iii) A person who was domiciled in this state for the 108303  
purposes of this chapter when the trust document or instrument or 108304  
part of the trust document or instrument became irrevocable, but 108305  
only if at least one of the trust's qualifying beneficiaries is a 108306  
resident domiciled in this state for the purposes of this chapter 108307  
during all or some portion of the trust's current taxable year. If 108308  
a trust document or instrument became irrevocable upon the death 108309  
of a person who at the time of death was domiciled in this state 108310  
for purposes of this chapter, that person is a person described in 108311  
division (I)(3)(a)(iii) of this section. 108312

(b) A trust is irrevocable to the extent that the transferor 108313  
is not considered to be the owner of the net assets of the trust 108314  
under sections 671 to 678 of the Internal Revenue Code. 108315

(c) With respect to a trust other than a charitable lead 108316  
trust, "qualifying beneficiary" has the same meaning as "potential 108317  
current beneficiary" as defined in section 1361(e)(2) of the 108318  
Internal Revenue Code, and with respect to a charitable lead trust 108319  
"qualifying beneficiary" is any current, future, or contingent 108320

beneficiary, but with respect to any trust "qualifying  
beneficiary" excludes a person or a governmental entity or  
instrumentality to any of which a contribution would qualify for  
the charitable deduction under section 170 of the Internal Revenue  
Code.

(d) For the purposes of division (I)(3)(a) of this section,  
the extent to which a trust consists directly or indirectly, in  
whole or in part, of assets, net of any related liabilities, that  
were transferred directly or indirectly, in whole or part, to the  
trust by any of the sources enumerated in that division shall be  
ascertained by multiplying the fair market value of the trust's  
assets, net of related liabilities, by the qualifying ratio, which  
shall be computed as follows:

(i) The first time the trust receives assets, the numerator  
of the qualifying ratio is the fair market value of those assets  
at that time, net of any related liabilities, from sources  
enumerated in division (I)(3)(a) of this section. The denominator  
of the qualifying ratio is the fair market value of all the  
trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a  
revised qualifying ratio shall be computed. The numerator of the  
revised qualifying ratio is the sum of (1) the fair market value  
of the trust's assets immediately prior to the subsequent  
transfer, net of any related liabilities, multiplied by the  
qualifying ratio last computed without regard to the subsequent  
transfer, and (2) the fair market value of the subsequently  
transferred assets at the time transferred, net of any related  
liabilities, from sources enumerated in division (I)(3)(a) of this  
section. The denominator of the revised qualifying ratio is the  
fair market value of all the trust's assets immediately after the  
subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of

the sources enumerated in division (I)(3)(a) of this section shall 108353  
be ascertained without regard to the domicile of the trust's 108354  
beneficiaries. 108355

(e) For the purposes of division (I)(3)(a)(i) of this 108356  
section: 108357

(i) A trust is described in division (I)(3)(e)(i) of this 108358  
section if the trust is a testamentary trust and the testator of 108359  
that testamentary trust was domiciled in this state at the time of 108360  
the testator's death for purposes of the taxes levied under 108361  
Chapter 5731. of the Revised Code. 108362

(ii) A trust is described in division (I)(3)(e)(ii) of this 108363  
section if the transfer is a qualifying transfer described in any 108364  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 108365  
irrevocable inter vivos trust, and at least one of the trust's 108366  
qualifying beneficiaries is domiciled in this state for purposes 108367  
of this chapter during all or some portion of the trust's current 108368  
taxable year. 108369

(f) For the purposes of division (I)(3)(e)(ii) of this 108370  
section, a "qualifying transfer" is a transfer of assets, net of 108371  
any related liabilities, directly or indirectly to a trust, if the 108372  
transfer is described in any of the following: 108373

(i) The transfer is made to a trust, created by the decedent 108374  
before the decedent's death and while the decedent was domiciled 108375  
in this state for the purposes of this chapter, and, prior to the 108376  
death of the decedent, the trust became irrevocable while the 108377  
decedent was domiciled in this state for the purposes of this 108378  
chapter. 108379

(ii) The transfer is made to a trust to which the decedent, 108380  
prior to the decedent's death, had directly or indirectly 108381  
transferred assets, net of any related liabilities, while the 108382  
decedent was domiciled in this state for the purposes of this 108383

chapter, and prior to the death of the decedent the trust became 108384  
irrevocable while the decedent was domiciled in this state for the 108385  
purposes of this chapter. 108386

(iii) The transfer is made on account of a contractual 108387  
relationship existing directly or indirectly between the 108388  
transferor and either the decedent or the estate of the decedent 108389  
at any time prior to the date of the decedent's death, and the 108390  
decedent was domiciled in this state at the time of death for 108391  
purposes of the taxes levied under Chapter 5731. of the Revised 108392  
Code. 108393

(iv) The transfer is made to a trust on account of a 108394  
contractual relationship existing directly or indirectly between 108395  
the transferor and another person who at the time of the 108396  
decedent's death was domiciled in this state for purposes of this 108397  
chapter. 108398

(v) The transfer is made to a trust on account of the will of 108399  
a testator who was domiciled in this state at the time of the 108400  
testator's death for purposes of the taxes levied under Chapter 108401  
5731. of the Revised Code. 108402

(vi) The transfer is made to a trust created by or caused to 108403  
be created by a court, and the trust was directly or indirectly 108404  
created in connection with or as a result of the death of an 108405  
individual who, for purposes of the taxes levied under Chapter 108406  
5731. of the Revised Code, was domiciled in this state at the time 108407  
of the individual's death. 108408

(g) The tax commissioner may adopt rules to ascertain the 108409  
part of a trust residing in this state. 108410

(J) "Nonresident" means an individual or estate that is not a 108411  
resident. An individual who is a resident for only part of a 108412  
taxable year is a nonresident for the remainder of that taxable 108413  
year. 108414

(K) "Pass-through entity" has the same meaning as in section 108415  
5733.04 of the Revised Code. 108416

(L) "Return" means the notifications and reports required to 108417  
be filed pursuant to this chapter for the purpose of reporting the 108418  
tax due and includes declarations of estimated tax when so 108419  
required. 108420

(M) "Taxable year" means the calendar year or the taxpayer's 108421  
fiscal year ending during the calendar year, or fractional part 108422  
thereof, upon which the adjusted gross income is calculated 108423  
pursuant to this chapter. 108424

(N) "Taxpayer" means any person subject to the tax imposed by 108425  
section 5747.02 of the Revised Code or any pass-through entity 108426  
that makes the election under division (D) of section 5747.08 of 108427  
the Revised Code. 108428

(O) "Dependents" means dependents as defined in the Internal 108429  
Revenue Code and as claimed in the taxpayer's federal income tax 108430  
return for the taxable year or which the taxpayer would have been 108431  
permitted to claim had the taxpayer filed a federal income tax 108432  
return. 108433

(P) "Principal county of employment" means, in the case of a 108434  
nonresident, the county within the state in which a taxpayer 108435  
performs services for an employer or, if those services are 108436  
performed in more than one county, the county in which the major 108437  
portion of the services are performed. 108438

(Q) As used in sections 5747.50 to 5747.55 of the Revised 108439  
Code: 108440

(1) "Subdivision" means any county, municipal corporation, 108441  
park district, or township. 108442

(2) "Essential local government purposes" includes all 108443  
functions that any subdivision is required by general law to 108444

exercise, including like functions that are exercised under a 108445  
charter adopted pursuant to the Ohio Constitution. 108446

(R) "Overpayment" means any amount already paid that exceeds 108447  
the figure determined to be the correct amount of the tax. 108448

(S) "Taxable income" or "Ohio taxable income" applies only to 108449  
estates and trusts, and means federal taxable income, as defined 108450  
and used in the Internal Revenue Code, adjusted as follows: 108451

(1) Add interest or dividends, net of ordinary, necessary, 108452  
and reasonable expenses not deducted in computing federal taxable 108453  
income, on obligations or securities of any state or of any 108454  
political subdivision or authority of any state, other than this 108455  
state and its subdivisions and authorities, but only to the extent 108456  
that such net amount is not otherwise includible in Ohio taxable 108457  
income and is described in either division (S)(1)(a) or (b) of 108458  
this section: 108459

(a) The net amount is not attributable to the S portion of an 108460  
electing small business trust and has not been distributed to 108461  
beneficiaries for the taxable year; 108462

(b) The net amount is attributable to the S portion of an 108463  
electing small business trust for the taxable year. 108464

(2) Add interest or dividends, net of ordinary, necessary, 108465  
and reasonable expenses not deducted in computing federal taxable 108466  
income, on obligations of any authority, commission, 108467  
instrumentality, territory, or possession of the United States to 108468  
the extent that the interest or dividends are exempt from federal 108469  
income taxes but not from state income taxes, but only to the 108470  
extent that such net amount is not otherwise includible in Ohio 108471  
taxable income and is described in either division (S)(1)(a) or 108472  
(b) of this section; 108473

(3) Add the amount of personal exemption allowed to the 108474  
estate pursuant to section 642(b) of the Internal Revenue Code; 108475

(4) Deduct interest or dividends, net of related expenses 108476  
deducted in computing federal taxable income, on obligations of 108477  
the United States and its territories and possessions or of any 108478  
authority, commission, or instrumentality of the United States to 108479  
the extent that the interest or dividends are exempt from state 108480  
taxes under the laws of the United States, but only to the extent 108481  
that such amount is included in federal taxable income and is 108482  
described in either division (S)(1)(a) or (b) of this section; 108483

(5) Deduct the amount of wages and salaries, if any, not 108484  
otherwise allowable as a deduction but that would have been 108485  
allowable as a deduction in computing federal taxable income for 108486  
the taxable year, had the targeted jobs credit allowed under 108487  
sections 38, 51, and 52 of the Internal Revenue Code not been in 108488  
effect, but only to the extent such amount relates either to 108489  
income included in federal taxable income for the taxable year or 108490  
to income of the S portion of an electing small business trust for 108491  
the taxable year; 108492

(6) Deduct any interest or interest equivalent, net of 108493  
related expenses deducted in computing federal taxable income, on 108494  
public obligations and purchase obligations, but only to the 108495  
extent that such net amount relates either to income included in 108496  
federal taxable income for the taxable year or to income of the S 108497  
portion of an electing small business trust for the taxable year; 108498

(7) Add any loss or deduct any gain resulting from sale, 108499  
exchange, or other disposition of public obligations to the extent 108500  
that such loss has been deducted or such gain has been included in 108501  
computing either federal taxable income or income of the S portion 108502  
of an electing small business trust for the taxable year; 108503

(8) Except in the case of the final return of an estate, add 108504  
any amount deducted by the taxpayer on both its Ohio estate tax 108505  
return pursuant to section 5731.14 of the Revised Code, and on its 108506  
federal income tax return in determining federal taxable income; 108507



(9)(a) Deduct any amount included in federal taxable income 108508  
solely because the amount represents a reimbursement or refund of 108509  
expenses that in a previous year the decedent had deducted as an 108510  
itemized deduction pursuant to section 63 of the Internal Revenue 108511  
Code and applicable treasury regulations. The deduction otherwise 108512  
allowed under division (S)(9)(a) of this section shall be reduced 108513  
to the extent the reimbursement is attributable to an amount the 108514  
taxpayer or decedent deducted under this section in any taxable 108515  
year. 108516

(b) Add any amount not otherwise included in Ohio taxable 108517  
income for any taxable year to the extent that the amount is 108518  
attributable to the recovery during the taxable year of any amount 108519  
deducted or excluded in computing federal or Ohio taxable income 108520  
in any taxable year, but only to the extent such amount has not 108521  
been distributed to beneficiaries for the taxable year. 108522

(10) Deduct any portion of the deduction described in section 108523  
1341(a)(2) of the Internal Revenue Code, for repaying previously 108524  
reported income received under a claim of right, that meets both 108525  
of the following requirements: 108526

(a) It is allowable for repayment of an item that was 108527  
included in the taxpayer's taxable income or the decedent's 108528  
adjusted gross income for a prior taxable year and did not qualify 108529  
for a credit under division (A) or (B) of section 5747.05 of the 108530  
Revised Code for that year. 108531

(b) It does not otherwise reduce the taxpayer's taxable 108532  
income or the decedent's adjusted gross income for the current or 108533  
any other taxable year. 108534

(11) Add any amount claimed as a credit under section 108535  
5747.059 or 5747.65 of the Revised Code to the extent that the 108536  
amount satisfies either of the following: 108537

(a) The amount was deducted or excluded from the computation 108538

of the taxpayer's federal taxable income as required to be 108539  
reported for the taxpayer's taxable year under the Internal 108540  
Revenue Code; 108541

(b) The amount resulted in a reduction in the taxpayer's 108542  
federal taxable income as required to be reported for any of the 108543  
taxpayer's taxable years under the Internal Revenue Code. 108544

(12) Deduct any amount, net of related expenses deducted in 108545  
computing federal taxable income, that a trust is required to 108546  
report as farm income on its federal income tax return, but only 108547  
if the assets of the trust include at least ten acres of land 108548  
satisfying the definition of "land devoted exclusively to 108549  
agricultural use" under section 5713.30 of the Revised Code, 108550  
regardless of whether the land is valued for tax purposes as such 108551  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 108552  
trust is a pass-through entity investor, section 5747.231 of the 108553  
Revised Code applies in ascertaining if the trust is eligible to 108554  
claim the deduction provided by division (S)(12) of this section 108555  
in connection with the pass-through entity's farm income. 108556

Except for farm income attributable to the S portion of an 108557  
electing small business trust, the deduction provided by division 108558  
(S)(12) of this section is allowed only to the extent that the 108559  
trust has not distributed such farm income. Division (S)(12) of 108560  
this section applies only to taxable years of a trust beginning in 108561  
2002 or thereafter. 108562

(13) Add the net amount of income described in section 641(c) 108563  
of the Internal Revenue Code to the extent that amount is not 108564  
included in federal taxable income. 108565

(14) Add or deduct the amount the taxpayer would be required 108566  
to add or deduct under division (A)(20) or (21) of this section if 108567  
the taxpayer's Ohio taxable income were computed in the same 108568  
manner as an individual's Ohio adjusted gross income is computed 108569

under this section. In the case of a trust, division (S)(14) of 108570  
this section applies only to any of the trust's taxable years 108571  
beginning in 2002 or thereafter. 108572

(T) "School district income" and "school district income tax" 108573  
have the same meanings as in section 5748.01 of the Revised Code. 108574

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 108575  
of this section, "public obligations," "purchase obligations," and 108576  
"interest or interest equivalent" have the same meanings as in 108577  
section 5709.76 of the Revised Code. 108578

(V) "Limited liability company" means any limited liability 108579  
company formed under Chapter 1705. of the Revised Code or under 108580  
the laws of any other state. 108581

(W) "Pass-through entity investor" means any person who, 108582  
during any portion of a taxable year of a pass-through entity, is 108583  
a partner, member, shareholder, or equity investor in that 108584  
pass-through entity. 108585

(X) "Banking day" has the same meaning as in section 1304.01 108586  
of the Revised Code. 108587

(Y) "Month" means a calendar month. 108588

(Z) "Quarter" means the first three months, the second three 108589  
months, the third three months, or the last three months of the 108590  
taxpayer's taxable year. 108591

(AA)(1) "Eligible institution" means a state university or 108592  
state institution of higher education as defined in section 108593  
3345.011 of the Revised Code, or a private, nonprofit college, 108594  
university, or other post-secondary institution located in this 108595  
state that possesses a certificate of authorization issued by the 108596  
~~Ohio board of regents~~ chancellor of higher education pursuant to 108597  
Chapter 1713. of the Revised Code or a certificate of registration 108598  
issued by the state board of career colleges and schools under 108599

Chapter 3332. of the Revised Code. 108600

(2) "Qualified tuition and fees" means tuition and fees 108601  
imposed by an eligible institution as a condition of enrollment or 108602  
attendance, not exceeding two thousand five hundred dollars in 108603  
each of the individual's first two years of post-secondary 108604  
education. If the individual is a part-time student, "qualified 108605  
tuition and fees" includes tuition and fees paid for the academic 108606  
equivalent of the first two years of post-secondary education 108607  
during a maximum of five taxable years, not exceeding a total of 108608  
five thousand dollars. "Qualified tuition and fees" does not 108609  
include: 108610

(a) Expenses for any course or activity involving sports, 108611  
games, or hobbies unless the course or activity is part of the 108612  
individual's degree or diploma program; 108613

(b) The cost of books, room and board, student activity fees, 108614  
athletic fees, insurance expenses, or other expenses unrelated to 108615  
the individual's academic course of instruction; 108616

(c) Tuition, fees, or other expenses paid or reimbursed 108617  
through an employer, scholarship, grant in aid, or other 108618  
educational benefit program. 108619

(BB)(1) "Modified business income" means the business income 108620  
included in a trust's Ohio taxable income after such taxable 108621  
income is first reduced by the qualifying trust amount, if any. 108622

(2) "Qualifying trust amount" of a trust means capital gains 108623  
and losses from the sale, exchange, or other disposition of equity 108624  
or ownership interests in, or debt obligations of, a qualifying 108625  
investee to the extent included in the trust's Ohio taxable 108626  
income, but only if the following requirements are satisfied: 108627

(a) The book value of the qualifying investee's physical 108628  
assets in this state and everywhere, as of the last day of the 108629  
qualifying investee's fiscal or calendar year ending immediately 108630

prior to the date on which the trust recognizes the gain or loss, 108631  
is available to the trust. 108632

(b) The requirements of section 5747.011 of the Revised Code 108633  
are satisfied for the trust's taxable year in which the trust 108634  
recognizes the gain or loss. 108635

Any gain or loss that is not a qualifying trust amount is 108636  
modified business income, qualifying investment income, or 108637  
modified nonbusiness income, as the case may be. 108638

(3) "Modified nonbusiness income" means a trust's Ohio 108639  
taxable income other than modified business income, other than the 108640  
qualifying trust amount, and other than qualifying investment 108641  
income, as defined in section 5747.012 of the Revised Code, to the 108642  
extent such qualifying investment income is not otherwise part of 108643  
modified business income. 108644

(4) "Modified Ohio taxable income" applies only to trusts, 108645  
and means the sum of the amounts described in divisions (BB)(4)(a) 108646  
to (c) of this section: 108647

(a) The fraction, calculated under section 5747.013, and 108648  
applying section 5747.231 of the Revised Code, multiplied by the 108649  
sum of the following amounts: 108650

(i) The trust's modified business income; 108651

(ii) The trust's qualifying investment income, as defined in 108652  
section 5747.012 of the Revised Code, but only to the extent the 108653  
qualifying investment income does not otherwise constitute 108654  
modified business income and does not otherwise constitute a 108655  
qualifying trust amount. 108656

(b) The qualifying trust amount multiplied by a fraction, the 108657  
numerator of which is the sum of the book value of the qualifying 108658  
investee's physical assets in this state on the last day of the 108659  
qualifying investee's fiscal or calendar year ending immediately 108660

prior to the day on which the trust recognizes the qualifying 108661  
trust amount, and the denominator of which is the sum of the book 108662  
value of the qualifying investee's total physical assets 108663  
everywhere on the last day of the qualifying investee's fiscal or 108664  
calendar year ending immediately prior to the day on which the 108665  
trust recognizes the qualifying trust amount. If, for a taxable 108666  
year, the trust recognizes a qualifying trust amount with respect 108667  
to more than one qualifying investee, the amount described in 108668  
division (BB)(4)(b) of this section shall equal the sum of the 108669  
products so computed for each such qualifying investee. 108670

(c)(i) With respect to a trust or portion of a trust that is 108671  
a resident as ascertained in accordance with division (I)(3)(d) of 108672  
this section, its modified nonbusiness income. 108673

(ii) With respect to a trust or portion of a trust that is 108674  
not a resident as ascertained in accordance with division 108675  
(I)(3)(d) of this section, the amount of its modified nonbusiness 108676  
income satisfying the descriptions in divisions (B)(2) to (5) of 108677  
section 5747.20 of the Revised Code, except as otherwise provided 108678  
in division (BB)(4)(c)(ii) of this section. With respect to a 108679  
trust or portion of a trust that is not a resident as ascertained 108680  
in accordance with division (I)(3)(d) of this section, the trust's 108681  
portion of modified nonbusiness income recognized from the sale, 108682  
exchange, or other disposition of a debt interest in or equity 108683  
interest in a section 5747.212 entity, as defined in section 108684  
5747.212 of the Revised Code, without regard to division (A) of 108685  
that section, shall not be allocated to this state in accordance 108686  
with section 5747.20 of the Revised Code but shall be apportioned 108687  
to this state in accordance with division (B) of section 5747.212 108688  
of the Revised Code without regard to division (A) of that 108689  
section. 108690

If the allocation and apportionment of a trust's income under 108691  
divisions (BB)(4)(a) and (c) of this section do not fairly 108692

represent the modified Ohio taxable income of the trust in this 108693  
state, the alternative methods described in division (C) of 108694  
section 5747.21 of the Revised Code may be applied in the manner 108695  
and to the same extent provided in that section. 108696

(5)(a) Except as set forth in division (BB)(5)(b) of this 108697  
section, "qualifying investee" means a person in which a trust has 108698  
an equity or ownership interest, or a person or unit of government 108699  
the debt obligations of either of which are owned by a trust. For 108700  
the purposes of division (BB)(2)(a) of this section and for the 108701  
purpose of computing the fraction described in division (BB)(4)(b) 108702  
of this section, all of the following apply: 108703

(i) If the qualifying investee is a member of a qualifying 108704  
controlled group on the last day of the qualifying investee's 108705  
fiscal or calendar year ending immediately prior to the date on 108706  
which the trust recognizes the gain or loss, then "qualifying 108707  
investee" includes all persons in the qualifying controlled group 108708  
on such last day. 108709

(ii) If the qualifying investee, or if the qualifying 108710  
investee and any members of the qualifying controlled group of 108711  
which the qualifying investee is a member on the last day of the 108712  
qualifying investee's fiscal or calendar year ending immediately 108713  
prior to the date on which the trust recognizes the gain or loss, 108714  
separately or cumulatively own, directly or indirectly, on the 108715  
last day of the qualifying investee's fiscal or calendar year 108716  
ending immediately prior to the date on which the trust recognizes 108717  
the qualifying trust amount, more than fifty per cent of the 108718  
equity of a pass-through entity, then the qualifying investee and 108719  
the other members are deemed to own the proportionate share of the 108720  
pass-through entity's physical assets which the pass-through 108721  
entity directly or indirectly owns on the last day of the 108722  
pass-through entity's calendar or fiscal year ending within or 108723  
with the last day of the qualifying investee's fiscal or calendar 108724

year ending immediately prior to the date on which the trust 108725  
recognizes the qualifying trust amount. 108726

(iii) For the purposes of division (BB)(5)(a)(iii) of this 108727  
section, "upper level pass-through entity" means a pass-through 108728  
entity directly or indirectly owning any equity of another 108729  
pass-through entity, and "lower level pass-through entity" means 108730  
that other pass-through entity. 108731

An upper level pass-through entity, whether or not it is also 108732  
a qualifying investee, is deemed to own, on the last day of the 108733  
upper level pass-through entity's calendar or fiscal year, the 108734  
proportionate share of the lower level pass-through entity's 108735  
physical assets that the lower level pass-through entity directly 108736  
or indirectly owns on the last day of the lower level pass-through 108737  
entity's calendar or fiscal year ending within or with the last 108738  
day of the upper level pass-through entity's fiscal or calendar 108739  
year. If the upper level pass-through entity directly and 108740  
indirectly owns less than fifty per cent of the equity of the 108741  
lower level pass-through entity on each day of the upper level 108742  
pass-through entity's calendar or fiscal year in which or with 108743  
which ends the calendar or fiscal year of the lower level 108744  
pass-through entity and if, based upon clear and convincing 108745  
evidence, complete information about the location and cost of the 108746  
physical assets of the lower pass-through entity is not available 108747  
to the upper level pass-through entity, then solely for purposes 108748  
of ascertaining if a gain or loss constitutes a qualifying trust 108749  
amount, the upper level pass-through entity shall be deemed as 108750  
owning no equity of the lower level pass-through entity for each 108751  
day during the upper level pass-through entity's calendar or 108752  
fiscal year in which or with which ends the lower level 108753  
pass-through entity's calendar or fiscal year. Nothing in division 108754  
(BB)(5)(a)(iii) of this section shall be construed to provide for 108755  
any deduction or exclusion in computing any trust's Ohio taxable 108756



income. 108757

(b) With respect to a trust that is not a resident for the 108758  
taxable year and with respect to a part of a trust that is not a 108759  
resident for the taxable year, "qualifying investee" for that 108760  
taxable year does not include a C corporation if both of the 108761  
following apply: 108762

(i) During the taxable year the trust or part of the trust 108763  
recognizes a gain or loss from the sale, exchange, or other 108764  
disposition of equity or ownership interests in, or debt 108765  
obligations of, the C corporation. 108766

(ii) Such gain or loss constitutes nonbusiness income. 108767

(6) "Available" means information is such that a person is 108768  
able to learn of the information by the due date plus extensions, 108769  
if any, for filing the return for the taxable year in which the 108770  
trust recognizes the gain or loss. 108771

(CC) "Qualifying controlled group" has the same meaning as in 108772  
section 5733.04 of the Revised Code. 108773

(DD) "Related member" has the same meaning as in section 108774  
5733.042 of the Revised Code. 108775

(EE)(1) For the purposes of division (EE) of this section: 108776

(a) "Qualifying person" means any person other than a 108777  
qualifying corporation. 108778

(b) "Qualifying corporation" means any person classified for 108779  
federal income tax purposes as an association taxable as a 108780  
corporation, except either of the following: 108781

(i) A corporation that has made an election under subchapter 108782  
S, chapter one, subtitle A, of the Internal Revenue Code for its 108783  
taxable year ending within, or on the last day of, the investor's 108784  
taxable year; 108785

(ii) A subsidiary that is wholly owned by any corporation 108786

that has made an election under subchapter S, chapter one, 108787  
subtitle A of the Internal Revenue Code for its taxable year 108788  
ending within, or on the last day of, the investor's taxable year. 108789

(2) For the purposes of this chapter, unless expressly stated 108790  
otherwise, no qualifying person indirectly owns any asset directly 108791  
or indirectly owned by any qualifying corporation. 108792

(FF) For purposes of this chapter and Chapter 5751. of the 108793  
Revised Code: 108794

(1) "Trust" does not include a qualified pre-income tax 108795  
trust. 108796

(2) A "qualified pre-income tax trust" is any pre-income tax 108797  
trust that makes a qualifying pre-income tax trust election as 108798  
described in division (FF)(3) of this section. 108799

(3) A "qualifying pre-income tax trust election" is an 108800  
election by a pre-income tax trust to subject to the tax imposed 108801  
by section 5751.02 of the Revised Code the pre-income tax trust 108802  
and all pass-through entities of which the trust owns or controls, 108803  
directly, indirectly, or constructively through related interests, 108804  
five per cent or more of the ownership or equity interests. The 108805  
trustee shall notify the tax commissioner in writing of the 108806  
election on or before April 15, 2006. The election, if timely 108807  
made, shall be effective on and after January 1, 2006, and shall 108808  
apply for all tax periods and tax years until revoked by the 108809  
trustee of the trust. 108810

(4) A "pre-income tax trust" is a trust that satisfies all of 108811  
the following requirements: 108812

(a) The document or instrument creating the trust was 108813  
executed by the grantor before January 1, 1972; 108814

(b) The trust became irrevocable upon the creation of the 108815  
trust; and 108816

(c) The grantor was domiciled in this state at the time the trust was created. 108817  
108818

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 108819  
108820

**Sec. 5747.02.** (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured ~~in the case of individuals by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income as prescribed in divisions (A)(1) to (5) of this section.~~ 108821  
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(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied at the same rates prescribed in division (A)(3) of this section for individuals. 108840  
108841  
108842  
108843

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the same rates prescribed in division (A)(3) of this section for individuals. The tax imposed ~~by this section~~ on the balance thus 108844  
108845  
108846  
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obtained is hereby levied as follows:		108848
<del>(1) For taxable years beginning in 2004:</del>		108849
<del>OHIO ADJUSTED GROSS INCOME LESS</del>		108850
<del>EXEMPTIONS (INDIVIDUALS)</del>		
<del>OR</del>		108851
<del>MODIFIED OHIO</del>		108852
<del>TAXABLE INCOME (TRUSTS)</del>		108853
<del>OR</del>		108854
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	108855
<del>\$5,000 or less</del>	<del>.743%</del>	108856
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$37.15 plus 1.486% of the amount in excess of \$5,000</del>	108857
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$111.45 plus 2.972% of the amount in excess of \$10,000</del>	108858
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$260.05 plus 3.715% of the amount in excess of \$15,000</del>	108859
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$445.80 plus 4.457% of the amount in excess of \$20,000</del>	108860
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,337.20 plus 5.201% of the amount in excess of \$40,000</del>	108861
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$3,417.60 plus 5.943% of the amount in excess of \$80,000</del>	108862
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$4,606.20 plus 6.9% of the amount in excess of \$100,000</del>	108863
<del>More than \$200,000</del>	<del>\$11,506.20 plus 7.5% of the amount in excess of \$200,000</del>	108864
<del>(2) For taxable years beginning in 2005:</del>		108865
<del>OHIO ADJUSTED GROSS INCOME LESS</del>		108866
<del>EXEMPTIONS (INDIVIDUALS)</del>		
<del>OR</del>		108867
<del>MODIFIED OHIO</del>		108868
<del>TAXABLE INCOME (TRUSTS)</del>		108869

OR		108870
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	108871
<del>\$5,000 or less</del>	<del>-.712%</del>	108872
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$35.60 plus 1.424% of the amount in excess of \$5,000</del>	108873
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$106.80 plus 2.847% of the amount in excess of \$10,000</del>	108874
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$249.15 plus 3.559% of the amount in excess of \$15,000</del>	108875
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$427.10 plus 4.27% of the amount in excess of \$20,000</del>	108876
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,281.10 plus 4.983% of the amount in excess of \$40,000</del>	108877
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$3,274.30 plus 5.693% of the amount in excess of \$80,000</del>	108878
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$4,412.90 plus 6.61% of the amount in excess of \$100,000</del>	108879
<del>More than \$200,000</del>	<del>\$11,022.90 plus 7.185% of the amount in excess of \$200,000</del>	108880
<del>(3) For taxable years beginning in 2006:</del>		108881
<del>OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)</del>		108882
OR		108883
MODIFIED OHIO		108884
TAXABLE INCOME (TRUSTS)		108885
OR		108886
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	108887
<del>\$5,000 or less</del>	<del>-.681%</del>	108888
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$34.05 plus 1.361% of the amount in excess of \$5,000</del>	108889
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$102.10 plus 2.722% of the amount in excess of \$10,000</del>	108890
<del>More than \$15,000 but not more</del>	<del>\$238.20 plus 3.403% of the</del>	108891

<del>than \$20,000</del>	<del>amount in excess of \$15,000</del>	
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$408.35 plus 4.083% of the amount in excess of \$20,000</del>	108892
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,224.95 plus 4.764% of the amount in excess of \$40,000</del>	108893
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$3,130.55 plus 5.444% of the amount in excess of \$80,000</del>	108894
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$4,219.35 plus 6.32% of the amount in excess of \$100,000</del>	108895
<del>More than \$200,000</del>	<del>\$10,539.35 plus 6.87% of the amount in excess of \$200,000</del>	108896
<del>(4) For taxable years beginning in 2007:</del>		108897
<del>OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)</del>		108898
<del>OR</del>		108899
<del>MODIFIED OHIO</del>		108900
<del>TAXABLE INCOME (TRUSTS)</del>		108901
<del>OR</del>		108902
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	108903
<del>\$5,000 or less</del>	<del>.649%</del>	108904
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$32.45 plus 1.299% of the amount in excess of \$5,000</del>	108905
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$97.40 plus 2.598% of the amount in excess of \$10,000</del>	108906
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$227.30 plus 3.247% of the amount in excess of \$15,000</del>	108907
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$389.65 plus 3.895% of the amount in excess of \$20,000</del>	108908
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,168.65 plus 4.546% of the amount in excess of \$40,000</del>	108909
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,987.05 plus 5.194% of the amount in excess of \$80,000</del>	108910
<del>More than \$100,000 but not more</del>	<del>\$4,025.85 plus 6.031% of the</del>	108911

<del>than \$200,000</del>	<del>amount in excess of \$100,000</del>	
<del>More than \$200,000</del>	<del>\$10,056.85 plus 6.555% of the amount in excess of \$200,000</del>	108912
<del>(5) For taxable years beginning in 2008, 2009, or 2010:</del>		108913
<del>OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)</del>		108914
<del>OR</del>		108915
<del>MODIFIED OHIO</del>		108916
<del>TAXABLE INCOME (TRUSTS)</del>		108917
<del>OR</del>		108918
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	108919
<del>\$5,000 or less</del>	<del>.618%</del>	108920
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$30.90 plus 1.236% of the amount in excess of \$5,000</del>	108921
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$92.70 plus 2.473% of the amount in excess of \$10,000</del>	108922
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$216.35 plus 3.091% of the amount in excess of \$15,000</del>	108923
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$370.90 plus 3.708% of the amount in excess of \$20,000</del>	108924
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,112.50 plus 4.327% of the amount in excess of \$40,000</del>	108925
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,843.30 plus 4.945% of the amount in excess of \$80,000</del>	108926
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$3,832.30 plus 5.741% of the amount in excess of \$100,000</del>	108927
<del>More than \$200,000</del>	<del>\$9,573.30 plus 6.24% of the amount in excess of \$200,000</del>	108928
<del>(6) For taxable years beginning in 2011 or 2012:</del>		108929
<del>OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)</del>		108930
<del>OR</del>		108931

<del>MODIFIED OHIO</del>		108932
<del>TAXABLE INCOME (TRUSTS)</del>		108933
<del>OR</del>		108934
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	108935
<del>\$5,000 or less</del>	<del>.587%</del>	108936
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$29.35 plus 1.174% of the amount in excess of \$5,000</del>	108937
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$88.05 plus 2.348% of the amount in excess of \$10,000</del>	108938
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$205.45 plus 2.935% of the amount in excess of \$15,000</del>	108939
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$352.20 plus 3.521% of the amount in excess of \$20,000</del>	108940
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$1,056.40 plus 4.109% of the amount in excess of \$40,000</del>	108941
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,700.00 plus 4.695% of the amount in excess of \$80,000</del>	108942
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$3,639.00 plus 5.451% of the amount in excess of \$100,000</del>	108943
<del>More than \$200,000</del>	<del>\$9,090.00 plus 5.925% of the amount in excess of \$200,000</del>	108944
<del>(7) For taxable years beginning in 2013:</del>		108945
<del>OHIO ADJUSTED GROSS INCOME LESS</del>		108946
<del>EXEMPTIONS (INDIVIDUALS)</del>		
<del>OR</del>		108947
<del>MODIFIED OHIO</del>		108948
<del>TAXABLE INCOME (TRUSTS)</del>		108949
<del>OR</del>		108950
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	108951
<del>\$5,000 or less</del>	<del>.537%</del>	108952
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$26.86 plus 1.074% of the amount in excess of \$5,000</del>	108953
<del>More than \$10,000 but not more</del>	<del>\$80.57 plus 2.148% of the amount</del>	108954



<del>than \$15,000</del>	<del>in excess of \$10,000</del>	
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$187.99 plus 2.686% of the amount in excess of \$15,000</del>	108955
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$322.26 plus 3.222% of the amount in excess of \$20,000</del>	108956
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$966.61 plus 3.760% of the amount in excess of \$40,000</del>	108957
<del>More than \$80,000 but not more than \$100,000</del>	<del>\$2,470.50 plus 4.296% of the amount in excess of \$80,000</del>	108958
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$3,329.68 plus 4.988% of the amount in excess of \$100,000</del>	108959
<del>More than \$200,000</del>	<del>\$8,317.35 plus 5.421% of the amount in excess of \$200,000</del>	108960
<del>(8) For taxable years beginning in 2014 or thereafter:</del>		108961
<del>OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)</del>		108962
<del>OR</del>		108963
<del>MODIFIED OHIO TAXABLE INCOME (TRUSTS)</del>		108964
<del>OR</del>		108965
<del>OHIO TAXABLE INCOME (ESTATES)</del>	<del>TAX</del>	108966
<del>\$5,000 or less</del>	<del>.528%</del>	108967
<del>More than \$5,000 but not more than \$10,000</del>	<del>\$26.41 plus 1.057% of the amount in excess of \$5,000</del>	108968
<del>More than \$10,000 but not more than \$15,000</del>	<del>\$79.24 plus 2.113% of the amount in excess of \$10,000</del>	108969
<del>More than \$15,000 but not more than \$20,000</del>	<del>\$184.90 plus 2.642% of the amount in excess of \$15,000</del>	108970
<del>More than \$20,000 but not more than \$40,000</del>	<del>\$316.98 plus 3.169% of the amount in excess of \$20,000</del>	108971
<del>More than \$40,000 but not more than \$80,000</del>	<del>\$950.76 plus 3.698% of the amount in excess of \$40,000</del>	108972
<del>More than \$80,000 but not more</del>	<del>\$2,430.00 plus 4.226% of the</del>	108973
		108974

<del>than \$100,000</del>	<del>amount in excess of \$80,000</del>	
<del>More than \$100,000 but not more than \$200,000</del>	<del>\$3,275.10 plus 4.906% of the amount in excess of \$100,000</del>	108975
<del>More than \$200,000</del>	<del>\$8,181.00 plus 5.333% of the amount in excess of \$200,000</del>	108976

(3) In the case of individuals, for taxable years beginning in 2015 or thereafter, the tax imposed by this section on income other than business income shall be measured by modified Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code. The tax imposed on the balance thus obtained is hereby levied as follows:

MODIFIED OHIO ADJUSTED GROSS 108984

INCOME LESS EXEMPTIONS

(INDIVIDUALS)

OR 108985

MODIFIED OHIO 108986

TAXABLE INCOME (TRUSTS) 108987

OR 108988

OHIO TAXABLE INCOME (ESTATES) TAX 108989

\$5,000 or less .495% 108990

More than \$5,000 but not more than \$10,000 \$24.75 plus .990% of the amount in excess of \$5,000 108991

More than \$10,000 but not more than \$15,000 \$74.25 plus 1.980% of the amount in excess of \$10,000 108992

More than \$15,000 but not more than \$20,000 \$173.25 plus 2.476% of the amount in excess of \$15,000 108993

More than \$20,000 but not more than \$40,000 \$297.05 plus 2.969% of the amount in excess of \$20,000 108994

More than \$40,000 but not more than \$80,000 \$890.85 plus 3.465% of the amount in excess of \$40,000 108995

More than \$80,000 but not more than \$100,000 \$2,276.85 plus 3.960% of the amount in excess of \$80,000 108996

<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,068.85 plus 4.597% of the amount in excess of \$100,000</u>	108997
<u>More than \$200,000</u>	<u>\$7,665.85 plus 4.997% of the amount in excess of \$200,000</u>	108998
<u>(4)(a) In the case of individuals, for taxable years beginning in 2015 or thereafter, the tax imposed by this section on business income shall equal the product of the taxpayer's modified Ohio business income and three per cent.</u>		108999 109000 109001 109002
<u>(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's modified Ohio adjusted gross income, the excess shall be deducted from modified Ohio business income before computing the tax on business income under division (A)(4) of this section.</u>		109003 109004 109005 109006 109007
Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in <del>this</del> <u>division (A)(3) of this section</u> by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. The rates of taxation shall not be adjusted.		109008 109009 109010 109011 109012 109013 109014 109015 109016 109017 109018 109019 109020
The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less		109021 109022 109023 109024 109025 109026

than the amount resulting from the adjustment in the preceding 109027  
year. The commissioner shall not make a new adjustment for taxable 109028  
years beginning in 2013, 2014, or 2015. 109029

(B) If the director of budget and management makes a 109030  
certification to the tax commissioner under division (B) of 109031  
section 131.44 of the Revised Code, the amount of tax as 109032  
determined under ~~division (A)~~ divisions (A)(1) to (3) of this 109033  
section shall be reduced by the percentage prescribed in that 109034  
certification for taxable years beginning in the calendar year in 109035  
which that certification is made. 109036

(C) The levy of this tax on income does not prevent a 109037  
municipal corporation, a joint economic development zone created 109038  
under section 715.691, or a joint economic development district 109039  
created under section 715.70 or 715.71 or sections 715.72 to 109040  
715.81 of the Revised Code from levying a tax on income. 109041

(D) This division applies only to taxable years of a trust 109042  
beginning in 2002 or thereafter. 109043

(1) The tax imposed by this section on a trust shall be 109044  
computed by multiplying the Ohio modified taxable income of the 109045  
trust by the rates prescribed by division (A) of this section. 109046

(2) A resident trust may claim a credit against the tax 109047  
computed under division (D) of this section equal to the lesser of 109048  
(1) the tax paid to another state or the District of Columbia on 109049  
the resident trust's modified nonbusiness income, other than the 109050  
portion of the resident trust's nonbusiness income that is 109051  
qualifying investment income as defined in section 5747.012 of the 109052  
Revised Code, or (2) the effective tax rate, based on modified 109053  
Ohio taxable income, multiplied by the resident trust's modified 109054  
nonbusiness income other than the portion of the resident trust's 109055  
nonbusiness income that is qualifying investment income. The 109056  
credit applies before any other applicable credits. 109057

(3) The credits enumerated in divisions (A)(1) to (13) of section 5747.98 of the Revised Code do not apply to a trust subject to division (D) of this section. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to division (D) of this section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(F) For the purposes of this section:

(1) "Modified Ohio adjusted gross income" means adjusted gross income less Ohio business income, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year.

(2) "Ohio business income" means business income reduced by deductions from business income and apportioned or allocated to this state under sections 5747.21 and 5747.22 of the Revised Code.

(3) "Modified Ohio business income" means Ohio business

income reduced by one hundred twenty-five thousand dollars for 109089  
each spouse if spouses file separate returns under section 5747.08 109090  
of the Revised Code or two hundred fifty thousand dollars for all 109091  
other individuals, provided that "modified Ohio business income" 109092  
shall not be less than zero. 109093

**Sec. 5747.05.** As used in this section, "income tax" includes 109094  
both a tax on net income and a tax measured by net income. 109095

The following credits shall be allowed against the income tax 109096  
imposed by section 5747.02 of the Revised Code on individuals and 109097  
estates: 109098

(A)(1) The amount of tax otherwise due under section 5747.02 109099  
of the Revised Code on such portion of the adjusted gross income 109100  
of any nonresident taxpayer that is not allocable or apportionable 109101  
to this state pursuant to sections 5747.20 to 5747.23 of the 109102  
Revised Code; 109103

(2) The credit provided under this division shall not exceed 109104  
the portion of the total tax due under section 5747.02 of the 109105  
Revised Code that the amount of the nonresident taxpayer's 109106  
adjusted gross income not allocated to this state pursuant to 109107  
sections 5747.20 to 5747.23 of the Revised Code bears to the total 109108  
adjusted gross income of the nonresident taxpayer derived from all 109109  
sources everywhere. 109110

(3) The tax commissioner may enter into an agreement with the 109111  
taxing authorities of any state or of the District of Columbia 109112  
that imposes an income tax to provide that compensation paid in 109113  
this state to a nonresident taxpayer shall not be subject to the 109114  
tax levied in section 5747.02 of the Revised Code so long as 109115  
compensation paid in such other state or in the District of 109116  
Columbia to a resident taxpayer shall likewise not be subject to 109117  
the income tax of such other state or of the District of Columbia. 109118

(B) The lesser of division (B)(1) or (2) of this section: 109119

(1) The amount of tax otherwise due under section 5747.02 of 109120  
the Revised Code on such portion of the adjusted gross income of a 109121  
resident taxpayer that in another state or in the District of 109122  
Columbia is subjected to an income tax. The credit provided under 109123  
division (B)(1) of this section shall not exceed the portion of 109124  
the total tax due under section 5747.02 of the Revised Code that 109125  
the amount of the resident taxpayer's adjusted gross income 109126  
subjected to an income tax in the other state or in the District 109127  
of Columbia bears to the total adjusted gross income of the 109128  
resident taxpayer derived from all sources everywhere. 109129

(2) The amount of income tax liability to another state or 109130  
the District of Columbia on the portion of the adjusted gross 109131  
income of a resident taxpayer that in another state or in the 109132  
District of Columbia is subjected to an income tax. The credit 109133  
provided under division (B)(2) of this section shall not exceed 109134  
the amount of tax otherwise due under section 5747.02 of the 109135  
Revised Code. 109136

(3) If the credit provided under division (B) of this section 109137  
is affected by a change in either the portion of adjusted gross 109138  
income of a resident taxpayer subjected to an income tax in 109139  
another state or the District of Columbia or the amount of income 109140  
tax liability that has been paid to another state or the District 109141  
of Columbia, the taxpayer shall report the change to the tax 109142  
commissioner within sixty days of the change in such form as the 109143  
commissioner requires. 109144

(a) In the case of an underpayment, the report shall be 109145  
accompanied by payment of any additional tax due as a result of 109146  
the reduction in credit together with interest on the additional 109147  
tax and is a return subject to assessment under section 5747.13 of 109148  
the Revised Code solely for the purpose of assessing any 109149  
additional tax due under this division, together with any 109150

applicable penalty and interest. It shall not reopen the 109151  
computation of the taxpayer's tax liability under this chapter 109152  
from a previously filed return no longer subject to assessment 109153  
except to the extent that such liability is affected by an 109154  
adjustment to the credit allowed by division (B) of this section. 109155

(b) In the case of an overpayment, an application for refund 109156  
may be filed under this division within the sixty-day period 109157  
prescribed for filing the report even if it is beyond the period 109158  
prescribed in section 5747.11 of the Revised Code if it otherwise 109159  
conforms to the requirements of such section. An application filed 109160  
under this division shall only claim refund of overpayments 109161  
resulting from an adjustment to the credit allowed by division (B) 109162  
of this section unless it is also filed within the time prescribed 109163  
in section 5747.11 of the Revised Code. It shall not reopen the 109164  
computation of the taxpayer's tax liability except to the extent 109165  
that such liability is affected by an adjustment to the credit 109166  
allowed by division (B) of this section. 109167

(4) No credit shall be allowed under division (B) of this 109168  
section ~~for~~: 109169

(a) For income tax paid or accrued to another state or to the 109170  
District of Columbia if the taxpayer, when computing federal 109171  
adjusted gross income, has directly or indirectly deducted, or was 109172  
required to directly or indirectly deduct, the amount of that 109173  
income tax; 109174

(b) For compensation that is not subject to the income tax of 109175  
another state or the District of Columbia as the result of an 109176  
agreement entered into by the tax commissioner under division 109177  
(A)(3) of this section; or 109178

(c) For income tax paid or accrued to another state or the 109179  
District of Columbia if the taxpayer fails to furnish such proof 109180  
as the tax commissioner shall require that such income tax 109181



liability has been paid. 109182

~~(C) For a taxpayer sixty five years of age or older during 109183  
the taxable year, a credit for such year equal to fifty dollars 109184  
for each return required to be filed under section 5747.08 of the 109185  
Revised Code. 109186~~

~~(D) A taxpayer sixty five years of age or older during the 109187  
taxable year who has received a lump sum distribution from a 109188  
pension, retirement, or profit sharing plan in the taxable year 109189  
may elect to receive a credit under this division in lieu of the 109190  
credit to which the taxpayer is entitled under division (C) of 109191  
this section. A taxpayer making such election shall receive a 109192  
credit for the taxable year equal to fifty dollars times the 109193  
taxpayer's expected remaining life as shown by annuity tables 109194  
issued under the provisions of the Internal Revenue Code and in 109195  
effect for the calendar year which includes the last day of the 109196  
taxable year. A taxpayer making an election under this division is 109197  
not entitled to the credit authorized under division (C) of this 109198  
section in subsequent taxable years except that if such election 109199  
was made prior to July 1, 1983, the taxpayer is entitled to 109200  
one half the credit authorized under such division in subsequent 109201  
taxable years but may not make another election under this 109202  
division. 109203~~

~~(E) A taxpayer who is not sixty five years of age or older 109204  
during the taxable year who has received a lump sum distribution 109205  
from a pension, retirement, or profit sharing plan in a taxable 109206  
year ending on or before July 31, 1991, may elect to take a credit 109207  
against the tax otherwise due under this chapter for such year 109208  
equal to fifty dollars times the expected remaining life of a 109209  
taxpayer sixty five years of age as shown by annuity tables issued 109210  
under the provisions of the Internal Revenue Code and in effect 109211  
for the calendar year which includes the last day of the taxable 109212  
year. A taxpayer making an election under this division is not 109213~~

~~entitled to a credit under division (C) or (D) of this section in 109214  
any subsequent year except that if such election was made prior to 109215  
July 1, 1983, the taxpayer is entitled to one half the credit 109216  
authorized under division (C) of this section in subsequent years 109217  
but may not make another election under this division. No taxpayer 109218  
may make an election under this division for a taxable year ending 109219  
on or after August 1, 1991. 109220~~

~~(F) A taxpayer making an election under either division (D) 109221  
or (E) of this section may make only one such election in the 109222  
taxpayer's lifetime. 109223~~

~~(G) An individual who is a resident for part of a taxable 109224  
year and a nonresident for the remainder of the taxable year is 109225  
allowed the credits under divisions (A) and (B) of this section in 109226  
accordance with rules prescribed by the tax commissioner. In no 109227  
event shall the same income be subject to both credits. 109228~~

~~(D) The credit allowed under division (A) of this section 109229  
shall be calculated based upon the amount of tax due under section 109230  
5747.02 of the Revised Code after subtracting any other credits 109231  
that precede the credit under that division in the order required 109232  
under section 5747.98 of the Revised Code. The credit allowed 109233  
under division (B) of this section shall be calculated based upon 109234  
the amount of tax due under section 5747.02 of the Revised Code 109235  
after subtracting any other credits that precede the credit under 109236  
that division in the order required under section 5747.98 of the 109237  
Revised Code. 109238~~

~~(E)(1) On a joint return filed by a husband and wife, each of 109239  
whom had adjusted gross income of at least five hundred dollars, 109240  
exclusive of interest, dividends and distributions, royalties, 109241  
rent, and capital gains, a credit equal to the percentage shown in 109242  
the table contained in this division of the amount of tax due 109243  
after allowing for any other credit that precedes the credit under 109244  
this division in the order required under section 5747.98 of the 109245~~

Revised Code. 109246

(2) The credit to which a taxpayer is entitled under this 109247  
division in any taxable year is the percentage shown in column B 109248  
that corresponds with the taxpayer's adjusted gross income, less 109249  
exemptions for the taxable year: 109250

A.	B.	
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	109252
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	
IS:		

\$25,000 or less	20%	109253
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More than \$25,000 but not more than \$50,000	15%	109254
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More than \$50,000 but not more than \$75,000	10%	109255
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More than \$75,000	5%	109256
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(3) The credit allowed under this division shall not exceed 109257  
six hundred fifty dollars in any taxable year. 109258

(4) The credit shall be claimed in the order required under 109259  
section 5747.98 of the Revised Code. 109260

~~(H)(F) No claim for credit under this section shall be 109261  
allowed unless the claimant furnishes such supporting information 109262  
as the tax commissioner prescribes by rules. Each credit under 109263  
this section shall be claimed in the order required under section 109264  
5747.98 of the Revised Code. 109265~~

~~(I) An individual who is a resident for part of a taxable 109266  
year and a nonresident for the remainder of the taxable year is 109267  
allowed the credits under divisions (A) and (B) of this section in 109268  
accordance with rules prescribed by the tax commissioner. In no 109269  
event shall the same income be subject to both credits. 109270~~

~~(J) The credit allowed under division (A) of this section 109271  
shall be calculated based upon the amount of tax due under section 109272~~

~~5747.02 of the Revised Code after subtracting any other credits 109273  
that precede the credit under that division in the order required 109274  
under section 5747.98 of the Revised Code. The credit allowed 109275  
under division (B) of this section shall be calculated based upon 109276  
the amount of tax due under section 5747.02 of the Revised Code 109277  
after subtracting any other credits that precede the credit under 109278  
that division in the order required under section 5747.98 of the 109279  
Revised Code. 109280~~

~~(K) No credit shall be allowed under division (B) of this 109281  
section unless the taxpayer furnishes such proof as the tax 109282  
commissioner shall require that the income tax liability has been 109283  
paid to another state or the District of Columbia. 109284~~

~~(L) No credit shall be allowed under division (B) of this 109285  
section for compensation that is not subject to the income tax of 109286  
another state or the District of Columbia as the result of an 109287  
agreement entered into by the tax commissioner under division 109288  
(A)(3) of this section. 109289~~

**Sec. 5747.055.** (A) As used in this section "retirement 109290  
income" means retirement benefits, annuities, or distributions 109291  
that are made from or pursuant to a pension, retirement, or 109292  
profit-sharing plan and that: 109293

(1) In the case of an individual, are received by the 109294  
individual on account of retirement and are included in the 109295  
individual's adjusted gross income; 109296

(2) In the case of an estate, are payable to the estate for 109297  
the benefit of the surviving spouse of the decedent and are 109298  
included in the estate's taxable income. 109299

(B) A credit shall be allowed against the tax imposed by 109300  
section 5747.02 of the Revised Code for taxpayers who received 109301  
retirement income during the taxable year and whose adjusted gross 109302

income for the taxable year, less applicable exemptions under 109303  
section 5747.025 of the Revised Code, as shown on an individual or 109304  
joint annual return is less than one hundred thousand dollars. 109305

Only one such credit shall be allowed for each return, and the 109306  
amount of the credit shall be computed in accordance with the 109307  
following schedule, ~~subject to the limitation provided in division~~ 109308  
~~(F) of this section:~~ 109309

AMOUNT OF RETIREMENT INCOME RECEIVED	CREDIT FOR THE	109310
DURING THE TAXABLE YEAR	TAXABLE YEAR	109311
\$500 or less	\$ 0	109312
Over \$500 but not more than \$1,500	\$ 25	109313
Over \$1,500 but not more than \$3,000	\$ 50	109314
Over \$3,000 but not more than \$5,000	\$ 80	109315
Over \$5,000 but not more than \$8,000	\$130	109316
Over \$8,000	\$200	109317

(C) ~~At the election of a~~ A taxpayer who receives received a 109318  
lump-sum distribution from a pension, retirement, or 109319  
profit-sharing plan ~~within one~~ in the taxable year and whose 109320  
adjusted gross income for the taxable year, less applicable 109321  
exemptions under section 5747.025 of the Revised Code, as shown on 109322  
an individual or joint annual return is less than one hundred 109323  
thousand dollars, the credit allowed by this section for that year 109324  
~~shall be~~ may elect to receive a credit under this division in lieu 109325  
of the credit allowed under division (B) of this section. A 109326  
taxpayer making such an election is not entitled to the credit 109327  
authorized under this division or division (B) of this section in 109328  
subsequent taxable years. A taxpayer electing the credit under 109329  
this division shall receive a credit for the taxable year against 109330  
the tax imposed by section 5747.02 of the Revised Code computed as 109331  
follows: 109332

(1) Divide the amount of retirement income received during 109333  
the taxable year by the taxpayer's expected remaining life on the 109334

last day of the taxable year, as shown by annuity tables issued 109335  
under the provisions of the Internal Revenue Code and in effect 109336  
for the calendar year that includes the last day of the taxable 109337  
year; 109338

(2) Using the quotient thus obtained as the amount of 109339  
retirement income received during the taxable year, compute the 109340  
credit for the taxable year in accordance with division (B) of 109341  
this section; 109342

(3) Multiply the credit thus obtained by the taxpayer's 109343  
expected remaining life. The product thus obtained shall be the 109344  
credit under this division for the taxable year. ~~A taxpayer who~~ 109345  
~~elects to receive a credit under this division is not entitled to~~ 109346  
~~receive a credit under this section for any subsequent year except~~ 109347  
~~as provided in divisions (D) and (E) of this section.~~ 109348

(D) If the credit under division (C) or (E) of this section 109349  
exceeds the tax due for the taxable year after allowing for any 109350  
other credit that precedes that credit in the order required under 109351  
section 5747.98 of the Revised Code, the taxpayer may elect to 109352  
receive a credit for each subsequent taxable year. The amount of 109353  
the credit for each such year shall be computed as follows: 109354

(1) Determine the amount by which the unused credit elected 109355  
under division (C) or (E) of this section exceeded the tax due for 109356  
the taxable year after allowing for any preceding credit in the 109357  
required order; 109358

(2) Divide the amount of such excess by one year less than 109359  
the taxpayer's expected remaining life on the last day of the 109360  
taxable year of the distribution for which the credit was allowed 109361  
under division (C) or (E) of this section. The quotient thus 109362  
obtained shall be the credit for each subsequent year. 109363

(E) If subsequent to the receipt of a lump-sum distribution 109364  
and an election under division (C) of this section an individual 109365

receives another lump-sum distribution within one taxable year, 109366  
and the taxpayer's adjusted gross income for the taxable year, 109367  
less applicable exemptions under section 5747.025 of the Revised 109368  
Code, as shown on an individual or joint annual return is less 109369  
than one hundred thousand dollars, the taxpayer may elect to 109370  
receive a credit for that taxable year. The credit shall equal the 109371  
lesser of: 109372

(1) A credit computed in the manner prescribed in division 109373  
(C) of this section; 109374

(2) The amount of credit, if any, to which the taxpayer would 109375  
otherwise be entitled for the taxable year under division (D) of 109376  
this section times the taxpayer's expected remaining life on the 109377  
last day of the taxable year. A taxpayer who elects to receive a 109378  
credit under this division is not entitled to a credit under this 109379  
division or division (B) or (C) of this section for any subsequent 109380  
year except as provided in division (D) of this section. 109381

~~(F) In the case of a taxpayer who elected to take an 109382  
exclusion under division (A)(1) or (3) of former section 5747.01 109383  
of the Revised Code based upon the taxpayer's expected remaining 109384  
life, and who was entitled immediately preceding the effective 109385  
date of this section under division (A)(2) or (3) of such section 109386  
to a further exclusion, any credit computed in accordance with the 109387  
schedule in division (B) of this section, including the credit 109388  
computed under division (C)(2) of this section, shall not exceed 109389  
the credit available upon an amount of retirement income received 109390  
during the taxable year equal to the sum of such former exclusion 109391  
plus four thousand dollars A credit equal to fifty dollars for 109392  
each return required to be filed under section 5747.08 of the 109393  
Revised Code shall be allowed against the tax imposed by section 109394  
5747.02 of the Revised Code for taxpayers sixty-five years of age 109395  
or older during the taxable year whose adjusted gross income, less 109396  
applicable exemptions under section 5747.025 of the Revised Code, 109397~~

as shown on an individual or joint annual return is less than one 109398  
hundred thousand dollars for that taxable year. 109399

(G) A taxpayer sixty-five years of age or older during the 109400  
taxable year who has received a lump-sum distribution from a 109401  
pension, retirement, or profit-sharing plan in the taxable year, 109402  
and whose adjusted gross income, less applicable exemptions under 109403  
section 5747.025 of the Revised Code, as shown on an individual or 109404  
joint annual return is less than one hundred thousand dollars for 109405  
that taxable year may elect to receive a credit under this 109406  
division in lieu of the credit to which the taxpayer is entitled 109407  
under division (F) of this section. A taxpayer making such an 109408  
election shall receive a credit for the taxable year against the 109409  
tax imposed by section 5747.02 of the Revised Code equal to fifty 109410  
dollars times the taxpayer's expected remaining life as shown by 109411  
annuity tables issued under the Internal Revenue Code and in 109412  
effect for the calendar year that includes the last day of the 109413  
taxable year. A taxpayer making an election under this division is 109414  
not entitled to the credit authorized under this division or 109415  
division (F) of this section in subsequent taxable years. 109416

(H) The credits allowed by this section shall be claimed in 109417  
the order required under section 5747.98 of the Revised Code. The 109418  
tax commissioner may require a taxpayer to furnish any information 109419  
necessary to support a claim for credit under this section, and no 109420  
credit shall be allowed unless such information is provided. 109421

**Sec. 5747.058.** (A) A refundable income tax credit granted by 109422  
the tax credit authority under section 122.17 or former division 109423  
(B)(2) or (3) of section 122.171 of the Revised Code, as those 109424  
divisions existed before the effective date of the amendment of 109425  
this section by H.B. 64 of the 131st general assembly, may be 109426  
claimed under this chapter, in the order required under section 109427  
5747.98 of the Revised Code. For purposes of making tax payments 109428



under this chapter, taxes equal to the amount of the refundable 109429  
credit shall be considered to be paid to this state on the first 109430  
day of the taxable year. The refundable credit shall not be 109431  
claimed for any taxable years ending with or following the 109432  
calendar year in which a relocation of employment positions occurs 109433  
in violation of an agreement entered into under section 122.17 or 109434  
122.171 of the Revised Code. 109435

(B) A nonrefundable income tax credit granted by the tax 109436  
credit authority under division (B)~~(1)~~ of section 122.171 of the 109437  
Revised Code may be claimed under this chapter, in the order 109438  
required under section 5747.98 of the Revised Code. 109439

**Sec. 5747.08.** An annual return with respect to the tax 109440  
imposed by section 5747.02 of the Revised Code and each tax 109441  
imposed under Chapter 5748. of the Revised Code shall be made by 109442  
every taxpayer for any taxable year for which the taxpayer is 109443  
liable for the tax imposed by that section or under that chapter, 109444  
unless the total credits allowed under ~~divisions~~ division (E)~~7~~ 109445  
~~(F), and (G)~~ of section 5747.05 and divisions (F) and (G) of 109446  
section 5747.055 of the Revised Code for the year are equal to or 109447  
exceed the tax imposed by section 5747.02 of the Revised Code, in 109448  
which case no return shall be required unless the taxpayer is 109449  
liable for a tax imposed pursuant to Chapter 5748. of the Revised 109450  
Code. 109451

(A) If an individual is deceased, any return or notice 109452  
required of that individual under this chapter shall be made and 109453  
filed by that decedent's executor, administrator, or other person 109454  
charged with the property of that decedent. 109455

(B) If an individual is unable to make a return or notice 109456  
required by this chapter, the return or notice required of that 109457  
individual shall be made and filed by the individual's duly 109458  
authorized agent, guardian, conservator, fiduciary, or other 109459

person charged with the care of the person or property of that individual. 109460  
109461

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust. 109462  
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(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code. 109464  
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(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code. 109486  
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(ii) A pass-through entity shall not include in such a single 109491

return any investor that is itself a pass-through entity to the 109492  
extent that any direct or indirect investor in the second 109493  
pass-through entity is a person subject to the tax imposed under 109494  
section 5733.06 of the Revised Code. 109495

(c) Nothing in division (D) of this section precludes the tax 109496  
commissioner from requiring such investors to file the return and 109497  
make the payment of taxes and related interest, penalty, and 109498  
interest penalty required by this section or section 5747.02, 109499  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 109500  
of this section precludes such an investor from filing the annual 109501  
return under this section, utilizing the refundable credit equal 109502  
to the investor's proportionate share of the tax paid by the 109503  
pass-through entity on behalf of the investor under division (I) 109504  
of this section, and making the payment of taxes imposed under 109505  
section 5747.02 of the Revised Code. Nothing in division (D) of 109506  
this section shall be construed to provide to such an investor or 109507  
pass-through entity any additional deduction or credit, other than 109508  
the credit provided by division (I) of this section, solely on 109509  
account of the entity's filing a return in accordance with this 109510  
section. Such a pass-through entity also shall make the filing and 109511  
payment of estimated taxes on behalf of the pass-through entity 109512  
investors other than an investor that is a person subject to the 109513  
tax imposed under section 5733.06 of the Revised Code. 109514

(2) For the purposes of this section, "business credits" 109515  
means the credits listed in section 5747.98 of the Revised Code 109516  
excluding the following credits: 109517

(a) The retirement income credit under division (B) of 109518  
section 5747.055 of the Revised Code; 109519

(b) The senior citizen credit under division ~~(C)~~(F) of 109520  
section ~~5747.05~~ 5747.055 of the Revised Code; 109521

(c) The lump sum distribution credit under division ~~(D)~~(G) of 109522

section <del>5747.05</del> <u>5747.055</u> of the Revised Code;	109523
(d) The dependent care credit under section 5747.054 of the Revised Code;	109524
	109525
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	109526
	109527
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	109528
	109529
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	109530
	109531
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	109532
	109533
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	109534
	109535
(j) The joint filing credit under division <del>(G)</del> <u>(E)</u> of section 5747.05 of the Revised Code;	109536
	109537
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	109538
	109539
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	109540
	109541
(m) The low-income credit under section 5747.056 of the Revised Code;	109542
	109543
(n) The earned income tax credit under section 5747.71 of the Revised Code.	109544
	109545
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any	109546
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deduction or credit that would not be allowable if a nonresident 109552  
pass-through entity investor were to file an annual return. 109553

(4) If a pass-through entity makes the election provided for 109554  
under division (D) of this section, the pass-through entity shall 109555  
be liable for any additional taxes, interest, interest penalty, or 109556  
penalties imposed by this chapter if the tax commissioner finds 109557  
that the single return does not reflect the correct tax due by the 109558  
pass-through entity investors covered by that return. Nothing in 109559  
this division shall be construed to limit or alter the liability, 109560  
if any, imposed on pass-through entity investors for unpaid or 109561  
underpaid taxes, interest, interest penalty, or penalties as a 109562  
result of the pass-through entity's making the election provided 109563  
for under division (D) of this section. For the purposes of 109564  
division (D) of this section, "correct tax due" means the tax that 109565  
would have been paid by the pass-through entity had the single 109566  
return been filed in a manner reflecting the commissioner's 109567  
findings. Nothing in division (D) of this section shall be 109568  
construed to make or hold a pass-through entity liable for tax 109569  
attributable to a pass-through entity investor's income from a 109570  
source other than the pass-through entity electing to file the 109571  
single return. 109572

(E) If a husband and wife file a joint federal income tax 109573  
return for a taxable year, they shall file a joint return under 109574  
this section for that taxable year, and their liabilities are 109575  
joint and several, but, if the federal income tax liability of 109576  
either spouse is determined on a separate federal income tax 109577  
return, they shall file separate returns under this section. 109578

If either spouse is not required to file a federal income tax 109579  
return and either or both are required to file a return pursuant 109580  
to this chapter, they may elect to file separate or joint returns, 109581  
and, pursuant to that election, their liabilities are separate or 109582  
joint and several. If a husband and wife file separate returns 109583

pursuant to this chapter, each must claim the taxpayer's own 109584  
exemption, but not both, as authorized under section 5747.02 of 109585  
the Revised Code on the taxpayer's own return. 109586

(F) Each return or notice required to be filed under this 109587  
section shall contain the signature of the taxpayer or the 109588  
taxpayer's duly authorized agent and of the person who prepared 109589  
the return for the taxpayer, and shall include the taxpayer's 109590  
social security number. Each return shall be verified by a 109591  
declaration under the penalties of perjury. The tax commissioner 109592  
shall prescribe the form that the signature and declaration shall 109593  
take. 109594

(G) Each return or notice required to be filed under this 109595  
section shall be made and filed as required by section 5747.04 of 109596  
the Revised Code, on or before the fifteenth day of April of each 109597  
year, on forms that the tax commissioner shall prescribe, together 109598  
with remittance made payable to the treasurer of state in the 109599  
combined amount of the state and all school district income taxes 109600  
shown to be due on the form. 109601

Upon good cause shown, the commissioner may extend the period 109602  
for filing any notice or return required to be filed under this 109603  
section and may adopt rules relating to extensions. If the 109604  
extension results in an extension of time for the payment of any 109605  
state or school district income tax liability with respect to 109606  
which the return is filed, the taxpayer shall pay at the time the 109607  
tax liability is paid an amount of interest computed at the rate 109608  
per annum prescribed by section 5703.47 of the Revised Code on 109609  
that liability from the time that payment is due without extension 109610  
to the time of actual payment. Except as provided in section 109611  
5747.132 of the Revised Code, in addition to all other interest 109612  
charges and penalties, all taxes imposed under this chapter or 109613  
Chapter 5748. of the Revised Code and remaining unpaid after they 109614  
become due, except combined amounts due of one dollar or less, 109615

bear interest at the rate per annum prescribed by section 5703.47 109616  
of the Revised Code until paid or until the day an assessment is 109617  
issued under section 5747.13 of the Revised Code, whichever occurs 109618  
first. 109619

If the commissioner considers it necessary in order to ensure 109620  
the payment of the tax imposed by section 5747.02 of the Revised 109621  
Code or any tax imposed under Chapter 5748. of the Revised Code, 109622  
the commissioner may require returns and payments to be made 109623  
otherwise than as provided in this section. 109624

To the extent that any provision in this division conflicts 109625  
with any provision in section 5747.026 of the Revised Code, the 109626  
provision in that section prevails. 109627

(H) The amounts withheld by an employer pursuant to section 109628  
5747.06 of the Revised Code, a casino operator pursuant to section 109629  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 109630  
section 5747.064 of the Revised Code shall be allowed to the 109631  
recipient of the compensation casino winnings, or lottery prize 109632  
award as credits against payment of the appropriate taxes imposed 109633  
on the recipient by section 5747.02 and under Chapter 5748. of the 109634  
Revised Code. 109635

(I) If a pass-through entity elects to file a single return 109636  
under division (D) of this section and if any investor is required 109637  
to file the annual return and make the payment of taxes required 109638  
by this chapter on account of the investor's other income that is 109639  
not included in a single return filed by a pass-through entity or 109640  
any other investor elects to file the annual return, the investor 109641  
is entitled to a refundable credit equal to the investor's 109642  
proportionate share of the tax paid by the pass-through entity on 109643  
behalf of the investor. The investor shall claim the credit for 109644  
the investor's taxable year in which or with which ends the 109645  
taxable year of the pass-through entity. Nothing in this chapter 109646  
shall be construed to allow any credit provided in this chapter to 109647

be claimed more than once. For the purpose of computing any 109648  
interest, penalty, or interest penalty, the investor shall be 109649  
deemed to have paid the refundable credit provided by this 109650  
division on the day that the pass-through entity paid the 109651  
estimated tax or the tax giving rise to the credit. 109652

(J) The tax commissioner shall ensure that each return 109653  
required to be filed under this section includes a box that the 109654  
taxpayer may check to authorize a paid tax preparer who prepared 109655  
the return to communicate with the department of taxation about 109656  
matters pertaining to the return. The return or instructions 109657  
accompanying the return shall indicate that by checking the box 109658  
the taxpayer authorizes the department of taxation to contact the 109659  
preparer concerning questions that arise during the processing of 109660  
the return and authorizes the preparer only to provide the 109661  
department with information that is missing from the return, to 109662  
contact the department for information about the processing of the 109663  
return or the status of the taxpayer's refund or payments, and to 109664  
respond to notices about mathematical errors, offsets, or return 109665  
preparation that the taxpayer has received from the department and 109666  
has shown to the preparer. 109667

(K) The tax commissioner shall permit individual taxpayers to 109668  
instruct the department of taxation to cause any refund of 109669  
overpaid taxes to be deposited directly into a checking account, 109670  
savings account, or an individual retirement account or individual 109671  
retirement annuity, or preexisting college savings plan or program 109672  
account offered by the Ohio tuition trust authority under Chapter 109673  
3334. of the Revised Code, as designated by the taxpayer, when the 109674  
taxpayer files the annual return required by this section 109675  
electronically. 109676

(L) The tax commissioner may adopt rules to administer this 109677  
section. 109678



**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 109679  
section 5747.11 of the Revised Code who wishes to contribute any 109680  
part of the taxpayer's refund to the natural areas and preserves 109681  
fund created in section 1517.11 of the Revised Code, the nongame 109682  
and endangered wildlife fund created in section 1531.26 of the 109683  
Revised Code, the military injury relief fund created in section 109684  
~~5101.98~~ 5902.05 of the Revised Code, the Ohio historical society 109685  
income tax contribution fund created in section 149.308 of the 109686  
Revised Code, the breast and cervical cancer project income tax 109687  
contribution fund created in section 3701.601 of the Revised Code, 109688  
the wishes for sick children income tax contribution fund created 109689  
in section 3701.602 of the Revised Code, or all of those funds may 109690  
designate on the taxpayer's income tax return the amount that the 109691  
taxpayer wishes to contribute to the fund or funds. A designated 109692  
contribution is irrevocable upon the filing of the return and 109693  
shall be made in the full amount designated if the refund found 109694  
due the taxpayer upon the initial processing of the taxpayer's 109695  
return, after any deductions including those required by section 109696  
5747.12 of the Revised Code, is greater than or equal to the 109697  
designated contribution. If the refund due as initially determined 109698  
is less than the designated contribution, the contribution shall 109699  
be made in the full amount of the refund. The tax commissioner 109700  
shall subtract the amount of the contribution from the amount of 109701  
the refund initially found due the taxpayer and shall certify the 109702  
difference to the director of budget and management and treasurer 109703  
of state for payment to the taxpayer in accordance with section 109704  
5747.11 of the Revised Code. For the purpose of any subsequent 109705  
determination of the taxpayer's net tax payment, the contribution 109706  
shall be considered a part of the refund paid to the taxpayer. 109707

(B) The tax commissioner shall provide a space on the income 109708  
tax return form in which a taxpayer may indicate that the taxpayer 109709  
wishes to make a donation in accordance with this section. The tax 109710

commissioner shall also print in the instructions accompanying the 109711  
income tax return form a description of the purposes for which the 109712  
natural areas and preserves fund, the nongame and endangered 109713  
wildlife fund, the military injury relief fund, the Ohio 109714  
historical society income tax contribution fund, ~~and~~ the breast 109715  
and cervical cancer project income tax contribution fund, and the 109716  
wishes for sick children income tax contribution fund were created 109717  
and the use of moneys from the income tax refund contribution 109718  
system established in this section. No person shall designate on 109719  
the person's income tax return any part of a refund claimed under 109720  
section 5747.11 of the Revised Code as a contribution to any fund 109721  
other than the natural areas and preserves fund, the nongame and 109722  
endangered wildlife fund, the military injury relief fund, the 109723  
Ohio historical society income tax contribution fund, ~~or~~ the 109724  
breast and cervical cancer project income tax contribution fund, 109725  
or the wishes for sick children income tax contribution fund. 109726

(C) The money collected under the income tax refund 109727  
contribution system established in this section shall be deposited 109728  
by the tax commissioner into the natural areas and preserves fund, 109729  
the nongame and endangered wildlife fund, the military injury 109730  
relief fund, the Ohio historical society income tax contribution 109731  
fund, ~~and~~ the breast and cervical cancer project income tax 109732  
contribution fund, and the wishes for sick children income tax 109733  
contribution fund in the amounts designated on the tax returns. 109734

(D) No later than the thirtieth day of September each year, 109735  
the tax commissioner shall determine the total amount contributed 109736  
to each fund under this section during the preceding eight months, 109737  
any adjustments to prior months, and the cost to the department of 109738  
taxation of administering the income tax refund contribution 109739  
system during that eight-month period. The commissioner shall make 109740  
an additional determination no later than the thirty-first day of 109741  
January of each year of the total amount contributed to each fund 109742

under this section during the preceding four calendar months, any 109743  
adjustments to prior years made during that four-month period, and 109744  
the cost to the department of taxation of administering the income 109745  
tax contribution system during that period. The cost of 109746  
administering the income tax contribution system shall be 109747  
certified by the tax commissioner to the director of budget and 109748  
management, who shall transfer an amount equal to ~~one-fifth~~ 109749  
one-sixth of such administrative costs from each of the ~~five~~ six 109750  
funds to the income tax contribution fund, which is hereby 109751  
created, provided that the moneys that the department receives to 109752  
pay the cost of administering the income tax refund contribution 109753  
system in any year shall not exceed two and one-half per cent of 109754  
the total amount contributed under that system during that year. 109755

(E) If the total amount contributed to a fund under this 109756  
section in each of two consecutive calendar years is less than one 109757  
hundred fifty thousand dollars, no person may designate a 109758  
contribution to that fund for any taxable year ending after the 109759  
last day of that two-year period. In such a case, the tax 109760  
commissioner shall remove the space dedicated to the fund on the 109761  
income tax return and the description of the fund in the 109762  
instructions accompanying the income tax return. 109763

(F) The general assembly may authorize taxpayer refund 109764  
contributions to no more than six funds under the income tax 109765  
refund contribution system established in this section. If the 109766  
general assembly authorizes income tax refund contributions to a 109767  
fund other than the natural areas and preserves fund, the nongame 109768  
and endangered wildlife fund, the military injury relief fund, the 109769  
Ohio historical society income tax contribution fund, ~~or~~ the 109770  
breast and cervical cancer project income tax contribution fund, 109771  
or the wishes for sick children income tax contribution fund, such 109772  
contributions may be authorized only for a period of two calendar 109773  
years. 109774

With the exception of the Ohio historical society income tax 109775  
contribution fund, the general assembly may authorize income tax 109776  
refund contributions to a fund only if all the money in the fund 109777  
will be expended or distributed by a state agency as defined in 109778  
section 1.60 of the Revised Code. 109779

(G)(1) The director of natural resources, in January of every 109780  
odd-numbered year, shall report to the general assembly on the 109781  
effectiveness of the income tax refund contribution system as it 109782  
pertains to the natural areas and preserves fund and the nongame 109783  
and endangered wildlife fund. The report shall include the amount 109784  
of money contributed to each fund in each of the previous five 109785  
years, the amount of money contributed directly to each fund in 109786  
addition to or independently of the income tax refund contribution 109787  
system in each of the previous five years, and the purposes for 109788  
which the money was expended. 109789

(2) The director of ~~job and family~~ veterans services, the 109790  
director of the Ohio historical society, and the director of 109791  
health, in January of every odd-numbered year, each shall report 109792  
to the general assembly on the effectiveness of the income tax 109793  
refund contribution system as it pertains to the military injury 109794  
relief fund, the Ohio historical society income tax contribution 109795  
fund, ~~and~~ the breast and cervical cancer project income tax 109796  
contribution fund, and the wishes for sick children income tax 109797  
contribution fund respectively. The report shall include the 109798  
amount of money contributed to the fund in each of the previous 109799  
five years, the amount of money contributed directly to the fund 109800  
in addition to or independently of the income tax refund 109801  
contribution system in each of the previous five years, and the 109802  
purposes for which the money was expended. 109803

**Sec. 5747.50.** (A) As used in this section: 109804

(1) "County's proportionate share of the calendar year 2007 109805

LGF and LGRAF distributions" means the percentage computed for the 109806  
county under division (B)(1)(a) of section 5747.501 of the Revised 109807  
Code. 109808

(2) "County's proportionate share of the total amount of the 109809  
local government fund additional revenue formula" means each 109810  
county's proportionate share of the state's population as 109811  
determined for and certified to the county for distributions to be 109812  
made during the current calendar year under division (B)(2)(a) of 109813  
section 5747.501 of the Revised Code. If prior to the first day of 109814  
January of the current calendar year the federal government has 109815  
issued a revision to the population figures reflected in the 109816  
estimate produced pursuant to division (B)(2)(a) of section 109817  
5747.501 of the Revised Code, such revised population figures 109818  
shall be used for making the distributions during the current 109819  
calendar year. 109820

(3) "2007 LGF and LGRAF county distribution base available in 109821  
that month" means the lesser of the amounts described in division 109822  
(A)(3)(a) and (b) of this section, provided that the amount shall 109823  
not be less than zero: 109824

(a) The total amount available for distribution to counties 109825  
from the local government fund during the current month. 109826

(b) The total amount distributed to counties from the local 109827  
government fund and the local government revenue assistance fund 109828  
to counties in calendar year 2007 less the total amount 109829  
distributed to counties under division (B)(1) of this section 109830  
during previous months of the current calendar year. 109831

(4) "Local government fund additional revenue distribution 109832  
base available during that month" means the total amount available 109833  
for distribution to counties during the month from the local 109834  
government fund, less any amounts to be distributed in that month 109835  
from the local government fund under division (B)(1) of this 109836

section, provided that the local government fund additional 109837  
revenue distribution base available during that month shall not be 109838  
less than zero. 109839

(5) "Total amount available for distribution to counties" 109840  
means the total amount available for distribution from the local 109841  
government fund during the current month less the total amount 109842  
available for distribution to municipal corporations during the 109843  
current month under division (C) of this section. 109844

(B) On or before the tenth day of each month, the tax 109845  
commissioner shall provide for payment to each county an amount 109846  
equal to the sum of: 109847

(1) The county's proportionate share of the calendar year 109848  
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 109849  
LGRAF county distribution base available in that month, provided 109850  
that if the 2007 LGF and LGRAF county distribution base available 109851  
in that month is zero, no payment shall be made under division 109852  
(B)(1) of this section for the month or the remainder of the 109853  
calendar year; and 109854

(2) The county's proportionate share of the total amount of 109855  
the local government fund additional revenue formula multiplied by 109856  
the local government fund additional revenue distribution base 109857  
available during that month. 109858

Money received into the treasury of a county under this 109859  
division shall be credited to the undivided local government fund 109860  
in the treasury of the county on or before the fifteenth day of 109861  
each month. On or before the twentieth day of each month, the 109862  
county auditor shall issue warrants against all of the undivided 109863  
local government fund in the county treasury in the respective 109864  
amounts allowed as provided in section 5747.51 of the Revised 109865  
Code, and the treasurer shall distribute and pay such sums to the 109866  
subdivision therein. 109867

(C)(1) As used in division (C) of this section: 109868

(a) "Total amount available for distribution to 109869  
municipalities during the current month" means the product 109870  
obtained by multiplying the total amount available for 109871  
distribution from the local government fund during the current 109872  
month by the aggregate municipal share. 109873

(b) "Aggregate municipal share" means the quotient obtained 109874  
by dividing the total amount distributed directly from the local 109875  
government fund to municipal corporations during calendar year 109876  
2007 by the total distributions from the local government fund and 109877  
local government revenue assistance fund during calendar year 109878  
2007. 109879

(2) On or before the tenth day of each month, the tax 109880  
commissioner shall provide for payment from the local government 109881  
fund to each municipal corporation an amount equal to the product 109882  
derived by multiplying the municipal corporation's percentage of 109883  
the total amount distributed to all such municipal corporations 109884  
under this division during calendar year 2007 by the total amount 109885  
available for distribution to municipal corporations during the 109886  
current month. 109887

(3) Payments received by a municipal corporation under this 109888  
division shall be paid into its general fund and may be used for 109889  
any lawful purpose. 109890

(4) The amount distributed to municipal corporations under 109891  
this division during any calendar year shall not exceed the amount 109892  
distributed directly from the local government fund to municipal 109893  
corporations during calendar year 2007. If that maximum amount is 109894  
reached during any month, distributions to municipal corporations 109895  
in that month shall be as provided in divisions (C)(1) and (2) of 109896  
this section, but no further distributions shall be made to 109897  
municipal corporations under division (C) of this section during 109898

the remainder of the calendar year. 109899

(5) Upon being informed of a municipal corporation's 109900  
dissolution, the tax commissioner shall cease providing for 109901  
payments to that municipal corporation under division (C) of this 109902  
section. The proportionate shares of the total amount available 109903  
for distribution to each of the remaining municipal corporations 109904  
under this division shall be increased on a pro rata basis. 109905

The tax commissioner shall reduce payments under division (C) 109906  
of this section to municipal corporations for which reduced 109907  
payments are required under section 5747.502 of the Revised Code. 109908

(D) Each municipal corporation which has in effect a tax 109909  
imposed under Chapter 718. of the Revised Code shall, no later 109910  
than the thirty-first day of August of each year, certify to the 109911  
tax commissioner, on a form prescribed by the commissioner, the 109912  
amount of income tax revenue collected and refunded by such 109913  
municipal corporation pursuant to such chapter during the 109914  
preceding calendar year, arranged, when possible, by the type of 109915  
income from which the revenue was collected or the refund was 109916  
issued. The municipal corporation shall also report the amount of 109917  
income tax revenue collected and refunded on behalf of a joint 109918  
economic development district or a joint economic development zone 109919  
that levies an income tax administered by the municipal 109920  
corporation and the amount of such revenue distributed to 109921  
contracting parties during the preceding calendar year. The tax 109922  
commissioner may withhold payment of local government fund moneys 109923  
pursuant to division (C) of this section from any municipal 109924  
corporation for failure to comply with this reporting requirement. 109925

Sec. 5747.502. (A) As used in this section: 109926

(1) "Delinquent subdivision" means a municipal corporation, 109927  
township, or county that has not filed a report or signed 109928  
statement under section 4511.0915 of the Revised Code, as required 109929



under that section. 109930

(2) "Noncompliant subdivision" means a municipal corporation, township, or county that files a report under division (A)(1) of section 4511.0915 of the Revised Code for the most recent calendar quarter. 109931  
109932  
109933  
109934

(B)(1)(a) Upon receiving notification of a delinquent subdivision under division (C)(2) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 109935  
109936  
109937

(i) If the delinquent subdivision is a municipal corporation, cease providing for payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment; 109938  
109939  
109940  
109941

(ii) Immediately notify the county auditor and county treasurer required to provide for payments to the delinquent subdivision from a county undivided local government fund that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (B)(3)(a)(ii) of this section. 109942  
109943  
109944  
109945  
109946  
109947

(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment. 109948  
109949  
109950  
109951

(2)(a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C)(3) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 109952  
109953  
109954  
109955

(i) If the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment. 109956  
109957  
109958  
109959

(ii) Immediately notify the county auditor and county treasurer who ceased payments to the formerly delinquent subdivision under division (B)(1)(b) of this section that the treasurer shall begin providing for payment from a county undivided local government fund to the formerly delinquent subdivision under section 5747.51 or 5747.53 of the Revised Code. 109960  
109961  
109962  
109963  
109964  
109965

(b) A county treasurer receiving notice under division (B)(2)(a)(ii) of this section shall provide for payments to the formerly delinquent subdivision from a county undivided local government fund, beginning with the next required payment. 109966  
109967  
109968  
109969

(C)(1) Upon receiving notification of a noncompliant subdivision under division (C)(1) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 109970  
109971  
109972

(a) If the delinquent subdivision is a municipal corporation, reduce the amount of each of the next three local government fund payments the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code in an amount equal to one-third of the gross amount of fines reported by the noncompliant subdivision on the report filed for the calendar quarter. 109973  
109974  
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109978  
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(b) If the reduction described in division (C)(1)(a) of this section exceeds the amount of money the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code, immediately notify the county auditor and county treasurer required to provide for payments to the noncompliant subdivision from a county undivided local government fund that each of the next three such payments are to be reduced to that subdivision in an amount equal to one-third of that excess. 109980  
109981  
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109987

(2) A county treasurer receiving notice under division (C)(1)(b) of this section shall reduce the payments to the noncompliant subdivision from a county undivided local government 109988  
109989  
109990

fund as required by the notice. 109991

(D)(1) The tax commissioner shall provide for payment of an amount equal to amounts withheld from municipal corporations under divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the undivided local government fund of the county from which the municipal corporation receives payments under section 5747.51 or 5747.53 of the Revised Code. The county treasurer shall distribute that money among subdivisions that are not delinquent or noncompliant subdivisions and that are entitled to receive distributions under those sections by increasing each such subdivision's distribution on a pro rata basis. 109992  
109993  
109994  
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110000  
110001

(2) A county treasurer shall distribute any amount withheld from a delinquent or noncompliant subdivision under division (B)(1)(b) or (C)(2) of this section among other subdivisions that are not delinquent or noncompliant subdivisions by increasing each such subdivision's distribution from the county's undivided local government fund on a pro rata basis. 110002  
110003  
110004  
110005  
110006  
110007

(E) A county, township, or municipal corporation receiving an increased distribution under division (B) or (C) of this section shall use such money for the current operating expenses of the subdivision. 110008  
110009  
110010  
110011

**Sec. 5747.51.** (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall make and certify to the county auditor of each county an estimate of the amount of the local government fund to be allocated to the undivided local government fund of each county for the ensuing calendar year, adjusting the total as required to account for subdivisions receiving local government funds under section 5747.502 of the Revised Code. 110012  
110013  
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110019

(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised 110020  
110021

Code, each auditor shall present to the commission the certificate 110022  
of the commissioner, the annual tax budget and estimates, and the 110023  
records showing the action of the commission in its last preceding 110024  
regular session. The commission, after extending to the 110025  
representatives of each subdivision an opportunity to be heard, 110026  
under oath administered by any member of the commission, and 110027  
considering all the facts and information presented to it by the 110028  
auditor, shall determine the amount of the undivided local 110029  
government fund needed by and to be apportioned to each 110030  
subdivision for current operating expenses, as shown in the tax 110031  
budget of the subdivision. This determination shall be made 110032  
pursuant to divisions (C) to (I) of this section, unless the 110033  
commission has provided for a formula pursuant to section 5747.53 110034  
of the Revised Code. The commissioner shall reduce or increase the 110035  
amount of funds from the undivided local government fund to a 110036  
subdivision required to receive reduced or increased funds under 110037  
section 5747.502 of the Revised Code. 110038

Nothing in this section prevents the budget commission, for 110039  
the purpose of apportioning the undivided local government fund, 110040  
from inquiring into the claimed needs of any subdivision as stated 110041  
in its tax budget, or from adjusting claimed needs to reflect 110042  
actual needs. For the purposes of this section, "current operating 110043  
expenses" means the lawful expenditures of a subdivision, except 110044  
those for permanent improvements and except payments for interest, 110045  
sinking fund, and retirement of bonds, notes, and certificates of 110046  
indebtedness of the subdivision. 110047

(C) The commission shall determine the combined total of the 110048  
estimated expenditures, including transfers, from the general fund 110049  
and any special funds other than special funds established for 110050  
road and bridge; street construction, maintenance, and repair; 110051  
state highway improvement; and gas, water, sewer, and electric 110052  
public utilities operated by a subdivision, as shown in the 110053

subdivision's tax budget for the ensuing calendar year. 110054

(D) From the combined total of expenditures calculated 110055  
pursuant to division (C) of this section, the commission shall 110056  
deduct the following expenditures, if included in these funds in 110057  
the tax budget: 110058

(1) Expenditures for permanent improvements as defined in 110059  
division (E) of section 5705.01 of the Revised Code; 110060

(2) In the case of counties and townships, transfers to the 110061  
road and bridge fund, and in the case of municipalities, transfers 110062  
to the street construction, maintenance, and repair fund and the 110063  
state highway improvement fund; 110064

(3) Expenditures for the payment of debt charges; 110065

(4) Expenditures for the payment of judgments. 110066

(E) In addition to the deductions made pursuant to division 110067  
(D) of this section, revenues accruing to the general fund and any 110068  
special fund considered under division (C) of this section from 110069  
the following sources shall be deducted from the combined total of 110070  
expenditures calculated pursuant to division (C) of this section: 110071

(1) Taxes levied within the ten-mill limitation, as defined 110072  
in section 5705.02 of the Revised Code; 110073

(2) The budget commission allocation of estimated county 110074  
public library fund revenues to be distributed pursuant to section 110075  
5747.48 of the Revised Code; 110076

(3) Estimated unencumbered balances as shown on the tax 110077  
budget as of the thirty-first day of December of the current year 110078  
in the general fund, but not any estimated balance in any special 110079  
fund considered in division (C) of this section; 110080

(4) Revenue, including transfers, shown in the general fund 110081  
and any special funds other than special funds established for 110082  
road and bridge; street construction, maintenance, and repair; 110083

state highway improvement; and gas, water, sewer, and electric 110084  
public utilities, from all other sources except those that a 110085  
subdivision receives from an additional tax or service charge 110086  
voted by its electorate or receives from special assessment or 110087  
revenue bond collection. For the purposes of this division, where 110088  
the charter of a municipal corporation prohibits the levy of an 110089  
income tax, an income tax levied by the legislative authority of 110090  
such municipal corporation pursuant to an amendment of the charter 110091  
of that municipal corporation to authorize such a levy represents 110092  
an additional tax voted by the electorate of that municipal 110093  
corporation. For the purposes of this division, any measure 110094  
adopted by a board of county commissioners pursuant to section 110095  
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 110096  
including those measures upheld by the electorate in a referendum 110097  
conducted pursuant to section 322.021, 324.021, 4504.021, or 110098  
5739.022 of the Revised Code, shall not be considered an 110099  
additional tax voted by the electorate. 110100

Subject to division (G) of section 5705.29 of the Revised 110101  
Code, money in a reserve balance account established by a county, 110102  
township, or municipal corporation under section 5705.13 of the 110103  
Revised Code shall not be considered an unencumbered balance or 110104  
revenue under division (E)(3) or (4) of this section. Money in a 110105  
reserve balance account established by a township under section 110106  
5705.132 of the Revised Code shall not be considered an 110107  
unencumbered balance or revenue under division (E)(3) or (4) of 110108  
this section. 110109

If a county, township, or municipal corporation has created 110110  
and maintains a nonexpendable trust fund under section 5705.131 of 110111  
the Revised Code, the principal of the fund, and any additions to 110112  
the principal arising from sources other than the reinvestment of 110113  
investment earnings arising from such a fund, shall not be 110114  
considered an unencumbered balance or revenue under division 110115

(E)(3) or (4) of this section. Only investment earnings arising 110116  
from investment of the principal or investment of such additions 110117  
to principal may be considered an unencumbered balance or revenue 110118  
under those divisions. 110119

(F) The total expenditures calculated pursuant to division 110120  
(C) of this section, less the deductions authorized in divisions 110121  
(D) and (E) of this section, shall be known as the "relative need" 110122  
of the subdivision, for the purposes of this section. 110123

(G) The budget commission shall total the relative need of 110124  
all participating subdivisions in the county, and shall compute a 110125  
relative need factor by dividing the total estimate of the 110126  
undivided local government fund by the total relative need of all 110127  
participating subdivisions. 110128

(H) The relative need of each subdivision shall be multiplied 110129  
by the relative need factor to determine the proportionate share 110130  
of the subdivision in the undivided local government fund of the 110131  
county; provided, that the maximum proportionate share of a county 110132  
shall not exceed the following maximum percentages of the total 110133  
estimate of the undivided local government fund governed by the 110134  
relationship of the percentage of the population of the county 110135  
that resides within municipal corporations within the county to 110136  
the total population of the county as reported in the reports on 110137  
population in Ohio by the department of development as of the 110138  
twentieth day of July of the year in which the tax budget is filed 110139  
with the budget commission: 110140

Percentage of municipal 110141	Percentage share of the county 110141
population within the county:	shall not exceed:

110142

Less than forty-one per cent 110143	Sixty per cent 110143
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Forty-one per cent or more but 110144	Fifty per cent 110144
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less than eighty-one per cent

Eighty-one per cent or more 110145	Thirty per cent 110145
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Where the proportionate share of the county exceeds the 110146  
limitations established in this division, the budget commission 110147  
shall adjust the proportionate shares determined pursuant to this 110148  
division so that the proportionate share of the county does not 110149  
exceed these limitations, and it shall increase the proportionate 110150  
shares of all other subdivisions on a pro rata basis. In counties 110151  
having a population of less than one hundred thousand, not less 110152  
than ten per cent shall be distributed to the townships therein. 110153

(I) The proportionate share of each subdivision in the 110154  
undivided local government fund determined pursuant to division 110155  
(H) of this section for any calendar year shall not be less than 110156  
the product of the average of the percentages of the undivided 110157  
local government fund of the county as apportioned to that 110158  
subdivision for the calendar years 1968, 1969, and 1970, 110159  
multiplied by the total amount of the undivided local government 110160  
fund of the county apportioned pursuant to former section 5735.23 110161  
of the Revised Code for the calendar year 1970. For the purposes 110162  
of this division, the total apportioned amount for the calendar 110163  
year 1970 shall be the amount actually allocated to the county in 110164  
1970 from the state collected intangible tax as levied by section 110165  
5707.03 of the Revised Code and distributed pursuant to section 110166  
5725.24 of the Revised Code, plus the amount received by the 110167  
county in the calendar year 1970 pursuant to division (B)(1) of 110168  
former section 5739.21 of the Revised Code, and distributed 110169  
pursuant to former section 5739.22 of the Revised Code. If the 110170  
total amount of the undivided local government fund for any 110171  
calendar year is less than the amount of the undivided local 110172  
government fund apportioned pursuant to former section 5739.23 of 110173  
the Revised Code for the calendar year 1970, the minimum amount 110174  
guaranteed to each subdivision for that calendar year pursuant to 110175  
this division shall be reduced on a basis proportionate to the 110176  
amount by which the amount of the undivided local government fund 110177  
for that calendar year is less than the amount of the undivided 110178



local government fund apportioned for the calendar year 1970. 110179

(J) On the basis of such apportionment, the county auditor 110180  
shall compute the percentage share of each such subdivision in the 110181  
undivided local government fund and shall at the same time certify 110182  
to the tax commissioner the percentage share of the county as a 110183  
subdivision. No payment shall be made from the undivided local 110184  
government fund, except in accordance with such percentage shares. 110185

Within ten days after the budget commission has made its 110186  
apportionment, whether conducted pursuant to section 5747.51 or 110187  
5747.53 of the Revised Code, the auditor shall publish a list of 110188  
the subdivisions and the amount each is to receive from the 110189  
undivided local government fund and the percentage share of each 110190  
subdivision, in a newspaper or newspapers of countywide 110191  
circulation, and send a copy of such allocation to the tax 110192  
commissioner. 110193

The county auditor shall also send by certified mail, return 110194  
receipt requested, a copy of such allocation to the fiscal officer 110195  
of each subdivision entitled to participate in the allocation of 110196  
the undivided local government fund of the county. This copy shall 110197  
constitute the official notice of the commission action referred 110198  
to in section 5705.37 of the Revised Code. 110199

All money received into the treasury of a subdivision from 110200  
the undivided local government fund in a county treasury shall be 110201  
paid into the general fund and used for the current operating 110202  
expenses of the subdivision. 110203

If a municipal corporation maintains a municipal university, 110204  
such municipal university, when the board of trustees so requests 110205  
the legislative authority of the municipal corporation, shall 110206  
participate in the money apportioned to such municipal corporation 110207  
from the total local government fund, however created and 110208  
constituted, in such amount as requested by the board of trustees, 110209

provided such sum does not exceed nine per cent of the total 110210  
amount paid to the municipal corporation. 110211

If any public official fails to maintain the records required 110212  
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 110213  
issued by the tax commissioner, the auditor of state, or the 110214  
treasurer of state pursuant to such sections, or fails to comply 110215  
with any law relating to the enforcement of such sections, the 110216  
local government fund money allocated to the county may be 110217  
withheld until such time as the public official has complied with 110218  
such sections or such law or the rules issued pursuant thereto. 110219

**Sec. 5747.53.** (A) As used in this section: 110220

(1) "City, located wholly or partially in the county, with 110221  
the greatest population" means the city, located wholly or 110222  
partially in the county, with the greatest population residing in 110223  
the county; however, if the county budget commission on or before 110224  
January 1, 1998, adopted an alternative method of apportionment 110225  
that was approved by the legislative authority of the city, 110226  
located partially in the county, with the greatest population but 110227  
not the greatest population residing in the county, "city, located 110228  
wholly or partially in the county, with the greatest population" 110229  
means the city, located wholly or partially in the county, with 110230  
the greatest population whether residing in the county or not, if 110231  
this alternative meaning is adopted by action of the board of 110232  
county commissioners and a majority of the boards of township 110233  
trustees and legislative authorities of municipal corporations 110234  
located wholly or partially in the county. 110235

(2) "Participating political subdivision" means a municipal 110236  
corporation or township that satisfies all of the following: 110237

(a) It is located wholly or partially in the county. 110238

(b) It is not the city, located wholly or partially in the 110239

county, with the greatest population. 110240

(c) Undivided local government fund moneys are apportioned to 110241  
it under the county's alternative method or formula of 110242  
apportionment in the current calendar year. 110243

(B) In lieu of the method of apportionment of the undivided 110244  
local government fund of the county provided by section 5747.51 of 110245  
the Revised Code, the county budget commission may provide for the 110246  
apportionment of the fund under an alternative method or on a 110247  
formula basis as authorized by this section. The commissioner 110248  
shall reduce or increase the amount of funds from the undivided 110249  
local government fund to a subdivision required to receive reduced 110250  
or increased funds under section 5747.502 of the Revised Code. 110251

Except as otherwise provided in division (C) of this section, 110252  
the alternative method of apportionment shall have first been 110253  
approved by all of the following governmental units: the board of 110254  
county commissioners; the legislative authority of the city, 110255  
located wholly or partially in the county, with the greatest 110256  
population; and a majority of the boards of township trustees and 110257  
legislative authorities of municipal corporations, located wholly 110258  
or partially in the county, excluding the legislative authority of 110259  
the city, located wholly or partially in the county, with the 110260  
greatest population. In granting or denying approval for an 110261  
alternative method of apportionment, the board of county 110262  
commissioners, boards of township trustees, and legislative 110263  
authorities of municipal corporations shall act by motion. A 110264  
motion to approve shall be passed upon a majority vote of the 110265  
members of a board of county commissioners, board of township 110266  
trustees, or legislative authority of a municipal corporation, 110267  
shall take effect immediately, and need not be published. 110268

Any alternative method of apportionment adopted and approved 110269  
under this division may be revised, amended, or repealed in the 110270  
same manner as it may be adopted and approved. If an alternative 110271

method of apportionment adopted and approved under this division 110272  
is repealed, the undivided local government fund of the county 110273  
shall be apportioned among the subdivisions eligible to 110274  
participate in the fund, commencing in the ensuing calendar year, 110275  
under the apportionment provided in section 5747.52 of the Revised 110276  
Code, unless the repeal occurs by operation of division (C) of 110277  
this section or a new method for apportionment of the fund is 110278  
provided in the action of repeal. 110279

(C) This division applies only in counties in which the city, 110280  
located wholly or partially in the county, with the greatest 110281  
population has a population of twenty thousand or less and a 110282  
population that is less than fifteen per cent of the total 110283  
population of the county. In such a county, the legislative 110284  
authorities or boards of township trustees of two or more 110285  
participating political subdivisions, which together have a 110286  
population residing in the county that is a majority of the total 110287  
population of the county, each may adopt a resolution to exclude 110288  
the approval otherwise required of the legislative authority of 110289  
the city, located wholly or partially in the county, with the 110290  
greatest population. All of the resolutions to exclude that 110291  
approval shall be adopted not later than the first Monday of 110292  
August of the year preceding the calendar year in which 110293  
distributions are to be made under an alternative method of 110294  
apportionment. 110295

A motion granting or denying approval of an alternative 110296  
method of apportionment under this division shall be adopted by a 110297  
majority vote of the members of the board of county commissioners 110298  
and by a majority vote of a majority of the boards of township 110299  
trustees and legislative authorities of the municipal corporations 110300  
located wholly or partially in the county, other than the city, 110301  
located wholly or partially in the county, with the greatest 110302  
population, shall take effect immediately, and need not be 110303

published. The alternative method of apportionment under this 110304  
division shall be adopted and approved annually, not later than 110305  
the first Monday of August of the year preceding the calendar year 110306  
in which distributions are to be made under it. A motion granting 110307  
approval of an alternative method of apportionment under this 110308  
division repeals any existing alternative method of apportionment, 110309  
effective with distributions to be made from the fund in the 110310  
ensuing calendar year. An alternative method of apportionment 110311  
under this division shall not be revised or amended after the 110312  
first Monday of August of the year preceding the calendar year in 110313  
which distributions are to be made under it. 110314

(D) In determining an alternative method of apportionment 110315  
authorized by this section, the county budget commission may 110316  
include in the method any factor considered to be appropriate and 110317  
reliable, in the sole discretion of the county budget commission. 110318

(E) The limitations set forth in section 5747.51 of the 110319  
Revised Code, stating the maximum amount that the county may 110320  
receive from the undivided local government fund and the minimum 110321  
amount the townships in counties having a population of less than 110322  
one hundred thousand may receive from the fund, are applicable to 110323  
any alternative method of apportionment authorized under this 110324  
section. 110325

(F) On the basis of any alternative method of apportionment 110326  
adopted and approved as authorized by this section, as certified 110327  
by the auditor to the county treasurer, the county treasurer shall 110328  
make distribution of the money in the undivided local government 110329  
fund to each subdivision eligible to participate in the fund, and 110330  
the auditor, when the amount of those shares is in the custody of 110331  
the treasurer in the amounts so computed to be due the respective 110332  
subdivisions, shall at the same time certify to the tax 110333  
commissioner the percentage share of the county as a subdivision. 110334  
All money received into the treasury of a subdivision from the 110335

undivided local government fund in a county treasury shall be paid 110336  
into the general fund and used for the current operating expenses 110337  
of the subdivision. If a municipal corporation maintains a 110338  
municipal university, the university, when the board of trustees 110339  
so requests the legislative authority of the municipal 110340  
corporation, shall participate in the money apportioned to the 110341  
municipal corporation from the total local government fund, 110342  
however created and constituted, in the amount requested by the 110343  
board of trustees, provided that amount does not exceed nine per 110344  
cent of the total amount paid to the municipal corporation. 110345

(G) The actions of the county budget commission taken 110346  
pursuant to this section are final and may not be appealed to the 110347  
board of tax appeals, except on the issues of abuse of discretion 110348  
and failure to comply with the formula. 110349

**Sec. 5747.71.** There is hereby allowed a nonrefundable credit 110350  
against the tax imposed by section 5747.02 of the Revised Code for 110351  
a taxpayer who is an "eligible individual" as defined in section 110352  
32 of the Internal Revenue Code. The credit shall equal five per 110353  
cent of the credit allowed on the taxpayer's federal income tax 110354  
return pursuant to section 32 of the Internal Revenue Code for 110355  
taxable years beginning in 2013, and ten per cent of the federal 110356  
credit allowed for taxable years beginning in or after 2014. If 110357  
the Ohio adjusted gross income of the taxpayer, or the taxpayer 110358  
and the taxpayer's spouse if the taxpayer and the taxpayer's 110359  
spouse file a joint return under section 5747.08 of the Revised 110360  
Code, less applicable exemptions under section 5747.025 of the 110361  
Revised Code, exceeds twenty thousand dollars, the credit 110362  
authorized by this section shall not exceed fifty per cent of the 110363  
amount of tax otherwise due under section 5747.02 of the Revised 110364  
Code after deducting any other nonrefundable credits that precede 110365  
the credit allowed under this section in the order prescribed by 110366  
section 5747.98 of the Revised Code except for the joint filing 110367

credit authorized under division ~~(G)~~(E) of section 5747.05 of the Revised Code. In all other cases, the credit authorized by this section shall not exceed the amount of tax otherwise due under section 5747.02 of the Revised Code after deducting any other nonrefundable credits that precede the credit allowed under this section in the order prescribed by section 5747.98 of the Revised Code.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code.

**Sec. 5747.98.** (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division ~~(C)~~(F) of section ~~5747.05~~ 5747.055 of the Revised Code;

(3) The lump sum distribution credit under division ~~(D)~~(G) of section ~~5747.05~~ 5747.055 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the Revised Code;

(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(8) The low-income credit under section 5747.056 of the Revised Code;

(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	110397 110398
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	110399 110400
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	110401 110402
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	110403 110404
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	110405 110406
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	110407 110408
(15) The earned income credit under section 5747.71 of the Revised Code;	110409 110410
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	110411 110412
(17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	110413 110414
(18) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	110415 110416
(19) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	110417 110418
(20) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	110419 110420 110421
(21) The job training credit under section 5747.39 of the Revised Code;	110422 110423
(22) The enterprise zone credit under section 5709.66 of the Revised Code;	110424 110425



(23) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	110426 110427
(24) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	110428 110429
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	110430 110431
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	110432 110433
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	110434 110435
(28) The small business investment credit under section 5747.81 of the Revised Code;	110436 110437
(29) The enterprise zone credits under section 5709.65 of the Revised Code;	110438 110439
(30) The research and development credit under section 5747.331 of the Revised Code;	110440 110441
(31) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	110442 110443
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	110444 110445
(33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	110446 110447
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	110448 110449
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	110450 110451 110452
(36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital	110453 110454

program under sections 150.01 to 150.10 of the Revised Code; 110455

(37) The refundable motion picture production credit under 110456  
section 5747.66 of the Revised Code; 110457

(38) The refundable credit for financial institution taxes 110458  
paid by a pass-through entity granted under section 5747.65 of the 110459  
Revised Code. 110460

(B) For any credit, except the refundable credits enumerated 110461  
in this section and the credit granted under division (H) of 110462  
section 5747.08 of the Revised Code, the amount of the credit for 110463  
a taxable year shall not exceed the tax due after allowing for any 110464  
other credit that precedes it in the order required under this 110465  
section. Any excess amount of a particular credit may be carried 110466  
forward if authorized under the section creating that credit. 110467  
Nothing in this chapter shall be construed to allow a taxpayer to 110468  
claim, directly or indirectly, a credit more than once for a 110469  
taxable year. 110470

**Sec. 5751.01.** As used in this chapter: 110471

(A) "Person" means, but is not limited to, individuals, 110472  
combinations of individuals of any form, receivers, assignees, 110473  
trustees in bankruptcy, firms, companies, joint-stock companies, 110474  
business trusts, estates, partnerships, limited liability 110475  
partnerships, limited liability companies, associations, joint 110476  
ventures, clubs, societies, for-profit corporations, S 110477  
corporations, qualified subchapter S subsidiaries, qualified 110478  
subchapter S trusts, trusts, entities that are disregarded for 110479  
federal income tax purposes, and any other entities. 110480

(B) "Consolidated elected taxpayer" means a group of two or 110481  
more persons treated as a single taxpayer for purposes of this 110482  
chapter as the result of an election made under section 5751.011 110483  
of the Revised Code. 110484

(C) "Combined taxpayer" means a group of two or more persons	110485
treated as a single taxpayer for purposes of this chapter under	110486
section 5751.012 of the Revised Code.	110487
(D) "Taxpayer" means any person, or any group of persons in	110488
the case of a consolidated elected taxpayer or combined taxpayer	110489
treated as one taxpayer, required to register or pay tax under	110490
this chapter. "Taxpayer" does not include excluded persons.	110491
(E) "Excluded person" means any of the following:	110492
(1) Any person with not more than one hundred fifty thousand	110493
dollars of taxable gross receipts during the calendar year.	110494
Division (E)(1) of this section does not apply to a person that is	110495
a member of a consolidated elected taxpayer;	110496
(2) A public utility that paid the excise tax imposed by	110497
section 5727.24 or 5727.30 of the Revised Code based on one or	110498
more measurement periods that include the entire tax period under	110499
this chapter, except that a public utility that is a combined	110500
company is a taxpayer with regard to the following gross receipts:	110501
(a) Taxable gross receipts directly attributed to a public	110502
utility activity, but not directly attributed to an activity that	110503
is subject to the excise tax imposed by section 5727.24 or 5727.30	110504
of the Revised Code;	110505
(b) Taxable gross receipts that cannot be directly attributed	110506
to any activity, multiplied by a fraction whose numerator is the	110507
taxable gross receipts described in division (E)(2)(a) of this	110508
section and whose denominator is the total taxable gross receipts	110509
that can be directly attributed to any activity;	110510
(c) Except for any differences resulting from the use of an	110511
accrual basis method of accounting for purposes of determining	110512
gross receipts under this chapter and the use of the cash basis	110513
method of accounting for purposes of determining gross receipts	110514
under section 5727.24 of the Revised Code, the gross receipts	110515

directly attributed to the activity of a natural gas company shall 110516  
be determined in a manner consistent with division (D) of section 110517  
5727.03 of the Revised Code. 110518

As used in division (E)(2) of this section, "combined 110519  
company" and "public utility" have the same meanings as in section 110520  
5727.01 of the Revised Code. 110521

(3) A financial institution, as defined in section 5726.01 of 110522  
the Revised Code, that paid the tax imposed by section 5726.02 of 110523  
the Revised Code based on one or more taxable years that include 110524  
the entire tax period under this chapter; 110525

(4) A person directly or indirectly owned by one or more 110526  
financial institutions, as defined in section 5726.01 of the 110527  
Revised Code, that paid the tax imposed by section 5726.02 of the 110528  
Revised Code based on one or more taxable years that include the 110529  
entire tax period under this chapter. 110530

For the purposes of division (E)(4) of this section, a person 110531  
owns another person under the following circumstances: 110532

(a) In the case of corporations issuing capital stock, one 110533  
corporation owns another corporation if it owns fifty per cent or 110534  
more of the other corporation's capital stock with current voting 110535  
rights; 110536

(b) In the case of a limited liability company, one person 110537  
owns the company if that person's membership interest, as defined 110538  
in section 1705.01 of the Revised Code, is fifty per cent or more 110539  
of the combined membership interests of all persons owning such 110540  
interests in the company; 110541

(c) In the case of a partnership, trust, or other 110542  
unincorporated business organization other than a limited 110543  
liability company, one person owns the organization if, under the 110544  
articles of organization or other instrument governing the affairs 110545  
of the organization, that person has a beneficial interest in the 110546

organization's profits, surpluses, losses, or distributions of 110547  
fifty per cent or more of the combined beneficial interests of all 110548  
persons having such an interest in the organization. 110549

(5) A domestic insurance company or foreign insurance 110550  
company, as defined in section 5725.01 of the Revised Code, that 110551  
paid the insurance company premiums tax imposed by section 5725.18 110552  
or Chapter 5729. of the Revised Code, or an unauthorized insurance 110553  
company whose gross premiums are subject to tax under section 110554  
3905.36 of the Revised Code based on one or more measurement 110555  
periods that include the entire tax period under this chapter; 110556

(6) A person that solely facilitates or services one or more 110557  
securitizations of phase-in-recovery property pursuant to a final 110558  
financing order as those terms are defined in section 4928.23 of 110559  
the Revised Code. For purposes of this division, "securitization" 110560  
means transferring one or more assets to one or more persons and 110561  
then issuing securities backed by the right to receive payment 110562  
from the asset or assets so transferred. 110563

(7) Except as otherwise provided in this division, a 110564  
pre-income tax trust as defined in division (FF)(4) of section 110565  
5747.01 of the Revised Code and any pass-through entity of which 110566  
such pre-income tax trust owns or controls, directly, indirectly, 110567  
or constructively through related interests, more than five per 110568  
cent of the ownership or equity interests. If the pre-income tax 110569  
trust has made a qualifying pre-income tax trust election under 110570  
division (FF)(3) of section 5747.01 of the Revised Code, then the 110571  
trust and the pass-through entities of which it owns or controls, 110572  
directly, indirectly, or constructively through related interests, 110573  
more than five per cent of the ownership or equity interests, 110574  
shall not be excluded persons for purposes of the tax imposed 110575  
under section 5751.02 of the Revised Code. 110576

(8) Nonprofit organizations or the state and its agencies, 110577  
instrumentalities, or political subdivisions. 110578

(F) Except as otherwise provided in divisions (F)(2), (3), 110579  
and (4) of this section, "gross receipts" means the total amount 110580  
realized by a person, without deduction for the cost of goods sold 110581  
or other expenses incurred, that contributes to the production of 110582  
gross income of the person, including the fair market value of any 110583  
property and any services received, and any debt transferred or 110584  
forgiven as consideration. 110585

(1) The following are examples of gross receipts: 110586

(a) Amounts realized from the sale, exchange, or other 110587  
disposition of the taxpayer's property to or with another; 110588

(b) Amounts realized from the taxpayer's performance of 110589  
services for another; 110590

(c) Amounts realized from another's use or possession of the 110591  
taxpayer's property or capital; 110592

(d) Any combination of the foregoing amounts. 110593

(2) "Gross receipts" excludes the following amounts: 110594

(a) Interest income except interest on credit sales; 110595

(b) Dividends and distributions from corporations, and 110596  
distributive or proportionate shares of receipts and income from a 110597  
pass-through entity as defined under section 5733.04 of the 110598  
Revised Code; 110599

(c) Receipts from the sale, exchange, or other disposition of 110600  
an asset described in section 1221 or 1231 of the Internal Revenue 110601  
Code, without regard to the length of time the person held the 110602  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 110603  
receipts from hedging transactions also are excluded to the extent 110604  
the transactions are entered into primarily to protect a financial 110605  
position, such as managing the risk of exposure to (i) foreign 110606  
currency fluctuations that affect assets, liabilities, profits, 110607  
losses, equity, or investments in foreign operations; (ii) 110608

interest rate fluctuations; or (iii) commodity price fluctuations. 110609  
As used in division (F)(2)(c) of this section, "hedging 110610  
transaction" has the same meaning as used in section 1221 of the 110611  
Internal Revenue Code and also includes transactions accorded 110612  
hedge accounting treatment under statement of financial accounting 110613  
standards number 133 of the financial accounting standards board. 110614  
For the purposes of division (F)(2)(c) of this section, the actual 110615  
transfer of title of real or tangible personal property to another 110616  
entity is not a hedging transaction. 110617

(d) Proceeds received attributable to the repayment, 110618  
maturity, or redemption of the principal of a loan, bond, mutual 110619  
fund, certificate of deposit, or marketable instrument; 110620

(e) The principal amount received under a repurchase 110621  
agreement or on account of any transaction properly characterized 110622  
as a loan to the person; 110623

(f) Contributions received by a trust, plan, or other 110624  
arrangement, any of which is described in section 501(a) of the 110625  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 110626  
1, Subchapter (D) of the Internal Revenue Code applies; 110627

(g) Compensation, whether current or deferred, and whether in 110628  
cash or in kind, received or to be received by an employee, former 110629  
employee, or the employee's legal successor for services rendered 110630  
to or for an employer, including reimbursements received by or for 110631  
an individual for medical or education expenses, health insurance 110632  
premiums, or employee expenses, or on account of a dependent care 110633  
spending account, legal services plan, any cafeteria plan 110634  
described in section 125 of the Internal Revenue Code, or any 110635  
similar employee reimbursement; 110636

(h) Proceeds received from the issuance of the taxpayer's own 110637  
stock, options, warrants, puts, or calls, or from the sale of the 110638  
taxpayer's treasury stock; 110639

(i) Proceeds received on the account of payments from	110640
insurance policies, except those proceeds received for the loss of	110641
business revenue;	110642
(j) Gifts or charitable contributions received; membership	110643
dues received by trade, professional, homeowners', or condominium	110644
associations; and payments received for educational courses,	110645
meetings, meals, or similar payments to a trade, professional, or	110646
other similar association; and fundraising receipts received by	110647
any person when any excess receipts are donated or used	110648
exclusively for charitable purposes;	110649
(k) Damages received as the result of litigation in excess of	110650
amounts that, if received without litigation, would be gross	110651
receipts;	110652
(l) Property, money, and other amounts received or acquired	110653
by an agent on behalf of another in excess of the agent's	110654
commission, fee, or other remuneration;	110655
(m) Tax refunds, other tax benefit recoveries, and	110656
reimbursements for the tax imposed under this chapter made by	110657
entities that are part of the same combined taxpayer or	110658
consolidated elected taxpayer group, and reimbursements made by	110659
entities that are not members of a combined taxpayer or	110660
consolidated elected taxpayer group that are required to be made	110661
for economic parity among multiple owners of an entity whose tax	110662
obligation under this chapter is required to be reported and paid	110663
entirely by one owner, pursuant to the requirements of sections	110664
5751.011 and 5751.012 of the Revised Code;	110665
(n) Pension reversions;	110666
(o) Contributions to capital;	110667
(p) Sales or use taxes collected as a vendor or an	110668
out-of-state seller on behalf of the taxing jurisdiction from a	110669
consumer or other taxes the taxpayer is required by law to collect	110670



directly from a purchaser and remit to a local, state, or federal tax authority; 110671  
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(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code; 110673  
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(r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person; 110680  
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(s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code; 110687  
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(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle; 110694  
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(u) Receipts from a financial institution described in 110701

division (E)(3) of this section for services provided to the 110702  
financial institution in connection with the issuance, processing, 110703  
servicing, and management of loans or credit accounts, if such 110704  
financial institution and the recipient of such receipts have at 110705  
least fifty per cent of their ownership interests owned or 110706  
controlled, directly or constructively through related interests, 110707  
by common owners; 110708

(v) Receipts realized from administering anti-neoplastic 110709  
drugs and other cancer chemotherapy, biologicals, therapeutic 110710  
agents, and supportive drugs in a physician's office to patients 110711  
with cancer; 110712

(w) Funds received or used by a mortgage broker that is not a 110713  
dealer in intangibles, other than fees or other consideration, 110714  
pursuant to a table-funding mortgage loan or warehouse-lending 110715  
mortgage loan. Terms used in division (F)(2)(w) of this section 110716  
have the same meanings as in section 1322.01 of the Revised Code, 110717  
except "mortgage broker" means a person assisting a buyer in 110718  
obtaining a mortgage loan for a fee or other consideration paid by 110719  
the buyer or a lender, or a person engaged in table-funding or 110720  
warehouse-lending mortgage loans that are first lien mortgage 110721  
loans. 110722

(x) Property, money, and other amounts received by a 110723  
professional employer organization, as defined in section 4125.01 110724  
of the Revised Code, from a client employer, as defined in that 110725  
section, in excess of the administrative fee charged by the 110726  
professional employer organization to the client employer; 110727

(y) In the case of amounts retained as commissions by a 110728  
permit holder under Chapter 3769. of the Revised Code, an amount 110729  
equal to the amounts specified under that chapter that must be 110730  
paid to or collected by the tax commissioner as a tax and the 110731  
amounts specified under that chapter to be used as purse money; 110732

(z) Qualifying distribution center receipts. 110733

(i) For purposes of division (F)(2)(z) of this section: 110734

(I) "Qualifying distribution center receipts" means receipts 110735  
of a supplier from qualified property that is delivered to a 110736  
qualified distribution center, multiplied by a quantity that 110737  
equals one minus the Ohio delivery percentage. If the qualified 110738  
distribution center is a refining facility, "supplier" includes 110739  
all dealers, brokers, processors, sellers, vendors, cosigners, and 110740  
distributors of qualified property. 110741

(II) "Qualified property" means tangible personal property 110742  
delivered to a qualified distribution center that is shipped to 110743  
that qualified distribution center solely for further shipping by 110744  
the qualified distribution center to another location in this 110745  
state or elsewhere or, in the case of gold, silver, platinum, or 110746  
palladium delivered to a refining facility solely for refining to 110747  
a grade and fineness acceptable for delivery to a registered 110748  
commodities exchange. "Further shipping" includes storing and 110749  
repackaging property into smaller or larger bundles, so long as 110750  
the property is not subject to further manufacturing or 110751  
processing. "Refining" is limited to extracting impurities from 110752  
gold, silver, platinum, or palladium through smelting or some 110753  
other process at a refining facility. 110754

(III) "Qualified distribution center" means a warehouse, a 110755  
facility similar to a warehouse, or a refining facility in this 110756  
state that, for the qualifying year, is operated by a person that 110757  
is not part of a combined taxpayer group and that has a qualifying 110758  
certificate. All warehouses or facilities similar to warehouses 110759  
that are operated by persons in the same taxpayer group and that 110760  
are located within one mile of each other shall be treated as one 110761  
qualified distribution center. All refining facilities that are 110762  
operated by persons in the same taxpayer group and that are 110763  
located in the same or adjacent counties may be treated as one 110764

qualified distribution center. 110765

(IV) "Qualifying year" means the calendar year to which the 110766  
qualifying certificate applies. 110767

(V) "Qualifying period" means the period of the first day of 110768  
July of the second year preceding the qualifying year through the 110769  
thirtieth day of June of the year preceding the qualifying year. 110770

(VI) "Qualifying certificate" means the certificate issued by 110771  
the tax commissioner after the operator of a distribution center 110772  
files an annual application with the commissioner. The application 110773  
and annual fee shall be filed and paid for each qualified 110774  
distribution center on or before the first day of September before 110775  
the qualifying year or within forty-five days after the 110776  
distribution center opens, whichever is later. 110777

The applicant must substantiate to the commissioner's 110778  
satisfaction that, for the qualifying period, all persons 110779  
operating the distribution center have more than fifty per cent of 110780  
the cost of the qualified property shipped to a location such that 110781  
it would be situated outside this state under the provisions of 110782  
division (E) of section 5751.033 of the Revised Code. The 110783  
applicant must also substantiate that the distribution center 110784  
cumulatively had costs from its suppliers equal to or exceeding 110785  
five hundred million dollars during the qualifying period. (For 110786  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 110787  
excludes any person that is part of the consolidated elected 110788  
taxpayer group, if applicable, of the operator of the qualified 110789  
distribution center.) The commissioner may require the applicant 110790  
to have an independent certified public accountant certify that 110791  
the calculation of the minimum thresholds required for a qualified 110792  
distribution center by the operator of a distribution center has 110793  
been made in accordance with generally accepted accounting 110794  
principles. The commissioner shall issue or deny the issuance of a 110795  
certificate within sixty days after the receipt of the 110796

application. A denial is subject to appeal under section 5717.02 110797  
of the Revised Code. If the operator files a timely appeal under 110798  
section 5717.02 of the Revised Code, the operator shall be granted 110799  
a qualifying certificate effective for the remainder of the 110800  
qualifying year or until the appeal is finalized, whichever is 110801  
earlier. If the operator does not prevail in the appeal, the 110802  
operator shall pay the ineligible operator's supplier tax 110803  
liability. 110804

(VII) "Ohio delivery percentage" means the proportion of the 110805  
total property delivered to a destination inside Ohio from the 110806  
qualified distribution center during the qualifying period 110807  
compared with total deliveries from such distribution center 110808  
everywhere during the qualifying period. 110809

(VIII) "Refining facility" means one or more buildings 110810  
located in a county in the Appalachian region of this state as 110811  
defined by section 107.21 of the Revised Code and utilized for 110812  
refining or smelting gold, silver, platinum, or palladium to a 110813  
grade and fineness acceptable for delivery to a registered 110814  
commodities exchange. 110815

(IX) "Registered commodities exchange" means a board of 110816  
trade, such as New York mercantile exchange, inc. or commodity 110817  
exchange, inc., designated as a contract market by the commodity 110818  
futures trading commission under the "Commodity Exchange Act," 7 110819  
U.S.C. 1 et seq., as amended. 110820

(X) "Ineligible operator's supplier tax liability" means an 110821  
amount equal to the tax liability of all suppliers of a 110822  
distribution center had the distribution center not been issued a 110823  
qualifying certificate for the qualifying year. Ineligible 110824  
operator's supplier tax liability shall not include interest or 110825  
penalties. The tax commissioner shall determine an ineligible 110826  
operator's supplier tax liability based on information that the 110827  
commissioner may request from the operator of the distribution 110828

center. An operator shall provide a list of all suppliers of the 110829  
distribution center and the corresponding costs of qualified 110830  
property for the qualifying year at issue within sixty days of a 110831  
request by the commissioner under this division. 110832

(ii)(I) If the distribution center is new and was not open 110833  
for the entire qualifying period, the operator of the distribution 110834  
center may request that the commissioner grant a qualifying 110835  
certificate. If the certificate is granted and it is later 110836  
determined that more than fifty per cent of the qualified property 110837  
during that year was not shipped to a location such that it would 110838  
be situated outside of this state under the provisions of division 110839  
(E) of section 5751.033 of the Revised Code or if it is later 110840  
determined that the person that operates the distribution center 110841  
had average monthly costs from its suppliers of less than forty 110842  
million dollars during that year, then the operator of the 110843  
distribution center shall pay the ineligible operator's supplier 110844  
tax liability. (For purposes of division (F)(2)(z)(ii) of this 110845  
section, "supplier" excludes any person that is part of the 110846  
consolidated elected taxpayer group, if applicable, of the 110847  
operator of the qualified distribution center.) 110848

(II) The commissioner may grant a qualifying certificate to a 110849  
distribution center that does not qualify as a qualified 110850  
distribution center for an entire qualifying period if the 110851  
operator of the distribution center demonstrates that the business 110852  
operations of the distribution center have changed or will change 110853  
such that the distribution center will qualify as a qualified 110854  
distribution center within thirty-six months after the date the 110855  
operator first applies for a certificate. If, at the end of that 110856  
thirty-six-month period, the business operations of the 110857  
distribution center have not changed such that the distribution 110858  
center qualifies as a qualified distribution center, the operator 110859  
of the distribution center shall pay the ineligible operator's 110860

supplier tax liability for each year that the distribution center 110861  
received a certificate but did not qualify as a qualified 110862  
distribution center. For each year the distribution center 110863  
receives a certificate under division (F)(2)(z)(ii)(II) of this 110864  
section, the distribution center shall pay all applicable fees 110865  
required under division (F)(2)(z) of this section and shall submit 110866  
an updated business plan showing the progress the distribution 110867  
center made toward qualifying as a qualified distribution center 110868  
during the preceding year. 110869

(III) An operator may appeal a determination under division 110870  
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 110871  
operator is liable for the operator's supplier tax liability as a 110872  
result of not qualifying as a qualified distribution center, as 110873  
provided in section 5717.02 of the Revised Code. 110874

(iii) When filing an application for a qualifying certificate 110875  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 110876  
qualified distribution center also shall provide documentation, as 110877  
the commissioner requires, for the commissioner to ascertain the 110878  
Ohio delivery percentage. The commissioner, upon issuing the 110879  
qualifying certificate, also shall certify the Ohio delivery 110880  
percentage. The operator of the qualified distribution center may 110881  
appeal the commissioner's certification of the Ohio delivery 110882  
percentage in the same manner as an appeal is taken from the 110883  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 110884  
of this section. 110885

(iv)(I) In the case where the distribution center is new and 110886  
not open for the entire qualifying period, the operator shall make 110887  
a good faith estimate of an Ohio delivery percentage for use by 110888  
suppliers in their reports of taxable gross receipts for the 110889  
remainder of the qualifying period. The operator of the facility 110890  
shall disclose to the suppliers that such Ohio delivery percentage 110891  
is an estimate and is subject to recalculation. By the due date of 110892

the next application for a qualifying certificate, the operator 110893  
shall determine the actual Ohio delivery percentage for the 110894  
estimated qualifying period and proceed as provided in division 110895  
(F)(2)(z)(iii) of this section with respect to the calculation and 110896  
recalculation of the Ohio delivery percentage. The supplier is 110897  
required to file, within sixty days after receiving notice from 110898  
the operator of the qualified distribution center, amended reports 110899  
for the impacted calendar quarter or quarters or calendar year, 110900  
whichever the case may be. Any additional tax liability or tax 110901  
overpayment shall be subject to interest but shall not be subject 110902  
to the imposition of any penalty so long as the amended returns 110903  
are timely filed. 110904

(II) The operator of a distribution center that receives a 110905  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 110906  
section shall make a good faith estimate of the Ohio delivery 110907  
percentage that the operator estimates will apply to the 110908  
distribution center at the end of the thirty-six-month period 110909  
after the operator first applied for a qualifying certificate 110910  
under that division. The result of the estimate shall be 110911  
multiplied by a factor of one and seventy-five one-hundredths. The 110912  
product of that calculation shall be the Ohio delivery percentage 110913  
used by suppliers in their reports of taxable gross receipts for 110914  
each qualifying year that the distribution center receives a 110915  
qualifying certificate under division (F)(2)(z)(ii)(II) of this 110916  
section, except that, if the product is less than five per cent, 110917  
the Ohio delivery percentage used shall be five per cent and that, 110918  
if the product exceeds forty-nine per cent, the Ohio delivery 110919  
percentage used shall be forty-nine per cent. 110920

(v) Qualifying certificates and Ohio delivery percentages 110921  
issued by the commissioner shall be open to public inspection and 110922  
shall be timely published by the commissioner. A supplier relying 110923  
in good faith on a certificate issued under this division shall 110924



not be subject to tax on the qualifying distribution center 110925  
receipts under division (F)(2)(z) of this section. An operator 110926  
receiving a qualifying certificate is liable for the ineligible 110927  
operator's supplier tax liability for each year the operator 110928  
received a certificate but did not qualify as a qualified 110929  
distribution center. 110930

(vi) The annual fee for a qualifying certificate shall be one 110931  
hundred thousand dollars for each qualified distribution center. 110932  
If a qualifying certificate is not issued, the annual fee is 110933  
subject to refund after the exhaustion of all appeals provided for 110934  
in division (F)(2)(z)(i)(VI) of this section. The first one 110935  
hundred thousand dollars of the annual application fees collected 110936  
each calendar year shall be credited to the revenue enhancement 110937  
fund. The remainder of the annual application fees collected shall 110938  
be distributed in the same manner required under section 5751.20 110939  
of the Revised Code. 110940

(vii) The tax commissioner may require that adequate security 110941  
be posted by the operator of the distribution center on appeal 110942  
when the commissioner disagrees that the applicant has met the 110943  
minimum thresholds for a qualified distribution center as set 110944  
forth in division (F)(2)(z) of this section. 110945

(aa) Receipts of an employer from payroll deductions relating 110946  
to the reimbursement of the employer for advancing moneys to an 110947  
unrelated third party on an employee's behalf; 110948

(bb) Cash discounts allowed and taken; 110949

(cc) Returns and allowances; 110950

(dd) Bad debts from receipts on the basis of which the tax 110951  
imposed by this chapter was paid in a prior quarterly tax payment 110952  
period. For the purpose of this division, "bad debts" means any 110953  
debts that have become worthless or uncollectible between the 110954  
preceding and current quarterly tax payment periods, have been 110955

uncollected for at least six months, and that may be claimed as a 110956  
deduction under section 166 of the Internal Revenue Code and the 110957  
regulations adopted under that section, or that could be claimed 110958  
as such if the taxpayer kept its accounts on the accrual basis. 110959  
"Bad debts" does not include repossessed property, uncollectible 110960  
amounts on property that remains in the possession of the taxpayer 110961  
until the full purchase price is paid, or expenses in attempting 110962  
to collect any account receivable or for any portion of the debt 110963  
recovered; 110964

(ee) Any amount realized from the sale of an account 110965  
receivable to the extent the receipts from the underlying 110966  
transaction giving rise to the account receivable were included in 110967  
the gross receipts of the taxpayer; 110968

(ff) Any receipts directly attributed to a transfer agreement 110969  
or to the enterprise transferred under that agreement under 110970  
section 4313.02 of the Revised Code. 110971

(gg)(i) As used in this division: 110972

(I) "Qualified uranium receipts" means receipts from the 110973  
sale, exchange, lease, loan, production, processing, or other 110974  
disposition of uranium within a uranium enrichment zone certified 110975  
by the tax commissioner under division (F)(2)(gg)(ii) of this 110976  
section. "Qualified uranium receipts" does not include any 110977  
receipts with a situs in this state outside a uranium enrichment 110978  
zone certified by the tax commissioner under division 110979  
(F)(2)(gg)(ii) of this section. 110980

(II) "Uranium enrichment zone" means all real property that 110981  
is part of a uranium enrichment facility licensed by the United 110982  
States nuclear regulatory commission and that was or is owned or 110983  
controlled by the United States department of energy or its 110984  
successor. 110985

(ii) Any person that owns, leases, or operates real or 110986

tangible personal property constituting or located within a 110987  
uranium enrichment zone may apply to the tax commissioner to have 110988  
the uranium enrichment zone certified for the purpose of excluding 110989  
qualified uranium receipts under division (F)(2)(gg) of this 110990  
section. The application shall include such information that the 110991  
tax commissioner prescribes. Within sixty days after receiving the 110992  
application, the tax commissioner shall certify the zone for that 110993  
purpose if the commissioner determines that the property qualifies 110994  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 110995  
this section, or, if the tax commissioner determines that the 110996  
property does not qualify, the commissioner shall deny the 110997  
application or request additional information from the applicant. 110998  
If the tax commissioner denies an application, the commissioner 110999  
shall state the reasons for the denial. The applicant may appeal 111000  
the denial of an application to the board of tax appeals pursuant 111001  
to section 5717.02 of the Revised Code. If the applicant files a 111002  
timely appeal, the tax commissioner shall conditionally certify 111003  
the applicant's property. The conditional certification shall 111004  
expire when all of the applicant's appeals are exhausted. Until 111005  
final resolution of the appeal, the applicant shall retain the 111006  
applicant's records in accordance with section 5751.12 of the 111007  
Revised Code, notwithstanding any time limit on the preservation 111008  
of records under that section. 111009

(hh) In the case of amounts collected by a licensed casino 111010  
operator from casino gaming, amounts in excess of the casino 111011  
operator's gross casino revenue. In this division, "casino 111012  
operator" and "casino gaming" have the meanings defined in section 111013  
3772.01 of the Revised Code, and "gross casino revenue" has the 111014  
meaning defined in section 5753.01 of the Revised Code. 111015

(ii) Receipts realized from the sale of agricultural 111016  
commodities by an agricultural commodity handler, both as defined 111017  
in section 926.01 of the Revised Code, that is licensed by the 111018

director of agriculture to handle agricultural commodities in this state. 111019  
111020

(jj) Qualifying integrated supply chain receipts. 111021

As used in division (F)(2)(jj) of this section: 111022

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from qualified property delivered to another qualified integrated supply chain vendor or a retailer. 111023  
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(ii) "Qualified property" means any of the following: 111027

(I) Component parts used to hold, contain, package, or dispense qualified products; 111028  
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(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail; 111030  
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(III) Finished goods inventory that is a qualified product capable of being sold at retail in the inventory's present form. 111033  
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(iii) "Qualified integrated supply chain vendor" means a person that is a member of an integrated supply chain and that provides integrated supply chain services from a location within a qualified integrated supply chain district either to another qualified integrated supply chain vendor that is located within the same such district as the person but does not share a common owner with that person, or to a retailer. 111035  
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(iv) "Qualified product" means a personal care, health, or beauty product or an aromatic product, including a candle. 111042  
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(v) "Integrated supply chain" means two or more qualified integrated supply chain vendors that systematically collaborate and coordinate business operations with a retailer on the flow of tangible personal property from material sourcing through manufacturing, assembly, packaging, and delivery to the retailer 111044  
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to improve long-term financial performance of each vendor and the supply chain that includes the retailer. 111049  
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(vi) "Integrated supply chain services" means procuring raw materials or manufacturing, processing, refining, assembling, packaging, or repackaging tangible personal property that will eventually become finished goods inventory capable of being sold at retail by a retailer. 111051  
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(vii) "Retailer" means a person primarily engaged in making retail sales and includes any member of the retailer's consolidated elected taxpayer group or combined taxpayer group, whether or not that member is primarily engaged in making retail sales. 111056  
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(viii) "Qualified integrated supply chain district" means a parcel or parcels of land composed of a total of between one hundred and five hundred acres and all of which are located in a county having a population of greater than one hundred fifty thousand but less than two hundred thousand. 111061  
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(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel purchased directly from such a supplier multiplied by the statewide average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code. 111066  
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(ll) Any receipts for which the tax imposed by this chapter 111079

is prohibited by the constitution or laws of the United States or 111080  
the constitution of this state. 111081

(3) In the case of a taxpayer when acting as a real estate 111082  
broker, "gross receipts" includes only the portion of any fee for 111083  
the service of a real estate broker, or service of a real estate 111084  
salesperson associated with that broker, that is retained by the 111085  
broker and not paid to an associated real estate salesperson or 111086  
another real estate broker. For the purposes of this division, 111087  
"real estate broker" and "real estate salesperson" have the same 111088  
meanings as in section 4735.01 of the Revised Code. 111089

(4) A taxpayer's method of accounting for gross receipts for 111090  
a tax period shall be the same as the taxpayer's method of 111091  
accounting for federal income tax purposes for the taxpayer's 111092  
federal taxable year that includes the tax period. If a taxpayer's 111093  
method of accounting for federal income tax purposes changes, its 111094  
method of accounting for gross receipts under this chapter shall 111095  
be changed accordingly. 111096

(G) "Taxable gross receipts" means gross receipts sitused to 111097  
this state under section 5751.033 of the Revised Code. 111098

(H) A person has "substantial nexus with this state" if any 111099  
of the following applies. The person: 111100

(1) Owns or uses a part or all of its capital in this state; 111101

(2) Holds a certificate of compliance with the laws of this 111102  
state authorizing the person to do business in this state; 111103

(3) Has bright-line presence in this state; 111104

(4) Otherwise has nexus with this state to an extent that the 111105  
person can be required to remit the tax imposed under this chapter 111106  
under the Constitution of the United States. 111107

(I) A person has "bright-line presence" in this state for a 111108  
reporting period and for the remaining portion of the calendar 111109

year if any of the following applies. The person: 111110

(1) Has at any time during the calendar year property in this 111111  
state with an aggregate value of at least fifty thousand dollars. 111112  
For the purpose of division (I)(1) of this section, owned property 111113  
is valued at original cost and rented property is valued at eight 111114  
times the net annual rental charge. 111115

(2) Has during the calendar year payroll in this state of at 111116  
least fifty thousand dollars. Payroll in this state includes all 111117  
of the following: 111118

(a) Any amount subject to withholding by the person under 111119  
section 5747.06 of the Revised Code; 111120

(b) Any other amount the person pays as compensation to an 111121  
individual under the supervision or control of the person for work 111122  
done in this state; and 111123

(c) Any amount the person pays for services performed in this 111124  
state on its behalf by another. 111125

(3) Has during the calendar year taxable gross receipts of at 111126  
least five hundred thousand dollars. 111127

(4) Has at any time during the calendar year within this 111128  
state at least twenty-five per cent of the person's total 111129  
property, total payroll, or total gross receipts. 111130

(5) Is domiciled in this state as an individual or for 111131  
corporate, commercial, or other business purposes. 111132

(J) "Tangible personal property" has the same meaning as in 111133  
section 5739.01 of the Revised Code. 111134

(K) "Internal Revenue Code" means the Internal Revenue Code 111135  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 111136  
this chapter that is not otherwise defined has the same meaning as 111137  
when used in a comparable context in the laws of the United States 111138  
relating to federal income taxes unless a different meaning is 111139

clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated



elected taxpayer or combined taxpayer group that is designated by 111169  
that group to legally bind the group for all filings and tax 111170  
liabilities and to receive all legal notices with respect to 111171  
matters under this chapter, or, for the purposes of section 111172  
5751.04 of the Revised Code, a separate taxpayer that is not a 111173  
member of such a group. 111174

**Sec. 5751.02.** (A) For the purpose of funding the needs of 111175  
this state and its local governments, there is hereby levied a 111176  
commercial activity tax on each person with taxable gross receipts 111177  
for the privilege of doing business in this state. For the 111178  
purposes of this chapter, "doing business" means engaging in any 111179  
activity, whether legal or illegal, that is conducted for, or 111180  
results in, gain, profit, or income, at any time during a calendar 111181  
year. Persons on which the commercial activity tax is levied 111182  
include, but are not limited to, persons with substantial nexus 111183  
with this state. The tax imposed under this section is not a 111184  
transactional tax and is not subject to Public Law No. 86-272, 73 111185  
Stat. 555. The tax imposed under this section is in addition to 111186  
any other taxes or fees imposed under the Revised Code. The tax 111187  
levied under this section is imposed on the person receiving the 111188  
gross receipts and is not a tax imposed directly on a purchaser. 111189  
The tax imposed by this section is an annual privilege tax for the 111190  
calendar year that, in the case of calendar year taxpayers, is the 111191  
annual tax period and, in the case of calendar quarter taxpayers, 111192  
contains all quarterly tax periods in the calendar year. A 111193  
taxpayer is subject to the annual privilege tax for doing business 111194  
during any portion of such calendar year. 111195

(B) The tax imposed by this section is a tax on the taxpayer 111196  
and shall not be billed or invoiced to another person. Even if the 111197  
tax or any portion thereof is billed or invoiced and separately 111198  
stated, such amounts remain part of the price for purposes of the 111199  
sales and use taxes levied under Chapters 5739. and 5741. of the 111200

Revised Code. Nothing in division (B) of this section prohibits: 111201

(1) A person from including in the price charged for a good 111202  
or service an amount sufficient to recover the tax imposed by this 111203  
section; or 111204

(2) A lessor from including an amount sufficient to recover 111205  
the tax imposed by this section in a lease payment charged, or 111206  
from including such an amount on a billing or invoice pursuant to 111207  
the terms of a written lease agreement providing for the recovery 111208  
of the lessor's tax costs. The recovery of such costs shall be 111209  
based on an estimate of the total tax cost of the lessor during 111210  
the tax period, as the tax liability of the lessor cannot be 111211  
calculated until the end of that period. 111212

(C)(1) The commercial activities tax receipts fund is hereby 111213  
created in the state treasury and shall consist of money arising 111214  
from the tax imposed under this chapter. Eighty-five 111215  
one-hundredths of one per cent of the money credited to that fund 111216  
shall be credited to the revenue enhancement fund and shall be 111217  
used to defray the costs incurred by the department of taxation in 111218  
administering the tax imposed by this chapter and in implementing 111219  
tax reform measures. The remainder of the money in the commercial 111220  
activities tax receipts fund shall first be credited to the 111221  
commercial activity tax motor fuel receipts fund, pursuant to 111222  
division (C)(2) of this section, and the remainder shall be 111223  
credited in the following percentages each fiscal year to the 111224  
general revenue fund, to the school district tangible property tax 111225  
replacement fund, which is hereby created in the state treasury 111226  
for the purpose of making the payments described in section 111227  
5709.92 of the Revised Code, and to the local government tangible 111228  
property tax replacement fund, which is hereby created in the 111229  
state treasury for the purpose of making the payments described in 111230  
section 5709.93 of the Revised Code, in the following percentages: 111231

<u>Fiscal year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	111232
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	<u>Fund</u>	<u>Tangible Property Tax Replacement Fund</u>	<u>Tangible Property Tax Replacement Fund</u>	
<u>2014 and 2015</u>	<u>50.0%</u>	<u>35.0%</u>	<u>15.0%</u>	111233
<u>2016 and thereafter</u>	<u>75.0%</u>	<u>20.0%</u>	<u>5.0%</u>	111234
<u>(2) Not later than the twentieth day of February, May,</u>				111235
<u>August, and November of each year, the commissioner shall provide</u>				111236
<u>for payment from the commercial activities tax receipts fund to</u>				111237
<u>the commercial activity tax motor fuel receipts fund an amount</u>				111238
<u>that bears the same ratio to the balance in the commercial</u>				111239
<u>activities tax receipts fund that (a) the taxable gross receipts</u>				111240
<u>attributed to motor fuel used for propelling vehicles on public</u>				111241
<u>highways as indicated by returns filed by the tenth day of that</u>				111242
<u>month for a liability that is due and payable on or after July 1,</u>				111243
<u>2013, for a tax period ending before July 1, 2014, bears to (b)</u>				111244
<u>all taxable gross receipts as indicated by those returns for such</u>				111245
<u>liabilities.</u>				111246
<u>(D)(1) If the total amount in the school district tangible</u>				111247
<u>property tax replacement fund is insufficient to make all payments</u>				111248
<u>under section 5709.92 of the Revised Code at the times the</u>				111249
<u>payments are to be made, the director of budget and management</u>				111250
<u>shall transfer from the general revenue fund to the school</u>				111251
<u>district tangible property tax replacement fund the difference</u>				111252
<u>between the total amount to be paid and the amount in the school</u>				111253
<u>district tangible property tax replacement fund.</u>				111254
<u>(2) If the total amount in the local government tangible</u>				111255
<u>property tax replacement fund is insufficient to make all payments</u>				111256
<u>under section 5709.93 of the Revised Code at the times the</u>				111257
<u>payments are to be made, the director of budget and management</u>				111258
<u>shall transfer from the general revenue fund to the local</u>				111259
<u>government tangible property tax replacement fund the difference</u>				111260

between the total amount to be paid and the amount in the local 111261  
government tangible property tax replacement fund. 111262

(E)(1) On or after the first day of June of each year, the 111263  
director of budget and management may transfer any balance in the 111264  
school district tangible property tax replacement fund to the 111265  
general revenue fund. 111266

(2) On or after the first day of June of each year, the 111267  
director of budget and management may transfer any balance in the 111268  
local government tangible property tax replacement fund to the 111269  
general revenue fund. 111270

(F)(1) There is hereby created in the state treasury the 111271  
commercial activity tax motor fuel receipts fund. 111272

(2) On or before the fifteenth day of June of each fiscal 111273  
year beginning with fiscal year 2015, the director of the Ohio 111274  
public works commission shall certify to the director of budget 111275  
and management the amount of debt service paid from the general 111276  
revenue fund in the current fiscal year on bonds issued to finance 111277  
or assist in the financing of the cost of local subdivision public 111278  
infrastructure capital improvement projects, as provided for in 111279  
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 111280  
are attributable to costs for construction, reconstruction, 111281  
maintenance, or repair of public highways and bridges and other 111282  
statutory highway purposes. That certification shall allocate the 111283  
total amount of debt service paid from the general revenue fund 111284  
and attributable to those costs in the current fiscal year 111285  
according to the applicable section of the Ohio Constitution under 111286  
which the bonds were originally issued. 111287

(3) On or before the thirtieth day of June of each fiscal 111288  
year beginning with fiscal year 2015, the director of budget and 111289  
management shall determine an amount up to but not exceeding the 111290  
amount certified under division (F)(2) of this section and shall 111291

reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year. 111292  
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**Sec. 5751.20.** ~~(A)~~ No determinations, computations, certifications, or payments shall be made under this section after June 30, 2015. 111301  
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111303

(A) As used in sections 5751.20 to 5751.22 of the Revised Code: 111304  
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(1) "School district," "joint vocational school district," "local taxing unit," "recognized valuation," "fixed-rate levy," and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code. 111306  
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(2) "State education aid" for a school district means the following: 111310  
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(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under the following provisions, as they existed for the applicable fiscal year: 111312  
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2008 and 2009, the amount computed for the district under Section 111323  
269.20.80 of H.B. 119 of the 127th general assembly and as that 111324  
section subsequently may be amended shall be substituted for the 111325  
amount computed under division (D) of section 3317.022 of the 111326  
Revised Code, and the amount computed under Section 269.30.80 of 111327  
H.B. 119 of the 127th general assembly and as that section 111328  
subsequently may be amended shall be included. 111329

(b) For fiscal years 2010 and 2011, the sum of the amounts 111330  
computed under former sections 3306.052, 3306.12, 3306.13, 111331  
3306.19, 3306.191, and 3306.192 of the Revised Code; 111332

(c) For fiscal years 2012 and 2013, the sum of the amounts 111333  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 111334  
153 of the 129th general assembly; 111335

(d) For fiscal year 2014 and each fiscal year thereafter, the 111336  
sum of state amounts computed for the district under section 111337  
3317.022 of the Revised Code; except that, for fiscal years 2014 111338  
and 2015, the amount computed for the district under the section 111339  
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 111340  
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 111341

(3) "State education aid" for a joint vocational school 111342  
district means the following: 111343

(a) For fiscal years prior to fiscal year 2010, the sum of 111344  
the state aid computed for the district under division (N) of 111345  
section 3317.024 and former section 3317.16 of the Revised Code, 111346  
except that, for fiscal years 2008 and 2009, the amount computed 111347  
under Section 269.30.80 of H.B. 119 of the 127th general assembly 111348  
and as that section subsequently may be amended shall be included. 111349

(b) For fiscal years 2010 and 2011, the amount paid in 111350  
accordance with Section 265.30.50 of H.B. 1 of the 128th general 111351  
assembly. 111352

(c) For fiscal years 2012 and 2013, the amount paid in 111353

accordance with Section 267.30.60 of H.B. 153 of the 129th general assembly. 111354  
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(d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included. 111356  
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(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 111362  
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(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 111365  
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(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 111367  
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(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 111369  
111370

(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 111371  
111372

(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 111373  
111374

(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 111375  
111376

(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 111377  
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(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 111381  
111382

(13) "Machinery and equipment" means personal property 111383

subject to the assessment rate specified in division (F) of 111384  
section 5711.22 of the Revised Code. 111385

(14) "Inventory" means personal property subject to the 111386  
assessment rate specified in division (E) of section 5711.22 of 111387  
the Revised Code. 111388

(15) "Furniture and fixtures" means personal property subject 111389  
to the assessment rate specified in division (G) of section 111390  
5711.22 of the Revised Code. 111391

(16) "Qualifying levies" are levies in effect for tax year 111392  
2004 or applicable to tax year 2005 or approved at an election 111393  
conducted before September 1, 2005. For the purpose of determining 111394  
the rate of a qualifying levy authorized by section 5705.212 or 111395  
5705.213 of the Revised Code, the rate shall be the rate that 111396  
would be in effect for tax year 2010. 111397

(17) "Telephone property" means tangible personal property of 111398  
a telephone, telegraph, or interexchange telecommunications 111399  
company subject to an assessment rate specified in section 111400  
5727.111 of the Revised Code in tax year 2004. 111401

(18) "Telephone property tax value loss" means the amount 111402  
determined under division (C)(4) of this section. 111403

(19) "Telephone property fixed-rate levy loss" means the 111404  
amount determined under division (D)(4) of this section. 111405

(20) "Taxes charged and payable" means taxes charged and 111406  
payable after the reduction required by section 319.301 of the 111407  
Revised Code but before the reductions required by sections 111408  
319.302 and 323.152 of the Revised Code. 111409

(21) "Median estate tax collections" means, in the case of a 111410  
municipal corporation to which revenue from the taxes levied in 111411  
Chapter 5731. of the Revised Code was distributed in each of 111412  
calendar years 2006, 2007, 2008, and 2009, the median of those 111413



distributions. In the case of a municipal corporation to which no 111414  
distributions were made in one or more of those years, "median 111415  
estate tax collections" means zero. 111416

(22) "Total resources," in the case of a school district, 111417  
means the sum of the amounts in divisions (A)(22)(a) to (h) of 111418  
this section less any reduction required under division (A)(32) or 111419  
(33) of this section. 111420

(a) The state education aid for fiscal year 2010; 111421

(b) The sum of the payments received by the school district 111422  
in fiscal year 2010 for current expense levy losses pursuant to 111423  
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 111424  
section 5751.21 of the Revised Code, excluding the portion of such 111425  
payments attributable to levies for joint vocational school 111426  
district purposes; 111427

(c) The sum of fixed-sum levy loss payments received by the 111428  
school district in fiscal year 2010 pursuant to division (E)(1) of 111429  
section 5727.85 and division (E)(1) of section 5751.21 of the 111430  
Revised Code for fixed-sum levies charged and payable for a 111431  
purpose other than paying debt charges; 111432

(d) Fifty per cent of the school district's taxes charged and 111433  
payable against all property on the tax list of real and public 111434  
utility property for current expense purposes for tax year 2008, 111435  
including taxes charged and payable from emergency levies charged 111436  
and payable under section 5709.194 of the Revised Code and 111437  
excluding taxes levied for joint vocational school district 111438  
purposes; 111439

(e) Fifty per cent of the school district's taxes charged and 111440  
payable against all property on the tax list of real and public 111441  
utility property for current expenses for tax year 2009, including 111442  
taxes charged and payable from emergency levies and excluding 111443  
taxes levied for joint vocational school district purposes; 111444

(f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;	111445 111446 111447 111448
(g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;	111449 111450
(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.	111451 111452
(23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.	111453 111454 111455 111456
(a) The state education aid for fiscal year 2010;	111457
(b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	111458 111459 111460 111461
(c) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008;	111462 111463 111464 111465
(d) Fifty per cent of the joint vocational school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009;	111466 111467 111468 111469
(e) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2008;	111470 111471 111472 111473 111474

(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;

(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009.

(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such

purposes against all property on the tax list of real and public utility property for tax year 2009. 111506  
111507

(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 111508  
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 111512  
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 111516  
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(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 111520  
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(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 111524  
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(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 111528  
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(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section. 111532  
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(a) The sum of the payments received by the county for all 111537  
other purposes in calendar year 2010 under division (A)(1) of 111538  
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 111539  
the Revised Code as they existed at that time; 111540

(b) The county's percentage share of county undivided local 111541  
government fund allocations as certified to the tax commissioner 111542  
for calendar year 2010 by the county auditor under division (J) of 111543  
section 5747.51 of the Revised Code or division (F) of section 111544  
5747.53 of the Revised Code multiplied by the total amount 111545  
actually distributed in calendar year 2010 from the county 111546  
undivided local government fund; 111547

(c) With respect to taxes levied by the county for all other 111548  
purposes, the taxes charged and payable for such purposes against 111549  
all property on the tax list of real and public utility property 111550  
for tax year 2009, excluding taxes charged and payable for the 111551  
purpose of paying debt charges; 111552

(d) The sum of the amounts distributed to the county in 111553  
calendar year 2010 for the taxes levied pursuant to sections 111554  
5739.021 and 5741.021 of the Revised Code. 111555

(29) "Total resources," in the case of a municipal 111556  
corporation, means the sum of the amounts in divisions (A)(29)(a) 111557  
to (g) of this section less any reduction required under division 111558  
(A)(32) or (33) of this section. 111559

(a) The sum of the payments received by the municipal 111560  
corporation in calendar year 2010 for current expense levy losses 111561  
under division (A)(1) of section 5727.86 and divisions (A)(1) and 111562  
(2) of section 5751.22 of the Revised Code as they existed at that 111563  
time; 111564

(b) The municipal corporation's percentage share of county 111565  
undivided local government fund allocations as certified to the 111566  
tax commissioner for calendar year 2010 by the county auditor 111567

under division (J) of section 5747.51 of the Revised Code or 111568  
division (F) of section 5747.53 of the Revised Code multiplied by 111569  
the total amount actually distributed in calendar year 2010 from 111570  
the county undivided local government fund; 111571

(c) The sum of the amounts distributed to the municipal 111572  
corporation in calendar year 2010 pursuant to section 5747.50 of 111573  
the Revised Code; 111574

(d) With respect to taxes levied by the municipal 111575  
corporation, the taxes charged and payable against all property on 111576  
the tax list of real and public utility property for current 111577  
expenses, defined in division (A)(35) of this section, for tax 111578  
year 2009; 111579

(e) The amount of admissions tax collected by the municipal 111580  
corporation in calendar year 2008, or if such information has not 111581  
yet been reported to the tax commissioner, in the most recent year 111582  
before 2008 for which the municipal corporation has reported data 111583  
to the commissioner; 111584

(f) The amount of income taxes collected by the municipal 111585  
corporation in calendar year 2008, or if such information has not 111586  
yet been reported to the tax commissioner, in the most recent year 111587  
before 2008 for which the municipal corporation has reported data 111588  
to the commissioner; 111589

(g) The municipal corporation's median estate tax 111590  
collections. 111591

(30) "Total resources," in the case of a township, means the 111592  
sum of the amounts in divisions (A)(30)(a) to (c) of this section 111593  
less any reduction required under division (A)(32) or (33) of this 111594  
section. 111595

(a) The sum of the payments received by the township in 111596  
calendar year 2010 pursuant to division (A)(1) of section 5727.86 111597  
of the Revised Code and divisions (A)(1) and (2) of section 111598

5751.22 of the Revised Code as they existed at that time, 111599  
excluding payments received for debt purposes; 111600

(b) The township's percentage share of county undivided local 111601  
government fund allocations as certified to the tax commissioner 111602  
for calendar year 2010 by the county auditor under division (J) of 111603  
section 5747.51 of the Revised Code or division (F) of section 111604  
5747.53 of the Revised Code multiplied by the total amount 111605  
actually distributed in calendar year 2010 from the county 111606  
undivided local government fund; 111607

(c) With respect to taxes levied by the township, the taxes 111608  
charged and payable against all property on the tax list of real 111609  
and public utility property for tax year 2009 excluding taxes 111610  
charged and payable for the purpose of paying debt charges. 111611

(31) "Total resources," in the case of a local taxing unit 111612  
that is not a county, municipal corporation, or township, means 111613  
the sum of the amounts in divisions (A)(31)(a) to (e) of this 111614  
section less any reduction required under division (A)(32) of this 111615  
section. 111616

(a) The sum of the payments received by the local taxing unit 111617  
in calendar year 2010 pursuant to division (A)(1) of section 111618  
5727.86 of the Revised Code and divisions (A)(1) and (2) of 111619  
section 5751.22 of the Revised Code as they existed at that time; 111620

(b) The local taxing unit's percentage share of county 111621  
undivided local government fund allocations as certified to the 111622  
tax commissioner for calendar year 2010 by the county auditor 111623  
under division (J) of section 5747.51 of the Revised Code or 111624  
division (F) of section 5747.53 of the Revised Code multiplied by 111625  
the total amount actually distributed in calendar year 2010 from 111626  
the county undivided local government fund; 111627

(c) With respect to taxes levied by the local taxing unit, 111628  
the taxes charged and payable against all property on the tax list 111629

of real and public utility property for tax year 2009 excluding 111630  
taxes charged and payable for the purpose of paying debt charges; 111631

(d) The amount received from the tax commissioner during 111632  
calendar year 2010 for sales or use taxes authorized under 111633  
sections 5739.023 and 5741.022 of the Revised Code; 111634

(e) For institutions of higher education receiving tax 111635  
revenue from a local levy, as identified in section 3358.02 of the 111636  
Revised Code, the final state share of instruction allocation for 111637  
fiscal year 2010 as calculated by the ~~board of regents~~ chancellor 111638  
of higher education and reported to the state controlling board. 111639

(32) If a fixed-rate levy that is a qualifying levy is not 111640  
charged and payable in any year after tax year 2010, "total 111641  
resources" used to compute payments to be made under division 111642  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 111643  
5751.22 of the Revised Code in the tax years following the last 111644  
year the levy is charged and payable shall be reduced to the 111645  
extent that the payments are attributable to the fixed-rate levy 111646  
loss of that levy as would be computed under division (C)(2) of 111647  
section 5727.85, division (A)(1) of section 5727.85, divisions 111648  
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 111649  
5751.22 of the Revised Code. 111650

(33) In the case of a county, municipal corporation, school 111651  
district, or township with fixed-rate levy losses attributable to 111652  
a tax levied under section 5705.23 of the Revised Code, "total 111653  
resources" used to compute payments to be made under division 111654  
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 111655  
division (C)(12) of section 5751.21, or division (A)(1)(c) of 111656  
section 5751.22 of the Revised Code shall be reduced by the 111657  
amounts described in divisions (A)(34)(a) to (c) of this section 111658  
to the extent that those amounts were included in calculating the 111659  
"total resources" of the school district or local taxing unit 111660  
under division (A)(22), (28), (29), or (30) of this section. 111661



(34) "Total library resources," in the case of a county, 111662  
municipal corporation, school district, or township public library 111663  
that receives the proceeds of a tax levied under section 5705.23 111664  
of the Revised Code, means the sum of the amounts in divisions 111665  
(A)(34)(a) to (c) of this section less any reduction required 111666  
under division (A)(32) of this section. 111667

(a) The sum of the payments received by the county, municipal 111668  
corporation, school district, or township public library in 111669  
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 111670  
Revised Code, as they existed at that time, for fixed-rate levy 111671  
losses attributable to a tax levied under section 5705.23 of the 111672  
Revised Code for the benefit of the public library; 111673

(b) The public library's percentage share of county undivided 111674  
local government fund allocations as certified to the tax 111675  
commissioner for calendar year 2010 by the county auditor under 111676  
division (J) of section 5747.51 of the Revised Code or division 111677  
(F) of section 5747.53 of the Revised Code multiplied by the total 111678  
amount actually distributed in calendar year 2010 from the county 111679  
undivided local government fund; 111680

(c) With respect to a tax levied pursuant to section 5705.23 111681  
of the Revised Code for the benefit of the public library, the 111682  
amount of such tax that is charged and payable against all 111683  
property on the tax list of real and public utility property for 111684  
tax year 2009 excluding any tax that is charged and payable for 111685  
the purpose of paying debt charges. 111686

(35) "Municipal current expense property tax levies" means 111687  
all property tax levies of a municipality, except those with the 111688  
following levy names: airport resurfacing; bond or any levy name 111689  
including the word "bond"; capital improvement or any levy name 111690  
including the word "capital"; debt or any levy name including the 111691  
word "debt"; equipment or any levy name including the word 111692  
"equipment," unless the levy is for combined operating and 111693

equipment; employee termination fund; fire pension or any levy 111694  
containing the word "pension," including police pensions; 111695  
fireman's fund or any practically similar name; sinking fund; road 111696  
improvements or any levy containing the word "road"; fire truck or 111697  
apparatus; flood or any levy containing the word "flood"; 111698  
conservancy district; county health; note retirement; sewage, or 111699  
any levy containing the words "sewage" or "sewer"; park 111700  
improvement; parkland acquisition; storm drain; street or any levy 111701  
name containing the word "street"; lighting, or any levy name 111702  
containing the word "lighting"; and water. 111703

(36) "Current expense TPP allocation" means, in the case of a 111704  
school district or joint vocational school district, the sum of 111705  
the payments received by the school district in fiscal year 2011 111706  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 111707  
Revised Code to the extent paid for current expense levies. In the 111708  
case of a municipal corporation, "current expense TPP allocation" 111709  
means the sum of the payments received by the municipal 111710  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 111711  
(2) of section 5751.22 of the Revised Code to the extent paid for 111712  
municipal current expense property tax levies as defined in 111713  
division (A)(35) of this section, excluding any such payments 111714  
received for current expense levy losses attributable to a tax 111715  
levied under section 5705.23 of the Revised Code. If a fixed-rate 111716  
levy that is a qualifying levy is not charged and payable in any 111717  
year after tax year 2010, "current expense TPP allocation" used to 111718  
compute payments to be made under division (C)(12) of section 111719  
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 111720  
Revised Code in the tax years following the last year the levy is 111721  
charged and payable shall be reduced to the extent that the 111722  
payments are attributable to the fixed-rate levy loss of that levy 111723  
as would be computed under divisions (C)(10) and (11) of section 111724  
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 111725

(37) "TPP allocation" means the sum of payments received by a local taxing unit in calendar year 2010 pursuant to divisions (A)(1) and (2) of section 5751.22 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation" used to compute payments to be made under division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of that section.

(38) "Total TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the amounts received in fiscal year 2011 pursuant to divisions (C)(10) and (11) and (D) of section 5751.21 of the Revised Code. In the case of a local taxing unit, "total TPP allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1), (2), and (3) of section 5751.22 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total TPP allocation" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under divisions (C)(10) and (11) of section 5751.21 or division (A)(1) of section 5751.22 of the Revised Code.

(39) "Non-current expense TPP allocation" means the difference of total TPP allocation minus the sum of current

expense TPP allocation and the portion of total TPP allocation 111758  
constituting reimbursement for debt levies, pursuant to division 111759  
(D) of section 5751.21 of the Revised Code in the case of a school 111760  
district or joint vocational school district and pursuant to 111761  
division (A)(3) of section 5751.22 of the Revised Code in the case 111762  
of a municipal corporation. 111763

(40) "TPP allocation for library purposes" means the sum of 111764  
payments received by a county, municipal corporation, school 111765  
district, or township public library in calendar year 2010 111766  
pursuant to section 5751.22 of the Revised Code for fixed-rate 111767  
levy losses attributable to a tax levied under section 5705.23 of 111768  
the Revised Code. If a fixed-rate levy authorized under section 111769  
5705.23 of the Revised Code that is a qualifying levy is not 111770  
charged and payable in any year after tax year 2010, "TPP 111771  
allocation for library purposes" used to compute payments to be 111772  
made under division (A)(1)(d) of section 5751.22 of the Revised 111773  
Code in the tax years following the last year the levy is charged 111774  
and payable shall be reduced to the extent that the payments are 111775  
attributable to the fixed-rate levy loss of that levy as would be 111776  
computed under division (A)(1) of section 5751.22 of the Revised 111777  
Code. 111778

(41) "Threshold per cent" means, in the case of a school 111779  
district or joint vocational school district, two per cent for 111780  
fiscal year 2012 and four per cent for fiscal years 2013 and 111781  
thereafter. In the case of a local taxing unit or public library 111782  
that receives the proceeds of a tax levied under section 5705.23 111783  
of the Revised Code, "threshold per cent" means two per cent for 111784  
tax year 2011, four per cent for tax year 2012, and six per cent 111785  
for tax years 2013 and thereafter. 111786

(B)(1) The commercial activities tax receipts fund is hereby 111787  
created in the state treasury and shall consist of money arising 111788  
from the tax imposed under this chapter. Eighty-five 111789

one-hundredths of one per cent of the money credited to that fund 111790  
shall be credited to the revenue enhancement fund and shall be 111791  
used to defray the costs incurred by the department of taxation in 111792  
administering the tax imposed by this chapter and in implementing 111793  
tax reform measures. The remainder of the money in the commercial 111794  
activities tax receipts fund shall first be credited to the 111795  
commercial activity tax motor fuel receipts fund, pursuant to 111796  
division (B)(2) of this section, and the remainder shall be 111797  
credited in the following percentages each fiscal year to the 111798  
general revenue fund, to the school district tangible property tax 111799  
replacement fund, which is hereby created in the state treasury 111800  
for the purpose of making the payments described in section 111801  
5751.21 of the Revised Code, and to the local government tangible 111802  
property tax replacement fund, which is hereby created in the 111803  
state treasury for the purpose of making the payments described in 111804  
section 5751.22 of the Revised Code, in the following percentages: 111805

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	111806
2007	0%	70.0%	30.0%	111807
2008	0%	70.0%	30.0%	111808
2009	0%	70.0%	30.0%	111809
2010	0%	70.0%	30.0%	111810
2011	0%	70.0%	30.0%	111811
2012	25.0%	52.5%	22.5%	111812
2013 and thereafter	50.0%	35.0%	15.0%	111813

(2) Not later than the twentieth day of February, May, 111815  
August, and November of each year, the commissioner shall provide 111816  
for payment from the commercial activities tax receipts fund to 111817  
the commercial activity tax motor fuel receipts fund an amount 111818

that bears the same ratio to the balance in the commercial 111819  
activities tax receipts fund that (a) the taxable gross receipts 111820  
attributed to motor fuel used for propelling vehicles on public 111821  
highways as indicated by returns filed by the tenth day of that 111822  
month for a liability that is due and payable on or after July 1, 111823  
2013, for a tax period ending before July 1, 2014, bears to (b) 111824  
all taxable gross receipts as indicated by those returns for such 111825  
liabilities. 111826

(C) Not later than September 15, 2005, the tax commissioner 111827  
shall determine for each school district, joint vocational school 111828  
district, and local taxing unit its machinery and equipment, 111829  
inventory property, furniture and fixtures property, and telephone 111830  
property tax value losses, which are the applicable amounts 111831  
described in divisions (C)(1), (2), (3), and (4) of this section, 111832  
except as provided in division (C)(5) of this section: 111833

(1) Machinery and equipment property tax value loss is the 111834  
taxable value of machinery and equipment property as reported by 111835  
taxpayers for tax year 2004 multiplied by: 111836

(a) For tax year 2006, thirty-three and eight-tenths per 111837  
cent; 111838

(b) For tax year 2007, sixty-one and three-tenths per cent; 111839

(c) For tax year 2008, eighty-three per cent; 111840

(d) For tax year 2009 and thereafter, one hundred per cent. 111841

(2) Inventory property tax value loss is the taxable value of 111842  
inventory property as reported by taxpayers for tax year 2004 111843  
multiplied by: 111844

(a) For tax year 2006, a fraction, the numerator of which is 111845  
five and three-fourths and the denominator of which is 111846  
twenty-three; 111847

(b) For tax year 2007, a fraction, the numerator of which is 111848

nine and one-half and the denominator of which is twenty-three;	111849
(c) For tax year 2008, a fraction, the numerator of which is	111850
thirteen and one-fourth and the denominator of which is	111851
twenty-three;	111852
(d) For tax year 2009 and thereafter a fraction, the	111853
numerator of which is seventeen and the denominator of which is	111854
twenty-three.	111855
(3) Furniture and fixtures property tax value loss is the	111856
taxable value of furniture and fixture property as reported by	111857
taxpayers for tax year 2004 multiplied by:	111858
(a) For tax year 2006, twenty-five per cent;	111859
(b) For tax year 2007, fifty per cent;	111860
(c) For tax year 2008, seventy-five per cent;	111861
(d) For tax year 2009 and thereafter, one hundred per cent.	111862
The taxable value of property reported by taxpayers used in	111863
divisions (C)(1), (2), and (3) of this section shall be such	111864
values as determined to be final by the tax commissioner as of	111865
August 31, 2005. Such determinations shall be final except for any	111866
correction of a clerical error that was made prior to August 31,	111867
2005, by the tax commissioner.	111868
(4) Telephone property tax value loss is the taxable value of	111869
telephone property as taxpayers would have reported that property	111870
for tax year 2004 if the assessment rate for all telephone	111871
property for that year were twenty-five per cent, multiplied by:	111872
(a) For tax year 2006, zero per cent;	111873
(b) For tax year 2007, zero per cent;	111874
(c) For tax year 2008, zero per cent;	111875
(d) For tax year 2009, sixty per cent;	111876
(e) For tax year 2010, eighty per cent;	111877

(f) For tax year 2011 and thereafter, one hundred per cent. 111878

(5) Division (C)(5) of this section applies to any school 111879  
district, joint vocational school district, or local taxing unit 111880  
in a county in which is located a facility currently or formerly 111881  
devoted to the enrichment or commercialization of uranium or 111882  
uranium products, and for which the total taxable value of 111883  
property listed on the general tax list of personal property for 111884  
any tax year from tax year 2001 to tax year 2004 was fifty per 111885  
cent or less of the taxable value of such property listed on the 111886  
general tax list of personal property for the next preceding tax 111887  
year. 111888

In computing the fixed-rate levy losses under divisions 111889  
(D)(1), (2), and (3) of this section for any school district, 111890  
joint vocational school district, or local taxing unit to which 111891  
division (C)(5) of this section applies, the taxable value of such 111892  
property as listed on the general tax list of personal property 111893  
for tax year 2000 shall be substituted for the taxable value of 111894  
such property as reported by taxpayers for tax year 2004, in the 111895  
taxing district containing the uranium facility, if the taxable 111896  
value listed for tax year 2000 is greater than the taxable value 111897  
reported by taxpayers for tax year 2004. For the purpose of making 111898  
the computations under divisions (D)(1), (2), and (3) of this 111899  
section, the tax year 2000 valuation is to be allocated to 111900  
machinery and equipment, inventory, and furniture and fixtures 111901  
property in the same proportions as the tax year 2004 values. For 111902  
the purpose of the calculations in division (A) of section 5751.21 111903  
of the Revised Code, the tax year 2004 taxable values shall be 111904  
used. 111905

To facilitate the calculations required under division (C) of 111906  
this section, the county auditor, upon request from the tax 111907  
commissioner, shall provide by August 1, 2005, the values of 111908  
machinery and equipment, inventory, and furniture and fixtures for 111909



all single-county personal property taxpayers for tax year 2004. 111910

(D) Not later than September 15, 2005, the tax commissioner 111911  
shall determine for each tax year from 2006 through 2009 for each 111912  
school district, joint vocational school district, and local 111913  
taxing unit its machinery and equipment, inventory, and furniture 111914  
and fixtures fixed-rate levy losses, and for each tax year from 111915  
2006 through 2011 its telephone property fixed-rate levy loss. 111916  
Except as provided in division (F) of this section, such losses 111917  
are the applicable amounts described in divisions (D)(1), (2), 111918  
(3), and (4) of this section: 111919

(1) The machinery and equipment fixed-rate levy loss is the 111920  
machinery and equipment property tax value loss multiplied by the 111921  
sum of the tax rates of fixed-rate qualifying levies. 111922

(2) The inventory fixed-rate loss is the inventory property 111923  
tax value loss multiplied by the sum of the tax rates of 111924  
fixed-rate qualifying levies. 111925

(3) The furniture and fixtures fixed-rate levy loss is the 111926  
furniture and fixture property tax value loss multiplied by the 111927  
sum of the tax rates of fixed-rate qualifying levies. 111928

(4) The telephone property fixed-rate levy loss is the 111929  
telephone property tax value loss multiplied by the sum of the tax 111930  
rates of fixed-rate qualifying levies. 111931

(E) Not later than September 15, 2005, the tax commissioner 111932  
shall determine for each school district, joint vocational school 111933  
district, and local taxing unit its fixed-sum levy loss. The 111934  
fixed-sum levy loss is the amount obtained by subtracting the 111935  
amount described in division (E)(2) of this section from the 111936  
amount described in division (E)(1) of this section: 111937

(1) The sum of the machinery and equipment property tax value 111938  
loss, the inventory property tax value loss, and the furniture and 111939  
fixtures property tax value loss, and, for 2008 through 2010, the 111940

telephone property tax value loss of the district or unit 111941  
multiplied by the sum of the fixed-sum tax rates of qualifying 111942  
levies. For 2006 through 2010, this computation shall include all 111943  
qualifying levies remaining in effect for the current tax year and 111944  
any school district levies charged and payable under section 111945  
5705.194 or 5705.213 of the Revised Code that are qualifying 111946  
levies not remaining in effect for the current year. For 2011 111947  
through 2017 in the case of school district levies charged and 111948  
payable under section 5705.194 or 5705.213 of the Revised Code and 111949  
for all years after 2010 in the case of other fixed-sum levies, 111950  
this computation shall include only qualifying levies remaining in 111951  
effect for the current year. For purposes of this computation, a 111952  
qualifying school district levy charged and payable under section 111953  
5705.194 or 5705.213 of the Revised Code remains in effect in a 111954  
year after 2010 only if, for that year, the board of education 111955  
levies a school district levy charged and payable under section 111956  
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 111957  
an annual sum at least equal to the annual sum levied by the board 111958  
in tax year 2004 less the amount of the payment certified under 111959  
this division for 2006. 111960

(2) The total taxable value in tax year 2004 less the sum of 111961  
the machinery and equipment, inventory, furniture and fixtures, 111962  
and telephone property tax value losses in each school district, 111963  
joint vocational school district, and local taxing unit multiplied 111964  
by one-half of one mill per dollar. 111965

(3) For the calculations in divisions (E)(1) and (2) of this 111966  
section, the tax value losses are those that would be calculated 111967  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 111968  
section and for tax year 2011 under division (C)(4) of this 111969  
section. 111970

(4) To facilitate the calculation under divisions (D) and (E) 111971  
of this section, not later than September 1, 2005, any school 111972

district, joint vocational school district, or local taxing unit 111973  
that has a qualifying levy that was approved at an election 111974  
conducted during 2005 before September 1, 2005, shall certify to 111975  
the tax commissioner a copy of the county auditor's certificate of 111976  
estimated property tax millage for such levy as required under 111977  
division (B) of section 5705.03 of the Revised Code, which is the 111978  
rate that shall be used in the calculations under such divisions. 111979

If the amount determined under division (E) of this section 111980  
for any school district, joint vocational school district, or 111981  
local taxing unit is greater than zero, that amount shall equal 111982  
the reimbursement to be paid pursuant to division (E) of section 111983  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 111984  
and the one-half of one mill that is subtracted under division 111985  
(E)(2) of this section shall be apportioned among all contributing 111986  
fixed-sum levies in the proportion that each levy bears to the sum 111987  
of all fixed-sum levies within each school district, joint 111988  
vocational school district, or local taxing unit. 111989

(F) If a school district levies a tax under section 5705.219 111990  
of the Revised Code, the fixed-rate levy loss for qualifying 111991  
levies, to the extent repealed under that section, shall equal the 111992  
sum of the following amounts in lieu of the amounts computed for 111993  
such levies under division (D) of this section: 111994

(1) The sum of the rates of qualifying levies to the extent 111995  
so repealed multiplied by the sum of the machinery and equipment, 111996  
inventory, and furniture and fixtures tax value losses for 2009 as 111997  
determined under that division; 111998

(2) The sum of the rates of qualifying levies to the extent 111999  
so repealed multiplied by the telephone property tax value loss 112000  
for 2011 as determined under that division. 112001

The fixed-rate levy losses for qualifying levies to the 112002  
extent not repealed under section 5705.219 of the Revised Code 112003

shall be as determined under division (D) of this section. The 112004  
revised fixed-rate levy losses determined under this division and 112005  
division (D) of this section first apply in the year following the 112006  
first year the district levies the tax under section 5705.219 of 112007  
the Revised Code. 112008

(G) Not later than October 1, 2005, the tax commissioner 112009  
shall certify to the department of education for every school 112010  
district and joint vocational school district the machinery and 112011  
equipment, inventory, furniture and fixtures, and telephone 112012  
property tax value losses determined under division (C) of this 112013  
section, the machinery and equipment, inventory, furniture and 112014  
fixtures, and telephone fixed-rate levy losses determined under 112015  
division (D) of this section, and the fixed-sum levy losses 112016  
calculated under division (E) of this section. The calculations 112017  
under divisions (D) and (E) of this section shall separately 112018  
display the levy loss for each levy eligible for reimbursement. 112019

(H) Not later than October 1, 2005, the tax commissioner 112020  
shall certify the amount of the fixed-sum levy losses to the 112021  
county auditor of each county in which a school district, joint 112022  
vocational school district, or local taxing unit with a fixed-sum 112023  
levy loss reimbursement has territory. 112024

(I) Not later than the twenty-eighth day of February each 112025  
year beginning in 2011 and ending in 2014, the tax commissioner 112026  
shall certify to the department of education for each school 112027  
district first levying a tax under section 5705.219 of the Revised 112028  
Code in the preceding year the revised fixed-rate levy losses 112029  
determined under divisions (D) and (F) of this section. 112030

(J)(1) There is hereby created in the state treasury the 112031  
commercial activity tax motor fuel receipts fund. 112032

(2)(a) On or before June 15, 2014, the director of the Ohio 112033  
public works commission shall certify to the director of budget 112034

and management the amount of debt service paid from the general 112035  
revenue fund in fiscal years 2013 and 2014 on bonds issued to 112036  
finance or assist in the financing of the cost of local 112037  
subdivision public infrastructure capital improvement projects, as 112038  
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 112039  
Constitution, that are attributable to costs for construction, 112040  
reconstruction, maintenance, or repair of public highways and 112041  
bridges and other statutory highway purposes. That certification 112042  
shall allocate the total amount of debt service paid from the 112043  
general revenue fund and attributable to those costs in each of 112044  
fiscal years 2013 and 2014 according to the applicable section of 112045  
the Ohio Constitution under which the bonds were originally 112046  
issued. 112047

(b) On or before June 30, 2014, the director of budget and 112048  
management shall determine an amount up to but not exceeding the 112049  
amount certified under division (J)(2)(a) of this section and 112050  
shall reserve that amount from the cash balance in the commercial 112051  
activity tax motor fuel receipts fund for transfer to the general 112052  
revenue fund at times and in amounts to be determined by the 112053  
director. The director shall transfer the cash balance in the 112054  
commercial activity tax motor fuel receipts fund in excess of the 112055  
amount so reserved to the highway operating fund on or before June 112056  
30, 2014. 112057

(3)(a) On or before the fifteenth day of June of each fiscal 112058  
year beginning with fiscal year 2015, the director of the Ohio 112059  
public works commission shall certify to the director of budget 112060  
and management the amount of debt service paid from the general 112061  
revenue fund in the current fiscal year on bonds issued to finance 112062  
or assist in the financing of the cost of local subdivision public 112063  
infrastructure capital improvement projects, as provided for in 112064  
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 112065  
are attributable to costs for construction, reconstruction, 112066

maintenance, or repair of public highways and bridges and other 112067  
statutory highway purposes. That certification shall allocate the 112068  
total amount of debt service paid from the general revenue fund 112069  
and attributable to those costs in the current fiscal year 112070  
according to the applicable section of the Ohio Constitution under 112071  
which the bonds were originally issued. 112072

(b) On or before the thirtieth day of June of each fiscal 112073  
year beginning with fiscal year 2015, the director of budget and 112074  
management shall determine an amount up to but not exceeding the 112075  
amount certified under division (J)(3)(a) of this section and 112076  
shall reserve that amount from the cash balance in the petroleum 112077  
activity tax public highways fund or the commercial activity tax 112078  
motor fuel receipts fund for transfer to the general revenue fund 112079  
at times and in amounts to be determined by the director. The 112080  
director shall transfer the cash balance in the petroleum activity 112081  
tax public highways fund or the commercial activity tax motor fuel 112082  
receipts fund in excess of the amount so reserved to the highway 112083  
operating fund on or before the thirtieth day of June of the 112084  
current fiscal year. 112085

**Sec. 5751.21.** ~~(A) No determinations, computations,~~ 112086  
~~certifications, or payments shall be made under this section after~~ 112087  
~~June 30, 2015.~~ 112088

(A) Not later than the thirtieth day of July of 2007 through 112089  
2010, the department of education shall consult with the director 112090  
of budget and management and determine the following for each 112091  
school district and each joint vocational school district eligible 112092  
for payment under division (B) of this section: 112093

(1) The state education aid offset, which, except as provided 112094  
in division (A)(1)(c) of this section, is the difference obtained 112095  
by subtracting the amount described in division (A)(1)(b) of this 112096  
section from the amount described in division (A)(1)(a) of this 112097

section: 112098

(a) The state education aid computed for the school district 112099  
or joint vocational school district for the current fiscal year as 112100  
of the thirtieth day of July; 112101

(b) The state education aid that would be computed for the 112102  
school district or joint vocational school district for the 112103  
current fiscal year as of the thirtieth day of July if the 112104  
valuation used in the calculation in division (B)(1) of section 112105  
3306.13 of the Revised Code as that division existed for fiscal 112106  
years 2010 and 2011 included the machinery and equipment, 112107  
inventory, furniture and fixtures, and telephone property tax 112108  
value losses for the school district or joint vocational school 112109  
district for the second preceding tax year, and if taxes charged 112110  
and payable associated with the tax value losses are accounted for 112111  
in any state education aid computation dependent on taxes charged 112112  
and payable. 112113

(c) The state education aid offset for fiscal year 2010 and 112114  
fiscal year 2011 equals the greater of the state education aid 112115  
offset calculated for that fiscal year under divisions (A)(1)(a) 112116  
and (b) of this section and the state education aid offset 112117  
calculated for fiscal year 2009. For fiscal ~~year~~ years 2012 and 112118  
2013, the state education aid offset equals the state education 112119  
aid offset for fiscal year 2011. 112120

(2) For fiscal years 2008 through 2011, the greater of zero 112121  
or the difference obtained by subtracting the state education aid 112122  
offset determined under division (A)(1) of this section from the 112123  
sum of the machinery and equipment fixed-rate levy loss, the 112124  
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 112125  
levy loss, and telephone property fixed-rate levy loss certified 112126  
under divisions (G) and (I) of section 5751.20 of the Revised Code 112127  
for all taxing districts in each school district and joint 112128  
vocational school district for the second preceding tax year. 112129

By the thirtieth day of July of each such year, the 112130  
department of education and the director of budget and management 112131  
shall agree upon the amount to be determined under division (A)(1) 112132  
of this section. 112133

(B) On or before the thirty-first day of August of 2008, 112134  
2009, and 2010, the department of education shall recalculate the 112135  
offset described under division (A) of this section for the 112136  
previous fiscal year and recalculate the payments made under 112137  
division (C) of this section in the preceding fiscal year using 112138  
the offset calculated under this division. If the payments 112139  
calculated under this division differ from the payments made under 112140  
division (C) of this section in the preceding fiscal year, the 112141  
difference shall either be paid to a school district or recaptured 112142  
from a school district through an adjustment at the same times 112143  
during the current fiscal year that the payments under division 112144  
(C) of this section are made. In August and October of the current 112145  
fiscal year, the amount of each adjustment shall be three-sevenths 112146  
of the amount calculated under this division. In May of the 112147  
current fiscal year, the adjustment shall be one-seventh of the 112148  
amount calculated under this division. 112149

(C) The department of education shall pay from the school 112150  
district tangible property tax replacement fund to each school 112151  
district and joint vocational school district all of the following 112152  
for fixed-rate levy losses certified under divisions (G) and (I) 112153  
of section 5751.20 of the Revised Code: 112154

(1) On or before May 31, 2006, one-seventh of the total 112155  
fixed-rate levy loss for tax year 2006; 112156

(2) On or before August 31, 2006, and October 31, 2006, 112157  
one-half of six-sevenths of the total fixed-rate levy loss for tax 112158  
year 2006; 112159

(3) On or before May 31, 2007, one-seventh of the total 112160



fixed-rate levy loss for tax year 2007; 112161

(4) On or before August 31, 2007, and October 31, 2007, 112162  
forty-three per cent of the amount determined under division 112163  
(A)(2) of this section for fiscal year 2008, but not less than 112164  
zero, plus one-half of six-sevenths of the difference between the 112165  
total fixed-rate levy loss for tax year 2007 and the total 112166  
fixed-rate levy loss for tax year 2006. 112167

(5) On or before May 31, 2008, fourteen per cent of the 112168  
amount determined under division (A)(2) of this section for fiscal 112169  
year 2008, but not less than zero, plus one-seventh of the 112170  
difference between the total fixed-rate levy loss for tax year 112171  
2008 and the total fixed-rate levy loss for tax year 2006. 112172

(6) On or before August 31, 2008, and October 31, 2008, 112173  
forty-three per cent of the amount determined under division 112174  
(A)(2) of this section for fiscal year 2009, but not less than 112175  
zero, plus one-half of six-sevenths of the difference between the 112176  
total fixed-rate levy loss in tax year 2008 and the total 112177  
fixed-rate levy loss in tax year 2007. 112178

(7) On or before May 31, 2009, fourteen per cent of the 112179  
amount determined under division (A)(2) of this section for fiscal 112180  
year 2009, but not less than zero, plus one-seventh of the 112181  
difference between the total fixed-rate levy loss for tax year 112182  
2009 and the total fixed-rate levy loss for tax year 2007. 112183

(8) On or before August 31, 2009, and October 31, 2009, 112184  
forty-three per cent of the amount determined under division 112185  
(A)(2) of this section for fiscal year 2010, but not less than 112186  
zero, plus one-half of six-sevenths of the difference between the 112187  
total fixed-rate levy loss in tax year 2009 and the total 112188  
fixed-rate levy loss in tax year 2008. 112189

(9) On or before May 31, 2010, fourteen per cent of the 112190  
amount determined under division (A)(2) of this section for fiscal 112191

year 2010, but not less than zero, plus one-seventh of the 112192  
difference between the total fixed-rate levy loss in tax year 2010 112193  
and the total fixed-rate levy loss in tax year 2008. 112194

(10) On or before August 31, 2010, and October 31, 2010, 112195  
forty-three per cent of the amount determined under division 112196  
(A)(2) of this section for fiscal year 2011, but not less than 112197  
zero, plus one-half of six-sevenths of the difference between the 112198  
telephone property fixed-rate levy loss for tax year 2010 and the 112199  
telephone property fixed-rate levy loss for tax year 2009. 112200

(11) On or before May 31, 2011, fourteen per cent of the 112201  
amount determined under division (A)(2) of this section for fiscal 112202  
year 2011, but not less than zero, plus one-seventh of the 112203  
difference between the telephone property fixed-rate levy loss for 112204  
tax year 2011 and the telephone property fixed-rate levy loss for 112205  
tax year 2009. 112206

(12) For fiscal years 2012 and thereafter, the sum of the 112207  
amounts in divisions (C)(12)(a) or (b) and (c) of this section 112208  
shall be paid on or before the last day of November and the last 112209  
day of May: 112210

(a) If the ratio of current expense TPP allocation to total 112211  
resources is equal to or less than the threshold per cent, zero; 112212

(b) If the ratio of current expense TPP allocation to total 112213  
resources is greater than the threshold per cent, fifty per cent 112214  
of the difference of current expense TPP allocation minus the 112215  
product of total resources multiplied by the threshold per cent; 112216

(c) Fifty per cent of the product of non-current expense TPP 112217  
allocation multiplied by seventy-five per cent for fiscal year 112218  
2012 and fifty per cent for fiscal years 2013 and thereafter. 112219

The department of education shall report to each school 112220  
district and joint vocational school district the apportionment of 112221  
the payments among the school district's or joint vocational 112222

school district's funds based on the certifications under 112223  
divisions (G) and (I) of section 5751.20 of the Revised Code. 112224

(D) For taxes levied within the ten-mill limitation for debt 112225  
purposes in tax year 2005, payments shall be made equal to one 112226  
hundred per cent of the loss computed as if the tax were a 112227  
fixed-rate levy, but those payments shall extend from fiscal year 112228  
2006 through fiscal year 2018, as long as the qualifying levy 112229  
continues to be used for debt purposes. If the purpose of such a 112230  
qualifying levy is changed, that levy becomes subject to the 112231  
payments determined in division (C) of this section. 112232

(E)(1) Not later than January 1, 2006, for each fixed-sum 112233  
levy of each school district or joint vocational school district 112234  
and for each year for which a determination is made under division 112235  
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 112236  
loss is to be reimbursed, the tax commissioner shall certify to 112237  
the department of education the fixed-sum levy loss determined 112238  
under that division. The certification shall cover a time period 112239  
sufficient to include all fixed-sum levies for which the 112240  
commissioner made such a determination. On or before the last day 112241  
of May of the current year, the department shall pay from the 112242  
school district property tax replacement fund to the school 112243  
district or joint vocational school district one-third of the 112244  
fixed-sum levy loss so certified, plus one-third of the amount 112245  
certified under division (I) of section 5751.20 of the Revised 112246  
Code, and on or before the last day of November, two-thirds of the 112247  
fixed-sum levy loss so certified, plus two-thirds of the amount 112248  
certified under division (I) of section 5751.20 of the Revised 112249  
Code. Payments under this division of the amounts certified under 112250  
division (I) of section 5751.20 of the Revised Code shall continue 112251  
until the levy adopted under section 5705.219 of the Revised Code 112252  
expires. 112253

(2) Beginning in 2006, by the first day of January of each 112254

year, the tax commissioner shall review the certification 112255  
originally made under division (E)(1) of this section. If the 112256  
commissioner determines that a debt levy that had been scheduled 112257  
to be reimbursed in the current year has expired, a revised 112258  
certification for that and all subsequent years shall be made to 112259  
the department of education. 112260

(F) Beginning in September 2007 and through June 2013, the 112261  
director of budget and management shall transfer from the school 112262  
district tangible property tax replacement fund to the general 112263  
revenue fund each of the following: 112264

(1) On the first day of September, one-fourth of the amount 112265  
determined for that fiscal year under division (A)(1) of this 112266  
section; 112267

(2) On the first day of December, one-fourth of the amount 112268  
determined for that fiscal year under division (A)(1) of this 112269  
section; 112270

(3) On the first day of March, one-fourth of the amount 112271  
determined for that fiscal year under division (A)(1) of this 112272  
section; 112273

(4) On the first day of June, one-fourth of the amount 112274  
determined for that fiscal year under division (A)(1) of this 112275  
section. 112276

If, when a transfer is required under division (F)(1), (2), 112277  
(3), or (4) of this section, there is not sufficient money in the 112278  
school district tangible property tax replacement fund to make the 112279  
transfer in the required amount, the director shall transfer the 112280  
balance in the fund to the general revenue fund and may make 112281  
additional transfers on later dates as determined by the director 112282  
in a total amount that does not exceed one-fourth of the amount 112283  
determined for the fiscal year. 112284

(G) If the total amount in the school district tangible 112285

property tax replacement fund is insufficient to make all payments 112286  
under divisions (C), (D), and (E) of this section at the times the 112287  
payments are to be made, the director of budget and management 112288  
shall transfer from the general revenue fund to the school 112289  
district tangible property tax replacement fund the difference 112290  
between the total amount to be paid and the amount in the school 112291  
district tangible property tax replacement fund. 112292

(H) On the fifteenth day of June of each year, the director 112293  
of budget and management may transfer any balance in the school 112294  
district tangible property tax replacement fund to the general 112295  
revenue fund. 112296

(I) If all of the territory of a school district or joint 112297  
vocational school district is merged with another district, or if 112298  
a part of the territory of a school district or joint vocational 112299  
school district is transferred to an existing or newly created 112300  
district, the department of education, in consultation with the 112301  
tax commissioner, shall adjust the payments made under this 112302  
section as follows: 112303

(1) For a merger of two or more districts, the fixed-sum levy 112304  
losses, total resources, current expense TPP allocation, total TPP 112305  
allocation, and non-current expense TPP allocation of the 112306  
successor district shall be the sum of such items for each of the 112307  
districts involved in the merger. 112308

(2) If property is transferred from one district to a 112309  
previously existing district, the amount of total resources, 112310  
current expense TPP allocation, total TPP allocation, and 112311  
non-current expense TPP allocation that shall be transferred to 112312  
the recipient district shall be an amount equal to total 112313  
resources, current expense TPP allocation, total TPP allocation, 112314  
and non-current expense TPP allocation of the transferor district 112315  
times a fraction, the numerator of which is the number of pupils 112316  
being transferred to the recipient district, measured, in the case 112317

of a school district, by formula ADM as that term is defined in 112318  
section 3317.02 of the Revised Code or, in the case of a joint 112319  
vocational school district, by formula ADM as defined for a joint 112320  
vocational school district in that section, and the denominator of 112321  
which is the formula ADM of the transferor district. 112322

(3) After December 31, 2010, if property is transferred from 112323  
one or more districts to a district that is newly created out of 112324  
the transferred property, the newly created district shall be 112325  
deemed not to have any total resources, current expense TPP 112326  
allocation, total TPP allocation, or non-current expense TPP 112327  
allocation. 112328

(4) If the recipient district under division (I)(2) of this 112329  
section or the newly created district under division (I)(3) of 112330  
this section is assuming debt from one or more of the districts 112331  
from which the property was transferred and any of the districts 112332  
losing the property had fixed-sum levy losses, the department of 112333  
education, in consultation with the tax commissioner, shall make 112334  
an equitable division of the fixed-sum levy loss reimbursements. 112335

**Sec. 5751.22.** ~~(A)~~ No determinations, computations, 112336  
certifications, or payments shall be made under this section after 112337  
June 30, 2015. 112338

(A) Not later than January 1, 2006, the tax commissioner 112339  
shall compute the payments to be made to each local taxing unit, 112340  
and to each public library that receives the proceeds of a tax 112341  
levied under section 5705.23 of the Revised Code, for each year 112342  
according to divisions (A)(1), (2), (3), and (4) of this section 112343  
as this section existed on that date, and shall distribute the 112344  
payments in the manner prescribed by division (C) of this section. 112345  
The calculation of the fixed-sum levy loss shall cover a time 112346  
period sufficient to include all fixed-sum levies for which the 112347  
commissioner determined, pursuant to division (E) of section 112348

5751.20 of the Revised Code, that a fixed-sum levy loss is to be reimbursed.

(1) Except as provided in division (A)(3) of this section, for fixed-rate levy losses determined under division (D) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to the following:

(a) For tax years 2006 through 2010, one hundred per cent of such losses;

(b) For the payment in tax year 2011 to be made on or before the twentieth day of November, the sum of the amount in division (A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section:

(i) If the ratio of six-sevenths of the TPP allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of six-sevenths of the TPP allocation to total resources is greater than the threshold per cent, the difference of six-sevenths of the TPP allocation minus the product of total resources multiplied by the threshold per cent;

(iii) In the case of a municipal corporation, six-sevenths of the product of the non-current expense TPP allocation multiplied by seventy-five per cent.

(c) For tax years 2012 and thereafter, the sum of the amount in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of this section:

(i) If the ratio of TPP allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of TPP allocation to total resources is greater than the threshold per cent, the TPP allocation minus the product of total resources multiplied by the threshold per cent;

(iii) In the case of a municipal corporation, non-current

expense TPP allocation multiplied by fifty per cent for tax year 112379  
2012 and twenty-five per cent for tax years 2013 and thereafter; 112380

(d) For tax years 2012 and thereafter, in the case of a 112381  
county, school district, municipal corporation, or township public 112382  
library, the amount in division (A)(1)(d)(i) or (ii) of this 112383  
section: 112384

(i) If the ratio of TPP allocation for library purposes to 112385  
total library resources is equal to or less than the threshold per 112386  
cent, zero; 112387

(ii) If the ratio of TPP allocation for library purposes to 112388  
total library resources is greater than the threshold per cent, 112389  
the TPP allocation for library purposes minus the product of total 112390  
library resources multiplied by the threshold per cent. 112391

(2) For fixed-sum levy losses determined under division (E) 112392  
of section 5751.20 of the Revised Code, payments shall be made in 112393  
the amount of one hundred per cent of the fixed-sum levy loss for 112394  
payments required to be made in 2006 through 2011, except that no 112395  
payments shall be made for qualifying levies that have expired. 112396  
For payments required to be made in 2012 and thereafter, payments 112397  
shall be made in the amount of fifty per cent of the fixed-sum 112398  
levy loss until the qualifying levy has expired. 112399

(3) For taxes levied within the ten-mill limitation or 112400  
pursuant to a municipal charter for debt purposes in tax year 112401  
2005, payments shall be made based on the schedule in division 112402  
(A)(1) of this section for each of the calendar years 2006 through 112403  
2010. For each of the calendar years 2011 through 2017, the 112404  
percentages for calendar year 2010 shall be used for taxes levied 112405  
within the ten-mill limitation or pursuant to a municipal charter 112406  
for debt purposes in tax year 2010, as long as such levies 112407  
continue to be used for debt purposes. If the purpose of such a 112408  
qualifying levy is changed, that levy becomes subject to the 112409



payment schedules in divisions (A)(1)(a) to (h) of this section. 112410  
No payments shall be made for such levies after calendar year 112411  
2017. For the purposes of this division, taxes levied pursuant to 112412  
a municipal charter refer to taxes levied pursuant to a provision 112413  
of a municipal charter that permits the tax to be levied without 112414  
prior voter approval. 112415

(B) Beginning in 2007, by the thirty-first day of January of 112416  
each year, the tax commissioner shall review the calculation 112417  
originally made under division (A) of this section of the 112418  
fixed-sum levy losses determined under division (E) of section 112419  
5751.20 of the Revised Code. If the commissioner determines that a 112420  
fixed-sum levy that had been scheduled to be reimbursed in the 112421  
current year has expired, a revised calculation for that and all 112422  
subsequent years shall be made. 112423

(C) Payments to local taxing units and public libraries 112424  
required to be made under division (A) of this section shall be 112425  
paid from the local government tangible property tax replacement 112426  
fund to the county undivided income tax fund in the proper county 112427  
treasury. From May 2006 through November 2010, one-seventh of the 112428  
amount determined under that division shall be paid by the last 112429  
day of May each year, and three-sevenths shall be paid by the last 112430  
day of August and October each year. From May 2011 through 112431  
November 2013, one-seventh of the amount determined under that 112432  
division shall be paid on or before the last day of May each year, 112433  
and six-sevenths shall be paid on or before the thirtieth day of 112434  
November each year, except that in November 2011, the payment 112435  
shall equal one hundred per cent of the amount calculated for that 112436  
payment. Beginning in May 2014, one-half of the amount determined 112437  
under that division shall be paid on or before the last day of May 112438  
each year, and one-half shall be paid on or before the thirtieth 112439  
day of November each year. Within thirty days after receipt of 112440  
such payments, the county treasurer shall distribute amounts 112441

determined under division (A) of this section to the proper local 112442  
taxing unit or public library as if they had been levied and 112443  
collected as taxes, and the local taxing unit or public library 112444  
shall apportion the amounts so received among its funds in the 112445  
same proportions as if those amounts had been levied and collected 112446  
as taxes. 112447

(D) For each of the fiscal years 2006 through 2018, if the 112448  
total amount in the local government tangible property tax 112449  
replacement fund is insufficient to make all payments under 112450  
division (C) of this section at the times the payments are to be 112451  
made, the director of budget and management shall transfer from 112452  
the general revenue fund to the local government tangible property 112453  
tax replacement fund the difference between the total amount to be 112454  
paid and the amount in the local government tangible property tax 112455  
replacement fund. For each fiscal year after 2018, at the time 112456  
payments under division (A)(2) of this section are to be made, the 112457  
director of budget and management shall transfer from the general 112458  
revenue fund to the local government property tax replacement fund 112459  
the amount necessary to make such payments. 112460

(E) On the fifteenth day of June of each year from 2006 112461  
through 2018, the director of budget and management may transfer 112462  
any balance in the local government tangible property tax 112463  
replacement fund to the general revenue fund. 112464

(F) If all or a part of the territories of two or more local 112465  
taxing units are merged, or unincorporated territory of a township 112466  
is annexed by a municipal corporation, the tax commissioner shall 112467  
adjust the payments made under this section to each of the local 112468  
taxing units in proportion to the square mileage of the merged or 112469  
annexed territory as a percentage of the total square mileage of 112470  
the jurisdiction from which the territory originated, or as 112471  
otherwise provided by a written agreement between the legislative 112472  
authorities of the local taxing units certified to the 112473

commissioner not later than the first day of June of the calendar 112474  
year in which the payment is to be made. 112475

**Sec. 5751.50.** (A) For tax periods beginning on or after 112476  
January 1, 2008, a refundable credit granted by the tax credit 112477  
authority under section 122.17 or former division (B)(2) or (3) of 112478  
section 122.171 of the Revised Code, as those divisions existed 112479  
before the effective date of the amendment of this section by H.B. 112480  
64 of the 131st general assembly, may be claimed under this 112481  
chapter in the order required under section 5751.98 of the Revised 112482  
Code. For purposes of making tax payments under this chapter, 112483  
taxes equal to the amount of the refundable credit shall be 112484  
considered to be paid to this state on the first day of the tax 112485  
period. A credit claimed in calendar year 2008 may not be applied 112486  
against the tax otherwise due for a tax period beginning before 112487  
July 1, 2008. The refundable credit shall not be claimed against 112488  
the tax otherwise due for any tax period beginning after the date 112489  
on which a relocation of employment positions occurs in violation 112490  
of an agreement entered into under section 122.17 or 122.171 of 112491  
the Revised Code. 112492

(B) For tax periods beginning on or after January 1, 2008, a 112493  
nonrefundable credit granted by the tax credit authority under 112494  
division (B)~~(1)~~ of section 122.171 of the Revised Code may be 112495  
claimed under this chapter in the order required under section 112496  
5751.98 of the Revised Code. A credit claimed in calendar year 112497  
2008 may not be applied against the tax otherwise due under this 112498  
chapter for a tax period beginning before July 1, 2008. The credit 112499  
shall not be claimed against the tax otherwise due for any tax 112500  
period beginning after the date on which a relocation of 112501  
employment positions occurs in violation of an agreement entered 112502  
into under section 122.17 or 122.171 of the Revised Code. No 112503  
credit shall be allowed under this chapter if the credit was 112504  
available against the tax imposed by section 5733.06 or 5747.02 of 112505

the Revised Code, except to the extent the credit was not applied 112506  
against such tax. 112507

**Sec. 5902.02.** The duties of the director of veterans services 112508  
shall include the following: 112509

(A) Furnishing the veterans service commissions of all 112510  
counties of the state copies of the state laws, rules, and 112511  
legislation relating to the operation of the commissions and their 112512  
offices; 112513

(B) Upon application, assisting the general public in 112514  
obtaining records of vital statistics pertaining to veterans or 112515  
their dependents; 112516

(C) Adopting rules pursuant to Chapter 119. of the Revised 112517  
Code pertaining to minimum qualifications for hiring, certifying, 112518  
and accrediting county veterans service officers, pertaining to 112519  
their required duties, and pertaining to revocation of the 112520  
certification of county veterans service officers; 112521

(D) Adopting rules pursuant to Chapter 119. of the Revised 112522  
Code for the education, training, certification, and duties of 112523  
veterans service commissioners and for the revocation of the 112524  
certification of a veterans service commissioner; 112525

(E) Developing and monitoring programs and agreements 112526  
enhancing employment and training for veterans in single or 112527  
multiple county areas; 112528

(F) Developing and monitoring programs and agreements to 112529  
enable county veterans service commissions to address 112530  
homelessness, indigency, and other veteran-related issues 112531  
individually or jointly; 112532

(G) Developing and monitoring programs and agreements to 112533  
enable state agencies, individually or jointly, that provide 112534  
services to veterans, including the veterans' homes operated under 112535

Chapter 5907. of the Revised Code and the director of job and 112536  
family services, to address homelessness, indigency, employment, 112537  
and other veteran-related issues; 112538

(H) Establishing and providing statistical reporting formats 112539  
and procedures for county veterans service commissions; 112540

(I) Publishing electronically a listing of county veterans 112541  
service offices and county veterans service commissioners. The 112542  
listing shall include the expiration dates of commission members' 112543  
terms of office and the organizations they represent; the names, 112544  
addresses, and telephone numbers of county veterans service 112545  
offices; and the addresses and telephone numbers of the Ohio 112546  
offices and headquarters of state and national veterans service 112547  
organizations. 112548

(J) Establishing a veterans advisory committee to advise and 112549  
assist the department of veterans services in its duties. Members 112550  
shall include a member of the national guard association of the 112551  
United States who is a resident of this state, a member of the 112552  
military officers association of America who is a resident of this 112553  
state, a state representative of congressionally chartered 112554  
veterans organizations referred to in section 5901.02 of the 112555  
Revised Code, a representative of any other congressionally 112556  
chartered state veterans organization that has at least one 112557  
veterans service commissioner in the state, three representatives 112558  
of the Ohio state association of county veterans service 112559  
commissioners, who shall have a combined vote of one, three 112560  
representatives of the state association of county veterans 112561  
service officers, who shall have a combined vote of one, one 112562  
representative of the county commissioners association of Ohio, 112563  
who shall be a county commissioner not from the same county as any 112564  
of the other county representatives, a representative of the 112565  
advisory committee on women veterans, a representative of a labor 112566  
organization, and a representative of the office of the attorney 112567

general. The department of veterans services shall submit to the 112568  
advisory committee proposed rules for the committee's operation. 112569  
The committee may review and revise these proposed rules prior to 112570  
submitting them to the joint committee on agency rule review. 112571

(K) Adopting, with the advice and assistance of the veterans 112572  
advisory committee, policy and procedural guidelines that the 112573  
veterans service commissions shall adhere to in the development 112574  
and implementation of rules, policies, procedures, and guidelines 112575  
for the administration of Chapter 5901. of the Revised Code. The 112576  
department of veterans services shall adopt no guidelines or rules 112577  
regulating the purposes, scope, duration, or amounts of financial 112578  
assistance provided to applicants pursuant to sections 5901.01 to 112579  
5901.15 of the Revised Code. The director of veterans services may 112580  
obtain opinions from the office of the attorney general regarding 112581  
rules, policies, procedures, and guidelines of the veterans 112582  
service commissions and may enforce compliance with Chapter 5901. 112583  
of the Revised Code. 112584

(L) Receiving copies of form DD214 filed in accordance with 112585  
the director's guidelines adopted under division (L) of this 112586  
section from members of veterans service commissions appointed 112587  
under section 5901.02 and from county veterans service officers 112588  
employed under section 5901.07 of the Revised Code; 112589

(M) Developing and maintaining and improving a resource, such 112590  
as a telephone answering point or a web site, by means of which 112591  
veterans and their dependents, through a single portal, can access 112592  
multiple sources of information and interaction with regard to the 112593  
rights of, and the benefits available to, veterans and their 112594  
dependents. The director of veterans services may enter into 112595  
agreements with state and federal agencies, with agencies of 112596  
political subdivisions, with state and local instrumentalities, 112597  
and with private entities as necessary to make the resource as 112598  
complete as is possible. 112599

(N) Planning, organizing, advertising, and conducting 112600  
outreach efforts, such as conferences and fairs, at which veterans 112601  
and their dependents may meet, learn about the organization and 112602  
operation of the department of veterans services and of veterans 112603  
service commissions, and obtain information about the rights of, 112604  
and the benefits and services available to, veterans and their 112605  
dependents; 112606

(O) Advertising, in print, on radio and television, and 112607  
otherwise, the rights of, and the benefits and services available 112608  
to, veterans and their dependents; 112609

(P) Developing and advocating improved benefits and services 112610  
for, and improved delivery of benefits and services to, veterans 112611  
and their dependents; 112612

(Q) Searching for, identifying, and reviewing statutory and 112613  
administrative policies that relate to veterans and their 112614  
dependents and reporting to the general assembly statutory and 112615  
administrative policies that should be consolidated in whole or in 112616  
part within the organization of the department of veterans 112617  
services to unify funding, delivery, and accounting of statutory 112618  
and administrative policy expressions that relate particularly to 112619  
veterans and their dependents; 112620

(R) Encouraging veterans service commissions to innovate and 112621  
otherwise to improve efficiency in delivering benefits and 112622  
services to veterans and their dependents and to report successful 112623  
innovations and efficiencies to the director of veterans services; 112624

(S) Publishing and encouraging adoption of successful 112625  
innovations and efficiencies veterans service commissions have 112626  
achieved in delivering benefits and services to veterans and their 112627  
dependents; 112628

(T) Establishing advisory committees, in addition to the 112629  
veterans advisory committee established under division (K) of this 112630

section, on veterans issues; 112631

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled; 112632  
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(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations; 112638  
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(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and prescribing the form and content of the report; 112642  
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(X) Reviewing the reports submitted to the director under division (W) of this section within thirty days of receipt and informing the veterans organization of any deficiencies that exist in the organization's report and that funding will not be released until the deficiencies have been corrected and a satisfactory report submitted; 112646  
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(Y) Advising the director of budget and management when a report submitted to the director under division (W) of this section has been reviewed and determined to be satisfactory; 112652  
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(Z) Furnishing copies of all reports that the director of veterans services has determined have been submitted satisfactorily under division (W) of this section to the chairperson of the finance committees of the general assembly; 112655  
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(AA) Investigating complaints against county veterans services commissioners and county veterans service officers if the director reasonably believes the investigation to be appropriate 112659  
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and necessary; 112662

(BB) Developing and maintaining a web site that is accessible 112663  
by veterans and their dependents and provides a link to the web 112664  
site of each state agency that issues a license, certificate, or 112665  
other authorization permitting an individual to engage in an 112666  
occupation or occupational activity; 112667

(CC) Encouraging state agencies to conduct outreach efforts 112668  
through which veterans and their dependents can learn about 112669  
available job and education benefits; 112670

(DD) Informing state agencies about changes in statutes and 112671  
rules that affect veterans and their dependents; 112672

(EE) Assisting licensing agencies in adopting rules under 112673  
section 5903.03 of the Revised Code; 112674

(FF) Administering the provision of grants from the military 112675  
injury relief fund under section 5902.05 of the Revised Code; 112676

(GG) Taking any other actions required by this chapter. 112677

**Sec. ~~5101.98~~ 5902.05.** (A) There is hereby created in the 112678  
state treasury the military injury relief fund, which shall 112679  
consist of money contributed to it under sections 4503.535 and 112680  
5747.113 of the Revised Code, ~~of incentive grants authorized by~~ 112681  
~~the "Jobs for Veterans Act," 116 Stat. 2033 (2002),~~ and of 112682  
contributions made directly to it. Any person or entity may 112683  
contribute directly to the fund in addition to or independently of 112684  
the income tax refund contribution system established in section 112685  
5747.113 of the Revised Code. 112686

(B) Upon application, the director of ~~job and family~~ veterans 112687  
services shall grant money in the fund to individuals injured 112688  
while in active service as a member of the armed forces of the 112689  
United States while serving ~~under operation Iraqi freedom,~~ 112690  
~~operation new dawn, or operation enduring freedom~~ after October 7, 112691

2001, and to individuals diagnosed with post-traumatic stress 112692  
disorder while serving, or after having served, ~~in operation Iraqi~~ 112693  
~~freedom, operation new dawn, or operation enduring freedom~~ after 112694  
October 7, 2001. 112695

(C) An individual who receives a grant under this section is 112696  
precluded from receiving additional grants under this section 112697  
during the same state fiscal year but is not precluded from being 112698  
considered for or receiving other assistance offered by the 112699  
department of ~~job and family~~ veterans services. 112700

(D) The director shall adopt rules under Chapter 119. of the 112701  
Revised Code establishing: 112702

(1) Forms and procedures by which individuals may apply for a 112703  
grant under this section; 112704

(2) Criteria for reviewing, evaluating, and approving or 112705  
denying grant applications; 112706

(3) Criteria for determining the amount of grants awarded 112707  
under this section; 112708

(4) Definitions and standards applicable to determining 112709  
whether an individual meets the requirements established in 112710  
division (B) of this section; 112711

(5) The process for appealing eligibility determinations; and 112712

(6) Any other rules necessary to administer the grant program 112713  
established in this section. 112714

(E) An eligibility determination, a grant approval, or a 112715  
grant denial made under this section may not be appealed under 112716  
Chapter 119. ~~section 5101.35,~~ or any other provision of the 112717  
Revised Code. 112718

Sec. 5902.09. The director of veterans services, in 112719  
consultation with the Ohio recorders association, shall establish 112720

material and design standards for Ohio veterans identification cards to be issued by county recorders. The material and design standards shall be prescribed in rules adopted under Chapter 119. of the Revised Code. 112721  
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The rules shall require that an Ohio identification card include the name of this state, a distinguishing number assigned to the cardholder, a color photograph of the cardholder, the cardholder's name and residence address, the cardholder's branch of service, dates of service, and date of discharge, the name of the issuing county, the indexing number that has been assigned to the veteran's record of discharge, and the date of the card's issuance and expiration. 112725  
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An Ohio veterans identification card shall not display the cardholder's social security number unless federal law requires the cardholder's social security number to be displayed on a veterans identification card." 112733  
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**Sec. 5902.10.** (A) As used in this section: 112737

(1) "Public transportation" means publicly owned or operated transportation by bus, rail, or other conveyance, that provides to the public transit or paratransit service on a regular and continuing basis within the state, including demand responsive transportation. 112738  
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(2) "Eligible veteran" means a veteran of the armed forces of the United States who has a service-connected disability rated at one hundred per cent by the United States department of veterans affairs and whose commercial driver's license, driver's license, or identification card indicates that the person is such a veteran as permitted by division (A)(12) of section 4506.11, division (A) of section 4507.13, or division (A) of section 4507.52 of the Revised Code. 112743  
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(B) An eligible veteran, upon presentation of the veteran's commercial driver's license, driver's license, or identification card, may board any mode of public transportation and travel on the public transportation without payment of any fee, fare, or charge of any kind.

**Sec. 5903.12.** (A) As used in this section: 112756

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, ~~4731.281~~ 4731.155, 4731.282, 4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

**Sec. 5904.01.** (A) There is hereby created the Ohio veterans hall of fame. The department of veterans services shall serve as

the veterans hall of fame's administrative agent. The veterans 112781  
hall of fame shall recognize the post-military achievements of 112782  
outstanding veterans and spotlight all veterans' contributions to 112783  
the civilian workplace. 112784

(B) The Ohio veterans hall of fame shall have an executive 112785  
committee composed of thirteen members, all of whom shall be 112786  
veterans. The director of veterans services shall be an ex officio 112787  
member. The department of veterans services' veterans advisory 112788  
committee, the advisory committee on women veterans, the Ohio 112789  
veterans hall of fame foundation, the Veterans of Foreign Wars, 112790  
the Disabled American Veterans, the AMVETS, the Vietnam Veterans 112791  
of America, and the American Legion shall each appoint one member. 112792

The Ohio veterans hall of fame executive committee shall 112793  
appoint its final four members, one of whom shall be from any 112794  
veterans organization that is incorporated in this state and that 112795  
is not otherwise represented on the executive committee, one of 112796  
whom was inducted into the veterans hall of fame three years 112797  
before the current fiscal year, one of whom was inducted into the 112798  
veterans hall of fame two years before the current fiscal year, 112799  
and one of whom was inducted into the veterans hall of fame one 112800  
year before the current fiscal year. 112801

(C) Terms of office of the members of the Ohio veterans hall 112802  
of fame executive committee shall be for three years. Each member 112803  
shall serve subsequent to the expiration of the member's term 112804  
until the member's successor is appointed, or until sixty days has 112805  
elapsed, whichever occurs first. No member shall serve more than 112806  
two consecutive terms. 112807

(D) All vacancies in the membership of the Ohio veterans hall 112808  
of fame executive committee shall be filled in the same manner as 112809  
prescribed for original appointments, and the terms of the 112810  
appointees shall be limited to the unexpired terms. 112811

(E) The members of the Ohio veterans hall of fame executive committee shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

(F) The Ohio veterans hall of fame executive committee shall elect a chairperson and vice-chairperson from its membership. It shall meet annually to select inductees for the veterans hall of fame from the persons nominated in a manner prescribed by the executive committee. The names of selected inductees shall be submitted to the governor for final approval. The governor shall provide any final approval within thirty days after the executive committee submits the names of the selected inductees. The governor may reject any of the selected inductees for cause, but shall not make any additions to the list of those inductees.

(G) ~~Except as otherwise provided in this division, all~~ All state elected officials, members of the general assembly, members of the Ohio veterans hall of fame foundation, members of the veterans hall of fame executive committee, members of the governor's staff, members of the veterans hall of fame staff, and members of any county veterans service commission, and the director of veterans services, shall not be eligible for induction into the veterans hall of fame until two years after ~~they have left their~~ having vacated that position. The executive committee may waive the ~~two-years requirement~~ two-year moratorium for ~~nominees~~ such a person who is over the age of seventy years of age and who currently holds such a position or has vacated such a position.

(H) The Ohio veterans hall of fame executive committee is not subject to sections 101.82 to 101.87 of the Revised Code.

**Sec. 5910.08.** There is hereby created in the state treasury the war orphans scholarship reserve fund. ~~Not later than the first~~

~~day of July~~ As soon as possible following the end of each fiscal 112843  
year, the chancellor of ~~the Ohio board of regents~~ higher education 112844  
shall certify to the director of budget and management the 112845  
unencumbered balance of the general revenue fund appropriations 112846  
made in the immediately preceding fiscal year for purposes of the 112847  
war orphans scholarship program created in Chapter 5910. of the 112848  
Revised Code. Upon receipt of the certification, the director of 112849  
budget and management may transfer an amount not exceeding the 112850  
certified amount from the general revenue fund to the war orphans 112851  
scholarship reserve fund. Moneys in the war orphans scholarship 112852  
reserve fund shall be used to pay scholarship obligations in 112853  
excess of the general revenue fund appropriations made for that 112854  
purpose. 112855

The director of budget and management may transfer any 112856  
unencumbered balance from the war orphans scholarship reserve fund 112857  
to the general revenue fund. 112858

If it is determined that general revenue fund appropriations 112859  
are insufficient to meet the obligations of the war orphans 112860  
scholarship in a fiscal year, the director of budget and 112861  
management may transfer funds from the war orphans scholarship 112862  
reserve fund to the general revenue fund in order to meet those 112863  
obligations. The amount transferred is hereby appropriated. If the 112864  
funds transferred from the war orphans scholarship reserve fund 112865  
are not needed, the director of budget and management may transfer 112866  
the unexpended balance from the general revenue fund back to the 112867  
war orphans scholarship reserve fund. 112868

**Sec. 5919.341.** There is hereby created in the state treasury 112869  
the national guard scholarship reserve fund. ~~Not later than the~~ 112870  
~~first day of July~~ As soon as possible following the end of each 112871  
fiscal year, the chancellor of ~~the Ohio board of regents~~ higher 112872  
education shall certify to the director of budget and management 112873

the unencumbered balance of the general revenue fund 112874  
appropriations made in the immediately preceding fiscal year for 112875  
purposes of the Ohio national guard scholarship program created 112876  
under division (B) of section 5919.34 of the Revised Code. Upon 112877  
receipt of the certification, the director of budget and 112878  
management may transfer an amount not exceeding the certified 112879  
amount from the general revenue fund to the national guard 112880  
scholarship reserve fund. Moneys in the national guard scholarship 112881  
reserve fund shall be used to pay scholarship obligations in 112882  
excess of the general revenue fund appropriations made for that 112883  
purpose. ~~Upon request of the chancellor, the director may seek~~ 112884  
~~controlling board approval to establish appropriations as~~ 112885  
~~necessary.~~ 112886

The director of budget and management may transfer any 112887  
unencumbered balance from the national guard scholarship reserve 112888  
fund to the general revenue fund. 112889

If it is determined that general revenue fund appropriations 112890  
are insufficient to meet the obligations of the national guard 112891  
scholarship in a fiscal year, the director of budget and 112892  
management may transfer funds from the national guard scholarship 112893  
reserve fund to the general revenue fund in order to meet those 112894  
obligations. The amount transferred is hereby appropriated. If the 112895  
funds transferred from the national guard scholarship reserve fund 112896  
are not needed, the director of budget and management may transfer 112897  
the unexpended balance from the general revenue fund back to the 112898  
national guard scholarship reserve fund. 112899

**Sec. 6101.16.** When it is determined to let the work relating 112900  
to the improvements for which a conservancy district was 112901  
established by contract, contracts in amounts to exceed 112902  
~~twenty-five~~ fifty thousand dollars shall be advertised after 112903  
notice calling for bids has been published once a week for two 112904



consecutive weeks or as provided in section 7.16 of the Revised Code, with the last publication to occur at least eight days prior to the date on which bids will be accepted, in a newspaper of general circulation within the conservancy district where the work is to be done. If the bids are for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, the board of directors of the conservancy district may let the contract to the lowest responsive and most responsible bidder who meets the requirements of section 153.54 of the Revised Code. If the bids are for a contract for any other work relating to the improvements for which a conservancy district was established, the board of directors of the district may let the contract to the lowest responsive and most responsible bidder who gives a good and approved bond, with ample security, conditioned on the carrying out of the contract. The contract shall be in writing and shall be accompanied by or refer to plans and specifications for the work to be done prepared by the chief engineer. The plans and specifications shall at all times be made and considered a part of the contract. The contract shall be approved by the board and signed by the president of the board and by the contractor and shall be executed in duplicate. In case of sudden emergency when it is necessary in order to protect the district, the advertising of contracts may be waived upon the consent of the board, with the approval of the court or a judge of the court of common pleas of the county in which the office of the district is located.

**Sec. 6103.052.** (A) A board of county commissioners may apply to the Ohio public works commission created by section 164.02 of the Revised Code for an advance of money from the sewer development advancement fund created by section 164.13 of the Revised Code in an amount equal to that portion of the costs of an improvement authorized under sections 6103.02 to 6103.30 of the

Revised Code that is to be financed by assessments, including assessments attributable to tap-in charges, whose collection is deferred pursuant to division (B) of this section. The application for such an advance of money shall be made in the manner prescribed in policies and procedures established by the director of the commission.

(B) At any time prior to the expiration of the five-day period provided by section 6103.05 of the Revised Code for the filing of written objections, any owner of property which that is classified on the general tax list of the county auditor as agricultural land and has been assessed for the extension of a main water line over or along such property under sections 6103.02 to 6103.30 of the Revised Code may file with the board of county commissioners a request in writing for deferment of the collection of the owner's assessment if the main water line provides water facilities to aid in the establishment of new industrial plants, the expansion of existing industrial plants, or such other industrial development, or provides water facilities to aid in the establishment of commercial and residential developments. Such request shall identify The owner of property shall ensure the request does all of the following:

(1) Identifies the property in connection with which the request for deferment is made, shall describe its;

(2) Describes the property's present use and present classification on the general tax list of the county auditor, shall state its;

(3) States the property's estimated market value, showing separately the value of the land and the value of the buildings thereon, shall state;

(4) States the reasons, if any, why a portion of the benefit of the improvement will not be realized until the use of the land

is changed, ~~and shall state;~~ 112968

(5) States the amount to be deferred. ~~The~~ 112969

The board shall promptly consider such request and may order 112970  
the deferment of the collection of that portion of the assessment 112971  
representing a benefit from the improvement that will not be 112972  
realized until the use of the land is changed. The board may, upon 112973  
request of an owner whose property has been assessed for the 112974  
extension of a main water line over or along such property under 112975  
sections 6103.02 to 6103.31 of the Revised Code, defer all or any 112976  
part of the assessment on property ~~which~~ that is classified on the 112977  
general tax list of the county auditor as agricultural land, by 112978  
attributing the amount of such assessment or part thereof as 112979  
tap-in charges, if the main water line provides water facilities 112980  
to aid in the establishment of new industrial plants, the 112981  
expansion of existing industrial plants, or such other industrial 112982  
development, or provides water facilities to aid in the 112983  
establishment of commercial and residential developments. ~~Upon A~~ 112984  
deferment under this section may be conditioned on the approval of 112985  
the advance of money applied for under division (A) of this 112986  
section, and a maximum length of the deferment may be fixed to 112987  
coincide with the maximum time within which the advance must be 112988  
repaid. The decision on the request for deferment of collection of 112989  
assessments shall be made pursuant to standards prescribed in 112990  
policies and procedures established by the director of the 112991  
commission. 112992

Upon determination and approval of final assessments, the 112993  
board of county commissioners shall certify all deferred 112994  
assessments and a fee equal to two per cent of the amount of the 112995  
deferred assessments to the county auditor. For purposes of this 112996  
section, "assessment," "deferred assessment," or "assessment 112997  
deferred under this section" mean the fee and the deferred 112998  
assessment certified to the county auditor. The county auditor 112999

shall record an assessment deferred under this section in the 113000  
water works record. Such record shall be kept until such time as 113001  
the assessments are paid in full or certified for collection in 113002  
installments as provided in this section. During the time when the 113003  
assessment is deferred there shall be a lien on the property 113004  
assessed, which lien shall arise at the time of recordation by the 113005  
county auditor and shall be in force until the assessments are 113006  
paid in full or certified for collection in installments. 113007

~~(B)~~(C) The board of county commissioners shall defer the 113008  
collection of an assessment, except the amount of such assessment 113009  
or part thereof attributable as tap-in charges, ~~which~~ that has 113010  
been deferred pursuant to division ~~(A)~~(B) of this section on or 113011  
before January 1, 1987, beyond the expiration of the maximum time 113012  
for the original deferment if the property owner requests in 113013  
writing, no later than six months prior to the expiration of the 113014  
original deferment, that the assessment be further deferred and as 113015  
long as the property owner's land could qualify for placement in 113016  
an agricultural district pursuant to section 929.02 of the Revised 113017  
Code. 113018

The board shall regularly review the use and ownership of the 113019  
property for which the collection of assessments has been deferred 113020  
pursuant to this division, and upon finding that the land could no 113021  
longer qualify for placement in an agricultural district pursuant 113022  
to section 929.02 of the Revised Code, the board shall immediately 113023  
collect, without interest unless payment is late as determined by 113024  
the board, the full amount of the assessment deferred and repay 113025  
the commission the amount of any money advanced by it in regard to 113026  
the assessment. The board shall pay all such amounts to the 113027  
commission in one annual payment or during a longer period as 113028  
approved by the commission. The board shall pay, from county 113029  
funds, interest annually at a rate determined by the director of 113030  
the commission at the time the advance is made, not to exceed four 113031

per cent per annum, for any money not repaid to the commission 113032  
pursuant to this division within one year of the date of the 113033  
disqualification of the property for the continual deferment that 113034  
requires such repayment. 113035

~~(C)~~(D) The board of county commissioners shall send a notice 113036  
by regular or certified mail to all owners of property on which 113037  
assessments have been deferred pursuant to division ~~(A)~~(B) of this 113038  
section, which lists the expiration of the deferment, not later 113039  
than two hundred ten days prior to the expiration of the deferment 113040  
of those assessments. 113041

~~(D)~~ (E) Except as provided in this division, the board 113042  
shall collect the assessments, without interest unless payment is 113043  
late as determined by the board, which that have been deferred 113044  
pursuant to division ~~(A)~~(B) of this section upon expiration of the 113045  
maximum time for which deferments were made; ~~provided, that for~~ 113046  
and repay the commission the amount of any money advanced by it in 113047  
regard to such assessments. For a property owner who requests in 113048  
writing, no later than six months prior to the expiration of the 113049  
deferment period, that payment of the owner's deferred assessments 113050  
be in installments, the board of county commissioners upon 113051  
expiration of the deferment period may by resolution further 113052  
certify for collection pursuant to section 6103.16 of the Revised 113053  
Code, such deferred assessments in installments over not more than 113054  
twenty years, as determined by the board, together with interest 113055  
thereon each year on the unpaid balance at the same rate borne by 113056  
bonds of the county ~~which that~~ shall be issued in anticipation 113057  
thereof as provided in Chapter 133. of the Revised Code, and the 113058  
proceeds of the bond issue used to repay such deferred assessments 113059  
to the commission. 113060

Assessments ~~which that~~ have been deferred by attribution as 113061  
tap-in charges under division ~~(A)~~(B) of this section shall be 113062  
collected as deferred assessments at that time. As the board 113063

collects tap-in charges that are deferred assessments under 113064  
division (B) of this section, it shall repay the commission the 113065  
amount thereof that was advanced by it in regard to such 113066  
assessments. An owner of property for which assessments have been 113067  
deferred under division ~~(A)~~(B) of this section, in requesting a 113068  
tap-in may, subject to the approval of the board, designate a part 113069  
of an entire assessed tract as the part ~~which~~ that the tap-in is 113070  
to serve, and the board shall collect the deferred assessment on 113071  
that tract in the proportion that the part bears to the entire 113072  
tract, on a front foot or other basis approved by the commission, 113073  
but if in the judgment of the board the tap-in is reasonably 113074  
intended to serve the entire tract or substantially all of the 113075  
tract, it shall collect the deferred assessment for the entire 113076  
tract. 113077

Prior to the expiration of the maximum time of deferment, the 113078  
board shall regularly review the use of the property for which the 113079  
collection of assessments has been deferred and upon finding, 113080  
pursuant to policies and procedures established by the director of 113081  
the commission, that the use of the land has changed from the use 113082  
at the time of the deferment so that the benefit of the 113083  
improvement can then be realized, the board shall immediately 113084  
collect the full amount of the assessment for the portion of the 113085  
property for which the use has so changed, without interest unless 113086  
payment is late as determined by the board, and repay the 113087  
commission the amount of any money advanced by it in regard to the 113088  
assessment. The board shall pay all such amounts to the commission 113089  
in one annual payment or during a longer period as approved by the 113090  
director of the commission. The board of county commissioners 113091  
shall pay, from county funds, interest annually at a rate 113092  
determined by the director of the commission at the time the 113093  
advance is made, not to exceed four per cent per annum, for any 113094  
money not repaid to the commission pursuant to this division 113095  
within one year of the date of the change in the use of property 113096

requiring such repayment, or of the date on which payment of a 113097  
tap-in charge is required by law to be made, whichever date is 113098  
applicable. 113099

**Sec. 6109.21.** (A) Except as provided in divisions (I) and (J) 113100  
of this section, no person shall operate a public water system in 113101  
this state without a license issued by the director of 113102  
environmental protection. 113103

(B) A person who proposes to operate a new public water 113104  
system, in addition to complying with section 6109.07 of the 113105  
Revised Code and rules adopted under it, shall obtain an initial 113106  
license from the director. The person shall submit an application 113107  
for the initial license at least forty-five days prior to 113108  
commencing the operation of the system. 113109

(C) A license shall expire on the thirtieth day of January in 113110  
the year following its issuance. 113111

(D) A license shall be renewed annually. A person proposing 113112  
to continue operating a public water system shall apply for a 113113  
license renewal at least thirty days prior to the expiration date 113114  
of the license. 113115

(E) Each application for a license or license renewal shall 113116  
be accompanied by the appropriate fee established under division 113117  
(M) of section 3745.11 of the Revised Code. However, an applicant 113118  
for an initial license who is proposing to operate a new public 113119  
water system shall submit a fee that equals a prorated amount of 113120  
the appropriate fee established under that division for the 113121  
remainder of the licensing year. 113122

(F) Not later than thirty days after receiving a completed 113123  
application and the appropriate license fee for a license or 113124  
license renewal for a public water system, the director shall do 113125  
one of the following: 113126

(1) Issue the license or license renewal for the public water system;	113127 113128
(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;	113129 113130 113131
(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.	113132 113133 113134
(G) The director may condition, suspend, or revoke a license or license renewal issued under this section at any time if the director finds that the public water system was not or will not be operated in substantial compliance with this chapter and rules adopted under it.	113135 113136 113137 113138 113139
(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements governing both of the following:	113140 113141 113142
(1) Information to be included on applications for licenses and license renewals issued under this section;	113143 113144
(2) The issuance, conditioning, suspension, revocation, and denial of licenses and license renewals under this section.	113145 113146
(I)(1) As used in division (I) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed or operated for the private profit of any person.	113147 113148 113149 113150 113151
(2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families.	113152 113153 113154 113155 113156



(J) This section does not apply to any public or nonpublic school that meets minimum standards of the state board of education that operates or maintains a public water system solely to provide water for that school.

(K) The environmental protection agency shall collect well log filing fees on behalf of the division of ~~soil and~~ water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules.

**Sec. 6109.30.** (A) There is hereby created in the state treasury the drinking water protection fund, which shall be administered by the director of environmental protection. The fund shall consist of moneys distributed to it and shall be used for all of the following purposes:

(1) Administration of this chapter and rules adopted under it;

(2) Administration in this state of the "Safe Drinking Water Act";

(3) Provision of technical assistance to public water systems in this state for the purposes of this chapter and rules adopted under it;

(4) Special studies conducted by the director for the monitoring and testing of drinking water quality in this state;

(5) Support of programs for the prevention of contamination of surface and ground water supplies in this state that are sources of drinking water.

~~Moneys in the fund shall not be used to meet any state matching requirements that are necessary to obtain federal grants.~~

(B) The director may expend not more than two hundred

thousand dollars from the fund in each fiscal year for the purpose 113187  
of making loans to owners and operators of public water systems 113188  
for emergency remediation of threats of contamination to public 113189  
water supplies. The director shall not loan more than twenty-five 113190  
thousand dollars to the owner or operator of any single public 113191  
water system. The director shall adopt, and may amend and rescind, 113192  
rules in accordance with Chapter 119. of the Revised Code 113193  
establishing application procedures and requirements for those 113194  
loans. The rules shall require that an owner or operator receiving 113195  
a loan under this division repay the loan to the fund not later 113196  
than twelve months after receiving it. 113197

**Sec. 6109.34.** The director of environmental protection or ~~his~~ 113198  
the director's duly authorized representative may enter at 113199  
reasonable times upon any private or public property to inspect 113200  
and investigate conditions relating to the construction, 113201  
maintenance, and operation of a public water system, and may take 113202  
samples for analysis. If entry or inspection authorized by this 113203  
section is refused, hindered, or thwarted, the director or ~~his~~ the 113204  
director's authorized representative may by affidavit apply for, 113205  
and any judge of a court of record may issue, an appropriate 113206  
inspection warrant necessary to achieve the purposes of this 113207  
chapter within the court's territorial jurisdiction. 113208

During an emergency that requires the director or the 113209  
director's authorized representative to respond to protect public 113210  
health or safety or the environment or during an investigation of 113211  
such an emergency, the director or the director's authorized 113212  
representative may share any complete records, reports, or 113213  
information or any part of a record, report, or information that 113214  
has been designated as containing trade secret information in 113215  
accordance with section 6111.05 of the Revised Code. A person that 113216  
receives such records, reports, or information or any such part 113217  
shall maintain the confidentiality of the records, reports, or 113218

information or any such part and use them only for the purposes 113219  
established in division (D) of that section. 113220

The sharing of complete records, reports, or information or 113221  
any part of a record, report, or information that has been 113222  
designated as containing trade secret information in accordance 113223  
with division (D) of section 6111.05 of the Revised Code does not 113224  
change the status of the records, reports, or information or any 113225  
such part as being designated a trade secret pursuant to that 113226  
section. In addition, the sharing does not subject the records, 113227  
reports, or information or any such part to public disclosure. 113228

**Sec. 6111.01.** As used in this chapter: 113229

(A) "Pollution" means the placing of any sewage, sludge, 113230  
sludge materials, industrial waste, or other wastes in any waters 113231  
of the state. 113232

(B) "Sewage" means any liquid waste containing sludge, sludge 113233  
materials, or animal or vegetable matter in suspension or 113234  
solution, and may include household wastes as commonly discharged 113235  
from residences and from commercial, institutional, or similar 113236  
facilities. 113237

(C) "Industrial waste" means any liquid, gaseous, or solid 113238  
waste substance resulting from any process of industry, 113239  
manufacture, trade, or business, or from the development, 113240  
processing, or recovery of any natural resource, together with 113241  
such sewage as is present. "Industrial waste" does not include 113242  
either of the following: 113243

(1) Shale and clay products regardless of whether they are 113244  
placed on the ground, placed below grade, or used in products that 113245  
come into contact with the ground or are placed below grade; 113246

(2) Slag regardless of whether it is placed on the ground, 113247  
placed below grade, or used in products that come into contact 113248

with the ground or are placed below grade. 113249

(D) "Other wastes" means garbage, refuse, decayed wood, 113250  
sawdust, shavings, bark, and other wood debris, lime, sand, ashes, 113251  
offal, night soil, oil, tar, coal dust, dredged or fill material, 113252  
or silt, other substances that are not sewage, sludge, sludge 113253  
materials, or industrial waste, and any other "pollutants" or 113254  
"toxic pollutants" as defined in the Federal Water Pollution 113255  
Control Act that are not sewage, sludge, sludge materials, or 113256  
industrial waste. 113257

(E) "Sewerage system" means pipelines or conduits, pumping 113258  
stations, and force mains, and all other constructions, devices, 113259  
appurtenances, and facilities used for collecting or conducting 113260  
water-borne sewage, industrial waste, or other wastes to a point 113261  
of disposal or treatment, but does not include plumbing fixtures, 113262  
building drains and subdrains, building sewers, and building storm 113263  
sewers. 113264

(F) "Treatment works" means any plant, disposal field, 113265  
lagoon, dam, pumping station, building sewer connected directly to 113266  
treatment works, incinerator, or other works used for the purpose 113267  
of treating, stabilizing, blending, composting, or holding sewage, 113268  
sludge, sludge materials, industrial waste, or other wastes, 113269  
except as otherwise defined. 113270

(G) "Disposal system" means a system for disposing of sewage, 113271  
sludge, sludge materials, industrial waste, or other wastes and 113272  
includes sewerage systems and treatment works. 113273

(H) "Waters of the state" means all streams, lakes, ponds, 113274  
marshes, watercourses, waterways, wells, springs, irrigation 113275  
systems, drainage systems, and other bodies or accumulations of 113276  
water, surface and underground, natural or artificial, regardless 113277  
of the depth of the strata in which underground water is located, 113278  
that are situated wholly or partly within, or border upon, this 113279

state, or are within its jurisdiction, except those private waters 113280  
that do not combine or effect a junction with natural surface or 113281  
underground waters. 113282

(I) "Person" means the state, any municipal corporation, any 113283  
other political subdivision of the state, any person as defined in 113284  
section 1.59 of the Revised Code, any interstate body created by 113285  
compact, or the federal government or any department, agency, or 113286  
instrumentality thereof. 113287

(J) "Industrial water pollution control facility" means any 113288  
disposal system or any treatment works, pretreatment works, 113289  
appliance, equipment, machinery, pipeline or conduit, pumping 113290  
station, force main, or installation constructed, used, or placed 113291  
in operation primarily for the purpose of collecting or conducting 113292  
industrial waste to a point of disposal or treatment; reducing, 113293  
controlling, or eliminating water pollution caused by industrial 113294  
waste; or reducing, controlling, or eliminating the discharge into 113295  
a disposal system of industrial waste or what would be industrial 113296  
waste if discharged into the waters of the state. 113297

(K) "Schedule of compliance" means a schedule of remedial 113298  
measures including an enforceable sequence of actions or 113299  
operations leading to compliance with standards and rules adopted 113300  
under sections 6111.041 and 6111.042 of the Revised Code or 113301  
compliance with terms and conditions of permits set under division 113302  
(J) of section 6111.03 of the Revised Code. 113303

(L) "Federal Water Pollution Control Act" means the "Federal 113304  
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 113305  
U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 113306  
Stat. 1566, 33 U.S.C.A. 1251, and all other amendments to that 113307  
act. 113308

(M) "Historically channelized watercourse" means the portion 113309  
of a watercourse on which an improvement, as defined in divisions 113310

(C)(2) to (4) of section 6131.01 of the Revised Code, was 113311  
constructed pursuant to Chapter ~~1515-~~ 940., 6131., or 6133. of the 113312  
Revised Code or a similar state law that preceded any of those 113313  
chapters and authorized such an improvement. 113314

(N) "Sludge" means sewage sludge and a solid, semi-solid, or 113315  
liquid residue that is generated from an industrial wastewater 113316  
treatment process and that is applied to land for agronomic 113317  
benefit. "Sludge" does not include ash generated during the firing 113318  
of sludge in a sludge incinerator, grit and screening generated 113319  
during preliminary treatment of sewage in a treatment works, 113320  
animal manure, residue generated during treatment of animal 113321  
manure, or domestic septage. 113322

(O) "Sludge materials" means solid, semi-solid, or liquid 113323  
materials derived from sludge and includes products from a 113324  
treatment works that result from the treatment, blending, or 113325  
composting of sludge. 113326

(P) "Storage of sludge" means the placement of sludge on land 113327  
on which the sludge remains for not longer than two years, but 113328  
does not include the placement of sludge on land for treatment. 113329

(Q) "Sludge disposal program" means any program used by an 113330  
entity that begins with the generation of sludge and includes 113331  
treatment or disposal of the sludge, as "treatment" and "disposal" 113332  
are defined in division (Y) of section 3745.11 of the Revised 113333  
Code. 113334

(R) "Agronomic benefit" means any process that promotes or 113335  
enhances plant growth and includes, but is not limited to, a 113336  
process that increases soil fertility and moisture retention. 113337

(S) "Sludge management" means the use, storage, treatment, or 113338  
disposal of, and management practices related to, sludge and 113339  
sludge materials. 113340

(T) "Sludge management permit" means a permit for sludge 113341

management that is issued under division (J) of section 6111.03 of the Revised Code. 113342  
113343

(U) "Sewage sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code. 113344  
113345

(V) "Shale and clay products" means nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural shale and clay products. 113346  
113347  
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(W) "Slag" means nonmetallic product resulting from melting or smelting operations for iron or steel. 113349  
113350

**Sec. 6111.02.** As used in this section and sections 6111.021 to 6111.028 of the Revised Code: 113351  
113352

(A) "Category 1 wetland," "category 2 wetland," or "category 3 wetland" means a category 1 wetland, category 2 wetland, or category 3 wetland, respectively, as described in rule 3745-1-54 of the Administrative Code, as that rule existed on July 17, 2001, and as determined to be a category 1, category 2, or category 3 wetland, respectively, through application of the "Ohio rapid assessment method for wetlands version 5.0," including the Ohio rapid assessment method for wetlands version 5.0 quantitative score calibration dated August 15, 2000, unless an application for a section 401 water quality certification was submitted prior to February 28, 2001, in which case the applicant for the permit may elect to proceed in accordance with Ohio rapid assessment method for wetlands version 4.1. 113353  
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(B) "Creation" means the establishment of a wetland where one did not formerly exist and that involves wetland construction on nonhydric soils. 113366  
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(C) "Enhancement" means activities conducted in an existing wetland to improve or repair existing or natural wetland functions and values of that wetland. 113369  
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(D) "Fill material" means any material that is used to fill an aquatic area, to replace an aquatic area with dry land, or to change the bottom elevation of a wetland for any purpose and that consists of suitable material that is free from toxic contaminants in other than trace quantities. "Fill material" does not include either of the following:

(1) Material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for the production of food, fiber, and forest products;

(2) Material placed for the purpose of maintenance of existing structures, including emergency reconstruction of recently damaged parts of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures.

(E) "Filling" means the addition of fill material into a wetland for the purpose of creating upland, changing the bottom elevation of the wetland, or creating impoundments of water. "Filling" includes, without limitation, the placement of the following in wetlands: fill material that is necessary for the construction of any structure; structures or impoundments requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands, property protection, or reclamation devices such as riprap, groins, seawalls, breakwalls, and bulkheads and fills; beach nourishment; levees; sanitary landfills; fill material for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants, and underwater utility lines; and artificial reefs.

(F) "Isolated wetland" means a wetland that is not subject to regulation under the Federal Water Pollution Control Act.



(G) "Mitigation" means the restoration, creation, 113404  
enhancement, or, in exceptional circumstances, preservation of 113405  
wetlands expressly for the purpose of compensating for wetland 113406  
impacts. 113407

(H) "Mitigation bank service area" means the designated area 113408  
where a mitigation bank can reasonably be expected to provide 113409  
appropriate compensation for impacts to wetlands and other aquatic 113410  
resources and that is designated as such in accordance with the 113411  
process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98. 113412

(I) "Off-site mitigation" means wetland restoration, 113413  
creation, enhancement, or preservation occurring farther than one 113414  
mile from a project boundary, but within the same watershed. 113415

(J) "On-site mitigation" means wetland restoration, creation, 113416  
enhancement, or preservation occurring within and not more than 113417  
one mile from the project boundary and within the same watershed. 113418

(K) "Practicable" means available and capable of being 113419  
executed with existing technology and without significant adverse 113420  
effect on the economic feasibility of the project in light of the 113421  
overall project purposes and in consideration of the relative 113422  
environmental benefit. 113423

(L) "Preservation" means the long-term protection of 113424  
ecologically important wetlands ~~in perpetuity~~ through the 113425  
implementation of appropriate legal mechanisms to prevent harm to 113426  
the wetlands. "Preservation" may include protection of adjacent 113427  
upland areas as necessary to ensure protection of a wetland. 113428

(M) "Restoration" means the reestablishment of a previously 113429  
existing wetland at a site where it has ceased to exist. 113430

(N) "State isolated wetland permit" means a permit issued in 113431  
accordance with sections 6111.02 to 6111.027 of the Revised Code 113432  
authorizing the filling of an isolated wetland. 113433

(O) "Watershed" means an eight-digit hydrologic unit. 113434

(P) "Wetlands" means those areas that are inundated or 113435  
saturated by surface or ground water at a frequency and duration 113436  
that are sufficient to support, and that under normal 113437  
circumstances do support, a prevalence of vegetation typically 113438  
adapted for life in saturated soil conditions. "Wetlands" includes 113439  
swamps, marshes, bogs, and similar areas that are delineated in 113440  
accordance with the 1987 United States army corps of engineers 113441  
wetland delineation manual and any other procedures and 113442  
requirements adopted by the United States army corps of engineers 113443  
for delineating wetlands. 113444

(Q) "Wetland mitigation bank" means a site where wetlands 113445  
have been restored, created, enhanced, or, in exceptional 113446  
circumstances, preserved expressly for the purpose of providing 113447  
mitigation for impacts to wetlands and that has been approved in 113448  
accordance with the process established in 33 C.F.R. 332.8 and 40 113449  
C.F.R. 230.98. 113450

(R) "Eight-digit hydrologic unit" means a common surface 113451  
drainage area corresponding to one from the list of thirty-seven 113452  
adapted from the forty-four cataloging units as depicted on the 113453  
hydrologic unit map of Ohio, United States geological survey, 113454  
1988, and as described in division (F)(2) of rule 3745-1-54 of the 113455  
Administrative Code or as otherwise shown on map number 1 found in 113456  
rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic 113457  
unit" is limited to those parts of the cataloging units that 113458  
geographically lie within the borders of this state. 113459

(S) "In-lieu fee mitigation" means a payment made by an 113460  
applicant to satisfy a wetland mitigation requirement established 113461  
in sections 6111.02 to 6111.027 of the Revised Code. 113462

**Sec. 6111.027.** (A) Mitigation for impacts to isolated 113463  
wetlands under sections 6111.02 to 6111.027 shall be conducted in 113464

accordance with the following ratios: 113465

(1) For category 1 and category 2 isolated wetlands, other 113466  
than forested category 2 isolated wetlands, mitigation located at 113467  
an approved wetland mitigation bank shall be conducted, or 113468  
mitigation shall be paid for under an in-lieu fee mitigation 113469  
program, at a rate of two times the size of the area of isolated 113470  
wetland that is being impacted. 113471

(2) For forested category 2 isolated wetlands, mitigation 113472  
located at an approved wetland mitigation bank shall be conducted, 113473  
or mitigation shall be paid for under an in-lieu fee mitigation 113474  
program, at a rate of two and one-half times the size of the area 113475  
of isolated wetland that is being impacted. 113476

(3) All other mitigation shall be subject to mitigation 113477  
ratios established in division (F) of rule 3745-1-54 of the 113478  
Administrative Code. 113479

(B) Mitigation that involves the enhancement or preservation 113480  
of isolated wetlands shall be calculated and performed in 113481  
accordance with rule 3745-1-54 of the Administrative Code. 113482

(C) An applicant for coverage under a general state isolated 113483  
wetland permit or for an individual state isolated wetland permit 113484  
under sections 6111.022 to 6111.024 of the Revised Code shall 113485  
demonstrate that the mitigation site will be protected ~~in~~ 113486  
~~perpetuity~~ long term and that appropriate practicable management 113487  
measures are, or will be, in place to restrict harmful activities 113488  
that jeopardize the mitigation. 113489

**Sec. 6111.03.** The director of environmental protection may do 113490  
any of the following: 113491

(A) Develop plans and programs for the prevention, control, 113492  
and abatement of new or existing pollution of the waters of the 113493  
state; 113494

(B) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, and interstate agencies and with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter. Before adopting, amending, or rescinding a standard or rule pursuant to division (G) of this section or section 6111.041 or 6111.042 of the Revised Code, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;

(E) Encourage, participate in, or conduct studies,

investigations, research, and demonstrations relating to water 113526  
pollution, and the causes, prevention, control, and abatement 113527  
thereof, that are advisable and necessary for the discharge of the 113528  
director's duties under this chapter; 113529

(F) Collect and disseminate information relating to water 113530  
pollution and prevention, control, and abatement thereof; 113531

(G) Adopt, amend, and rescind rules in accordance with 113532  
Chapter 119. of the Revised Code governing the procedure for 113533  
hearings, the filing of reports, the issuance of permits, the 113534  
issuance of industrial water pollution control certificates, and 113535  
all other matters relating to procedure; 113536

(H) Issue, modify, or revoke orders to prevent, control, or 113537  
abate water pollution by such means as the following: 113538

(1) Prohibiting or abating discharges of sewage, industrial 113539  
waste, or other wastes into the waters of the state; 113540

(2) Requiring the construction of new disposal systems or any 113541  
parts thereof, or the modification, extension, or alteration of 113542  
existing disposal systems or any parts thereof; 113543

(3) Prohibiting additional connections to or extensions of a 113544  
sewerage system when the connections or extensions would result in 113545  
an increase in the polluting properties of the effluent from the 113546  
system when discharged into any waters of the state; 113547

(4) Requiring compliance with any standard or rule adopted 113548  
under sections 6111.01 to 6111.05 of the Revised Code or term or 113549  
condition of a permit. 113550

In the making of those orders, wherever compliance with a 113551  
rule adopted under section 6111.042 of the Revised Code is not 113552  
involved, consistent with the Federal Water Pollution Control Act, 113553  
the director shall give consideration to, and base the 113554  
determination on, evidence relating to the technical feasibility 113555

and economic reasonableness of complying with those orders and to 113556  
evidence relating to conditions calculated to result from 113557  
compliance with those orders, and their relation to benefits to 113558  
the people of the state to be derived from such compliance in 113559  
accomplishing the purposes of this chapter. 113560

(I) Review plans, specifications, or other data relative to 113561  
disposal systems or any part thereof in connection with the 113562  
issuance of orders, permits, and industrial water pollution 113563  
control certificates under this chapter; 113564

(J)(1) Issue, revoke, modify, or deny sludge management 113565  
permits and permits for the discharge of sewage, industrial waste, 113566  
or other wastes into the waters of the state, and for the 113567  
installation or modification of disposal systems or any parts 113568  
thereof in compliance with all requirements of the Federal Water 113569  
Pollution Control Act and mandatory regulations adopted 113570  
thereunder, including regulations adopted under section 405 of the 113571  
Federal Water Pollution Control Act, and set terms and conditions 113572  
of permits, including schedules of compliance, where necessary. In 113573  
issuing permits for sludge management, the director shall not 113574  
allow the placement of sewage sludge on frozen ground in conflict 113575  
with rules adopted under this chapter. Any person who discharges, 113576  
transports, or handles storm water from an animal feeding 113577  
facility, as defined in section 903.01 of the Revised Code, or 113578  
pollutants from a concentrated animal feeding operation, as both 113579  
terms are defined in that section, is not required to obtain a 113580  
permit under division (J)(1) of this section for the installation 113581  
or modification of a disposal system involving pollutants or storm 113582  
water or any parts of such a system on and after the date on which 113583  
the director of agriculture has finalized the program required 113584  
under division (A)(1) of section 903.02 of the Revised Code. In 113585  
addition, any person who discharges, transports, or handles storm 113586  
water from an animal feeding facility, as defined in section 113587

903.01 of the Revised Code, or pollutants from a concentrated animal feeding operation, as both terms are defined in that section, is not required to obtain a permit under division (J)(1) of this section for the discharge of storm water from an animal feeding facility or pollutants from a concentrated animal feeding operation on and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code.

Any permit terms and conditions set by the director shall be designed to achieve and maintain full compliance with the national effluent limitations, national standards of performance for new sources, and national toxic and pretreatment effluent standards set under that act, and any other mandatory requirements of that act that are imposed by regulation of the administrator of the United States environmental protection agency. If an applicant for a sludge management permit also applies for a related permit for the discharge of sewage, industrial waste, or other wastes into the waters of the state, the director may combine the two permits and issue one permit to the applicant.

A sludge management permit is not required for an entity that treats or transports sewage sludge or for a sanitary landfill when all of the following apply:

(a) The entity or sanitary landfill does not generate the sewage sludge.

(b) Prior to receipt at the sanitary landfill, the entity has ensured that the sewage sludge meets the requirements established in rules adopted by the director under section 3734.02 of the Revised Code concerning disposal of municipal solid waste in a sanitary landfill.

(c) Disposal of the sewage sludge occurs at a sanitary

landfill that complies with rules adopted by the director under 113619  
section 3734.02 of the Revised Code. 113620

As used in division (J)(1) of this section, "sanitary 113621  
landfill" means a sanitary landfill facility, as defined in rules 113622  
adopted under section 3734.02 of the Revised Code, that is 113623  
licensed as a solid waste facility under section 3734.05 of the 113624  
Revised Code. 113625

(2) An application for a permit or renewal thereof shall be 113626  
denied if any of the following applies: 113627

(a) The secretary of the army determines in writing that 113628  
anchorage or navigation would be substantially impaired thereby; 113629

(b) The director determines that the proposed discharge or 113630  
source would conflict with an areawide waste treatment management 113631  
plan adopted in accordance with section 208 of the Federal Water 113632  
Pollution Control Act; 113633

(c) The administrator of the United States environmental 113634  
protection agency objects in writing to the issuance or renewal of 113635  
the permit in accordance with section 402 (d) of the Federal Water 113636  
Pollution Control Act; 113637

(d) The application is for the discharge of any radiological, 113638  
chemical, or biological warfare agent or high-level radioactive 113639  
waste into the waters of the United States. 113640

(3) To achieve and maintain applicable standards of quality 113641  
for the waters of the state adopted pursuant to section 6111.041 113642  
of the Revised Code, the director shall impose, where necessary 113643  
and appropriate, as conditions of each permit, water quality 113644  
related effluent limitations in accordance with sections 301, 302, 113645  
306, 307, and 405 of the Federal Water Pollution Control Act and, 113646  
to the extent consistent with that act, shall give consideration 113647  
to, and base the determination on, evidence relating to the 113648  
technical feasibility and economic reasonableness of removing the 113649



polluting properties from those wastes and to evidence relating to 113650  
conditions calculated to result from that action and their 113651  
relation to benefits to the people of the state and to 113652  
accomplishment of the purposes of this chapter. 113653

(4) Where a discharge having a thermal component from a 113654  
source that is constructed or modified on or after October 18, 113655  
1972, meets national or state effluent limitations or more 113656  
stringent permit conditions designed to achieve and maintain 113657  
compliance with applicable standards of quality for the waters of 113658  
the state, which limitations or conditions will ensure protection 113659  
and propagation of a balanced, indigenous population of shellfish, 113660  
fish, and wildlife in or on the body of water into which the 113661  
discharge is made, taking into account the interaction of the 113662  
thermal component with sewage, industrial waste, or other wastes, 113663  
the director shall not impose any more stringent limitation on the 113664  
thermal component of the discharge, as a condition of a permit or 113665  
renewal thereof for the discharge, during a ten-year period 113666  
beginning on the date of completion of the construction or 113667  
modification of the source, or during the period of depreciation 113668  
or amortization of the source for the purpose of section 167 or 113669  
169 of the Internal Revenue Code of 1954, whichever period ends 113670  
first. 113671

(5) The director shall specify in permits for the discharge 113672  
of sewage, industrial waste, and other wastes, the net volume, net 113673  
weight, duration, frequency, and, where necessary, concentration 113674  
of the sewage, industrial waste, and other wastes that may be 113675  
discharged into the waters of the state. The director shall 113676  
specify in those permits and in sludge management permits that the 113677  
permit is conditioned upon payment of applicable fees as required 113678  
by section 3745.11 of the Revised Code and upon the right of the 113679  
director's authorized representatives to enter upon the premises 113680  
of the person to whom the permit has been issued for the purpose 113681

of determining compliance with this chapter, rules adopted 113682  
thereunder, or the terms and conditions of a permit, order, or 113683  
other determination. The director shall issue or deny an 113684  
application for a sludge management permit or a permit for a new 113685  
discharge, for the installation or modification of a disposal 113686  
system, or for the renewal of a permit, within one hundred eighty 113687  
days of the date on which a complete application with all plans, 113688  
specifications, construction schedules, and other pertinent 113689  
information required by the director is received. 113690

(6) The director may condition permits upon the installation 113691  
of discharge or water quality monitoring equipment or devices and 113692  
the filing of periodic reports on the amounts and contents of 113693  
discharges and the quality of receiving waters that the director 113694  
prescribes. The director shall condition each permit for a 113695  
government-owned disposal system or any other "treatment works" as 113696  
defined in the Federal Water Pollution Control Act upon the 113697  
reporting of new introductions of industrial waste or other wastes 113698  
and substantial changes in volume or character thereof being 113699  
introduced into those systems or works from "industrial users" as 113700  
defined in section 502 of that act, as necessary to comply with 113701  
section 402(b)(8) of that act; upon the identification of the 113702  
character and volume of pollutants subject to pretreatment 113703  
standards being introduced into the system or works; and upon the 113704  
existence of a program to ensure compliance with pretreatment 113705  
standards by "industrial users" of the system or works. In 113706  
requiring monitoring devices and reports, the director, to the 113707  
extent consistent with the Federal Water Pollution Control Act, 113708  
shall give consideration to technical feasibility and economic 113709  
reasonableness and shall allow reasonable time for compliance. 113710

(7) A permit may be issued for a period not to exceed five 113711  
years and may be renewed upon application for renewal. In renewing 113712  
a permit, the director shall consider the compliance history of 113713

the permit holder and may deny the renewal if the director 113714  
determines that the permit holder has not complied with the terms 113715  
and conditions of the existing permit. A permit may be modified, 113716  
suspended, or revoked for cause, including, but not limited to, 113717  
violation of any condition of the permit, obtaining a permit by 113718  
misrepresentation or failure to disclose fully all relevant facts 113719  
of the permitted discharge or of the sludge use, storage, 113720  
treatment, or disposal practice, or changes in any condition that 113721  
requires either a temporary or permanent reduction or elimination 113722  
of the permitted activity. No application shall be denied or 113723  
permit revoked or modified without a written order stating the 113724  
findings upon which the denial, revocation, or modification is 113725  
based. A copy of the order shall be sent to the applicant or 113726  
permit holder by certified mail. 113727

(K) Institute or cause to be instituted in any court of 113728  
competent jurisdiction proceedings to compel compliance with this 113729  
chapter or with the orders of the director issued under this 113730  
chapter, or to ensure compliance with sections 204(b), 307, 308, 113731  
and 405 of the Federal Water Pollution Control Act; 113732

(L) Issue, deny, revoke, or modify industrial water pollution 113733  
control certificates; 113734

(M) Certify to the government of the United States or any 113735  
agency thereof that an industrial water pollution control facility 113736  
is in conformity with the state program or requirements for the 113737  
control of water pollution whenever the certification may be 113738  
required for a taxpayer under the Internal Revenue Code of the 113739  
United States, as amended; 113740

(N) Issue, modify, and revoke orders requiring any 113741  
"industrial user" of any publicly owned "treatment works" as 113742  
defined in sections 212(2) and 502(18) of the Federal Water 113743  
Pollution Control Act to comply with pretreatment standards; 113744  
establish and maintain records; make reports; install, use, and 113745

maintain monitoring equipment or methods, including, where 113746  
appropriate, biological monitoring methods; sample discharges in 113747  
accordance with methods, at locations, at intervals, and in a 113748  
manner that the director determines; and provide other information 113749  
that is necessary to ascertain whether or not there is compliance 113750  
with toxic and pretreatment effluent standards. In issuing, 113751  
modifying, and revoking those orders, the director, to the extent 113752  
consistent with the Federal Water Pollution Control Act, shall 113753  
give consideration to technical feasibility and economic 113754  
reasonableness and shall allow reasonable time for compliance. 113755

(O) Exercise all incidental powers necessary to carry out the 113756  
purposes of this chapter; 113757

(P) Certify or deny certification to any applicant for a 113758  
federal license or permit to conduct any activity that may result 113759  
in any discharge into the waters of the state that the discharge 113760  
will comply with the Federal Water Pollution Control Act; 113761

(Q) Administer and enforce the publicly owned treatment works 113762  
pretreatment program in accordance with the Federal Water 113763  
Pollution Control Act. In the administration of that program, the 113764  
director may do any of the following: 113765

(1) Apply and enforce pretreatment standards; 113766

(2) Approve and deny requests for approval of publicly owned 113767  
treatment works pretreatment programs, oversee those programs, and 113768  
implement, in whole or in part, those programs under any of the 113769  
following conditions: 113770

(a) The director has denied a request for approval of the 113771  
publicly owned treatment works pretreatment program; 113772

(b) The director has revoked the publicly owned treatment 113773  
works pretreatment program; 113774

(c) There is no pretreatment program currently being 113775

implemented by the publicly owned treatment works; 113776

(d) The publicly owned treatment works has requested the 113777  
director to implement, in whole or in part, the pretreatment 113778  
program. 113779

(3) Require that a publicly owned treatment works 113780  
pretreatment program be incorporated in a permit issued to a 113781  
publicly owned treatment works as required by the Federal Water 113782  
Pollution Control Act, require compliance by publicly owned 113783  
treatment works with those programs, and require compliance by 113784  
industrial users with pretreatment standards; 113785

(4) Approve and deny requests for authority to modify 113786  
categorical pretreatment standards to reflect removal of 113787  
pollutants achieved by publicly owned treatment works; 113788

(5) Deny and recommend approval of requests for fundamentally 113789  
different factors variances submitted by industrial users; 113790

(6) Make determinations on categorization of industrial 113791  
users; 113792

(7) Adopt, amend, or rescind rules and issue, modify, or 113793  
revoke orders necessary for the administration and enforcement of 113794  
the publicly owned treatment works pretreatment program. 113795

Any approval of a publicly owned treatment works pretreatment 113796  
program may contain any terms and conditions, including schedules 113797  
of compliance, that are necessary to achieve compliance with this 113798  
chapter. 113799

(R) Except as otherwise provided in this division, adopt 113800  
rules in accordance with Chapter 119. of the Revised Code 113801  
establishing procedures, methods, and equipment and other 113802  
requirements for equipment to prevent and contain discharges of 113803  
oil and hazardous substances into the waters of the state. The 113804  
rules shall be consistent with and equivalent in scope, content, 113805

and coverage to section 311(j)(1)(c) of the Federal Water 113806  
Pollution Control Act and regulations adopted under it. The 113807  
director shall not adopt rules under this division relating to 113808  
discharges of oil from oil production facilities and oil drilling 113809  
and workover facilities as those terms are defined in that act and 113810  
regulations adopted under it. 113811

(S)(1) Administer and enforce a program for the regulation of 113812  
sludge management in this state. In administering the program, the 113813  
director, in addition to exercising the authority provided in any 113814  
other applicable sections of this chapter, may do any of the 113815  
following: 113816

(a) Develop plans and programs for the disposal and 113817  
utilization of sludge and sludge materials; 113818

(b) Encourage, participate in, or conduct studies, 113819  
investigations, research, and demonstrations relating to the 113820  
disposal and use of sludge and sludge materials and the impact of 113821  
sludge and sludge materials on land located in the state and on 113822  
the air and waters of the state; 113823

(c) Collect and disseminate information relating to the 113824  
disposal and use of sludge and sludge materials and the impact of 113825  
sludge and sludge materials on land located in the state and on 113826  
the air and waters of the state; 113827

(d) Issue, modify, or revoke orders to prevent, control, or 113828  
abate the use and disposal of sludge and sludge materials or the 113829  
effects of the use of sludge and sludge materials on land located 113830  
in the state and on the air and waters of the state; 113831

(e) Adopt and enforce, modify, or rescind rules necessary for 113832  
the implementation of division (S) of this section. The rules 113833  
reasonably shall protect public health and the environment, 113834  
encourage the beneficial reuse of sludge and sludge materials, and 113835  
minimize the creation of nuisance odors. 113836

The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the beneficial reuse of sludge and sludge materials.

The director may condition permits on the implementation of treatment, storage, disposal, distribution, or application management methods and the filing of periodic reports on the amounts, composition, and quality of sludge and sludge materials that are disposed of, used, treated, or stored.

An approval of a treatment works sludge disposal program may contain any terms and conditions, including schedules of compliance, necessary to achieve compliance with this chapter and rules adopted under it.

(2) As a part of the program established under division (S)(1) of this section, the director has exclusive authority to regulate sewage sludge management in this state. For purposes of division (S)(2) of this section, that program shall be consistent with section 405 of the Federal Water Pollution Control Act and regulations adopted under it and with this section, except that the director may adopt rules under division (S) of this section that establish requirements that are more stringent than section 405 of the Federal Water Pollution Control Act and regulations adopted under it with regard to monitoring sewage sludge and sewage sludge materials and establishing acceptable sewage sludge

management practices and pollutant levels in sewage sludge and 113869  
sewage sludge materials. 113870

This chapter authorizes the state to participate in any 113871  
national sludge management program and the national pollutant 113872  
discharge elimination system, to administer and enforce the 113873  
publicly owned treatment works pretreatment program, and to issue 113874  
permits for the discharge of dredged or fill materials, in 113875  
accordance with the Federal Water Pollution Control Act. This 113876  
chapter shall be administered, consistent with the laws of this 113877  
state and federal law, in the same manner that the Federal Water 113878  
Pollution Control Act is required to be administered. 113879

(T) Develop technical guidance and offer technical 113880  
assistance, upon request, for the purpose of minimizing wind or 113881  
water erosion of soil, and assist in compliance with permits for 113882  
storm water management issued under this chapter and rules adopted 113883  
under it. 113884

(U) Study, examine, and calculate nutrient loading from point 113885  
and nonpoint sources in order to determine comparative 113886  
contributions by those sources and to utilize the information 113887  
derived from those calculations to determine the most 113888  
environmentally beneficial and cost-effective mechanisms to reduce 113889  
nutrient loading to watersheds in the Lake Erie basin and the Ohio 113890  
river basin. In order to evaluate nutrient loading contributions, 113891  
the director or the director's designee shall conduct a study of 113892  
the nutrient mass balance for both point and nonpoint sources in 113893  
watersheds in the Lake Erie basin and the Ohio river basin using 113894  
available data, including both of the following: 113895

(1) Data on water quality and stream flow; 113896

(2) Data on point source discharges into those watersheds. 113897

The director or the director's designee shall report and 113898  
update the results of the study to coincide with the release of 113899



the Ohio integrated water quality monitoring and assessment report 113900  
prepared by the director. 113901

This section does not apply to residual farm products and 113902  
manure disposal systems and related management and conservation 113903  
practices subject to rules adopted pursuant to division (E)(1) of 113904  
section ~~1511.02~~ 939.02 of the Revised Code. For purposes of this 113905  
exclusion, "residual farm products" and "manure" have the same 113906  
meanings as in section ~~1511.01~~ 939.01 of the Revised Code. 113907  
However, until the date on which the United States environmental 113908  
protection agency approves the NPDES program submitted by the 113909  
director of agriculture under section 903.08 of the Revised Code, 113910  
this exclusion does not apply to animal waste treatment works 113911  
having a controlled direct discharge to the waters of the state or 113912  
any concentrated animal feeding operation, as defined in 40 C.F.R. 113913  
122.23(b)(2). On and after the date on which the United States 113914  
environmental protection agency approves the NPDES program 113915  
submitted by the director of agriculture under section 903.08 of 113916  
the Revised Code, this section does not apply to storm water from 113917  
an animal feeding facility, as defined in section 903.01 of the 113918  
Revised Code, or to pollutants discharged from a concentrated 113919  
animal feeding operation, as both terms are defined in that 113920  
section. Neither of these exclusions applies to the discharge of 113921  
animal waste into a publicly owned treatment works. 113922

Not later than December 1, 2016, a publicly owned treatment 113923  
works with a design flow of one million gallons per day or more, 113924  
or designated as a major discharger by the director, shall be 113925  
required to begin monthly monitoring of total and dissolved 113926  
reactive phosphorus pursuant to a new NPDES permit, an NPDES 113927  
permit renewal, or a director-initiated modification. The director 113928  
shall include in each applicable new NPDES permit, NPDES permit 113929  
renewal, or director-initiated modification a requirement that 113930  
such monitoring be conducted. A director-initiated modification 113931

for that purpose shall be considered and processed as a minor 113932  
modification pursuant to ~~O.A.C.~~ Ohio Administrative Code 113933  
3745-33-04. In addition, not later than December 1, 2017, a 113934  
publicly owned treatment works with a design flow of one million 113935  
gallons per day or more that, ~~on the effective date of this~~ 113936  
~~amendment~~ July 3, 2015, is not subject to a phosphorus limit shall 113937  
complete and submit to the director a study that evaluates the 113938  
technical and financial capability of the existing treatment 113939  
facility to reduce the final effluent discharge of phosphorus to 113940  
one milligram per liter using possible source reduction measures, 113941  
operational procedures, and unit process configurations. 113942

**Sec. 6111.04.** (A) Both of the following apply except as 113943  
otherwise provided in division (A) or (F) of this section: 113944

(1) No person shall cause pollution or place or cause to be 113945  
placed any sewage, sludge, sludge materials, industrial waste, or 113946  
other wastes in a location where they cause pollution of any 113947  
waters of the state. 113948

(2) Such an action prohibited under division (A)(1) of this 113949  
section is hereby declared to be a public nuisance. 113950

Divisions (A)(1) and (2) of this section do not apply if the 113951  
person causing pollution or placing or causing to be placed wastes 113952  
in a location in which they cause pollution of any waters of the 113953  
state holds a valid, unexpired permit, or renewal of a permit, 113954  
governing the causing or placement as provided in sections 6111.01 113955  
to 6111.08 of the Revised Code or if the person's application for 113956  
renewal of such a permit is pending. 113957

(B) If the director of environmental protection administers a 113958  
sludge management program pursuant to division (S) of section 113959  
6111.03 of the Revised Code, both of the following apply except as 113960  
otherwise provided in division (B) or (F) of this section: 113961

(1) No person, in the course of sludge management, shall 113962  
place on land located in the state or release into the air of the 113963  
state any sludge or sludge materials. 113964

(2) An action prohibited under division (B)(1) of this 113965  
section is hereby declared to be a public nuisance. 113966

Divisions (B)(1) and (2) of this section do not apply if the 113967  
person placing or releasing the sludge or sludge materials holds a 113968  
valid, unexpired permit, or renewal of a permit, governing the 113969  
placement or release as provided in sections 6111.01 to 6111.08 of 113970  
the Revised Code or if the person's application for renewal of 113971  
such a permit is pending. 113972

(C) No person to whom a permit has been issued shall place or 113973  
discharge, or cause to be placed or discharged, in any waters of 113974  
the state any sewage, sludge, sludge materials, industrial waste, 113975  
or other wastes in excess of the permissive discharges specified 113976  
under an existing permit without first receiving a permit from the 113977  
director to do so. 113978

(D) No person to whom a sludge management permit has been 113979  
issued shall place on the land or release into the air of the 113980  
state any sludge or sludge materials in excess of the permissive 113981  
amounts specified under the existing sludge management permit 113982  
without first receiving a modification of the existing sludge 113983  
management permit or a new sludge management permit to do so from 113984  
the director. 113985

(E) The director may require the submission of plans, 113986  
specifications, and other information that the director considers 113987  
relevant in connection with the issuance of permits. 113988

(F) This section does not apply to any of the following: 113989

(1) Waters used in washing sand, gravel, other aggregates, or 113990  
mineral products when the washing and the ultimate disposal of the 113991  
water used in the washing, including any sewage, industrial waste, 113992

or other wastes contained in the waters, are entirely confined to 113993  
the land under the control of the person engaged in the recovery 113994  
and processing of the sand, gravel, other aggregates, or mineral 113995  
products and do not result in the pollution of waters of the 113996  
state; 113997

(2) Water, gas, or other material injected into a well to 113998  
facilitate, or that is incidental to, the production of oil, gas, 113999  
artificial brine, or water derived in association with oil or gas 114000  
production and disposed of in a well, in compliance with a permit 114001  
issued under Chapter 1509. of the Revised Code, or sewage, 114002  
industrial waste, or other wastes injected into a well in 114003  
compliance with an injection well operating permit. Division 114004  
(F)(2) of this section does not authorize, without a permit, any 114005  
discharge that is prohibited by, or for which a permit is required 114006  
by, regulation of the United States environmental protection 114007  
agency. 114008

(3) Application of any materials to land for agricultural 114009  
purposes or runoff of the materials from that application or 114010  
pollution by residual farm products, manure, or soil sediment, 114011  
including attached substances, resulting from farming, 114012  
silvicultural, or earthmoving activities regulated by Chapter 307. 114013  
or ~~1511. 939.~~ 939. of the Revised Code. Division (F)(3) of this section 114014  
does not authorize, without a permit, any discharge that is 114015  
prohibited by, or for which a permit is required by, the Federal 114016  
Water Pollution Control Act or regulations adopted under it. As 114017  
used in division (F)(3) of this section, "residual farm products" 114018  
and "manure" have the same meanings as in section ~~1511.01~~ 939.01 114019  
of the Revised Code. 114020

(4) The excrement of domestic and farm animals defecated on 114021  
land or runoff therefrom into any waters of the state. Division 114022  
(F)(4) of this section does not authorize, without a permit, any 114023  
discharge that is prohibited by, or for which a permit is required 114024

by, the Federal Water Pollution Control Act or regulations adopted 114025  
under it. 114026

(5) On and after the date on which the United States 114027  
environmental protection agency approves the NPDES program 114028  
submitted by the director of agriculture under section 903.08 of 114029  
the Revised Code, any discharge that is within the scope of the 114030  
approved NPDES program submitted by the director of agriculture; 114031

(6) The discharge of sewage, industrial waste, or other 114032  
wastes into a sewerage system tributary to a treatment works. 114033  
Division (F)(6) of this section does not authorize any discharge 114034  
into a publicly owned treatment works in violation of a 114035  
pretreatment program applicable to the publicly owned treatment 114036  
works. 114037

(7) A household sewage treatment system or a small flow 114038  
on-site sewage treatment system, as applicable, as defined in 114039  
section 3718.01 of the Revised Code that is installed in 114040  
compliance with Chapter 3718. of the Revised Code and rules 114041  
adopted under it. Division (F)(7) of this section does not 114042  
authorize, without a permit, any discharge that is prohibited by, 114043  
or for which a permit is required by, regulation of the United 114044  
States environmental protection agency. 114045

(8) Exceptional quality sludge generated outside of this 114046  
state and contained in bags or other containers not greater than 114047  
one hundred pounds in capacity. As used in division (F)(8) of this 114048  
section, "exceptional quality sludge" has the same meaning as in 114049  
division (Y) of section 3745.11 of the Revised Code. 114050

(G) The holder of a permit issued under section 402 (a) of 114051  
the Federal Water Pollution Control Act need not obtain a permit 114052  
for a discharge authorized by the permit until its expiration 114053  
date. Except as otherwise provided in this division, the director 114054  
of environmental protection shall administer and enforce those 114055

permits within this state and may modify their terms and 114056  
conditions in accordance with division (J) of section 6111.03 of 114057  
the Revised Code. On and after the date on which the United States 114058  
environmental protection agency approves the NPDES program 114059  
submitted by the director of agriculture under section 903.08 of 114060  
the Revised Code, the director of agriculture shall administer and 114061  
enforce those permits within this state that are issued for any 114062  
discharge that is within the scope of the approved NPDES program 114063  
submitted by the director of agriculture. 114064

**Sec. 6111.044.** Upon receipt of an application for an 114065  
injection well drilling permit, an injection well operating 114066  
permit, a renewal of an injection well operating permit, or a 114067  
modification of an injection well drilling permit, operating 114068  
permit, or renewal of an operating permit, the director of 114069  
environmental protection shall determine whether the application 114070  
is complete and demonstrates that the activities for which the 114071  
permit, renewal permit, or modification is requested will comply 114072  
with the Federal Water Pollution Control Act and regulations 114073  
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 114074  
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 114075  
under it; and this chapter and the rules adopted under it. If the 114076  
application demonstrates that the proposed activities will not 114077  
comply or will pose an unreasonable risk of inducing seismic 114078  
activity, inducing geologic fracturing, or contamination of an 114079  
underground source of drinking water, the director shall deny the 114080  
application. If the application does not make the required 114081  
demonstrations, the director shall return it to the applicant with 114082  
an indication of those matters about which a required 114083  
demonstration was not made. If the director determines that the 114084  
application makes the required demonstrations, the director shall 114085  
transmit copies of the application and all of the accompanying 114086  
maps, data, samples, and information to the chief of the division 114087

of oil and gas resources management, the chief of the division of 114088  
geological survey, the chief of the division of ~~soil~~ and water 114089  
resources, and, if the well is or is to be located in a coal 114090  
bearing township designated under section 1561.06 of the Revised 114091  
Code, the chief of the division of mineral resources management in 114092  
the department of natural resources. 114093

The chief of the division of geological survey shall comment 114094  
upon the application if the chief determines that the proposed 114095  
well or injection will present an unreasonable risk of loss or 114096  
damage to valuable mineral resources. If the chief submits 114097  
comments on the application, those comments shall be accompanied 114098  
by an evaluation of the geological factors upon which the comments 114099  
are based, including fractures, faults, earthquake potential, and 114100  
the porosity and permeability of the injection zone and confining 114101  
zone, and by the documentation supporting the evaluation. The 114102  
director shall take into consideration the chief's comments, and 114103  
the accompanying evaluation of geologic factors and supporting 114104  
documentation, when considering the application. The director 114105  
shall provide written notice to the chief of the director's 114106  
decision on the application and, if the chief's comments are not 114107  
included in the permit, renewal permit, or modification, of the 114108  
director's rationale for not including them. 114109

The chief of the division of oil and gas resources management 114110  
shall comment upon the application if the chief determines that 114111  
the proposed well or injection will present an unreasonable risk 114112  
that waste or contamination of recoverable oil or gas in the earth 114113  
will occur. If the chief submits comments on the application, 114114  
those comments shall be accompanied by an evaluation of the oil or 114115  
gas reserves that, in the best professional judgment of the chief, 114116  
are recoverable and will be adversely affected by the proposed 114117  
well or injection, and by the documentation supporting the 114118  
evaluation. The director shall take into consideration the chief's 114119

comments, and the accompanying evaluation and supporting 114120  
documentation, when considering the application. The director 114121  
shall provide written notice to the chief of the director's 114122  
decision on the application and, if the chief's comments are not 114123  
included in the permit, renewal permit, or modification, of the 114124  
director's rationale for not including them. 114125

The chief of the division of ~~soil and~~ water resources shall 114126  
assist the director in determining whether all underground sources 114127  
of drinking water in the area of review of the proposed well or 114128  
injection have been identified and correctly delineated in the 114129  
application. If the application fails to identify or correctly 114130  
delineate an underground source of drinking water, the chief shall 114131  
provide written notice of that fact to the director. 114132

The chief of the division of mineral resources management 114133  
shall review the application as follows: 114134

If the application concerns the drilling or conversion of a 114135  
well or the injection into a well that is not or is not to be 114136  
located within five thousand feet of the excavation and workings 114137  
of a mine, the chief of the division of mineral resources 114138  
management shall note upon the application that it has been 114139  
examined by the division of mineral resources management, retain a 114140  
copy of the application and map, and immediately return a copy of 114141  
the application to the director. 114142

If the application concerns the drilling or conversion of a 114143  
well or the injection into a well that is or is to be located 114144  
within five thousand feet, but more than five hundred feet from 114145  
the surface excavations and workings of a mine, the chief of the 114146  
division of mineral resources management immediately shall notify 114147  
the owner or lessee of the mine that the application has been 114148  
filed and send to the owner or lessee a copy of the map 114149  
accompanying the application setting forth the location of the 114150  
well. The chief of the division of mineral resources management 114151



shall note on the application that the notice has been sent to the owner or lessee of the mine, retain a copy of the application and map, and immediately return a copy of the application to the director with the chief's notation on it.

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet of the underground excavations and workings of a mine or within five hundred feet of the surface excavations and workings of a mine, the chief of the division of mineral resources management immediately shall notify the owner or lessee of the mine that the application has been filed and send to the owner or lessee a copy of the map accompanying the application setting forth the location of the well. If the owner or lessee objects to the application, the owner or lessee shall notify the chief of the division of mineral resources management of the objection, giving the reasons, within six days after the receipt of the notice. If the chief of the division of mineral resources management receives no objections from the owner or lessee of the mine within ten days after the receipt of the notice by the owner or lessee, or if in the opinion of the chief of the division of mineral resources management the objections offered by the owner or lessee are not sufficiently well founded, the chief shall retain a copy of the application and map and return a copy of the application to the director with any applicable notes concerning it.

If the chief of the division of mineral resources management receives an objection from the owner or lessee of the mine as to the application, within ten days after receipt of the notice by the owner or lessee, and if in the opinion of the chief the objection is well founded, the chief shall disapprove the application and immediately return it to the director together with the chief's reasons for the disapproval. The director

promptly shall notify the applicant for the permit, renewal 114184  
permit, or modification of the disapproval. The applicant may 114185  
appeal the disapproval of the application by the chief of the 114186  
division of mineral resources management to the reclamation 114187  
commission created under section 1513.05 of the Revised Code, and 114188  
the commission shall hear the appeal in accordance with section 114189  
1513.13 of the Revised Code. The appeal shall be filed within 114190  
thirty days from the date the applicant receives notice of the 114191  
disapproval. No comments concerning or disapproval of an 114192  
application shall be delayed by the chief of the division of 114193  
mineral resources management for more than fifteen days from the 114194  
date of sending of notice to the mine owner or lessee as required 114195  
by this section. 114196

The director shall not approve an application for an 114197  
injection well drilling permit, an injection well operating 114198  
permit, a renewal of an injection well operating permit, or a 114199  
modification of an injection well drilling permit, operating 114200  
permit, or renewal of an operating permit for a well that is or is 114201  
to be located within three hundred feet of any opening of any mine 114202  
used as a means of ingress, egress, or ventilation for persons 114203  
employed in the mine, nor within one hundred feet of any building 114204  
or flammable structure connected with the mine and actually used 114205  
as a part of the operating equipment of the mine, unless the chief 114206  
of the division of mineral resources management determines that 114207  
life or property will not be endangered by drilling and operating 114208  
the well in that location. 114209

Upon review by the chief of the division of oil and gas 114210  
resources management, the chief of the division of geological 114211  
survey, and the chief of the division of ~~soil and~~ water resources, 114212  
and if the chief of the division of mineral resources management 114213  
has not disapproved the application, the director shall issue a 114214  
permit, renewal permit, or modification with any terms and 114215

conditions that may be necessary to comply with the Federal Water 114216  
Pollution Control Act and regulations adopted under it; the "Safe 114217  
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as 114218  
amended, and regulations adopted under it; and this chapter and 114219  
the rules adopted under it. The director shall not issue a permit, 114220  
renewal permit, or modification to an applicant if the applicant 114221  
or persons associated with the applicant have engaged in or are 114222  
engaging in a substantial violation of this chapter that is 114223  
endangering or may endanger human health or the environment or if, 114224  
in the case of an applicant for an injection well drilling permit, 114225  
the applicant, at the time of applying for the permit, did not 114226  
hold an injection well operating permit or renewal of an injection 114227  
well drilling permit and failed to demonstrate sufficient 114228  
expertise and competency to operate the well in compliance with 114229  
the applicable provisions of this chapter. 114230

If the director receives a disapproval from the chief of the 114231  
division of mineral resources management regarding an application 114232  
for an injection well drilling or operating permit, renewal 114233  
permit, or modification, if required, the director shall issue an 114234  
order denying the application. 114235

The director need not issue a proposed action under section 114236  
3745.07 of the Revised Code or hold an adjudication hearing under 114237  
that section and Chapter 119. of the Revised Code before issuing 114238  
or denying a permit, renewal permit, or modification of a permit 114239  
or renewal permit. Before issuing or renewing a permit to drill or 114240  
operate a class I injection well or a modification of it, the 114241  
director shall propose the permit, renewal permit, or modification 114242  
in draft form and shall hold a public hearing to receive public 114243  
comment on the draft permit, renewal permit, or modification. At 114244  
least fifteen days before the public hearing on a draft permit, 114245  
renewal permit, or modification, the director shall publish notice 114246  
of the date, time, and location of the public hearing in at least 114247

one newspaper of general circulation serving the area where the 114248  
well is or is to be located. The proposing of such a draft permit, 114249  
renewal permit, or modification does not constitute the issuance 114250  
of a proposed action under section 3745.07 of the Revised Code, 114251  
and the holding of the public hearing on such a draft permit, 114252  
renewal permit, or modification does not constitute the holding of 114253  
an adjudication hearing under that section and Chapter 119. of the 114254  
Revised Code. Appeals of orders other than orders of the chief of 114255  
the division of mineral resources management shall be taken under 114256  
sections 3745.04 to 3745.08 of the Revised Code. 114257

The director may order that an injection well drilling permit 114258  
or an injection well operating permit or renewal permit be 114259  
suspended and that activities under it cease after determining 114260  
that those activities are occurring in violation of law, rule, 114261  
order, or term or condition of the permit. Upon service of a copy 114262  
of the order upon the permit holder or the permit holder's 114263  
authorized agent or assignee, the permit and activities under it 114264  
shall be suspended immediately without prior hearing and shall 114265  
remain suspended until the violation is corrected and the order of 114266  
suspension is lifted. If a violation is the second within a 114267  
one-year period, the director, after a hearing, may revoke the 114268  
permit. 114269

The director may order that an injection well drilling permit 114270  
or an injection well operating permit or renewal permit be 114271  
suspended and that activities under it cease if the director has 114272  
reasonable cause to believe that the permit would not have been 114273  
issued if the information available at the time of suspension had 114274  
been available at the time a determination was made by one of the 114275  
agencies acting under authority of this section. Upon service of a 114276  
copy of the order upon the permit holder or the permit holder's 114277  
authorized agent or assignee, the permit and activities under it 114278  
shall be suspended immediately without prior hearing, but a permit 114279

may not be suspended for that reason without prior hearing unless 114280  
immediate suspension is necessary to prevent waste or 114281  
contamination of oil or gas, comply with the Federal Water 114282  
Pollution Control Act and regulations adopted under it; the "Safe 114283  
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 114284  
amended, and regulations adopted under it; and this chapter and 114285  
the rules adopted under it, or prevent damage to valuable mineral 114286  
resources, prevent contamination of an underground source of 114287  
drinking water, or prevent danger to human life or health. If 114288  
after a hearing the director determines that the permit would not 114289  
have been issued if the information available at the time of the 114290  
hearing had been available at the time a determination was made by 114291  
one of the agencies acting under authority of this section, the 114292  
director shall revoke the permit. 114293

When a permit has been revoked, the permit holder or other 114294  
person responsible for it immediately shall plug the well in the 114295  
manner required by the director. 114296

The director may issue orders to prevent or require cessation 114297  
of violations of this section, section 6111.043, 6111.045, 114298  
6111.046, or 6111.047 of the Revised Code, rules adopted under any 114299  
of those sections, and terms or conditions of permits issued under 114300  
any of them. The orders may require the elimination of conditions 114301  
caused by the violation. 114302

**Sec. 6111.05.** (A) The director of environmental protection, 114303  
on the director's own initiative, may investigate or make 114304  
inquiries into any alleged act of pollution or failure to comply 114305  
with this chapter or any order, any rule, the terms and conditions 114306  
of a permit, or any other determination pursuant thereto. However, 114307  
upon written complaint by any person, the director shall conduct 114308  
any investigations and make any inquiries that are required. 114309

The director or the director's duly authorized representative 114310

may enter at reasonable times upon any private or public property 114311  
to inspect and investigate conditions relating to pollution of any 114312  
air of the state or land located in the state related to the use, 114313  
storage, treatment, or disposal of sludge or sludge materials or 114314  
pollution of any waters of the state, inspect any monitoring 114315  
equipment, inspect the drilling, conversion, or operation of any 114316  
injection well, and sample any discharges, including discharges by 114317  
"industrial users" into a publicly owned "treatment works" as 114318  
those terms are defined in sections 212 and 502 of the Federal 114319  
Water Pollution Control Act, and may apply to the court of common 114320  
pleas having jurisdiction for a warrant permitting the entrance 114321  
and inspection. 114322

(B) Any authorized representative of the director at 114323  
reasonable times may examine any records or memoranda pertaining 114324  
to sludge management, the operation of disposal systems, the 114325  
drilling, conversion, or operation of injection wells, or 114326  
discharges by "industrial users" into publicly owned "treatment 114327  
works" as defined in sections 212 and 501 of the Federal Water 114328  
Pollution Control Act. The director may require the maintenance of 114329  
records relating to sludge management, discharges, or the 114330  
operation of disposal systems or injection wells. The director may 114331  
make copies of the records. Any authorized representative of a 114332  
publicly owned "treatment works" may enter at reasonable times 114333  
upon the premises of any "industrial user" that discharges into 114334  
the works to inspect any monitoring equipment or method of the 114335  
user, to sample any discharges of the user into the works, or to 114336  
inspect any records or memoranda pertaining to discharges by the 114337  
user into the works, in order to ascertain compliance by the user 114338  
with applicable pretreatment standards. The representative may 114339  
make copies of the records. ~~Any~~ 114340

(C) If an emergency requires the director or the director's 114341  
authorized representative to respond to protect public health or 114342

safety or the environment, the director or the director's 114343  
authorized representative may request any person that is 114344  
responsible for causing or allowing a spill, release, or discharge 114345  
of a pollutant or contaminant into or on the environment or any 114346  
person having knowledge of the components or chemical identity of 114347  
the pollutant or contaminant spilled, released, or discharged to 114348  
disclose records, reports, or information necessary to respond to 114349  
or investigate the spill, release, or discharge. Upon receiving 114350  
the request, the person shall submit the records, reports, or 114351  
information without undue delay. If the person disclosing the 114352  
records, reports, or information designates any portion of the 114353  
records, reports, or information as containing trade secret 114354  
information, the person shall submit both a complete and a 114355  
redacted version of the records, reports, or information. The 114356  
person shall mark the redacted version "public version" and redact 114357  
any trade secret information. 114358

(D) Any records, reports, or information obtained under this 114359  
chapter shall be available for public inspection, except that: 114360

~~(A) Upon a showing satisfactory to the director by any person~~ 114361  
~~that the (1) Any records, reports, or information, or any~~ 114362  
~~particular part thereof designated as a trade secret by the person~~ 114363  
~~submitting the records, reports, or information, other than data~~ 114364  
~~concerning the amounts or contents of discharges or the quality of~~ 114365  
~~the receiving waters, to which the director has access under this~~ 114366  
~~chapter, ~~if made public would divulge information entitled to~~~~ 114367  
~~protection as trade secrets of the person, the director shall~~ 114368  
~~consider the record, report, or information or particular portion~~ 114369  
~~thereof confidential. Prior to divulging any alleged trade secret~~ 114370  
~~information pursuant to this division, the director shall give ten~~ 114371  
~~days' written notice to the person claiming trade secrecy shall be~~ 114372  
~~considered by the director to be a trade secret and managed by the~~ 114373  
~~director as confidential. The director or the director's~~ 114374

authorized representative shall not disclose any complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with this section. However, during an emergency that requires the director or the director's authorized representative to respond to protect public health or safety or the environment or during an investigation of such an emergency, the director or the director's authorized representative may share any of the complete records, reports, or information or any such part with the owner or operator of a public or private water system that needs the records, reports, or information or any such part for any of the following purposes:

(a) Assessing exposure or potential exposure of persons or aquatic organisms to any component of or chemical in a pollutant or contaminant spilled, released, or discharged;

(b) Conducting or assessing sampling to determine exposure levels of various population groups or aquatic organisms to any component of or chemical in a pollutant or contaminant spilled, released, or discharged;

(c) Testing for any component of or chemical in a pollutant or contaminant spilled, released, or discharged.

~~(B)~~ Prior to sharing any complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with this section, the director or the director's authorized representative shall label and identify, to the extent practicable, any of those records, reports, or information or any such part designated as a trade secret. If the director or the director's authorized representative shares any such records, reports, or information or any such part, the director shall notify the person that designated the trade secret information in accordance with division (C) of this section of that sharing as



soon as practicable. Nothing in this section precludes a person 114407  
that designated trade secret information in accordance with 114408  
division (C) of this section from requesting a confidentiality 114409  
agreement with a recipient of the records, reports, or information 114410  
or any such part. 114411

During an emergency action taken to protect public health or 114412  
safety or the environment, the owner or operator of a public or 114413  
private water system may share complete records, reports, or 114414  
information or any part of a record, report, or information 114415  
received under this division that has been designated as 114416  
containing trade secret information in accordance with this 114417  
section with an agent, consultant, or representative of the owner 114418  
or operator. The owner or operator of a public or private water 114419  
system, including an agent, consultant, or representative of the 114420  
owner or operator, that receives the records, reports, or 114421  
information or any such part shall maintain the confidentiality of 114422  
the records, reports, or information or any such part and may use 114423  
the information only for the purposes specified in this division. 114424

The sharing of complete records, reports, or information or 114425  
any part of a record, report, or information that has been 114426  
designated as containing trade secret information in accordance 114427  
with this section does not change the status of the records, 114428  
reports, or information or any such part as being designated a 114429  
trade secret pursuant to this section. In addition, the sharing 114430  
does not subject the records, reports, or information or any such 114431  
part to public disclosure. 114432

The director or the director's authorized representative may 114433  
disclose to a person that seeks to obtain records, reports, or 114434  
information or any part of a record, report, or information that 114435  
has been designated as containing trade secret information in 114436  
accordance with this section the identity of the person that has 114437  
designated those records, reports, or information or any such part 114438

as containing trade secret information. The person to whom the 114439  
director or the director's authorized representative discloses 114440  
that identity may contact the person that designated the trade 114441  
secret information. 114442

(2) The record, report, or information may be disclosed to 114443  
other officers, employees, or authorized representatives of the 114444  
state, another state, or the United States when necessary to 114445  
sustain an action brought pursuant to this chapter or during an 114446  
adjudication hearing or when otherwise necessary to fulfill any 114447  
requirement of the Federal Water Pollution Control Act. 114448

(E) No person to whom a permit has been issued shall refuse 114449  
entry to any authorized representative of the director or 114450  
willfully hinder or thwart the representative in the exercise of 114451  
any authority granted by this section. 114452

(F) The director or the director's authorized representative, 114453  
or, where necessary to monitor compliance with pretreatment 114454  
standards, the authorized representative of a publicly owned 114455  
"treatment works," may apply for, and any judge of a court of 114456  
common pleas may issue, a warrant necessary to achieve the 114457  
purposes of this chapter. 114458

(G) As used in this section: 114459

(1) "Private water system" has the same meaning as in section 114460  
3701.344 of the Revised Code. 114461

(2) "Public water system" has the same meaning as in section 114462  
6109.01 of the Revised Code. 114463

(3) "Trade secret" has the same meaning as in section 1333.61 114464  
of the Revised Code. 114465

**Sec. 6111.12.** (A) The director of environmental protection 114466  
shall establish an antidegradation policy applicable to surface 114467  
waters of the state pursuant to applicable federal laws and 114468

regulations. The purpose of the policy shall be to maintain levels 114469  
of water quality that are currently better than prescribed by 114470  
applicable standards except in situations when a need to allow a 114471  
lower level of water quality is demonstrated based on technical, 114472  
social, and economic criteria. Not later than March 31, 1994, the 114473  
director shall revise the existing antidegradation policy 114474  
established in rules adopted under section 6111.041 of the Revised 114475  
Code and revise any necessary implementation procedures to conform 114476  
them to the following principles and any mandatory regulations 114477  
adopted under the Federal Water Pollution Control Act: 114478

(1) The use of existing effluent quality as a method of 114479  
calculating antidegradation-based limits shall be imposed only to 114480  
the extent that the use is explicitly required by federal law or 114481  
regulation as the only means available to implement 114482  
antidegradation. 114483

(2) No degradation shall be allowed in waters for any 114484  
pollutant that currently does not meet applicable standards. For 114485  
all remaining waters, there shall be provisions requiring federal 114486  
antidegradation requirements to be met and provisions ensuring 114487  
that waters of exceptional recreational or ecological value are 114488  
maintained as high quality resources for future generations. There 114489  
shall be at least two categories of surface waters identified in 114490  
the state for that purpose and for the purpose of establishing 114491  
priorities for the administrative and technical resources expended 114492  
on antidegradation reviews. 114493

(3) Whenever current ambient water quality is determined to 114494  
be of a higher quality than prescribed in the standards, on a 114495  
pollutant-by-pollutant basis, and the water body lacks exceptional 114496  
recreational or ecological value, the director may allocate to 114497  
existing sources eighty per cent of the pollutant assimilative 114498  
capacity as determined by appropriate total maximum daily load 114499  
procedures without further antidegradation review. The permittee 114500

for any existing source may receive an effluent limitation based 114501  
on not more than one hundred per cent of the mass or concentration 114502  
levels necessary to meet applicable water quality in the receiving 114503  
water body as determined by appropriate total maximum daily load 114504  
procedures, provided that there has been a satisfactory 114505  
demonstration of the need to allow lower water quality based on 114506  
technical, social, and economic criteria and the action is 114507  
preceded by a public notice. Sources other than existing sources 114508  
that result in ten per cent or greater change, that is, 114509  
degradation, of ambient chemical water quality shall require a 114510  
demonstration of technical, social, and economic need and shall be 114511  
the subject of a public notice. 114512

(4) Degradation of waters identified as possessing 114513  
exceptional recreational or ecological value shall be determined 114514  
through an analysis of the expected perceptible change in ambient 114515  
concentrations of pollutant or alternatively through an analysis 114516  
of the expected change in the biological condition of the water 114517  
body. Either determination shall constitute a lowering of water 114518  
quality and shall require an antidegradation review. The director 114519  
shall establish, by rules adopted in accordance with Chapter 119. 114520  
of the Revised Code, a definition of perceptible change that shall 114521  
be applicable to those waters identified in rule as possessing 114522  
exceptional recreational or ecological value. Antidegradation 114523  
reviews shall be required for any activity resulting in a 114524  
perceptible change in ambient chemical or biological quality on 114525  
waters identified as possessing exceptional recreational or 114526  
ecological value. Allowances shall be made for existing sources to 114527  
retain their current permit limits with no requirement to 114528  
demonstrate technical, social, and economic need. 114529

(5) The director shall establish reasonable protocols for 114530  
completing technical, social, and economic need demonstrations 114531  
based on existing federal guidance and on input from the 114532

department of development, the regulated community, and the 114533  
general public. 114534

(B) Effluent limitations established by the director for any 114535  
existing source in any permit issued under division (J) of section 114536  
6111.03 of the Revised Code prior to July 1, 1993, shall continue 114537  
in effect unless the permit is modified by the director. A 114538  
discharger seeking modification of antidegradation-based 114539  
limitations that were based on existing quality of discharge when 114540  
the permit was issued shall apply to the director for modification 114541  
of the permit, consistent with rules adopted under division (A) of 114542  
this section, not later than one hundred eighty days after July 1, 114543  
1993. If the permittee has filed such a timely application for 114544  
modification, the director shall not pursue administrative or 114545  
judicial enforcement actions for violations of 114546  
antidegradation-based limitations based on the existing quality of 114547  
effluent that occur after July 1, 1993. 114548

(C) A historically channelized watercourse provides 114549  
technical, social, and economic benefits. Therefore, with regard 114550  
to a historically channelized watercourse, the director shall not 114551  
require further antidegradation review during the review of an 114552  
application for and the issuance or denial of a permit under this 114553  
chapter or a water quality certification under section 401 of the 114554  
Federal Water Pollution Control Act if the director finds, after 114555  
public notice and opportunity for comment, and a public hearing if 114556  
significant public interest is shown, that all of the following 114557  
apply: 114558

(1) Work is necessary to restore or maintain a drainage or 114559  
other improvement provided by a historically channelized 114560  
watercourse. 114561

(2) The work is performed pursuant to section ~~1515.08~~ 940.06 114562  
of the Revised Code or a petition filed under section 6131.04 or 114563  
6133.02 of the Revised Code. 114564

(3) Without the work, flooding threatens public health and safety or may result in significant damage to public or private property. 114565  
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(4) The work will not result in the loss of designated or existing beneficial uses as those uses are described in rules adopted under section 6111.041 of the Revised Code. 114568  
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(5) The work will not harm or interfere with the protection of federal or state designated endangered or threatened species. 114571  
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(6) The historically channelized watercourse is not designated as coldwater habitat, exceptional warmwater habitat, or a state resource water in rules adopted under section 6111.041 of the Revised Code. 114573  
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(7) If information is available concerning resident fishery or macroinvertebrate communities, or both, in the historically channelized watercourse, the historically channelized watercourse does not support a particularly diverse or unique warmwater habitat as that term is defined in rules adopted under section 6111.041 of the Revised Code. 114577  
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(8) Plans for the work have been submitted to the applicable soil and water conservation district organized under Chapter ~~1515-~~ 940. of the Revised Code. 114583  
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(9) A storm water runoff plan has been developed for the watershed prior to or during planning and design of the work and the work is consistent with the plan. 114586  
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(D) As used in this section: 114589

(1) "Existing sources" means any treatment works that were built and operational under the terms of an NPDES permit prior to July 1, 1993, but does not include expansions or upgrades of existing treatment works authorized in rules adopted under section 6111.03 of the Revised Code after that date. 114590  
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(2) "Appropriate total maximum daily load procedures" means 114595  
the procedures, policies, and guidelines used by the director 114596  
prior to July 1, 1993, or subsequent revisions to those procedures 114597  
established in rules adopted in accordance with Chapter 119. of 114598  
the Revised Code. 114599

(3) "Antidegradation review" means the consideration by the 114600  
director of the technical, social, and economic need demonstration 114601  
completed by any person requesting to lower water quality as 114602  
provided in this section, including the public notice of the 114603  
application and, at the discretion of the director, a public 114604  
hearing on it. 114605

**Sec. 6111.30.** (A) Applications for a section 401 water 114606  
quality certification required under division (P) of section 114607  
6111.03 of the Revised Code shall be submitted on forms provided 114608  
by the director of environmental protection and shall include all 114609  
information required on those forms as well as all of the 114610  
following: 114611

(1) A copy of a letter from the United States army corps of 114612  
engineers documenting its jurisdiction over the wetlands, streams, 114613  
or other waters of the state that are the subject of the section 114614  
401 water quality certification application; 114615

(2) If the project involves impacts to a wetland, a wetland 114616  
characterization analysis consistent with the Ohio rapid 114617  
assessment method; 114618

(3) If the project involves a stream for which a specific 114619  
aquatic life use designation has not been made, ~~a use~~ 114620  
~~attainability analysis~~ data sufficient to determine the existing 114621  
aquatic life use; 114622

(4) A specific and detailed mitigation proposal, including 114623  
the location and proposed ~~legal~~ real estate instrument or other 114624

<u>available</u> mechanism for protecting the property <del>in perpetuity</del> <u>long</u>	114625
<u>term</u> ;	114626
(5) Applicable fees;	114627
(6) Site photographs;	114628
(7) Adequate documentation confirming that the applicant has	114629
requested comments from the department of natural resources and	114630
the United States fish and wildlife service regarding threatened	114631
and endangered species, including the presence or absence of	114632
critical habitat;	114633
(8) Descriptions, schematics, and appropriate economic	114634
information concerning the applicant's preferred alternative,	114635
nondegradation alternatives, and minimum degradation alternatives	114636
for the design and operation of the project;	114637
(9) The applicant's investigation report of the waters of the	114638
United States in support of a section 404 permit application	114639
concerning the project;	114640
(10) A copy of the United States army corps of engineers'	114641
public notice regarding the section 404 permit application	114642
concerning the project.	114643
(B) Not later than fifteen business days after the receipt of	114644
an application for a section 401 water quality certification, the	114645
director shall review the application to determine if it is	114646
complete and shall notify the applicant in writing as to whether	114647
the application is complete. If the director fails to notify the	114648
applicant within fifteen business days regarding the completeness	114649
of the application, the application is considered complete. If the	114650
director determines that the application is not complete, the	114651
director shall include with the written notification an itemized	114652
list of the information or materials that are necessary to	114653
complete the application. If the applicant fails to provide the	114654
information or materials within sixty days after the director's	114655



receipt of the application, the director may return the incomplete 114656  
application to the applicant and take no further action on the 114657  
application. If the application is returned to the applicant 114658  
because it is incomplete, the director shall return the review fee 114659  
levied under division (A)(1), (2), or (3) of section 3745.114 of 114660  
the Revised Code to the applicant, but shall retain the 114661  
application fee levied under that section. 114662

(C) Not later than twenty-one days after a determination that 114663  
an application is complete under division (B) of this section, the 114664  
applicant shall publish public notice of the director's receipt of 114665  
the complete application in a newspaper of general circulation in 114666  
the county in which the project that is the subject of the 114667  
application is located. The public notice shall be in a form 114668  
acceptable to the director. The applicant shall promptly provide 114669  
the director with proof of publication. The applicant may choose, 114670  
subject to review by and approval of the director, to include in 114671  
the public notice an advertisement for an antidegradation public 114672  
hearing on the application pursuant to section 6111.12 of the 114673  
Revised Code. There shall be a public comment period of thirty 114674  
days following the publication of the public notice. 114675

(D) If the director determines that there is significant 114676  
public interest in a public hearing as evidenced by the public 114677  
comments received concerning the application and by other requests 114678  
for a public hearing on the application, the director or the 114679  
director's representative shall conduct a public hearing 114680  
concerning the application. Notice of the public hearing shall be 114681  
published by the applicant, subject to review and approval by the 114682  
director, at least thirty days prior to the date of the hearing in 114683  
a newspaper of general circulation in the county in which the 114684  
project that is the subject of the application is to take place. 114685  
If a public hearing is requested concerning an application, the 114686  
director shall accept comments concerning the application until 114687

five business days after the public hearing. A public hearing 114688  
conducted under this division shall take place not later than one 114689  
hundred days after the application is determined to be complete. 114690

(E) The director shall forward all public comments concerning 114691  
an application submitted under this section that are received 114692  
through the public involvement process required by rules adopted 114693  
under this chapter to the applicant not later than five business 114694  
days after receipt of the comments by the director. 114695

(F) The applicant shall respond in writing to written 114696  
comments or to deficiencies identified by the director during the 114697  
course of reviewing the application not later than fifteen days 114698  
after receiving or being notified of them. 114699

(G) The director shall issue or deny a section 401 water 114700  
quality certification not later than one hundred eighty days after 114701  
the complete application for the certification is received. The 114702  
director shall provide an applicant for a section 401 water 114703  
quality certification with an opportunity to review the 114704  
certification prior to its issuance. 114705

(H) The director shall maintain an accessible database that 114706  
includes environmentally beneficial water restoration and 114707  
protection projects that may serve as potential mitigation 114708  
projects for projects in the state for which a section 401 water 114709  
quality certification is required. A project's inclusion in the 114710  
database does not constitute an approval of the project. 114711

(I) Mitigation required by a section 401 water quality 114712  
certification may be accomplished by any of the following: 114713

(1) Purchasing credits at a mitigation bank approved in 114714  
accordance with 33 C.F.R. 332.8; 114715

(2) Participating in an in-lieu fee mitigation program 114716  
approved in accordance with 33 C.F.R. 332.8; 114717

(3) Constructing individual mitigation projects. 114718

Notwithstanding the mitigation hierarchy specified in section 114719  
3745-1-54 of the Administrative Code, mitigation projects shall be 114720  
approved in accordance with the hierarchy specified in 33 C.F.R. 114721  
332.3 unless the director determines that the size or quality of 114722  
the impacted resource necessitates reasonably identifiable, 114723  
available, and practicable mitigation conducted by the applicant. 114724  
The director shall adopt rules in accordance with Chapter 119. of 114725  
the Revised Code consistent with the mitigation hierarchy 114726  
specified in 33 C.F.R. 332.3. 114727

(J) The director may establish a program and adopt rules in 114728  
accordance with Chapter 119. of the Revised Code for the purpose 114729  
of certifying water quality professionals to assess streams to 114730  
determine existing aquatic life use and to categorize wetlands in 114731  
support of applications for section 401 water quality 114732  
certification under divisions (A)(2) and (3) of this section and 114733  
isolated wetland permits under sections 6111.022 to 6111.024 of 114734  
the Revised Code. The director shall use information submitted by 114735  
certified water quality professionals in the review of those 114736  
applications. 114737

Rules adopted under this division shall do all of the 114738  
following: 114739

(1) Provide for the certification of water quality 114740  
professionals to conduct activities in support of applications for 114741  
section 401 water quality certification and isolated wetland 114742  
permits, including work necessary to determine existing aquatic 114743  
life use of streams and categorize wetlands. Rules adopted under 114744  
division (J)(1) of this section shall do at least all of the 114745  
following: 114746

(a) Authorize the director to require an applicant for water 114747  
quality professional certification to submit information 114748

considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations; 114749  
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(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification; 114752  
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(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements; 114755  
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(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials; 114759  
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(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal. 114764  
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(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications; 114767  
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(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section; 114773  
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(4) Authorize the director to review documentation submitted 114779

by a certified water quality professional to ensure compliance 114780  
with requirements established in rules adopted under division 114781  
(J)(7) of this section; 114782

(5) Require a certified water quality professional to submit 114783  
any documentation developed in support of an application for a 114784  
section 401 water quality certification or an isolated wetland 114785  
permit upon the request of the director; 114786

(6) Authorize random audits by the director of documentation 114787  
developed or submitted by certified water quality professionals to 114788  
ensure compliance with requirements established in rules adopted 114789  
under division (J)(7) of this section; 114790

(7) Establish technical standards to be used by certified 114791  
water quality professionals in conducting stream assessments and 114792  
wetlands categorizations. 114793

(K) As used in this section and section 6111.31 of the 114794  
Revised Code, "section 401 water quality certification" means 114795  
certification pursuant to section 401 of the Federal Water 114796  
Pollution Control Act and this chapter and rules adopted under it 114797  
that any discharge, as set forth in section 401, will comply with 114798  
sections 301, 302, 303, 306, and 307 of the Federal Water 114799  
Pollution Control Act. 114800

**Sec. 6111.44.** (A) Except as otherwise provided in division 114801  
(B) of this section, in section 6111.14 of the Revised Code, or in 114802  
rules adopted under division (G) of section 6111.03 of the Revised 114803  
Code, no municipal corporation, county, public institution, 114804  
corporation, or officer or employee thereof or other person shall 114805  
provide or install sewerage or treatment works for sewage, sludge, 114806  
or sludge materials disposal or treatment or make a change in any 114807  
sewerage or treatment works until the plans therefor have been 114808  
submitted to and approved by the director of environmental 114809  
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 114810

to sewerage and treatment works of a municipal corporation or part 114811  
thereof, an unincorporated community, a county sewer district, or 114812  
other land outside of a municipal corporation or any publicly or 114813  
privately owned building or group of buildings or place, used for 114814  
the assemblage, entertainment, recreation, education, correction, 114815  
hospitalization, housing, or employment of persons. 114816

In granting an approval, the director may stipulate 114817  
modifications, conditions, and rules that the public health and 114818  
prevention of pollution may require. Any action taken by the 114819  
director shall be a matter of public record and shall be entered 114820  
in the director's journal. Each period of thirty days that a 114821  
violation of this section continues, after a conviction for the 114822  
violation, constitutes a separate offense. 114823

(B) Sections 6111.45 and 6111.46 of the Revised Code and 114824  
division (A) of this section do not apply to any of the following: 114825

(1) Sewerage or treatment works for sewage installed or to be 114826  
installed for the use of a private residence or dwelling; 114827

(2) Sewerage systems, treatment works, or disposal systems 114828  
for storm water from an animal feeding facility or manure, as 114829  
"animal feeding facility" and "manure" are defined in section 114830  
903.01 of the Revised Code; 114831

(3) Residual farm products and manure treatment or disposal 114832  
works and related management and conservation practices that are 114833  
subject to rules adopted under division (E)(1) of section ~~1511.02~~ 114834  
939.02 of the Revised Code. As used in division (B)(3) of this 114835  
section, "residual farm products" and "manure" have the same 114836  
meanings as in section ~~1511.01~~ 939.01 of the Revised Code. 114837

(4) Sewerage or treatment works for the on-lot disposal or 114838  
treatment of sewage from a small flow on-site sewage treatment 114839  
system, as defined in section 3718.01 of the Revised Code, if the 114840  
board of health of a city or general health district has notified 114841

the director of health and the director of environmental 114842  
protection under section 3718.021 of the Revised Code that the 114843  
board has chosen to regulate the system, provided that the board 114844  
remains in compliance with the rules adopted under division 114845  
(A)(13) of section 3718.02 of the Revised Code. 114846

The exclusions established in divisions (B)(2) and (3) of 114847  
this section do not apply to the construction or installation of 114848  
disposal systems, as defined in section 6111.01 of the Revised 114849  
Code, that are located at an animal feeding facility and that 114850  
store, treat, or discharge wastewaters that do not include storm 114851  
water or manure or that discharge to a publicly owned treatment 114852  
works. 114853

**Sec. 6111.99.** (A) Whoever purposely violates section 6111.04, 114854  
6111.042, 6111.05, or division (A) or (C) of section 6111.07 of 114855  
the Revised Code is guilty of a felony and shall be fined not more 114856  
than twenty-five thousand dollars or imprisoned not more than ~~one~~ 114857  
~~year~~ four years, or both. Each day of violation is a separate 114858  
offense. 114859

(B) Whoever knowingly violates section 6111.04, 6111.042, 114860  
6111.045 ~~or,~~ 6111.047, 6111.05, 6111.45, or division (A) or (C) of 114861  
section 6111.07 of the Revised Code is guilty of a misdemeanor and 114862  
shall be fined not more than ten thousand dollars or imprisoned 114863  
not more than one year, or both. Each day of violation is a 114864  
separate offense. 114865

(C) Whoever violates section ~~6111.45 or~~ 6111.46 of the 114866  
Revised Code shall be fined not more than five hundred dollars. 114867

(D) ~~Whoever violates division (C) of section 6111.07 of the~~ 114868  
~~Revised Code shall be fined not more than twenty five thousand~~ 114869  
~~dollars.~~ 114870

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 114871

shall be fined not more than one hundred dollars for a first 114872  
offense; for each subsequent offense, the person shall be fined 114873  
not more than one hundred fifty dollars. 114874

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 114875  
shall be fined not more than ~~one hundred~~ ten thousand dollars. 114876  
Each day of violation is a separate offense. 114877

(F) If a person is convicted of or pleads guilty to a 114878  
violation of any section of this chapter, in addition to the 114879  
financial sanctions authorized by this chapter or section 2929.18 114880  
or 2929.28 or any other section of the Revised Code, the court 114881  
imposing the sentence on the person may order the person to 114882  
reimburse the state agency or a political subdivision for any 114883  
actual costs that it incurred in responding to the violation, 114884  
including the cost of restoring affected aquatic resources or 114885  
otherwise compensating for adverse impact to aquatic resources 114886  
directly caused by the violation, but not including the costs of 114887  
prosecution. 114888

**Sec. 6112.01.** As used in ~~sections 6112.01 to 6112.05,~~ 114889  
~~inclusive, of the Revised Code~~ this chapter: 114890

(A) "Sewage" means any substance that contains any of the 114891  
waste products or excrementitious or other discharge from the 114892  
bodies of human beings or animals, which pollutes the waters of 114893  
the state. 114894

(B) "Industrial waste" means any liquid, gaseous, or solid 114895  
waste substance resulting from any process of industry, 114896  
manufacture, trade, or business, or from the development, 114897  
processing, or recovery of any natural resource, together with 114898  
such sewage as is present, which pollutes the waters of the state. 114899

(C) "Other wastes" means garbage, refuse, decayed wood, 114900  
sawdust shavings, bark, and other wood debris, lime (except 114901



hydrated or dehydrated lime), sand, ashes, offal, night soil, oil, 114902  
tar, coal dust, or silt, and other substances ~~which~~ that are not 114903  
~~included within the definitions of sewage and or~~ industrial waste 114904  
~~set forth in this section,~~ which pollute the waters of the state. 114905

(D) "Sewerage system" means ~~pipe lines~~ pipelines or conduits, 114906  
pumping stations, and force mains, and all other constructions, 114907  
devices, appurtenances, and facilities that are used for 114908  
collecting or conducting water-borne sewage, industrial waste, or 114909  
other wastes to a point of disposal or treatment. 114910

(E) "Treatment works" means any plant, disposal field, 114911  
lagoon, dam, pumping station, incinerator, or other works used for 114912  
the purpose of treating, stabilizing, or holding sewage, 114913  
industrial waste, or other wastes. 114914

(F) "Disposal system" means a system for disposing of sewage, 114915  
industrial waste, or other wastes, and includes sewerage systems 114916  
and treatment works. 114917

(G) "Waters of the state" mean all streams, lakes, ponds, 114918  
marshes, watercourses, waterways, wells, springs, irrigation 114919  
systems, drainage systems, and all other bodies or accumulations 114920  
of water, surface and underground, natural or artificial, ~~which~~ 114921  
that are situated wholly or partly within, or border upon, this 114922  
state, or are within its jurisdiction, except those private waters 114923  
~~which~~ that do not combine or effect a junction with natural 114924  
surface or underground waters. 114925

~~(H) "Person" means a person, firm, partnership, association,~~ 114926  
~~or corporation, other than a county, township, municipal~~ 114927  
~~corporation, or other political subdivision.~~ 114928

**Sec. 6112.03.** Applications for approval of plans for the 114929  
construction and installation of facilities under this chapter 114930  
shall be made in the manner and form prescribed by the director of 114931

environmental protection and shall be accompanied by plans, 114932  
specifications, and other data that the director may require 114933  
relative to the facilities for which approval of plans is 114934  
requested. Thereafter, the director shall review and act upon the 114935  
application in accordance with law and the rules adopted ~~pursuant~~ 114936  
~~thereto~~ under section 6111.03 of the Revised Code. 114937

Sec. 6112.06. (A) As used in this section: 114938

(1) "Health district" means a city or general health district 114939  
as created by or under authority of Chapter 3709. of the Revised 114940  
Code. 114941

(2) "Household sewage treatment system" has the same meaning 114942  
as in section 3718.01 of the Revised Code and includes a household 114943  
sewage disposal system as defined in rule 3701-29-01 of the 114944  
Administrative Code. 114945

(3) "Property owner" means a person who owns property that is 114946  
served by a household sewage treatment system. 114947

(4) "Repair" has the same meaning as in rules adopted under 114948  
Chapter 3718. of the Revised Code. 114949

(B) A person that intends to design and install a sewerage 114950  
system under section 6112.03 of the Revised Code simultaneously 114951  
shall notify by certified mail each property owner and the board 114952  
of health of the health district in which the property owner's 114953  
parcel of property is located of the person's intention to design 114954  
and install a sewerage system if the owner or operator of the 114955  
sewerage system has determined that the parcel of property is 114956  
reasonably accessible to the sewerage system and the property 114957  
owner may be required to connect to it. The notice shall be sent 114958  
not later than two hundred seventy days before the person submits 114959  
an application for a permit to install for the sewerage system in 114960  
accordance with Chapter 6111. of the Revised Code and rules 114961

adopted under it. The notice shall include a statement indicating 114962  
that if the property owner chooses to postpone connection to the 114963  
sewerage system after receiving the notice, the cost of connecting 114964  
to the sewerage system in the future may be higher. 114965

(C) Except as provided in division (E) of this section, a 114966  
property owner who receives a notice under division (B) of this 114967  
section may elect to postpone connection to the sewerage system 114968  
specified in the notice for a period of not more than fifteen 114969  
years from the date on which the property owner receives a notice 114970  
from the owner or operator of the sewerage system that the 114971  
sewerage system is substantially complete in accordance with 114972  
division (G) of this section if both of the following apply: 114973

(1) The property owner notifies the owner or operator of the 114974  
sewerage system and the board of health of the health district in 114975  
which the affected parcel of property is located that the property 114976  
owner elects to postpone connection to the specified sewerage 114977  
system. The notice shall be in writing and shall be sent by 114978  
certified mail not later than sixty days after the property owner 114979  
has received a notice under division (B) of this section. Not 114980  
later than one hundred eighty days after the board of health 114981  
receives the notice, the board shall evaluate the household sewage 114982  
treatment system serving the affected parcel of property to 114983  
determine if the system operates and is maintained in accordance 114984  
with Chapter 3718. of the Revised Code and with rules adopted 114985  
under that chapter by the director of health and by the board, if 114986  
any. The property owner is responsible for reasonable costs of the 114987  
evaluation. 114988

If the property owner is aware that the property will be 114989  
vacant at any time during the one-hundred-eighty-day period, the 114990  
property owner shall notify the board of health of the dates 114991  
during which the property will be vacant. In order for the 114992  
required inspection to occur, the property owner shall ensure that 114993

the property is occupied for at least ninety consecutive days 114994  
within the one-hundred-eighty-day period and shall notify the 114995  
board of health of the dates of occupancy. Failure to so notify 114996  
the board or so occupy the property constitutes termination of the 114997  
authorization under this section for the property owner to elect 114998  
to postpone connection to the sewerage system. 114999

(2) The applicable board of health determines under division 115000  
(C)(1) of this section that the household sewage treatment system 115001  
operates and is maintained in accordance with Chapter 3718. of the 115002  
Revised Code and with rules adopted under that chapter by the 115003  
director and by the board, if any. The board shall so notify the 115004  
property owner and the owner or operator of the sewerage system. 115005  
However, if the board determines that a nuisance exists under 115006  
section 3718.011 of the Revised Code, the board shall so notify 115007  
the property owner. If the board determines that repairs will 115008  
eliminate the nuisance, the person may make those repairs to the 115009  
system, but shall do so within sixty days after receiving the 115010  
notice. The board shall extend the sixty-day period if weather 115011  
conditions prevent the repair from being made. 115012

The property owner shall connect to the sewerage system if 115013  
the board of health determines either that repairs will not 115014  
eliminate the nuisance or that, after repairs have been made, the 115015  
nuisance has not been eliminated. 115016

(D)(1) Division (C) of this section does not apply to a 115017  
household sewage treatment system that is either a discharging 115018  
system or within an area subject to final findings and orders 115019  
issued by the director of environmental protection under Chapter 115020  
6111. or 6117. of the Revised Code. The notification required by 115021  
division (B) of this section shall be issued to an applicable 115022  
property owner regardless of whether the property owner's system 115023  
is a discharging system or inside such an area. 115024

(2) For purposes of this section, a discharging system is one 115025

of the following: 115026

(a) A household sewage treatment system for which coverage 115027  
under an NPDES permit has been issued or granted under Chapter 115028  
6111. of the Revised Code and rules adopted under it; 115029

(b) A household sewage treatment system for which coverage 115030  
under an NPDES permit would be required, but that has not been 115031  
issued or granted such a permit. 115032

(E) A property owner that has elected to postpone connection 115033  
to a sewerage system in accordance with division (C) of this 115034  
section shall ensure that the household sewage treatment system 115035  
serving the property is maintained and operated in accordance with 115036  
Chapter 3718. of the Revised Code and rules adopted under it for 115037  
fifteen years from the date on which the property owner receives 115038  
notice from the owner or operator of the sewerage system that the 115039  
sewerage system is substantially complete in accordance with 115040  
division (G) of this section. A property owner that elects to 115041  
postpone connection to a sewerage system in accordance with 115042  
division (B) of this section subsequently shall abandon the 115043  
household sewage treatment system serving the property in 115044  
accordance with rules adopted under Chapter 3718. of the Revised 115045  
Code and connect to the sewerage system not later than fifteen 115046  
years from the date on which the property owner receives notice 115047  
that the sewerage system is substantially complete in accordance 115048  
with division (G) of this section. However, if at any time during 115049  
the fifteen-year period the system is not operating in accordance 115050  
with Chapter 3718. of the Revised Code or rules adopted or orders 115051  
issued under that chapter, the board of health shall notify the 115052  
property owner. If the system cannot be brought into compliance 115053  
with the chapter, rules, or orders through a repair made within 115054  
sixty days after the property owner receives the notice, the 115055  
property owner shall abandon the system and connect to the 115056  
sewerage system. The board shall extend the sixty-day period if 115057

weather conditions prevent the repair from being made. 115058

If the property owner transfers ownership of the affected 115059  
parcel of property during the fifteen-year period and the parcel 115060  
of property has not yet been connected to the sewerage system, the 115061  
transferor shall notify the transferee of the requirement to 115062  
connect to the sewerage system and of the date by which connection 115063  
must occur. The notice shall be a written affidavit. The county 115064  
recorder shall index and record a copy of the affidavit in 115065  
accordance with section 317.08 of the Revised Code and in the same 115066  
manner and receive the same fees as for deeds. The transferee is 115067  
subject to the connection requirement established in this 115068  
division. 115069

A person that fails to comply with this division is subject 115070  
to the same enforcement procedures and penalties as if the person 115071  
violated Chapter 3718. of the Revised Code or rules adopted or 115072  
orders issued under it. 115073

(F) If a connection tap to a sewerage system is installed at 115074  
a parcel of property at the time of construction of the sewerage 115075  
system, the property owner, regardless of whether the property 115076  
owner has elected to postpone connection to the sewerage system 115077  
under this section, shall pay the costs of the installation of the 115078  
connection tap in accordance with one of the following: 115079

(1) Pay the total amount at the time of the installation of 115080  
the connection tap; 115081

(2) Make incremental payments in accordance with a payment 115082  
plan agreed to by the applicable political subdivision that has 115083  
acquired or will acquire the sewerage system; 115084

(3) Pay the total amount at any time the parcel of property 115085  
is required to connect to the sewerage system under this section. 115086

(G) When a sewerage system has been substantially completed, 115087  
the owner or operator of the sewerage system shall send a notice 115088

of the substantial completion to all property owners who elect to 115089  
postpone connection to the sewerage system under this section. 115090

Sec. 6117.021. At any time after the formation of a county 115091  
sewer district, the board of county commissioners may enter into a 115092  
contract, on terms and for the period of time that are mutually 115093  
agreed on, with any other public agency under which the public 115094  
agency will conduct projects and activities for the purpose of 115095  
complying with the requirements of phase II of the storm water 115096  
program of the national pollutant discharge elimination system 115097  
established in 40 C.F.R. part 122. 115098

Sec. 6117.062. (A)(1) A board of county commissioners may 115099  
apply to the Ohio public works commission created by section 115100  
164.02 of the Revised Code for an advance of money from the sewer 115101  
development advancement fund created by section 164.13 of the 115102  
Revised Code in an amount equal to that portion of the costs of an 115103  
improvement authorized under sections 6117.01 to 6117.45 of the 115104  
Revised Code that is to be financed by assessments whose 115105  
collection is deferred pursuant to division (B) of this section. 115106  
The application for such an advance of moneys shall be made in the 115107  
manner prescribed in policies and procedures established by the 115108  
director of the commission. 115109

(2) As used in this section, "assessments" includes 115110  
assessments attributable to tap-in charges under this section and 115111  
other tap-in fees and any combination of such assessments, fees, 115112  
and charges authorized under section 6117.02 or 6117.06 of the 115113  
Revised Code. 115114

(B) At any time prior to the expiration of the five-day 115115  
period provided by section 6117.06 of the Revised Code for the 115116  
filing of written objections, any owner of property ~~which~~ that is 115117  
classified on the general tax list of the county auditor as 115118

agricultural land and has been assessed for the extension of a 115119  
trunk sewer line over or along such property under sections 115120  
6117.01 to 6117.45 of the Revised Code may file with the board of 115121  
county commissioners a request in writing for deferment of the 115122  
collection of the assessment if the trunk sewer line provides 115123  
sewer facilities to aid in the establishment of new industrial 115124  
plants, the expansion of existing industrial plants, or such other 115125  
industrial development, or provides sewer facilities to aid in the 115126  
establishment of commercial and residential developments. ~~Such~~ 115127  
~~request shall identify~~ The owner of property shall ensure the 115128  
request does all of the following: 115129

(1) Identifies the property in connection with which the 115130  
request for deferment is made, ~~shall describe its;~~ 115131

(2) Describes the property's present use and present 115132  
classification on the general tax list of the county auditor, ~~shall state its;~~ 115133  
~~shall state its;~~ 115134

(3) States the property's estimated market value, showing 115135  
separately the value of the land and the value of the buildings 115136  
thereon, ~~shall state;~~ 115137

(4) States the reasons, if any, why a portion of the benefit 115138  
of the improvement will not be realized until the use of the land 115139  
is changed, ~~and shall state;~~ 115140

(5) States the amount to be deferred. ~~The~~ 115141

The board shall promptly consider such request and may order 115142  
the deferment of the collection of that portion of the assessment 115143  
representing a benefit from the improvement which will not be 115144  
realized until the use of the land is changed. The board may, upon 115145  
request of an owner whose property has been assessed for the 115146  
extension of a trunk sewer line over or along such property under 115147  
sections 6117.01 to 6117.45 of the Revised Code, defer all or any 115148  
part of the assessment on property ~~which~~ that is classified on the 115149



general tax list as agricultural land, by attributing the amount 115150  
of such assessment or part thereof as tap-in charges, if the trunk 115151  
sewer line provides sewer facilities to aid in the establishment 115152  
of new industrial plants, the expansion of existing industrial 115153  
plants, or such other industrial development, or provides sewer 115154  
facilities to aid in the establishment of commercial and 115155  
residential developments. ~~Upon~~ A deferment under this section may 115156  
be conditioned on the approval of the advance of money applied for 115157  
under division (A) of this section, and a maximum length of the 115158  
deferment may be fixed to coincide with the maximum time within 115159  
which the advance must be repaid. The decision on the request for 115160  
deferment of collection of assessments shall be made pursuant to 115161  
standards prescribed in policies and procedures established by the 115162  
director of the commission. 115163

Upon determination and approval of final assessments, the 115164  
board of county commissioners shall certify all deferred 115165  
assessments and a fee equal to two per cent of the amount of the 115166  
deferred assessments to the county auditor. For purposes of this 115167  
section, "assessment," "deferred assessment," or "assessment 115168  
deferred under this section" mean the fee and the deferred 115169  
assessment certified to the county auditor. The county auditor 115170  
shall record an assessment deferred under this section in the 115171  
sewer improvement record. Such record shall be kept until such 115172  
time as the assessments are paid in full or certified for 115173  
collection in installments as provided in this section. During the 115174  
time when the assessment is deferred there shall be a lien on the 115175  
property assessed, which lien shall arise at the time of 115176  
recordation by the county auditor and which shall be in force 115177  
until the assessments are paid in full or certified for collection 115178  
in installments. 115179

~~(B)~~(C) The board of county commissioners shall defer the 115180  
collection of an assessment, except the amount of such assessment 115181

or part thereof attributable as tap-in charges, ~~which~~ that has 115182  
been deferred pursuant to division ~~(A)~~(B) of this section on or 115183  
before January 1, 1987, beyond the expiration of the maximum time 115184  
for the original deferment if the property owner requests in 115185  
writing, no later than six months prior to the expiration of the 115186  
original deferment, that the assessment be further deferred and as 115187  
long as the property owner's land could qualify for placement in 115188  
an agricultural district pursuant to section 929.02 of the Revised 115189  
Code. 115190

The board shall regularly review the use and ownership of the 115191  
property for which the collection of assessments has been deferred 115192  
pursuant to this division, and upon finding that the land could no 115193  
longer qualify for placement in an agricultural district pursuant 115194  
to section 929.02 of the Revised Code, the board shall immediately 115195  
collect, without interest unless payment is late as determined by 115196  
the board, the full amount of the assessment deferred and repay 115197  
the commission the amount of any money advanced by it in regard to 115198  
the assessment. The board shall pay all such amounts to the 115199  
commission in one annual payment or during a longer period as 115200  
approved by the director of the commission. The board shall pay, 115201  
from county funds, interest annually at a rate determined by the 115202  
director of the commission at the time the advance is made, not to 115203  
exceed four per cent per annum, for any money not repaid to the 115204  
commission pursuant to this division within one year of the date 115205  
of the disqualification of the property for the continual 115206  
deferment that requires such repayment. 115207

~~(C)~~(D) The board of county commissioners shall send a notice 115208  
by regular or certified mail to all owners of property on which 115209  
assessments have been deferred pursuant to division ~~(A)~~(B) of this 115210  
section, which lists the expiration of the deferment, not later 115211  
than two hundred ten days prior to the expiration of the deferment 115212  
of those assessments. 115213

~~(D)~~ (E) Except as provided in this division, the board 115214  
shall collect assessments, without interest unless payment is late 115215  
as determined by the board, which that have been deferred pursuant 115216  
to division ~~(A)~~(B) of this section upon expiration of the maximum 115217  
time for which deferments were made; ~~provided that for and repay~~ 115218  
the commission the amount of any money advanced by it in regard to 115219  
such assessments. For a property owner who requests in writing, no 115220  
later than six months prior to the expiration of the deferment 115221  
period, that payment of the deferred assessments be in 115222  
installments, the board of county commissioners upon expiration of 115223  
the deferment period may by resolution further certify for 115224  
collection pursuant to section 6117.33 of the Revised Code, such 115225  
deferred assessments in installments over not more than twenty 115226  
years, as determined by the board, together with interest thereon 115227  
each year on the unpaid balance at the same rate borne by bonds of 115228  
the county ~~which that~~ shall be issued in anticipation thereof as 115229  
provided in Chapter 133. of the Revised Code, and the proceeds of 115230  
the bond issue used to repay such deferred assessments to the 115231  
commission. Prior to the expiration of the maximum time of 115232  
deferment, the board shall regularly review the use of the 115233  
property for which the collection of assessments has been deferred 115234  
and upon finding, pursuant to policies and procedures established 115235  
by the director of the commission, that the use of the land has 115236  
changed from the use at the time of the deferment so that the 115237  
benefit of the improvement can then be realized, the board shall 115238  
immediately collect the full amount of the assessment for the 115239  
portion of the property for which the use has so changed, without 115240  
interest unless payment is late as determined by the board, and 115241  
repay the commission the amount of any money advanced by it in 115242  
regard to the assessment. The board shall pay all such amounts to 115243  
the commission in one annual payment or during a longer period as 115244  
approved by the commission. The board shall pay, from county 115245  
funds, interest annually at a rate determined by the director of 115246

the commission at the time the advance is made, not to exceed four 115247  
per cent per annum, for any money not repaid to the commission 115248  
pursuant to this division within one year of the date of the 115249  
change in the use of property requiring such repayment, or of the 115250  
date on which payment of a tap-in charge is required by law to be 115251  
made, whichever date is applicable. 115252

**Sec. 6117.51.** If the board of health of the health district 115253  
within which a new public sewer construction project is proposed 115254  
or located passes a resolution stating that the reason for the 115255  
project is to reduce or eliminate an existing health problem or a 115256  
hazard of water pollution, the board of county commissioners of 115257  
the county, by resolution, may order the owner of any premises 115258  
located in a sewer district in the county, the owner's agent, 115259  
lessee, or tenant, or any other occupant of the premises to 115260  
connect the premises to the sewer for the purpose of discharging 115261  
sewage or other waste that the board determines is originating on 115262  
the premises, to make use of the connection, and to cease the 115263  
discharge of the sewage or other waste into a cesspool, ditch, 115264  
private sewer, privy, septic tank, semipublic disposal system as 115265  
defined in division (B)(1)(a) of section 3709.085 of the Revised 115266  
Code, or other outlet if the board finds that the sewer is 115267  
available for use and is accessible to the premises following a 115268  
determination and certification to the board by a registered 115269  
professional engineer designated by it as to the availability and 115270  
accessibility of the sewer. This section does not apply to any of 115271  
the following: 115272

(A) Any discharge authorized by a permit issued under 115273  
division (J) of section 6111.03 of the Revised Code other than a 115274  
discharge to or from a semipublic disposal system as defined in 115275  
division (B)(1)(a) of section 3709.085 of the Revised Code; 115276

(B) Wastes resulting from the keeping of animals; 115277

(C) Any premises that are not served by a common sewage collection system when the foundation wall of the structure from which sewage or other waste originates is more than two hundred feet from the nearest boundary of the right-of-way within which the sewer is located;

(D) Any premises that are served by a common sewage collection system when both the foundation wall of the structure from which the sewage or other waste originates and the common sewage collection system are more than two hundred feet from the nearest boundary of the right-of-way within which the public sewer is located;

(E) Any dwelling house located on property that is listed on the county's agricultural land tax list as being valued for tax purposes as land devoted exclusively to agricultural use under section 5713.31 of the Revised Code, when the foundation wall of the dwelling house is two hundred feet or less from the nearest boundary of the right-of-way within which the sewer is located, if both of the following also apply:

(1) The sewer right-of-way for the property on which the dwelling house is located was obtained by appropriation due to a public exigency pursuant to division (B) of section 307.08, 6101.181, 6115.211, 6117.39, or 6119.11 of the Revised Code.

(2) The local health department has certified that the household sewage disposal system is functioning properly.

The board shall not direct an order under this section to a resident tenant unless it determines that the terms of the tenancy are such that the owner lacks sufficient rights of access to permit the owner to comply with the terms of the order.

~~An~~ Except as provided in section 6117.52 of the Revised Code, an owner, agent, lessee, tenant, or occupant shall comply with the order of the board within ninety days after the completion of

service of the order upon that person as provided in this section. 115309  
The board, upon written application filed prior to the expiration 115310  
of the ninety-day period, may waive compliance with any order 115311  
either temporarily or permanently and conditionally or 115312  
unconditionally. 115313

The order shall include a statement indicating that if after 115314  
receiving the order a person chooses to postpone connection to the 115315  
public sewer in accordance with section 6117.52 of the Revised 115316  
Code, the cost of connecting to the public sewer in the future may 115317  
be higher. 115318

In its resolution, the board shall direct its clerk, or the 115319  
clerk's designee, to serve its order upon the owner, agent, 115320  
lessee, tenant, or occupant. Service of the order shall be made 115321  
personally, by leaving the order at the usual place of residence 115322  
with a person of suitable age and discretion then residing 115323  
therein, or by certified mail addressed to the owner, agent, 115324  
lessee, tenant, or occupant at that person's last known address or 115325  
to the address to which tax bills are sent. If it appears by the 115326  
return of service or the return of the order forwarded by 115327  
certified mail that the owner, agent, lessee, tenant, or occupant 115328  
cannot be found, that person shall be served by publication of the 115329  
order once in a newspaper of general circulation within the 115330  
county, or if that person refuses service, that person shall be 115331  
served by ordinary mail addressed to that person's last known 115332  
address or to the address to which tax bills are sent. The return 115333  
of the person serving the order or a certified copy of the return, 115334  
or a returned receipt for the order forwarded by certified mail 115335  
accepted by the addressee or anyone purporting to act for the 115336  
addressee, is prima-facie evidence of the service of the order 115337  
under this section. The return of the person attempting to serve 115338  
the order, or the return to the sender of the order forwarded by 115339  
certified mail with an indication on the return of the refusal of 115340

the addressee to accept delivery, is prima-facie evidence of the 115341  
refusal of service. 115342

No owner, agent, lessee, tenant, or occupant shall violate an 115343  
order issued under this section. Upon request of the board, the 115344  
prosecuting attorney shall prosecute in a court of competent 115345  
jurisdiction any owner, agent, lessee, tenant, or occupant who 115346  
violates an order issued under this section. Each day that a 115347  
violation continues after conviction for the violation of an order 115348  
issued under this section and the final determination thereof is a 115349  
separate offense. The court, for good cause shown, may grant a 115350  
reasonable additional period of time for compliance after 115351  
conviction. 115352

Any owner, agent, lessee, tenant, or occupant violating an 115353  
order issued under this section also may be enjoined from 115354  
continuing in violation. Upon request of the board, the 115355  
prosecuting attorney shall bring an action in a court of competent 115356  
jurisdiction for an injunction against the owner, agent, lessee, 115357  
tenant, or occupant violating an order. 115358

The Ohio water development authority created under section 115359  
6121.02 of the Revised Code, in addition to its other powers, has 115360  
the same power and shall be governed by the same procedures in a 115361  
waste water facilities service area, or in any area adjacent to a 115362  
public sewer operated by the authority, as a board of county 115363  
commissioners in a county sewer district under this section, 115364  
except that the authority shall act by order, and the attorney 115365  
general, upon request of the authority, shall prosecute any person 115366  
who violates an order of the authority issued under this section. 115367

**Sec. 6117.52.** (A) As used in this section: 115368

(1) "Household sewage treatment system" has the same meaning 115369  
as in section 3718.01 of the Revised Code and includes a household 115370  
sewage disposal system as defined in rule 3701-29-01 of the 115371

Administrative Code. 115372

(2) "Property owner" means a person who owns property that is served by a household sewage treatment system. 115373  
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(3) "Repair" has the same meaning as in rules adopted under Chapter 3718. of the Revised Code. 115375  
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(B) Except as provided in division (D) of this section, a property owner who receives an order issued under section 6117.51 of the Revised Code may elect to postpone connection to the public sewer specified in the order for a period of not more than fifteen years from the date on which the property owner receives a notice from the board of county commissioners that the public sewer is substantially complete in accordance with division (F) of this section if both of the following apply: 115377  
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(1) The property owner notifies the board of county commissioners and the board of health of the health district in which the property owner's parcel of property is located that the property owner elects to postpone connection to the specified public sewer. The notice shall be in writing and shall be sent by certified mail not later than sixty days after the property owner has received an order issued under section 6117.51 of the Revised Code. Not later than one hundred eighty days after the board of health receives the notice, the board shall evaluate the household sewage treatment system serving the affected parcel of property to determine if the system operates and is maintained in accordance with Chapter 3718. of the Revised Code and with rules adopted under that chapter by the director of health and by the board, if any. The property owner is responsible for reasonable costs of the evaluation. 115385  
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If the property owner is aware that the property will be vacant at any time during the one-hundred-eighty-day period, the property owner shall notify the board of health of the dates 115400  
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during which the property will be vacant. In order for the 115403  
required inspection to occur, the property owner shall ensure that 115404  
the property is occupied for at least ninety consecutive days 115405  
within the one-hundred-eighty-day period and shall notify the 115406  
board of health of the dates of occupancy. Failure to so notify 115407  
the board or so occupy the property constitutes termination of the 115408  
authorization under this section for the property owner to elect 115409  
to postpone connection to the public sewer. 115410

(2) The applicable board of health determines under division 115411  
(B)(1) of this section that the household sewage treatment system 115412  
operates and is maintained in accordance with Chapter 3718. of the 115413  
Revised Code and with rules adopted under that chapter by the 115414  
director and by the board, if any. The board shall so notify the 115415  
property owner and the board of county commissioners. However, if 115416  
the board of health determines that a nuisance exists under 115417  
section 3718.011 of the Revised Code, the board shall so notify 115418  
the property owner. If the board determines that repairs will 115419  
eliminate the nuisance, the property owner may make those repairs 115420  
to the system, but shall do so within sixty days after receiving 115421  
the notice. The board shall extend the sixty-day period if weather 115422  
conditions prevent the repair from being made. 115423

The property owner shall connect to the public sewer if the 115424  
board of health determines either that repairs will not eliminate 115425  
the nuisance or that, after repairs have been made, the nuisance 115426  
has not been eliminated. 115427

(C)(1) Division (B) of this section does not apply to a 115428  
household sewage treatment system that is either a discharging 115429  
system or within an area subject to final findings and orders 115430  
issued by the director of environmental protection under this 115431  
chapter or Chapter 6111. of the Revised Code. 115432

(2) For purposes of this section, a discharging system is one 115433  
of the following: 115434

(a) A household sewage treatment system for which coverage under an NPDES permit has been issued or granted under Chapter 6111. of the Revised Code and rules adopted under it; 115435  
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(b) A household sewage treatment system for which coverage under an NPDES permit would be required, but that has not been issued or granted such a permit. 115438  
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(D) A property owner that has elected to postpone connection to a public sewer in accordance with division (B) of this section shall ensure that the household sewage treatment system serving the property is maintained and operated in accordance with Chapter 3718. of the Revised Code and rules adopted under it for fifteen years from the date on which the property owner receives notice from the board of county commissioners that the public sewer is substantially complete in accordance with division (F) of this section. A property owner that elects to postpone connection to a public sewer in accordance with division (B) of this section subsequently shall abandon the household sewage treatment system serving the property in accordance with rules adopted under Chapter 3718. of the Revised Code and connect to the public sewer not later than fifteen years from the date on which the property owner receives notice that the public sewer is substantially complete in accordance with division (F) of this section. However, if at any time during the fifteen-year period the system is not operating in accordance with Chapter 3718. of the Revised Code or rules adopted or orders issued under that chapter, the board of health shall so notify the property owner. If the system cannot be brought into compliance with the chapter, rules, or orders through a repair made within sixty days after the property owner receives the notice, the property owner shall abandon the system and connect to the public sewer. The board shall extend the sixty-day period if weather conditions prevent the repair from being made. 115441  
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If the property owner transfers ownership of the affected 115466

parcel of property during the fifteen-year period and the parcel 115467  
of property has not yet been connected to the public sewer, the 115468  
transferor shall notify the transferee of the requirement to 115469  
connect to the public sewer and of the date by which connection 115470  
must occur. The notice shall be a written affidavit. The county 115471  
recorder shall index and record a copy of the affidavit in 115472  
accordance with section 317.08 of the Revised Code and in the same 115473  
manner and receive the same fees as for deeds. The transferee is 115474  
subject to the connection requirement established in this 115475  
division. 115476

A person that fails to comply with this division is subject 115477  
to the same enforcement procedures and penalties as if the person 115478  
violated Chapter 3718. of the Revised Code or rules adopted or 115479  
orders issued under it. 115480

(E) If a connection tap to a public sewer is installed at a 115481  
parcel of property at the time of construction of the public 115482  
sewer, the property owner, regardless of whether the owner has 115483  
elected to postpone connection to the public sewer under this 115484  
section, shall pay the costs of the installation of the connection 115485  
tap in accordance with one of the following: 115486

(1) Pay the total amount at the time of the installation of 115487  
the connection tap; 115488

(2) Make incremental payments in accordance with a payment 115489  
plan agreed to by the board of county commissioners; 115490

(3) Pay the total amount at any time the parcel of property 115491  
is required to connect to the public sewer under this section. 115492

(F) When a public sewer has been substantially completed, the 115493  
applicable board of county commissioners shall send a notice of 115494  
the substantial completion to all property owners who elect to 115495  
postpone connection to the public sewer under this section. 115496

Sec. 6117.521. (A)(1) A board of county commissioners may 115497  
apply to the Ohio public works commission created by section 115498  
164.02 of the Revised Code for an advance of money from the sewer 115499  
development advancement fund created by section 164.13 of the 115500  
Revised Code in an amount equal to that portion of the costs of an 115501  
improvement authorized under this chapter that is to be financed 115502  
by assessments whose collection is deferred because an owner of a 115503  
parcel of property has elected to postpone connection to a public 115504  
sewer and is authorized to do so in accordance with section 115505  
6117.52 of the Revised Code. The application for such an advance 115506  
of money shall be made in the manner prescribed in policies and 115507  
procedures established by the director of the commission. 115508

(2) As used in this section, "assessments" includes 115509  
assessments attributable to tap-in charges under section 6117.062 115510  
of the Revised Code and other tap-in charges or fees and any 115511  
combination of such assessments, fees, and charges authorized 115512  
under section 6117.06 of the Revised Code. 115513

(B) The county auditor shall record an assessment deferred as 115514  
described in division (A) of this section in the sewer improvement 115515  
record. The record shall be kept until such time as the 115516  
assessments are paid in full. During the time when an assessment 115517  
is deferred, there shall be a lien on the property assessed, which 115518  
shall arise at the time of recording by the county auditor and 115519  
shall be in force until the assessments are paid in full. 115520

(C) The board of county commissioners regularly shall review 115521  
whether property for which the collection of assessments has been 115522  
deferred as described in division (A) of this section is connected 115523  
to a public sewer. Upon finding that the owner of a parcel of 115524  
property is required to connect to a public sewer for any reason, 115525  
the board immediately shall collect, without interest unless 115526  
payment is late as determined by the board, the full amount of the 115527

deferred assessment. The board shall repay the amount of any money 115528  
advanced by the commission in the full amount within thirty years 115529  
of the date of the advance in one lump sum. No interest shall 115530  
accrue for the first fifteen years after the date of the advance. 115531  
Beginning on the first day of the sixteenth year after the date of 115532  
the advance, interest shall be assessed on the amount not repaid 115533  
to the commission at an interest rate determined by the director 115534  
of the commission at the time the advance is made, not to exceed 115535  
four per cent per annum. 115536

(D) Unless an owner of a parcel of property is required to 115537  
connect to a public sewer because either the applicable board of 115538  
health determines that a nuisance exists under section 3718.011 of 115539  
the Revised Code or the owner voluntarily elects to connect to the 115540  
public sewer before the end of the fifteen-year period established 115541  
in division (D) of section 6117.52 of the Revised Code, the board 115542  
of county commissioners, not later than two hundred ten days prior 115543  
to the expiration of the deferment of assessments on that 115544  
property, shall send a notice by regular or certified mail to the 115545  
owner of the property that specifies the expiration date of the 115546  
deferment. 115547

Sec. 6117.522. A public entity with authority to levy special 115548  
assessments, tap-in charges or fees, or a combination thereof on 115549  
real property shall not collect an assessment, tap-in charge or 115550  
fee, or combination thereof for purposes of sewer service on real 115551  
property concerning which the owner of the property has elected to 115552  
postpone connection to a public sewer in accordance with section 115553  
6117.52 of the Revised Code until the property owner is required 115554  
to connect to the public sewer under that section. 115555  
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Sec. 6119.60. (A) As used in this section: 115557

(1) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code. 115558  
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(2) "Household sewage treatment system" has the same meaning as in section 3718.01 of the Revised Code and includes a household sewage disposal system as defined in rule 3701-29-01 of the Administrative Code. 115561  
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(3) "Property owner" means a person who owns property that is served by a household sewage treatment system. 115565  
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(4) "Repair" has the same meaning as in rules adopted under Chapter 3718. of the Revised Code. 115567  
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(B) The board of trustees of a regional water and sewer district that orders the preparation of design plans for a sewerage system under this chapter simultaneously shall notify by certified mail each property owner and the board of health of the health district in which the property owner's parcel of property is located of the intention of the board of trustees to install the sewerage system if the board of trustees has determined that the parcel of property is reasonably accessible to the sewerage system and the property owner may be required to connect to it. The notice shall include a statement indicating that if the property owner chooses to postpone connection to the sewerage system after receiving the notice, the cost of connecting to the sewerage system in the future may be higher. 115569  
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(C) Except as provided in division (E) of this section, a property owner who receives a notice under division (B) of this section may elect to postpone connection to the sewerage system specified in the notice for a period of not more than fifteen years from the date on which the property owner receives a notice from the board of trustees of the regional water and sewer district that the sewerage system is substantially complete in 115582  
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accordance with division (G) of this section if both of the 115589  
following apply: 115590

(1) The property owner notifies the board of trustees of the 115591  
regional water and sewer district and the board of health of the 115592  
health district in which the affected parcel of property is 115593  
located that the property owner elects to postpone connection to 115594  
the specified sewerage system. The notice shall be in writing and 115595  
shall be sent by certified mail not later than sixty days after 115596  
the property owner has received a notice under division (B) of 115597  
this section. Not later than one hundred eighty days after the 115598  
board of health receives the notice, the board shall evaluate the 115599  
household sewage treatment system serving the affected parcel of 115600  
property to determine if the system operates and is maintained in 115601  
accordance with Chapter 3718. of the Revised Code and with rules 115602  
adopted under that chapter by the director of health and by the 115603  
board, if any. The property owner is responsible for reasonable 115604  
costs of the evaluation. 115605

If the property owner is aware that the property will be 115606  
vacant at any time during the one-hundred-eighty-day period, the 115607  
property owner shall notify the board of health of the dates 115608  
during which the property will be vacant. In order for the 115609  
required inspection to occur, the property owner shall ensure that 115610  
the property is occupied for at least ninety consecutive days 115611  
within the one-hundred-eighty-day period and shall notify the 115612  
board of health of the dates of occupancy. Failure to so notify 115613  
the board or so occupy the property constitutes termination of the 115614  
authorization under this section for the property owner to elect 115615  
to postpone connection to the sewerage system. 115616

(2) The applicable board of health determines under division 115617  
(C)(1) of this section that the household sewage treatment system 115618  
operates and is maintained in accordance with Chapter 3718. of the 115619  
Revised Code and with rules adopted under that chapter by the 115620

director and by the board, if any. The board shall so notify the 115621  
property owner and the board of trustees of the regional water and 115622  
sewer district. However, if the board of health determines that a 115623  
nuisance exists under section 3718.011 of the Revised Code, the 115624  
board shall so notify the property owner. If the board determines 115625  
that repairs will eliminate the nuisance, the person may make 115626  
those repairs to the system, but shall do so within sixty days 115627  
after receiving the notice. The board shall extend the sixty-day 115628  
period if weather conditions prevent the repair from being made. 115629

The property owner shall connect to the sewerage system if 115630  
the board of health determines either that repairs will not 115631  
eliminate the nuisance or that, after repairs have been made, the 115632  
nuisance has not been eliminated. 115633

(D)(1) Division (C) of this section does not apply to a 115634  
household sewage treatment system that is either a discharging 115635  
system or within an area subject to final findings and orders 115636  
issued by the director of environmental protection under Chapter 115637  
6111. or 6117. of the Revised Code. The notification required by 115638  
division (B) of this section shall be issued to an applicable 115639  
property owner regardless of whether the property owner's system 115640  
is a discharging system or inside such an area. 115641

(2) For purposes of this section, a discharging system is one 115642  
of the following: 115643

(a) A household sewage treatment system for which coverage 115644  
under an NPDES permit has been issued or granted under Chapter 115645  
6111. of the Revised Code and rules adopted under it; 115646

(b) A household sewage treatment system for which coverage 115647  
under an NPDES permit would be required, but that has not been 115648  
issued or granted such a permit. 115649

(E) A property owner that has elected to postpone connection 115650  
to a sewerage system in accordance with division (C) of this 115651



section shall ensure that the household sewage treatment system 115652  
serving the property is maintained and operated in accordance with 115653  
Chapter 3718. of the Revised Code and rules adopted under it for 115654  
fifteen years from the date on which the property owner receives 115655  
notice from the board of trustees of the regional water and sewer 115656  
district that the sewerage system is substantially complete in 115657  
accordance with division (G) of this section. A property owner 115658  
that elects to postpone connection to a sewerage system in 115659  
accordance with division (C) of this section subsequently shall 115660  
abandon the household sewage treatment system serving the property 115661  
in accordance with rules adopted under Chapter 3718. of the 115662  
Revised Code and connect to the sewerage system not later than 115663  
fifteen years from the date on which the property owner receives 115664  
notice that the sewerage system is substantially complete in 115665  
accordance with division (G) of this section. However, if at any 115666  
time during the fifteen-year period the system is not operating in 115667  
accordance with Chapter 3718. of the Revised Code or rules adopted 115668  
or orders issued under that chapter, the board of health shall so 115669  
notify the property owner. If the system cannot be brought into 115670  
compliance with the chapter, rules, or orders through a repair 115671  
made within sixty days after the property owner receives the 115672  
notice, the property owner shall abandon the system and connect to 115673  
the sewerage system. The board shall extend the sixty-day period 115674  
if weather conditions prevent the repair from being made. 115675

If the property owner transfers ownership of the affected 115676  
parcel of property during the fifteen-year period and the parcel 115677  
of property has not yet been connected to the sewerage system, the 115678  
transferor shall notify the transferee of the requirement to 115679  
connect to the sewerage system and of the date by which connection 115680  
must occur. The notice shall be a written affidavit. The county 115681  
recorder shall index and record a copy of the affidavit in 115682  
accordance with section 317.08 of the Revised Code and in the same 115683  
manner and receive the same fees as for deeds. The transferee is 115684

subject to the connection requirement established in this 115685  
division. 115686

A person that fails to comply with this division is subject 115687  
to the same enforcement procedures and penalties as if the person 115688  
violated Chapter 3718. of the Revised Code or rules adopted or 115689  
orders issued under it. 115690

(F) If a connection tap to a sewerage system is installed at 115691  
a parcel of property at the time of construction of the sewerage 115692  
system, the property owner, regardless of whether the owner has 115693  
elected to postpone connection to the sewerage system under this 115694  
section, shall pay the costs of the installation of the connection 115695  
tap in accordance with one of the following: 115696

(1) Pay the total amount at the time of the installation of 115697  
the connection tap; 115698

(2) Make incremental payments in accordance with a payment 115699  
plan agreed to by the board of trustees of the regional water and 115700  
sewer district; 115701

(3) Pay the total amount at any time the parcel of property 115702  
is required to connect to the sewerage system under this section. 115703

(G) When a sewerage system has been substantially completed, 115704  
the board of trustees of the applicable regional water and sewer 115705  
district shall send a notice of the substantial completion to all 115706  
property owners who elect to postpone connection to the sewerage 115707  
system under this section. 115708

**Sec. 6119.601.** (A)(1) The board of trustees of a regional 115709  
water and sewer district may apply to the Ohio public works 115710  
commission created by section 164.02 of the Revised Code for an 115711  
advance of money from the sewer development advancement fund 115712  
created by section 164.13 of the Revised Code in an amount equal 115713  
to that portion of the costs of an improvement authorized under 115714

this chapter that is to be financed by assessments whose 115715  
collection is deferred because an owner of a parcel of property 115716  
has elected to postpone connection to a sewerage system and is 115717  
authorized to do so in accordance with section 6119.60 of the 115718  
Revised Code. The application for such an advance of money shall 115719  
be made in the manner prescribed in policies and procedures 115720  
established by the director of the commission. 115721

(2) As used in this section, "assessments" includes rentals 115722  
or other charges and any combination of such rentals or charges 115723  
authorized under section 6119.06 or 6119.09 of the Revised Code. 115724

(B) The county auditor shall record an assessment deferred as 115725  
described in division (A) of this section in the sewer improvement 115726  
record. The record shall be kept until such time as the 115727  
assessments are paid in full. During the time when an assessment 115728  
is deferred, there shall be a lien on the property assessed, which 115729  
shall arise at the time of recording by the county auditor and 115730  
shall be in force until the assessments are paid in full. 115731

(C) The board of trustees of a regional water and sewer 115732  
district regularly shall review whether property for which the 115733  
collection of assessments has been deferred as described in 115734  
division (A) of this section is connected to a sewerage system. 115735  
Upon finding that the owner of a parcel of property is required to 115736  
connect to a sewerage system for any reason, the board immediately 115737  
shall collect, without interest unless payment is late as 115738  
determined by the board, the full amount of the deferred 115739  
assessment. The board shall repay the amount of any money advanced 115740  
by the commission in the full amount within thirty years of the 115741  
date of the advance in one lump sum. No interest shall accrue for 115742  
the first fifteen years after the date of the advance. Beginning 115743  
on the first day of the sixteenth year after the date of the 115744  
advance, interest shall be assessed on the amount not repaid to 115745

the commission at an interest rate determined by the director of 115746  
the commission at the time the advance is made, not to exceed four 115747  
per cent per annum. 115748

(D) Unless an owner of a parcel of property is required to 115749  
connect to a sewerage system because either the applicable board 115750  
of health determines that a nuisance exists under section 3718.011 115751  
of the Revised Code or the owner voluntarily elects to connect to 115752  
the sewerage system before the end of the fifteen-year period 115753  
established in division (E) of section 6119.60 of the Revised 115754  
Code, the board of trustees of a regional water and sewer 115755  
district, not later than two hundred ten days prior to the 115756  
expiration of the deferment of assessments on that property, shall 115757  
send a notice by regular or certified mail to the owner of the 115758  
property that specifies the expiration date of the deferment. 115759

Sec. 6119.602. A public entity with authority to levy special 115760  
assessments, rentals, charges, or a combination thereof on real 115761  
property shall not collect an assessment, rental, charge, or 115762  
combination thereof for purposes of sewer service on real property 115763  
concerning which the owner of the property has elected to postpone 115764  
connection to a sewerage system in accordance with section 6119.60 115765  
of the Revised Code until the property owner is required to 115766  
connect to the sewerage system under that section. 115767

Sec. 6131.23. The assessments estimated in accordance with 115768  
section 6131.14 of the Revised Code shall be payable in not less 115769  
than two semiannual installments. At the time of the final 115770  
hearing, in the order approving the levying of the assessments, 115771  
the board of county commissioners shall determine how long a 115772  
period of time, in semiannual installments, as taxes are paid, 115773  
shall be given the owners of land benefited to pay the assessments 115774  
that are made for an improvement and whether or not bonds or notes 115775  
shall be issued and sold in anticipation of such payments. If 115776

bonds or notes are to be issued, the interest shall be added to 115777  
the assessments. If the estimated cost of the improvement does not 115778  
exceed five hundred dollars, not more than two semiannual 115779  
installments, as taxes are paid, shall be given to owners of lands 115780  
benefited to pay the assessments that are made for the 115781  
improvement. If the estimated cost of the improvement exceeds five 115782  
hundred dollars, the board may determine the number of 115783  
installments in which the assessments are to be paid. If any such 115784  
assessment is twenty-five dollars or less, or whenever the unpaid 115785  
balance of any such assessment is twenty-five dollars or less, the 115786  
same shall be paid in full, and not in installments, at the time 115787  
the first or next installment would otherwise become due. 115788

When assessments are payable in installments and county 115789  
general funds are used to pay for the improvement, the assessment 115790  
shall not exceed thirty semiannual installments, as computed by 115791  
the county auditor pursuant to section 6131.49 of the Revised 115792  
Code, and shall be payable upon completion of the contract. 115793

When assessments are made payable in installments and bonds 115794  
or notes have been sold to pay for the improvement, interest shall 115795  
be added to the installments of assessments at the same rate as is 115796  
drawn by the bonds or notes issued to pay for the improvements. 115797  
Any owner may pay the estimated assessments on the owner's land in 115798  
cash within thirty days after the final hearing without paying any 115799  
interest thereon. If the legislative authority of a political 115800  
subdivision chooses to pay the assessments on all parcels within 115801  
the subdivision, both public and private, in one installment, it 115802  
shall pass a resolution so stating and shall send the resolution, 115803  
or a copy thereof, to the board of county commissioners before 115804  
making the payment. The legislative authority shall pay all 115805  
subsequent maintenance assessments levied under section 6137.03 of 115806  
the Revised Code if it chooses to pay the construction assessments 115807  
on all parcels within the subdivision. 115808

Bonds may be sold for any repayment period that the board of county commissioners may determine proper, not to exceed thirty semiannual installments, except that for bonds sold by a board of county commissioners for soil and water conservation district improvements pursuant to section ~~1515.24~~ 940.33 of the Revised Code, the repayment period shall not exceed thirty semiannual installments.

Sec. 6301.16. (A) Beginning January 1, 2016, each participant in an adult training or education program funded under the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall create an account with OhioMeansJobs at the time of enrollment in the program.

(B) Division (A) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which OhioMeansJobs is available.

**Section 101.02.** That existing sections 1.05, 9.312, 9.333, 9.83, 9.833, 9.90, 9.901, 102.02, 102.022, 103.412, 109.57, 109.572, 109.77, 109.79, 113.06, 113.07, 118.023, 118.04, 119.04, 119.12, 120.33, 121.03, 121.04, 121.22, 121.372, 121.40, 122.17, 122.171, 122.174, 122.175, 122.177, 122.64, 122.85, 122.87, 122.942, 122.95, 122.951, 123.10, 123.28, 123.281, 124.14, 124.15, 124.181, 124.392, 125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 125.10, 125.11, 125.112, 125.13, 125.22, 125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 125.609, 125.76, 125.901, 128.40, 128.54, 128.55, 128.57, 131.09, 131.15, 131.34, 131.35, 131.43, 131.44, 133.01, 133.04, 133.05, 133.07, 133.34, 135.01, 135.04, 135.14, 135.144, 135.145, 135.18, 135.181, 135.35, 135.353, 135.354, 135.37, 135.74, 140.01, 141.04, 145.012,

145.114, 145.116, 145.27, 145.56, 145.571, 149.04, 149.43, 153.08, 115840  
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173.523, 173.543, 173.544, 173.545, 174.02, 187.03, 191.04, 115842  
191.06, 305.31, 306.35, 317.08, 317.36, 319.63, 321.24, 323.13, 115843  
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903.16, 903.17, 903.25, 905.31, 905.323, 918.41, 929.03, 931.01, 115852  
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5902.02, 5903.12, 5904.01, 5910.08, 5919.341, 6101.16, 6103.052, 115982  
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6112.01, 6112.03, 6117.062, 6117.51, and 6131.23 of the Revised 115985  
Code are hereby repealed. 115986

**Section 105.01.** That sections 103.132, 111.181, 121.36, 115987  
122.26, 122.952, 125.021, 125.022, 125.023, 125.03, 125.051, 115988  
125.06, 125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 115989  
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955.37, 955.38, 1511.01, 1511.04, 1511.06, 1511.07, 1511.08, 115993  
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3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 115998

3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 3115.35, 3115.36, 115999  
3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 116000  
3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 116001  
3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 116002  
3115.58, 3115.59, 3301.92, 3301.921, 3313.473, 3318.33, 3326.29, 116003  
3337.11, 3734.51, 3736.04, 3769.086, 3770.061, 4709.04, 4709.06, 116004  
4709.27, 4731.283, 4741.09, 5104.012, 5104.037, 5119.411, 5163.08, 116005  
5165.25, 5165.26, 5168.12, 5525.26, and 5739.212 of the Revised 116006  
Code are hereby repealed. 116007

**Section 106.01.** That section 125.833 of the Revised Code is 116008  
hereby repealed, effectively January 1, 2016. 116009

**Section 110.10.** That the versions of sections 340.01, 340.03, 116010  
340.15, and 5119.21 of the Revised Code that are scheduled to take 116011  
effect September 15, 2016, be amended to read as follows: 116012

**Sec. 340.01.** (A) As used in this chapter: 116013

(1) "Addiction," "addiction services," "alcohol and drug 116014  
addiction services," "alcoholism," "community addiction services 116015  
provider," "community mental health services provider," "drug 116016  
addiction," "gambling addiction services," "mental health 116017  
services," and "mental illness" have the same meanings as in 116018  
section 5119.01 of the Revised Code. 116019

(2) "Medication-assisted treatment" means alcohol and drug 116020  
addiction services that are accompanied by medication approved by 116021  
the United States food and drug administration for the treatment 116022  
of drug addiction, prevention of relapse of drug addiction, or 116023  
both. 116024

(3) "Recovery housing" means housing for individuals 116025  
recovering from alcoholism or drug addiction that provides an 116026  
alcohol and drug-free living environment, peer support, assistance 116027

with obtaining alcohol and drug addiction services, and other 116028  
alcoholism and drug addiction recovery assistance. 116029

(B) An alcohol, drug addiction, and mental health service 116030  
district shall be established in any county or combination of 116031  
counties having a population of at least fifty thousand to provide 116032  
addiction services and mental health services. With the approval 116033  
of the director of mental health and addiction services, any 116034  
county or combination of counties having a population of less than 116035  
fifty thousand may establish such a district. Districts comprising 116036  
more than one county shall be known as joint-county districts. 116037

The board of county commissioners of any county participating 116038  
in a joint-county district may submit a resolution requesting 116039  
withdrawal from the district together with a comprehensive plan or 116040  
plans that are in compliance with rules adopted by the director of 116041  
mental health and addiction services under section 5119.22 of the 116042  
Revised Code, and that provide for the equitable adjustment and 116043  
division of all services, assets, property, debts, and 116044  
obligations, if any, of the joint-county district to the board of 116045  
alcohol, drug addiction, and mental health services, to the boards 116046  
of county commissioners of each county in the district, and to the 116047  
director. No county participating in a joint-county service 116048  
district may withdraw from the district without the consent of the 116049  
director of mental health and addiction services nor earlier than 116050  
one year after the submission of such resolution unless all of the 116051  
participating counties agree to an earlier withdrawal. Any county 116052  
withdrawing from a joint-county district shall continue to have 116053  
levied against its tax list and duplicate any tax levied by the 116054  
district during the period in which the county was a member of the 116055  
district until such time as the levy expires or is renewed or 116056  
replaced. 116057

**Sec. 340.03.** (A) Subject to rules issued by the director of 116058

mental health and addiction services after consultation with 116059  
relevant constituencies as required by division (A)(10) of section 116060  
5119.21 of the Revised Code, the board of alcohol, drug addiction, 116061  
and mental health services shall: 116062

(1) Serve as the community addiction and mental health 116063  
services planning agency for the county or counties under its 116064  
jurisdiction, and in so doing it shall: 116065

(a) Evaluate the need for facilities and community addiction 116066  
and mental health services; 116067

(b) In cooperation with other local and regional planning and 116068  
funding bodies and with relevant ethnic organizations, assess the 116069  
community addiction and mental health needs, evaluate strengths 116070  
and challenges, and set priorities for community addiction and 116071  
mental health services, including treatment and prevention. When 116072  
the board sets priorities for the operation of addiction services, 116073  
the board shall consult with the county commissioners of the 116074  
counties in the board's service district regarding the services 116075  
described in section 340.15 of the Revised Code and shall give 116076  
priority to those services, except that those services shall not 116077  
have a priority over services provided to pregnant women under 116078  
programs developed in relation to the mandate established in 116079  
section 5119.17 of the Revised Code; 116080

(c) In accordance with guidelines issued by the director of 116081  
mental health and addiction services after consultation with board 116082  
representatives, annually develop and submit to the department of 116083  
mental health and addiction services a community addiction and 116084  
mental health services plan listing community addiction and mental 116085  
health services needs, including the needs of all residents of the 116086  
district currently receiving inpatient services in state-operated 116087  
hospitals, the needs of other populations as required by state or 116088  
federal law or programs, and the needs of all children subject to 116089  
a determination made pursuant to section 121.38 of the Revised 116090

Code, and priorities for facilities and community addiction and 116091  
mental health services during the period for which the plan will 116092  
be in effect. 116093

In alcohol, drug addiction, and mental health service 116094  
districts that have separate alcohol and drug addiction services 116095  
and community mental health boards, the alcohol and drug addiction 116096  
services board shall submit a community addiction services plan 116097  
and the community mental health board shall submit a community 116098  
mental health services plan. Each board shall consult with its 116099  
counterpart in developing its plan and address the interaction 116100  
between the local addiction services and mental health services 116101  
systems and populations with regard to needs and priorities in 116102  
developing its plan. 116103

The department shall approve or disapprove the plan, in whole 116104  
or in part, according to the criteria developed pursuant to 116105  
section 5119.22 of the Revised Code. Eligibility for state and 116106  
federal funding shall be contingent upon an approved plan or 116107  
relevant part of a plan. 116108

If a board determines that it is necessary to amend a plan 116109  
that has been approved under this division, the board shall submit 116110  
a proposed amendment to the director. The director may approve or 116111  
disapprove all or part of the amendment. The director shall inform 116112  
the board of the reasons for disapproval of all or part of an 116113  
amendment and of the criteria that must be met before the 116114  
amendment may be approved. The director shall provide the board an 116115  
opportunity to present its case on behalf of the amendment. The 116116  
director shall give the board a reasonable time in which to meet 116117  
the criteria, and shall offer the board technical assistance to 116118  
help it meet the criteria. 116119

The board shall operate in accordance with the plan approved 116120  
by the department. 116121

(d) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies. 116122  
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(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community addiction or mental health services provider ~~certified under section 5119.36 of the Revised Code~~ or alleging abuse or neglect of a resident receiving addiction services or with mental illness or severe mental disability residing in a residential facility licensed under section 5119.34 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department. 116125  
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(3) For the purpose of section 5119.36 of the Revised Code, cooperate with the director of mental health and addiction services in visiting and evaluating whether the addiction or mental health services of a community addiction or mental health services provider satisfy the certification standards established by rules adopted under that section; 116138  
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(4) In accordance with criteria established under division (E) of section 5119.22 of the Revised Code, conduct program audits that review and evaluate the quality, effectiveness, and efficiency of addiction and mental health services provided through its community addiction and mental health ~~contracted~~ services providers and submit its findings and recommendations to the department of mental health and addiction services; 116144  
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(5) In accordance with section 5119.34 of the Revised Code, review an application for a residential facility license and provide to the department of mental health and addiction services 116151  
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any information about the applicant or facility that the board 116154  
would like the department to consider in reviewing the 116155  
application; 116156

(6) Audit, in accordance with rules adopted by the auditor of 116157  
state pursuant to section 117.20 of the Revised Code, at least 116158  
annually all programs and services provided under contract with 116159  
the board. In so doing, the board may contract for or employ the 116160  
services of private auditors. A copy of the fiscal audit report 116161  
shall be provided to the director of mental health and addiction 116162  
services, the auditor of state, and the county auditor of each 116163  
county in the board's district. 116164

(7) Recruit and promote local financial support for addiction 116165  
and mental health services from private and public sources; 116166

(8)(a) Enter into contracts with public and private 116167  
facilities for the operation of facility services and enter into 116168  
contracts with public and private community addiction and mental 116169  
health ~~service~~ services providers for the provision of ~~community~~ 116170  
addiction and mental health services. The board may not contract 116171  
with a residential facility subject to section 5119.34 of the 116172  
Revised Code unless the facility is licensed by the director of 116173  
mental health and addiction services ~~and~~. The board may not 116174  
contract with a community addiction or mental health services 116175  
provider to provide ~~community~~ addiction or mental health services 116176  
unless the services are certified by the director of mental health 116177  
and addiction services under section 5119.36 of the Revised Code. 116178  
Section 307.86 of the Revised Code does not apply to contracts 116179  
entered into under this division. In contracting with a community 116180  
addiction or mental health services provider, a board shall 116181  
consider the cost effectiveness of addiction or mental health 116182  
services provided by that provider and the quality and continuity 116183  
of care, and may review cost elements, including salary costs, of 116184  
the services to be provided. A utilization review process may be 116185

established as part of the contract for services entered into 116186  
between a board and a community addiction or mental health 116187  
services provider. The board may establish this process in a way 116188  
that is most effective and efficient in meeting local needs. 116189

If either the board or a facility or community addiction or 116190  
mental health services provider with which the board contracts 116191  
under this division proposes not to renew the contract or proposes 116192  
substantial changes in contract terms, the other party shall be 116193  
given written notice at least one hundred twenty days before the 116194  
expiration date of the contract. During the first sixty days of 116195  
this one hundred twenty-day period, both parties shall attempt to 116196  
resolve any dispute through good faith collaboration and 116197  
negotiation in order to continue to provide services to persons in 116198  
need. If the dispute has not been resolved sixty days before the 116199  
expiration date of the contract, either party may notify the 116200  
department of mental health and addiction services of the 116201  
unresolved dispute. The director may require both parties to 116202  
submit the dispute to a third party with the cost to be shared by 116203  
the board and the facility or provider. The third party shall 116204  
issue to the board, the facility or provider, and the department 116205  
recommendations on how the dispute may be resolved twenty days 116206  
prior to the expiration date of the contract, unless both parties 116207  
agree to a time extension. The director shall adopt rules 116208  
establishing the procedures of this dispute resolution process. 116209

(b) With the prior approval of the director of mental health 116210  
and addiction services, a board may operate a facility or provide 116211  
~~a community~~ an addiction or mental health service as follows, if 116212  
there is no other qualified private or public facility or 116213  
community addiction or mental health services provider that is 116214  
immediately available and willing to operate such a facility or 116215  
provide the service: 116216

(i) In an emergency situation, any board may operate a 116217

facility or provide a ~~community~~ an addiction or mental health 116218  
service in order to provide essential services for the duration of 116219  
the emergency~~+~~. 116220

(ii) In a service district with a population of at least one 116221  
hundred thousand but less than five hundred thousand, a board may 116222  
operate a facility or provide a ~~community~~ an addiction or mental 116223  
health service for no longer than one year~~+~~. 116224

(iii) In a service district with a population of less than 116225  
one hundred thousand, a board may operate a facility or provide a 116226  
~~community~~ an addiction or mental health service for no longer than 116227  
one year, except that such a board may operate a facility or 116228  
provide a ~~community~~ an addiction or mental health service for more 116229  
than one year with the prior approval of the director and the 116230  
prior approval of the board of county commissioners, or of a 116231  
majority of the boards of county commissioners if the district is 116232  
a joint-county district. 116233

The director shall not give a board approval to operate a 116234  
facility or provide a ~~community~~ an addiction or mental health 116235  
service under division (A)(8)(b)(ii) or (iii) of this section 116236  
unless the director determines that it is not feasible to have the 116237  
department operate the facility or provide the service. 116238

The director shall not give a board approval to operate a 116239  
facility or provide a ~~community~~ an addiction or mental health 116240  
service under division (A)(8)(b)(iii) of this section unless the 116241  
director determines that the board will provide greater 116242  
administrative efficiency and more or better services than would 116243  
be available if the board contracted with a private or public 116244  
facility or community addiction or mental health services 116245  
provider. 116246

The director shall not give a board approval to operate a 116247  
facility previously operated by a person or other government 116248

entity unless the board has established to the director's 116249  
satisfaction that the person or other government entity cannot 116250  
effectively operate the facility or that the person or other 116251  
government entity has requested the board to take over operation 116252  
of the facility. The director shall not give a board approval to 116253  
provide ~~a community~~ an addiction or mental health service 116254  
previously provided by a community addiction or mental health 116255  
services provider unless the board has established to the 116256  
director's satisfaction that the provider cannot effectively 116257  
provide the service or that the provider has requested the board 116258  
take over providing the service. 116259

The director shall review and evaluate a board's operation of 116260  
a facility and provision of ~~community~~ addiction or mental health 116261  
~~service~~ services under division (A)(8)(b) of this section. 116262

Nothing in division (A)(8)(b) of this section authorizes a 116263  
board to administer or direct the daily operation of any facility 116264  
or community addiction or mental health services provider, but a 116265  
facility or provider may contract with a board to receive 116266  
administrative services or staff direction from the board under 116267  
the direction of the governing body of the facility or provider. 116268

(9) Approve fee schedules and related charges or adopt a unit 116269  
cost schedule or other methods of payment for contract services 116270  
provided by community addiction or mental health services 116271  
providers in accordance with guidelines issued by the department 116272  
as necessary to comply with state and federal laws pertaining to 116273  
financial assistance; 116274

(10) Submit to the director and the county commissioners of 116275  
the county or counties served by the board, and make available to 116276  
the public, an annual report of the services under the 116277  
jurisdiction of the board, including a fiscal accounting; 116278

(11) Establish, to the extent resources are available, a 116279

continuum of care that provides for prevention, treatment, 116280  
support, and rehabilitation services and opportunities. The 116281  
essential elements of the continuum of care shall include the 116282  
following components: 116283

(a) To locate persons in need of addiction or mental health 116284  
services to inform them of available services and benefits; 116285

(b) Assistance for persons receiving addiction or mental 116286  
health services to obtain services necessary to meet basic human 116287  
needs for food, clothing, shelter, medical care, personal safety, 116288  
and income; 116289

(c) Addiction and mental health services, including all of 116290  
the following: 116291

(i) Outpatient; 116292

(ii) Residential; 116293

(iii) Partial hospitalization; 116294

(iv) Where appropriate, inpatient care; 116295

(v) Sub-acute detoxification; 116296

(vi) Intensive and other supports; 116297

(vii) Recovery support; 116298

(viii) Prevention and wellness management; 116299

(ix) In accordance with section 340.033 of the Revised Code, 116300  
an array of treatment and support services for all levels of 116301  
opioid and co-occurring drug addiction. 116302

(d) Emergency services and crisis intervention; 116303

(e) Assistance for persons receiving services to obtain 116304  
vocational services and opportunities for jobs; 116305

(f) The provision of services designed to develop social, 116306  
community, and personal living skills; 116307

(g) Access to a wide range of housing and the provision of residential treatment and support;	116308 116309
(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others;	116310 116311 116312
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services;	116313 116314 116315 116316 116317
(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services;	116318 116319
(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured;	116320 116321 116322
(l) Any additional component the department, pursuant to section 5119.21 of the Revised Code, determines is necessary to establish the continuum of care.	116323 116324 116325
(12) Establish a method for evaluating referrals for <del>involuntary commitment</del> <u>court-ordered treatment</u> and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to <del>involuntary hospitalization</del> <u>court-ordered treatment</u> and <del>what alternative treatment is</del> <u>whether alternatives to hospitalization are available and appropriate, if any;</u>	116326 116327 116328 116329 116330 116331 116332 116333
(13) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily	116334 116335 116336 116337 116338

committed to it and shall assure that the listed services 116339  
submitted and approved in accordance with division (B) of section 116340  
340.08 of the Revised Code are available to severely mentally 116341  
disabled persons residing within its service district. The board 116342  
shall establish the procedure for authorizing payment for 116343  
services, which may include prior authorization in appropriate 116344  
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 116345  
section, the board may provide for services directly to a severely 116346  
mentally disabled person when life or safety is endangered and 116347  
when no community mental health services provider is available to 116348  
provide the service. 116349

(14) Ensure that ~~apartments or rooms~~ housing built, 116350  
subsidized, renovated, rented, owned, or leased by the board or a 116351  
community addiction or mental health services provider ~~have~~ has 116352  
been approved as meeting minimum fire safety standards and that 116353  
persons residing in the ~~rooms or apartments are receiving~~ housing 116354  
have access to appropriate and necessary services, including 116355  
culturally relevant services, from a community addiction or mental 116356  
health services provider. This division does not apply to 116357  
residential facilities licensed pursuant to section 5119.34 of the 116358  
Revised Code. 116359

(15) Establish a mechanism for obtaining advice and 116360  
involvement of persons receiving ~~publicly funded~~ addiction or 116361  
mental health services on matters pertaining to addiction and 116362  
mental health services in the alcohol, drug addiction, and mental 116363  
health service district; 116364

(16) Perform the duties required by rules adopted under 116365  
section 5119.22 of the Revised Code regarding referrals by the 116366  
board or mental health services providers under contract with the 116367  
board of individuals with mental illness or severe mental 116368  
disability to residential facilities ~~as defined in division~~ 116369  
~~(A)(9)(b)(iii) of~~ licensed under section 5119.34 of the Revised 116370

Code and effective arrangements for ongoing mental health services 116371  
for the individuals. The board is accountable in the manner 116372  
specified in the rules for ensuring that the ongoing mental health 116373  
services are effectively arranged for the individuals. 116374

(B) The board shall establish such rules, operating 116375  
procedures, standards, and bylaws, and perform such other duties 116376  
as may be necessary or proper to carry out the purposes of this 116377  
chapter. 116378

(C) A board of alcohol, drug addiction, and mental health 116379  
services may receive by gift, grant, devise, or bequest any 116380  
moneys, lands, or property for the benefit of the purposes for 116381  
which the board is established, and may hold and apply it 116382  
according to the terms of the gift, grant, or bequest. All money 116383  
received, including accrued interest, by gift, grant, or bequest 116384  
shall be deposited in the treasury of the county, the treasurer of 116385  
which is custodian of the alcohol, drug addiction, and mental 116386  
health services funds to the credit of the board and shall be 116387  
available for use by the board for purposes stated by the donor or 116388  
grantor. 116389

(D) No board member or employee of a board of alcohol, drug 116390  
addiction, and mental health services shall be liable for injury 116391  
or damages caused by any action or inaction taken within the scope 116392  
of the board member's official duties or the employee's 116393  
employment, whether or not such action or inaction is expressly 116394  
authorized by this section or any other section of the Revised 116395  
Code, unless such action or inaction constitutes willful or wanton 116396  
misconduct. Chapter 2744. of the Revised Code applies to any 116397  
action or inaction by a board member or employee of a board taken 116398  
within the scope of the board member's official duties or 116399  
employee's employment. For the purposes of this division, the 116400  
conduct of a board member or employee shall not be considered 116401  
willful or wanton misconduct if the board member or employee acted 116402



in good faith and in a manner that the board member or employee 116403  
reasonably believed was in or was not opposed to the best 116404  
interests of the board and, with respect to any criminal action or 116405  
proceeding, had no reasonable cause to believe the conduct was 116406  
unlawful. 116407

(E) The meetings held by any committee established by a board 116408  
of alcohol, drug addiction, and mental health services shall be 116409  
considered to be meetings of a public body subject to section 116410  
121.22 of the Revised Code. 116411

**Sec. 340.15.** (A) A public children services agency that 116412  
identifies a child by a risk assessment conducted pursuant to 116413  
section 5153.16 of the Revised Code as being at imminent risk of 116414  
being abused or neglected because of an addiction of a parent, 116415  
guardian, or custodian of the child to a drug of abuse or alcohol 116416  
shall refer the child's addicted parent, guardian, or custodian 116417  
and, if the agency determines that the child needs alcohol or 116418  
other drug addiction services, the child to a community addiction 116419  
services provider ~~certified by the department of mental health and~~ 116420  
~~addiction services under section 5119.36 of the Revised Code.~~ A 116421  
public children services agency that is sent a court order issued 116422  
pursuant to division (B) of section 2151.3514 of the Revised Code 116423  
shall refer the addicted parent or other caregiver of the child 116424  
identified in the court order to a community addiction services 116425  
provider ~~certified by the department of mental health and~~ 116426  
~~addiction services under section 5119.36 of the Revised Code.~~ On 116427  
receipt of a referral under this division and to the extent 116428  
funding identified under division (A)(2) of section 340.08 of the 116429  
Revised Code is available, the provider shall provide the 116430  
following services to the addicted parent, guardian, custodian, or 116431  
caregiver and child in need of addiction services: 116432

(1) If it is determined pursuant to an initial screening to 116433

be needed, assessment and appropriate treatment; 116434

(2) Documentation of progress in accordance with a treatment 116435  
plan developed for the addicted parent, guardian, custodian, 116436  
caregiver, or child; 116437

(3) If the referral is based on a court order issued pursuant 116438  
to division (B) of section 2151.3514 of the Revised Code and the 116439  
order requires the specified parent or other caregiver of the 116440  
child to submit to alcohol or other drug testing during, after, or 116441  
both during and after, treatment, testing in accordance with the 116442  
court order. 116443

(B) The services described in division (A) of this section 116444  
shall have a priority as provided in the addiction and mental 116445  
health services plan and budget established pursuant to sections 116446  
340.03 and 340.08 of the Revised Code. Once a referral has been 116447  
received pursuant to this section, the public children services 116448  
agency and the addiction services provider shall, in accordance 116449  
with 42 C.F.R. Part 2, share with each other any information 116450  
concerning the persons and services described in that division 116451  
that the agency and provider determine are necessary to share. If 116452  
the referral is based on a court order issued pursuant to division 116453  
(B) of section 2151.3514 of the Revised Code, the results and 116454  
recommendations of the addiction services provider also shall be 116455  
provided and used as described in division (D) of that section. 116456  
Information obtained or maintained by the agency or provider 116457  
pursuant to this section that could enable the identification of 116458  
any person described in division (A) of this section is not a 116459  
public record subject to inspection or copying under section 116460  
149.43 of the Revised Code. 116461

**Sec. 5119.21.** (A) The department of mental health and 116462  
addiction services shall: 116463

(1) To the extent the department has available resources and 116464

in consultation with boards of alcohol, drug addiction, and mental health services, support the continuum of care that the boards are required by division (A)(11) of section 340.03 of the Revised Code to establish. The department shall provide the support on a district or multi-district basis. The department shall assist in identifying resources, and may prioritize support, for one or more of the elements of the continuum of care. For the purpose of division (A)(11)~~(1)~~ of section 340.03 of the Revised Code and to the extent the department determines is necessary, the department shall define additional components to be included in the essential elements of the continuum of care.

(2) Provide training, consultation, and technical assistance regarding ~~mental health and~~ addiction and mental health services and appropriate prevention, recovery, and mental health promotion activities, including those that are culturally competent, to employees of the department, community mental health and addiction services providers, boards of alcohol, drug addiction, and mental health services, and other agencies providing ~~mental health and~~ addiction and mental health services;

(3) To the extent the department has available resources, promote and support a full range of ~~mental health and~~ addiction and mental health services that are available and accessible to all residents of this state, especially for severely ~~mentally disabled~~ emotionally disturbed children, and adolescents, severely mentally disabled adults, pregnant women, parents, guardians or custodians of children at risk of abuse or neglect, and other special target populations, including racial and ethnic minorities, as determined by the department;

(4) Develop standards and measures for evaluating the effectiveness of ~~mental health and~~ addiction and mental health services, including services that use methadone treatment, of gambling addiction services, and for increasing the accountability

of community mental health and ~~alcohol and~~ addiction services 116497  
providers and ~~of gambling addiction services providers;~~ 116498

(5) Design and set criteria for the determination of priority 116499  
populations; 116500

(6) Promote, direct, conduct, and coordinate scientific 116501  
research, taking ethnic and racial differences into consideration, 116502  
concerning the causes and prevention of mental illness and 116503  
addiction, methods of providing effective services and treatment, 116504  
and means of enhancing the mental health of and recovery from 116505  
addiction of all residents of this state; 116506

(7) Foster the establishment and availability of vocational 116507  
rehabilitation services and the creation of employment 116508  
opportunities for ~~consumers of mental health and~~ individuals with 116509  
~~addiction services~~ and mental health needs, including members of 116510  
racial and ethnic minorities; 116511

(8) Establish a program to protect and promote the rights of 116512  
persons receiving ~~mental health and~~ addiction and mental health 116513  
services, including the issuance of guidelines on informed consent 116514  
and other rights; 116515

(9) Promote the involvement of persons who are receiving or 116516  
have received ~~mental health and~~ addiction and mental health 116517  
services, including families and other persons having a close 116518  
relationship to a person receiving those services, in the 116519  
planning, evaluation, delivery, and operation of ~~mental health and~~ 116520  
addiction and mental health services; 116521

(10) Notify and consult with the relevant constituencies that 116522  
may be affected by rules, standards, and guidelines issued by the 116523  
department of mental health and addiction services. These 116524  
constituencies shall include consumers of ~~mental health and~~ 116525  
addiction and mental health services and their families, and may 116526  
include public and private providers, employee organizations, and 116527

others when appropriate. Whenever the department proposes the 116528  
adoption, amendment, or rescission of rules under Chapter 119. of 116529  
the Revised Code, the notification and consultation required by 116530  
this division shall occur prior to the commencement of proceedings 116531  
under Chapter 119. The department shall adopt rules under Chapter 116532  
119. of the Revised Code that establish procedures for the 116533  
notification and consultation required by this division. 116534

(11) Provide consultation to the department of rehabilitation 116535  
and correction concerning the delivery of ~~mental health and~~ 116536  
addiction and mental health services in state correctional 116537  
institutions-; 116538

(12) Promote and coordinate efforts in the provision of 116539  
alcohol and drug addiction services and of gambling addiction 116540  
services by other state agencies, as defined in section 1.60 of 116541  
the Revised Code; courts; hospitals; clinics; physicians in 116542  
private practice; public health authorities; boards of alcohol, 116543  
drug addiction, and mental health services; ~~alcohol and drug~~ 116544  
community addiction services providers; law enforcement agencies; 116545  
~~gambling addiction services providers;~~ and related groups; 116546

(13) Provide to each court of record, and biennially update, 116547  
a list of the treatment and education programs within that court's 116548  
jurisdiction that the court may require an offender, sentenced 116549  
pursuant to section 4511.19 of the Revised Code, to attend; 116550

(14) Make the warning sign described in sections 3313.752, 116551  
3345.41, and 3707.50 of the Revised Code available on the 116552  
department's internet web site; 116553

(15) Provide a program of gambling addiction services on 116554  
behalf of the state lottery commission, pursuant to an agreement 116555  
entered into with the director of the commission under division 116556  
(K) of section 3770.02 of the Revised Code, and provide a program 116557  
of gambling addiction services on behalf of the Ohio casino 116558

control commission, under an agreement entered into with the 116559  
executive director of the commission under section 3772.062 of the 116560  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 116561  
Constitution, the department may enter into agreements with boards 116562  
of alcohol, drug addiction, and mental health services, including 116563  
boards with districts in which a casino facility is not located, 116564  
and nonprofit organizations to provide gambling addiction services 116565  
and ~~substance abuse~~ alcohol and drug addiction services, and with 116566  
state institutions of higher education or private nonprofit 116567  
institutions that possess a certificate of authorization issued 116568  
under Chapter 1713. of the Revised Code to perform related 116569  
research. 116570

(B) The department may accept and administer grants from 116571  
public or private sources for carrying out any of the duties 116572  
enumerated in this section. 116573

~~(C) Pursuant to Chapter 119. of the Revised Code, the~~ 116574  
~~department shall adopt a rule defining the term "intervention" as~~ 116575  
~~it is used in this chapter in connection with alcohol and drug~~ 116576  
~~addiction services and in connection with gambling addiction~~ 116577  
~~services.~~ The department may adopt ~~other~~ rules in accordance with 116578  
Chapter 119. of the Revised Code as necessary to implement the 116579  
requirements of this chapter. 116580

**Section 110.11.** That the existing versions of sections 116581  
340.01, 340.03, 340.15, and 5119.21 of the Revised Code that are 116582  
scheduled to take effect September 15, 2016, are hereby repealed. 116583

**Section 110.12.** Sections 110.10 and 110.11 of this act shall 116584  
take effect September 15, 2016. 116585

**Section 110.20.** That the version of section 4501.01 of the 116586  
Revised Code that is scheduled to take effect January 1, 2017, be 116587  
amended to read as follows: 116588

Sec. 4501.01. As used in this chapter and Chapters 4503., 116589  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 116590  
Revised Code, and in the penal laws, except as otherwise provided: 116591

(A) "Vehicles" means everything on wheels or runners, 116592  
including motorized bicycles, but does not mean electric personal 116593  
assistive mobility devices, vehicles that are operated exclusively 116594  
on rails or tracks or from overhead electric trolley wires, and 116595  
vehicles that belong to any police department, municipal fire 116596  
department, or volunteer fire department, or that are used by such 116597  
a department in the discharge of its functions. 116598

(B) "Motor vehicle" means any vehicle, including mobile homes 116599  
and recreational vehicles, that is propelled or drawn by power 116600  
other than muscular power or power collected from overhead 116601  
electric trolley wires. "Motor vehicle" does not include utility 116602  
vehicles as defined in division (VV) of this section, under-speed 116603  
vehicles as defined in division (XX) of this section, mini-trucks 116604  
as defined in division (BBB) of this section, motorized bicycles, 116605  
road rollers, traction engines, power shovels, power cranes, and 116606  
other equipment used in construction work and not designed for or 116607  
employed in general highway transportation, well-drilling 116608  
machinery, ditch-digging machinery, farm machinery, and trailers 116609  
that are designed and used exclusively to transport a boat between 116610  
a place of storage and a marina, or in and around a marina, when 116611  
drawn or towed on a public road or highway for a distance of no 116612  
more than ten miles and at a speed of twenty-five miles per hour 116613  
or less. 116614

(C) "Agricultural tractor" and "traction engine" mean any 116615  
self-propelling vehicle that is designed or used for drawing other 116616  
vehicles or wheeled machinery, but has no provisions for carrying 116617  
loads independently of such other vehicles, and that is used 116618  
principally for agricultural purposes. 116619

(D) "Commercial tractor," except as defined in division (C) 116620  
of this section, means any motor vehicle that has motive power and 116621  
either is designed or used for drawing other motor vehicles, or is 116622  
designed or used for drawing another motor vehicle while carrying 116623  
a portion of the other motor vehicle or its load, or both. 116624

(E) "Passenger car" means any motor vehicle that is designed 116625  
and used for carrying not more than nine persons and includes any 116626  
motor vehicle that is designed and used for carrying not more than 116627  
fifteen persons in a ridesharing arrangement. 116628

(F) "Collector's vehicle" means any motor vehicle or 116629  
agricultural tractor or traction engine that is of special 116630  
interest, that has a fair market value of one hundred dollars or 116631  
more, whether operable or not, and that is owned, operated, 116632  
collected, preserved, restored, maintained, or used essentially as 116633  
a collector's item, leisure pursuit, or investment, but not as the 116634  
owner's principal means of transportation. "Licensed collector's 116635  
vehicle" means a collector's vehicle, other than an agricultural 116636  
tractor or traction engine, that displays current, valid license 116637  
tags issued under section 4503.45 of the Revised Code, or a 116638  
similar type of motor vehicle that displays current, valid license 116639  
tags issued under substantially equivalent provisions in the laws 116640  
of other states. 116641

(G) "Historical motor vehicle" means any motor vehicle that 116642  
is over twenty-five years old and is owned solely as a collector's 116643  
item and for participation in club activities, exhibitions, tours, 116644  
parades, and similar uses, but that in no event is used for 116645  
general transportation. 116646

(H) "Noncommercial motor vehicle" means any motor vehicle, 116647  
including a farm truck as defined in section 4503.04 of the 116648  
Revised Code, that is designed by the manufacturer to carry a load 116649  
of no more than one ton and is used exclusively for purposes other 116650  
than engaging in business for profit. 116651



(I) "Bus" means any motor vehicle that has motor power and is 116652  
designed and used for carrying more than nine passengers, except 116653  
any motor vehicle that is designed and used for carrying not more 116654  
than fifteen passengers in a ridesharing arrangement. 116655

(J) "Commercial car" or "truck" means any motor vehicle that 116656  
has motor power and is designed and used for carrying merchandise 116657  
or freight, or that is used as a commercial tractor. 116658

(K) "Bicycle" means every device, other than a device that is 116659  
designed solely for use as a play vehicle by a child, that is 116660  
propelled solely by human power upon which a person may ride, and 116661  
that has two or more wheels, any of which is more than fourteen 116662  
inches in diameter. 116663

(L) "Motorized bicycle" or "moped" means any vehicle that 116664  
either has two tandem wheels or one wheel in the front and two 116665  
wheels in the rear, that may be pedaled, and that is equipped with 116666  
a helper motor of not more than fifty cubic centimeters piston 116667  
displacement that produces no more than one brake horsepower and 116668  
is capable of propelling the vehicle at a speed of no greater than 116669  
twenty miles per hour on a level surface. 116670

(M) "Trailer" means any vehicle without motive power that is 116671  
designed or used for carrying property or persons wholly on its 116672  
own structure and for being drawn by a motor vehicle, and includes 116673  
any such vehicle that is formed by or operated as a combination of 116674  
a semitrailer and a vehicle of the dolly type such as that 116675  
commonly known as a trailer dolly, a vehicle used to transport 116676  
agricultural produce or agricultural production materials between 116677  
a local place of storage or supply and the farm when drawn or 116678  
towed on a public road or highway at a speed greater than 116679  
twenty-five miles per hour, and a vehicle that is designed and 116680  
used exclusively to transport a boat between a place of storage 116681  
and a marina, or in and around a marina, when drawn or towed on a 116682  
public road or highway for a distance of more than ten miles or at 116683

a speed of more than twenty-five miles per hour. "Trailer" does 116684  
not include a manufactured home or travel trailer. 116685

(N) "Noncommercial trailer" means any trailer, except a 116686  
travel trailer or trailer that is used to transport a boat as 116687  
described in division (B) of this section, but, where applicable, 116688  
includes a vehicle that is used to transport a boat as described 116689  
in division (M) of this section, that has a gross weight of no 116690  
more than ten thousand pounds, and that is used exclusively for 116691  
purposes other than engaging in business for a profit, such as the 116692  
transportation of personal items for personal or recreational 116693  
purposes. 116694

(O) "Mobile home" means a building unit or assembly of closed 116695  
construction that is fabricated in an off-site facility, is more 116696  
than thirty-five body feet in length or, when erected on site, is 116697  
three hundred twenty or more square feet, is built on a permanent 116698  
chassis, is transportable in one or more sections, and does not 116699  
qualify as a manufactured home as defined in division (C)(4) of 116700  
section 3781.06 of the Revised Code or as an industrialized unit 116701  
as defined in division (C)(3) of section 3781.06 of the Revised 116702  
Code. 116703

(P) "Semitrailer" means any vehicle of the trailer type that 116704  
does not have motive power and is so designed or used with another 116705  
and separate motor vehicle that in operation a part of its own 116706  
weight or that of its load, or both, rests upon and is carried by 116707  
the other vehicle furnishing the motive power for propelling 116708  
itself and the vehicle referred to in this division, and includes, 116709  
for the purpose only of registration and taxation under those 116710  
chapters, any vehicle of the dolly type, such as a trailer dolly, 116711  
that is designed or used for the conversion of a semitrailer into 116712  
a trailer. 116713

(Q) "Recreational vehicle" means a vehicular portable 116714  
structure that meets all of the following conditions: 116715

- (1) It is designed for the sole purpose of recreational travel. 116716  
116717
- (2) It is not used for the purpose of engaging in business for profit. 116718  
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- (3) It is not used for the purpose of engaging in intrastate commerce. 116720  
116721
- (4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended. 116722  
116723
- (5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 116724  
116725
- (6) It is classed as one of the following: 116726
- (a) "Travel trailer" or "house vehicle" means a nonself-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code. 116727  
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- (b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. 116732  
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116734  
116735
- (c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. 116736  
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116738  
116739  
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116741
- (d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle 116742  
116743  
116744  
116745

equipped with a fifth-wheel hitch ordinarily installed in the bed 116746  
of a truck. 116747

(e) "Park trailer" means a vehicle that is commonly known as 116748  
a park model recreational vehicle, meets the American national 116749  
standard institute standard A119.5 (1988) for park trailers, is 116750  
built on a single chassis, has a gross trailer area of four 116751  
hundred square feet or less when set up, is designed for seasonal 116752  
or temporary living quarters, and may be connected to utilities 116753  
necessary for the operation of installed features and appliances. 116754

(R) "Pneumatic tires" means tires of rubber and fabric or 116755  
tires of similar material, that are inflated with air. 116756

(S) "Solid tires" means tires of rubber or similar elastic 116757  
material that are not dependent upon confined air for support of 116758  
the load. 116759

(T) "Solid tire vehicle" means any vehicle that is equipped 116760  
with two or more solid tires. 116761

(U) "Farm machinery" means all machines and tools that are 116762  
used in the production, harvesting, and care of farm products, and 116763  
includes trailers that are used to transport agricultural produce 116764  
or agricultural production materials between a local place of 116765  
storage or supply and the farm, agricultural tractors, threshing 116766  
machinery, hay-baling machinery, corn shellers, hammermills, and 116767  
machinery used in the production of horticultural, agricultural, 116768  
and vegetable products. 116769

(V) "Owner" includes any person or firm, other than a 116770  
manufacturer or dealer, that has title to a motor vehicle, except 116771  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 116772  
includes in addition manufacturers and dealers. 116773

(W) "Manufacturer" and "dealer" include all persons and firms 116774  
that are regularly engaged in the business of manufacturing, 116775  
selling, displaying, offering for sale, or dealing in motor 116776

vehicles, at an established place of business that is used 116777  
exclusively for the purpose of manufacturing, selling, displaying, 116778  
offering for sale, or dealing in motor vehicles. A place of 116779  
business that is used for manufacturing, selling, displaying, 116780  
offering for sale, or dealing in motor vehicles shall be deemed to 116781  
be used exclusively for those purposes even though snowmobiles or 116782  
all-purpose vehicles are sold or displayed for sale thereat, even 116783  
though farm machinery is sold or displayed for sale thereat, or 116784  
even though repair, accessory, gasoline and oil, storage, parts, 116785  
service, or paint departments are maintained thereat, or, in any 116786  
county having a population of less than seventy-five thousand at 116787  
the last federal census, even though a department in a place of 116788  
business is used to dismantle, salvage, or rebuild motor vehicles 116789  
by means of used parts, if such departments are operated for the 116790  
purpose of furthering and assisting in the business of 116791  
manufacturing, selling, displaying, offering for sale, or dealing 116792  
in motor vehicles. Places of business or departments in a place of 116793  
business used to dismantle, salvage, or rebuild motor vehicles by 116794  
means of using used parts are not considered as being maintained 116795  
for the purpose of assisting or furthering the manufacturing, 116796  
selling, displaying, and offering for sale or dealing in motor 116797  
vehicles. 116798

(X) "Operator" includes any person who drives or operates a 116799  
motor vehicle upon the public highways. 116800

(Y) "Chauffeur" means any operator who operates a motor 116801  
vehicle, other than a taxicab, as an employee for hire; or any 116802  
operator whether or not the owner of a motor vehicle, other than a 116803  
taxicab, who operates such vehicle for transporting, for gain, 116804  
compensation, or profit, either persons or property owned by 116805  
another. Any operator of a motor vehicle who is voluntarily 116806  
involved in a ridesharing arrangement is not considered an 116807  
employee for hire or operating such vehicle for gain, 116808

compensation, or profit. 116809

(Z) "State" includes the territories and federal districts of 116810  
the United States, and the provinces of Canada. 116811

(AA) "Public roads and highways" for vehicles includes all 116812  
public thoroughfares, bridges, and culverts. 116813

(BB) "Manufacturer's number" means the manufacturer's 116814  
original serial number that is affixed to or imprinted upon the 116815  
chassis or other part of the motor vehicle. 116816

(CC) "Motor number" means the manufacturer's original number 116817  
that is affixed to or imprinted upon the engine or motor of the 116818  
vehicle. 116819

(DD) "Distributor" means any person who is authorized by a 116820  
motor vehicle manufacturer to distribute new motor vehicles to 116821  
licensed motor vehicle dealers at an established place of business 116822  
that is used exclusively for the purpose of distributing new motor 116823  
vehicles to licensed motor vehicle dealers, except when the 116824  
distributor also is a new motor vehicle dealer, in which case the 116825  
distributor may distribute at the location of the distributor's 116826  
licensed dealership. 116827

(EE) "Ridesharing arrangement" means the transportation of 116828  
persons in a motor vehicle where the transportation is incidental 116829  
to another purpose of a volunteer driver and includes ridesharing 116830  
arrangements known as carpools, vanpools, and buspools. 116831

(FF) "Apportionable vehicle" means any vehicle that is used 116832  
or intended for use in two or more international registration plan 116833  
member jurisdictions that allocate or proportionally register 116834  
vehicles, that is used for the transportation of persons for hire 116835  
or designed, used, or maintained primarily for the transportation 116836  
of property, and that meets any of the following qualifications: 116837

(1) Is a power unit having a gross vehicle weight in excess 116838

of twenty-six thousand pounds; 116839

(2) Is a power unit having three or more axles, regardless of 116840  
the gross vehicle weight; 116841

(3) Is a combination vehicle with a gross vehicle weight in 116842  
excess of twenty-six thousand pounds. 116843

"Apportionable vehicle" does not include recreational 116844  
vehicles, vehicles displaying restricted plates, city pick-up and 116845  
delivery vehicles, ~~buses used for the transportation of chartered~~ 116846  
~~parties~~, or vehicles owned and operated by the United States, this 116847  
state, or any political subdivisions thereof. 116848

(GG) "Chartered party" means a group of persons who contract 116849  
as a group to acquire the exclusive use of a passenger-carrying 116850  
motor vehicle at a fixed charge for the vehicle in accordance with 116851  
the carrier's tariff, lawfully on file with the United States 116852  
department of transportation, for the purpose of group travel to a 116853  
specified destination or for a particular itinerary, either agreed 116854  
upon in advance or modified by the chartered group after having 116855  
left the place of origin. 116856

(HH) "International registration plan" means a reciprocal 116857  
agreement of member jurisdictions that is endorsed by the American 116858  
association of motor vehicle administrators, and that promotes and 116859  
encourages the fullest possible use of the highway system by 116860  
authorizing apportioned registration of fleets of vehicles and 116861  
recognizing registration of vehicles apportioned in member 116862  
jurisdictions. 116863

(II) "Restricted plate" means a license plate that has a 116864  
restriction of time, geographic area, mileage, or commodity, and 116865  
includes license plates issued to farm trucks under division (J) 116866  
of section 4503.04 of the Revised Code. 116867

(JJ) "Gross vehicle weight," with regard to any commercial 116868  
car, trailer, semitrailer, or bus that is taxed at the rates 116869

established under section 4503.042 or 4503.65 of the Revised Code, 116870  
means the unladen weight of the vehicle fully equipped plus the 116871  
maximum weight of the load to be carried on the vehicle. 116872

(KK) "Combined gross vehicle weight" with regard to any 116873  
combination of a commercial car, trailer, and semitrailer, that is 116874  
taxed at the rates established under section 4503.042 or 4503.65 116875  
of the Revised Code, means the total unladen weight of the 116876  
combination of vehicles fully equipped plus the maximum weight of 116877  
the load to be carried on that combination of vehicles. 116878

(LL) "Chauffeured limousine" means a motor vehicle that is 116879  
designed to carry nine or fewer passengers and is operated for 116880  
hire pursuant to a prearranged contract for the transportation of 116881  
passengers on public roads and highways along a route under the 116882  
control of the person hiring the vehicle and not over a defined 116883  
and regular route. "Prearranged contract" means an agreement, made 116884  
in advance of boarding, to provide transportation from a specific 116885  
location in a chauffeured limousine. "Chauffeured limousine" does 116886  
not include any vehicle that is used exclusively in the business 116887  
of funeral directing. 116888

(MM) "Manufactured home" has the same meaning as in division 116889  
(C)(4) of section 3781.06 of the Revised Code. 116890

(NN) "Acquired situs," with respect to a manufactured home or 116891  
a mobile home, means to become located in this state by the 116892  
placement of the home on real property, but does not include the 116893  
placement of a manufactured home or a mobile home in the inventory 116894  
of a new motor vehicle dealer or the inventory of a manufacturer, 116895  
remanufacturer, or distributor of manufactured or mobile homes. 116896

(OO) "Electronic" includes electrical, digital, magnetic, 116897  
optical, electromagnetic, or any other form of technology that 116898  
entails capabilities similar to these technologies. 116899

(PP) "Electronic record" means a record generated, 116900



communicated, received, or stored by electronic means for use in 116901  
an information system or for transmission from one information 116902  
system to another. 116903

(QQ) "Electronic signature" means a signature in electronic 116904  
form attached to or logically associated with an electronic 116905  
record. 116906

(RR) "Financial transaction device" has the same meaning as 116907  
in division (A) of section 113.40 of the Revised Code. 116908

(SS) "Electronic motor vehicle dealer" means a motor vehicle 116909  
dealer licensed under Chapter 4517. of the Revised Code whom the 116910  
registrar of motor vehicles determines meets the criteria 116911  
designated in section 4503.035 of the Revised Code for electronic 116912  
motor vehicle dealers and designates as an electronic motor 116913  
vehicle dealer under that section. 116914

(TT) "Electric personal assistive mobility device" means a 116915  
self-balancing two non-tandem wheeled device that is designed to 116916  
transport only one person, has an electric propulsion system of an 116917  
average of seven hundred fifty watts, and when ridden on a paved 116918  
level surface by an operator who weighs one hundred seventy pounds 116919  
has a maximum speed of less than twenty miles per hour. 116920

(UU) "Limited driving privileges" means the privilege to 116921  
operate a motor vehicle that a court grants under section 4510.021 116922  
of the Revised Code to a person whose driver's or commercial 116923  
driver's license or permit or nonresident operating privilege has 116924  
been suspended. 116925

(VV) "Utility vehicle" means a self-propelled vehicle 116926  
designed with a bed, principally for the purpose of transporting 116927  
material or cargo in connection with construction, agricultural, 116928  
forestry, grounds maintenance, lawn and garden, materials 116929  
handling, or similar activities. 116930

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 116931

vehicle with an attainable speed in one mile on a paved level 116932  
surface of more than twenty miles per hour but not more than 116933  
twenty-five miles per hour and with a gross vehicle weight rating 116934  
less than three thousand pounds. 116935

(XX) "Under-speed vehicle" means a three- or four-wheeled 116936  
vehicle, including a vehicle commonly known as a golf cart, with 116937  
an attainable speed on a paved level surface of not more than 116938  
twenty miles per hour and with a gross vehicle weight rating less 116939  
than three thousand pounds. 116940

(YY) "Motor-driven cycle or motor scooter" means any vehicle 116941  
designed to travel on not more than three wheels in contact with 116942  
the ground, with a seat for the driver and floor pad for the 116943  
driver's feet, and is equipped with a motor with a piston 116944  
displacement between fifty and one hundred fifty cubic centimeters 116945  
piston displacement that produces not more than five brake 116946  
horsepower and is capable of propelling the vehicle at a speed 116947  
greater than twenty miles per hour on a level surface. 116948

(ZZ) "Motorcycle" means a motor vehicle with motive power 116949  
having a seat or saddle for the use of the operator, designed to 116950  
travel on not more than three wheels in contact with the ground, 116951  
and having no occupant compartment top or occupant compartment top 116952  
that can be installed or removed by the user. 116953

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 116954  
motive power having a seat or saddle for the use of the operator, 116955  
designed to travel on not more than three wheels in contact with 116956  
the ground, and having an occupant compartment top or an occupant 116957  
compartment top that can be installed or removed by the user. 116958

(BBB) "Mini-truck" means a vehicle that has four wheels, is 116959  
propelled by an electric motor with a rated power of seven 116960  
thousand five hundred watts or less or an internal combustion 116961  
engine with a piston displacement capacity of six hundred sixty 116962

cubic centimeters or less, has a total dry weight of nine hundred 116963  
to two thousand two hundred pounds, contains an enclosed cabin and 116964  
a seat for the vehicle operator, resembles a pickup truck or van 116965  
with a cargo area or bed located at the rear of the vehicle, and 116966  
was not originally manufactured to meet federal motor vehicle 116967  
safety standards. 116968

**Section 110.21.** That the existing version of section 4501.01 116969  
of the Revised Code that is scheduled to take effect January 1, 116970  
2017, is hereby repealed. 116971

**Section 110.22.** Sections 110.20 and 110.21 of this act shall 116972  
take effect January 1, 2017. 116973

**Section 115.10.** That section 118.023 of the Revised Code as 116974  
it results from Section 101.01 of this act be amended to read as 116975  
follows: 116976

**Sec. 118.023.** (A) Upon determining that one or more of the 116977  
conditions described in section 118.022 of the Revised Code are 116978  
present, the auditor of state shall issue a written declaration of 116979  
the existence of a fiscal watch to the municipal corporation, 116980  
county, or township and the county budget commission. The fiscal 116981  
watch shall be in effect until the auditor of state determines 116982  
that none of the conditions are any longer present and cancels the 116983  
watch, or until the auditor of state determines that a state of 116984  
fiscal emergency exists. The auditor of state, or a designee, 116985  
shall provide such technical and support services to the municipal 116986  
corporation, county, or township after a fiscal watch has been 116987  
declared to exist as the auditor of state considers necessary. 116988

(B) Within ninety days after the day a written declaration of 116989  
the existence of a fiscal watch is issued under division (A) of 116990  
this section, the mayor of the municipal corporation, the board of 116991

county commissioners of the county, or the board of township trustees of the township for which a fiscal watch was declared shall submit to the auditor of state a financial recovery plan that shall identify actions to be taken to eliminate all of the conditions described in section 118.022 of the Revised Code, and shall include a schedule detailing the approximate dates for beginning and completing the actions and a five-year forecast reflecting the effects of the actions. The financial recovery plan also shall evaluate the feasibility of entering into shared services agreements with other political subdivisions for the joint exercise of any power, performance of any function, or rendering of any service, if so authorized by statute. The financial recovery plan is subject to review and approval by the auditor of state. The auditor of state may extend the amount of time by which a financial recovery plan is required to be filed, for good cause shown.

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

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

~~(2) The auditor of state finds that a municipal corporation, county, or township for which a fiscal watch has been declared has not made reasonable proposals or otherwise taken action to~~

~~discontinue or correct the fiscal practices or budgetary 117024  
conditions that prompted the declaration of fiscal watch, and the 117025  
auditor determines a fiscal emergency declaration is necessary to 117026  
prevent further decline. 117027~~

**Section 115.11.** That existing section 118.023 of the Revised 117028  
Code as it results from Section 101.01 of this act is hereby 117029  
repealed. 117030

**Section 115.12.** That Sections 115.10 and 115.11 of this act 117031  
take effect two years after the effective date of the amendment to 117032  
section 118.023 of the Revised Code by Section 101.01 of this act. 117033

**Section 125.10.** That section 102.01 of the Revised Code be 117034  
amended to read as follows: 117035

**Sec. 102.01.** As used in this chapter: 117036

(A) "Compensation" means money, thing of value, or financial 117037  
benefit. "Compensation" does not include reimbursement for actual 117038  
and necessary expenses incurred in the performance of official 117039  
duties. 117040

(B) "Public official or employee" means any person who is 117041  
elected or appointed to an office or is an employee of any public 117042  
agency. "Public official or employee" does not include a person 117043  
elected or appointed to the office of precinct, ward, or district 117044  
committee member under section 3517.03 of the Revised Code, any 117045  
presidential elector, or any delegate to a national convention. 117046  
"Public official or employee" does not include a person who is a 117047  
teacher, instructor, professor, or other kind of educator whose 117048  
position does not involve the performance of, or authority to 117049  
perform, administrative or supervisory functions. 117050

(C) "Public agency" means the general assembly, all courts, 117051

any department, division, institution, board, commission, 117052  
authority, bureau or other instrumentality of the state, a county, 117053  
city, village, or township, the five state retirement systems, or 117054  
any other governmental entity. "Public agency" does not include a 117055  
department, division, institution, board, commission, authority, 117056  
or other instrumentality of the state or a county, municipal 117057  
corporation, township, or other governmental entity that functions 117058  
exclusively for cultural, educational, historical, humanitarian, 117059  
advisory, or research purposes; that does not expend more than ten 117060  
thousand dollars per calendar year, excluding salaries and wages 117061  
of employees; and whose members are uncompensated. "Public agency" 117062  
does not include the nonprofit corporation formed under section 117063  
187.01 of the Revised Code. 117064

(D) "Immediate family" means a spouse residing in the 117065  
person's household and any dependent child. 117066

(E) "Income" includes gross income as defined and used in the 117067  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 117068  
amended, interest and dividends on obligations or securities of 117069  
any state or of any political subdivision or authority of any 117070  
state or political subdivision, and interest or dividends on 117071  
obligations of any authority, commission, or instrumentality of 117072  
the United States. 117073

(F) Except as otherwise provided in division (A) of section 117074  
102.08 of the Revised Code, "appropriate ethics commission" means: 117075

(1) For matters relating to members of the general assembly, 117076  
employees of the general assembly, employees of the legislative 117077  
service commission, and candidates for the office of member of the 117078  
general assembly, ~~and public members appointed to the Ohio~~ 117079  
~~constitutional modernization commission under section 103.63 of~~ 117080  
~~the Revised Code~~, the joint legislative ethics committee; 117081

(2) For matters relating to judicial officers and employees, 117082

and candidates for judicial office, the board of commissioners on 117083  
grievances and discipline of the supreme court; 117084

(3) For matters relating to all other persons, the Ohio 117085  
ethics commission. 117086

(G) "Anything of value" has the same meaning as provided in 117087  
section 1.03 of the Revised Code and includes, but is not limited 117088  
to, a contribution as defined in section 3517.01 of the Revised 117089  
Code. 117090

(H) "Honorarium" means any payment made in consideration for 117091  
any speech given, article published, or attendance at any public 117092  
or private conference, convention, meeting, social event, meal, or 117093  
similar gathering. "Honorarium" does not include ceremonial gifts 117094  
or awards that have insignificant monetary value; unsolicited 117095  
gifts of nominal value or trivial items of informational value; or 117096  
earned income from any person, other than a legislative agent, for 117097  
personal services that are customarily provided in connection with 117098  
the practice of a bona fide business, if that business initially 117099  
began before the public official or employee conducting that 117100  
business was elected or appointed to the public official's or 117101  
employee's office or position of employment. 117102

(I) "Employer" means any person who, directly or indirectly, 117103  
engages an executive agency lobbyist or legislative agent. 117104

(J) "Executive agency decision," "executive agency lobbyist," 117105  
and "executive agency lobbying activity" have the same meanings as 117106  
in section 121.60 of the Revised Code. 117107

(K) "Legislation," "legislative agent," "financial 117108  
transaction," and "actively advocate" have the same meanings as in 117109  
section 101.70 of the Revised Code. 117110

(L) "Expenditure" has the same meaning as in section 101.70 117111  
of the Revised Code when used in relation to activities of a 117112  
legislative agent, and the same meaning as in section 121.60 of 117113

the Revised Code when used in relation to activities of an executive agency lobbyist.

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**Section 125.11.** That existing section 102.01 of the Revised Code is hereby repealed.

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**Section 125.12.** That sections 103.61, 103.62, 103.63, 103.64, 103.65, 103.66, and 103.67 of the Revised Code are hereby repealed.

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**Section 125.13.** Sections 125.10, 125.11, and 125.12 of this act take effect January 1, 2016.

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117122

**Section 201.10.** Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2016 and the amounts in the second column are for fiscal year 2017.

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**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO

117130

Dedicated Purpose Fund Group

117131

4J80 889601	CPA Education	\$	325,000	\$	325,000	117132
	Assistance					

4K90 889609	Operating Expenses	\$	1,052,714	\$	1,074,173	117133
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TOTAL DPF Dedicated Purpose Fund

117134

Group		\$	1,377,714	\$	1,399,173	117135
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TOTAL ALL BUDGET FUND GROUPS		\$	1,377,714	\$	1,399,173	117136
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**Section 205.10.** ADJ ADJUTANT GENERAL

117138

General Revenue Fund

117139

GRF 745401	Ohio Military Reserve	\$	12,308	\$	12,308	117140
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GRF	745404	Air National Guard	\$	3,095,606	\$	3,095,606	117141
GRF	745407	National Guard	\$	400,000	\$	400,000	117142
		Benefits					
GRF	745409	Central	\$	2,682,098	\$	2,682,098	117143
		Administration					
GRF	745499	Army National Guard	\$	3,689,871	\$	3,689,871	117144
TOTAL GRF		General Revenue Fund	\$	9,879,883	\$	9,879,883	117145
		Dedicated Purpose Fund Group					117146
5340	745612	Property Operations	\$	534,304	\$	534,304	117147
		Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	117148
		Activities					
5360	745620	Camp Perry and	\$	978,846	\$	978,846	117149
		Buckeye Inn					
		Operations					
5370	745604	Ohio National Guard	\$	62,000	\$	62,000	117150
		Facilities					
		Maintenance					
5LY0	745626	Military Medal of	\$	5,000	\$	5,000	117151
		Distinction					
5QP0	745629	Patriot Inn Lodging	\$	200,000	\$	200,000	117152
		Operations					
5U80	745613	Community Match	\$	350,000	\$	350,000	117153
		Armories					
TOTAL DPF		Dedicated Purpose Fund	\$	2,258,750	\$	2,258,750	117154
		Group					
		Federal Fund Group					117155
3420	745616	Army National Guard	\$	26,000,000	\$	26,000,000	117156
		Service Agreement					
3E80	745628	Air National Guard	\$	15,642,000	\$	15,642,000	117157
		Operations and					
		Maintenance					

3R80 745603 Counter Drug	\$	15,000	\$	15,000	117158
Operations					
TOTAL FED Federal Fund Group	\$	41,657,000	\$	41,657,000	117159
TOTAL ALL BUDGET FUND GROUPS	\$	53,795,633	\$	53,795,633	117160

NATIONAL GUARD BENEFITS 117161

The foregoing appropriation item 745407, National Guard 117162  
Benefits, shall be used for purposes of sections 5919.31 and 117163  
5919.33 of the Revised Code, and for administrative costs of the 117164  
associated programs. 117165

If necessary, in order to pay benefits in a timely manner 117166  
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 117167  
Adjutant General may request the Director of Budget and Management 117168  
transfer appropriation from any appropriation item used by the 117169  
Adjutant General to appropriation item 745407, National Guard 117170  
Benefits. The Adjutant General may subsequently seek Controlling 117171  
Board approval to restore the appropriation in the appropriation 117172  
item from which such a transfer was made. 117173

For active duty members of the Ohio National Guard who died 117174  
after October 7, 2001, while performing active duty, the death 117175  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 117176  
paid to the beneficiary or beneficiaries designated on the 117177  
member's Servicemembers' Group Life Insurance Policy. 117178

STATE ACTIVE DUTY COSTS 117179

Of the foregoing appropriation item 745409, Central 117180  
Administration, \$50,000 in each fiscal year shall be used for the 117181  
purpose of paying expenses related to state active duty of members 117182  
of the Ohio organized militia, in accordance with a proclamation 117183  
of the Governor. Expenses include, but are not limited to, the 117184  
cost of equipment, supplies, and services, as determined by the 117185  
Adjutant General's Department. 117186

<b>Section 207.10.</b>				DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	117187
General Revenue Fund					117188
GRF	100413	Enterprise Data Center Solutions Lease Rental Payments	\$ 4,252,900	\$ 4,256,500	117189
GRF	100414	MARCS Lease Rental Payments	\$ 6,769,700	\$ 6,764,600	117190
GRF	100415	OAKS Lease Rental Payments	\$ 22,244,800	\$ 22,223,800	117191
GRF	100416	STARS Lease Rental Payments	\$ 5,393,700	\$ 7,437,400	117192
GRF	100447	Administrative Buildings Lease Rental Bond Payments	\$ 99,641,900	\$ 96,716,600	117193
GRF	100452	Lean Ohio	\$ 1,059,624	\$ 1,059,624	117194
GRF	100456	State IT Services	\$ 1,772,416	\$ 1,772,416	117195
GRF	100457	Equal Opportunity Services	\$ 2,174,661	\$ 2,174,661	117196
GRF	100459	Ohio Business Gateway	\$ 4,049,094	\$ 4,049,094	117197
GRF	130321	State Agency Support Services	\$ 18,768,016	\$ 18,878,171	117198
TOTAL GRF General Revenue Fund			\$ 166,126,811	\$ 165,332,866	117199
Dedicated Purpose Fund Group					117200
5L70	100610	Professional Development	\$ 2,100,000	\$ 2,100,000	117201
5MV0	100662	Theater Equipment Maintenance	\$ 80,891	\$ 80,891	117202
5NM0	100663	911 Program	\$ 290,000	\$ 290,000	117203
5RT0	100668	Electronic Pollbooks	\$ 12,750,000	\$ 0	117204
5V60	100619	Employee Educational Development	\$ 800,000	\$ 800,000	117205

TOTAL DPF Dedicated Purpose Fund Group	\$	16,020,891	\$	3,270,891	117206
Internal Service Activity Fund Group					117207
1120 100616 DAS Administration	\$	7,388,356	\$	7,071,978	117208
1150 100632 Central Service Agency	\$	1,096,906	\$	1,111,099	117209
1170 100644 General Services	\$	12,493,870	\$	12,493,870	117210
Division - Operating					
1220 100637 Fleet Management	\$	5,182,000	\$	5,182,000	117211
1250 100622 Human Resources	\$	17,249,839	\$	17,249,839	117212
Division - Operating					
1250 100657 Benefits Communication	\$	612,316	\$	612,316	117213
1280 100620 Office of Collective Bargaining	\$	3,479,507	\$	3,379,507	117214
1300 100606 Risk Management Reserve	\$	6,635,784	\$	12,741,616	117215
1320 100631 DAS Building Management	\$	51,157,818	\$	51,157,818	117216
1330 100607 IT Services Delivery	\$	121,336,868	\$	121,336,868	117217
1880 100649 Equal Opportunity	\$	991,613	\$	953,613	117218
Division - Operating					
2100 100612 State Printing	\$	21,568,075	\$	21,688,106	117219
2290 100630 IT Governance	\$	28,212,195	\$	29,134,695	117220
2290 100640 Consolidated IT Purchases	\$	6,565,639	\$	6,565,639	117221
4270 100602 Investment Recovery	\$	1,638,515	\$	1,638,515	117222
4N60 100617 Major IT Purchases	\$	56,888,635	\$	56,888,635	117223
5C20 100605 MARCS Administration	\$	14,940,712	\$	14,953,307	117224
5C30 100608 Minor Construction Project Management	\$	4,004,375	\$	4,004,375	117225
5EB0 100635 OAKS Support Organization	\$	19,813,077	\$	19,813,077	117226
5EB0 100656 OAKS Updates and Developments	\$	10,400,000	\$	6,300,000	117227

5JQ0 100658	Professionals	\$	990,000	\$	990,000	117228
	Licensing System					
5KZ0 100659	Building Improvement	\$	6,148,000	\$	1,289,000	117229
5LJ0 100661	IT Development	\$	13,200,000	\$	13,200,000	117230
5PC0 100665	Ohio Benefits	\$	80,475,949	\$	80,475,949	117231
	Operations					
TOTAL ISA	Internal Service Activity					117232
Fund Group		\$	492,470,049	\$	490,231,822	117233
Federal Fund Group						117234
3AJ0 100623	Information Technology	\$	1,237,909	\$	1,237,909	117235
	Grants					
TOTAL FED	Federal Fund Group	\$	1,237,909	\$	1,237,909	117236
TOTAL ALL BUDGET FUND GROUPS		\$	675,855,660	\$	660,073,488	117237

**Section 207.20.** OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE 117239

RENTAL PAYMENTS 117240

The foregoing appropriation item 100415, OAKS Lease Rental 117241  
 Payments, shall be used for payments during the period from July 117242  
 1, 2015, through June 30, 2017, pursuant to leases and agreements 117243  
 entered into under Chapter 125. of the Revised Code, as 117244  
 supplemented by Section 281.10 of Am. Sub. H.B. 562 of the 127th 117245  
 General Assembly and other prior acts of the General Assembly, 117246  
 with respect to financing the costs associated with the 117247  
 acquisition, development, installation, and implementation of the 117248  
 Ohio Administrative Knowledge System. If it is determined that 117249  
 additional appropriations are necessary for this purpose, the 117250  
 amounts are hereby appropriated. 117251

**Section 207.30.** STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 117252

LEASE RENTAL PAYMENTS 117253

The foregoing appropriation item 100416, STARS Lease Rental 117254  
 Payments, shall be used for payments during the period from July 117255

1, 2015, through June 30, 2017, pursuant to leases and agreements 117256  
entered into under Chapter 125. of the Revised Code, as 117257  
supplemented by Section 701.40 of Am. Sub. H.B. 497 of the 130th 117258  
General Assembly and other prior acts of the General Assembly, 117259  
with respect to financing the cost for the acquisition, 117260  
development, installation, and implementation of the State 117261  
Taxation Accounting and Revenue System (STARS). If it is 117262  
determined that additional appropriations are necessary for this 117263  
purpose, the amounts are hereby appropriated. 117264

**Section 207.40.** MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE 117265  
RENTAL PAYMENTS 117266

The foregoing appropriation item 100414, MARCS Lease Rental 117267  
Payments, shall be used for payments during the period from July 117268  
1, 2015, through June 30, 2017, pursuant to leases and agreements 117269  
entered into under Chapter 125. of the Revised Code, as 117270  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 117271  
General Assembly, with respect to financing the cost for the 117272  
acquisition, development, installation, and implementation of the 117273  
Multi-Agency Radio Communications System (MARCS) upgrade. If it is 117274  
determined that additional appropriations are necessary for this 117275  
purpose, the amounts are hereby appropriated. 117276

**Section 207.50.** ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL 117277  
PAYMENTS 117278

The foregoing appropriation item 100413, EDCS Lease Rental 117279  
Payments, shall be used for payments during the period from July 117280  
1, 2015, through June 30, 2017, pursuant to leases and agreements 117281  
entered into under Chapter 125. of the Revised Code, as 117282  
supplemented by Section 701.30 of Am. Sub. H.B. 497 of the 130th 117283  
General Assembly, with respect to financing the costs associated 117284  
with the acquisition, development, installation, and 117285

implementation of the Enterprise Data Center Solutions initiative. 117286  
If it is determined that additional appropriations are necessary 117287  
for this purpose, the amounts are hereby appropriated. 117288

**Section 207.60. ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND 117289**  
PAYMENTS 117290

The foregoing appropriation item 100447, Administrative 117291  
Buildings Lease Rental Bond Payments, shall be used to meet all 117292  
payments during the period from July 1, 2015, through June 30, 117293  
2017, by the Department of Administrative Services pursuant to 117294  
leases and agreements under Chapters 152. and 154. of the Revised 117295  
Code. These appropriations are the source of funds pledged for 117296  
bond service charges on related obligations issued under Chapters 117297  
152. and 154. of the Revised Code. 117298

**Section 207.63. ELECTRONIC POLLBOOKS 117299**

The foregoing appropriation item 100668, Electronic 117300  
Pollbooks, shall be used by the Office of Procurement Services 117301  
within the Department of Administrative Services to pay 117302  
eighty-five per cent of the calculated allocation cost of 117303  
acquiring electronic pollbooks for each county, as defined in 117304  
section 3506.05 of the Revised Code, for county boards of 117305  
elections in accordance with this section. The source of funding 117306  
for these acquisitions shall be a cash transfer from the General 117307  
Revenue Fund under Section 512.30 of this act into the Electronic 117308  
Pollbook Fund (Fund 5RT0), which is hereby created. 117309

The Director of Administrative Services, in consultation with 117310  
the Secretary of State, shall calculate a portion of appropriation 117311  
item 100668, Electronic Pollbooks, to be allocated to each county 117312  
board of elections in proportion to the number of registered 117313  
voters in each county as recorded in the statewide voter 117314  
registration database as of July 1, 2015. The Office of 117315

Procurement Services shall use the funding allocated to each board 117316  
for the purchase of electronic pollbooks in accordance with either 117317  
of the following: 117318

(A) For electronic pollbooks to be purchased after the 117319  
effective date of this section, upon request by a county board of 117320  
elections, the Secretary of State shall provide a list of the 117321  
vendors and electronic pollbooks certified in accordance with 117322  
section 3506.05 of the Revised Code. The board shall select 117323  
electronic pollbooks from this list and notify the Office of 117324  
Procurement Services of its selection. The Office shall purchase 117325  
the selected electronic pollbooks and any other necessary 117326  
equipment on behalf of the board and shall transfer those 117327  
pollbooks and equipment to the board. The board shall enter into a 117328  
memorandum of understanding with the county commissioners and the 117329  
Department of Administrative Services concerning those purchases 117330  
and is responsible for fifteen per cent of the purchase costs of 117331  
those pollbooks as determined by the Director of Administrative 117332  
Services and Secretary of State under this section. 117333

(B) If, prior to the effective date of this section, a county 117334  
board of elections purchased electronic pollbooks, the Office of 117335  
Procurement Services shall reimburse the board for eighty-five per 117336  
cent of that purchase up to the amount of the allocation as 117337  
determined by the Director of Administrative Services and 117338  
Secretary of State under division (A) of this section. 117339  
Reimbursement shall be paid to the county's general fund. 117340

An amount equal to the unexpended, unencumbered portion of 117341  
the foregoing appropriation item 100668, Electronic Pollbooks, at 117342  
the end of fiscal year 2016 is hereby reappropriated for the same 117343  
purpose in fiscal year 2017. 117344

**Section 207.70.** DAS - BUILDING OPERATING PAYMENTS AND 117345  
BUILDING MANAGEMENT FUND 117346



Following the Director of Budget and Management's approval of 117347  
FY 2016 rental rates for buildings managed by the Department of 117348  
Administrative Services, the Director of Budget and Management may 117349  
adjust FY 2016 and FY 2017 General Revenue Fund appropriations of 117350  
the Department of Administrative Services and other state agencies 117351  
to reflect accurately the rental amounts agencies will pay for 117352  
occupied, vacant, or other space that is supported by the General 117353  
Revenue Fund. Total General Revenue Fund appropriations may 117354  
decrease but may not increase as a result of the appropriation 117355  
adjustments made under this section. The foregoing appropriation 117356  
item 130321, State Agency Support Services, shall be used to pay 117357  
the rent expenses of veterans organizations pursuant to section 117358  
123.024 of the Revised Code in fiscal years 2016 and 2017. 117359

The foregoing appropriation item, 130321, State Agency 117360  
Support Services, also may be used to provide funding for the cost 117361  
of property appraisals or building studies that the Department of 117362  
Administrative Services may be required to obtain for property 117363  
that is being sold by the state or property under consideration to 117364  
be renovated or purchased by the state. 117365

Notwithstanding section 125.28 of the Revised Code, the 117366  
foregoing appropriation item 130321, State Agency Support 117367  
Services, also may be used to pay the operating expenses of state 117368  
facilities maintained by the Department of Administrative Services 117369  
that are not billed to building tenants, or other costs associated 117370  
with the Voinovich Center in Youngstown, Ohio. These expenses may 117371  
include, but are not limited to, the costs for vacant space and 117372  
space undergoing renovation, and the rent expenses of tenants that 117373  
are relocated because of building renovations. These payments may 117374  
be processed by the Department of Administrative Services through 117375  
intrastate transfer vouchers and placed into the Building 117376  
Management Fund (Fund 1320). 117377

At least once per year, the portion of appropriation item 117378

130321, State Agency Support Services, that is not used for the 117379  
regular expenses of the appropriation item shall be processed by 117380  
the Department of Administrative Services through intrastate 117381  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 117382

**Section 207.80.** PROFESSIONAL DEVELOPMENT FUND 117383

The foregoing appropriation item 100610, Professional 117384  
Development, shall be used to make payments from the Professional 117385  
Development Fund (Fund 5L70) under section 124.182 of the Revised 117386  
Code. If it is determined by the Director of Administrative 117387  
Services that additional amounts are necessary, the Director of 117388  
Administrative Services may request that the Director of Budget 117389  
and Management approve additional amounts. Such approved 117390  
additional amounts are hereby appropriated. 117391

**Section 207.90.** 911 PROGRAM 117392

The foregoing appropriation item 100663, 911 Program, shall 117393  
be used by the Department of Administrative Services to pay the 117394  
administrative costs of the Statewide Emergency Services Internet 117395  
Protocol Network Steering Committee. 117396

**Section 207.100.** EMPLOYEE EDUCATIONAL DEVELOPMENT 117397

The foregoing appropriation item 100619, Employee Educational 117398  
Development, shall be used to make payments from the Employee 117399  
Educational Development Fund (Fund 5V60) under section 124.86 of 117400  
the Revised Code. The fund shall be used to pay the costs of 117401  
administering educational programs under existing collective 117402  
bargaining agreements with District 1199, the Health Care and 117403  
Social Service Union; State Council of Professional Educators; 117404  
Ohio Education Association and National Education Association; the 117405  
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 117406  
State Troopers Association, Units 1 and 15. 117407

If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated.

**Section 207.110. CENTRAL SERVICE AGENCY FUND**

The foregoing appropriation item 100632, Central Service Agency, shall be used to purchase the equipment, products, and services that are needed to maintain existing automated applications for the professional licensing boards and the Casino Control Commission to support board licensing functions in fiscal years 2016 and 2017 until these functions are replaced by the Ohio Professionals Licensing System. The Department of Administrative Services shall establish charges for recovering the costs of carrying out these functions. The charges shall be billed to the professional licensing boards and the Casino Control Commission, and deposited via intrastate transfer vouchers to the credit of the Central Service Agency Fund (Fund 1150).

Upon implementation of the replacement Ohio Professionals Licensing System and the decommissioning of the existing automated applications, the Director of Budget and Management may transfer any cash balances that remain in the Central Service Agency Fund (Fund 1150) and that are attributable to the operation of the existing automated applications to the Professions Licensing System Fund (Fund 5JQ0).

**Section 207.120. GENERAL SERVICE CHARGES**

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund

(Fund 2100). The charges may be used to recover the cost of paying 117438  
a vendor to establish reduced pricing for contracted supplies or 117439  
services. 117440

If the Director of Administrative Services determines that 117441  
additional amounts are necessary to pay for consulting and 117442  
administrative costs related to securing lower pricing, the 117443  
Director of Administrative Services may request that the Director 117444  
of Budget and Management approve additional expenditures. Such 117445  
approved additional amounts are appropriated to appropriation item 117446  
100644, General Services Division-Operating. 117447

**Section 207.130. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 117448

With approval of the Director of Budget and Management, the 117449  
Department of Administrative Services may seek reimbursement from 117450  
state agencies for the actual costs and expenses the Department 117451  
incurs in the collective bargaining arbitration process. The 117452  
reimbursements shall be processed through intrastate transfer 117453  
vouchers and credited to the Collective Bargaining Fund (Fund 117454  
1280). 117455

**Section 207.140. EQUAL OPPORTUNITY PROGRAM** 117456

The Department of Administrative Services, with the approval 117457  
of the Director of Budget and Management, shall establish charges 117458  
for recovering the costs of administering the activities supported 117459  
by the State EEO Fund (Fund 1880). These charges shall be 117460  
deposited to the credit of Fund 1880 upon payment made by state 117461  
agencies, state-supported or state-assisted institutions of higher 117462  
education, and tax-supported agencies, municipal corporations, and 117463  
other political subdivisions of the state, for services rendered. 117464

**Section 207.150. CONSOLIDATED IT PURCHASES** 117465

The foregoing appropriation item 100640, Consolidated IT 117466

Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase. If the Director of Administrative Services determines that additional amounts are necessary to pay for pass-through information technology purchases that will be billed to one or more state agencies, the Director shall seek Controlling Board approval for an increase in appropriation sufficient to pay for the requested purchase.

**Section 207.160. INVESTMENT RECOVERY FUND**

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

The Director of Administrative Services shall use the foregoing appropriation item 100602, Investment Recovery, to pay the operating expenses of the State Surplus Property Program and the Surplus Federal Property Program, under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code.

The Director of Administrative Services shall transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code.

**Section 207.170.** MAJOR IT PURCHASES CHARGES 117497

The Department of Administrative Services may bill agencies 117498  
for actual expenditures made for major IT purchases if those 117499  
expenditures are not recovered as part of the information 117500  
technology services rates the Department charges and deposits into 117501  
the Information Technology Fund (Fund 1330) created in section 117502  
125.15 of the Revised Code. These charges shall be deposited to 117503  
the credit of the Major IT Purchases Fund (Fund 4N60). 117504

**Section 207.180.** CASH TRANSFER TO THE MARCS ADMINISTRATION 117505  
FUND FROM THE GRF 117506

Upon the request of the Director of Administrative Services, 117507  
the Director of Budget and Management shall transfer up to 117508  
\$2,000,000 in cash in each fiscal year from the General Revenue 117509  
Fund to the MARCS Administration Fund (Fund 5C20) to reduce or 117510  
eliminate MARCS subscriber fees paid by villages, townships, 117511  
municipal corporations, counties, and regional public safety and 117512  
first response agencies classified as Tier 1 subscribers by the 117513  
MARCS Steering Committee. 117514

**Section 207.190.** PROFESSIONS LICENSING SYSTEM 117515

The foregoing appropriation item, 100658, Ohio Professionals 117516  
Licensing System, shall be used to purchase the equipment, 117517  
products, and services necessary to develop and maintain a 117518  
replacement automated licensing system for the professional 117519  
licensing boards. 117520

Upon request by the Director of Administrative Services, the 117521  
Director of Budget and Management may transfer up to \$6,037,000 in 117522  
cash during the FY 2016-FY 2017 biennium from the Occupational 117523  
Licensing and Regulatory Fund (Fund 4K90), the State Medical Board 117524  
Operating Fund (Fund 5C60), and the Casino Control Commission - 117525

Operating Fund (Fund 5HS0), to the Professions Licensing System 117526  
Fund (Fund 5JQ0). The amount transferred from each fund shall be 117527  
in proportion to the number of current licenses issued by the 117528  
licensing boards and commissions that use each fund, and for the 117529  
Casino Control Commission, the number of current and anticipated 117530  
licenses. The transferred amounts shall be used by the Director of 117531  
Administrative Services for the initial acquisition and 117532  
development of the Professions Licensing System. The transferred 117533  
amounts are hereby appropriated to appropriation item 100658, 117534  
Professionals Licensing System. The unobligated, unexpended amount 117535  
of the cash transferred in FY 2016 is hereby reappropriated for 117536  
the same purpose in FY 2017. 117537

Effective with the implementation of the replacement 117538  
licensing system, the Department of Administrative Services shall 117539  
establish charges for recovering the costs of ongoing maintenance 117540  
of the system. The charges shall be billed to the professional 117541  
licensing boards and the Casino Control Commission, and deposited 117542  
via intrastate transfer vouchers to the credit of the Professions 117543  
Licensing System Fund (Fund 5JQ0), which is hereby created in the 117544  
state treasury. 117545

**Section 207.200. BUILDING IMPROVEMENT FUND** 117546

The foregoing appropriation item 100659, Building 117547  
Improvement, shall be used to make payments from the Building 117548  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 117549  
required in facilities maintained by the Department of 117550  
Administrative Services. The Department of Administrative Services 117551  
shall conduct or contract for regular assessments of these 117552  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 117553  
the cost of the repairs and improvements that are recommended to 117554  
occur within the next five years, with the following exception 117555  
described below. 117556

Upon request of the Director of Administrative Services, the 117557  
Director of Budget and Management may permit a cash transfer from 117558  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 117559  
of operating and maintaining facilities managed by the Department 117560  
of Administrative Services that are not charged to tenants during 117561  
the same fiscal year. 117562

Should the cash balance in Fund 1320 be determined to be 117563  
sufficient, the Director of Administrative Services may request 117564  
that the Director of Budget and Management transfer cash from Fund 117565  
1320 to 5KZ0 in an amount equal to the initial cash transfer made 117566  
under this section plus applicable interest. 117567

On July 1, 2015, or as soon as possible thereafter, the 117568  
Director of Budget and Management shall transfer \$1,000,000 cash 117569  
from the General Revenue Fund to Fund 5KZ0. The cash transferred 117570  
is hereby appropriated for use under appropriation item 100659, 117571  
Building Improvement. 117572

**Section 207.210. INFORMATION TECHNOLOGY DEVELOPMENT** 117573

The foregoing appropriation item 100661, IT Development, 117574  
shall be used by the Department of Administrative Services to pay 117575  
the costs of modernizing the state's information technology 117576  
management and investment practices away from a limited, 117577  
agency-specific focus in favor of a statewide methodology 117578  
supporting development of enterprise solutions. 117579

The Department of Administrative Services, with the approval 117580  
of the Director of Budget and Management, may charge state 117581  
agencies an information technology development assessment based on 117582  
state agencies' information technology expenditures or other 117583  
methodology. The revenue from this assessment shall be deposited 117584  
in the Information Technology Development Fund (Fund 5LJ0), which 117585  
is hereby created. 117586



**Section 207.220.** MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 117587  
SERVICE PAYMENTS 117588

The Director of Administrative Services, in consultation with 117589  
the Multi-Agency Radio Communication System (MARCS) Steering 117590  
Committee and the Director of Budget and Management, shall 117591  
determine the share of debt service payments attributable to 117592  
spending for MARCS components that are not specific to any one 117593  
agency and that shall be charged to the Highway Safety Fund (Fund 117594  
7036). Such share of debt service payments shall be calculated for 117595  
MARCS capital disbursements made beginning July 1, 1997. Within 117596  
thirty days of any payment made from appropriation item 100447, 117597  
Administrative Buildings Lease Rental Bond Payments, the Director 117598  
of Administrative Services shall certify to the Director of Budget 117599  
and Management the amount of this share. The Director of Budget 117600  
and Management shall transfer such amounts to the General Revenue 117601  
Fund from the State Highway Safety Fund (Fund 7036) established in 117602  
section 4501.06 of the Revised Code. 117603

The Director of Administrative Services shall consider 117604  
renting or leasing existing tower sites at reasonable or current 117605  
market rates, so long as these existing sites are equipped with 117606  
the technical capabilities to support the MARCS project. 117607

**Section 207.230.** ENTERPRISE IT STRATEGY IMPLEMENTATION 117608

The Director of Administrative Services shall determine and 117609  
implement strategies that benefit the enterprise by improving 117610  
efficiency, reducing costs or enhancing capacity of information 117611  
technology (IT) services. Such improvements and efficiencies may 117612  
result in the consolidation and transfer of such services. As 117613  
determined to be necessary for successful implementation of this 117614  
section and notwithstanding any provision of law to the contrary, 117615  
the Director of Administrative Services may request the Director 117616

of Budget and Management to consolidate or transfer IT-specific 117617  
budget authority between agencies or within an agency as necessary 117618  
to implement enterprise IT cost containment strategies and related 117619  
efficiencies. Once the Director of Budget and Management is 117620  
satisfied that the proposed initiative is cost advantageous to the 117621  
enterprise, the Director of Budget and Management may transfer 117622  
appropriations, funds and cash as needed to implement the proposed 117623  
initiative. The establishment of any new fund or additional 117624  
appropriation as a result of this section will be subject to 117625  
Controlling Board approval. 117626

The Director of Budget and Management and the Director of 117627  
Administrative Services may transfer any employees, assets, and 117628  
liabilities, including, but not limited to, records, contracts, 117629  
and agreements in order to facilitate the improvements determined 117630  
in accordance with this section. 117631

**Section 209.10. AGE DEPARTMENT OF AGING** 117632

General Revenue Fund 117633

GRF	490321	Operating Expenses	\$	1,487,418	\$	1,487,418	117634
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GRF	490410	Long-Term Care	\$	477,448	\$	477,448	117635
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Ombudsman

GRF	490411	Senior Community	\$	7,060,844	\$	7,060,844	117636
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Services

GRF	490414	Alzheimer's Respite	\$	2,495,245	\$	2,495,245	117637
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GRF	490506	National Senior	\$	241,413	\$	241,413	117638
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Service Corps

GRF	656423	Long-Term Care	\$	3,385,057	\$	3,385,057	117639
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Program Support -

State

TOTAL GRF	General Revenue Fund	\$	15,147,425	\$	15,147,425	117640
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Dedicated Purpose Fund Group 117641

4800	490606	Senior Community	\$	372,523	\$	372,523	117642
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		Outreach and Education					
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	117643
5BA0	490620	Ombudsman Support	\$	1,250,000	\$	1,250,000	117644
5K90	490613	Long-Term Care Consumers Guide	\$	1,059,400	\$	1,059,400	117645
5MT0	490627	Board of Executives of LTSS	\$	800,000	\$	800,000	117646
5W10	490616	Resident Services Coordinator Program	\$	344,700	\$	344,700	117647
TOTAL DPF	Dedicated Purpose						117648
Fund Group			\$	4,761,623	\$	4,761,623	117649
Federal Fund Group							117650
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	117651
3C40	656623	Long-Term Care Program Support - Federal	\$	3,385,057	\$	3,385,057	117652
3M40	490612	Federal Independence Services	\$	58,655,080	\$	58,655,080	117653
TOTAL FED	Federal Fund Group		\$	70,740,137	\$	70,740,137	117654
TOTAL ALL BUDGET FUND GROUPS			\$	90,649,185	\$	90,649,185	117655

**Section 209.20. LONG-TERM CARE** 117657

Pursuant to an interagency agreement, the Department of 117658  
 Medicaid may designate the Department of Aging to perform 117659  
 assessments under section 5165.04 of the Revised Code. The 117660  
 Department of Aging shall provide long-term care consultations 117661  
 under section 173.42 of the Revised Code to assist individuals in 117662  
 planning for their long-term health care needs. 117663

The Department of Aging shall administer the Medicaid 117664

waiver-funded PASSPORT Home Care Program, the Assisted Living 117665  
Program, and PACE as delegated by the Department of Medicaid in an 117666  
interagency agreement. The foregoing appropriation items 656423, 117667  
Long-Term Care Program Support - State, and 656623, Long-Term Care 117668  
Program Support - Federal, may be used to support the Department 117669  
of Aging's administrative costs associated with operating the 117670  
PASSPORT, Assisted Living, and PACE programs. 117671

PERFORMANCE-BASED REIMBURSEMENT 117672

The Department of Aging may design and utilize a payment 117673  
method for PASSPORT administrative agency operations that includes 117674  
a pay-for-performance incentive component that is earned by a 117675  
PASSPORT administrative agency when defined consumer and policy 117676  
outcomes are achieved. 117677

**Section 209.30.** LONG-TERM CARE OMBUDSMAN 117678

The State Ombudsman may explore the design of a payment 117679  
method for the Ombudsman Program that includes a 117680  
pay-for-performance incentive component that is earned by 117681  
designated regional long-term care ombudsman programs. 117682

MYCARE OHIO 117683

The foregoing appropriation items 490410, Long-Term Care 117684  
Ombudsman, 490618, Federal Aging Grants, 490612, Federal 117685  
Independence Services, 490609, Regional Long-Term Care Ombudsman 117686  
Program, and 490620, Ombudsman Support, may be used by the Office 117687  
of the State Long-Term Care Ombudsman to provide ombudsman program 117688  
activities as described in sections 173.14 to 173.27 and section 117689  
173.99 of the Revised Code to consumers participating in MyCare 117690  
Ohio. 117691

SENIOR COMMUNITY SERVICES 117692

The foregoing appropriation item 490411, Senior Community 117693  
Services, shall be used for services designated by the Department 117694

of Aging, including, but not limited to, home-delivered and 117695  
congregate meals, transportation services, personal care services, 117696  
respite services, adult day services, home repair, care 117697  
coordination, prevention and disease self-management, and decision 117698  
support systems. Service priority shall be given to low income, 117699  
frail, and cognitively impaired persons 60 years of age and over. 117700  
The department shall promote cost sharing by service recipients 117701  
for those services funded with senior community services funds, 117702  
including, when possible, sliding-fee scale payment systems based 117703  
on the income of service recipients 117704

NATIONAL SENIOR SERVICE CORPS 117705

The foregoing appropriation item 490506, National Senior 117706  
Service Corps, shall be used by the Department of Aging to fund 117707  
grants for three Corporation for National and Community 117708  
Service/Senior Corps programs: the Foster Grandparents Program, 117709  
the Senior Companion Program, and the Retired Senior Volunteer 117710  
Program. A recipient of these grant funds shall use the funds to 117711  
support priorities established by the Department and the Ohio 117712  
State Office of the Corporation for National and Community 117713  
Service. The expenditure of these funds by any grant recipient 117714  
shall be in accordance with Senior Corps policies and procedures, 117715  
as stated in the Domestic Volunteer Service Act of 1973, as 117716  
amended. Neither the Department nor any area agencies on aging 117717  
that are involved in the distribution of these funds to 117718  
lower-tiered grant recipients may use any portion of these funds 117719  
to cover administrative costs. 117720

TRANSFER OF RESIDENT PROTECTION FUNDS 117721

In each fiscal year, the Director of Budget and Management 117722  
may transfer up to \$1,250,000 cash from the Resident Protection 117723  
Fund (Fund 4E30), which is used by the Department of Medicaid, to 117724  
the Ombudsman Support Fund (Fund 5BA0), which is used by the 117725  
Department of Aging. 117726

The Director of Aging and the Office of the State Long-Term Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 5BA0) to implement a nursing home quality initiative as specified in section 173.60 of the Revised Code.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

**Section 209.40.** UPDATING AUTHORIZING STATUTE CITATIONS

As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that is cited in the Ohio Administrative Code as the statute that authorizes the adoption of a rule.

The Director of Aging is not required to amend any rule for the sole purpose of updating the citation in the Ohio Administrative Code to the rule's authorizing statute to reflect that this act renumbers the authorizing statute or relocates it to another Revised Code section. Such citations shall be updated as the Director amends the rules for other purposes.

**Section 209.50.** BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The Board of Executives of Long-Term Services and Supports may develop and conduct, or contract with a government or private entity to develop and conduct, opportunities for education,

training, and credentialing of nursing home administrators, 117757  
including persons interested in becoming licensed as nursing home 117758  
administrators, and others in leadership positions who practice in 117759  
long-term services and supports settings or who direct the 117760  
practices of others in those settings. 117761

All fees paid to the Board of Executives of Long-Term 117762  
Services and Support by an applicant for education or training 117763  
shall be used solely for the administration of the training 117764  
program in division (A)(10) of section 4751.04 of the Revised 117765  
Code. The fees may be used to support the education and training 117766  
programs by paying for items including, but not limited to, 117767  
instructor fees, venues where the education or training is 117768  
conducted, books, materials and printing. 117769

Training or education programs may be conducted in person or 117770  
through electronic media. If the Board contracts with a government 117771  
or private entity to administer the education or training 117772  
programs, the contract may authorize the entity to pay any or all 117773  
costs associated with the education or training programs and to 117774  
collect and keep, as all or part of the entity's compensation 117775  
under the contract, any fee an applicant for education or training 117776  
pays to take the education or training program. 117777

**Section 211.10. AGR DEPARTMENT OF AGRICULTURE** 117778

General Revenue Fund 117779

GRF 700401	Animal Health Programs	\$	3,686,687	\$	3,686,687	117780
GRF 700403	Dairy Division	\$	1,088,115	\$	1,088,115	117781
GRF 700404	Ohio Proud	\$	50,000	\$	50,000	117782
GRF 700406	Consumer Protection	\$	1,287,556	\$	1,287,556	117783
	Lab					
GRF 700407	Food Safety	\$	1,000,000	\$	1,000,000	117784
GRF 700409	Farmland Preservation	\$	72,750	\$	72,750	117785
GRF 700410	Plant Industry	\$	150,000	\$	150,000	117786

GRF 700412	Weights and Measures	\$	600,000	\$	600,000	117787
GRF 700415	Poultry Inspection	\$	592,978	\$	592,978	117788
GRF 700418	Livestock Regulation Program	\$	1,108,071	\$	1,108,071	117789
GRF 700424	Livestock Testing and Inspections	\$	92,493	\$	92,493	117790
GRF 700426	Dangerous and Restricted Animals	\$	800,000	\$	800,000	117791
GRF 700427	High Volume Breeder Kennel Control	\$	350,000	\$	350,000	117792
GRF 700428	Soil and Water Division	\$	1,807,700	\$	3,619,000	117793
GRF 700499	Meat Inspection Program - State Share	\$	4,425,097	\$	4,425,097	117794
GRF 700501	County Agricultural Societies	\$	391,415	\$	391,415	117795
GRF 700509	Soil and Water District Support	\$	0	\$	3,250,000	117796
TOTAL GRF	General Revenue Fund	\$	17,502,862	\$	22,564,162	117797
Dedicated Purpose Fund Group						117798
4900 700651	License Plates - Sustainable Agriculture	\$	7,000	\$	7,000	117799
4940 700612	Agricultural Commodity Marketing Program	\$	213,000	\$	213,000	117800
4960 700626	Ohio Grape Industries	\$	970,000	\$	970,000	117801
4970 700627	Grain Warehouse Program	\$	332,672	\$	332,672	117802
4C90 700605	Commercial Feed and Seed	\$	1,760,000	\$	1,760,000	117803
4D20 700609	Auction Education	\$	35,000	\$	35,000	117804
4E40 700606	Utility Radiological	\$	125,000	\$	125,000	117805



		Safety					
4P70	700610	Food Safety	\$	957,328	\$	957,328	117806
		Inspection					
4R00	700636	Ohio Proud Marketing	\$	35,500	\$	35,500	117807
4R20	700637	Dairy Industry	\$	1,658,247	\$	1,658,247	117808
		Inspection					
4T60	700611	Poultry and Meat	\$	120,000	\$	120,000	117809
		Inspection					
5780	700620	Ride Inspection	\$	1,215,142	\$	1,215,142	117810
5880	700633	Brand Registration	\$	5,000	\$	5,000	117811
5B80	700629	Auctioneers	\$	340,000	\$	340,000	117812
5BV0	700660	Heidelberg Water	\$	125,000	\$	250,000	117813
		Quality Lab					
5BV0	700661	Soil and Water	\$	4,000,000	\$	8,000,000	117814
		Districts					
5CP0	700652	License Plate	\$	10,000	\$	10,000	117815
		Scholarships					
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000	117816
5H20	700608	Metrology Lab and	\$	552,000	\$	552,000	117817
		Scale Certification					
5L80	700604	Livestock Management	\$	135,000	\$	135,000	117818
		Program					
5MA0	700657	Dangerous and	\$	50,000	\$	50,000	117819
		Restricted Animals					
5MR0	700658	High Volume Breeders	\$	174,000	\$	174,000	117820
		and Kennels					
5QW0	700653	Watershed Assistance	\$	557,500	\$	515,000	117821
6520	700634	Animal, Consumer, and	\$	4,966,383	\$	4,966,383	117822
		ATL Labs					
6690	700635	Pesticide,	\$	4,418,041	\$	4,418,041	117823
		Fertilizer, and Lime					
		Inspection Program					
TOTAL	DPF	Dedicated Purpose					117824

Fund Group		\$	23,951,813	\$	28,034,313	117825
Internal Service Activity Fund Group						117826
5DA0 700644	Laboratory	\$	1,164,000	\$	1,164,000	117827
	Administration					
	Support					
5GH0 700655	Administrative	\$	4,404,073	\$	4,404,073	117828
	Support					
TOTAL ISA Internal Service Activity						117829
Fund Group		\$	5,568,073		5,568,073	117830
Capital Projects Fund Group						117831
7057 700632	Clean Ohio	\$	310,000	\$	310,000	117832
	Agricultural Easement					
	Operating					
TOTAL CPF Capital Projects Fund		\$	310,000	\$	310,000	117833
Group						
Federal Fund Group						117834
3260 700618	Meat Inspection	\$	4,450,000	\$	4,450,000	117835
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	101,000	\$	101,000	117836
	Revolving					
3820 700601	Federal Cooperative	\$	4,827,900	\$	5,131,500	117837
	Contracts					
3AB0 700641	Agricultural Easement	\$	150,000	\$	150,000	117838
3J40 700607	Federal	\$	1,200,000	\$	1,200,000	117839
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	6,000,000	\$	6,000,000	117840
	Industry					
TOTAL FED Federal Fund Group		\$	16,728,900	\$	17,032,500	117841
TOTAL ALL BUDGET FUND GROUPS		\$	64,061,648	\$	73,509,048	117842
DANGEROUS AND RESTRICTED WILD ANIMALS						117843

The foregoing appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE BASIN

Of the foregoing appropriation item 700509, Soil and Water District Support, \$350,000 in fiscal year 2017 shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin to comply with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines is appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.08 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the

Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.08 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

**Section 211.20.** TRANSFER OF SOIL AND WATER CONSERVATION PROGRAM

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725502, Soil and Water Districts, used by the Department of Natural Resources, and reestablish them against appropriation item 700509, Soil and Water District Support, used by the Department of Agriculture. The reestablished encumbrance amounts are hereby appropriated.

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725658, Heidelberg Water Quality Lab, used by the Department of Natural Resources, and reestablish them against appropriation item 700660, Heidelberg Water Quality Lab, used by the Department of Agriculture. The reestablished encumbrance amounts are hereby appropriated.

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725683, Soil and Water

Districts, used by the Department of Natural Resources, and 117905  
 reestablish them against appropriation item 700661, Soil and Water 117906  
 Districts, used by the Department of Agriculture. The 117907  
 reestablished encumbrance amounts are hereby appropriated. 117908

On January 1, 2016, or as soon as possible thereafter, the 117909  
 Director of Budget and Management shall cancel any existing 117910  
 encumbrances against appropriation item 725699, Healthy Lake Erie 117911  
 Fund, used by the Department of Natural Resources, and reestablish 117912  
 them against appropriation item 700653, Watershed Assistance, used 117913  
 by the Department of Agriculture. The reestablished encumbrance 117914  
 amounts are hereby appropriated. 117915

**Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY** 117916

Dedicated Purpose Fund Group 117917

4Z90	898602	Small Business	\$	288,232	\$	288,232	117918
		Ombudsman					

5700	898601	Operating Expenses	\$	186,568	\$	189,590	117919
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5A00	898603	Small Business	\$	450,000	\$	450,000	117920
		Assistance					

5EG0	898608	Energy Strategy	\$	193,184	\$	176,394	117921
		Development					

TOTAL DPF	Dedicated Purpose Fund	\$	1,117,984	\$	1,104,216	117922
	Group					

TOTAL ALL BUDGET FUND GROUPS	\$	1,117,984	\$	1,104,216	117923
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**Section 213.20. ENERGY STRATEGY DEVELOPMENT** 117925

(A) There is hereby created in the state treasury the Energy 117926  
 Strategy Development Fund (Fund 5EG0). The fund shall consist of 117927  
 money credited to it and money obtained for advanced energy 117928  
 projects from federal or private grants, loans, or other sources. 117929  
 Money in the fund shall be used to carry out the purposes of the 117930  
 Energy Strategy Development Program. Interest earned on the money 117931

in the fund shall be credited to the General Revenue Fund. 117932

(B) The Energy Strategy Development Program shall develop 117933  
energy initiatives, projects, and policy that align with the 117934  
energy policy for the state. Issues addressed by such initiatives, 117935  
projects, and policy shall not be limited to those governed by 117936  
Chapter 3706. of the Revised Code. The program also pays for costs 117937  
associated with the administration of the outstanding loans and 117938  
working with the outside parties associated with the loans. The 117939  
Ohio Air Quality Development Authority shall be responsible for 117940  
the monitoring of the program. 117941

(C) On July 1 of each fiscal year, or as soon as possible 117942  
thereafter, the Director of Budget and Management may transfer 117943  
cash from the funds specified below, up to the amounts specified 117944  
below, to the Energy Strategy Development Fund. Fund 5EG0 may 117945  
accept contributions and transfers made to the fund. On July 1, 117946  
2017, or as soon as possible thereafter, the Director shall 117947  
transfer to the General Revenue Fund all cash credited to Fund 117948  
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 117949

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
1310	State Agency	Ohio Facilities	\$27,405	\$27,439	117951
	Construction	Construction			
	Project Service	Commission			
5GH0	Central Support	Department of	\$27,405	\$27,439	117952
	Indirect Cost	Agriculture			
1350	Supportive	Development	\$27,405	\$27,439	117953
	Services	Services Agency			
2190	Central Support	Environmental	\$27,405	\$27,439	117954
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	117955
	Indirect	Natural Resources			
	Chargeback				
7002	Highway Operating	Department of	\$39,150	\$39,199	117956

Transportation

<b>Section 213.30.</b>	REIMBURSEMENT TO AIR QUALITY DEVELOPMENT			117957
	AUTHORITY TRUST ACCOUNT			117958
	Notwithstanding any other provision of law to the contrary,			117959
	the Air Quality Development Authority may reimburse the Air			117960
	Quality Development Authority trust account established under			117961
	section 3706.10 of the Revised Code from all operating funds of			117962
	the agency for expenses pertaining to the administration and			117963
	shared costs incurred by the Air Quality Development Authority in			117964
	the execution of responsibilities as prescribed in Chapter 3706.			117965
	of the Revised Code. The reimbursement shall be made by voucher			117966
	and completed in accordance with the administrative indirect costs			117967
	allocation plan approved by the Office of Budget and Management.			117968
<b>Section 215.10.</b>	ARC ARCHITECTS BOARDS			117969
	Dedicated Purpose Fund Group			117970
	4K90 891609 Operating	\$	507,614 \$	517,912 117971
	TOTAL DPF Dedicated Purpose Fund			117972
	Group	\$	507,614 \$	517,912 117973
	TOTAL ALL BUDGET FUND GROUPS	\$	507,614 \$	517,912 117974
<b>Section 217.10.</b>	ART OHIO ARTS COUNCIL			117976
	General Revenue Fund			117977
	GRF 370321 Operating Expenses	\$	1,772,050 \$	1,772,050 117978
	GRF 370502 State Program	\$	12,450,000 \$	12,950,000 117979
	Subsidies			
	TOTAL GRF General Revenue Fund	\$	14,222,050 \$	14,722,050 117980
	Dedicated Purpose Fund Group			117981
	4600 370602 Management Expenses	\$	300,000 \$	300,000 117982
	and Donations			
	4B70 370603 Percent for Art	\$	225,000 \$	225,000 117983

Acquisitions

TOTAL DPF Dedicated Purpose Fund Group	\$	525,000	\$	525,000	117984
Federal Fund Group					117985
3140 370601 Federal Support	\$	1,000,000	\$	1,000,000	117986
TOTAL FED Federal Fund Group	\$	1,000,000	\$	1,000,000	117987
TOTAL ALL BUDGET FUND GROUPS	\$	15,747,050	\$	16,247,050	117988

FEDERAL SUPPORT 117989

Notwithstanding any provision of law to the contrary, the 117990  
foregoing appropriation item 370601, Federal Support, shall be 117991  
used by the Ohio Arts Council for subsidies only, and not for its 117992  
administrative costs, unless the Council is required to use a 117993  
portion of the funds for administrative costs under conditions of 117994  
the federal grant. 117995

**Section 219.10. ATH ATHLETIC COMMISSION** 117996

Dedicated Purpose Fund Group					117997
4K90 175609 Operating Expenses	\$	320,000	\$	320,000	117998
TOTAL DPF Dedicated Purpose Fund Group	\$	320,000	\$	320,000	117999
TOTAL ALL BUDGET FUND GROUPS	\$	320,000	\$	320,000	118000

**Section 221.10. AGO ATTORNEY GENERAL** 118002

General Revenue Fund					118003
GRF 055321 Operating Expenses	\$	43,114,169	\$	43,114,169	118004
GRF 055405 Law-Related Education	\$	70,000	\$	70,000	118005
GRF 055411 County Sheriffs' Pay Supplement	\$	757,921	\$	801,808	118006
GRF 055415 County Prosecutors' Pay Supplement	\$	831,499	\$	893,378	118007
GRF 055501 Rape Crisis Centers	\$	1,500,000	\$	1,500,000	118008
TOTAL GRF General Revenue Fund	\$	46,273,589	\$	46,379,355	118009



		Dedicated Purpose Fund Group					118010
1060	055612	Attorney General	\$	64,008,182	\$	64,818,182	118011
		Operating					
4020	055616	Victims of Crime	\$	20,301,769	\$	20,301,769	118012
4180	055615	Charitable	\$	8,286,000	\$	8,286,000	118013
		Foundations					
4190	055623	Claims Section	\$	58,437,133	\$	59,439,892	118014
4200	055603	Attorney General	\$	2,392,074	\$	2,392,074	118015
		Antitrust					
4210	055617	Police Officers'	\$	1,701,545	\$	1,701,545	118016
		Training Academy Fee					
4L60	055606	DARE Programs	\$	3,811,209	\$	3,811,209	118017
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	118018
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	118019
		and Cost					
		Reimbursement					
5900	055633	Peace Officer Private	\$	95,325	\$	95,325	118020
		Security Training					
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000	118021
		Enforcement					
5L50	055619	Law Enforcement	\$	7,800,000	\$	12,800,000	118022
		Assistance Program					
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409	118023
		Training - Casino					
5MP0	055657	Peace Officer	\$	250,000	\$	325,000	118024
		Training Commission					
6310	055637	Consumer Protection	\$	8,834,000	\$	8,976,000	118025
		Enforcement					
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730	118026
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,550,000	\$	2,650,000	118027
		Oversight,					

		Administration, and					
		Enforcement					
TOTAL DPF Dedicated Purpose Fund							118028
Group	\$	185,017,376	\$	192,147,135			118029
Internal Service Activity Fund Group							118030
1950 055660 Workers' Compensation	\$	8,415,504	\$	8,415,504			118031
		Section					
TOTAL ISA Internal Service Activity	\$	8,415,504	\$	8,415,504			118032
Fund Group							
Holding Account Fund Group							118033
R004 055631 General Holding	\$	1,000,000	\$	1,000,000			118034
		Account					
R005 055632 Antitrust Settlements	\$	1,000	\$	1,000			118035
R018 055630 Consumer Frauds	\$	750,000	\$	750,000			118036
R042 055601 Organized Crime	\$	25,025	\$	25,025			118037
		Commission					
		Distributions					
R054 055650 Collection Payment	\$	4,500,000	\$	4,500,000			118038
		Redistribution					
TOTAL HLD Holding Account							118039
Fund Group	\$	6,276,025	\$	6,276,025			118040
Federal Fund Group							118041
3060 055620 Medicaid Fraud	\$	8,461,419	\$	8,961,419			118042
		Control					
3830 055634 Crime Victims	\$	16,500,000	\$	16,500,000			118043
		Assistance					
3E50 055638 Attorney General	\$	2,320,999	\$	2,320,999			118044
		Pass-Through Funds					
3FV0 055656 Crime Victim	\$	3,155,000	\$	3,155,000			118045
		Compensation					
3R60 055613 Attorney General	\$	2,799,999	\$	2,799,999			118046
		Federal Funds					

TOTAL FED Federal Fund Group	\$	33,237,417	\$	33,737,417	118047
TOTAL ALL BUDGET FUND GROUPS	\$	279,219,911	\$	286,955,436	118048

OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 118049

Of the foregoing appropriation item 055321, Operating 118050  
Expenses, \$600,000 in each fiscal year shall be used for the Ohio 118051  
Center for the Future of Forensic Science at Bowling Green State 118052  
University. The purpose of the Center shall be to foster forensic 118053  
science research techniques (BCI Eminent Scholar) and to create 118054  
professional training opportunities to students (BCI Scholars) in 118055  
the forensic science fields. 118056

COUNTY SHERIFFS' PAY SUPPLEMENT 118057

The foregoing appropriation item 055411, County Sheriffs' Pay 118058  
Supplement, shall be used for the purpose of supplementing the 118059  
annual compensation of county sheriffs as required by section 118060  
325.06 of the Revised Code. 118061

At the request of the Attorney General, the Director of 118062  
Budget and Management may transfer appropriation from 118063  
appropriation item 055321, Operating Expenses, to appropriation 118064  
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 118065  
transferred shall be used to supplement the annual compensation of 118066  
county sheriffs as required by section 325.06 of the Revised Code. 118067

COUNTY PROSECUTORS' PAY SUPPLEMENT 118068

The foregoing appropriation item 055415, County Prosecutors' 118069  
Pay Supplement, shall be used for the purpose of supplementing the 118070  
annual compensation of certain county prosecutors as required by 118071  
section 325.111 of the Revised Code. 118072

At the request of the Attorney General, the Director of 118073  
Budget and Management may transfer appropriation from 118074  
appropriation item 055321, Operating Expenses, to appropriation 118075  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 118076  
so transferred shall be used to supplement the annual compensation 118077

of county prosecutors as required by section 325.111 of the 118078  
Revised Code. 118079

WORKERS' COMPENSATION SECTION 118080

The Workers' Compensation Fund (Fund 1950) is entitled to 118081  
receive payments from the Bureau of Workers' Compensation and the 118082  
Ohio Industrial Commission at the beginning of each quarter of 118083  
each fiscal year to fund legal services to be provided to the 118084  
Bureau of Workers' Compensation and the Ohio Industrial Commission 118085  
during the ensuing quarter. The advance payment shall be subject 118086  
to adjustment. 118087

In addition, the Bureau of Workers' Compensation shall 118088  
transfer payments at the beginning of each quarter for the support 118089  
of the Workers' Compensation Fraud Unit. 118090

All amounts shall be mutually agreed upon by the Attorney 118091  
General, the Bureau of Workers' Compensation, and the Ohio 118092  
Industrial Commission. 118093

LAW ENFORCEMENT ASSISTANCE FUND 118094

Notwithstanding the requirement in division (C) of section 118095  
5747.50 of the Revised Code that the Tax Commissioner provide for 118096  
payment from the Local Government Fund to each municipal 118097  
corporation of an amount calculated using the total amount 118098  
available for distribution to municipal corporations during the 118099  
current month, as defined in that division, the Tax Commissioner 118100  
shall reduce the total amount available for distribution to 118101  
municipal corporations during the current month by \$416,666.67 in 118102  
each month of fiscal year 2016 and by \$833,333.33 in each month of 118103  
fiscal year 2017, before calculating the amount to be distributed 118104  
to each municipal corporation. The amounts not distributed to 118105  
municipal corporations, \$416,666.67 in each month of fiscal year 118106  
2016 and \$833,333.33 in each month of fiscal year 2017, shall be 118107  
deposited in the state treasury to the credit of the Law 118108

Enforcement Assistance Fund (Fund 5L50). 118109

In accordance with the provisions of section 109.803 of the 118110  
Revised Code, the Ohio Peace Officer Training Commission shall 118111  
direct every appointing authority to require each of its appointed 118112  
peace officers and troopers to complete a total of eleven hours of 118113  
continuing professional training in calendar year 2016, and a 118114  
total of twenty hours of continuing professional training in 118115  
calendar year 2017. 118116

Notwithstanding any provision of section 109.802 of the 118117  
Revised Code, in fiscal year 2017 each public appointing authority 118118  
entitled to reimbursement for the cost of continuing professional 118119  
training shall receive one hundred per cent reimbursement from the 118120  
state for eleven of the required twenty hours of training. Of the 118121  
remaining nine hours of required training, each eligible public 118122  
appointing authority shall receive state reimbursement at the rate 118123  
of: (a) one hundred per cent for the first fifty full-time 118124  
officers or troopers trained, and (b) eighty per cent for any 118125  
full-time officers or troopers trained after the first fifty 118126  
full-time officers or troopers are trained. 118127

GENERAL HOLDING ACCOUNT 118128

The foregoing appropriation item 055631, General Holding 118129  
Account, shall be used to distribute moneys under the terms of 118130  
relevant court orders or other settlements received in a variety 118131  
of cases involving the Office of the Attorney General. If it is 118132  
determined that additional amounts are necessary for this purpose, 118133  
the amounts are hereby appropriated. 118134

ANTITRUST SETTLEMENTS 118135

The foregoing appropriation item 055632, Antitrust 118136  
Settlements, shall be used to distribute moneys under the terms of 118137  
relevant court orders or other out of court settlements in 118138  
antitrust cases or antitrust matters involving the Office of the 118139

Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ATTORNEY GENERAL PASS-THROUGH FUNDS

The foregoing appropriation item 055638, Attorney General

Pass-Through Funds, shall be used to receive federal grant funds 118170  
provided to the Attorney General by other state agencies, 118171  
including, but not limited to, the Department of Youth Services 118172  
and the Department of Public Safety. 118173

**Section 223.10.** AUD AUDITOR OF STATE 118174

General Revenue Fund 118175

GRF 070321 Operating Expenses \$ 27,598,047 \$ 27,597,867 118176

GRF 070403 Fiscal \$ 800,000 \$ 800,000 118177

Watch/Emergency  
Technical Assistance

TOTAL GRF General Revenue Fund \$ 28,398,047 \$ 28,397,867 118178

Dedicated Purpose Fund Group 118179

1090 070601 Public Audit Expense \$ 9,396,081 \$ 9,396,081 118180

- Intra-State

4220 070602 Public Audit Expense \$ 32,937,044 \$ 33,143,044 118181

- Local Government

5840 070603 Training Program \$ 403,750 \$ 403,750 118182

5JZ0 070606 LEAP Revolving Loans \$ 400,000 \$ 400,000 118183

6750 070605 Uniform Accounting \$ 3,160,637 \$ 3,160,637 118184

Network

TOTAL DPF Dedicated Purpose Fund 118185

Group \$ 46,297,512 \$ 46,503,512 118186

TOTAL ALL BUDGET FUND GROUPS \$ 74,695,559 \$ 74,901,379 118187

DAYTON EARLY COLLEGE ACADEMY PREP, INC. PILOT PROJECT 118188

Of the foregoing appropriation item 070602, Public Audit 118189

Expense - Local Government, up to \$100,000 in each fiscal year 118190

shall be used to fund a pilot project for the Dayton Early College 118191

Academy Prep, Inc. (DECA Prep, Inc.). The pilot project shall 118192

examine the effect of mandated parental engagement for lower 118193

performing students. The Auditor of State, in conjunction with the 118194

Superintendent of Public Instruction and DECA Prep, Inc., shall 118195

develop the parameters of the pilot project and conditions 118196  
 necessary for the disbursement of funds. 118197

**Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT 118198**

General Revenue Fund 118199

GRF 042321 Budget Development \$ 2,981,898 \$ 2,933,175 118200  
 and Implementation

GRF 042416 Office of Health \$ 430,000 \$ 438,723 118201  
 Transformation

GRF 042425 Shared Services \$ 1,385,000 \$ 1,425,000 118202  
 Development

TOTAL GRF General Revenue Fund \$ 4,796,898 \$ 4,796,898 118203

Internal Service Activity Fund Group 118204

1050 042603 Financial Management \$ 14,676,746 \$ 14,593,851 118205

1050 042620 Shared Services \$ 8,699,170 \$ 8,782,065 118206  
 Operating

TOTAL ISA Internal Service Activity 118207

Fund Group \$ 23,375,916 \$ 23,375,916 118208

Fiduciary Fund Group 118209

5EH0 042604 Forgery Recovery \$ 40,000 \$ 40,000 118210

TOTAL FID Fiduciary Fund Group \$ 40,000 \$ 40,000 118211

Federal Fund Group 118212

3CM0 042606 Office of Health \$ 430,000 \$ 438,723 118213  
 Transformation -

Federal

TOTAL FED Federal Fund Group \$ 430,000 \$ 438,723 118214

TOTAL ALL BUDGET FUND GROUPS \$ 28,642,814 \$ 28,651,537 118215

AUDIT COSTS AND DUES 118216

All centralized audit costs associated with either Single 118217

Audit Schedules or financial statements prepared in conformance 118218

with generally accepted accounting principles for the state shall 118219



be paid from the foregoing appropriation item 042603, Financial Management. 118220  
118221

Costs associated with the audit of the Auditor of State and national association dues shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation. 118222  
118223  
118224

SHARED SERVICES CENTER 118225

The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support a Shared Services Center within the Office of Budget and Management for the purpose of consolidating statewide business functions and common transactional processes. 118226  
118227  
118228  
118229  
118230  
118231

The Director of Budget and Management shall include the recovery of costs to operate the Shared Services Center in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies for services rendered. The Director of Budget and Management shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050). 118232  
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INTERNAL AUDIT 118240

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies reviewed by the program. The Director of Budget and Management, with advice from the Internal Audit Advisory Council, shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of Fund 1050. 118241  
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FORGERY RECOVERY 118249

The foregoing appropriation item 042604, Forgery Recovery, 118250  
shall be used to reissue warrants that have been certified as 118251  
forgeries by the rightful recipient as determined by the Bureau of 118252  
Criminal Identification and Investigation and the Treasurer of 118253  
State. Upon receipt of funds to cover the reissuance of the 118254  
warrant, the Director of Budget and Management shall reissue a 118255  
state warrant of the same amount. Any additional amounts needed to 118256  
reissue warrants backed by the receipt of funds are hereby 118257  
appropriated. 118258

**Section 229.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 118259

General Revenue Fund 118260

GRF 874100 Personal Services \$ 2,417,467 \$ 2,417,467 118261

GRF 874320 Maintenance and \$ 1,161,098 \$ 1,161,098 118262

Equipment

TOTAL GRF General Revenue Fund \$ 3,578,565 \$ 3,578,565 118263

Dedicated Purpose Fund Group 118264

2080 874601 Underground Parking \$ 3,496,740 \$ 3,496,740 118265

Garage Operations

4G50 874603 Capitol Square \$ 6,000 \$ 6,000 118266

Education Center and

Arts

TOTAL DPF Dedicated Purpose 118267

Fund Group \$ 3,502,740 \$ 3,502,740 118268

Internal Service Activity Fund Group 118269

4S70 874602 Statehouse Gift \$ 700,000 \$ 700,000 118270

Shop/Events

TOTAL ISA Internal Service Activity 118271

Fund Group \$ 700,000 \$ 700,000 118272

TOTAL ALL BUDGET FUND GROUPS \$ 7,781,305 \$ 7,781,305 118273

UNDERGROUND PARKING GARAGE FUND 118274

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

**HOUSE AND SENATE PARKING REIMBURSEMENT**

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under this section shall be used to reimburse the Capitol Square Review and Advisory Board for legislative parking costs.

**Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS**

Dedicated Purpose Fund Group				118289
4K90 233601 Operating Expenses	\$	579,328	\$ 579,328	118290
TOTAL DPF Dedicated Purpose Fund Group	\$	579,328	\$ 579,328	118291
TOTAL ALL BUDGET FUND GROUPS	\$	579,328	\$ 579,328	118292

**Section 233.10. CAC CASINO CONTROL COMMISSION**

Dedicated Purpose Fund Group				118294
5HS0 955321 Operating Expenses	\$	12,415,000	\$ 12,415,000	118295
5NU0 955601 Casino Commission Enforcement	\$	50,000	\$ 50,000	118296
TOTAL DPF Dedicated Purpose Fund Group	\$	12,465,000	\$ 12,465,000	118297
TOTAL ALL BUDGET FUND GROUPS	\$	12,465,000	\$ 12,465,000	118298

**Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD**

Dedicated Purpose Fund Group				118301
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4K90 930609	Operating Expenses	\$	490,644	\$	489,666	118303
TOTAL DPF	Dedicated Purpose Fund	\$	490,644	\$	489,666	118304
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	490,644	\$	489,666	118305

**Section 237.10.** CHR STATE CHIROPRACTIC BOARD 118307

Dedicated Purpose Fund Group 118308						
4K90 878609	Operating Expenses	\$	648,734	\$	663,521	118309
TOTAL DPF	Dedicated Purpose Fund	\$	648,734	\$	663,521	118310
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	648,734	\$	663,521	118311

**Section 239.10.** CIV OHIO CIVIL RIGHTS COMMISSION 118313

General Revenue Fund 118314						
GRF 876321	Operating Expenses	\$	5,406,444	\$	5,406,444	118315
TOTAL GRF	General Revenue Fund	\$	5,406,444	\$	5,406,444	118316
Internal Service Activity Fund Group 118317						
2170 876604	Operations Support	\$	4,000	\$	4,000	118318
TOTAL ISA	Internal Service Activity					118319
Fund Group		\$	4,000	\$	4,000	118320
Federal Fund Group 118321						
3340 876601	Federal Programs	\$	2,802,760	\$	2,947,982	118322
TOTAL FED	Federal Special Revenue					118323
Fund Group		\$	2,802,760	\$	2,947,982	118324
TOTAL ALL BUDGET FUND GROUPS		\$	8,213,204	\$	8,358,426	118325

**Section 241.10.** COM DEPARTMENT OF COMMERCE 118327

Dedicated Purpose Fund Group 118328						
4B20 800631	Real Estate Appraisal	\$	35,000	\$	35,000	118329
Recovery						
4H90 800608	Cemeteries	\$	274,080	\$	278,352	118330
4X20 800619	Financial Institutions	\$	1,854,298	\$	1,854,298	118331

5430	800602	Unclaimed	\$	7,764,160	\$	7,779,076	118332
		Funds-Operating					
5430	800625	Unclaimed Funds-Claims	\$	64,000,000	\$	64,000,000	118333
5440	800612	Banks	\$	6,867,039	\$	6,885,074	118334
5450	800613	Savings Institutions	\$	2,464,495	\$	2,533,005	118335
5460	800610	Fire Marshal	\$	17,153,766	\$	16,746,648	118336
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	118337
5470	800603	Real Estate	\$	69,655	\$	69,655	118338
		Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	118339
5490	800614	Real Estate	\$	3,374,714	\$	3,409,090	118340
5500	800617	Securities	\$	4,421,403	\$	4,577,915	118341
5520	800604	Credit Union	\$	3,343,696	\$	3,374,104	118342
5530	800607	Consumer Finance	\$	3,946,050	\$	4,138,634	118343
5560	800615	Industrial Compliance	\$	27,882,765	\$	28,318,049	118344
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	118345
		Departments					
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	118346
		Education					
5GK0	800609	Securities Investor	\$	432,150	\$	432,150	118347
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	70,000	\$	70,000	118348
5LC0	800644	Liquor JobsOhio	\$	288,818	\$	276,817	118349
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	7,220,460	\$	6,920,435	118350
		Services					
5LP0	800646	Liquor Regulatory	\$	9,565,654	\$	8,664,644	118351
		Operating Expenses					
5PA0	800647	BUSTR Revolving Loan	\$	1,500,000	\$	1,500,000	118352
		Program					
5X60	800623	Video Service	\$	383,792	\$	389,110	118353
6530	800629	UST Registration/Permit	\$	2,201,943	\$	2,245,208	118354
		Fee					

6A40	800630	Real Estate	\$	684,978	\$	692,170	118355
		Appraiser-Operating					
TOTAL DPF	Dedicated Purpose						118356
Fund Group			\$	171,538,916	\$	170,929,434	118357
Internal Service Activity	Fund Group						118358
1630	800620	Division of	\$	7,700,000	\$	7,700,000	118359
		Administration					
1630	800637	Information Technology	\$	7,792,763	\$	9,493,259	118360
TOTAL ISA	Internal Service Activity						118361
Fund Group			\$	15,492,763	\$	17,193,259	118362
Federal Fund Group							118363
3480	800622	Underground Storage	\$	1,129,518	\$	1,129,518	118364
		Tanks					
3480	800624	Leaking Underground	\$	1,795,481	\$	1,795,481	118365
		Storage Tanks					
TOTAL FED	Federal Fund Group		\$	2,924,999	\$	2,924,999	118366
TOTAL ALL BUDGET FUND GROUPS			\$	189,956,678	\$	191,047,692	118367

UNCLAIMED FUNDS PAYMENTS 118368

The foregoing appropriation item 800625, Unclaimed 118369  
Funds-Claims, shall be used to pay claims under section 169.08 of 118370  
the Revised Code. If it is determined by the Director of Commerce 118371  
that additional appropriation amounts are necessary to make such 118372  
payments, the Director of Commerce may request that the Director 118373  
of Budget and Management increase such amounts. Such amounts are 118374  
hereby appropriated. 118375

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 118376

The foregoing appropriation item 800631, Real Estate 118377  
Appraiser Recovery, shall be used to pay settlements, judgments, 118378  
and court orders under section 4763.16 of the Revised Code. If it 118379  
is determined by the Director of Commerce that additional 118380  
appropriation amounts are necessary to make such payments, the 118381

Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

FIRE DEPARTMENT GRANTS

Of the foregoing appropriation item 800639, Fire Department Grants, up to \$5,200,000 in fiscal year 2016 and \$5,200,000 in fiscal year 2017 shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if

feasible, proportionately award the grant and any equipment 118414  
purchased with grant funds to each of the joint applicants based 118415  
upon each applicant's contribution to and demonstrated need for 118416  
fire protection services. 118417

If the grant awarded to joint applicants is an equipment 118418  
grant and the equipment to be purchased cannot be readily 118419  
distributed or possessed by multiple recipients, each of the joint 118420  
applicants shall be awarded by the State Fire Marshal an ownership 118421  
interest in the equipment so purchased in proportion to each 118422  
applicant's contribution to and demonstrated need for fire 118423  
protection services. The joint applicants shall then mutually 118424  
agree on how the equipment is to be maintained, operated, stored, 118425  
or disposed of. If, for any reason, the joint applicants cannot 118426  
agree as to how jointly owned equipment is to be maintained, 118427  
operated, stored, or disposed of or any of the joint applicants no 118428  
longer maintain a contract with the same fire protection service 118429  
provider as the other applicants, then the joint applicants shall, 118430  
with the assistance of the State Fire Marshal, mutually agree as 118431  
to how the jointly owned equipment is to be maintained, operated, 118432  
stored, disposed of, or owned. If the joint applicants cannot 118433  
agree how the grant equipment is to be maintained, operated, 118434  
stored, disposed of, or owned, the State Fire Marshal may, in its 118435  
discretion, require all of the equipment acquired by the joint 118436  
applicants with grant funds to be returned to the State Fire 118437  
Marshal. The State Fire Marshal may then award the returned 118438  
equipment to any eligible recipients. For this paragraph only, an 118439  
"equipment grant" also includes a MARCS Grant. 118440

Except as otherwise provided in this section, the grants 118441  
shall be used by recipients to purchase firefighting or rescue 118442  
equipment or gear or similar items, to provide full or partial 118443  
reimbursement for the documented costs of firefighter training, 118444  
or, at the discretion of the State Fire Marshal, to cover fire 118445



department costs for providing fire protection services in that 118446  
grant recipient's jurisdiction. 118447

Of the foregoing appropriation item 800639, Fire Department 118448  
Grants, up to \$500,000 per fiscal year may be used to pay for the 118449  
State Fire Marshal's costs of providing firefighter I 118450  
certification classes or other firefighter classes approved by the 118451  
Department of Public Safety in accordance with section 4765.55 of 118452  
the Revised Code at no cost to selected students attending the 118453  
Ohio Fire Academy or other class providers approved by the State 118454  
Fire Marshal. The State Fire Marshal may establish the 118455  
qualifications and selection processes for students to attend such 118456  
classes by written policy, and such students shall be considered 118457  
eligible recipients of fire department grants for the purposes of 118458  
this portion of the grant program. 118459

For purposes of this section, a MARCS Grant is a grant for 118460  
systems, equipment, or services that are a part of, integrated 118461  
into, or otherwise interoperable with the Multi-Agency Radio 118462  
Communication System (MARCS) operated by the state. 118463

Of the foregoing appropriation item 800639, Fire Department 118464  
Grants, up to \$3,000,000 in each fiscal year may be used for MARCS 118465  
Grants. MARCS Grants may be used for the payment of user access 118466  
fees by the eligible recipient to access MARCS. 118467

MARCS Grant awards may be up to \$50,000 in each fiscal year 118468  
per eligible recipient. Each eligible recipient may only apply, as 118469  
a separate entity or as a part of a joint application, for one 118470  
MARCS Grant per fiscal year. The State Fire Marshal may give a 118471  
preference in the awarding of MARCS Grants to grants that will 118472  
enhance the overall interoperability and effectiveness of 118473  
emergency communication networks in the geographic region that 118474  
includes and that is adjacent to the applicant. Eligible 118475  
recipients that are or were awarded fire department grants that 118476  
are not MARCS Grants may also apply for and receive MARCS Grants 118477

in accordance with criteria for the awarding of grant funds 118478  
established by the State Fire Marshal. 118479

Grant awards for firefighting or rescue equipment or gear or 118480  
for fire department costs of providing fire protection services 118481  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 118482  
fiscal year if an eligible entity serves a jurisdiction in which 118483  
the Governor declared a natural disaster during the preceding or 118484  
current fiscal year in which the grant was awarded. In addition to 118485  
any grant funds awarded for rescue equipment or gear, or for fire 118486  
department costs associated with the provision of fire protection 118487  
services, an eligible entity may receive a grant for up to \$15,000 118488  
per fiscal year for full or partial reimbursement of the 118489  
documented costs of firefighter training. For each fiscal year, 118490  
the State Fire Marshal shall determine the total amounts to be 118491  
allocated for each eligible purpose. 118492

The grant program shall be administered by the State Fire 118493  
Marshal in accordance with rules the State Fire Marshal adopts as 118494  
part of the state fire code adopted pursuant to section 3737.82 of 118495  
the Revised Code that are necessary for the administration and 118496  
operation of the grant program. The rules may further define the 118497  
entities eligible to receive grants and establish criteria for the 118498  
awarding and expenditure of grant funds, including methods the 118499  
State Fire Marshal may use to verify the proper use of grant funds 118500  
or to obtain reimbursement for or the return of equipment for 118501  
improperly used grant funds. To the extent consistent with this 118502  
section and until such time as the rules are updated, the existing 118503  
rules in the state fire code adopted pursuant to section 3737.82 118504  
of the Revised Code for fire department grants under this section 118505  
apply to MARCS Grants. Any amounts in appropriation item 800639, 118506  
Fire Department Grants, in excess of the amount allocated for 118507  
these grants may be used for the administration of the grant 118508  
program. 118509

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND				118510
Upon the written request of the Director of Commerce, the				118511
Director of Budget and Management may transfer up to \$500,000 in				118512
cash from the Real Estate Recovery Fund (Fund 5480) and up to				118513
\$250,000 in cash from the Real Estate Appraiser Recovery Fund				118514
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund				118515
5490) during the biennium ending June 30, 2017.				118516
CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES				118517
REVOLVING LOAN FUND				118518
Upon the written request of the Director of Commerce, the				118519
Director of Budget and Management may transfer up to \$300,000 in				118520
cash from the State Fire Marshal Fund (Fund 5460) to the Small				118521
Government Fire Department Services Revolving Loan Fund (Fund				118522
5F10) during the biennium ending June 30, 2017.				118523
ADMINISTRATIVE ASSESSMENTS				118524
Notwithstanding any other provision of law to the contrary,				118525
the Division of Administration Fund (Fund 1630) is entitled to				118526
receive assessments from all operating funds of the Department in				118527
accordance with procedures prescribed by the Director of Commerce				118528
and approved by the Director of Budget and Management.				118529
<b>Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL</b>				118530
Dedicated Purpose Fund Group				118531
5F50 053601 Operating Expenses	\$	5,641,093	\$	5,641,093
TOTAL DPF Dedicated Purpose Fund	\$	5,641,093	\$	5,641,093
Group				118533
TOTAL ALL BUDGET FUND GROUPS	\$	5,641,093	\$	5,641,093
<b>Section 245.10. CEB CONTROLLING BOARD</b>				118536
General Revenue Fund				118537
GRF 911441 Ballot Advertising	\$	475,000	\$	475,000
				118538

Costs

TOTAL GRF General Revenue Fund	\$	475,000	\$	475,000	118539
Dedicated Purpose Fund Group					118540
5RU0 911617 Absent Voter's Ballot	\$	0	\$	1,250,000	118541
Mailings					
TOTAL DPF Dedicated Purpose Fund Group	\$	0	\$	1,250,000	118542
Internal Service Activity Fund Group					118543
5KM0 911614 CB Emergency Purposes	\$	10,000,000	\$	10,000,000	118544
TOTAL ISA Internal Service Activity Fund Group	\$	10,000,000	\$	10,000,000	118545
TOTAL ALL BUDGET FUND GROUPS	\$	10,475,000	\$	11,725,000	118546

FEDERAL SHARE 118548

In transferring appropriations to or from appropriation items that have federal shares identified in this act, the Controlling Board shall add or subtract corresponding amounts of federal matching funds at the percentages indicated by the state and federal division of the appropriations in this act. Such changes are hereby appropriated.

ABSENT VOTER'S BALLOT APPLICATION MAILING 118555

Pursuant to section 111.31 of the Revised Code and upon the request of the Secretary of State, the Controlling Board shall approve cash transfers from the Absent Voter's Ballot Fund (Fund 5RU0), which is hereby created, under the foregoing appropriation item 911617, Absent Voter's Ballot Mailings, to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) used by the Secretary of State to pay the cost of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held on November 8, 2016.

BALLOT ADVERTISING COSTS 118565

Pursuant to section 3501.17 of the Revised Code, and upon 118566

requests submitted by the Secretary of State, the Controlling Board shall approve transfers from the foregoing appropriation item 911441, Ballot Advertising Costs, to appropriation item 050621, Statewide Ballot Advertising, in order to pay for the cost of public notices associated with statewide ballot initiatives.

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS ELIGIBILITY

A state agency director shall request that the Controlling Board increase the amount of the agency's capital appropriations if the director determines such an increase is necessary for the agency to receive and use funds under the federal American Recovery and Reinvestment Act of 2009. The Controlling Board may increase the capital appropriations pursuant to the request up to the exact amount necessary under the federal act if the Board determines it is necessary for the agency to receive and use those federal funds.

DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (Fund 5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have a written Governor's authorization, and the State Individual Assistance Program for disasters that have a written Governor's authorization and is declared by the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available

application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program. 118599  
 118600

Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist. 118601  
 118602  
 118603  
 118604  
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 118606

**Section 247.10. COS STATE BOARD OF BARBERS AND COSMETOLOGY** 118607

Dedicated Purpose Fund Group 118608  
 4K90 879609 Operating Expenses \$ 3,767,432 \$ 3,154,762 118609  
 TOTAL DPF Dedicated Purpose Fund 118610  
 Group \$ 3,767,432 \$ 3,154,762 118611  
 TOTAL ALL BUDGET FUND GROUPS \$ 3,767,432 \$ 3,154,762 118612

**Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE** 118614

AND FAMILY THERAPIST BOARD 118615  
 Dedicated Purpose Fund Group 118616  
 4K90 899609 Operating Expenses \$ 1,287,029 \$ 1,301,462 118617  
 TOTAL DPF Dedicated Purpose Fund \$ 1,287,029 \$ 1,301,462 118618  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,287,029 \$ 1,301,462 118619

**Section 251.10. CLA COURT OF CLAIMS** 118621

General Revenue Fund 118622  
 GRF 015321 Operating Expenses \$ 2,562,959 \$ 2,536,419 118623  
 TOTAL GRF General Revenue Fund \$ 2,562,959 \$ 2,536,419 118624  
 Dedicated Purpose Fund Group 118625  
 5K20 015603 CLA Victims of Crime \$ 427,184 \$ 434,019 118626  
 TOTAL DPF Dedicated Purpose 118627

Fund Group	\$	427,184	\$	434,019	118628
TOTAL ALL BUDGET FUND GROUPS	\$	2,990,143	\$	2,970,438	118629

**Section 253.10.** DEN STATE DENTAL BOARD 118631

Dedicated Purpose Fund Group					118632
4K90 880609 Operating Expenses	\$	1,591,884	\$	1,591,884	118633
TOTAL DPF Dedicated Purpose					118634
Fund Group	\$	1,591,884	\$	1,591,884	118635
TOTAL ALL BUDGET FUND GROUPS	\$	1,591,884	\$	1,591,884	118636

**Section 255.10.** BDP BOARD OF DEPOSIT 118638

Dedicated Purpose Fund Group					118639
4M20 974601 Board of Deposit	\$	1,876,000	\$	1,876,000	118640
TOTAL DPF Dedicated Purpose Fund					118641
Group	\$	1,876,000	\$	1,876,000	118642
TOTAL ALL BUDGET FUND GROUPS	\$	1,876,000	\$	1,876,000	118643

BOARD OF DEPOSIT EXPENSE FUND 118644

Upon receiving certification of expenses from the Treasurer 118645  
of State, the Director of Budget and Management shall transfer 118646  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 118647  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 118648  
shall be used pursuant to section 135.02 of the Revised Code to 118649  
pay for any and all necessary expenses of the Board of Deposit or 118650  
for banking charges and fees required for the operation of the 118651  
State of Ohio Regular Account. 118652

**Section 257.10.** DEV DEVELOPMENT SERVICES AGENCY 118653

General Revenue Fund					118654
GRF 195402 Coal Research and	\$	234,400	\$	234,400	118655
Development Program					
GRF 195405 Minority Business	\$	1,722,191	\$	1,722,191	118656
Development					

GRF	195407	Travel and Tourism	\$	1,000,000	\$	1,000,000	118657
GRF	195415	Business Development Services	\$	2,413,387	\$	2,413,387	118658
GRF	195426	Redevelopment Assistance	\$	525,000	\$	525,000	118659
GRF	195453	Technology Programs and Grants	\$	13,577,641	\$	13,577,641	118660
GRF	195454	Business Assistance	\$	3,506,474	\$	3,256,474	118661
GRF	195455	Appalachia Assistance	\$	5,748,749	\$	5,748,749	118662
GRF	195497	CDBG Operating Match	\$	1,053,200	\$	1,053,200	118663
GRF	195537	Ohio-Israel Agricultural Initiative	\$	200,000	\$	200,000	118664
GRF	195540	Port Authority Assistance	\$	2,500,000	\$	0	118665
GRF	195542	The Wilds	\$	250,000	\$	0	118666
GRF	195544	Dayton Regional Workforce Network	\$	350,000	\$	350,000	118667
GRF	195901	Coal Research & Development General Obligation Bond Debt Service	\$	5,991,400	\$	5,038,700	118668
GRF	195905	Third Frontier Research & Development General Obligation Bond Debt Service	\$	76,591,400	\$	96,212,000	118669
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	18,634,000	\$	15,235,900	118670
TOTAL GRF	General Revenue Fund		\$	134,297,842	\$	146,567,642	118671
	Dedicated Purpose Fund Group						118672



4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	118673
4510	195649	Business Assistance Programs	\$	5,000,000	\$	5,000,000	118674
4F20	195639	State Special Projects	\$	102,104	\$	102,104	118675
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	118676
4W10	195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000	118677
5CG0	195679	Alternative Fuel Transportation	\$	3,000,000	\$	3,000,000	118678
5HR0	195622	Defense Development Assistance	\$	3,500,000	\$	3,500,000	118679
5HR0	195662	Incumbent Workforce Training Vouchers	\$	7,500,000	\$	7,500,000	118680
5JR0	195635	Redevelopment Program Support	\$	100,000	\$	100,000	118681
5KN0	195640	Local Government Innovation	\$	11,922,500	\$	11,922,500	118682
5KP0	195645	Historic Rehab Operating	\$	900,000	\$	1,000,000	118683
5M40	195659	Low Income Energy Assistance (USF)	\$	370,000,000	\$	370,000,000	118684
5M50	195660	Advanced Energy Loan Programs	\$	12,000,000	\$	12,000,000	118685
5MH0	195644	SiteOhio Administration	\$	100,000	\$	100,000	118686
5MJ0	195683	TourismOhio Administration	\$	9,000,000	\$	10,000,000	118687
5RQ0	195546	Lakes in Economic Distress Revolving Loan Program	\$	1,000,000	\$	0	118688

5W50	195690	Travel and Tourism Cooperative Projects	\$	150,000	\$	150,000	118689
5W60	195691	International Trade Cooperative Projects	\$	18,000	\$	18,000	118690
6170	195654	Volume Cap Administration	\$	32,562	\$	32,562	118691
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000	118692
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	118693
TOTAL DPF		Dedicated Purpose Fund Group	\$	482,400,071	\$	482,500,071	118694
		Internal Service Activity Fund Group					118695
1350	195684	Development Services Operations	\$	10,800,000	\$	10,800,000	118696
6850	195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	118697
TOTAL ISA		Internal Service Activity Fund Group	\$	11,500,000	\$	11,500,000	118699
		Facilities Establishment Fund Group					118700
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	118701
7009	195664	Innovation Ohio	\$	10,000,000	\$	10,000,000	118702
7010	195665	Research and Development	\$	10,000,000	\$	10,000,000	118703
7037	195615	Facilities Establishment	\$	35,000,000	\$	35,000,000	118704
TOTAL FCE		Facilities Establishment Fund Group	\$	58,000,000	\$	58,000,000	118706

Bond Research & Development Fund Group				118707
7011	195617	Third Frontier Internship Program	\$ 2,788,755 \$	2,788,755 118708
7011	195686	Third Frontier Tax Exempt - Operating	\$ 1,140,000 \$	1,140,000 118709
7011	195687	Third Frontier Research & Development Projects	\$ 68,904,946 \$	63,904,946 118710
7014	195620	Third Frontier Taxable - Operating	\$ 1,710,000 \$	1,710,000 118711
7014	195692	Research & Development Taxable Bond Projects	\$ 90,850,250 \$	90,850,250 118712
TOTAL BRD Bond Research & Development Fund Group			\$ 165,393,951 \$	160,393,951 118713
Capital Projects Fund Group				118714
7003	195663	Clean Ohio Revitalization Operating	\$ 600,000 \$	600,000 118715
7012	195688	Job Ready Site Development Operating	\$ 300,000 \$	300,000 118716
TOTAL CPF Capital Projects Fund Group			\$ 900,000 \$	900,000 118717
Federal Fund Group				118718
3080	195603	Housing Assistance Programs	\$ 10,000,000 \$	10,000,000 118719
3080	195609	Small Business Administration Grants	\$ 5,271,381 \$	5,271,381 118720
3080	195618	Energy Grants	\$ 4,100,000 \$	4,100,000 118721
3080	195670	Home Weatherization Program	\$ 20,000,000 \$	20,000,000 118722
3080	195671	Brownfield	\$ 3,000,000 \$	3,000,000 118723

		Redevelopment					
3080	195672	Manufacturing	\$	5,359,305	\$	5,359,305	118724
		Extension Partnership					
3080	195675	Procurement Technical	\$	1,250,000	\$	750,000	118725
		Assistance					
3080	195681	SBDC Disability	\$	1,300,000	\$	1,300,000	118726
		Consulting					
3080	195696	State Trade and	\$	486,000	\$	486,000	118727
		Export Promotion					
3350	195610	Energy Programs	\$	200,000	\$	200,000	118728
3AE0	195643	Workforce Development	\$	1,500,000	\$	1,500,000	118729
		Initiatives					
3FJ0	195626	Small Business	\$	5,644,445	\$	5,644,445	118730
		Capital Access and					
		Collateral					
		Enhancement Program					
3FJ0	195661	Technology Targeted	\$	2,260,953	\$	2,260,953	118731
		Investment Program					
3K80	195613	Community Development	\$	65,000,000	\$	65,000,000	118732
		Block Grant					
3K90	195611	Home Energy	\$	175,000,000	\$	175,000,000	118733
		Assistance Block					
		Grant					
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000	118734
3L00	195612	Community Services	\$	28,000,000	\$	28,000,000	118735
		Block Grant					
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000	118736
TOTAL FED	Federal Fund Group		\$	378,372,084	\$	377,872,084	118737
TOTAL ALL BUDGET FUND GROUPS			\$	1,230,863,948	\$	1,237,733,748	118738

**Section 257.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 118740

The foregoing appropriation item 195402, Coal Research and 118741  
Development Program, shall be used for the operating expenses of 118742

the Community Services Division in support of the Ohio Coal	118743
Development Office.	118744
TRAVEL AND TOURISM	118745
The foregoing appropriation item 195407, Travel and Tourism,	118746
shall be used to make grants under section 122.121 of the Revised	118747
Code.	118748
BUSINESS DEVELOPMENT SERVICES	118749
The foregoing appropriation item 195415, Business Development	118750
Services, shall be used for the operating expenses of the Business	118751
Services Division and the regional economic development offices	118752
and for grants for cooperative economic development ventures.	118753
REDEVELOPMENT ASSISTANCE	118754
The foregoing appropriation item 195426, Redevelopment	118755
Assistance, shall be used to fund the costs of administering the	118756
energy, redevelopment, and other urban revitalization programs	118757
that may be implemented by the Development Services Agency.	118758
TECHNOLOGY PROGRAMS AND GRANTS	118759
Of the foregoing appropriation item 195453, Technology	118760
Programs and Grants, up to \$547,341 in each fiscal year shall be	118761
used for operating expenses incurred in administering the Ohio	118762
Third Frontier pursuant to sections 184.10 to 184.20 of the	118763
Revised Code; and up to \$13,000,000 in each fiscal year shall be	118764
used for the Thomas Edison Program pursuant to sections 122.28 to	118765
122.38 of the Revised Code, of which not more than ten per cent	118766
shall be used for operating expenses incurred in administering the	118767
program.	118768
BUSINESS ASSISTANCE	118769
The foregoing appropriation item 195454, Business Assistance,	118770
may be used to provide a range of business assistance, including	118771
grants to local organizations to support economic development	118772

activities that promote minority business development, small 118773  
business development, entrepreneurship, and exports of Ohio's 118774  
goods and services. This appropriation item shall also be used as 118775  
matching funds for grants from the United States Small Business 118776  
Administration and other federal agencies, pursuant to Public Law 118777  
No. 96-302 as amended by Public Law No. 98-395, and regulations 118778  
and policy guidelines for the programs pursuant thereto. 118779

APPALACHIA ASSISTANCE 118780

The foregoing appropriation item 195455, Appalachia 118781  
Assistance, may be used for the administrative costs of planning 118782  
and liaison activities for the Governor's Office of Appalachia, to 118783  
provide financial assistance to projects in Ohio's Appalachian 118784  
counties, to support four local development districts, and to pay 118785  
dues for the Appalachian Regional Commission. These funds may be 118786  
used to match federal funds from the Appalachian Regional 118787  
Commission. 118788

Of the foregoing appropriation item 195455, Appalachia 118789  
Assistance, in each fiscal year, \$170,000 shall be allocated to 118790  
the Ohio Valley Regional Development Commission, \$170,000 shall be 118791  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 118792  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 118793  
Development District, and \$70,000 shall be allocated to the 118794  
Eastgate Regional Council of Governments. Local development 118795  
districts receiving funding under this section shall use the funds 118796  
for the implementation and administration of programs and duties 118797  
under section 107.21 of the Revised Code. 118798

CDBG OPERATING MATCH 118799

The foregoing appropriation item 195497, CDBG Operating 118800  
Match, shall be used as matching funds for grants from the United 118801  
States Department of Housing and Urban Development pursuant to the 118802  
Housing and Community Development Act of 1974 and regulations and 118803

policy guidelines for the programs pursuant thereto.	118804
OHIO-ISRAEL AGRICULTURAL INITIATIVE	118805
The foregoing appropriation item 195537, Ohio-Israel	118806
Agricultural Initiative, shall be used for the Ohio-Israel	118807
Agricultural Initiative.	118808
PORT AUTHORITY ASSISTANCE	118809
The foregoing appropriation item 195540, Port Authority	118810
Assistance, shall be used to distribute a grant to the Montgomery	118811
County Port Authority for the Midtown Redevelopment Initiative.	118812
THE WILDS	118813
The foregoing appropriation item 195542, The Wilds, shall be	118814
used to distribute a grant to The Wilds, a nonprofit conservation	118815
center in Muskingum County, for the development of a public water	118816
connection.	118817
DAYTON REGIONAL WORKFORCE NETWORK	118818
The foregoing appropriation item 195544, Dayton Regional	118819
Workforce Network, shall be used to support the Montgomery County	118820
Workforce Study Committee as described in Section 763.10 of this	118821
act.	118822
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT	118823
SERVICE	118824
The foregoing appropriation line item 195901, Coal Research	118825
and Development General Obligation Bond Debt Service, shall be	118826
used to pay all debt service and related financing costs during	118827
the period July 1, 2015, through June 30, 2017, on obligations	118828
issued under sections 151.01 and 151.07 of the Revised Code.	118829
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND	118830
DEBT SERVICE	118831
The foregoing appropriation item 195905, Third Frontier	118832

Research & Development General Obligation Bond Debt Service, shall 118833  
be used to pay all debt service and related financing costs during 118834  
the period from July 1, 2015, through June 30, 2017, on 118835  
obligations issued under sections 151.01 and 151.10 of the Revised 118836  
Code. 118837

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 118838  
SERVICE 118839

The foregoing appropriation item 195912, Job Ready Site 118840  
Development General Obligation Bond Debt Service, shall be used to 118841  
pay all debt service and related financing costs during the period 118842  
from July 1, 2015, through June 30, 2017, on obligations issued 118843  
under sections 151.01 and 151.11 of the Revised Code. 118844

**Section 257.30.** BUSINESS ASSISTANCE PROGRAMS 118845

The foregoing appropriation item 195649, Business Assistance 118846  
Programs, shall be used for administrative expenses associated 118847  
with the operation of tax credit programs, loan servicing, the 118848  
Ohio Film Office, workforce initiatives, and the Office of 118849  
Strategic Business Investments. 118850

STATE SPECIAL PROJECTS 118851

The State Special Projects Fund (Fund 4F20), may be used for 118852  
the deposit of private-sector funds from utility companies and for 118853  
the deposit of other miscellaneous state funds. State moneys so 118854  
deposited may also be used to match federal housing grants for the 118855  
homeless. 118856

MINORITY BUSINESS ENTERPRISE LOAN 118857

All repayments from the Minority Development Financing 118858  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 118859  
Program shall be deposited in the State Treasury to the credit of 118860  
the Minority Business Enterprise Loan Fund (Fund 4W10). 118861

MINORITY BUSINESS BONDING FUND 118862



Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2016-fiscal year 2017 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development Services, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

DEFENSE DEVELOPMENT ASSISTANCE

The Director of Budget and Management shall transfer \$3,500,000 in cash in each fiscal year from the Economic Development Programs Fund (Fund 5JC0) used by the Department of Higher Education to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used by the Development Services Agency. The transferred funds shall be used for appropriation item 195622, Defense Development Assistance, to be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of Defense and related facilities in Ohio by working with future base

realignment and closure activities and ongoing Department of 118895  
Defense efficiency and partnership initiatives, assisting efforts 118896  
to secure Department of Defense support contracts for Ohio 118897  
companies, assessing and supporting regional job training and 118898  
workforce development needs generated by the Department of Defense 118899  
and the Ohio aerospace industry, promoting technology transfer to 118900  
Ohio businesses, and for expanding job training and economic 118901  
development programs in human performance and cyber security 118902  
related initiatives. 118903

On July 1, 2016, or as soon as possible thereafter, the 118904  
Director of Development Services may request that the Director of 118905  
Budget and Management reappropriate any unexpended, unencumbered 118906  
balance of the prior fiscal year's appropriation to the foregoing 118907  
appropriation item 195622, Defense Development Assistance, for 118908  
fiscal year 2017. The Director of Budget and Management may 118909  
request additional information necessary for evaluating the 118910  
request, and the Director of Development Services shall provide 118911  
the requested information to the Director of Budget and 118912  
Management. Based on the information provided by the Director of 118913  
Development Services, the Director of Budget and Management shall 118914  
determine the amount to be reappropriated, and those amounts are 118915  
hereby reappropriated for fiscal year 2017. 118916

INCUMBENT WORKFORCE TRAINING VOUCHERS 118917

(A) The Director of Budget and Management may transfer up to 118918  
\$7,500,000 cash in each fiscal year from the Economic Development 118919  
Programs Fund (Fund 5JC0) used by the Department of Higher 118920  
Education to the Ohio Incumbent Workforce Job Training Fund (Fund 118921  
5HR0) used by the Development Services Agency. 118922

(B) The foregoing appropriation item 195662, Incumbent 118923  
Workforce Training Vouchers, shall be used to support the Ohio 118924  
Incumbent Workforce Training Voucher Program. 118925

(C) The Ohio Incumbent Workforce Training Voucher Program 118926  
shall conform to guidelines for the operation of the program, 118927  
including, but not limited to, the following: 118928

(1) A requirement that a training voucher under the program 118929  
shall not exceed \$6,000 per worker per year; 118930

(2) A provision for an employer of an eligible employee to 118931  
apply for a voucher on behalf of the eligible employee; 118932

(3) A provision for an eligible employee to apply directly 118933  
for a training voucher with the pre-approval of the employee's 118934  
employer; and 118935

(4) A requirement that an employee participating in the 118936  
program, or the employee's employer, shall pay for not less than 118937  
thirty-three per cent of the training costs under the program. 118938

On July 1, 2016, or as soon as possible thereafter, the 118939  
Director of Development Services may request that the Director of 118940  
Budget and Management reappropriate any unexpended, unencumbered 118941  
balance of the prior fiscal year's appropriation to the foregoing 118942  
appropriation item 195662, Incumbent Workforce Training Vouchers, 118943  
for fiscal year 2017. The Director of Budget and Management may 118944  
request additional information necessary for evaluating the 118945  
request, and the Director of Development Services shall provide 118946  
the requested information to the Director of Budget and 118947  
Management. Based on the information provided by the Director of 118948  
Development Services, the Director of Budget and Management shall 118949  
determine the amount to be reappropriated, and those amounts are 118950  
hereby reappropriated for fiscal year 2017. 118951

LOCAL GOVERNMENT INNOVATION FUND 118952

The foregoing appropriation item 195640, Local Government 118953  
Innovation, shall be used for the purposes of making loans and 118954  
grants to political subdivisions under the Local Government 118955  
Innovation Program in accordance with sections 189.01 to 189.10 of 118956

the Revised Code, and for the purposes of making loans and grants 118957  
to political subdivisions and grants to the Department of 118958  
Administrative Services under the Local Government Efficiency 118959  
Program. Of the foregoing appropriation item 195640, Local 118960  
Government Innovation, up to \$200,000 in each fiscal year shall be 118961  
used for administrative costs incurred by the Development Services 118962  
Agency, of which up to \$25,000 in each fiscal year may be used for 118963  
the costs of preparing a report involving the local government 118964  
information exchange. Of the foregoing appropriation item 195640, 118965  
Local Government Innovation, up to \$75,000 in each fiscal year may 118966  
be used to administer and provide technical assistance in 118967  
providing the grants or loans involving the local government 118968  
information exchange. In administering and providing this 118969  
technical assistance, the Director of Development Services may 118970  
enter into agreements with the Director of Administrative Services 118971  
or other entities. 118972

ADVANCED ENERGY LOAN PROGRAMS 118973

The foregoing appropriation item 195660, Advanced Energy Loan 118974  
Programs, shall be used to provide financial assistance to 118975  
customers for eligible advanced energy projects for residential, 118976  
commercial, and industrial business, local government, educational 118977  
institution, nonprofit, and agriculture customers, and to pay for 118978  
the program's administrative costs as provided in sections 4928.61 118979  
to 4928.63 of the Revised Code and rules adopted by the Director 118980  
of Development Services. 118981

LAKES IN ECONOMIC DISTRESS REVOLVING LOAN PROGRAM 118982

On July 1, 2015, or as soon as possible thereafter, the 118983  
Director of Budget and Management shall transfer \$1,000,000 cash 118984  
from the General Revenue Fund to the Lakes in Economic Distress 118985  
Revolving Loan Fund (Fund 5RQ0). 118986

The foregoing appropriation item 195546, Lakes in Economic 118987

Distress Revolving Loan Program, shall be used for the purposes 118988  
described under section 122.641 of the Revised Code. 118989

On July 1, 2016, or as soon as possible thereafter, the 118990  
Director of Development Services shall certify to the Director of 118991  
Budget and Management the amount of the unexpended, unencumbered 118992  
balance of the foregoing appropriation item 195546, Lakes in 118993  
Economic Distress Revolving Loan Program, to be reappropriated in 118994  
fiscal year 2017. The amount certified is hereby reappropriated to 118995  
the foregoing appropriation item in FY 2017 for the same purpose. 118996

TRAVEL AND TOURISM COOPERATIVE PROJECTS 118997

The foregoing appropriation item 195690, Travel and Tourism 118998  
Cooperative Projects, shall be used for the marketing and 118999  
promotion of travel and tourism in Ohio. The Travel and Tourism 119000  
Cooperative Projects Fund (Fund 5W50) shall consist solely of 119001  
leveraged private sector paid advertising dollars received in 119002  
tourism marketing assistance and co-op programs. 119003

VOLUME CAP ADMINISTRATION 119004

The foregoing appropriation item 195654, Volume Cap 119005  
Administration, shall be used for expenses related to the 119006  
administration of the Volume Cap Program. Revenues received by the 119007  
Volume Cap Administration Fund (Fund 6170) shall consist of 119008  
application fees, forfeited deposits, and interest earned from the 119009  
custodial account held by the Treasurer of State. 119010

**Section 257.40.** DEVELOPMENT SERVICES OPERATIONS 119011

The Director of Development Services may assess offices of 119012  
the agency for the cost of central service operations. An 119013  
assessment shall contain the characteristics of administrative 119014  
ease and uniform application. A division's payments shall be 119015  
credited to the Supportive Services Fund (Fund 1350) using an 119016  
intrastate transfer voucher. 119017

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES	119018
The foregoing appropriation item 195636, Development Services	119019
Reimbursable Expenditures, shall be used for reimbursable costs	119020
incurred by the agency. Revenues to the General Reimbursement Fund	119021
(Fund 6850) shall consist of moneys charged for administrative	119022
costs that are not central service costs.	119023
<b>Section 257.50. CAPITAL ACCESS LOAN PROGRAM</b>	119024
The foregoing appropriation item 195628, Capital Access Loan	119025
Program, shall be used for operating, program, and administrative	119026
expenses of the program. Funds of the Capital Access Loan Program	119027
shall be used to assist participating financial institutions in	119028
making program loans to eligible businesses that face barriers in	119029
accessing working capital and obtaining fixed-asset financing.	119030
INNOVATION OHIO LOAN FUND	119031
The foregoing appropriation item 195664, Innovation Ohio,	119032
shall be used to provide for Innovation Ohio purposes, including	119033
loan guarantees and loans under Chapter 166. and particularly	119034
sections 166.12 to 166.16 of the Revised Code.	119035
RESEARCH AND DEVELOPMENT	119036
The foregoing appropriation item 195665, Research and	119037
Development, shall be used to provide for research and development	119038
purposes, including loans, under Chapter 166. and particularly	119039
sections 166.17 to 166.21 of the Revised Code.	119040
FACILITIES ESTABLISHMENT	119041
The foregoing appropriation item 195615, Facilities	119042
Establishment, shall be used for the purposes of the Facilities	119043
Establishment Fund (Fund 7037) under Chapter 166. of the Revised	119044
Code.	119045
Notwithstanding Chapter 166. of the Revised Code, an amount	119046

not to exceed \$3,500,000 in cash in each fiscal year may be 119047  
transferred from the Facilities Establishment Fund (Fund 7037) to 119048  
the Business Assistance Fund (Fund 4510). The transfer is subject 119049  
to Controlling Board approval under division (B) of section 166.03 119050  
of the Revised Code. 119051

Notwithstanding Chapter 166. of the Revised Code, the 119052  
Director of Budget and Management may transfer an amount not to 119053  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 119054  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 119055  
Loan Fund (Fund 4W10). 119056

Notwithstanding Chapter 166. of the Revised Code, the 119057  
Director of Budget and Management may transfer an amount not to 119058  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 119059  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 119060  
(Fund 5S90). 119061

**Section 257.60. THIRD FRONTIER INTERNSHIP PROGRAM** 119062

The foregoing appropriation item 195617, Third Frontier 119063  
Internship Program, shall be used for the Third Frontier 119064  
Internship Program described in Section 701.90 of this act. 119065

**THIRD FRONTIER OPERATING COSTS** 119066

The foregoing appropriation items 195686, Third Frontier Tax 119067  
Exempt - Operating, and 195620, Third Frontier Taxable - 119068  
Operating, shall be used for operating expenses incurred by the 119069  
Development Services Agency in administering projects pursuant to 119070  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 119071  
paid from appropriation item 195686 shall be limited to the 119072  
administration of projects funded from the Third Frontier Research 119073  
& Development Fund (Fund 7011) and operating expenses paid from 119074  
appropriation item 195620 shall be limited to the administration 119075  
of projects funded from the Third Frontier Research & Development 119076

Taxable Bond Project Fund (Fund 7014).	119077
THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS	119078
	119079
The foregoing appropriation items 195687, Third Frontier Research & Development Projects, 195692, Research & Development Taxable Bond Projects, and 195620, Third Frontier Taxable - Operating, shall be used by the Development Services Agency to fund selected projects. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research & Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.	119080
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TRANSFERS OF THIRD FRONTIER APPROPRIATIONS	119089
The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.	119090
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	119095
In fiscal year 2017, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2017. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to	119096
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be reappropriated, and those amounts are hereby reappropriated for 119108  
fiscal year 2017. 119109

**Section 257.70. CLEAN OHIO REVITALIZATION OPERATING** 119110

The foregoing appropriation item 195663, Clean Ohio 119111  
Revitalization Operating, shall be used by the Development 119112  
Services Agency in administering Clean Ohio Revitalization Fund 119113  
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 119114  
Revised Code. 119115

**JOB READY SITE DEVELOPMENT OPERATING** 119116

The foregoing appropriation item 195688, Job Ready Site 119117  
Development Operating, shall be used for operating expenses 119118  
incurred by the Development Services Agency in administering Job 119119  
Ready Site Development Fund (Fund 7012) projects pursuant to 119120  
sections 122.085 to 122.0820 of the Revised Code. Operating 119121  
expenses include, but are not limited to, certain qualified 119122  
expenses of the District Public Works Integrating Committees, as 119123  
applicable, engineering review of submitted applications by the 119124  
State Architect or a third-party engineering firm, audit and 119125  
accountability activities, and costs associated with formal 119126  
certifications verifying that site infrastructure is in place and 119127  
is functional. 119128

**Section 257.80. HEAP WEATHERIZATION** 119129

Up to twenty-five per cent of the federal funds deposited to 119130  
the credit of the Home Energy Assistance Block Grant Fund (Fund 119131  
3K90) may be expended from appropriation item 195614, HEAP 119132  
Weatherization, to provide home weatherization services in the 119133  
state as determined by the Director of Development Services. Any 119134  
transfers or increases in appropriation for the foregoing 119135  
appropriation items 195614, HEAP Weatherization, or 195611, Home 119136  
Energy Assistance Block Grant, shall be subject to approval by the 119137

Controlling Board.	119138
<b>Section 257.90.</b> REPORT ON ENTREPRENEURIAL BUSINESS INCUBATORS	119139
	119140
(A) For the purposes of this section, "entrepreneurial business incubator" is defined as an entity supporting startup companies, offering a collaborative environment, and providing access to support services, technical expertise, and business assistance resources to help innovators grow their business ideas into independent job-creating companies.	119141
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(B) By December 31, 2015, the Development Services Agency shall produce a report and make it publicly available on the agency's web site. The report shall map and review entrepreneurial business incubators in the state of Ohio, and specifically:	119147
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	119150
(1) Identify locations and available support services, unmet service areas, and duplication of service at entrepreneurial business incubators;	119151
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(2) Classify the industry of member entrepreneurs receiving services by the following categories: advanced manufacturing, aerospace and aviation, agribusiness, food processing, automotive supply chain, biohealth, energy, information technology, polymers, chemicals, and additional industry sectors, as determined by the Development Services Agency	119154
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(3) Gather data on member entrepreneurs based on jobs, capital investment, and sales; and	119160
	119161
(4) Describe characteristics of incubators that successfully graduate companies to be independent job creators for Ohio.	119162
	119163
<b>Section 259.10.</b> DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES	119164
General Revenue Fund	119165
GRF 320321 Central \$ 150,000 \$ 150,000	119166

		Administration				
GRF	320412	Protective Services	\$	2,418,196	\$	2,418,196 119167
GRF	320415	Developmental	\$	20,817,900	\$	19,902,200 119168
		Disabilities				
		Facilities Lease				
		Rental Bond Payments				
GRF	322420	Screening and Early	\$	308,500	\$	308,500 119169
		Intervention				
GRF	322451	Family Support	\$	5,982,758	\$	5,982,758 119170
		Services				
GRF	322501	County Boards	\$	44,149,280	\$	44,149,280 119171
		Subsidies				
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000 119172
GRF	322507	County Board Case	\$	2,500,000	\$	2,500,000 119173
		Management				
GRF	322508	Employment First	\$	5,975,000	\$	5,975,000 119174
		Initiative				
GRF	322509	Community Supports &	\$	750,000	\$	750,000 119175
		Rental Assistance				
GRF	653321	Medicaid Program	\$	6,186,694	\$	6,186,694 119176
		Support - State				
GRF	653407	Medicaid Services	\$	482,137,300	\$	543,467,830 119177
TOTAL GRF		General Revenue Fund	\$	585,375,628	\$	645,790,458 119178
		Dedicated Purpose Fund Group				119179
5GE0	320606	Operating and	\$	10,107,297	\$	10,107,297 119180
		Services				
5QM0	320607	System Transformation	\$	4,500,000	\$	3,000,000 119181
		Supports				
2210	322620	Supplement Service	\$	150,000	\$	150,000 119182
		Trust				
5DJ0	322625	Targeted Case	\$	38,000,000	\$	43,000,000 119183
		Management Match				
5DK0	322629	Capital Replacement	\$	750,000	\$	750,000 119184

		Facilities					
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000	119185
5JX0	322651	Interagency Workgroup	\$	25,000		25,000	119186
		- Autism					
4890	653632	DC Direct Care	\$	10,050,000	\$	10,050,000	119187
		Services					
5CT0	653607	Intensive Behavioral	\$	1,000,000	\$	1,000,000	119188
		Needs					
5DJ0	653626	Targeted Case	\$	101,000,000	\$	113,000,000	119189
		Management Services					
5EV0	653627	Medicaid Program	\$	1,500,000	\$	1,500,000	119190
		Support					
5GE0	653606	ICF/IID and Waiver	\$	37,682,901	\$	37,575,865	119191
		Match					
5S20	653622	Medicaid Admin and	\$	19,032,154	\$	19,032,154	119192
		Oversight					
5Z10	653624	County Board Waiver	\$	382,814,610	\$	426,207,065	119193
		Match					
TOTAL DPF		Dedicated Purpose Fund	\$	606,771,962	\$	665,557,381	119194
		Group					
		Internal Service Activity Fund Group					119195
1520	653609	DC and Residential	\$	11,000,000	\$	11,000,000	119196
		Operating Services					
TOTAL ISA		Internal Service Activity					119197
		Fund Group	\$	11,000,000	\$	11,000,000	119198
		Federal Fund Group					119199
3A50	320613	DD Council	\$	3,324,187	\$	3,324,187	119200
3250	322612	Community Social	\$	10,604,896	\$	10,604,896	119201
		Service Programs					
3A40	653604	DC & ICF/IID Program	\$	8,013,611	\$	8,013,611	119202
		Support					
3A40	653605	DC and Residential	\$	118,423,968	\$	110,604,417	119203

		Services and Support				
3A40	653653	ICF/IID	\$ 357,362,616	\$ 356,283,407	119204	
3G60	653639	Medicaid Waiver	\$ 1,019,289,925	\$ 1,180,039,348	119205	
		Services				
3G60	653640	Medicaid Waiver	\$ 46,525,638	\$ 47,225,486	119206	
		Program Support				
3M70	653650	CAFS Medicaid	\$ 3,000,000	\$ 3,000,000	119207	
TOTAL FED		Federal Fund Group	\$ 1,566,544,841	\$ 1,719,095,352	119208	
TOTAL ALL BUDGET FUND GROUPS			\$ 2,769,692,431	\$ 3,041,443,191	119209	

**Section 259.20. DEVELOPMENTAL DISABILITIES FACILITIES** 119211

LEASE-RENTAL BOND PAYMENTS 119212

The foregoing appropriation item 320415, Developmental 119213  
 Disabilities Facilities Lease Rental Bond Payments, shall be used 119214  
 to meet all payments during the period from July 1, 2015, through 119215  
 June 30, 2017, by the Department of Developmental Disabilities 119216  
 under leases and agreements made under section 154.20 of the 119217  
 Revised Code. These appropriations are the source of funds pledged 119218  
 for bond service charges on related obligations issued under 119219  
 Chapter 154. of the Revised Code. 119220

**Section 259.30. SCREENING AND EARLY INTERVENTION** 119221

At the discretion of the Director of Developmental 119222  
 Disabilities, the foregoing appropriation item 322420, Screening 119223  
 and Early Intervention, shall be used for professional and program 119224  
 development related to early identification/screening and 119225  
 intervention for children with autism and other complex 119226  
 developmental disabilities and their families. 119227

Of the foregoing appropriation item 322420, Screening and 119228  
 Early Intervention, \$8,500 in each fiscal year shall be provided 119229  
 to the Preble County Board of Developmental Disabilities for the 119230  
 Play and Language for Autistic Youngsters Project. 119231

**Section 259.40.** FAMILY SUPPORT SERVICES SUBSIDY 119232

The foregoing appropriation item 322451, Family Support 119233  
Services, may be used as follows in fiscal year 2016 and fiscal 119234  
year 2017: 119235

(A) The appropriation item may be used to provide a subsidy 119236  
to county boards of developmental disabilities for family support 119237  
services provided under section 5126.11 of the Revised Code. The 119238  
subsidy shall be paid in quarterly installments and allocated to 119239  
county boards according to a formula the Director of Developmental 119240  
Disabilities shall develop in consultation with representatives of 119241  
county boards. A county board shall use not more than seven per 119242  
cent of its subsidy for administrative costs. 119243

(B) The appropriation item may be used to distribute funds to 119244  
county boards for the purpose of addressing economic hardships and 119245  
to promote efficiency of operations. In consultation with 119246  
representatives of county boards, the Director shall determine the 119247  
amount of funds to distribute for these purposes and the criteria 119248  
for distributing the funds. 119249

(C) Of the foregoing appropriation item 322451, Family 119250  
Support Services, \$50,000 in each fiscal year shall be provided to 119251  
the Beck Center for the Performing Arts. 119252

**Section 259.50.** STATE SUBSIDY TO COUNTY DD BOARDS 119253

(A) Except as provided in the section of this act titled 119254  
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 119255  
appropriation item 322501, County Boards Subsidies, shall be used 119256  
for the following purposes: 119257

(1) To provide a subsidy to county boards of developmental 119258  
disabilities in quarterly installments and allocated according to 119259  
a formula developed by the Director of Developmental Disabilities 119260  
in consultation with representatives of county boards. Except as 119261

provided in section 5126.0511 of the Revised Code or in division 119262  
(B) of this section, county boards shall use the subsidy for early 119263  
childhood services and adult services provided under section 119264  
5126.05 of the Revised Code, service and support administration 119265  
provided under section 5126.15 of the Revised Code, or supported 119266  
living as defined in section 5126.01 of the Revised Code. 119267

(2) To provide funding, as determined necessary by the 119268  
Director, for residential services, including room and board, and 119269  
support service programs that enable individuals with 119270  
developmental disabilities to live in the community. 119271

(3) To distribute funds to county boards of developmental 119272  
disabilities to address economic hardships and promote efficiency 119273  
of operations. The Director shall determine, in consultation with 119274  
representatives of county boards, the amount of funds to 119275  
distribute for these purposes and the criteria for distributing 119276  
the funds. 119277

(B) In collaboration with the county's family and children 119278  
first council, a county board of developmental disabilities may 119279  
transfer portions of funds received under this section, to a 119280  
flexible funding pool in accordance with the section of this act 119281  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 119282

**Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES** 119283

As used in this section, "home and community-based services" 119284  
has the same meaning as in section 5123.01 of the Revised Code. 119285

The Director of Developmental Disabilities shall establish a 119286  
methodology to be used in fiscal year 2016 and fiscal year 2017 to 119287  
estimate the quarterly amount each county board of developmental 119288  
disabilities is to pay of the nonfederal share of home and 119289  
community-based services that section 5126.0510 of the Revised 119290  
Code requires county boards to pay. Each quarter, the Director 119291

shall submit to a county board written notice of the amount the 119292  
county board is to pay for that quarter. The notice shall specify 119293  
when the payment is due. 119294

**Section 259.70. TAX EQUITY** 119295

Notwithstanding section 5126.18 of the Revised Code, the 119296  
foregoing appropriation item 322503, Tax Equity, may be used to 119297  
distribute funds to county boards of developmental disabilities to 119298  
address economic hardships and promote efficiency of operations. 119299  
The Director of Developmental Disabilities shall determine, in 119300  
consultation with representatives of county boards, the amount of 119301  
funds to distribute for these purposes and the criteria for 119302  
distributing the funds. 119303

**Section 259.80. MEDICAID SERVICES** 119304

(A) As used in this section "home and community-based 119305  
services" has the same meaning as in section 5123.01 of the 119306  
Revised Code and "ICF/IID services" has the same meaning as in 119307  
section 5124.01 of the Revised Code. 119308

(B) Except as provided in section 5123.0416 of the Revised 119309  
Code, the purposes for which the foregoing appropriation item 119310  
653407, Medicaid Services, shall be used include the following: 119311

(1) Home and community-based services; 119312

(2) Implementation of the requirements of the agreement 119313  
settling the consent decree in Sermak v. Manuel, Case No. 119314  
C-2-80-220, United States District Court for the Southern District 119315  
of Ohio, Eastern Division; 119316

(3) Implementation of the requirements of the agreement 119317  
settling the consent decree in the Martin v. Strickland, Case No. 119318  
89-CV-00362, United States District Court for the Southern 119319  
District of Ohio, Eastern Division; 119320



(4) ICF/IID services;	119321
(5) Other programs as identified by the Director of Developmental Disabilities; and	119322 119323
(6) \$8,000,000 in fiscal year 2016 and \$12,000,000 in fiscal year 2017 shall be distributed to county boards of developmental disabilities to be used to maintain current Medicaid waiver levels.	119324 119325 119326 119327
<b>Section 259.90.</b> EMPLOYMENT FIRST INITIATIVE	119328
The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code.	119329 119330 119331 119332 119333
Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the	119334 119335 119336 119337 119338 119339 119340 119341 119342 119343 119344 119345 119346 119347 119348 119349 119350 119351

interagency agreement, the Opportunities for Ohioans with 119352  
Disabilities Agency shall retain responsibility for eligibility 119353  
determination, order of selection, plan approval, plan amendment, 119354  
and release of vendor payments. 119355

Of the foregoing appropriation item 322508, Employment First 119356  
Initiative, \$175,000 in each fiscal year shall be provided to Best 119357  
Buddies Ohio for establishing a state chapter of the program. 119358

The remainder of appropriation item 322508, Employment First 119359  
Initiative, shall be used to develop a long term, sustainable 119360  
system that places individuals with developmental disabilities in 119361  
community employment, as defined in section 5123.022 of the 119362  
Revised Code. 119363

**Section 259.100. OPERATING AND SERVICES** 119364

Of the foregoing appropriation item 320606, Operating and 119365  
Services, \$100,000 in each fiscal year shall be provided to the 119366  
Ohio Center for Autism and Low Incidence to establish a lifespan 119367  
autism hub to support families and professionals. 119368

**Section 259.110. TARGETED CASE MANAGEMENT SERVICES** 119369

County boards of developmental disabilities shall pay the 119370  
nonfederal portion of targeted case management costs to the 119371  
Department of Developmental Disabilities. 119372

The Director of Developmental Disabilities and the Medicaid 119373  
Director may enter into an interagency agreement under which the 119374  
Department of Developmental Disabilities shall transfer cash from 119375  
the Targeted Case Management Fund (Fund 5DJ0) to the Health 119376  
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 119377  
Department of Medicaid in an amount equal to the nonfederal 119378  
portion of the cost of targeted case management services paid by 119379  
county boards. Under the agreement, the Department of Medicaid 119380  
shall pay the total cost of targeted case management claims. The 119381

transfer shall be made using an intrastate transfer voucher. 119382

**Section 259.120.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 119383

If a county board of developmental disabilities does not 119384  
fully pay any amount owed to the Department of Developmental 119385  
Disabilities by the due date established by the Department, the 119386  
Director of Developmental Disabilities may withhold the amount the 119387  
county board did not pay from any amounts due to the county board. 119388  
The Director may use any appropriation item or fund used by the 119389  
Department to transfer cash to any other fund used by the 119390  
Department in an amount equal to the amount owed the Department 119391  
that the county board did not pay. Transfers under this section 119392  
shall be made using an intrastate transfer voucher. 119393

**Section 259.130.** DEVELOPMENTAL CENTER BILLING FOR SERVICES 119394

Developmental centers of the Department of Developmental 119395  
Disabilities may provide services to persons with mental 119396  
retardation or developmental disabilities living in the community 119397  
or to providers of services to these persons. The Department may 119398  
develop a method for recovery of all costs associated with the 119399  
provision of these services. 119400

**Section 259.140.** NONFEDERAL MATCH FOR ACTIVE TREATMENT 119401  
SERVICES 119402

Any county funds received by the Department of Developmental 119403  
Disabilities from county boards of developmental disabilities for 119404  
active treatment shall be deposited in the Developmental 119405  
Disabilities Operating Fund (Fund 4890). 119406

**Section 259.150.** ODODD INNOVATIVE PILOT PROJECTS 119407

(A) In fiscal year 2016 and fiscal year 2017, the Director of 119408  
Developmental Disabilities may authorize the continuation or 119409

implementation of one or more innovative pilot projects that, in 119410  
the judgment of the Director, are likely to assist in promoting 119411  
the objectives of Chapter 5123. or 5126. of the Revised Code. 119412  
Subject to division (B) of this section and notwithstanding any 119413  
provision of Chapters 5123. and 5126. of the Revised Code and any 119414  
rule adopted under either chapter, a pilot project authorized by 119415  
the Director may be continued or implemented in a manner 119416  
inconsistent with one or more provisions of either chapter or one 119417  
or more rules adopted under either chapter. Before authorizing a 119418  
pilot program, the Director shall consult with entities interested 119419  
in the issue of developmental disabilities, including the Ohio 119420  
Provider Resource Association, Ohio Association of County Boards 119421  
of Developmental Disabilities, Ohio Health Care Association/Ohio 119422  
Centers for Intellectual Disabilities, the Values and Faith 119423  
Alliance, and ARC of Ohio. 119424

(B) The Director may not authorize a pilot project to be 119425  
implemented in a manner that would cause the state to be out of 119426  
compliance with any requirements for a program funded in whole or 119427  
in part with federal funds. 119428

**Section 259.160.** FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 119429  
ICFs/IID IN PEER GROUPS 1 AND 2 119430

(A) As used in this section: 119431

(1) "Change of operator," "entering operator," "exiting 119432  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 119433  
group 1," "peer group 2," "peer group 3," "provider," and 119434  
"provider agreement" have the same meanings as in section 5124.01 119435  
of the Revised Code. 119436

(2) "Franchise permit fee" means the fee imposed by sections 119437  
5168.60 to 5168.71 of the Revised Code. 119438

(B)(1) This section applies to each ICF/IID that is in peer 119439

group 1 or peer group 2 and to which any of the following applies: 119440

(a) The provider of the ICF/IID has a valid Medicaid provider 119441  
agreement for the ICF/IID on June 30, 2015, and a valid Medicaid 119442  
provider agreement for the ICF/IID during fiscal year 2016. 119443

(b) The ICF/IID undergoes a change of operator that takes 119444  
effect during fiscal year 2016, the exiting operator has a valid 119445  
Medicaid provider agreement for the ICF/IID on the day immediately 119446  
preceding the effective date of the change of operator, and the 119447  
entering operator has a valid Medicaid provider agreement for the 119448  
ICF/IID during fiscal year 2016. 119449

(c) The ICF/IID is a new ICF/IID for which the provider 119450  
obtains an initial provider agreement during fiscal year 2016. 119451

(2) This section does not apply to an ICF/IID in peer group 119452  
3. 119453

(3) The Department of Developmental Disabilities shall follow 119454  
this section in determining the rate to be paid for ICF/IID 119455  
services provided during fiscal year 2016 by ICFs/IID subject to 119456  
this section notwithstanding anything to the contrary in Chapter 119457  
5124. of the Revised Code. 119458

(C)(1) Except as otherwise provided in this section, the 119459  
provider of an ICF/IID to which this section applies shall be 119460  
paid, for ICF/IID services the ICF/IID provides during fiscal year 119461  
2016, the total per Medicaid day rate determined for the ICF/IID 119462  
under division (C)(2) or (3) of this section. 119463

(2) Except in the case of a new ICF/IID, the fiscal year 2016 119464  
total per Medicaid day rate for an ICF/IID to which this section 119465  
applies shall be the ICF/IID's total per Medicaid day rate 119466  
determined for the ICF/IID in accordance with Chapter 5124. of the 119467  
Revised Code for fiscal year 2016 with the following 119468  
modifications: 119469

(a) The ICF/IID's efficiency incentive for capital costs, as 119470  
determined under division (F) of section 5124.17 of the Revised 119471  
Code, shall be reduced by 50 per cent. 119472

(b) In place of the maximum cost per case-mix unit 119473  
established for the ICF/IID's peer group under division (C) of 119474  
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 119475  
per case-mix unit shall be an amount the Department shall 119476  
determine in accordance with division (E) of this section. 119477

(c) In place of the inflation adjustment otherwise calculated 119478  
under division (D) of section 5124.19 of the Revised Code for the 119479  
purpose of division (A)(1)(b) of that section, an inflation 119480  
adjustment of 1.014 shall be used. 119481

(d) In place of the efficiency incentive otherwise calculated 119482  
under division (B)(2) of section 5124.21 of the Revised Code, the 119483  
ICF/IID's efficiency incentive for indirect care costs shall be 119484  
the following: 119485

(i) In the case of an ICF/IID in peer group 1, \$3.69; 119486

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 119487

(e) In place of the maximum rate for indirect care costs 119488  
established for the ICF/IID's peer group under division (C) of 119489  
section 5124.21 of the Revised Code, the maximum rate for indirect 119490  
care costs for the ICF/IID's peer group shall be the following: 119491

(i) In the case of an ICF/IID in peer group 1, \$68.98; 119492

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 119493

(f) In place of the inflation adjustment otherwise calculated 119494  
under division (D)(1) of section 5124.21 of the Revised Code for 119495  
the purpose of division (B)(1) of that section only, an inflation 119496  
adjustment of 1.014 shall be used. 119497

(g) In place of the inflation adjustment otherwise made under 119498  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 119499

actual, allowable, per Medicaid day other protected costs, 119500  
excluding the franchise permit fee, from calendar year 2014 shall 119501  
be multiplied by 1.014. 119502

(3) The fiscal year 2016 initial total per Medicaid day rate 119503  
for a new ICF/IID to which this section applies shall be the 119504  
ICF/IID's initial total per Medicaid day rate determined for the 119505  
ICF/IID in accordance with section 5124.151 of the Revised Code 119506  
for fiscal year 2016 with the following modifications: 119507

(a) In place of the amount determined under division 119508  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 119509  
cost or resident assessment data for the new ICF/IID, the new 119510  
ICF/IID's initial per Medicaid day rate for direct care costs 119511  
shall be determined as follows: 119512

(i) Determine the median of the costs per case-mix units of 119513  
each peer group; 119514

(ii) Multiply the median determined under division 119515  
(C)(3)(a)(i) of this section by the median annual average case-mix 119516  
score for the new ICF/IID's peer group for calendar year 2014; 119517

(iii) Multiply the product determined under division 119518  
(C)(3)(a)(ii) of this section by 1.014. 119519

(b) In place of the amount determined under division (B)(3) 119520  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 119521  
per Medicaid day rate for indirect care costs shall be the 119522  
following: 119523

(i) If the new ICF/IID is in peer group 1, \$68.98; 119524

(ii) If the new ICF/IID is in peer group 2, \$59.60. 119525

(c) In place of the amount determined under division (B)(4) 119526  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 119527  
per Medicaid day rate for other protected costs shall be 115 per 119528  
cent of the median rate for ICFs/IID determined under section 119529

5124.23 of the Revised Code with the modification made under 119530  
division (C)(2)(g) of this section. 119531

(D) The total per Medicaid day rate for ICF/IID services an 119532  
ICF/IID in peer group 1 provides in fiscal year 2016 to a Medicaid 119533  
recipient who is admitted as a resident to the ICF/IID on or after 119534  
July 1, 2015, and is placed in the chronic behaviors and typical 119535  
adaptive needs classification or the typical adaptive needs and 119536  
non-significant behaviors classification established for the 119537  
grouper methodology prescribed in rules authorized by section 119538  
5124.192 of the Revised Code shall be the lesser of the following: 119539

(1) The rate determined for the ICF/IID under division (C)(2) 119540  
or (3) of this section; 119541

(2) The following rate: 119542

(a) \$206.90 for ICF/IID services the ICF/IID provides to a 119543  
Medicaid recipient in the chronic behaviors and typical adaptive 119544  
needs classification; 119545

(b) \$174.88 for ICF/IID services the ICF/IID provides to a 119546  
Medicaid recipient in the typical adaptive needs and 119547  
non-significant behaviors classification. 119548

(E) In determining, for the purpose of division (C)(2)(b) of 119549  
this section, the maximum costs per case-mix unit for ICFs/IID, 119550  
the Department shall, strive to the greatest extent possible, do 119551  
both of the following: 119552

(1) Avoid rate reductions under division (G) of this section; 119553

(2) Have the amount so determined result in payment of all 119554  
desk-reviewed, actual, allowable direct care costs for the same 119555  
percentage of Medicaid days for ICFs/IID in peer group 1 as for 119556  
ICFs/IID in peer group 2 as of July 1, 2015, based on May 2015 119557  
Medicaid days. 119558

(F) A new ICF/IID's initial total modified per Medicaid day 119559



rate for fiscal year 2016 as determined under division (C)(3) of 119560  
this section shall be adjusted at the applicable time specified in 119561  
division (D) of section 5124.151 of the Revised Code. If the 119562  
adjustment affects the ICF/IID's rate for ICF/IID services 119563  
provided during fiscal year 2016, the modifications specified in 119564  
divisions (C)(2) and (D) of this section apply to the adjustment. 119565

(G) If the mean total per Medicaid day rate for all ICFs/IID 119566  
to which this section applies, weighted by May 2015 Medicaid days 119567  
and determined under divisions (C) and (D) of this section as of 119568  
July 1, 2015, is other than \$283.32, the Department shall adjust, 119569  
for fiscal year 2016, the total per Medicaid day rate for each 119570  
ICF/IID to which this section applies by a percentage that is 119571  
equal to the percentage by which the mean total per Medicaid day 119572  
rate is greater or less than \$283.32. 119573

(H) If the United States Centers for Medicare and Medicaid 119574  
Services requires that the franchise permit fee be reduced or 119575  
eliminated, the Department shall reduce the amount it pays ICF/IID 119576  
providers under this section as necessary to reflect the loss to 119577  
the state of the revenue and federal financial participation 119578  
generated from the franchise permit fee. 119579

(I) Of the foregoing appropriation items 653407, Medicaid 119580  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 119581  
portions shall be used to pay the Medicaid payment rates 119582  
determined in accordance with this section for ICF/IID services 119583  
provided during fiscal year 2016. 119584

**Section 259.170. FISCAL YEAR 2017 MEDICAID PAYMENT RATES FOR** 119585  
ICFs/IID IN PEER GROUPS 1 AND 2 119586

(A) As used in this section: 119587

(1) "Change of operator," "entering operator," "exiting 119588  
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 119589

group 1," "peer group 2," "peer group 3," "provider," and 119590  
"provider agreement" have the same meanings as in section 5124.01 119591  
of the Revised Code. 119592

(2) "Franchise permit fee" means the fee imposed by sections 119593  
5168.60 to 5168.71 of the Revised Code. 119594

(B)(1) This section applies to each ICF/IID that is in peer 119595  
group 1 or peer group 2 and to which any of the following applies: 119596

(a) The provider of the ICF/IID has a valid Medicaid provider 119597  
agreement for the ICF/IID on June 30, 2016, and a valid Medicaid 119598  
provider agreement for the ICF/IID during fiscal year 2017. 119599

(b) The ICF/IID undergoes a change of operator that takes 119600  
effect during fiscal year 2017, the exiting operator has a valid 119601  
Medicaid provider agreement for the ICF/IID on the day immediately 119602  
preceding the effective date of the change of operator, and the 119603  
entering operator has a valid Medicaid provider agreement for the 119604  
ICF/IID during fiscal year 2017. 119605

(c) The ICF/IID is a new ICF/IID for which the provider 119606  
obtains an initial provider agreement during fiscal year 2017. 119607

(2) This section does not apply to an ICF/IID in peer group 119608  
3. 119609

(3) The Department of Developmental Disabilities shall follow 119610  
this section in determining the rate to be paid for ICF/IID 119611  
services provided during fiscal year 2017 by ICFs/IID subject to 119612  
this section notwithstanding anything to the contrary in Chapter 119613  
5124. of the Revised Code. 119614

(C)(1) Except as otherwise provided in this section, the 119615  
provider of an ICF/IID to which this section applies shall be 119616  
paid, for ICF/IID services the ICF/IID provides during fiscal year 119617  
2017, the total per Medicaid day rate determined for the ICF/IID 119618  
under division (C)(2) or (3) of this section. 119619

(2) Except in the case of a new ICF/IID, the fiscal year 2017 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code for fiscal year 2017 with the following modifications:

(a) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.17 of the Revised Code, shall be reduced by 50 per cent.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of this act.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$3.69;

(ii) In the case of an ICF/IID in peer group 2, \$3.19.

(e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$68.98;

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 119650

(f) In place of the inflation adjustment otherwise calculated 119651  
under division (D)(1) of section 5124.21 of the Revised Code for 119652  
the purpose of division (B)(1) of that section only, an inflation 119653  
adjustment of 1.014 shall be used. 119654

(g) In place of the inflation adjustment otherwise made under 119655  
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 119656  
actual, allowable, per Medicaid day other protected costs, 119657  
excluding the franchise permit fee, from calendar year 2015 shall 119658  
be multiplied by 1.014. 119659

(h) After all of the modifications specified in divisions 119660  
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 119661  
total per Medicaid day rate shall be increased by the direct 119662  
support personnel payment determined in accordance with division 119663  
(D) of this section. 119664

(3) The fiscal year 2017 initial total per Medicaid day rate 119665  
for a new ICF/IID to which this section applies shall be the 119666  
ICF/IID's initial total per Medicaid day rate determined for the 119667  
ICF/IID in accordance with section 5124.151 of the Revised Code 119668  
for fiscal year 2017 with the following modifications: 119669

(a) In place of the amount determined under division 119670  
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 119671  
cost or resident assessment data for the new ICF/IID, the new 119672  
ICF/IID's initial per Medicaid day rate for direct care costs 119673  
shall be determined as follows: 119674

(i) Determine the median of the costs per case-mix units of 119675  
each peer group; 119676

(ii) Multiply the median determined under division 119677  
(C)(3)(a)(i) of this section by the median annual average case-mix 119678  
score for the new ICF/IID's peer group for calendar year 2015; 119679

(iii) Multiply the product determined under division 119680  
(C)(3)(a)(ii) of this section by 1.014. 119681

(b) In place of the amount determined under division (B)(3) 119682  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 119683  
per Medicaid day rate for indirect care costs shall be the 119684  
following: 119685

(i) If the new ICF/IID is in peer group 1, \$68.98; 119686

(ii) If the new ICF/IID is in peer group 2, \$59.60. 119687

(c) In place of the amount determined under division (B)(4) 119688  
of section 5124.151 of the Revised Code, the new ICF/IID's initial 119689  
per Medicaid day rate for other protected costs shall be 115 per 119690  
cent of the median rate for ICFs/IID determined under section 119691  
5124.23 of the Revised Code with the modification made under 119692  
division (C)(2)(g) of this section. 119693

(d) After all of the modifications specified in divisions 119694  
(C)(3)(a) to (c) of this section have been made, the new ICF/IID's 119695  
initial total per Medicaid day rate shall be increased by the 119696  
median direct support personnel payment determined under division 119697  
(D) of this section for all ICFs/IID to which this section 119698  
applies. 119699

(D) An ICF/IID's direct support personnel payment for the 119700  
purpose of division (C)(2)(h) of this section shall be a 119701  
percentage, as determined by the Department, of the ICF/IID's per 119702  
diem, desk-reviewed, actual, allowable direct care costs. In 119703  
determining the percentage, the Department shall, to the greatest 119704  
extent possible, do both of the following: 119705

(1) Avoid rate reductions under division (F) of this section; 119706

(2) Use the same percentage for all ICFs/IID to which this 119707  
section applies. 119708

(E) A new ICF/IID's initial total modified per Medicaid day 119709

rate for fiscal year 2017 as determined under division (C)(3) of 119710  
this section shall be adjusted at the applicable time specified in 119711  
division (D) of section 5124.151 of the Revised Code. If the 119712  
adjustment affects the ICF/IID's rate for ICF/IID services 119713  
provided during fiscal year 2017, the modifications specified in 119714  
division (C)(2) of this section apply to the adjustment. 119715

(F)(1) If the mean total per Medicaid day rate for all 119716  
ICFs/IID to which this section applies, weighted by May 2016 119717  
Medicaid days and determined under division (C) of this section as 119718  
of July 1, 2016, is other than the amount determined under 119719  
division (F)(2) of this section, the Department shall adjust, for 119720  
fiscal year 2017, the total per Medicaid day rate for each ICF/IID 119721  
to which this section applies by a percentage that is equal to the 119722  
percentage by which the mean total per Medicaid day rate is 119723  
greater or less than the amount determined under division (F)(2) 119724  
of this section. 119725

(2) The amount to be used for the purpose of division (F)(1) 119726  
of this section shall be not less than \$288.27. The department, in 119727  
its sole discretion, may use a larger amount for the purpose of 119728  
that division. In determining whether to use a larger amount, the 119729  
department may consider any of the following: 119730

(a) The reduction in the total Medicaid-certified capacity of 119731  
all ICFs/IID that occurs in fiscal year 2016, and the reduction 119732  
that is projected to occur in fiscal year 2017, as a result of 119733  
either of the following: 119734

(i) A downsizing pursuant to a plan approved by the 119735  
Department under section 5123.042 of the Revised Code; 119736

(ii) A conversion of beds to providing home and 119737  
community-based services under the Individual Options waiver 119738  
pursuant to section 5124.60 or 5124.61 of the Revised Code. 119739

(b) The increase in Medicaid payments made for ICF/IID 119740

services provided during fiscal year 2016, and the increase that 119741  
is projected to occur in fiscal year 2017, as a result of the 119742  
modifications to the payment rates made under section 5124.101 of 119743  
the Revised Code; 119744

(c) The total reduction in the number of ICF/IID beds that 119745  
occurs pursuant to section 5124.67 of the Revised Code; 119746

(d) Other factors the Department determines to be relevant. 119747

(G) If the United States Centers for Medicare and Medicaid 119748  
Services requires that the franchise permit fee be reduced or 119749  
eliminated, the Department shall reduce the amount it pays ICF/IID 119750  
providers under this section as necessary to reflect the loss to 119751  
the state of the revenue and federal financial participation 119752  
generated from the franchise permit fee. 119753

(H) Of the foregoing appropriation items 653407, Medicaid 119754  
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 119755  
portions shall be used to pay the Medicaid payment rates 119756  
determined in accordance with this section for ICF/IID services 119757  
provided during fiscal year 2017. 119758

**Section 259.180.** FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 119759  
ICFs/IID IN PEER GROUP 3 119760

(A) As used in this section: 119761

(1) "ICF/IID," "ICF/IID services," "peer group 3," 119762  
"provider," and "provider agreement" have the same meanings as in 119763  
section 5124.01 of the Revised Code. 119764

(2) "Franchise permit fee" means the fee imposed by sections 119765  
5168.60 to 5168.71 of the Revised Code. 119766

(B)(1) This section applies to each ICF/IID that is in peer 119767  
group 3 and for which the provider obtained an initial provider 119768  
agreement during fiscal year 2015. 119769

(2) The Department of Developmental Disabilities shall follow this section in determining the rate to be paid for ICF/IID services provided during fiscal year 2016 by ICFs/IID subject to this section notwithstanding anything to the contrary in Chapter 5124. of the Revised Code.

(C) Except as otherwise provided in this section, the provider of an ICF/IID to which this section applies shall continue to be paid, for ICF/IID services the ICF/IID provides during fiscal year 2016, the ICF/IID's total per Medicaid day rate in effect on June 30, 2015.

(D) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

**Section 259.190. TRANSFER OF FUNDS FOR OUTLIER SERVICES PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS**

As used in this section, "ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.

Each quarter during fiscal year 2016 and fiscal year 2017, the Director of Developmental Disabilities shall certify to the Director of Budget and Management the amount needed to pay the nonfederal share of the costs of the Medicaid rate add-on paid to ICFs/IID pursuant to section 5124.25 of the Revised Code for providing outlier ICF/IID services to residents who qualify for the services and are transferred to ICFs/IID from hospitals at which they receive ventilator services at the time of their transfer to the ICFs/IID.

On receipt of a certification, the Director of Budget and



Management shall transfer appropriations equaling the certified 119800  
amount from appropriation item 651525, Medicaid/Health Care 119801  
Services, to appropriation item 653407, Medicaid Services, and, in 119802  
addition, shall reduce the appropriation in 651525, 119803  
Medicaid/Health Care Services, by the corresponding federal share. 119804

If receipts credited to the Developmental Center and 119805  
Residential Facility Services and Support Fund (Fund 3A40), used 119806  
by the Department of Developmental Disabilities, exceed the 119807  
amounts appropriated in appropriation item 653653, ICF/IID, the 119808  
Director of Developmental Disabilities may request the Director of 119809  
Budget and Management to authorize expenditures from the fund in 119810  
excess of the amounts appropriated. Upon approval of the Director 119811  
of Budget and Management, the additional amounts are hereby 119812  
appropriated. 119813

**Section 259.200.** ICF/IID MEDICAID RATE WORKGROUP 119814

As used in this section, "ICF/IID," "ICF/IID services," and 119815  
"Medicaid-certified capacity" have the same meanings as in section 119816  
5124.01 of the Revised Code. 119817

For the purpose of assisting the Department of Developmental 119818  
Disabilities during fiscal year 2016 and fiscal year 2017 with an 119819  
evaluation of revisions to the formula used to determine Medicaid 119820  
payment rates for ICF/IID services, the Department shall retain 119821  
the workgroup that was created to assist with the study required 119822  
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 119823  
Assembly and continued by Section 259.230 of Am. Sub. H.B. 59 of 119824  
the 130th General Assembly. In conducting the evaluation, the 119825  
Department and workgroup shall do both of the following: 119826

(A) Focus primarily on the service needs of individuals with 119827  
complex challenges that ICFs/IID are able to meet; 119828

(B) Pursue the goal of reducing the Medicaid-certified 119829

capacity of individual ICFs/IID and the total number of ICF/IID 119830  
beds in the state for the purpose of increasing the service 119831  
choices and community integration of individuals eligible for 119832  
ICF/IID services. 119833

**Section 259.210.** NONFEDERAL SHARE OF ICF/IID SERVICES 119834

(A) As used in this section, "ICF/IID," "ICF/IID services," 119835  
and "Medicaid-certified capacity" have the same meanings as in 119836  
section 5124.01 of the Revised Code. 119837

(B) The Director of Developmental Disabilities shall pay the 119838  
nonfederal share of a claim for ICF/IID services using funds 119839  
specified in division (C) of this section if all of the following 119840  
apply: 119841

(1) Medicaid covers the ICF/IID services. 119842

(2) The ICF/IID services are provided to a Medicaid recipient 119843  
to whom both of the following apply: 119844

(a) The Medicaid recipient is eligible for the ICF/IID 119845  
services; 119846

(b) The Medicaid recipient does not occupy a bed in the 119847  
ICF/IID that used to be included in the Medicaid-certified 119848  
capacity of another ICF/IID certified by the Director of Health 119849  
before June 1, 2003. 119850

(3) The ICF/IID services are provided by an ICF/IID whose 119851  
Medicaid certification by the Director of Health was initiated or 119852  
supported by a county board of developmental disabilities. 119853

(4) The provider of the ICF/IID services has a valid Medicaid 119854  
provider agreement for the services for the time that the services 119855  
are provided. 119856

(C) When required by division (B) of this section to pay the 119857  
nonfederal share of a claim, the Director of Developmental 119858

Disabilities shall use the following funds to pay the claim: 119859

(1) Funds available from appropriation item 322501, County 119860  
Boards Subsidies, that the Director allocates to the county board 119861  
that initiated or supported the Medicaid certification of the 119862  
ICF/IID that provided the ICF/IID services for which the claim is 119863  
made; 119864

(2) If the amount of funds used pursuant to division (C)(1) 119865  
of this section is insufficient to pay the claim in full, an 119866  
amount of funds that are needed to make up the difference and 119867  
available from amounts the Director allocates to other county 119868  
boards from appropriation item 322501, County Boards Subsidies. 119869

**Section 259.213. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 119870**  
SERVICES 119871

(A) As used in this section, "home and community-based 119872  
services" has the same meaning as in section 5123.01 of the 119873  
Revised Code. 119874

(B) Subject to divisions (C) and (D) of this section, the 119875  
total Medicaid payment rate for routine homemaker/personal care 119876  
services that are included in home and community-based services 119877  
and provided during the period beginning January 1, 2016, and 119878  
ending June 30, 2017, may be six per cent higher than the total 119879  
Medicaid payment rate for the services in effect on June 30, 2015. 119880

(C) The rate increase authorized by this section is subject 119881  
to the availability of funds. 119882

(D) The Medicaid payment rate increase for routine 119883  
homemaker/personal care services under the section of this act 119884  
titled "PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES 119885  
PROVIDED TO QUALIFYING IO ENROLLEES" is in addition to the rate 119886  
increase, if any, for routine homemaker/personal care services 119887  
under this section. 119888

<b>Section 259.220.</b> PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE	119889
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES	119890
(A) As used in this section:	119891
(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code.	119892 119893 119894 119895
(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code.	119896 119897
(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.	119898 119899 119900
(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	119901 119902
(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.	119903 119904
(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:	119905 119906
(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.	119907 119908 119909
(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.	119910 119911 119912 119913 119914
(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the	119915 119916 119917

developmental center, converted facility, or public hospital) 119918  
warrants paying the Medicaid rate authorized by this section. 119919

(B) The total Medicaid payment rate for each fifteen minutes 119920  
of routine homemaker/personal care services that a Medicaid 119921  
provider provides to a qualifying IO enrollee during the period 119922  
specified in division (C) of this section shall be fifty-two cents 119923  
higher than the Medicaid payment rate in effect on the day the 119924  
services are provided for each fifteen minutes of routine 119925  
homemaker/personal care services that a Medicaid provider provides 119926  
to an IO enrollee who is not a qualifying IO enrollee. 119927

(C) Division (B) of this section applies to the first twelve 119928  
months, consecutive or otherwise, that a Medicaid provider, during 119929  
the period beginning July 1, 2015, and ending June 30, 2017, 119930  
provides routine homemaker/personal care services to a qualifying 119931  
IO enrollee. 119932

(D) Of the foregoing appropriation items 653407, Medicaid 119933  
Services, and 653639, Medicaid Waiver Services, portions shall be 119934  
used to pay the Medicaid payment rate determined in accordance 119935  
with this section for routine homemaker/personal care services 119936  
provided to qualifying IO enrollees. 119937

**Section 259.230.** UPDATING AUTHORIZING STATUTE CITATIONS 119938

As used in this section, "authorizing statute" means a 119939  
Revised Code section or provision of a Revised Code section that 119940  
is cited in the Ohio Administrative Code as the statute that 119941  
authorizes the adoption of a rule. 119942

The Director of Developmental Disabilities is not required to 119943  
amend any rule for the sole purpose of updating the citation in 119944  
the Ohio Administrative Code to the rule's authorizing statute to 119945  
reflect that this act renumbers the authorizing statute or 119946  
relocates it to another Revised Code section. Such citations shall 119947

be updated as the Director amends the rules for other purposes. 119948

**Section 259.240.** REASON FOR THE REPEAL OF R.C. 5111.236 119949

This act repeals section 5111.236 of the Revised Code to 119950  
carry out the intent of the Governor as indicated in the veto 119951  
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 119952  
transmitted to the Clerk of the House of Representatives on July 119953  
17, 2009. The actual veto removed the section from the title and 119954  
enacting clause of H.B. 1 and an earmark related to the section. 119955  
However, the actual veto inadvertently showed only division (C) of 119956  
the section, rather than the entire section, as being vetoed. 119957

**Section 259.250.** SYSTEM TRANSFORMATION SUPPORTS 119958

The foregoing appropriation item 320607 (Fund 5QM0), System 119959  
Transformation Supports, may be used by the Director of 119960  
Developmental Disabilities as follows: 119961

(A) To purchase one or more residential facility beds for the 119962  
purpose of reducing the number of beds that are certified for 119963  
participation in Medicaid as ICF/IID beds in Ohio. The director 119964  
shall establish priorities for the purchase of beds which may 119965  
include beds located in a building in which a nursing facility is 119966  
also located and beds which are in a residential facility of 119967  
sixteen beds or greater. The purchase price of a bed shall be the 119968  
price the director determines is reasonable based on the 119969  
established priorities. Division (B) of section 127.16 of the 119970  
Revised Code shall not apply to a purchase made under this 119971  
section. 119972

(B) To fund other system transformation initiatives 119973  
identified by the director. 119974

**Section 259.260.** ICF/IID PAYMENT METHODOLOGY TRANSFORMATION 119975

As used in this section, "ICF/IID services" has the same 119976

meaning as in section 5124.01 of the Revised Code. 119977

Not later than July 31, 2015, the Department of Developmental 119978  
Disabilities shall issue a request for proposals for an entity, 119979  
pursuant to a contract with the Department, to develop a plan to 119980  
transform the formula used to determine Medicaid payment rates for 119981  
ICF/IID services. Any such contract the Department enters into 119982  
shall require all of the following: 119983

(A) That the plan do all of the following: 119984

(1) Include quality incentive measures; 119985

(2) Have payments be based on health outcomes; 119986

(3) Promote ICF/IID services that are provided in the most 119987  
integrated setting appropriate to the needs of each Medicaid 119988  
recipient receiving the services; 119989

(4) Recommend specific changes to the resident assessment 119990  
instrument specified in rules authorized by section 5124.191 of 119991  
the Revised Code and the grouper methodology prescribed in rules 119992  
authorized by section 5124.192 of the Revised Code. 119993

(B) That the entity developing the plan consider the 119994  
recommendations of both of the following: 119995

(1) The ICF/IID Medicaid Rate Workgroup that was created to 119996  
assist with the study required by Section 309.30.80 of Am. Sub. 119997  
H.B. 153 of the 129th General Assembly and retained pursuant to 119998  
Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly; 119999

(2) The ICF/IID Quality Incentive Workgroup created pursuant 120000  
to the section of this act titled "ICF/IID QUALITY INCENTIVE 120001  
WORKGROUP." 120002

(C) That the plan be developed with the goal of beginning 120003  
implementation of the transformation on July 1, 2017. 120004

**Section 259.270.** ICF/IID QUALITY INCENTIVE WORKGROUP 120005

(A) As used in this section, "ICF/IID" and "ICF/IID services" 120006  
have the same meanings as in section 5124.01 of the Revised Code. 120007

(B) The Director of Developmental Disabilities shall create 120008  
the ICF/IID Quality Incentive Workgroup to study the issue of 120009  
establishing, as part of the Medicaid payment formula for ICF/IID 120010  
services, accountability measures that act as quality incentives 120011  
for ICFs/IID. The Director or the Director's designee shall be the 120012  
Workgroup's chairperson. The Director may appoint one or more 120013  
staff members of the Department of Developmental Disabilities to 120014  
also serve on the Workgroup. The Director shall appoint the 120015  
following to serve on the Workgroup: 120016

(1) Representatives of all of the following: 120017

(a) The Ohio Centers for Intellectual Disabilities formed by 120018  
the Ohio Health Care Association; 120019

(b) The Values and Faith Alliance; 120020

(c) The Ohio Association of County Boards Serving People with 120021  
Developmental Disabilities; 120022

(d) The Ohio SIBS; 120023

(e) The Arc of Ohio; 120024

(f) The Ohio Provider Resource Association. 120025

(2) One or more persons with developmental disabilities who 120026  
advocate for such persons. 120027

(C) Members of the Workgroup shall serve without compensation 120028  
or reimbursement, except to the extent that serving on the 120029  
Workgroup is considered part of their usual job duties. 120030

(D) The Workgroup shall complete its study, and complete a 120031  
report with recommendations regarding accountability measures for 120032  
ICFs/IID, not later than November 4, 2015. The Workgroup shall 120033  
submit copies of the report to the Governor and, in accordance 120034  
with section 101.68 of the Revised Code, the General Assembly. 120035



<b>Section 259.280.</b> COMMUNITY SUPPORT AND RENTAL ASSISTANCE				120036
The foregoing appropriation item 322509, Community Support				120037
and Rental Assistance, may be used by the Director of				120038
Developmental Disabilities to provide funding to county boards of				120039
developmental disabilities for rental assistance to individuals				120040
with developmental disabilities receiving home and community-based				120041
services as defined in section 5123.01 of the Revised Code				120042
pursuant to section 5124.60 of the Revised Code or section 5124.69				120043
of the Revised Code and to former residents of a developmental				120044
center. The director shall establish the methodology for				120045
determining the amount and distribution of such funding.				120046
<b>Section 259.290.</b> MEDICAID RATES FOR SHELTERED WORKSHOP				120047
SERVICES				120048
The Medicaid payment rates for adult day services provided by				120049
sheltered workshops during the period beginning July 1, 2015, and				120050
ending June 30, 2017, under a Medicaid waiver component				120051
administered by the Department of Developmental Disabilities shall				120052
be not less than Medicaid payment rates for those services in				120053
effect on June 30, 2015.				120054
<b>Section 261.10.</b> OBD OHIO BOARD OF DIETETICS				120055
Dedicated Purpose Fund Group				120056
4K90 860609 Operating Expenses	\$	362,872	\$ 371,779	120057
TOTAL DPF Dedicated Purpose Fund				120058
Group	\$	362,872	\$ 371,779	120059
TOTAL ALL BUDGET FUND GROUPS	\$	362,872	\$ 371,779	120060
<b>Section 263.10.</b> EDU DEPARTMENT OF EDUCATION				120062
General Revenue Fund				120063
GRF 200321 Operating Expenses	\$	13,967,708	\$ 14,267,708	120064

GRF 200408	Early Childhood Education	\$ 60,268,341	\$ 70,268,341	120065
GRF 200420	Information Technology Development and Support	\$ 3,841,296	\$ 3,841,296	120066
GRF 200421	Alternative Education Programs	\$ 9,053,998	\$ 9,053,998	120067
GRF 200422	School Management Assistance	\$ 3,000,000	\$ 3,000,000	120068
GRF 200424	Policy Analysis	\$ 428,558	\$ 428,558	120069
GRF 200425	Tech Prep Consortia Support	\$ 260,542	\$ 260,542	120070
GRF 200426	Ohio Educational Computer Network	\$ 16,200,000	\$ 16,200,000	120071
GRF 200427	Academic Standards	\$ 3,800,000	\$ 3,800,000	120072
GRF 200437	Student Assessment	\$ 40,241,438	\$ 39,830,050	120073
GRF 200439	Accountability/Report Cards	\$ 4,897,310	\$ 4,897,310	120074
GRF 200442	Child Care Licensing	\$ 1,822,500	\$ 1,822,500	120075
GRF 200446	Education Management Information System	\$ 6,833,070	\$ 6,833,070	120076
GRF 200447	GED Testing	\$ 324,000	\$ 324,000	120077
GRF 200448	Educator Preparation	\$ 2,839,237	\$ 2,839,237	120078
GRF 200455	Community Schools and Choice Programs	\$ 3,651,395	\$ 3,731,395	120079
GRF 200457	STEM Initiatives	\$ 150,000	\$ 0	120080
GRF 200465	Education Technology Resources	\$ 3,170,976	\$ 3,170,976	120081
GRF 200502	Pupil Transportation	\$ 549,823,920	\$ 571,286,409	120082
GRF 200505	School Lunch Match	\$ 9,300,000	\$ 9,300,000	120083
GRF 200511	Auxiliary Services	\$ 144,254,342	\$ 149,909,112	120084
GRF 200532	Nonpublic Administrative Cost	\$ 65,165,374	\$ 67,719,856	120085

		Reimbursement				
GRF 200540	Special Education	\$	162,871,292	\$	162,871,292	120086
	Enhancements					
GRF 200545	Career-Technical	\$	11,922,418	\$	11,947,418	120087
	Education Enhancements					
GRF 200550	Foundation Funding	\$	6,420,214,920	\$	6,671,755,799	120088
GRF 200566	Literacy Improvement	\$	500,000	\$	500,000	120089
GRF 200572	Adult Diploma	\$	3,750,000	\$	5,000,000	120090
GRF 200573	EdChoice Expansion	\$	23,500,000	\$	31,500,000	120091
GRF 200574	Half-Mill Maintenance	\$	18,750,000	\$	19,250,000	120092
	Equalization					
GRF 200576	Adaptive Sports	\$	50,000	\$	50,000	120093
	Program					
GRF 200588	Competency Based	\$	1,000,000	\$	1,000,000	120094
	Education Pilot					
TOTAL GRF	General Revenue Fund	\$	7,585,852,635	\$	7,886,658,867	120095
	Dedicated Purpose Fund Group					120096
4520 200638	Fees and Refunds	\$	1,000,000	\$	1,000,000	120097
4540 200610	GED Testing	\$	250,000	\$	250,000	120098
4550 200608	Commodity Foods	\$	24,000,000	\$	24,000,000	120099
4L20 200681	Teacher Certification	\$	14,150,000	\$	14,250,000	120100
	and Licensure					
5980 200659	Auxiliary Services	\$	1,328,910	\$	1,328,910	120101
	Reimbursement					
5H30 200687	School District	\$	10,000,000	\$	10,000,000	120102
	Solvency Assistance					
5KX0 200691	Ohio School	\$	487,419	\$	528,600	120103
	Sponsorship Program					
5MM0 200677	Child Nutrition	\$	550,000	\$	550,000	120104
	Refunds					
5RB0 200644	College Credit Plus	\$	10,000,000	\$	0	120105
	Credential					
5RE0 200697	School District TPP	\$	48,000,000	\$	78,000,000	120106

		Supplement					
5U20	200685	National Education	\$	300,000	\$	300,000	120107
		Statistics					
6200	200615	Educational	\$	175,000	\$	175,000	120108
		Improvement Grants					
TOTAL DPF		Dedicated Purpose Fund	\$	110,241,329	\$	130,382,510	120109
Group							
Internal Service Activity Fund Group							120110
1380	200606	Information	\$	6,850,090	\$	6,850,090	120111
		Technology					
		Development and					
		Support					
4R70	200695	Indirect Operational	\$	7,600,000	\$	7,600,000	120112
		Support					
4V70	200633	Interagency Program	\$	500,000	\$	500,000	120113
		Support					
TOTAL ISA		Internal Service Activity					120114
Fund Group			\$	14,950,090	\$	14,950,090	120115
State Lottery Fund Group							120116
7017	200612	Foundation Funding	\$	987,650,000	\$	1,042,700,000	120117
7017	200629	Community Connectors	\$	10,000,000	\$	10,000,000	120118
7017	200684	Community School	\$	14,400,000	\$	20,700,000	120119
		Facilities					
TOTAL SLF		State Lottery					120120
Fund Group			\$	1,012,050,000	\$	1,073,400,000	120121
Federal Fund Group							120122
3090	200601	Neglected and	\$	1,600,000	\$	1,600,000	120123
		Delinquent Education					
3670	200607	School Food Services	\$	9,240,111	\$	9,794,517	120124
3700	200624	Education of	\$	1,702,040	\$	1,274,040	120125
		Exceptional Children					
3AF0	200603	Schools Medicaid	\$	750,000	\$	750,000	120126

Administrative Claims					
3AN0	200671	School Improvement	\$	32,400,000	\$ 32,400,000 120127
Grants					
3C50	200661	Early Childhood	\$	14,554,749	\$ 14,554,749 120128
Education					
3CG0	200646	Teacher Incentive	\$	12,500,000	\$ 200,000 120129
3D10	200664	Drug Free Schools	\$	521,000	\$ 282,000 120130
3D20	200667	Math Science	\$	7,500,000	\$ 7,500,000 120131
Partnerships					
3EH0	200620	Migrant Education	\$	2,900,000	\$ 2,900,000 120132
3EJ0	200622	Homeless Children	\$	2,600,000	\$ 2,600,000 120133
Education					
3EK0	200637	Advanced Placement	\$	432,444	\$ 498,484 120134
3FD0	200665	Race to the Top	\$	12,000,000	\$ 0 120135
3FN0	200672	Early Learning	\$	8,000,000	\$ 3,400,000 120136
Challenge - Race to the Top					
3GE0	200674	Summer Food Service	\$	14,423,915	\$ 14,856,635 120137
Program					
3GF0	200675	Miscellaneous	\$	3,000,000	\$ 3,000,000 120138
Nutrition Grants					
3GG0	200676	Fresh Fruit and	\$	5,026,545	\$ 5,177,340 120139
Vegetable Program					
3GP0	200600	School Climate	\$	252,420	\$ 252,420 120140
Transformation					
3GQ0	200679	Project Aware	\$	1,907,423	\$ 1,907,423 120141
3H90	200605	Head Start	\$	225,000	\$ 225,000 120142
Collaboration Project					
3L60	200617	Federal School Lunch	\$	371,960,060	\$ 383,118,860 120143
3L70	200618	Federal School	\$	117,332,605	\$ 122,025,909 120144
Breakfast					
3L80	200619	Child/Adult Food	\$	113,508,500	\$ 116,913,755 120145
Programs					

3L90	200621	Career-Technical Education Basic Grant	\$ 44,663,900	\$ 44,663,900	120146
3M00	200623	ESEA Title 1A	\$ 590,000,000	\$ 600,000,000	120147
3M20	200680	Individuals with Disabilities Education Act	\$ 444,000,000	\$ 445,000,000	120148
3Y20	200688	21st Century Community Learning Centers	\$ 50,000,000	\$ 50,000,000	120149
3Y60	200635	Improving Teacher Quality	\$ 90,000,000	\$ 90,000,000	120150
3Y70	200689	English Language Acquisition	\$ 10,101,411	\$ 10,101,411	120151
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,300,000	\$ 3,300,000	120152
3Z20	200690	State Assessments	\$ 10,263,000	\$ 10,263,000	120153
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,000,000	\$ 10,000,000	120154
TOTAL FED	Federal Fund Group		\$ 1,986,665,123	\$ 1,988,559,443	120155
TOTAL ALL BUDGET FUND GROUPS			\$10,709,759,177	\$11,093,950,910	120156

**Section 263.20. OPERATING EXPENSES** 120158

A portion of the foregoing appropriation item 200321,  
 Operating Expenses, shall be used by the Department of Education  
 to provide matching funds under 20 U.S.C. 2321. 120159  
 120160  
 120161

**EARLY CHILDHOOD EDUCATION** 120162

The Department of Education shall distribute the foregoing  
 appropriation item 200408, Early Childhood Education, to pay the  
 costs of early childhood education programs. The Department shall  
 distribute such funds directly to qualifying providers. 120163  
 120164  
 120165  
 120166

(A) As used in this section: 120167

(1) "Provider" means a city, local, exempted village, or 120168

joint vocational school district; an educational service center; a 120169  
community school sponsored by an exemplary sponsor; a chartered 120170  
nonpublic school; an early childhood education child care provider 120171  
licensed under Chapter 5104. of the Revised Code that participates 120172  
in and meets at least the third highest tier of the Step Up to 120173  
Quality program established pursuant to section 5104.29 of the 120174  
Revised Code; or a combination of entities described in this 120175  
paragraph. 120176

(2) In the case of a city, local, or exempted village school 120177  
district or early childhood education child care provider licensed 120178  
under Chapter 5104. of the Revised Code, "new eligible provider" 120179  
means a provider that did not receive state funding for Early 120180  
Childhood Education in the previous fiscal year or demonstrates a 120181  
need for early childhood programs as defined in division (D) of 120182  
this section. 120183

(3) In the case of a community school, "new eligible 120184  
provider" means either of the following: 120185

(a) A community school established under Chapter 3314. of the 120186  
Revised Code that is sponsored by a sponsor rated "exemplary" in 120187  
accordance with section 3314.016 of the Revised Code that offers a 120188  
child care program in accordance with sections 3301.50 to 3301.59 120189  
of the Revised Code that did not receive state funding for Early 120190  
Childhood Education in the previous fiscal year; 120191

(b) A community school established under Chapter 3314. of the 120192  
Revised Code that is sponsored by a municipal school district and 120193  
operates a program that uses the Montessori method endorsed by the 120194  
American Montessori Society, the Montessori Accreditation Council 120195  
for Teacher Education, or the Association Montessori 120196  
Internationale as its primary method of instruction, as authorized 120197  
by division (A) of section 3314.06 of the Revised Code, that did 120198  
not receive state funding for Early Childhood Education in the 120199  
previous year or demonstrates a need for early childhood programs 120200

as defined in division (D) of this section. 120201

(4) "Eligible child," between July 1, 2015 and June 30, 2016, 120202  
means a child who is at least three years of age as of the 120203  
district entry date for kindergarten, is not of the age to be 120204  
eligible for kindergarten, and whose family earns not more than 120205  
two hundred per cent of the federal poverty guidelines as defined 120206  
in division (A)(3) of section 5101.46 of the Revised Code. 120207  
Children with an Individualized Education Program and where the 120208  
Early Childhood Education program is the least restrictive 120209  
environment may be enrolled on their third birthday. 120210

(5) "Eligible child," beginning July 1, 2016, means a child 120211  
who is at least four years of age as of the district entry date 120212  
for kindergarten, is not of the age to be eligible for 120213  
kindergarten, and whose family earns not more than two hundred per 120214  
cent of the federal poverty guidelines as defined in division 120215  
(A)(3) of section 5101.46 of the Revised Code. Children with an 120216  
Individualized Education Program and where the Early Childhood 120217  
Education program is the least restrictive environment may be 120218  
enrolled on their fourth birthday. 120219

(6) "Early learning program standards" means early learning 120220  
program standards for school readiness developed by the Department 120221  
to assess the operation of early learning and development 120222  
programs. 120223

(7) "Early learning and development programs" has the same 120224  
meaning as section 5104.29 of the Revised Code. 120225

(B) In each fiscal year, up to two per cent of the total 120226  
appropriation may be used by the Department for program support 120227  
and technical assistance. The Department shall distribute the 120228  
remainder of the appropriation in each fiscal year to serve 120229  
eligible children. 120230

(C) The Department shall provide an annual report to the 120231



Governor, the Speaker of the House of Representatives, and the 120232  
President of the Senate and post the report to the Department's 120233  
web site, regarding early childhood education programs operated 120234  
under this section and the early learning program standards. 120235

(D) After setting aside the amounts to make payments due from 120236  
the previous fiscal year, in fiscal year 2016, the Department 120237  
shall distribute funds first to recipients of funds for early 120238  
childhood education programs under Section 263.20 of Am. Sub. H.B. 120239  
59 of the 130th General Assembly in the previous fiscal year and 120240  
the balance to new eligible providers of early childhood education 120241  
programs or to existing providers to serve more eligible children 120242  
pursuant to division (E) of this section or for purposes of 120243  
program expansion, improvement, or special projects to promote 120244  
quality and innovation. 120245

After setting aside the amounts to make payments due from the 120246  
previous fiscal year, in fiscal year 2017, the Department shall 120247  
distribute funds first to providers of early childhood education 120248  
programs under this section in the previous fiscal year and the 120249  
balance to new eligible providers or to existing providers to 120250  
serve more eligible children as outlined under division (E) of 120251  
this section or for purposes of program expansion, improvement, or 120252  
special projects to promote quality and innovation. 120253

(E)(1) The Department shall distribute any new or remaining 120254  
funding to existing providers of early childhood education 120255  
programs or any new eligible providers in an effort to invest in 120256  
high quality early childhood programs where there is a need as 120257  
determined by the Department. The Department shall distribute the 120258  
new or remaining funds to existing providers of early childhood 120259  
education programs or any new eligible providers to serve 120260  
additional eligible children based on community economic 120261  
disadvantage, limited access to high quality preschool or 120262  
childcare services, and demonstration of high quality preschool 120263

services as determined by the Department using new metrics 120264  
developed pursuant to Ohio's Race to the Top—Early Learning 120265  
Challenge Grant, awarded to the Department in December 2011. 120266

(2) Awards under divisions (D) and (E) of this section shall 120267  
be distributed on a per-pupil basis, and in accordance with 120268  
division (I) of this section. The Department may adjust the 120269  
per-pupil amount so that the per-pupil amount multiplied by the 120270  
number of eligible children enrolled and receiving services on the 120271  
first day of December or the business day closest to that date 120272  
equals the amount allocated under this section. 120273

(3) Except for awards made to early childhood programs 120274  
because those programs received awards in a previous fiscal year, 120275  
at least sixty-five per cent of the awards made under divisions 120276  
(D) and (E) of this section shall be made to early childhood 120277  
programs that serve children at least forty hours per week. 120278

(F) Costs for developing and administering an early childhood 120279  
education program may not exceed fifteen per cent of the total 120280  
approved costs of the program. 120281

All providers shall maintain such fiscal control and 120282  
accounting procedures as may be necessary to ensure the 120283  
disbursement of, and accounting for, these funds. The control of 120284  
funds provided in this program, and title to property obtained, 120285  
shall be under the authority of the approved provider for purposes 120286  
provided in the program unless, as described in division (K) of 120287  
this section, the program waives its right for funding or a 120288  
program's funding is eliminated or reduced due to its inability to 120289  
meet financial or early learning program standards. The approved 120290  
provider shall administer and use such property and funds for the 120291  
purposes specified. 120292

(G) The Department may examine a provider's financial and 120293  
program records. If the financial practices of the program are not 120294

in accordance with standard accounting principles or do not meet 120295  
financial standards outlined under division (F) of this section, 120296  
or if the program fails to substantially meet the early learning 120297  
program standards, meet a quality rating level in the Step Up to 120298  
Quality program established pursuant to section 5104.29 of the 120299  
Revised Code as prescribed by the Department, or exhibits below 120300  
average performance as measured against the standards, the early 120301  
childhood education program shall propose and implement a 120302  
corrective action plan that has been approved by the Department. 120303  
The approved corrective action plan shall be signed by the chief 120304  
executive officer and the executive of the official governing body 120305  
of the provider. The corrective action plan shall include a 120306  
schedule for monitoring by the Department. Such monitoring may 120307  
include monthly reports, inspections, a timeline for correction of 120308  
deficiencies, and technical assistance to be provided by the 120309  
Department or obtained by the early childhood education program. 120310  
The Department may withhold funding pending corrective action. If 120311  
an early childhood education program fails to satisfactorily 120312  
complete a corrective action plan, the Department may deny 120313  
expansion funding to the program or withdraw all or part of the 120314  
funding to the program and establish a new eligible provider 120315  
through a selection process established by the Department. 120316

(H)(1) If the early childhood education program is licensed 120317  
by the Department of Education and is not highly rated, as 120318  
determined by the Director of Job and Family Services, under the 120319  
Step Up to Quality program established pursuant to section 5104.29 120320  
of the Revised Code, the program shall do all of the following: 120321

(a) Meet teacher qualification requirements prescribed by 120322  
section 3301.311 of the Revised Code; 120323

(b) Align curriculum to the early learning content standards 120324  
developed by the Department; 120325

(c) Meet any child or program assessment requirements 120326

prescribed by the Department; 120327

(d) Require teachers, except teachers enrolled and working to 120328  
obtain a degree pursuant to section 3301.311 of the Revised Code, 120329  
to attend a minimum of twenty hours every two years of 120330  
professional development as prescribed by the Department; 120331

(e) Document and report child progress as prescribed by the 120332  
Department; 120333

(f) Meet and report compliance with the early learning 120334  
program standards as prescribed by the Department; 120335

(g) Participate in the Step Up to Quality program established 120336  
pursuant to section 5104.29 of the Revised Code. Effective July 1, 120337  
2016, all programs shall be rated through the program. 120338

(2) If the program is highly rated, as determined by the 120339  
Director of Job and Family Services, under the Step Up to Quality 120340  
program established pursuant to section 5104.29 of the Revised 120341  
Code, the program shall comply with the requirements of that 120342  
program. 120343

(I) Per-pupil funding for programs subject to this section 120344  
shall be sufficient to provide eligible children with services for 120345  
a standard early childhood schedule which shall be defined in this 120346  
section as a minimum of twelve and one-half hours per school week 120347  
as defined in section 3313.62 of the Revised Code for the minimum 120348  
school year as defined in sections 3313.48, 3313.481, and 3313.482 120349  
of the Revised Code. Beginning on July 1, 2015, nothing in this 120350  
section shall be construed to prohibit program providers from 120351  
utilizing other funds to serve eligible children in programs that 120352  
exceed the twelve and one-half hours per week or that exceed the 120353  
minimum school year. For any provider for which a standard early 120354  
childhood education schedule creates a hardship or for which the 120355  
provider shows evidence that the provider is working in 120356  
collaboration with a preschool special education program, the 120357

provider may submit a waiver to the Department requesting an 120358  
alternate schedule. If the Department approves a waiver for an 120359  
alternate schedule that provides services for less time than the 120360  
standard early childhood education schedule, the Department may 120361  
reduce the provider's annual allocation proportionately. Under no 120362  
circumstances shall an annual allocation be increased because of 120363  
the approval of an alternate schedule. 120364

(J) For fiscal year 2016, each provider shall develop a 120365  
sliding fee scale based on family incomes and shall charge 120366  
families who earn more than two hundred per cent of the federal 120367  
poverty guidelines, as defined in division (A)(3) of section 120368  
5101.46 of the Revised Code, for the early childhood education 120369  
program. 120370

The Department shall conduct an annual survey of each 120371  
provider to determine whether the provider charges families 120372  
tuition or fees, the amount families are charged relative to 120373  
family income levels, and the number of families and students 120374  
charged tuition and fees for the early childhood program. 120375

(K) If an early childhood education program voluntarily 120376  
waives its right for funding, or has its funding eliminated for 120377  
not meeting financial standards or the early learning program 120378  
standards, the provider shall transfer control of title to 120379  
property, equipment, and remaining supplies obtained through the 120380  
program to providers designated by the Department and return any 120381  
unexpended funds to the Department along with any reports 120382  
prescribed by the Department. The funding made available from a 120383  
program that waives its right for funding or has its funding 120384  
eliminated or reduced may be used by the Department for new grant 120385  
awards or expansion grants. The Department may award new grants or 120386  
expansion grants to eligible providers who apply. The eligible 120387  
providers who apply must do so in accordance with the selection 120388  
process established by the Department. 120389

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Superintendent of Public Instruction and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) For fiscal year 2017, the Department of Education and the Department of Job and Family Services shall establish the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) Beginning July 1, 2016, in accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.

**Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT**

The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the

development and implementation of information technology solutions 120419  
designed to improve the performance and services of the Department 120420  
of Education. Funds may be used for personnel, maintenance, and 120421  
equipment costs related to the development and implementation of 120422  
these technical system projects. Implementation of these systems 120423  
shall allow the Department to provide greater levels of assistance 120424  
to school districts and to provide more timely information to the 120425  
public, including school districts, administrators, and 120426  
legislators. Funds may also be used to support data-driven 120427  
decision-making and differentiated instruction, as well as to 120428  
communicate academic content standards and curriculum models to 120429  
schools through web-based applications. 120430

**Section 263.40. ALTERNATIVE EDUCATION PROGRAMS** 120431

Of the foregoing appropriation item 200421, Alternative 120432  
Education Programs, up to \$1,250,000 in each fiscal year shall be 120433  
used to make payments under sections 3314.38, 3317.23, 3317.24, 120434  
and 3345.86 of the Revised Code, as amended by this act. 120435

Of the foregoing appropriation item 200421, Alternative 120436  
Education Programs, \$400,000 in each fiscal year shall be used to 120437  
support Jobs for Ohio's Graduates. 120438

The remainder of appropriation item 200421, Alternative 120439  
Education Programs, shall be used for the renewal of successful 120440  
implementation grants and for competitive matching grants to 120441  
school districts for alternative educational programs for existing 120442  
and new at-risk and delinquent youth. Programs shall be focused on 120443  
youth in one or more of the following categories: those who have 120444  
been expelled or suspended, those who have dropped out of school 120445  
or who are at risk of dropping out of school, those who are 120446  
habitually truant or disruptive, or those on probation or on 120447  
parole from a Department of Youth Services facility. Grants shall 120448  
be awarded only to programs in which the grant will not serve as 120449

the program's primary source of funding. These grants shall be 120450  
administered by the Department of Education. 120451

The Department of Education may waive compliance with any 120452  
minimum education standard established under section 3301.07 of 120453  
the Revised Code for any alternative school that receives a grant 120454  
under this section on the grounds that the waiver will enable the 120455  
program to more effectively educate students enrolled in the 120456  
alternative school. 120457

Of the foregoing appropriation item 200421, Alternative 120458  
Education Programs, a portion may be used for program 120459  
administration, monitoring, technical assistance, support, 120460  
research, and evaluation. 120461

**Section 263.50. SCHOOL MANAGEMENT ASSISTANCE** 120462

Of the foregoing appropriation item 200422, School Management 120463  
Assistance, \$1,000,000 in each fiscal year shall be used by the 120464  
Auditor of State in consultation with the Department of Education 120465  
for expenses incurred in the Auditor of State's role relating to 120466  
fiscal caution, fiscal watch, and fiscal emergency activities as 120467  
defined in Chapter 3316. of the Revised Code, unless an amount 120468  
less than \$1,000,000 is needed and mutually agreed to by the 120469  
Department and the Auditor of State. This set-aside may also be 120470  
used by the Auditor of State to conduct performance audits of 120471  
other school districts with priority given to districts in fiscal 120472  
distress. Districts in fiscal distress shall be determined by the 120473  
Auditor of State and shall include districts that the Auditor of 120474  
State, in consultation with the Department of Education, 120475  
determines are employing fiscal practices or experiencing 120476  
budgetary conditions that could produce a state of fiscal watch or 120477  
fiscal emergency. 120478

The remainder of appropriation item 200422, School Management 120479  
Assistance, shall be used by the Department of Education to 120480



provide fiscal technical assistance and inservice education for 120481  
school district management personnel and to administer, monitor, 120482  
and implement the fiscal caution, fiscal watch, and fiscal 120483  
emergency provisions under Chapter 3316. of the Revised Code. 120484

**Section 263.60. POLICY ANALYSIS** 120485

The foregoing appropriation item 200424, Policy Analysis, 120486  
shall be used by the Department of Education to support a system 120487  
of administrative, statistical, and legislative education 120488  
information to be used for policy analysis. Staff supported by 120489  
this appropriation shall administer the development of reports, 120490  
analyses, and briefings to inform education policymakers of 120491  
current trends in education practice, efficient and effective use 120492  
of resources, and evaluation of programs to improve education 120493  
results. A portion of these funds shall be used to maintain a 120494  
longitudinal database to support the assessment of the impact of 120495  
policies and programs on Ohio's education and workforce 120496  
development systems. The research efforts supported by this 120497  
appropriation item shall be used to supply information and 120498  
analysis of data to and in consultation with the General Assembly 120499  
and other state policymakers, including the Office of Budget and 120500  
Management, the Governor's Office of 21st Century Education, and 120501  
the Legislative Service Commission. 120502

The Department of Education may use funding from this 120503  
appropriation item to purchase or contract for the development of 120504  
software systems or contract for policy studies that will assist 120505  
in the provision and analysis of policy-related information. 120506  
Funding from this appropriation item also may be used to monitor 120507  
and enhance quality assurance for research-based policy analysis 120508  
and program evaluation to enhance the effective use of education 120509  
information to inform education policymakers. 120510

TECH PREP CONSORTIA SUPPORT 120511

The foregoing appropriation item 200425, Tech Prep Consortia Support, shall be used by the Department of Education to support state-level activities designed to support, promote, and expand tech prep programs. Use of these funds shall include, but not be limited to, administration of grants, program evaluation, professional development, curriculum development, assessment development, program promotion, communications, and statewide coordination of tech prep consortia.

**Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK**

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the P-16 State Education Technology Plan developed under section 3353.09 of the Revised Code.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$10,000,000 in each fiscal year shall be used by the Department of Education to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year the Department of Education shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department of Education shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any college preparatory boarding school established under Chapter 3328. of the Revised Code, any STEM

school established under Chapter 3326. of the Revised Code, any 120543  
educational service center building used for instructional 120544  
purposes, the Ohio School for the Deaf and the Ohio School for the 120545  
Blind, high schools chartered by the Ohio Department of Youth 120546  
Services, or high schools operated by Ohio Department of 120547  
Rehabilitation and Corrections' Ohio Central School System. 120548

Of the foregoing appropriation item 200426, Ohio Educational 120549  
Computer Network, up to \$5,000,000 in each fiscal year shall be 120550  
used, through a formula and guidelines devised by the Department, 120551  
to subsidize the activities of designated information technology 120552  
centers, as defined by State Board of Education rules, to provide 120553  
school districts and chartered nonpublic schools with 120554  
computer-based student and teacher instructional and 120555  
administrative information services, including approved 120556  
computerized financial accounting, and to ensure the effective 120557  
operation of local automated administrative and instructional 120558  
systems. 120559

The remainder of appropriation item 200426, Ohio Educational 120560  
Computer Network, shall be used to support the work of the 120561  
development, maintenance, and operation of a network of uniform 120562  
and compatible computer-based information and instructional 120563  
systems as well as the teacher student linkage/roster verification 120564  
process and the eTranscript/student records exchange initiative. 120565  
This technical assistance shall include, but not be restricted to, 120566  
development and maintenance of adequate computer software systems 120567  
to support network activities. In order to improve the efficiency 120568  
of network activities, the Department and information technology 120569  
centers may jointly purchase equipment, materials, and services 120570  
from funds provided under this appropriation for use by the 120571  
network and, when considered practical by the Department, may 120572  
utilize the services of appropriate state purchasing agencies. 120573

**Section 263.80. ACADEMIC STANDARDS** 120574

The foregoing appropriation item 200427, Academic Standards, 120575  
shall be used by the Department of Education to develop and 120576  
communicate to school districts academic content standards and 120577  
curriculum models and to develop professional development programs 120578  
and other tools on the new content standards and model curriculum. 120579

**Section 263.90. STUDENT ASSESSMENT** 120580

Of the foregoing appropriation item 200437, Student 120581  
Assessment, up to \$1,206,000 in fiscal year 2016 and up to 120582  
\$2,760,000 in fiscal year 2017 may be used to support the 120583  
assessments required under section 3301.0715 of the Revised Code. 120584

The remainder of appropriation item 200437, Student 120585  
Assessment, shall be used to develop, field test, print, 120586  
distribute, score, report results, and support other associated 120587  
costs for the tests required under sections 3301.0710, 3301.0711, 120588  
and 3301.0712 of the Revised Code and for similar purposes as 120589  
required by section 3301.27 of the Revised Code. The funds may 120590  
also be used to update and develop diagnostic assessments required 120591  
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 120592  
Code. 120593

**Section 263.100. ACCOUNTABILITY/REPORT CARDS** 120594

Of the foregoing appropriation item 200439, 120595  
Accountability/Report Cards, a portion in each fiscal year may be 120596  
used to train district and regional specialists and district 120597  
educators in the use of the value-added progress dimension and in 120598  
the use of data as it relates to improving student achievement. 120599  
This training may include teacher and administrator professional 120600  
development in the use of data to improve instruction and student 120601  
learning, and teacher and administrator training in understanding 120602

teacher value-added reports and how they can be used as a 120603  
component in measuring teacher and administrator effectiveness. A 120604  
portion of this funding may be provided to a credible nonprofit 120605  
organization with expertise in value-added progress dimensions. 120606

The remainder of appropriation item 200439, 120607  
Accountability/Report Cards, shall be used by the Department to 120608  
incorporate a statewide value-added progress dimension into 120609  
performance ratings for school districts and for the development 120610  
of an accountability system that includes the preparation and 120611  
distribution of school report cards, funding and expenditure 120612  
accountability reports under sections 3302.03 and 3302.031 of the 120613  
Revised Code, the development and maintenance of teacher 120614  
value-added reports, the teacher student linkage/roster 120615  
verification process, and the performance management section of 120616  
the Department's web site required by section 3302.26 of the 120617  
Revised Code. 120618

CHILD CARE LICENSING 120619

The foregoing appropriation item 200442, Child Care 120620  
Licensing, shall be used by the Department of Education to license 120621  
and to inspect preschool and school-age child care programs under 120622  
sections 3301.52 to 3301.59 of the Revised Code. 120623

**Section 263.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 120624

The foregoing appropriation item 200446, Education Management 120625  
Information System, shall be used by the Department of Education 120626  
to improve the Education Management Information System (EMIS). 120627

Of the foregoing appropriation item 200446, Education 120628  
Management Information System, up to \$725,000 in each fiscal year 120629  
shall be distributed to designated information technology centers 120630  
for costs relating to processing, storing, and transferring data 120631  
for the effective operation of the EMIS. These costs may include, 120632

but are not limited to, personnel, hardware, software development, 120633  
communications connectivity, professional development, and support 120634  
services, and to provide services to participate in the State 120635  
Education Technology Plan developed under section 3353.09 of the 120636  
Revised Code. 120637

The remainder of appropriation item 200446, Education 120638  
Management Information System, shall be used to develop and 120639  
support the data definitions and standards adopted by the 120640  
Education Management Information System Advisory Board, including 120641  
the ongoing development and maintenance of the data dictionary and 120642  
data warehouse. In addition, such funds shall be used to support 120643  
the development and implementation of data standards; the design, 120644  
development, and implementation of a new data exchange system; and 120645  
responsibilities related to the school report cards prescribed by 120646  
section 3302.03 of the Revised Code and value-added progress 120647  
dimension calculations. 120648

Any provider of software meeting the standards approved by 120649  
the Education Management Information System Advisory Board shall 120650  
be designated as an approved vendor and may enter into contracts 120651  
with local school districts, community schools, STEMS schools, 120652  
information technology centers, or other educational entities for 120653  
the purpose of collecting and managing data required under Ohio's 120654  
education management information system (EMIS) laws. On an annual 120655  
basis, the Department of Education shall convene an advisory group 120656  
of school districts, community schools, and other 120657  
education-related entities to review the Education Management 120658  
Information System data definitions and data format standards. The 120659  
advisory group shall recommend changes and enhancements based upon 120660  
surveys of its members, education agencies in other states, and 120661  
current industry practices, to reflect best practices, align with 120662  
federal initiatives, and meet the needs of school districts. 120663

School districts, STEM schools, and community schools not 120664

implementing a uniform set of data definitions and data format 120665  
standards for Education Management Information System purposes 120666  
shall have all EMIS funding withheld until they are in compliance. 120667

**Section 263.120. GED TESTING** 120668

The foregoing appropriation item 200447, GED Testing, shall 120669  
be used to provide General Educational Development (GED) testing 120670  
under rules adopted by the State Board of Education and provide 120671  
support to GED testing sites. 120672

**Section 263.130. EDUCATOR PREPARATION** 120673

Of the foregoing appropriation item 200448, Educator 120674  
Preparation, up to \$500,000 in each fiscal year may be used by the 120675  
Department of Education to monitor and support Ohio's State System 120676  
of Support in accordance with the "No Child Left Behind Act of 120677  
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 120678  
and Secondary Education Act flexibility waivers approved for Ohio 120679  
by the United States Department of Education. 120680

Of the foregoing appropriation item 200448, Educator 120681  
Preparation, up to \$100,000 in each fiscal year may be used by the 120682  
Department to support the Educator Standards Board under section 120683  
3319.61 of the Revised Code and reforms under sections 3302.042, 120684  
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 120685  
3319.58 of the Revised Code. 120686

Of the foregoing appropriation item 200448, Educator 120687  
Preparation, \$1,000,000 in each fiscal year shall be distributed 120688  
to Teach For America to increase recruitment of potential corps 120689  
members at select Ohio universities, train and develop first-year 120690  
and second-year teachers in the Teach for America program in Ohio, 120691  
and expand alumni support and networking within the state. 120692

Of the foregoing appropriation item 200448, Educator 120693  
Preparation, \$150,000 in each fiscal year shall be used to support 120694

the SmartOhio financial literacy program. 120695

Of the foregoing appropriation item 200448, Educator 120696  
Preparation, \$125,000 in each fiscal year shall be used for the 120697  
Ohio Appalachian Teaching Fellowship. The State Superintendent of 120698  
Public Instruction shall select a nonprofit education organization 120699  
with diverse experience in teacher, leader, and system development 120700  
in school districts across the country, including experience 120701  
working with schools in the Appalachian region to lead and manage 120702  
the fellowship. The fellowship shall provide funding to assist 120703  
with the costs of college tuition, instructional materials, and 120704  
fees for exceptional students who want to teach in the Appalachian 120705  
region of Ohio following college graduation. Fellows shall be 120706  
selected during their senior year of high school. The nonprofit 120707  
organization shall provide enrichment activities to supplement the 120708  
fellows' educational experiences to prepare the future teachers 120709  
for the unique challenges of teaching in the Appalachian region. 120710  
Students who participate in the fellowship shall agree to teach in 120711  
the Appalachian region of Ohio for at least four years following 120712  
college graduation. 120713

The remainder of the foregoing appropriation item 200448, 120714  
Educator Preparation, may be used for implementation of teacher 120715  
and principal evaluation systems, including incorporation of 120716  
student growth as a metric in those systems, and teacher 120717  
value-added reports. 120718

**Section 263.140. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 120719

The foregoing appropriation item 200455, Community Schools 120720  
and Choice Programs, may be used by the Department of Education 120721  
for operation of the school choice programs. 120722

Of the foregoing appropriation item 200455, Community Schools 120723  
and Choice Programs, a portion in each fiscal year may be used by 120724  
the Department of Education for developing and conducting training 120725



sessions for community schools and sponsors and prospective 120726  
sponsors of community schools as prescribed in division (A)(1) of 120727  
section 3314.015 of the Revised Code, and other schools 120728  
participating in school choice programs. 120729

STEM INITIATIVES 120730

An amount equal to the unexpended, unencumbered balances of 120731  
the GRF appropriations for the Department of Education at the end 120732  
of fiscal year 2015, but not to exceed \$600,000, is hereby 120733  
reappropriated to appropriation item 200457, STEM Initiatives, for 120734  
fiscal year 2016 for the Department of Education to provide STEM 120735  
schools with matching funds for industry workforce development 120736  
initiatives. 120737

If the unexpended, unencumbered balances reappropriated above 120738  
are less than \$600,000, the Superintendent of Public Instruction 120739  
shall identify outstanding GRF encumbrances of the Department for 120740  
fiscal year 2015 and prior fiscal years that are no longer needed 120741  
to support the obligations of the Department. On July 1, 2015, or 120742  
as soon as possible thereafter, the Superintendent shall certify 120743  
the identified encumbrances to the Director of Budget and 120744  
Management. Upon receipt of the certification, the Director of 120745  
Budget and Management shall cancel identified encumbrances in an 120746  
amount up to the difference between \$600,000 and the amount 120747  
reappropriated above. The amount of canceled encumbrances is 120748  
hereby appropriated to appropriation item 200457, STEM 120749  
Initiatives, for fiscal year 2016 for the Department of Education 120750  
to provide STEM schools with matching funds for industry workforce 120751  
development initiatives. 120752

Of the foregoing appropriation item 200457, STEM Initiatives, 120753  
\$150,000 in fiscal year 2016 shall be distributed to the Lake 120754  
County Educational Service Center for a pilot project that 120755  
supports innovative STEM initiatives for middle school students in 120756  
Geauga and Lake counties affiliated with the Alliance for Working 120757

Together. These initiatives shall provide middle school students 120758  
with early access to programming, engineering design, and 120759  
problem-solving skills, the goal of which is to build a strong 120760  
regional pipeline of future manufacturing workers who can fill 120761  
high-paying, sustainable positions in the automated manufacturing 120762  
industry. Not later than July 31, 2016, the Lake County 120763  
Educational Service Center shall submit a report that describes 120764  
the progress of the pilot project, including the number of 120765  
students participating, to the standing committees of the House of 120766  
Representatives and the Senate that are primarily responsible for 120767  
considering economic development issues. 120768

**Section 263.150.** EDUCATION TECHNOLOGY RESOURCES 120769

Of the foregoing appropriation item 200465, Education 120770  
Technology Resources, up to \$1,443,572 in each fiscal year shall 120771  
be used for the Union Catalog and InfOhio Network and to support 120772  
the provision of electronic resources with priority given to 120773  
resources that support the teaching of state academic content 120774  
standards in all public schools. Consideration shall be given by 120775  
the Department of Education to coordinating the allocation of 120776  
these moneys with the efforts of Libraries Connect Ohio, whose 120777  
members include OhioLINK, the Ohio Public Information Network, and 120778  
the State Library of Ohio. 120779

Of the foregoing appropriation item 200465, Education 120780  
Technology Resources, up to \$1,027,176 in each fiscal year shall 120781  
be used by the Department of Education to provide grants to 120782  
educational television stations working with partner education 120783  
technology centers to provide Ohio public schools with 120784  
instructional resources and services, with priority given to 120785  
resources and services aligned with state academic content 120786  
standards. Such resources and services shall be based upon the 120787  
advice and approval of the Department, based on a formula 120788

developed in consultation with Ohio's educational television 120789  
stations and educational technology centers. 120790

The remainder of the foregoing appropriation item 200465, 120791  
Education Technology Resources, may be used to support the 120792  
training, technical support, and guidance to school districts and 120793  
public libraries in applying for federal E-Rate funds; for 120794  
oversight and guidance of school district technology plans; and 120795  
for support to district technology personnel. Funds may also be 120796  
used to support the eTranscript/student records exchange 120797  
initiative between the Department of Education and the Department 120798  
of Higher Education and the internet safety training for students, 120799  
teachers, and administrators required under the "Protecting 120800  
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 120801  
4096 (2008). 120802

**Section 263.160. PUPIL TRANSPORTATION** 120803

Of the foregoing appropriation item 200502, Pupil 120804  
Transportation, up to \$838,930 in each fiscal year may be used by 120805  
the Department of Education for training prospective and 120806  
experienced school bus drivers in accordance with training 120807  
programs prescribed by the Department. 120808

Of the foregoing appropriation item 200502, Pupil 120809  
Transportation, up to \$60,469,220 in each fiscal year may be used 120810  
by the Department of Education for special education 120811  
transportation reimbursements to school districts and county DD 120812  
boards for transportation operating costs as provided in divisions 120813  
(C) and (F) of section 3317.024 of the Revised Code. 120814

Of the foregoing appropriation item 200502, Pupil 120815  
Transportation, up to \$2,500,000 in each fiscal year may be used 120816  
by the Department of Education to reimburse school districts that 120817  
make payments to parents in lieu of transportation under section 120818  
3327.02 of the Revised Code and whose transportation is not funded 120819

under division (C) of section 3317.024 of the Revised Code. If the parent, guardian, or other person in charge of a pupil accepts the offer of payment in lieu of providing transportation, the school district shall pay that parent, guardian, or other person an amount that shall be not less than \$250 and not more than the amount determined by the Department as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year.

The remainder of the foregoing appropriation item 200502, Pupil Transportation, shall be used to distribute the amounts calculated for transportation aid under divisions (E), (F), and (G) of section 3317.0212 of the Revised Code, as amended by this act.

**Section 263.170. SCHOOL LUNCH MATCH**

The foregoing appropriation item 200505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.

Any remaining appropriation up to \$200,000 in each fiscal year after providing matching funds for the school lunch program, shall be used by the Department of Education to contract with the Children's Hunger Alliance to expand access to child nutrition programs consistent with the organization's continued ability to meet specified performance measures as detailed in the contract. These funds shall increase access to federal summer nutrition programs and the federal school breakfast program.

Any remaining appropriation after providing funds to the Children's Hunger Alliance may be used to partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department.

**Section 263.180. AUXILIARY SERVICES** 120851

The foregoing appropriation item 200511, Auxiliary Services, 120852  
shall be used by the Department of Education for the purpose of 120853  
implementing section 3317.06 of the Revised Code. Of the 120854  
appropriation, up to \$2,600,000 in each fiscal year may be used 120855  
for payment of the College Credit Plus Program for nonpublic 120856  
secondary school participants. The Department shall distribute 120857  
funding according to rule 3333-1-65.8 of the Administrative Code, 120858  
adopted by the Department of Higher Education pursuant to division 120859  
(A) of section 3365.071 of the Revised Code. 120860

**Section 263.190. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 120861

The foregoing appropriation item 200532, Nonpublic 120862  
Administrative Cost Reimbursement, shall be used by the Department 120863  
of Education for the purpose of implementing section 3317.063 of 120864  
the Revised Code. If the appropriation is sufficient, 120865  
reimbursement payments to a nonpublic school may total up to four 120866  
hundred twenty dollars per student for each school year, 120867  
notwithstanding the restriction in section 3317.063 of the Revised 120868  
Code. 120869

**Section 263.200. SPECIAL EDUCATION ENHANCEMENTS** 120870

Of the foregoing appropriation item 200540, Special Education 120871  
Enhancements, up to \$50,000,000 in each fiscal year shall be used 120872  
to fund special education and related services at county boards of 120873  
developmental disabilities for eligible students under section 120874  
3317.20 of the Revised Code and at institutions for eligible 120875  
students under section 3317.201 of the Revised Code. If necessary, 120876  
the Department shall proportionately reduce the amount calculated 120877  
for each county board of developmental disabilities and 120878  
institution so as not to exceed the amount appropriated in each 120879  
fiscal year. 120880

Of the foregoing appropriation item 200540, Special Education 120881  
Enhancements, up to \$1,333,468 in each fiscal year shall be used 120882  
for parent mentoring programs. 120883

Of the foregoing appropriation item 200540, Special Education 120884  
Enhancements, up to \$2,537,824 in each fiscal year may be used for 120885  
school psychology interns. 120886

Of the foregoing appropriation item 200540, Special Education 120887  
Enhancements, the Department of Education shall transfer 120888  
\$2,500,000 in each fiscal year to the Opportunities for Ohioans 120889  
with Disabilities Agency. The transfer shall be made via an 120890  
intrastate transfer voucher. The transferred funds shall be used 120891  
by the Opportunities for Ohioans with Disabilities Agency as state 120892  
matching funds to draw down available federal funding for 120893  
vocational rehabilitation services. Total project funding shall be 120894  
used to hire dedicated vocational rehabilitation counselors who 120895  
shall work directly with school districts to provide transition 120896  
services for students with disabilities. Services shall include 120897  
vocational rehabilitation services such as person-centered career 120898  
planning, summer work experiences, job placement, and retention 120899  
services for mutually eligible students with disabilities. 120900

The Superintendent of Public Instruction and the Executive 120901  
Director of the Opportunities for Ohioans with Disabilities Agency 120902  
shall enter into an interagency agreement that shall specify the 120903  
responsibilities of each agency under the program. Under the 120904  
interagency agreement, the Opportunities for Ohioans with 120905  
Disabilities Agency shall retain responsibility for all 120906  
nondelegable functions, including eligibility and order of 120907  
selection determination, individualized plan for employment (IPE) 120908  
approval, IPE amendments, case closure, and release of vendor 120909  
payments. 120910

Of the foregoing appropriation item 200540, Special Education 120911  
Enhancements, up to \$2,500,000 in each fiscal year shall be used 120912

by the Department of Education to build capacity to deliver a 120913  
regional system of training, support, coordination, and direct 120914  
service for secondary transition services for students with 120915  
disabilities beginning at fourteen years of age. These special 120916  
education enhancements shall support all students with 120917  
disabilities, regardless of partner agency eligibility 120918  
requirements, to provide stand-alone direct secondary transition 120919  
services by school districts. Secondary transition services shall 120920  
include, but not be limited to, job exploration counseling, 120921  
work-based learning experiences, counseling on opportunities for 120922  
enrollment in comprehensive transition or post-secondary 120923  
educational programs at institutions of higher education, 120924  
workplace readiness training to develop occupational skills, 120925  
social skills and independent living skills, and instruction in 120926  
self-advocacy. Regional training shall support the expansion of 120927  
transition to work endorsement opportunities for middle school and 120928  
secondary level special education intervention specialists in 120929  
order to develop the necessary skills and competencies to meet the 120930  
secondary transition needs of students with disabilities beginning 120931  
at fourteen years of age. 120932

The remainder of appropriation item 200540, Special Education 120933  
Enhancements, shall be distributed by the Department of Education 120934  
to school districts and institutions, as defined in section 120935  
3323.091 of the Revised Code, for preschool special education 120936  
funding under section 3317.0213 of the Revised Code. 120937

The Department may reimburse school districts and 120938  
institutions for services provided by instructional assistants, 120939  
related services as defined in rule 3301-51-11 of the 120940  
Administrative Code, physical therapy services provided by a 120941  
licensed physical therapist or physical therapist assistant under 120942  
the supervision of a licensed physical therapist as required under 120943  
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 120944

Administrative Code and occupational therapy services provided by 120945  
a licensed occupational therapist or occupational therapy 120946  
assistant under the supervision of a licensed occupational 120947  
therapist as required under Chapter 4755. of the Revised Code and 120948  
Chapter 4755-7 of the Administrative Code. Nothing in this section 120949  
authorizes occupational therapy assistants or physical therapist 120950  
assistants to generate or manage their own caseloads. 120951

The Department of Education shall require school districts, 120952  
educational service centers, county DD boards, and institutions 120953  
serving preschool children with disabilities to adhere to Ohio's 120954  
early learning program standards, participate in the Step Up to 120955  
Quality program established pursuant to section 5104.29 of the 120956  
Revised Code, and document child progress using research-based 120957  
indicators prescribed by the Department and report results 120958  
annually. The reporting dates and method shall be determined by 120959  
the Department. Effective July 1, 2018, all programs shall be 120960  
rated through the Step Up to Quality program. 120961

**Section 263.210. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 120962

Of the foregoing appropriation item 200545, Career-Technical 120963  
Education Enhancements, up to \$1,008,000 in each fiscal year shall 120964  
be used to fund the Ohio Career Counseling Pilot Program. The 120965  
program shall utilize Career-Technical Planning Districts to 120966  
deliver comprehensive career counseling services to students in 120967  
grades seven through twelve. 120968

(A) Participating institutions shall provide the following 120969  
services: 120970

(1) Connect students in grades seven through twelve to career 120971  
mentors from local civic and business organizations for the 120972  
purpose of exploring career options and workforce skills necessary 120973  
for success; 120974



(2) Provide students in grades nine through twelve with opportunities for experiential learning through community-based businesses and civic partnerships;	120975 120976 120977
(3) Provide students in grades seven through twelve with career pathways that feature academic coursework integrated into career-technical training, including introduction to these pathways for students in grades seven and eight;	120978 120979 120980 120981
(4) Offer career-focused counseling for students that include all of the following components:	120982 120983
(a) Earning college credit through the College Credit Plus Program;	120984 120985
(b) Planning for a post-secondary education;	120986
(c) Earning an industry-recognized credential or state-issued license;	120987 120988
(d) Participating in experiential learning;	120989
(e) Using the OhioMeansJobs web site; and	120990
(f) Participating in the Career Connections initiative developed by the Department of Education.	120991 120992
(B) Participating institutions shall establish participation and outcome goals for each of the activities as defined in division (A)(4) of this section. Each participating institution shall report results for each goal and provide recommendations to improve services to the Department of Education not later than sixty days after the end of the fiscal year. The Department shall compile all results and recommendations and provide a report to the Governor and General Assembly not later than October 31 following the end of each fiscal year.	120993 120994 120995 120996 120997 120998 120999 121000 121001
(C) Participating institutions shall receive the following funding in each fiscal year for the Ohio Career Counseling Pilot Program: Butler Tech Joint Vocational School District, \$393,000;	121002 121003 121004

Four County Joint Vocational School District, \$164,000; Pioneer 121005  
Career and Technology Center, \$141,000; South-Western City School 121006  
District, \$110,000; Gallia-Jackson-Vinton Joint Vocational School 121007  
District, \$85,000; Four Cities Educational Compact, \$65,000; and 121008  
Madison Local School District in Richland County, \$50,000. 121009

(D) The Department of Education shall distribute funds to 121010  
participating institutions not later than August fifteenth of each 121011  
fiscal year. 121012

(E) Professional development and outreach for school 121013  
counselors under this section shall include how to effectively use 121014  
training and informational resources on the OhioMeansJobs K-12 web 121015  
site and shall be done in consultation with the Chancellor of 121016  
Higher Education to ensure alignment with efforts to improve the 121017  
preparation of school counselors on effective career counseling 121018  
methods. 121019

Of the foregoing appropriation item 200545, Career-Technical 121020  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 121021  
be used to fund secondary career-technical education at 121022  
institutions, the Ohio School for the Deaf, and the Ohio State 121023  
School for the Blind using a grant-based methodology, 121024  
notwithstanding section 3317.05 of the Revised Code. 121025

Of the foregoing appropriation item 200545, Career-Technical 121026  
Education Enhancements, up to \$2,837,800 in each fiscal year shall 121027  
be used by the Department of Education to fund competitive grants 121028  
to tech prep consortia that expand the number of students enrolled 121029  
in tech prep programs. These grant funds shall be used to directly 121030  
support expanded tech prep programs provided to students enrolled 121031  
in school districts, including joint vocational school districts, 121032  
and affiliated higher education institutions. This support may 121033  
include the purchase of equipment. 121034

Of the foregoing appropriation item 200545, Career-Technical 121035

Education Enhancements, up to \$3,100,850 in each fiscal year shall 121036  
be used by the Department of Education to support existing High 121037  
Schools That Work (HSTW) sites, develop and support new sites, 121038  
fund technical assistance, and support regional centers and middle 121039  
school programs. The purpose of HSTW is to combine challenging 121040  
academic courses and modern career-technical studies to raise the 121041  
academic achievement of students. HSTW provides intensive 121042  
technical assistance, focused staff development, targeted 121043  
assessment services, and ongoing communications and networking 121044  
opportunities. 121045

Of the foregoing appropriation item 200545, Career-Technical 121046  
Education Enhancements, up to \$600,000 in each fiscal year shall 121047  
be used by the Department of Education to enable students in 121048  
agricultural programs to enroll in a fifth quarter of instruction 121049  
based on the agricultural education model of delivering work-based 121050  
learning through supervised agricultural experience. The 121051  
Department of Education shall determine eligibility criteria and 121052  
the reporting process for the Agriculture 5th Quarter Project and 121053  
shall fund as many programs as possible given the set aside. The 121054  
eligibility criteria developed by the Department shall allow these 121055  
funds to support supervised agricultural experience that occurs 121056  
anytime outside of the regular school day. 121057

Of the foregoing appropriation item 200545, Career-Technical 121058  
Education Enhancements, up to \$162,200 in each fiscal year shall 121059  
be distributed to the Cleveland Municipal School District and the 121060  
Cincinnati City School District to be used for a VoAg Program in 121061  
one at-risk nonvocational school in each district. The amount 121062  
distributed to the Cleveland Municipal School District shall be 121063  
equal to \$78,600 minus the funding allocated to the district under 121064  
division (A)(8) of section 3317.022 of the Revised Code for the 121065  
students participating in the program. The amount distributed to 121066  
the Cincinnati City School District shall be equal to \$83,600 121067

minus the funding allocated to the district under division (A)(8) 121068  
of section 3317.022 of the Revised Code for the students 121069  
participating in the program. 121070

Of the foregoing appropriation item 200545, Career-Technical 121071  
Education Enhancements, up to \$525,000 in fiscal year 2016 and up 121072  
to \$550,000 in fiscal year 2017 may be used to support career 121073  
planning and reporting through the Ohio Means Jobs web site. 121074

Of the foregoing appropriation item 200545, Career-Technical 121075  
Education Enhancements, up to \$1,000,000 in each fiscal year shall 121076  
be used to support payments to city, local, and exempted village 121077  
school districts, community schools, STEM schools, and joint 121078  
vocational school districts whose students earn an 121079  
industry-recognized credential or receive a journeyman 121080  
certification recognized by the United States Department of Labor. 121081  
The educating entity shall be required to inform students enrolled 121082  
in career-technical education courses that lead to an 121083  
industry-recognized credential about the opportunity to earn these 121084  
credentials. The Ohio Department of Education shall work with the 121085  
Department of Higher Education and the Governor's Office of 121086  
Workforce Transformation to develop a schedule for reimbursement 121087  
based on the Department of Education's list of industry-recognized 121088  
credentials, the time it takes to earn the credential, and the 121089  
cost to obtain the credential. The educating entity shall pay for 121090  
the cost of the credential for an economically disadvantaged 121091  
student and may claim and receive reimbursement. The educating 121092  
entity may claim reimbursement based on the Department's 121093  
reimbursement schedule up to six months after the student has 121094  
graduated from high school. If the amount appropriated is not 121095  
sufficient, the Department shall prorate the amounts so that the 121096  
aggregate amount appropriated is not exceeded. 121097

Of the foregoing appropriation item 200545, Career-Technical 121098  
Education Enhancements, \$125,000 in each fiscal year shall be used 121099

to prepare students for careers in culinary arts and restaurant 121100  
management under the Ohio ProStart school restaurant program. 121101

**Section 263.220. FOUNDATION FUNDING** 121102

Of the foregoing appropriation item 200550, Foundation 121103  
Funding, up to \$40,000,000 in each fiscal year shall be used to 121104  
provide additional state aid to school districts, joint vocational 121105  
school districts, community schools, and STEM schools for special 121106  
education students under division (C)(3) of section 3314.08, 121107  
section 3317.0214, division (B) of section 3317.16, and section 121108  
3326.34 of the Revised Code, except that the Controlling Board may 121109  
increase these amounts if presented with such a request from the 121110  
Department of Education at the final meeting of the fiscal year. 121111

Of the foregoing appropriation item 200550, Foundation 121112  
Funding, up to \$3,800,000 in each fiscal year shall be used to 121113  
fund gifted education at educational service centers. The 121114  
Department shall distribute the funding through the unit-based 121115  
funding methodology in place under division (L) of section 121116  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 121117  
and (C) of section 3317.053 of the Revised Code as they existed 121118  
prior to fiscal year 2010. 121119

Of the foregoing appropriation item 200550, Foundation 121120  
Funding, up to \$40,250,000 in fiscal year 2016 and up to 121121  
\$41,400,000 in fiscal year 2017 shall be reserved to fund the 121122  
state reimbursement of educational service centers under the 121123  
section of this act entitled "EDUCATIONAL SERVICE CENTERS 121124  
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 121125  
distributed to educational service centers for School Improvement 121126  
Initiatives and for the provision of technical assistance as 121127  
required by the Elementary and Secondary Education Act Flexibility 121128  
waivers approved for Ohio by the United States Department of 121129  
Education. Educational service centers shall be required to 121130

support districts in the development and implementation of their 121131  
continuous improvement plans as required in section 3302.04 of the 121132  
Revised Code and to provide technical assistance and support in 121133  
accordance with Title I of the "No Child Left Behind Act of 2001," 121134  
115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 121135  
Elementary and Secondary Education Act Flexibility waivers 121136  
approved for Ohio by the United States Department of Education. 121137

Of the foregoing appropriation item 200550, Foundation 121138  
Funding, up to \$20,000,000 in each fiscal year shall be reserved 121139  
for payments under sections 3317.026, 3317.027, and 3317.028 of 121140  
the Revised Code. If this amount is not sufficient, the Department 121141  
of Education shall prorate the payment amounts so that the 121142  
aggregate amount allocated in this paragraph is not exceeded. 121143

Of the foregoing appropriation item 200550, Foundation 121144  
Funding, up to \$1,000,000 in each fiscal year shall be used to pay 121145  
career-technical planning districts for the amounts reimbursed to 121146  
students, as prescribed in this paragraph. Each career-technical 121147  
planning district shall reimburse individuals taking the online 121148  
General Educational Development (GED) test for the first time for 121149  
application/test fees in excess of \$40. Each career-technical 121150  
planning district shall designate a site or sites where 121151  
individuals may register and take the exam. For each individual 121152  
that registers for the exam, the career-technical planning 121153  
district shall make available and offer career counseling 121154  
services, including information on adult education programs that 121155  
are available. Any remaining funds in each fiscal year shall be 121156  
reimbursed to the Department of Youth Services and the Department 121157  
of Rehabilitation and Correction for individuals in these 121158  
facilities who have taken the GED for the first time. The amounts 121159  
reimbursed shall not exceed the per-individual amounts reimbursed 121160  
to other individuals under this section for each section of the 121161  
GED. 121162

Of the foregoing appropriation item 200550, Foundation 121163  
Funding, up to \$29,900,000 in fiscal year 2016 and up to 121164  
\$38,000,000 in fiscal year 2017 shall be used to support school 121165  
choice programs. 121166

Of the portion of the funds distributed to the Cleveland 121167  
Municipal School District under this section, up to \$11,901,887 in 121168  
each fiscal year shall be used to operate the school choice 121169  
program in the Cleveland Municipal School District under sections 121170  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 121171  
divisions (B) and (C) of section 3313.978 and division (C) of 121172  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 121173  
fiscal year of this amount shall be used by the Cleveland 121174  
Municipal School District to provide tutorial assistance as 121175  
provided in division (H) of section 3313.974 of the Revised Code. 121176  
The Cleveland Municipal School District shall report the use of 121177  
these funds in the district's three-year continuous improvement 121178  
plan as described in section 3302.04 of the Revised Code in a 121179  
manner approved by the Department of Education. 121180

Of the foregoing appropriation item 200550, Foundation 121181  
Funding, up to \$500,000 in each fiscal year may be used for 121182  
payment of the College Credit Plus Program for students instructed 121183  
at home pursuant to section 3321.04 of the Revised Code. 121184

Of the foregoing appropriation item 200550, Foundation 121185  
Funding, an amount shall be available in each fiscal year to be 121186  
paid to joint vocational school districts in accordance with 121187  
division (A) of section 3317.16 of the Revised Code, section 121188  
3317.26 of the Revised Code, and the section of this act entitled 121189  
"TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 121190  
DISTRICTS." 121191

Of the foregoing appropriation item 200550, Foundation 121192  
Funding, up to \$700,000 in each fiscal year shall be used by the 121193  
Department of Education for a program to pay for educational 121194

services for youth who have been assigned by a juvenile court or 121195  
other authorized agency to any of the facilities described in 121196  
division (A) of the section of this act entitled "PRIVATE 121197  
TREATMENT FACILITY PROJECT." 121198

Of the foregoing appropriation item 200550, Foundation 121199  
Funding, a portion may be used to pay college-preparatory boarding 121200  
schools the per pupil boarding amount pursuant to section 3328.34 121201  
of the Revised Code. 121202

Of the foregoing appropriation item 200550, Foundation 121203  
Funding, up to \$2,000,000 in each fiscal year shall be used for 121204  
the Bright New Leaders for Ohio Schools Program created and 121205  
implemented by the nonprofit corporation incorporated pursuant to 121206  
Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, 121207  
to provide an alternative path for individuals to receive training 121208  
and development in the administration of primary and secondary 121209  
education and leadership, enable those individuals to earn degrees 121210  
and obtain licenses in public school administration, and promote 121211  
the placement of those individuals in public schools that have a 121212  
poverty percentage greater than fifty per cent. 121213

Of the foregoing appropriation item 200550, Foundation 121214  
Funding, \$750,000 in fiscal year 2016 shall be used as matching 121215  
funds to support efforts by the Accelerate Great Schools 121216  
public-private partnership to increase the number of 121217  
high-performing schools in Cincinnati; to attract and develop 121218  
excellent school leaders and teachers; and to engage families and 121219  
communities in fostering educational improvement. 121220

Of the foregoing appropriation item 200550, Foundation 121221  
Funding, \$200,000 in each fiscal year shall be used to support 121222  
Bellefaire JCB's Social Advocates for Youth Program. 121223

Of the foregoing appropriation item 200550, Foundation 121224  
Funding, \$150,000 in each fiscal year shall be used to support 121225



programming at the Cleveland Museum of Natural History. 121226

Of the foregoing appropriation item 200550, Foundation 121227  
Funding, a portion in each fiscal year shall be used to pay 121228  
community schools the amounts calculated for the graduation and 121229  
third-grade reading bonuses under section 3314.085 and to pay STEM 121230  
schools the amounts calculated for the graduation bonus under 121231  
section 3326.41 of the Revised Code. 121232

The remainder of appropriation item 200550, Foundation 121233  
Funding, shall be used to distribute the amounts calculated for 121234  
formula aid under sections 3317.022 and 3317.26 of the Revised 121235  
Code and the section of this act entitled "TEMPORARY TRANSITIONAL 121236  
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 121237

Appropriation items 200502, Pupil Transportation, 200540, 121238  
Special Education Enhancements, and 200550, Foundation Funding, 121239  
other than specific set-asides, are collectively used in each 121240  
fiscal year to pay state formula aid obligations for school 121241  
districts, community schools, STEM schools, college preparatory 121242  
boarding schools, and joint vocational school districts under this 121243  
act. The first priority of these appropriation items, with the 121244  
exception of specific set-asides, is to fund state formula aid 121245  
obligations. It may be necessary to reallocate funds among these 121246  
appropriation items or use excess funds from other general revenue 121247  
fund appropriation items in the Department of Education's budget 121248  
in each fiscal year in order to meet state formula aid 121249  
obligations. If it is determined that it is necessary to transfer 121250  
funds among these appropriation items or to transfer funds from 121251  
other General Revenue Fund appropriations in the Department of 121252  
Education's budget to meet state formula aid obligations, the 121253  
Superintendent of Public Instruction shall seek approval from the 121254  
Director of Budget and Management to transfer funds as needed. 121255

The Superintendent of Public Instruction shall make payments, 121256  
transfers, and deductions, as authorized by Title XXXVIII of the 121257

Revised Code in amounts substantially equal to those made in the 121258  
prior year, or otherwise, at the discretion of the Superintendent, 121259  
until at least the effective date of the amendments and enactments 121260  
made to Title XXXIII by this act. Any funds paid to districts or 121261  
schools under this section shall be credited toward the annual 121262  
funds calculated for the district or school after the changes made 121263  
to Title XXXIII in this act are effective. Upon the effective date 121264  
of changes made to Title XXXIII in this act, funds shall be 121265  
calculated as an annual amount. 121266

**Section 263.230.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 121267  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 121268

(A) The Department of Education shall distribute funds within 121269  
appropriation item 200550, Foundation Funding, for temporary 121270  
transitional aid in each fiscal year to each qualifying city, 121271  
local, and exempted village school district. 121272

(1) For fiscal years 2016 and 2017, the Department shall pay 121273  
temporary transitional aid to each city, local, and exempted 121274  
village school district that experiences any decrease in its 121275  
foundation funding for the guarantee for the current fiscal year 121276  
from its transitional aid guarantee base for the current fiscal 121277  
year. The amount of the temporary transitional aid payment shall 121278  
equal the district's transitional aid guarantee base minus the 121279  
district's foundation funding for the guarantee. If the 121280  
computation made under this division results in a negative number, 121281  
the district's funding under this division shall be zero. 121282

(2) As used in this section, "foundation funding for the 121283  
guarantee" for each city, local, and exempted village school 121284  
district, for fiscal year 2016, equals the sum of the following 121285  
amounts for that fiscal year: 121286

(a) The opportunity grant under division (A)(1) of section 121287  
3317.022 of the Revised Code; 121288

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	121289 121290
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	121291 121292 121293
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	121294 121295
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	121296 121297
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	121298 121299
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	121300 121301
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	121302 121303
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	121304 121305
(j) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	121306 121307
(k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	121308 121309
(l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	121310 121311
(m) The technology supplement under division (A)(13) of section 3317.022 of the Revised Code;	121312 121313
(n) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	121314 121315
(o) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	121316 121317

(3) As used in this section, "foundation funding for the	121318
guarantee" for each city, local, and exempted village school	121319
district, for fiscal year 2017, equals the sum of the following	121320
amounts for that fiscal year:	121321
(a) The opportunity grant under division (A)(1) of section	121322
3317.022 of the Revised Code;	121323
(b) Targeted assistance funds under division (A)(2) of	121324
section 3317.022 of the Revised Code;	121325
(c) Additional state aid for special education and related	121326
services under division (A)(3) of section 3317.022 of the Revised	121327
Code;	121328
(d) Kindergarten through third grade literacy funds under	121329
division (A)(4) of section 3317.022 of the Revised Code;	121330
(e) Economically disadvantaged funds under division (A)(5) of	121331
section 3317.022 of the Revised Code;	121332
(f) Limited English proficiency funds under division (A)(6)	121333
of section 3317.022 of the Revised Code;	121334
(g) Gifted identification and unit funds under division	121335
(A)(7) of section 3317.022 of the Revised Code;	121336
(h) Capacity aid funds under division (A)(10) of section	121337
3317.022 of the Revised Code;	121338
(i) The graduation bonus under division (A)(11) of section	121339
3317.022 of the Revised Code;	121340
(j) The third grade reading bonus under division (A)(12) of	121341
section 3317.022 of the Revised Code;	121342
(k) The technology supplement under division (A)(13) of	121343
section 3317.022 of the Revised Code;	121344
(l) Transportation funds under divisions (E) and (F) of	121345
section 3317.0212 of the Revised Code;	121346

(m) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	121347 121348
(4) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any reductions made for fiscal year 2015 under division (B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly:	121349 121350 121351 121352 121353 121354
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	121355 121356
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	121357 121358
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	121359 121360 121361
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	121362 121363
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	121364 121365
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	121366 121367
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	121368 121369
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	121370 121371
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	121372 121373
(j) Transportation funds under divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, as that section existed at the time;	121374 121375 121376

(k) Temporary transitional aid under division (A) of Section 121377  
263.240 of Am. Sub. H.B. 59 of the 130th General Assembly. 121378

(5) As used in this section, the "transitional aid guarantee 121379  
base" for each city, local, and exempted village school district, 121380  
for fiscal year 2017, equals the transitional aid guarantee base 121381  
for fiscal year 2016 computed for the district pursuant to 121382  
division (A)(4) of this section minus the sum of the following 121383  
amounts for each district for fiscal year 2016 after any 121384  
reductions made for fiscal year 2016 under division (B) of this 121385  
section: 121386

(a) Career-technical education funds under division (A)(8) of 121387  
section 3317.022 of the Revised Code; 121388

(b) Career-technical education associated services funds 121389  
under division (A)(9) of section 3317.022 of the Revised Code. 121390

(6) The Department of Education shall adjust, as necessary, 121391  
the transitional aid guarantee base of any local school district 121392  
that participates in the establishment of a joint vocational 121393  
school district that begins receiving payments under section 121394  
3317.16 of the Revised Code, as amended by this act, for fiscal 121395  
year 2016 or fiscal year 2017 but does not receive payments for 121396  
the prior fiscal year. The Department shall adjust any such local 121397  
school district's guarantee base according to the amounts received 121398  
by the district in the prior fiscal year for career-technical 121399  
education students who attend the newly established joint 121400  
vocational school district. 121401

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 121402  
as amended by this act, in fiscal years 2016 and 2017, no city, 121403  
local, or exempted village school district shall be allocated 121404  
foundation funding subject to the limitation for the current 121405  
fiscal year that is greater than 1.075 times the district's 121406  
limitation base for the current fiscal year. 121407

(2) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2016, equals the sum of the following amounts for that fiscal year:	121408
	121409
	121410
	121411
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	121412
	121413
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	121414
	121415
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	121416
	121417
	121418
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	121419
	121420
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	121421
	121422
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	121423
	121424
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	121425
	121426
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	121427
	121428
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	121429
	121430
(j) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	121431
	121432
(k) Temporary transitional aid under division (A) of this section.	121433
	121434
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school	121435
	121436

district, for fiscal year 2017, equals the sum of the following	121437
amounts for that fiscal year:	121438
(a) The opportunity grant under division (A)(1) of section	121439
3317.022 of the Revised Code;	121440
(b) Targeted assistance funds under division (A)(2) of	121441
section 3317.022 of the Revised Code;	121442
(c) Additional state aid for special education and related	121443
services under division (A)(3) of section 3317.022 of the Revised	121444
Code;	121445
(d) Kindergarten through third grade literacy funds under	121446
division (A)(4) of section 3317.022 of the Revised Code;	121447
(e) Economically disadvantaged funds under division (A)(5) of	121448
section 3317.022 of the Revised Code;	121449
(f) Limited English proficiency funds under division (A)(6)	121450
of section 3317.022 of the Revised Code;	121451
(g) Gifted identification and unit funds under division	121452
(A)(7) of section 3317.022 of the Revised Code;	121453
(h) Transportation funds under divisions (E) and (F) of	121454
section 3317.0212 of the Revised Code;	121455
(i) Temporary transitional aid under division (A) of this	121456
section.	121457
(4) As used in this section, the "limitation base" for each	121458
city, local, and exempted village school district, for fiscal year	121459
2016, equals the sum of the following amounts computed for the	121460
district for fiscal year 2015 after any reductions made for fiscal	121461
year 2015 under division (B)(2) of Section 263.240 of Am. Sub.	121462
H.B. 59 of the 130th General Assembly:	121463
(a) The opportunity grant under division (A)(1) of section	121464
3317.022 of the Revised Code;	121465



(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	121466 121467
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	121468 121469 121470
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	121471 121472
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	121473 121474
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	121475 121476
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	121477 121478
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	121479 121480
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	121481 121482
(j) Transportation funds under divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, as that section existed at the time;	121483 121484 121485
(k) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly.	121486 121487
(5) As used in this section, the "limitation base" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts computed for the district for fiscal year 2016 after any reductions made for fiscal year 2016 under division (B) of this section:	121488 121489 121490 121491 121492
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	121493 121494

(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	121495 121496
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	121497 121498 121499
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	121500 121501
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	121502 121503
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	121504 121505
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	121506 121507
(h) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	121508 121509
(i) Temporary transitional aid under division (A) of this section.	121510 121511
(6) The Department of Education shall adjust, as necessary, the limitation base of any local school district that participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code, as amended by this act, for fiscal year 2016 or fiscal year 2017 but does not receive such payments for the prior fiscal year. The Department shall adjust any such local school district's limitation base according to the amounts received by the district in the prior fiscal year for career-technical education students who attend the newly established joint vocational school district.	121512 121513 121514 121515 121516 121517 121518 121519 121520 121521
(7) For fiscal year 2016, the Department shall reduce a district's payments under divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 of the Revised Code, as amended by	121522 121523 121524

this act, proportionately as necessary in order to comply with 121525  
this division. If those amounts are insufficient, the Department 121526  
shall proportionately reduce a district's payments under divisions 121527  
(A)(3), (8), and (9) of section 3317.022 of the Revised Code, as 121528  
amended by this act, and divisions (E) and (F) of section 121529  
3317.0212 of the Revised Code, as amended by this act. 121530

(8) For fiscal year 2017, the Department shall reduce a 121531  
district's payments under divisions (A)(1), (2), (4), (5), (6), 121532  
and (7) of section 3317.022 of the Revised Code, as amended by 121533  
this act, proportionately as necessary in order to comply with 121534  
this division. If those amounts are insufficient, the Department 121535  
shall proportionately reduce a district's payments under division 121536  
(A)(3) of section 3317.022 of the Revised Code, as amended by this 121537  
act, and divisions (E) and (F) of section 3317.0212 of the Revised 121538  
Code, as amended by this act. 121539

**Section 263.240.** TEMPORARY TRANSITIONAL AID FOR JOINT 121540  
VOCATIONAL SCHOOL DISTRICTS 121541

(A) The Department of Education shall distribute funds within 121542  
appropriation item 200550, Foundation Funding, for temporary 121543  
transitional aid in each fiscal year to each qualifying joint 121544  
vocational school district. 121545

(1) For fiscal years 2016 and 2017, the Department shall pay 121546  
temporary transitional aid to each joint vocational school 121547  
district that experiences any decrease in its foundation funding 121548  
for the guarantee for the current fiscal year from its 121549  
transitional aid guarantee base for the current fiscal year. The 121550  
amount of the temporary transitional aid payment shall equal the 121551  
district's transitional aid guarantee base minus the district's 121552  
foundation funding for the guarantee. If the computation made 121553  
under this division results in a negative number, the district's 121554  
funding under this division shall be zero. 121555

(2) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2016, equals the sum of the following amounts for that fiscal year:	121556 121557 121558 121559
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	121560 121561
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	121562 121563 121564
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	121565 121566
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	121567 121568
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	121569 121570
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	121571 121572
(g) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.	121573 121574
(3) As used in this section, "foundation funding for the guarantee" for each joint vocational school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	121575 121576 121577 121578
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	121579 121580
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	121581 121582 121583
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	121584 121585

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	121586 121587
(e) The graduation bonus under division (A)(7) of section 3317.16 of the Revised Code.	121588 121589
(4) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2016, equals the sum of the following amounts computed for the district for fiscal year 2015 after any reductions made for fiscal year 2015 under division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly:	121590 121591 121592 121593 121594 121595
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	121596 121597
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	121598 121599 121600
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	121601 121602
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	121603 121604
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	121605 121606
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	121607 121608
(g) Temporary transitional aid under division (A) of Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly.	121609 121610
(5) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2017, equals the transitional aid guarantee base for fiscal year 2016 computed for the district pursuant to division (A)(4) of this section minus the sum of the following amounts for each district	121611 121612 121613 121614 121615

for fiscal year 2016 after any reductions made for fiscal year 121616  
2016 under division (B) of this section: 121617

(a) Career-technical education funds under division (A)(5) of 121618  
section 3317.16 of the Revised Code; 121619

(b) Career-technical education associated services funds 121620  
under division (A)(6) of section 3317.16 of the Revised Code. 121621

(6) The Department of Education shall establish, as 121622  
necessary, the transitional aid guarantee base of any joint 121623  
vocational school district that begins receiving payments under 121624  
section 3317.16 of the Revised Code, as amended by this act, for 121625  
fiscal year 2016 or fiscal year 2017 but does not receive such 121626  
payments for the prior fiscal year. The Department shall establish 121627  
any such joint vocational school district's guarantee base as an 121628  
amount equal to the absolute value of the sum of the associated 121629  
adjustments of any local school district's guarantee bases under 121630  
division (A)(6) of the section of this act entitled "TEMPORARY 121631  
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 121632  
DISTRICTS." 121633

(B)(1) Notwithstanding division (A) of section 3317.16 of the 121634  
Revised Code, as amended by this act, in fiscal years 2016 and 121635  
2017, no joint vocational school district shall be allocated 121636  
foundation funding subject to the limitation for the current 121637  
fiscal year that is greater than 1.075 times the district's 121638  
limitation base for the current fiscal year. 121639

(2) As used in this section, "foundation funding subject to 121640  
the limitation" for each joint vocational school district, for 121641  
fiscal year 2016, equals the sum of the following amounts for that 121642  
fiscal year: 121643

(a) The opportunity grant under division (A)(1) of section 121644  
3317.16 of the Revised Code; 121645

(b) Additional state aid for special education and related 121646

services under division (A)(2) of section 3317.16 of the Revised Code;	121647 121648
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	121649 121650
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	121651 121652
(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code;	121653 121654
(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code;	121655 121656
(g) Temporary transitional aid under division (A) of this section.	121657 121658
(3) As used in this section, "foundation funding subject to the limitation" for each joint vocational school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	121659 121660 121661 121662
(a) The opportunity grant under division (A)(1) of section 3317.16 of the Revised Code;	121663 121664
(b) Additional state aid for special education and related services under division (A)(2) of section 3317.16 of the Revised Code;	121665 121666 121667
(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code;	121668 121669
(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code;	121670 121671
(e) Temporary transitional aid under division (A) of this section.	121672 121673
(4) As used in this section, the "limitation base" for each joint vocational school district, for fiscal year 2016, equals the	121674 121675

sum of the following amounts computed for the district for fiscal 121676  
year 2015 after any reductions made for fiscal year 2015 under 121677  
division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 121678  
130th General Assembly: 121679

(a) The opportunity grant under division (A)(1) of section 121680  
3317.16 of the Revised Code; 121681

(b) Additional state aid for special education and related 121682  
services under division (A)(2) of section 3317.16 of the Revised 121683  
Code; 121684

(c) Economically disadvantaged funds under division (A)(3) of 121685  
section 3317.16 of the Revised Code; 121686

(d) Limited English proficiency funds under division (A)(4) 121687  
of section 3317.16 of the Revised Code; 121688

(e) Career-technical education funds under division (A)(5) of 121689  
section 3317.16 of the Revised Code; 121690

(f) Career-technical education associated services funds 121691  
under division (A)(6) of section 3317.16 of the Revised Code; 121692

(g) Temporary transitional aid under division (A) of Section 121693  
263.250 of Am. Sub. H.B. 59 of the 130th General Assembly. 121694

(5) As used in this section, the "limitation base" for each 121695  
joint vocational school district, for fiscal year 2017, equals the 121696  
sum of the following amounts computed for the district for fiscal 121697  
year 2016 after any reductions made for fiscal year 2016 under 121698  
division (B) of this section: 121699

(a) The opportunity grant under division (A)(1) of section 121700  
3317.16 of the Revised Code; 121701

(b) Additional state aid for special education and related 121702  
services under division (A)(2) of section 3317.16 of the Revised 121703  
Code; 121704

(c) Economically disadvantaged funds under division (A)(3) of 121705



section 3317.16 of the Revised Code; 121706

(d) Limited English proficiency funds under division (A)(4) 121707  
of section 3317.16 of the Revised Code; 121708

(e) Temporary transitional aid under division (A) of this 121709  
section. 121710

(6) The Department of Education shall establish, as 121711  
necessary, the limitation base of any joint vocational school 121712  
district that begins receiving payments under section 3317.16 of 121713  
the Revised Code, as amended by this act, for fiscal year 2016 or 121714  
fiscal year 2017 but does not receive such payments for the prior 121715  
fiscal year. The Department shall establish any such joint 121716  
vocational school district's limitation base as an amount equal to 121717  
the absolute value of the sum of the associated adjustments of any 121718  
local school district's limitation base under division (B)(6) of 121719  
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 121720  
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 121721

(7) For fiscal year 2016, the Department shall reduce a 121722  
district's payments under divisions (A)(1), (3), and (4) of 121723  
section 3317.16 of the Revised Code, as amended by this act, 121724  
proportionately as necessary in order to comply with this 121725  
division. If those amounts are insufficient, the Department shall 121726  
proportionately reduce a district's payments under divisions 121727  
(A)(2), (5), and (6) of section 3317.16 of the Revised Code, as 121728  
amended by this act. 121729

(8) For fiscal year 2017, the Department shall reduce a 121730  
district's payments under divisions (A)(1), (3), and (4) of 121731  
section 3317.16 of the Revised Code, as amended by this act, 121732  
proportionately as necessary in order to comply with this 121733  
division. If those amounts are insufficient, the Department shall 121734  
proportionately reduce a district's payments under division (A)(2) 121735  
of section 3317.16 of the Revised Code, as amended by this act. 121736

**Section 263.250.** LITERACY IMPROVEMENT 121737

The foregoing appropriation item 200566, Literacy 121738  
Improvement, shall be used by the Department of Education to 121739  
contract with an educational service center or a consortium of 121740  
educational service centers for the purpose of establishing 121741  
regional literacy professional development teams. The Department 121742  
shall have any necessary agreements in place to administer the 121743  
program not later than December 31, 2015. 121744

**Section 263.260.** ADULT DIPLOMA 121745

Of the foregoing appropriation item 200572, Adult Diploma, up 121746  
to \$2,500,000 in fiscal year 2016 and \$5,000,000 in fiscal year 121747  
2017 shall be used to make payments to institutions participating 121748  
in the Adult Diploma Pilot Program under section 3313.902 of the 121749  
Revised Code as enacted by this act. The Superintendent of Public 121750  
Instruction may use a portion of the earmark to provide technical 121751  
assistance and to administer the program. 121752

Of the foregoing appropriation item 200572, Adult Diploma, up 121753  
to \$1,250,000 in fiscal year 2016 shall be used by the 121754  
Superintendent of Public Instruction to award and administer 121755  
planning grants for the Adult Diploma Pilot Program established in 121756  
section 3313.902 of the Revised Code. The Superintendent may award 121757  
grants of up to \$250,000 to not more than five institutions 121758  
eligible to participate in the program. The grants shall be used 121759  
by the institutions to build capacity to implement the program 121760  
beginning in fiscal year 2017. The Superintendent of Public 121761  
Instruction and the Chancellor of Higher Education shall develop 121762  
an application process to award these grants to eligible 121763  
institutions geographically dispersed throughout the state. The 121764  
Superintendent may use any remaining appropriation after awarding 121765  
these grants to provide technical assistance to institutions 121766

receiving the grant. 121767

**Section 263.270. EDCHOICE EXPANSION** 121768

The foregoing appropriation item 200573, EdChoice Expansion, 121769  
shall be used to provide for the scholarships awarded under the 121770  
expansion of the educational choice program established under 121771  
section 3310.032 of the Revised Code. The number of scholarships 121772  
awarded under the expansion of the educational choice program 121773  
shall not exceed the number that can be funded with the 121774  
appropriations made by the General Assembly for this purpose. 121775

**HALF-MILL MAINTENANCE EQUALIZATION** 121776

The foregoing appropriation item 200574, Half-Mill 121777  
Maintenance Equalization, shall be used to make payments pursuant 121778  
to section 3318.18 of the Revised Code. 121779

**ADAPTIVE SPORTS PROGRAM** 121780

The foregoing appropriation item 200576, Adaptive Sports 121781  
Program, shall be used by the Department of Education, in 121782  
collaboration with the Adaptive Sports Program of Ohio to fund the 121783  
creation of an adaptive sports pilot program in one school 121784  
district in fiscal year 2016 and in one additional school district 121785  
in fiscal year 2017. 121786

**Section 263.280. COMPETENCY-BASED EDUCATION PILOT** 121787

The foregoing appropriation item 200588, Competency-Based 121788  
Education Pilot, shall be used by the Department of Education to 121789  
fund competency-based education pilot programs in up to five 121790  
districts, schools, or consortia of districts and schools led by 121791  
educational service centers. The Department shall award each 121792  
district, school, or consortium of districts and schools led by 121793  
educational service centers that is selected to participate in the 121794  
program a grant of up to \$200,000 for each fiscal year. The grant 121795

shall be used during the 2015-2016 and 2016-2017 school years to 121796  
plan for implementing competency-based education in the district, 121797  
school, or consortium of districts and schools led by educational 121798  
service centers during the 2016-2017, 2017-2018, and 2018-2019 121799  
school years. Pilot programs shall adhere to program guidelines as 121800  
outlined in Section 733.30 of this act. 121801

Of the foregoing appropriation item 200588, Competency-Based 121802  
Education Pilot, a portion may be used by the Superintendent of 121803  
Public Instruction to provide technical assistance and to 121804  
administer the program. 121805

**Section 263.283.** The foregoing appropriation item 200665, 121806  
Race to the Top, shall not be used for any purpose related to the 121807  
state achievement assessments prescribed under sections 3301.0710 121808  
and 3301.0712 of the Revised Code. 121809

**Section 263.290. TEACHER CERTIFICATION AND LICENSURE** 121810

The foregoing appropriation item 200681, Teacher 121811  
Certification and Licensure, shall be used by the Department of 121812  
Education in each year of the biennium to administer and support 121813  
teacher certification and licensure activities. 121814

**Section 263.300. AUXILIARY SERVICES REIMBURSEMENT** 121815

Notwithstanding section 3317.064 of the Revised Code, if the 121816  
unexpended, unencumbered cash balance is sufficient, the Treasurer 121817  
of State shall transfer \$1,500,000 in fiscal year 2016 within 121818  
thirty days after the effective date of this section, and 121819  
\$1,500,000 in fiscal year 2017 by August 1, 2016, from the 121820  
Auxiliary Services Personnel Unemployment Compensation Fund to the 121821  
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 121822  
Department of Education. 121823

**Section 263.310.** SCHOOL DISTRICT SOLVENCY ASSISTANCE 121824

(A) Of the foregoing appropriation item 200687, School 121825  
District Solvency Assistance, \$5,000,000 in each fiscal year shall 121826  
be allocated to the School District Shared Resource Account and 121827  
\$5,000,000 in each fiscal year shall be allocated to the 121828  
Catastrophic Expenditures Account. These funds shall be used to 121829  
provide assistance and grants to school districts to enable them 121830  
to remain solvent under section 3316.20 of the Revised Code. 121831  
Assistance and grants shall be subject to approval by the 121832  
Controlling Board. Except as provided under division (C) of this 121833  
section, any required reimbursements from school districts for 121834  
solvency assistance shall be made to the appropriate account in 121835  
the School District Solvency Assistance Fund (Fund 5H30). 121836

(B) Notwithstanding any provision of law to the contrary, 121837  
upon the request of the Superintendent of Public Instruction, the 121838  
Director of Budget and Management may make transfers to the School 121839  
District Solvency Assistance Fund (Fund 5H30) from any fund used 121840  
by the Department of Education or the General Revenue Fund to 121841  
maintain sufficient cash balances in Fund 5H30 in fiscal years 121842  
2016 and 2017. Any cash transferred is hereby appropriated. The 121843  
transferred cash may be used by the Department of Education to 121844  
provide assistance and grants to school districts to enable them 121845  
to remain solvent and to pay unforeseeable expenses of a temporary 121846  
or emergency nature that the school district is unable to pay from 121847  
existing resources. The Director of Budget and Management shall 121848  
notify the members of the Controlling Board of any such transfers. 121849

(C) If the cash balance of the School District Solvency 121850  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 121851  
assistance in fiscal years 2016 and 2017, at the request of the 121852  
Superintendent of Public Instruction, and with the approval of the 121853  
Controlling Board, the Director of Budget and Management may 121854

transfer cash from the Lottery Profits Education Reserve Fund 121855  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 121856  
school districts to enable them to remain solvent and to pay 121857  
unforeseeable expenses of a temporary nature that they are unable 121858  
to pay from existing resources under section 3316.20 of the 121859  
Revised Code. Such transfers are hereby appropriated to 121860  
appropriation item 200670, School District Solvency Assistance - 121861  
Lottery. Any required reimbursements from school districts for 121862  
solvency assistance granted from appropriation item 200670, School 121863  
District Solvency Assistance - Lottery, shall be made to Fund 121864  
7018. 121865

**Section 263.323. COLLEGE CREDIT PLUS CREDENTIALIAL** 121866

Of the foregoing appropriation item 200644, College Credit 121867  
Plus Credentialial, up to \$5,000,000 in fiscal year 2016 shall be 121868  
used by the Department of Education, in consultation with the 121869  
Department of Higher Education, to support graduate coursework for 121870  
high school teachers to receive credentialing to teach college 121871  
credit plus courses in a high school setting. The Department of 121872  
Education, in consultation with the Department of Higher 121873  
Education, shall develop criteria and issue a Request for 121874  
Proposals. Priority shall be given to educational consortia that 121875  
include economically disadvantaged high schools and economically 121876  
disadvantaged high schools in which there are limited or no 121877  
teachers currently credentialled to teach college credit plus 121878  
courses, both as determined by the Department of Education. 121879  
Consortia including public or private universities in Ohio shall 121880  
be eligible to submit proposals. Awards made by the Department of 121881  
Education may support graduate coursework for high school teachers 121882  
at a regionally accredited college or university in Ohio leading 121883  
to credentialing to teach college courses, as well as employment 121884  
of teachers credentialled to teach college courses as a bridging 121885  
strategy until a sufficient number of teachers at the high school 121886

hold the required credentials. 121887

Of the foregoing appropriation item 200644, College Credit 121888  
Plus Credential, \$5,000,000 in fiscal year 2016 shall be awarded 121889  
by the Chancellor of Higher Education, in consultation with the 121890  
State Superintendent of Public Instruction, as competitive grants 121891  
to universities to provide free or reduced-cost courses for 121892  
teachers to become credentialed for the College Credit Plus 121893  
Program. Priority shall be given to proposals that enable teachers 121894  
to become credentialed in the 2015-2016 school year. 121895

**Section 263.325. SCHOOL DISTRICT TPP SUPPLEMENT** 121896

The foregoing appropriation item 200697, School District TPP 121897  
Supplement, shall be distributed to city, local, and exempted 121898  
village school districts for supplemental foundation aid as 121899  
provided in this section. 121900

For each fiscal year, the Department of Education shall 121901  
compute and pay supplemental foundation aid to each school 121902  
district as follows: 121903

(A)(1) Calculate the school district's combined state aid for 121904  
fiscal year 2015, which equals the sum of: 121905

(a) The district's state education aid for fiscal year 2015, 121906  
as defined in division (A)(4)(a) of section 5709.92 of the Revised 121907  
Code; and 121908

(b) The district's current expense allocation, as defined in 121909  
division (A)(8) of section 5709.92 of the Revised Code. 121910

(2) Calculate the school district's combined state aid for 121911  
fiscal year 2016, which equals the sum of: 121912

(a) The sum of the amounts computed for the district for 121913  
fiscal year 2016 under section 3317.022 of the Revised Code, as 121914  
amended by this act, and under divisions (E), (F), and (G) of 121915  
section 3317.0212 of the Revised Code, as amended by this act, 121916

plus any amount calculated for temporary transitional aid for 121917  
fiscal year 2016 under division (A) of Section 263.230 of this 121918  
act, and after any reductions made for fiscal year 2016 under 121919  
division (B) of Section 263.230 of this act; 121920

(b) The additional funds paid to the school district in 121921  
fiscal year 2016 under section 3317.26 of the Revised Code; and 121922

(c) If the district is not a qualifying school district, as 121923  
defined in division (A) of section 5709.92 of the Revised Code, 121924  
the sum of the payments received by the school district in fiscal 121925  
year 2016 for current expense levy losses pursuant to division 121926  
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 121927  
the portion of such payments attributable to levies for joint 121928  
vocational school district purposes. 121929

(d) If the district is a qualifying school district, as 121930  
defined in division (A) of section 5709.92 of the Revised Code, 121931  
the sum of payments received by the school district in fiscal year 121932  
2016 for current expense levy losses pursuant to division (C)(1) 121933  
of section 5709.92 of the Revised Code, excluding the portion of 121934  
such payments attributable to levies for joint vocational school 121935  
district purposes. 121936

(3) Calculate the school district's combined state aid for 121937  
fiscal year 2017, which equals the sum of: 121938

(a) The amounts computed for the district for fiscal year 121939  
2017 under section 3317.022 of the Revised Code, as amended by 121940  
this act, and under divisions (E), (F), and (G) of section 121941  
3317.0212 of the Revised Code, as amended by this act, plus any 121942  
amount calculated for temporary transitional aid for fiscal year 121943  
2017 under division (A) of Section 263.230 of this act, and after 121944  
any reductions made for fiscal year 2017 under division (B) of 121945  
Section 263.230 of this act; 121946

(b) The additional funds paid to the school district in 121947



fiscal year 2017 under section 3317.26 of the Revised Code; and 121948

(c) If the district is not a qualifying school district, as 121949  
defined in division (A) of section 5709.92 of the Revised Code, 121950  
the sum of the payments received by the school district in fiscal 121951  
year 2017 for current expense levy losses pursuant to division 121952  
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 121953  
the portion of such payments attributable to levies for joint 121954  
vocational school district purposes. 121955

(d) If the district is a qualifying school district, as 121956  
defined in division (A) of section 5709.92 of the Revised Code, 121957  
the sum of payments received by the school district in fiscal year 121958  
2017 for current expense levy losses pursuant to division (C)(1) 121959  
of section 5709.92 of the Revised Code, excluding the portion of 121960  
such payments attributable to levies for joint vocational school 121961  
district purposes. 121962

(B)(1) For fiscal year 2016, each district's payment shall be 121963  
in an amount equal to the amount calculated in division (A)(1) of 121964  
this section minus the amount calculated in division (A)(2) of 121965  
this section. If the result is a negative number, the district's 121966  
payment shall be zero. 121967

(2) For fiscal year 2017, each district's payment shall be in 121968  
an amount equal to the following: 121969

(The amount calculated in division (A)(1) of this section - the 121970  
sum of the amounts calculated under divisions (A)(8) and (A)(9) of 121971  
section 3317.022 of the Revised Code for fiscal year 2016) - (The 121972  
amount calculated in division (A)(3) of this section - the sum of 121973  
the amounts calculated under divisions (A)(8) and (A)(9) of 121974  
section 3317.022 of the Revised Code for fiscal year 2017) 121975

If the result is a negative number, the district's payment 121976  
shall be zero. 121977

(C) On July 1 of each fiscal year, or as soon as possible 121978

thereafter, the Director of Budget and Management shall transfer 121979  
\$12,000,000 cash from the General Revenue Fund to the School 121980  
District TPP Supplement Fund (Fund 5RE0). 121981

**Section 263.330.** LOTTERY PROFITS EDUCATION FUND 121982

Appropriation item 200612, Foundation Funding (Fund 7017), 121983  
shall be used in conjunction with appropriation item 200550, 121984  
Foundation Funding (GRF), to provide state foundation payments to 121985  
school districts. 121986

The Department of Education, with the approval of the 121987  
Director of Budget and Management, shall determine the monthly 121988  
distribution schedules of appropriation item 200550, Foundation 121989  
Funding (GRF), and appropriation item 200612, Foundation Funding 121990  
(Fund 7017). If adjustments to the monthly distribution schedule 121991  
are necessary, the Department of Education shall make such 121992  
adjustments with the approval of the Director of Budget and 121993  
Management. 121994

COMMUNITY CONNECTORS PROGRAM 121995

The foregoing appropriation item 200629, Community 121996  
Connectors, shall be used by the State Superintendent of Public 121997  
Instruction to create the Community Connectors Grant Program. The 121998  
Superintendent shall develop guidelines for the grants. The 121999  
program shall award competitive matching grants to provide funding 122000  
for local networks of volunteers and organizations to sponsor 122001  
career advising and mentoring for students in eligible school 122002  
districts. Each grant award shall match up to three times the 122003  
funds allocated to the project by the local network. Eligible 122004  
school districts are those with a high percentage of students in 122005  
poverty, a high number of students not graduating on time, and 122006  
other criteria as determined by the State Superintendent. Eligible 122007  
school districts shall partner with members of the business 122008  
community, civic organizations, or the faith-based community to 122009

provide sustainable career advising and mentoring services. Upon 122010  
the request of the Superintendent of Public Instruction and the 122011  
approval of the Director of Budget and Management, an amount equal 122012  
to the unexpended, unencumbered portion of the foregoing 122013  
appropriation item 200629, Community Connectors, at the end of 122014  
fiscal year 2016 is hereby reappropriated to the Department of 122015  
Education for the same purpose for fiscal year 2017. 122016

Notwithstanding any provision of law to the contrary, grants 122017  
awarded under this section may be used by grant recipients for 122018  
grant-related expenses for a period not to exceed three years from 122019  
the date of the award according to guidelines established by the 122020  
Superintendent. 122021

COMMUNITY SCHOOL FACILITIES 122022

Of the foregoing appropriation item 200684, Community School 122023  
Facilities, up to \$550,000 in fiscal year 2016 and up to 122024  
\$1,100,000 in fiscal year 2017 may be used as matching funds to 122025  
support Ohio's State Charter School Facilities Incentive Grant 122026  
application. If these funds are not required, they may be 122027  
distributed with the remaining funds in appropriation item 200684, 122028  
Community School Facilities. 122029

The remainder of the foregoing appropriation item 200684, 122030  
Community School Facilities, shall be used to pay each community 122031  
school established under Chapter 3314. of the Revised Code and 122032  
each STEM school established under Chapter 3326. of the Revised 122033  
Code an amount equal to \$12.50 in fiscal year 2016 and \$25 in 122034  
fiscal year 2017 for each full-time equivalent pupil in an 122035  
internet- or computer-based community school and \$150 in fiscal 122036  
year 2016 and \$200 in fiscal year 2017 for each full-time 122037  
equivalent pupil in all other community or STEM schools for 122038  
assistance with the cost associated with facilities. If the amount 122039  
appropriated is not sufficient, the Department of Education shall 122040  
prorate the amounts so that the aggregate amount appropriated is 122041

not exceeded. 122042

**Section 263.360.** LOTTERY PROFITS EDUCATION RESERVE FUND 122043

(A) There is hereby created the Lottery Profits Education 122044  
Reserve Fund (Fund 7018) in the State Treasury. Investment 122045  
earnings of the Lottery Profits Education Reserve Fund shall be 122046  
credited to the fund. 122047

(B) Notwithstanding any other provision of law to the 122048  
contrary, the Director of Budget and Management may transfer cash 122049  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 122050  
in fiscal year 2016 and fiscal year 2017. 122051

(C) On July 15, 2015, or as soon as possible thereafter, the 122052  
Director of the Ohio Lottery Commission shall certify to the 122053  
Director of Budget and Management the amount by which lottery 122054  
profit transfers received by Fund 7017 exceeded \$974,500,000 in 122055  
fiscal year 2015. 122056

(D) On July 15, 2016, or as soon as possible thereafter, the 122057  
Director of the Ohio Lottery Commission shall certify to the 122058  
Director of Budget and Management the amount by which lottery 122059  
profit transfers received by Fund 7017 exceeded \$984,000,000 in 122060  
fiscal year 2016. 122061

(E) Notwithstanding any provision of law to the contrary, in 122062  
fiscal year 2016 and fiscal year 2017, the Director of Budget and 122063  
Management may transfer cash in excess of the amounts necessary to 122064  
support appropriations in Fund 7017 from that fund to Fund 7018. 122065

**Section 263.370.** DISTRIBUTION FORMULAS 122066

The Department of Education shall report the following to the 122067  
Director of Budget and Management and the Legislative Service 122068  
Commission: 122069

(A) Changes in formulas for distributing state 122070

appropriations, including administratively defined formula	122071
factors;	122072
(B) Discretionary changes in formulas for distributing	122073
federal appropriations;	122074
(C) Federally mandated changes in formulas for distributing	122075
federal appropriations.	122076
Any such changes shall be reported two weeks prior to the	122077
effective date of the change.	122078
<b>Section 263.380.</b> SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS	122079
Upon the request of the Superintendent of Public Instruction,	122080
the Director of Budget and Management may transfer up to \$750,000	122081
cash in each fiscal year from the General Revenue Fund to the	122082
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The	122083
transferred cash is to be used by the Department of Education to	122084
pay the expenses the Department incurs in administering the	122085
Medicaid School Component of the Medicaid program established	122086
under sections 5162.36 to 5162.364 of the Revised Code. On June 1	122087
of each fiscal year, or as soon as possible thereafter, the	122088
Director of Budget and Management shall transfer cash from Fund	122089
3AF0 back to the General Revenue Fund in an amount equal to the	122090
total amount transferred to Fund 3AF0 in that fiscal year.	122091
The money deposited into Fund 3AF0 under division (B) of	122092
section 5162.64 of the Revised Code is hereby appropriated for	122093
fiscal years 2016 and 2017 and shall be used in accordance with	122094
division (C) of section 5162.64 of the Revised Code.	122095
<b>Section 263.390.</b> EDUCATIONAL SERVICE CENTERS FUNDING	122096
As used in this section, "student count" means the count	122097
calculated under division (G)(1) of section 3313.843 of the	122098
Revised Code.	122099

In each fiscal year, the Department of Education shall pay 122100  
the governing board of each primary educational service center 122101  
state funds equal to thirty-five dollars times its student count. 122102

If the amount earmarked for the state reimbursement of 122103  
educational service centers in appropriation item 200550, 122104  
Foundation Funding, is not sufficient, the Department of Education 122105  
shall prorate the payment amounts so that the appropriation is not 122106  
exceeded. 122107

Notwithstanding any provision of law to the contrary, the 122108  
Department of Education shall modify the payments under this 122109  
section as follows: 122110

(A) If an educational service center ceases operation, the 122111  
Department shall redistribute that center's funding, as calculated 122112  
under this section, to the remaining centers in proportion to each 122113  
center's service center ADM as defined in former section 3317.11 122114  
of the Revised Code, as that section existed prior to the date of 122115  
its repeal. 122116

(B) If two or more educational service centers merge 122117  
operations to create a single service center, the Department shall 122118  
distribute the sum of the original service centers' funding, as 122119  
calculated under this section, to the new service center. 122120

**Section 263.400. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 122121**  
ASSESSMENT OF EDUCATION PROGRESS 122122

The General Assembly intends for the Superintendent of Public 122123  
Instruction to provide for school district participation in the 122124  
administration of the National Assessment of Education Progress in 122125  
accordance with section 3301.27 of the Revised Code. Each school 122126  
and school district selected for participation by the 122127  
Superintendent of Public Instruction shall participate. 122128

**Section 263.410. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 122129**

STUDENTS	122130
(A) As used in this section:	122131
(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.	122132 122133
(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.	122134 122135 122136
(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2016 and 2017 enrolls a number of SBH students equal to at least fifty per cent of the total number of students enrolled in the school in the applicable fiscal year.	122137 122138 122139 122140 122141
(C) In addition to any state foundation payments made, in each of fiscal years 2016 and 2017, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero.	122142 122143 122144 122145 122146 122147 122148 122149 122150 122151 122152 122153
(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the	122154 122155 122156 122157 122158 122159

Department of Education in appropriation item 200550, Foundation 122160  
Funding. 122161

**Section 263.420. EARMARK ACCOUNTABILITY** 122162

At the request of the Superintendent of Public Instruction, 122163  
any entity that receives a budget earmark under the Department of 122164  
Education shall submit annually to the chairpersons of the 122165  
committees of the House of Representatives and the Senate 122166  
primarily concerned with education and education funding and to 122167  
the Department of Education a report that includes a description 122168  
of the services supported by the funds, a description of the 122169  
results achieved by those services, an analysis of the 122170  
effectiveness of the program, and an opinion as to the program's 122171  
applicability to other school districts. For an earmarked entity 122172  
that received state funds from an earmark in the prior fiscal 122173  
year, no funds shall be provided by the Department of Education to 122174  
an earmarked entity for a fiscal year until its report for the 122175  
prior fiscal year has been submitted. 122176

**Section 263.430. COMMUNITY SCHOOL OPERATING FROM HOME** 122177

A community school established under Chapter 3314. of the 122178  
Revised Code that was open for operation as a community school as 122179  
of May 1, 2005, may operate from or in any home, as defined in 122180  
section 3313.64 of the Revised Code, located in the state, 122181  
regardless of when the community school's operations from or in a 122182  
particular home began. 122183

**Section 263.440. USE OF VOLUNTEERS** 122184

The Department of Education may utilize the services of 122185  
volunteers to accomplish any of the purposes of the Department. 122186  
The Superintendent of Public Instruction shall approve for what 122187  
purposes volunteers may be used and for these purposes may 122188



recruit, train, and oversee the services of volunteers. The 122189  
Superintendent may reimburse volunteers for necessary and 122190  
appropriate expenses in accordance with state guidelines and may 122191  
designate volunteers as state employees for the purpose of motor 122192  
vehicle accident liability insurance under section 9.83 of the 122193  
Revised Code, for immunity under section 9.86 of the Revised Code, 122194  
and for indemnification from liability incurred in the performance 122195  
of their duties under section 9.87 of the Revised Code. 122196

**Section 263.450. RESTRICTION OF LIABILITY FOR CERTAIN** 122197  
**REIMBURSEMENTS** 122198

(A) Except as expressly required under a court judgment not 122199  
subject to further appeals, or a settlement agreement with a 122200  
school district executed on or before June 1, 2009, in the case of 122201  
a school district for which the formula ADM for fiscal year 2005, 122202  
as reported for that fiscal year under division (A) of section 122203  
3317.03 of the Revised Code, was reduced based on enrollment 122204  
reports for community schools, made under section 3314.08 of the 122205  
Revised Code, regarding students entitled to attend school in the 122206  
district, which reduction of formula ADM resulted in a reduction 122207  
of foundation funding or transitional aid funding for fiscal year 122208  
2005, 2006, or 2007, no school district, except a district named 122209  
in the court's judgment or the settlement agreement, shall have a 122210  
legal claim for reimbursement of the amount of such reduction in 122211  
foundation funding or transitional aid funding, and the state 122212  
shall not have liability for reimbursement of the amount of such 122213  
reduction in foundation funding or transitional aid funding. 122214

(B) As used in this section: 122215

(1) "Community school" means a community school established 122216  
under Chapter 3314. of the Revised Code. 122217

(2) "Entitled to attend school" means entitled to attend 122218  
school in a school district under section 3313.64 or 3313.65 of 122219

the Revised Code. 122220

(3) "Foundation funding" means payments calculated for the 122221  
respective fiscal year under Chapter 3317. of the Revised Code. 122222

(4) "Transitional aid funding" means payments calculated for 122223  
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 122224  
of the 125th General Assembly, as subsequently amended; Section 122225  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 122226  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 122227  
of the 127th General Assembly. 122228

**Section 263.470. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 122229

In collaboration with the County Family and Children First 122230  
Council, a city, local, or exempted village school district, 122231  
community school, STEM school, joint vocational school district, 122232  
educational service center, or county board of developmental 122233  
disabilities that receives allocations from the Department of 122234  
Education from appropriation item 200550, Foundation Funding, or 122235  
appropriation item 200540, Special Education Enhancements, may 122236  
transfer portions of those allocations to a flexible funding pool 122237  
authorized by the Section of this act entitled "FAMILY AND 122238  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 122239  
maintenance of effort or for federal or state funding matching 122240  
requirements shall not be transferred unless the allocation may 122241  
still be used to meet such requirements. 122242

**Section 263.480. PRIVATE TREATMENT FACILITY PROJECT** 122243

(A) As used in this section: 122244

(1) The following are "participating residential treatment 122245  
centers": 122246

(a) Private residential treatment facilities that have 122247  
entered into a contract with the Department of Youth Services to 122248

provide services to children placed at the facility by the 122249  
Department and which, in fiscal year 2016 or fiscal year 2017 or 122250  
both, the Department pays through appropriation item 470401, 122251  
RECLAIM Ohio; 122252

(b) Abraxas, in Shelby; 122253

(c) Paint Creek, in Bainbridge; 122254

(d) F.I.R.S.T., in Mansfield. 122255

(2) "Education program" means an elementary or secondary 122256  
education program or a special education program and related 122257  
services. 122258

(3) "Served child" means any child receiving an education 122259  
program pursuant to division (B) of this section. 122260

(4) "School district responsible for tuition" means a city, 122261  
exempted village, or local school district that, if tuition 122262  
payment for a child by a school district is required under law 122263  
that existed in fiscal year 1998, is the school district required 122264  
to pay that tuition. 122265

(5) "Residential child" means a child who resides in a 122266  
participating residential treatment center and who is receiving an 122267  
educational program under division (B) of this section. 122268

(B) A youth who is a resident of the state and has been 122269  
assigned by a juvenile court or other authorized agency to a 122270  
residential treatment facility specified in division (A) of this 122271  
section shall be enrolled in an approved educational program 122272  
located in or near the facility. Approval of the educational 122273  
program shall be contingent upon compliance with the criteria 122274  
established for such programs by the Department of Education. The 122275  
educational program shall be provided by a school district or 122276  
educational service center, or by the residential facility itself. 122277  
Maximum flexibility shall be given to the residential treatment 122278

facility to determine the provider. In the event that a voluntary 122279  
agreement cannot be reached and the residential facility does not 122280  
choose to provide the educational program, the educational service 122281  
center in the county in which the facility is located shall 122282  
provide the educational program at the treatment center to 122283  
children under twenty-two years of age residing in the treatment 122284  
center. 122285

(C) Any school district responsible for tuition for a 122286  
residential child shall, notwithstanding any conflicting provision 122287  
of the Revised Code regarding tuition payment, pay tuition for the 122288  
child for fiscal year 2016 and fiscal year 2017 to the education 122289  
program provider and in the amount specified in this division. If 122290  
there is no school district responsible for tuition for a 122291  
residential child and if the participating residential treatment 122292  
center to which the child is assigned is located in the city, 122293  
exempted village, or local school district that, if the child were 122294  
not a resident of that treatment center, would be the school 122295  
district where the child is entitled to attend school under 122296  
sections 3313.64 and 3313.65 of the Revised Code, that school 122297  
district, notwithstanding any conflicting provision of the Revised 122298  
Code, shall pay tuition for the child for fiscal year 2016 and 122299  
fiscal year 2017 under this division unless that school district 122300  
is providing the educational program to the child under division 122301  
(B) of this section. 122302

A tuition payment under this division shall be made to the 122303  
school district, educational service center, or residential 122304  
treatment facility providing the educational program to the child. 122305

The amount of tuition paid shall be: 122306

(1) The amount of tuition determined for the district under 122307  
division (A) of section 3317.08 of the Revised Code; 122308

(2) In addition, for any student receiving special education 122309

pursuant to an individualized education program as defined in 122310  
section 3323.01 of the Revised Code, a payment for excess costs. 122311  
This payment shall equal the actual cost to the school district, 122312  
educational service center, or residential treatment facility of 122313  
providing special education and related services to the student 122314  
pursuant to the student's individualized education program, minus 122315  
the tuition paid for the child under division (C)(1) of this 122316  
section. 122317

A school district paying tuition under this division shall 122318  
not include the child for whom tuition is paid in the district's 122319  
average daily membership certified under division (A) of section 122320  
3317.03 of the Revised Code. 122321

(D) In each of fiscal years 2016 and 2017, the Department of 122322  
Education shall reimburse, from appropriations made for the 122323  
purpose, a school district, educational service center, or 122324  
residential treatment facility, whichever is providing the 122325  
service, that has demonstrated that it is in compliance with the 122326  
funding criteria for each served child for whom a school district 122327  
must pay tuition under division (C) of this section. The amount of 122328  
the reimbursement shall be the amount appropriated for this 122329  
purpose divided by the full-time equivalent number of children for 122330  
whom reimbursement is to be made. 122331

(E) Funds provided to a school district, educational service 122332  
center, or residential treatment facility under this section shall 122333  
be used to supplement, not supplant, funds from other public 122334  
sources for which the school district, service center, or 122335  
residential treatment facility is entitled or eligible. 122336

(F) The Department of Education shall track the utilization 122337  
of funds provided to school districts, educational service 122338  
centers, and residential treatment facilities under this section 122339  
and monitor the effect of the funding on the educational programs 122340  
they provide in participating residential treatment facilities. 122341

The Department shall monitor the programs for educational  
accountability.

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**Section 263.490.** Notwithstanding section 3302.21 of the  
Revised Code, for the 2014-2015 school year only, the Department  
of Education shall not rank school districts, community schools,  
and STEM schools according to the performance measures prescribed  
in divisions (A)(1), (2), and (5) of that section. However, the  
Department shall rank districts and schools according to the  
measures prescribed in divisions (A)(3) and (4) of that section  
for the 2014-2015 school year not later than January 31, 2016.

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**Section 263.510.** Notwithstanding section 3302.03 of the  
Revised Code, the Department of Education shall issue grades as  
described in division (E) of section 3302.03 of the Revised Code  
for each of the performance measures prescribed in division (C)(1)  
of that section for the 2014-2015 school year not later than  
January 15, 2016.

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**Section 263.520.** Notwithstanding anything to the contrary in  
section 3302.035 of the Revised Code, the Department of Education  
shall issue the reports required under that section on the  
performance measures for a school district's or school's students  
with disabilities subgroup, using data from the 2014-2015 school  
year, not later than January 31, 2016.

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For each school year thereafter, the Department shall issue  
those reports on the first day of October as required under that  
section.

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**Section 263.530.** (A) The Superintendent of Public Instruction  
may form partnerships with Ohio's business community, including  
the Ohio Business Roundtable, to create and implement initiatives  
that connect students with the business community in an effort to

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increase student engagement and job readiness through internships, 122371  
work study, and site-based learning experiences. 122372

(B) If the Superintendent forms a partnership pursuant to 122373  
division (A) of this section, the initiatives created and 122374  
implemented through that partnership shall do all of the 122375  
following: 122376

(1) Support the career connection learning strategies 122377  
described in division (B)(2) of section 3301.079 of the Revised 122378  
Code; 122379

(2) Provide an opportunity for students to earn high school 122380  
credit toward graduation or to meet curriculum requirements in 122381  
accordance with divisions (J)(1) and (2) of section 3313.603 of 122382  
the Revised Code; 122383

(3) Inform the development of student success plans pursuant 122384  
to division (C) of section 3313.6020 of the Revised Code. 122385

**Section 263.540.** The Department of Education shall provide 122386  
assistance to the State Board of Education for the purposes of 122387  
updating the statewide plan on subject area competency, including 122388  
credit by examination, pursuant to division (J)(2) of section 122389  
3313.603 of the Revised Code, to reduce barriers to student 122390  
participation in credit flexibility options. 122391

Upon completion, the Department shall inform students, 122392  
parents, and schools of the updated plan. 122393

**Section 263.553.** For the 2015-2016 school year, the board of 122394  
education of each city, local, exempted village, and joint 122395  
vocational school district, the governing authority of each 122396  
community school established under Chapter 3314., and the 122397  
governing body of each STEM school established under Chapter 3326. 122398  
of the Revised Code, shall assess the reading skills of each 122399

student, except those students with significant cognitive 122400  
disabilities or other disabilities as authorized by the Department 122401  
of Education on a case-by-case basis, enrolled in kindergarten to 122402  
third grade and shall identify students who are reading below 122403  
their grade level. The reading skills assessments shall be 122404  
completed by September 30, 2015. 122405

**Section 263.600.** (A) This section applies only to a city 122406  
school district that is located in the same municipal corporation 122407  
as a professional sports museum. 122408

(B) Notwithstanding section 3313.41 of the Revised Code, the 122409  
board of education of a school district to which this section 122410  
applies may offer for sale property it owns to a professional 122411  
sports museum located in the same municipal corporation prior to 122412  
offering that property for sale under the provisions of section 122413  
3313.41 of the Revised Code. 122414

(C) This section shall expire on July 1, 2017. 122415

**Section 263.610.** (A) As used in this section, "client school 122416  
district" means a city, exempted village, or local school district 122417  
that has entered into an agreement under section 3313.843 or 122418  
3313.845 of the Revised Code to receive any services from an 122419  
educational service center. 122420

(B) Notwithstanding anything to the contrary in the Revised 122421  
Code, if an educational service center governing board is 122422  
abolished under section 3311.0510 of the Revised Code not later 122423  
than July 1, 2015, any indebtedness to the Department of Education 122424  
for expenses related to the dissolution that exceed the available 122425  
assets of the service center shall not be assessed against the 122426  
client school districts of the service center. 122427

**Section 263.620.** (A) Not later than thirty days after the 122428



effective date of this section, the Superintendent of Public 122429  
Instruction shall verify that the assessments prescribed under 122430  
sections 3301.0710 and 3301.0712 of the Revised Code that are 122431  
administered in the 2015-2016 school year will be administered 122432  
once each year and not over multiple testing windows. The State 122433  
Superintendent also shall verify that the timing of the 122434  
administration of the assessments shall occur in the second half 122435  
of the school year, except for end-of-course examinations for 122436  
courses completed during the first semester of the school year. In 122437  
addition, the Superintendent shall verify that the length of the 122438  
assessments shall be reduced as compared to those that were 122439  
administered in the 2014-2015 school year, in order to provide 122440  
more time for classroom instruction and less disruption in student 122441  
learning. For the online administration of assessments, a single 122442  
technology platform is preferred but not required. 122443

(B) If the State Superintendent verifies that the assessments 122444  
and their administration do not meet the conditions prescribed 122445  
under this section, the State Superintendent shall take the steps 122446  
necessary to find and contract with one or more entities to 122447  
develop and provide assessments that meet the conditions 122448  
prescribed under this section. 122449

**Section 263.630.** Not later than thirty days after the 122450  
effective date of this section, the Ohio Department of Education 122451  
shall apply to the United States Secretary of Education for a 122452  
waiver from provisions of the "No Child Left Behind Act of 2001," 122453  
to account for the prohibition on using the value-added progress 122454  
dimension to calculate student academic growth for purposes of 122455  
conducting teacher and principal evaluations for the 2015-2016 and 122456  
2016-2017 school years that are based on the results of the 122457  
assessments administered in the 2014-2015 and 2015-2016 school 122458  
years. 122459

As used in this section, "value-added progress dimension" 122460  
means the value-added progress dimension as defined in section 122461  
3302.01 of the Revised Code. 122462

**Section 263.640.** Each school district, community school 122463  
established under Chapter 3314. of the Revised Code, and STEM 122464  
school established under Chapter 3326. of the Revised Code shall 122465  
report to the Ohio Department of Education the number and 122466  
percentage of its students who did not take an assessment 122467  
prescribed under section 3301.0710 or 3301.0712 of the Revised 122468  
Code that was administered in the 2014-2015 school year and who 122469  
was not excused pursuant to division (C)(1) or (3) of section 122470  
3301.0711 of the Revised Code from taking that assessment. 122471

**Section 263.650.** (A)(1) Notwithstanding anything in the 122472  
Revised Code to the contrary and except as provided in division 122473  
(A)(2) of this section, the board of education of a school 122474  
district, the governing authority of a community school 122475  
established under Chapter 3314. of the Revised Code, or the 122476  
governing authority of a STEM school established under Chapter 122477  
3326. of the Revised Code shall not use the value-added progress 122478  
dimension rating that is based on the results of the assessments 122479  
prescribed under sections 3301.0710 and 3301.0712 of the Revised 122480  
Code administered in the 2014-2015 and 2015-2016 school years for 122481  
purposes of assessing student academic growth for teacher and 122482  
principal evaluations conducted under sections 3311.80, 3319.02, 122483  
3319.111, and 3319.112 of the Revised Code or when making 122484  
decisions regarding the dismissal, retention, tenure, or 122485  
compensation of the district's or school's teachers and 122486  
principals. 122487

(2) A school district, community school, or STEM school may 122488  
enter into a memorandum of understanding collectively with its 122489  
teachers or principals stipulating that the value-added progress 122490

dimension rating that is based on the results of the assessments 122491  
prescribed under sections 3301.0710 and 3301.0712 of the Revised 122492  
Code administered in the 2014-2015 or 2015-2016 school year may be 122493  
used to assess student academic growth for purposes of teacher and 122494  
principal evaluations or when making decisions regarding the 122495  
dismissal, retention, tenure, or compensation of the district's or 122496  
school's teachers and principals. 122497

(3) For a teacher of a grade level and subject area for which 122498  
the value-added progress dimension is applicable, if no other 122499  
measure is available to determine student academic growth as 122500  
required under section 3311.80, 3319.112, or 3319.114 of the 122501  
Revised Code, teacher and principal evaluations shall be based 122502  
solely on teacher or principal performance. 122503

(B) As used in this section, "value-added progress dimension" 122504  
means the value-added progress dimension prescribed by section 122505  
3302.021 of the Revised Code or an alternative student academic 122506  
progress measure if adopted under division (C)(1)(e) of section 122507  
3303.03 of the Revised Code. 122508

**Section 265.10. ELC OHIO ELECTIONS COMMISSION** 122509

General Revenue Fund 122510

GRF 051321 Operating Expenses \$ 333,117 \$ 333,117 122511

TOTAL GRF General Revenue Fund \$ 333,117 \$ 333,117 122512

Dedicated Purpose Fund Group 122513

4P20 051601 Operating Support \$ 194,500 \$ 194,500 122514

TOTAL DPF Dedicated Purpose Fund \$ 194,500 \$ 194,500 122515

Group

TOTAL ALL BUDGET FUND GROUPS \$ 527,617 \$ 527,617 122516

ERRONEOUS FILING FEE DEPOSITS 122517

On July 1, 2015, or as soon as possible thereafter, the 122518

Executive Director of the Elections Commission and the Secretary 122519

of State, or the Secretary of State's designee, shall jointly 122520  
certify to the Director of Budget and Management the amount of 122521  
filing fees erroneously deposited by the Ohio Elections Commission 122522  
and Secretary of State to the General Revenue Fund between 2007 122523  
and 2015. Upon receipt of the certification, the Director of 122524  
Budget and Management may transfer cash, up to the certified 122525  
amount, from the General Revenue Fund to the Ohio Elections 122526  
Commission Fund (Fund 4P20). This transfer corrects erroneous 122527  
deposits of revenue that were made by the Ohio Elections 122528  
Commission and Secretary of State to the General Revenue Fund. 122529

**Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 122530**  
DIRECTORS 122531

Dedicated Purpose Fund Group				122532
4K90 881609 Operating Expenses	\$	741,000	\$ 771,000	122533
TOTAL DPF Dedicated Purpose				122534
Fund Group	\$	741,000	\$ 771,000	122535
TOTAL ALL BUDGET FUND GROUPS	\$	741,000	\$ 771,000	122536

**Section 269.10. PAY EMPLOYEE BENEFITS FUNDS 122538**

Fiduciary Fund Group				122539
1240 995673 Payroll Deductions	\$	786,081,277	\$ 801,802,903	122540
8060 995666 Accrued Leave Fund	\$	70,520,230	\$ 71,930,634	122541
8070 995667 Disability Fund	\$	22,271,135	\$ 22,716,558	122542
8080 995668 State Employee Health	\$	711,136,583	\$ 767,740,540	122543
Benefit Fund				
8090 995669 Dependent Care	\$	3,323,438	\$ 3,487,159	122544
Spending Account				
8100 995670 Life Insurance	\$	1,779,885	\$ 1,815,482	122545
Investment Fund				
8110 995671 Parental Leave	\$	3,510,481	\$ 3,580,691	122546
Benefit Fund				

8130 995672 Health Care Spending \$ 10,089,249 \$ 10,895,989 122547  
Account

TOTAL FID Fiduciary Fund Group \$ 1,608,712,278 \$ 1,683,969,956 122548

TOTAL ALL BUDGET FUND GROUPS \$ 1,608,712,278 \$ 1,683,969,956 122549

PAYROLL DEDUCTION FUND 122550

The foregoing appropriation item 995673, Payroll Deductions, 122551  
shall be used to make payments from the Payroll Deduction Fund 122552  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 122553  
is determined by the Director of Budget and Management that 122554  
additional amounts are necessary, the amounts are hereby 122555  
appropriated. 122556

ACCRUED LEAVE LIABILITY FUND 122557

The foregoing appropriation item 995666, Accrued Leave Fund, 122558  
shall be used to make payments from the Accrued Leave Liability 122559  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 122560  
If it is determined by the Director of Budget and Management that 122561  
additional amounts are necessary, the amounts are hereby 122562  
appropriated. 122563

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 122564

The foregoing appropriation item 995667, Disability Fund, 122565  
shall be used to make payments from the State Employee Disability 122566  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 122567  
Revised Code. If it is determined by the Director of Budget and 122568  
Management that additional amounts are necessary, the amounts are 122569  
hereby appropriated. 122570

STATE EMPLOYEE HEALTH BENEFIT FUND 122571

The foregoing appropriation item 995668, State Employee 122572  
Health Benefit Fund, shall be used to make payments from the State 122573  
Employee Health Benefit Fund (Fund 8080) pursuant to section 122574  
124.87 of the Revised Code. If it is determined by the Director of 122575  
Budget and Management that additional amounts are necessary, the 122576

amounts are hereby appropriated.	122577
DEPENDENT CARE SPENDING FUND	122578
The foregoing appropriation item 995669, Dependent Care	122579
Spending Account, shall be used to make payments from the	122580
Dependent Care Spending Fund (Fund 8090) to employees eligible for	122581
dependent care expenses pursuant to section 124.822 of the Revised	122582
Code. If it is determined by the Director of Budget and Management	122583
that additional amounts are necessary, the amounts are hereby	122584
appropriated.	122585
LIFE INSURANCE INVESTMENT FUND	122586
The foregoing appropriation item 995670, Life Insurance	122587
Investment Fund, shall be used to make payments from the Life	122588
Insurance Investment Fund (Fund 8100) for the costs and expenses	122589
of the state's life insurance benefit program pursuant to section	122590
125.212 of the Revised Code. If it is determined by the Director	122591
of Budget and Management that additional amounts are necessary,	122592
the amounts are hereby appropriated.	122593
PARENTAL LEAVE BENEFIT FUND	122594
The foregoing appropriation item 995671, Parental Leave	122595
Benefit Fund, shall be used to make payments from the Parental	122596
Leave Benefit Fund (Fund 8110) to employees eligible for parental	122597
leave benefits pursuant to section 124.137 of the Revised Code. If	122598
it is determined by the Director of Budget and Management that	122599
additional amounts are necessary, the amounts are hereby	122600
appropriated.	122601
HEALTH CARE SPENDING ACCOUNT FUND	122602
The foregoing appropriation item 995672, Health Care Spending	122603
Account, shall be used to make payments from the Health Care	122604
Spending Account Fund (Fund 8130) for payments pursuant to state	122605
employees' participation in a flexible spending account for	122606

non-reimbursed health care expenses and section 124.821 of the 122607  
 Revised Code. If it is determined by the Director of 122608  
 Administrative Services that additional amounts are necessary, the 122609  
 Director of Administrative Services may request that the Director 122610  
 of Budget and Management increase such amounts. Such amounts are 122611  
 hereby appropriated. 122612

**Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD** 122613

General Revenue Fund 122614  
 GRF 125321 Operating Expenses \$ 3,761,457 \$ 3,761,457 122615  
 TOTAL GRF General Revenue Fund \$ 3,761,457 \$ 3,761,457 122616  
 Dedicated Purpose Fund Group 122617  
 5720 125603 Training and \$ 75,000 \$ 75,000 122618  
                     Publications  
 TOTAL DPF Dedicated Purpose 122619  
 Fund Group \$ 75,000 \$ 75,000 122620  
 TOTAL ALL BUDGET FUND GROUPS \$ 3,836,457 \$ 3,836,457 122621

**Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS** 122623

Dedicated Purpose Fund Group 122624  
 4K90 892609 Operating Expenses \$ 993,889 \$ 993,889 122625  
 TOTAL DPF Dedicated Purpose 122626  
 Fund Group \$ 993,889 \$ 993,889 122627  
 TOTAL ALL BUDGET FUND GROUPS \$ 993,889 \$ 993,889 122628

**Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY** 122630

General Revenue Fund 122631  
 GRF 715502 Auto Emissions \$ 10,923,093 \$ 10,923,093 122632  
                     e-Check Program  
 TOTAL GRF General Revenue Fund \$ 10,923,093 \$ 10,923,093 122633  
 Dedicated Purpose Fund Group 122634

4D50	715618	Recycled State Materials	\$	50,000	\$	50,000	122635
4J00	715638	Underground Injection Control	\$	393,917	\$	399,125	122636
4K20	715648	Clean Air - Non Title V	\$	3,309,301	\$	3,726,893	122637
4K30	715649	Solid Waste	\$	13,118,573	\$	13,202,293	122638
4K40	715650	Surface Water Protection	\$	9,446,300	\$	8,422,600	122639
4K40	715686	Environmental Laboratory Services	\$	2,096,007	\$	2,096,007	122640
4K50	715651	Drinking Water Protection	\$	6,637,044	\$	6,825,955	122641
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	122642
4R50	715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965	122643
4R90	715658	Voluntary Action Program	\$	825,759	\$	842,275	122644
4T30	715659	Clean Air - Title V Permit Program	\$	13,507,000	\$	13,639,150	122645
5000	715608	Immediate Removal Special Account	\$	718,793	\$	731,293	122646
5030	715621	Hazardous Waste Facility Management	\$	5,765,075	\$	6,082,805	122647
5050	715623	Hazardous Waste Cleanup	\$	14,388,348	\$	14,701,826	122648
5320	715646	Recycling and Litter Control	\$	4,691,000	\$	4,698,000	122649
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	122650
5420	715671	Risk Management Reporting	\$	214,826	\$	214,826	122651
5860	715637	Scrap Tire Market Development	\$	1,150,000	\$	1,170,000	122652
5BC0	715622	Local Air Pollution	\$	1,999,172	\$	1,999,172	122653



		Control				
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974 122654
5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566 122655
5BC0	715673	Drinking and Ground	\$	3,324,521	\$	3,324,520 122656
		Water				
5BC0	715676	Assistance and	\$	1,583,098	\$	1,591,682 122657
		Prevention				
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586 122658
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878 122659
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000 122660
		Agencies				
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000 122661
5BC0	715694	Environmental	\$	100,000	\$	100,000 122662
		Resource Coordination				
5BT0	715679	C&DD Groundwater	\$	645,000	\$	919,000 122663
		Monitoring				
5CD0	715682	Clean Diesel School	\$	150,000	\$	150,000 122664
		Buses				
5H40	715664	Groundwater Support	\$	350,499	\$	356,727 122665
5PZ0	715696	Drinking Water Loan	\$	220,200	\$	126,200 122666
		Fee				
5Y30	715685	Surface Water	\$	1,800,000	\$	1,800,000 122667
		Improvement				
6440	715631	Emergency Response	\$	298,304	\$	303,174 122668
		Radiological Safety				
6760	715642	Water Pollution	\$	1,933,621	\$	1,990,262 122669
		Control Loan				
		Administration				
6780	715635	Air Toxic Release	\$	133,636	\$	133,636 122670
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252 122671
6960	715643	Air Pollution Control	\$	1,125,000	\$	1,125,000 122672
		Administration				
6990	715644	Water Pollution	\$	800,000	\$	800,000 122673

		Control					
		Administration					
6A10	715645	Environmental	\$	1,500,000	\$	1,500,000	122674
		Education					
TOTAL DPF		Dedicated Purpose Fund	\$	127,513,512	\$	128,901,743	122675
		Group					
		Internal Service Activity Fund Group					122676
1990	715602	Laboratory Services	\$	427,234	\$	594,566	122677
2190	715604	Central Support	\$	6,900,000	\$	6,600,000	122678
		Indirect					
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000	122679
TOTAL ISA		Internal Service Activity	\$	9,377,234	\$	9,244,566	122680
		Fund Group					
		Capital Projects Fund Group					122681
5S10	715607	Clean Ohio	\$	284,124	\$	284,124	122682
		Revitalization					
		Operating					
TOTAL CPF		Capital Projects Fund	\$	284,124	\$	284,124	122683
		Group					
		Federal Fund Group					122684
3530	715612	Public Water Supply	\$	2,058,127	\$	2,113,020	122685
3540	715614	Hazardous Waste	\$	3,038,383	\$	3,038,383	122686
		Management - Federal					
3570	715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	122687
		- Federal					
3620	715605	Underground Injection	\$	98,629	\$	102,859	122688
		Control - Federal					
3BU0	715684	Water Quality	\$	13,211,815	\$	14,537,389	122689
		Protection					
3CS0	715688	Federal NRD	\$	200,000	\$	200,000	122690
		Settlements					
3F20	715630	Revolving Loan Fund -	\$	2,800,000	\$	2,900,000	122691

	Operating				
3F30	715632	Federally Supported	\$	4,168,991	\$ 4,291,191 122692
		Cleanup and Response			
3T30	715669	Drinking Water State	\$	2,824,076	\$ 2,824,076 122693
		Revolving Fund			
3V70	715606	Agencywide Grants	\$	600,000	\$ 600,000 122694
TOTAL FED		Federal Fund Group	\$	35,310,223	\$ 36,917,121 122695
TOTAL ALL BUDGET FUND GROUPS			\$	183,408,186	\$ 186,270,647 122696

AREAWIDE PLANNING AGENCIES 122697

The Director of Environmental Protection Agency may award 122698  
grants from appropriation item 715687, Areawide Planning Agencies, 122699  
to areawide planning agencies engaged in areawide water quality 122700  
management and planning activities in accordance with Section 208 122701  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 122702

WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) 122703

EXPENDITURES LIMITATION 122704

Notwithstanding division (B) of section 6111.09 of the 122705  
Revised Code, the Director of Environmental Protection may expend 122706  
not more than \$800,000 of the moneys credited to the Water 122707  
Pollution Control Administration Fund (Fund 6990) under that 122708  
division in either of fiscal years 2016 or 2017 for the purposes 122709  
specified in that division. 122710

**Section 277.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 122711

General Revenue Fund 122712

GRF	172321	Operating Expenses	\$	545,530	\$ 545,530 122713
TOTAL GRF		General Revenue Fund	\$	545,530	\$ 545,530 122714
TOTAL ALL BUDGET FUND GROUPS			\$	545,530	\$ 545,530 122715

**Section 279.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 122717

General Revenue Fund 122718

GRF	935401	Statehouse News	\$	324,533	\$	324,533	122719
		Bureau					
GRF	935402	Ohio Government	\$	1,452,089	\$	1,452,089	122720
		Telecommunications					
		Services					
GRF	935408	General Operations	\$	745,000	\$	745,000	122721
GRF	935409	Technology Operations	\$	3,171,962	\$	3,171,962	122722
GRF	935410	Content Development,	\$	3,957,094	\$	3,957,094	122723
		Acquisition, and					
		Distribution					
GRF	935412	Information	\$	683,716	\$	683,716	122724
		Technology					
TOTAL GRF		General Revenue Fund	\$	10,334,394	\$	10,334,394	122725
		Dedicated Purpose Fund Group					122726
5FK0	935608	Media Services	\$	95,000	\$	95,000	122727
TOTAL DPF		Dedicated Purpose Fund	\$	95,000	\$	95,000	122728
		Group					
		Internal Service Activity Fund Group					122729
4F30	935603	Affiliate Services	\$	4,000	\$	4,000	122730
4T20	935605	Government	\$	7,000	\$	7,000	122731
		Television/Telecommunications					
		Operating					
TOTAL ISA		Internal Service Activity					122732
		Fund Group	\$	11,000	\$	11,000	122733
TOTAL ALL BUDGET FUND GROUPS			\$	10,440,394	\$	10,440,394	122734

**Section 279.20. STATEHOUSE NEWS BUREAU** 122736

The foregoing appropriation item 935401, Statehouse News 122737  
 Bureau, shall be used solely to support the operations of the Ohio 122738  
 Statehouse News Bureau. 122739

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 122740

The foregoing appropriation item 935402, Ohio Government 122741

Telecommunications Services, shall be used solely to support the 122742  
operations of Ohio Government Telecommunications Services which 122743  
include providing multimedia support to the state government and 122744  
its affiliated organizations and broadcasting the activities of 122745  
the legislative, judicial, and executive branches of state 122746  
government, among its other functions. 122747

TECHNOLOGY OPERATIONS 122748

The foregoing appropriation item 935409, Technology 122749  
Operations, shall be used by the Broadcast Educational Media 122750  
Commission to pay expenses of the network infrastructure, which 122751  
includes the television and radio transmission infrastructure and 122752  
infrastructure that shall link all public K-12 classrooms to each 122753  
other and to the Internet, and provide access to voice, video, 122754  
other communication services, and data educational resources for 122755  
students and teachers. 122756

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 122757

The foregoing appropriation item 935410, Content Development, 122758  
Acquisition, and Distribution, shall be used for the development, 122759  
acquisition, and distribution of information resources by public 122760  
media and radio reading services and for educational use in the 122761  
classroom and online. 122762

Of the foregoing appropriation item 935410, Content 122763  
Development, Acquisition, and Distribution, up to \$658,099 in each 122764  
fiscal year shall be allocated equally among the Ohio educational 122765  
television stations. Funds shall be used for the production of 122766  
interactive instructional programming series with priority given 122767  
to resources aligned with state academic content standards. The 122768  
programming shall be targeted to the needs of the one-third lowest 122769  
capacity school districts as determined by the district's state 122770  
share index calculated by the Department of Education. 122771

Of the foregoing appropriation item 935410, Content 122772

Development, Acquisition, and Distribution, up to \$1,749,283 in 122773  
each fiscal year shall be distributed by the Broadcast Educational 122774  
Media Commission to Ohio's qualified public educational television 122775  
stations and educational radio stations to support their 122776  
operations. The funds shall be distributed pursuant to an 122777  
allocation formula used by the Ohio Educational Telecommunications 122778  
Network Commission unless a substitute formula is developed by the 122779  
Broadcast Educational Media Commission in consultation with Ohio's 122780  
qualified public educational television stations and educational 122781  
radio stations. 122782

Of the foregoing appropriation item 935410, Content 122783  
Development, Acquisition, and Distribution, up to \$199,712 in each 122784  
fiscal year shall be distributed by the Broadcast Educational 122785  
Media Commission to Ohio's qualified radio reading services to 122786  
support their operations. The funds shall be distributed pursuant 122787  
to an allocation formula used by the Ohio Educational 122788  
Telecommunications Network Commission unless a substitute formula 122789  
is developed by the Broadcast Educational Media Commission in 122790  
consultation with Ohio's qualified radio reading services. 122791

**Section 281.10. ETH OHIO ETHICS COMMISSION** 122792

General Revenue Fund 122793

GRF 146321 Operating Expenses	\$	1,381,556	\$	1,381,556	122794
TOTAL GRF General Revenue Fund	\$	1,381,556	\$	1,381,556	122795

Dedicated Purpose Fund Group 122796

4M60 146601 Operating Support	\$	641,000	\$	641,000	122797
TOTAL DPF Dedicated Purpose Fund	\$	641,000	\$	641,000	122798

Group

TOTAL ALL BUDGET FUND GROUPS	\$	2,022,556	\$	2,022,556	122799
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**Section 283.10. EXP OHIO EXPOSITIONS COMMISSION** 122801

General Revenue Fund 122802

GRF 723403	Junior Fair Subsidy	\$	375,000	\$	375,000	122803
TOTAL GRF	General Revenue Fund	\$	375,000	\$	375,000	122804
Dedicated Purpose Fund Group						122805
4N20 723602	Ohio State Fair	\$	235,000	\$	235,000	122806
Harness Racing						
5060 723601	Operating Expenses	\$	13,345,000	\$	13,585,000	122807
5060 723604	Grounds Maintenance	\$	300,000	\$	300,000	122808
and Repairs						
TOTAL DPF	Dedicated Purpose Fund	\$	13,880,000	\$	14,120,000	122809
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	14,255,000	\$	14,495,000	122810
STATE FAIR RESERVE						122811
The General Manager of the Expositions Commission, in						122812
consultation with the Director of Budget and Management, may						122813
submit a request to the Controlling Board to use available amounts						122814
in the State Fair Reserve Fund (Fund 6400) if revenues from either						122815
the 2015 or the 2016 Ohio State Fair are unexpectedly low.						122816
GROUND MAINTENANCE AND REPAIRS						122817
The foregoing appropriation item 723604, Grounds Maintenance						122818
and Repairs, shall be used for maintenance and repairs on the						122819
grounds of the Ohio Expo Center.						122820
<b>Section 285.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b>						122821
General Revenue Fund						122822
GRF 230321	Operating Expenses	\$	6,500,000	\$	6,500,000	122823
GRF 230401	Cultural Facilities	\$	29,728,000	\$	25,737,900	122824
Lease Rental Bond						
Payments						
GRF 230458	State Construction	\$	2,200,000	\$	2,000,000	122825
Management Services						
GRF 230459	Aronoff Center	\$	540,000	\$	540,000	122826

		Building Maintenance				
GRF	230908	Common Schools	\$	366,000,000	\$	377,000,000 122827
		General Obligation				
		Bond Debt Service				
TOTAL GRF		General Revenue Fund	\$	404,968,000	\$	411,777,900 122828
		Internal Service Activity Fund Group				122829
1310	230639	State Construction	\$	8,500,000	\$	8,500,000 122830
		Management Operations				
TOTAL ISA		Internal Service Activity	\$	8,500,000	\$	8,500,000 122831
		Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$	413,468,000	\$	420,277,900 122832

**Section 285.20. CULTURAL FACILITIES LEASE RENTAL BOND** 122834

PAYMENTS 122835

The foregoing appropriation item 230401, Cultural Facilities 122836  
 Lease Rental Bond Payments shall be used to meet all payments 122837  
 during the period from July 1, 2015, through June 30, 2017, by the 122838  
 Ohio Facilities Construction Commission under the primary leases 122839  
 and agreements for cultural and sports facilities made under 122840  
 Chapters 152. and 154. of the Revised Code. These appropriations 122841  
 are the source of funds pledged for bond service charges on 122842  
 related obligations issued under Chapters 152. and 154. of the 122843  
 Revised Code. 122844

**COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE** 122845

The foregoing appropriation item 230908, Common Schools 122846  
 General Obligation Bond Debt Service, shall be used to pay all 122847  
 debt service and related financing costs during the period from 122848  
 July 1, 2015, through June 30, 2017, on obligations issued under 122849  
 sections 151.01 and 151.03 of the Revised Code. 122850

**Section 285.30. COMMUNITY PROJECT ADMINISTRATION** 122851

The foregoing appropriation item 230458, State Construction 122852



Management Services, shall be used by the Ohio Facilities 122853  
Construction Commission in administering Cultural and Sports 122854  
Facilities Building Fund (Fund 7030) projects pursuant to section 122855  
123.201 of the Revised Code. 122856

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 122857

At the request of the Executive Director of the Ohio School 122858  
Facilities Commission, the Director of Budget and Management may 122859  
cancel encumbrances for school district projects from a previous 122860  
biennium if the district has not raised its local share of project 122861  
costs within thirteen months of receiving Controlling Board 122862  
approval under section 3318.05 or 3318.41 of the Revised Code. The 122863  
Executive Director of the Ohio School Facilities Commission shall 122864  
certify the amounts of the canceled encumbrances to the Director 122865  
of Budget and Management on a quarterly basis. The amounts of the 122866  
canceled encumbrances are hereby appropriated. 122867

**Section 285.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 122868  
APPROPRIATIONS 122869

On July 1, 2015, or as soon as possible thereafter, the 122870  
Executive Director of the Facilities Construction Commission shall 122871  
certify to the Director of Budget and Management the amount of 122872  
cash receipts and related investment income, irrevocable letters 122873  
of credit from a bank, or certification of the availability of 122874  
funds that have been received from a county or a municipal 122875  
corporation for deposit into the Capital Donations Fund (Fund 122876  
5A10) and that are related to an anticipated project. These 122877  
amounts are hereby appropriated to appropriation item C37146, 122878  
Capital Donations. Prior to certifying these amounts to the 122879  
Director, the Executive Director shall make a written agreement 122880  
with the participating entity on the necessary cash flows required 122881  
for the anticipated construction or equipment acquisition project. 122882

**Section 285.50.** AMENDMENT TO PROJECT AGREEMENT FOR 122883  
MAINTENANCE LEVY 122884

The Ohio School Facilities Commission shall amend the project 122885  
agreement between the Commission and a school district that is 122886  
participating in the Accelerated Urban School Building Assistance 122887  
Program on the effective date of this section, if the Commission 122888  
determines that it is necessary to do so in order to comply with 122889  
division (B)(3)(c) of section 3318.38 of the Revised Code. 122890

**Section 285.60.** Notwithstanding any other provision of law to 122891  
the contrary, the Ohio School Facilities Commission may determine 122892  
the amount of funding available for disbursement in a given fiscal 122893  
year for any project approved under sections 3318.01 to 3318.20 of 122894  
the Revised Code in order to keep aggregate state capital spending 122895  
within approved limits and may take actions including, but not 122896  
limited to, determining the schedule for design or bidding of 122897  
approved projects, to ensure appropriate and supportable cash 122898  
flow. 122899

**Section 285.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 122900  
DISTRICT 122901

Notwithstanding division (B) of section 3318.40 of the 122902  
Revised Code, the Ohio School Facilities Commission may provide 122903  
assistance to at least one joint vocational school district each 122904  
fiscal year for the acquisition of classroom facilities in 122905  
accordance with sections 3318.40 to 3318.45 of the Revised Code. 122906

**Section 285.80.** FUNDING OF DISTRICT SHARE OF BASIC PROJECT 122907  
COST 122908

(A) The Ohio School Facilities Commission, in consultation 122909  
with the Office of Budget and Management, shall prepare a study of 122910  
the impacts, benefits, and risks associated with a school district 122911

funding its share of the basic project cost of a school facilities 122912  
project under Chapter 3318. of the Revised Code with cash-on-hand 122913  
resulting from a lease-purchase agreement or certificate of 122914  
participation under section 3313.375 of the Revised Code that is 122915  
not subject to voter approval. The study shall be completed not 122916  
later than nine months after the effective date of this section 122917  
and submitted to the Governor and General Assembly in accordance 122918  
with section 101.68 of the Revised Code. Until this study is 122919  
completed, a school district shall not fund its share of the basic 122920  
project cost of a school facilities project under Chapter 3318. of 122921  
the Revised Code with cash-on-hand resulting from a lease-purchase 122922  
agreement or certificate of participation under section 3313.375 122923  
of the Revised Code that is not subject to voter approval, except 122924  
as provided in division (B) of this section. 122925

(B) Notwithstanding division (A) of this section and any 122926  
other provision of law to the contrary, with the approval of the 122927  
School Facilities Commission, a school district may use 122928  
cash-on-hand resulting from a lease-purchase agreement or 122929  
certificate of participation under section 3313.375 of the Revised 122930  
Code that is not subject to voter approval in the following 122931  
limited circumstances: 122932

(1) Funding the district's share of an increase in the basic 122933  
project cost approved under section 3318.083 of the Revised Code; 122934

(2) Funding a locally funded initiative; or 122935

(3) Funding a project under the Expedited Local Partnership 122936  
Program established under either section 3318.36 or 3318.46 of the 122937  
Revised Code. 122938

**Section 287.10. GOV OFFICE OF THE GOVERNOR** 122939

General Revenue Fund 122940

GRF 040321 Operating Expenses \$ 2,851,552 \$ 2,851,552 122941

TOTAL GRF General Revenue Fund	\$	2,851,552	\$	2,851,552	122942
Internal Service Activity Fund Group					122943
5AK0 040607 Government Relations	\$	300,000	\$	300,000	122944
TOTAL ISA Internal Service Activity					122945
Fund Group	\$	300,000	\$	300,000	122946
TOTAL ALL BUDGET FUND GROUPS	\$	3,151,552	\$	3,151,552	122947

GOVERNMENT RELATIONS 122948

A portion of the foregoing appropriation item 040607, 122949  
 Government Relations, may be used to support Ohio's membership in 122950  
 national or regional associations. 122951

The Office of the Governor may charge any state agency of the 122952  
 executive branch using an intrastate transfer voucher such amounts 122953  
 necessary to defray the costs incurred for the conduct of 122954  
 governmental relations associated with issues that can be 122955  
 attributed to the agency. Amounts collected shall be deposited in 122956  
 the Government Relations Fund (Fund 5AK0). 122957

**Section 289.10.** DOH DEPARTMENT OF HEALTH 122958

General Revenue Fund					122959
GRF 440412 Cancer Incidence	\$	600,000	\$	600,000	122960
Surveillance System					
GRF 440413 Local Health	\$	823,061	\$	823,061	122961
Departments					
GRF 440416 Mothers and Children	\$	4,428,015	\$	4,428,015	122962
Safety Net Services					
GRF 440418 Immunizations	\$	5,988,545	\$	5,988,545	122963
GRF 440431 Free Clinics Safety	\$	437,326	\$	437,326	122964
Net Services					
GRF 440438 Breast and Cervical	\$	823,217	\$	823,217	122965
Cancer Screening					
GRF 440444 AIDS Prevention and	\$	5,842,315	\$	5,842,315	122966

	Treatment					
GRF 440451	Public Health	\$	5,000,000	\$	5,000,000	122967
	Laboratory					
GRF 440452	Child and Family	\$	630,444	\$	630,444	122968
	Health Services Match					
GRF 440453	Health Care Quality	\$	5,000,000	\$	5,000,000	122969
	Assurance					
GRF 440454	Environmental Health	\$	1,209,430	\$	1,209,430	122970
GRF 440459	Help Me Grow	\$	32,008,080	\$	31,708,080	122971
GRF 440465	FQHC Primary Care	\$	2,686,688	\$	2,686,688	122972
	Workforce Initiative					
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484	122973
GRF 440468	Chronic Disease and	\$	2,466,127	\$	2,466,127	122974
	Injury Prevention					
GRF 440472	Alcohol Testing	\$	1,114,244	\$	1,114,244	122975
GRF 440473	Tobacco Prevention	\$	5,050,000	\$	7,050,000	122976
	Cessation and					
	Enforcement					
GRF 440474	Infant Vitality	\$	4,116,688	\$	4,116,688	122977
GRF 440477	Emergency Preparation	\$	2,000,000	\$	2,000,000	122978
	and Response					
GRF 440481	Lupus Awareness	\$	250,000	\$	250,000	122979
GRF 440505	Medically Handicapped	\$	7,512,451	\$	7,512,451	122980
	Children					
GRF 440507	Targeted Health Care	\$	1,090,414	\$	1,090,414	122981
	Services Over 21					
GRF 440520	Children's Wish Grant	\$	100,000	\$	100,000	122982
	Program					
GRF 654453	Medicaid - Health Care	\$	3,300,000	\$	3,300,000	122983
	Quality Assurance					
TOTAL GRF	General Revenue Fund	\$	93,017,529	\$	94,717,529	122984
	Highway Safety Fund Group					122985
4T40 440603	Child Highway Safety	\$	280,000	\$	280,000	122986

TOTAL HSF Highway Safety Fund Group	\$	280,000	\$	280,000	122987
Dedicated Purpose Fund Group					122988
4700 440647 Fee Supported Programs	\$	23,958,743	\$	24,183,552	122989
4710 440619 Certificate of Need	\$	878,433	\$	878,433	122990
4730 440622 Lab Operating Expenses	\$	5,250,000	\$	5,250,000	122991
4770 440627 Medically Handicapped Children Audit	\$	3,692,703	\$	3,692,703	122992
4D60 440608 Genetics Services	\$	3,311,039	\$	3,311,039	122993
4F90 440610 Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824	122994
4G00 440636 Heirloom Birth Certificate	\$	5,000	\$	5,000	122995
4G00 440637 Birth Certificate Surcharge	\$	5,000	\$	5,000	122996
4L30 440609 HIV Care and Miscellaneous Expenses	\$	15,000,000	\$	15,000,000	122997
4P40 440628 Ohio Physician Loan Repayment	\$	700,000	\$	700,000	122998
4V60 440641 Save Our Sight	\$	2,550,000	\$	2,550,000	122999
5B50 440616 Quality, Monitoring, and Inspection	\$	716,511	\$	736,194	123000
5BX0 440656 Tobacco Use Prevention	\$	6,350,000	\$	6,350,000	123001
5CN0 440645 Choose Life	\$	75,000	\$	75,000	123002
5D60 440620 Second Chance Trust	\$	1,500,000	\$	1,500,000	123003
5ED0 440651 Smoke Free Indoor Air	\$	400,000	\$	400,000	123004
5G40 440639 Adoption Services	\$	20,000	\$	20,000	123005
5PE0 440659 Breast and Cervical Cancer Services	\$	300,000	\$	300,000	123006
5QH0 440661 Dental Hygiene	\$	5,000	\$	5,000	123007

		Resources Shortage Area				
5QJ0	440662	Dental Hygienist Loan Repayment	\$	80,000	\$	80,000 123008
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	200,000 123009
6100	440626	Radiation Emergency Response	\$	1,086,098	\$	1,086,098 123010
6660	440607	Medically Handicapped Children - County Assessments	\$	19,739,617	\$	19,739,617 123011
6980	440634	Nurse Aide Training	\$	120,000	\$	120,000 123012
TOTAL DPF		Dedicated Purpose Fund Group	\$	86,915,968	\$	87,220,460 123013
		Internal Service Activity Fund Group				123014
1420	440646	Agency Health Services	\$	3,279,509	\$	3,130,613 123015
2110	440613	Central Support Indirect Costs	\$	30,052,469	\$	30,052,469 123016
TOTAL ISA		Internal Service Activity Fund Group	\$	33,331,978	\$	33,183,082 123017
		Holding Account Fund Group				123018
R014	440631	Vital Statistics	\$	44,986	\$	44,986 123019
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000 123020
TOTAL HLD		Holding Account Fund Group	\$	64,986	\$	64,986 123021
		Federal Fund Group				123022
3200	440601	Maternal Child Health Block Grant	\$	22,000,000	\$	22,000,000 123023
3870	440602	Preventive Health	\$	8,000,000	\$	8,000,000 123024

		Block Grant				
3890	440604	Women, Infants, and Children	\$	240,000,000	\$	240,000,000 123025
3910	440606	Medicare Survey and Certification	\$	18,000,000	\$	18,000,000 123026
3920	440618	Federal Public Health Programs	\$	107,198,791	\$	107,198,791 123027
3GD0	654601	Medicaid Program Support	\$	22,392,094	\$	22,392,094 123028
3GN0	440660	Public Health Emergency Preparedness	\$	27,941,795	\$	27,941,795 123029
TOTAL FED	Federal Fund Group		\$	445,532,680	\$	445,532,680 123030
TOTAL ALL BUDGET FUND GROUPS			\$	659,143,141	\$	660,998,737 123031

**Section 289.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 123033

Of the foregoing appropriation item 440416, Mothers and 123034  
 Children Safety Net Services, \$200,000 in each fiscal year shall 123035  
 be used to assist families with hearing impaired children under 123036  
 twenty-one years of age in purchasing hearing aids. The Director 123037  
 of Health shall adopt rules governing the distribution of these 123038  
 funds, including rules that do both of the following: (1) 123039  
 establish eligibility criteria to include families with incomes at 123040  
 or below four hundred per cent of the federal poverty guidelines 123041  
 as defined in section 5101.46 of the Revised Code, and (2) develop 123042  
 a sliding scale of disbursements under this section based on 123043  
 family income. The Director may adopt other rules as necessary to 123044  
 implement this section. Rules adopted under this section shall be 123045  
 adopted in accordance with Chapter 119. of the Revised Code. 123046

The Department shall disburse all of the funds appropriated 123047  
 under this section. 123048

**HIV/AIDS PREVENTION/TREATMENT** 123049



The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives.

PUBLIC HEALTH LABORATORY

A portion of the foregoing appropriation item 440451, Public Health Laboratory, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases.

HELP ME GROW

Of the foregoing appropriation item 440459, Help Me Grow, up to \$31,708,080 in each fiscal year shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early childhood funds and services to promote the optimal development of young children and family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children. The Department of Health shall enter into interagency agreements with the Department of Education, Department of Developmental Disabilities, Department of Job and Family Services, and Department of Mental Health and Addiction Services to ensure that all early childhood programs and initiatives are coordinated and school linked.

Of the foregoing appropriation item 440459, Help Me Grow, \$300,000 in fiscal year 2016 shall be provided to the Educational Service Center of Cuyahoga County to fund a project to demonstrate the effectiveness and cost savings to be realized from the use of

telepractice techniques and certain proprietary technology in 123081  
providing services for children with disabilities. Funds shall be 123082  
used to select participants in the project, provide training in 123083  
telepractice techniques for clinicians, provide direct supervision 123084  
by a Kids Uncomplicated licensed professional, implement and 123085  
maintain Kids Uncomplicated technology, provide for a contract 123086  
with an Ohio university to collect, analyze, and publish data from 123087  
the project, and other various project-related expenses. Licensed 123088  
professionals participating in and providing services as part of 123089  
the demonstration project shall be exempt from any existing 123090  
restrictions on telepractice techniques during the time in which 123091  
they are providing services as part of the demonstration project. 123092

The foregoing appropriation item 440459, Help Me Grow, may 123093  
also be used for the Developmental Autism and Screening Program. 123094

FQHC PRIMARY CARE WORKFORCE INITIATIVE 123095

The foregoing appropriation item 440465, FQHC Primary Care 123096  
Workforce Initiative, shall be provided to the Ohio Association of 123097  
Community Health Centers to administer the FQHC Primary Care 123098  
Workforce Initiative. The Initiative shall provide medical, 123099  
dental, behavioral health, physician assistant, and advanced 123100  
practice nursing students with clinical rotations through 123101  
federally qualified health centers. 123102

Of the foregoing appropriation item 440473, Tobacco 123103  
Prevention Cessation and Enforcement, \$1,000,000 in each fiscal 123104  
year shall be used to award grants in accordance with the section 123105  
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 123106

INFANT VITALITY 123107

The foregoing appropriation item 440474, Infant Vitality, 123108  
shall be used to fund initiatives including: 123109

(A) The Infant Safe Sleep Campaign to educate parents and 123110  
caregivers with a uniform message regarding safe sleep 123111

environments;	123112
(B) The Progesterone Prematurity Prevention Project to enable prenatal care providers to identify, screen, treat, and track outcomes for women eligible for progesterone supplementation; and	123113 123114 123115
(C) The Prenatal Smoking Cessation Project to enable prenatal care providers who work with women of reproductive age, including pregnant women, to have the tools, training, and technical assistance needed to treat smokers effectively.	123116 123117 123118 123119
EMERGENCY PREPARATION AND RESPONSE	123120
Of the foregoing appropriation item 440477, Emergency Preparation and Response, \$900,000 in each fiscal year shall be used for local public health emergency response and training activities. Local board of health emergency declarations and requests for local public health emergency response reimbursement and training shall be submitted to the Ohio Public Health Advisory Board and reviewed at their next regularly scheduled meeting. A majority of Board members present at the following meeting will decide by a majority vote the funding amounts for local activities. The Department shall prepare payment to the local health department in the amount prescribed by the Board.	123121 123122 123123 123124 123125 123126 123127 123128 123129 123130 123131
The foregoing appropriation item 440477, Emergency Preparation and Response, shall be used to support public health emergency preparedness and response efforts at the state level or at a regional sub-level within the state, and may also be used to support data infrastructure projects related to public health emergency preparedness/response.	123132 123133 123134 123135 123136 123137
LUPUS AWARENESS	123138
The foregoing appropriation item 440481, Lupus Awareness, shall be used for the Lupus Education and Awareness Program established in section 3701.77 of the Revised Code.	123139 123140 123141

TARGETED HEALTH CARE SERVICES OVER 21 123142

The foregoing appropriation item 440507, Targeted Health Care 123143  
Services Over 21, shall also be used to administer the Cystic 123144  
Fibrosis Program and to implement the Hemophilia Insurance Premium 123145  
Payment Program. The Department shall expend \$100,000 in each 123146  
fiscal year to implement the Hemophilia Insurance Premium Payment 123147  
Program. 123148

The foregoing appropriation item 440507, Targeted Health Care 123149  
Services Over 21, shall also be used to provide essential 123150  
medications and to pay the copayments for drugs approved by the 123151  
Department of Health and covered by Medicare Part D that are 123152  
dispensed to Bureau for Children with Medical Handicaps (BCMH) 123153  
participants for the Cystic Fibrosis Program. 123154

The Department shall expend all of these funds. 123155

CHILDREN'S WISH GRANT PROGRAM 123156

Not later than six months after the effective date of this 123157  
section, the Department of Health shall develop a policy and grant 123158  
program under which an eligible nonprofit corporation may apply 123159  
for funding to grant wishes of persons under the age of eighteen 123160  
diagnosed with a life-threatening medical condition and who are 123161  
residents of this state. An eligible nonprofit corporation shall 123162  
be a corporation recognized under section 501(c)(3) of the 123163  
Internal Revenue Code, shall have demonstrated to the Department 123164  
that the granting of wishes for such persons has been the primary 123165  
purpose of the corporation or the corporation's predecessor in 123166  
interest for at least ten years before the effective date of this 123167  
section, the corporation has spent at least one million dollars 123168  
annually during each of the most recent three years to grant such 123169  
wishes, and shall meet any other requirements specified by the 123170  
Department. For every public dollar received in grant money from 123171  
appropriation item 440520, Children's Wish Grant Program, a 123172

nonprofit corporation shall match with a dollar from private 123173  
sector sources. A nonprofit corporation receiving grant money 123174  
shall file an annual report with the Department. 123175

The foregoing appropriation item 440520, Children's Wish 123176  
Grant Program, shall be used for the grant program. The Department 123177  
shall expend all of these funds. 123178

MEDICALLY HANDICAPPED CHILDREN AUDIT 123179

The Medically Handicapped Children Audit Fund (Fund 4770) 123180  
shall receive revenue from audits of hospitals and recoveries from 123181  
third-party payers. Moneys may be expended for payment of audit 123182  
settlements and for costs directly related to obtaining recoveries 123183  
from third-party payers and for encouraging Medically Handicapped 123184  
Children's Program recipients to apply for third-party benefits. 123185  
Moneys also may be expended for payments for diagnostic and 123186  
treatment services on behalf of medically handicapped children, as 123187  
defined in division (A) of section 3701.022 of the Revised Code, 123188  
and Ohio residents who are twenty-one or more years of age and who 123189  
are suffering from cystic fibrosis or hemophilia. Moneys may also 123190  
be expended for administrative expenses incurred in operating the 123191  
Medically Handicapped Children's Program. 123192

GENETICS SERVICES 123193

The foregoing appropriation item 440608, Genetics Services 123194  
(Fund 4D60), shall be used by the Department of Health to 123195  
administer programs authorized by sections 3701.501 and 3701.502 123196  
of the Revised Code. None of these funds shall be used to counsel 123197  
or refer for abortion, except in the case of a medical emergency. 123198

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 123199

The foregoing appropriation item 440607, Medically 123200  
Handicapped Children - County Assessments (Fund 6660), shall be 123201  
used to make payments under division (E) of section 3701.023 of 123202  
the Revised Code. 123203

**Section 289.30. IMMUNIZATIONS** 123204

Beginning on January 1, 2016, the Department of Health shall 123205  
no longer provide GRF-funded vaccines or GRF funding for vaccines 123206  
from GRF appropriation item 440418, Immunizations. Local health 123207  
departments and other local providers who receive GRF funded 123208  
vaccines or GRF funding for vaccines from the Department of Health 123209  
before January 1, 2016, shall instead bill private insurance 123210  
companies as appropriate to recover the costs of providing and 123211  
administering vaccines. However, the Department of Health may 123212  
continue to provide GRF-funded vaccines or GRF funding for 123213  
vaccines to cover uninsured adults, to cover individuals on 123214  
grandfathered private insurance plans that do not cover vaccines, 123215  
and in certain exceptional cases as determined by the Director of 123216  
Health. 123217

**Section 289.33. MOMS QUIT FOR TWO GRANT PROGRAM** 123218

(A) The Department of Health shall create the Moms Quit for 123219  
Two Grant Program. Recognizing the significant health risks posed 123220  
to women and their children by tobacco use during and after 123221  
pregnancy, the Department shall award grants to private, nonprofit 123222  
entities or government entities that demonstrate the ability to 123223  
deliver evidence-based tobacco cessation interventions to women 123224  
who reside in communities that have the highest incidence of 123225  
infant mortality, as determined by the Director of Health, and who 123226  
are pregnant or live with children. The Department may adopt any 123227  
rules it considers necessary to administer the Program. 123228

(B) The Department shall create a grant application and 123229  
develop a process for receiving and evaluating completed grant 123230  
applications on a competitive basis. The Department shall select 123231  
grant recipients not later than December 31, 2015, giving first 123232  
preference to the entities described in division (A) of this 123233

section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to women living with children. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

(D) After the Program's conclusion, the Department shall evaluate the Program. Not later than December 31, 2017, the Department shall prepare a report describing its findings and make a recommendation on whether the Program should be continued. The Department shall provide a copy of the report to the Governor and General Assembly. The copy to the General Assembly shall be provided in accordance with section 101.68 of the Revised Code. The Department also shall make the report available to the public on the Department's internet web site.

**Section 289.40. WIC VENDOR CONTRACTS**

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) During fiscal year 2016 and fiscal year 2017, the Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt of the application if the applicant is a WIC-contracted vendor at the time of application and meets all of the following requirements:

(1) Submits a complete WIC vendor application with all

required documents and information;	123264
(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;	123265 123266
(3) Completes the required in-person training within forty-five days of submitting the complete application.	123267 123268
(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region.	123269 123270 123271 123272 123273 123274
<b>Section 289.50. CASH TRANSFERS TO THE PUBLIC HEALTH EMERGENCY PREPAREDNESS FUND</b>	123275 123276
On July 1, 2015, or as soon as possible thereafter, the Director of Health shall certify to the Director of Budget and Management the cash balance relating to public health emergency preparedness and response activities in the General Operations Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 2110), both used by the Department of Health. Upon receiving this certification, the Director of Budget and Management may transfer the amount certified to the Public Health Emergency Preparedness Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), both used by the Department of Health.	123277 123278 123279 123280 123281 123282 123283 123284 123285 123286
<b>Section 289.60. HOSPITAL COST ESTIMATES</b>	123287
(A) Within one year after the effective date of this section, all hospitals registered under section 3701.07 of the Revised Code shall have either of the following:	123288 123289 123290
(1) A process in place under which the hospital can provide, upon a consumer's request, a reasonable, good faith estimate of a	123291 123292



patient's out of pocket expenses associated with the hospital's 123293  
one hundred most frequently provided non-emergency, outpatient 123294  
services; 123295

(2) A process under which the hospital can direct consumers 123296  
to a source, including the consumer's health plan issuer, where 123297  
the consumer can get that information. 123298

(B) Within two years after the effective date of this 123299  
section, all hospitals registered under section 3701.07 of the 123300  
Revised Code shall have either of the following: 123301

(1) A process in place under which the hospital can provide, 123302  
upon a consumer's request, a reasonable, good faith estimate of a 123303  
patient's out of pocket expense associated with the hospital's one 123304  
hundred most frequently provided inpatient services; 123305

(2) A process under which the hospital can direct consumers 123306  
to a source, including the consumer's health plan issuer, where 123307  
the consumer can get that information. 123308

(C) A good faith estimate for health care services provided 123309  
by a hospital pursuant to divisions (A)(1) and (B)(1) of this 123310  
section shall include information for consumers that is 123311  
conspicuously displayed, if the estimate is written, or shared 123312  
verbally, if the estimate is oral, informing the patient that the 123313  
information provided pursuant to divisions (A) and (B) of this 123314  
section is a good faith estimate based on information available to 123315  
the hospital at the time the estimate is given, and that the 123316  
actual costs to the patient could be different than the estimate 123317  
based on the services actually received by the patient, the 123318  
patient's health insurance plan coverage, and other factors. 123319

(D) Any health plan issuer contacted by a hospital in order 123320  
for the hospital to obtain information regarding a health plan 123321  
enrollee's out of pocket expenses so that the hospital can comply 123322  
with divisions (A) and (B) of this section shall provide such 123323

information to the hospital within a reasonable time of the 123324  
hospital's request. 123325

(E) On or about one year after the effective date of this 123326  
section and on or about two years after the effective date of this 123327  
section, a representative of the Ohio hospital association shall 123328  
report to the joint medicaid oversight committee hospitals' 123329  
experience in providing the information required by divisions (A) 123330  
and (B) of this section. 123331

(F) As used in this section, "health plan issuer" means an 123332  
entity subject to the insurance laws and rules of this state, or 123333  
subject to the jurisdiction of the superintendent of insurance, 123334  
that contracts, or offers to contract, to provide, deliver, 123335  
arrange for, pay for, or reimburse any of the costs of health care 123336  
services under a health benefit plan, including a sickness and 123337  
accident insurance company; a health insuring corporation; a 123338  
fraternal benefit society; a self-funded multiple employer welfare 123339  
arrangement; or a nonfederal, government health plan. "Health plan 123340  
issuer" includes a third party administrator licensed under 123341  
Chapter 3959. of the Revised Code to the extent that the benefits 123342  
that such an entity is contracted to administer under a health 123343  
benefit plan are subject to the insurance laws and rules of this 123344  
state or subject to the jurisdiction of the superintendent. 123345  
"Health plan issuer" also includes a contracting entity as defined 123346  
under Chapter 3963. of the Revised Code to the extent that the 123347  
contracted for health care services are provided under a health 123348  
benefit plan subject to the insurance laws and rules of this state 123349  
or subject to the jurisdiction of the superintendent. 123350

**Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION** 123351

Dedicated Purpose Fund Group					123352
4610 372601 Operating Expenses	\$	12,500	\$	12,500	123353
TOTAL DPF Dedicated Purpose Fund	\$	12,500	\$	12,500	123354

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 123355

**Section 293.10.** SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 123357

General Revenue Fund 123358

GRF 148100 Personal Services \$ 368,459 \$ 368,459 123359

GRF 148402 Community Programs \$ 44,924 \$ 44,924 123360

TOTAL GRF General Revenue Fund \$ 413,383 \$ 413,383 123361

Dedicated Purpose Fund Group 123362

6010 148602 Special Initiatives \$ 24,558 \$ 24,558 123363

TOTAL DPF Dedicated Purpose 123364

Fund Group \$ 24,558 \$ 24,558 123365

TOTAL ALL BUDGET FUND GROUPS \$ 437,941 \$ 437,941 123366

**Section 295.10.** OHS OHIO HISTORY CONNECTION 123368

General Revenue Fund 123369

GRF 360501 Education and Collections \$ 4,368,997 \$ 4,218,997 123370

GRF 360502 Site and Museum Operations \$ 6,091,086 \$ 5,941,086 123371

GRF 360504 Ohio Preservation Office \$ 290,000 \$ 290,000 123372

GRF 360505 National Afro-American Museum \$ 500,000 \$ 500,000 123373

GRF 360506 Hayes Presidential Center \$ 500,000 \$ 500,000 123374

GRF 360508 State Historical Grants \$ 1,500,000 \$ 1,500,000 123375

GRF 360509 Outreach and Partnership \$ 160,395 \$ 160,395 123376

GRF 360522 Ohio Veterans Admissions \$ 0 \$ 500,000 123377

TOTAL GRF General Revenue Fund	\$	13,410,478	\$	13,610,478	123378
Dedicated Purpose Fund Group					123379
5KL0 360602 Ohio History Tax	\$	250,000	\$	250,000	123380
Check-off					
5PD0 360603 Ohio History License	\$	10,000	\$	10,000	123381
Plate					
TOTAL DPF Dedicated Purpose Fund	\$	260,000	\$	260,000	123382
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	13,670,478	\$	13,870,478	123383
SUBSIDY APPROPRIATION					123384
Upon approval by the Director of Budget and Management, the					123385
foregoing appropriation items shall be released to the Ohio					123386
History Connection in quarterly amounts that in total do not					123387
exceed the annual appropriations. The funds and fiscal records of					123388
the society for fiscal year 2016 and fiscal year 2017 shall be					123389
examined by independent certified public accountants approved by					123390
the Auditor of State, and a copy of the audited financial					123391
statements shall be filed with the Office of Budget and					123392
Management. The society shall prepare and submit to the Office of					123393
Budget and Management the following:					123394
(A) An estimated operating budget for each fiscal year of the					123395
biennium. The operating budget shall be submitted at or near the					123396
beginning of each calendar year.					123397
(B) Financial reports, indicating actual receipts and					123398
expenditures for the fiscal year to date. These reports shall be					123399
filed at least semiannually during the fiscal biennium.					123400
The foregoing appropriations shall be considered to be the					123401
contractual consideration provided by the state to support the					123402
state's offer to contract with the Ohio History Connection under					123403
section 149.30 of the Revised Code.					123404
STATE HISTORICAL GRANTS					123405

Of the foregoing appropriation item 360508, State Historical Grants, \$250,000 in each fiscal year shall be used for the Cincinnati Museum Center, and \$250,000 in each fiscal year shall be used for the Western Reserve Historical Society.

Of the foregoing appropriation item 360508, State Historical Grants, \$500,000 in each fiscal year shall be distributed to Lake View Cemetery for maintenance of the James A. Garfield Monument.

Of the foregoing appropriation item 360508, State Historical Grants, \$500,000 in each fiscal year shall be distributed to the Murphy Theatre for preservation of the structure.

**OUTREACH AND PARTNERSHIP**

Of the foregoing appropriation item 360509, Outreach and Partnership, \$70,000 in each fiscal year shall be distributed to the Ohio World War I Centennial Working Group.

**OHIO VETERANS ADMISSIONS**

Of the foregoing appropriation item 360522, Ohio Veterans Admissions, \$500,000 in fiscal year 2017 shall be distributed to the Columbus Downtown Development Corporation for the purpose of providing free admission for Ohio veterans to the Ohio Veterans Memorial and Museum.

**Section 297.10. REP OHIO HOUSE OF REPRESENTATIVES**

**General Revenue Fund**

GRF 025321	Operating Expenses	\$	23,272,941	\$	23,272,941	123428
TOTAL GRF	General Revenue Fund	\$	23,272,941	\$	23,272,941	123429

**Internal Service Activity Fund Group**

1030 025601	House Reimbursement	\$	1,433,664	\$	1,433,664	123431
4A40 025602	Miscellaneous Sales	\$	37,849	\$	37,849	123432
TOTAL Internal Service Activity						123433
Fund Group		\$	1,471,513	\$	1,471,513	123434

TOTAL ALL BUDGET FUND GROUPS	\$	24,744,454	\$	24,744,454	123435
OPERATING EXPENSES					123436
On July 1, 2015, or as soon as possible thereafter, the Chief					123437
Administrative Officer of the House of Representatives may certify					123438
to the Director of Budget and Management the amount of the					123439
unexpended, unencumbered balance of the foregoing appropriation					123440
item 025321, Operating Expenses, at the end of fiscal year 2015 to					123441
be reappropriated to fiscal year 2016. The amount certified is					123442
hereby reappropriated to the same appropriation item for fiscal					123443
year 2016.					123444
On July 1, 2016, or as soon as possible thereafter, the Chief					123445
Administrative Officer of the House of Representatives may certify					123446
to the Director of Budget and Management the amount of the					123447
unexpended, unencumbered balance of the foregoing appropriation					123448
item 025321, Operating Expenses, at the end of fiscal year 2016 to					123449
be reappropriated to fiscal year 2017. The amount certified is					123450
hereby reappropriated to the same appropriation item for fiscal					123451
year 2017.					123452
HOUSE REIMBURSEMENT					123453
If it is determined by the Chief Administrative Officer of					123454
the House of Representatives that additional appropriations are					123455
necessary for the foregoing appropriation item 025601, House					123456
Reimbursement, the amounts are hereby appropriated.					123457
<b>Section 299.10.</b> HFA OHIO HOUSING FINANCE AGENCY					123458
Dedicated Purpose Fund Group					123459
5AZ0 997601 Housing Finance Agency	\$	12,111,500	\$	12,176,700	123460
Personal Services					
TOTAL DPF Dedicated Purpose Fund	\$	12,111,500	\$	12,176,700	123461
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	12,111,500	\$	12,176,700	123462

<b>Section 301.10. IGO OFFICE OF THE INSPECTOR GENERAL</b>				123464
General Revenue Fund				123465
GRF 965321	Operating Expenses	\$ 1,327,759	\$ 1,327,759	123466
TOTAL GRF General Revenue Fund				123467
Internal Service Activity Fund Group				123468
5FA0 965603	Deputy Inspector	\$ 400,000	\$ 400,000	123469
General for ODOT				
5FT0 965604	Deputy Inspector	\$ 425,000	\$ 425,000	123470
General for BWC/OIC				
TOTAL ISA Internal Service Activity				123471
Fund Group				123472
TOTAL ALL BUDGET FUND GROUPS				123473
 <b>Section 303.10. INS DEPARTMENT OF INSURANCE</b>				123475
Dedicated Purpose Fund Group				123476
5540 820601	Operating Expenses -	\$ 180,000	\$ 180,000	123477
OSHIIP				
5540 820606	Operating Expenses	\$ 26,010,367	\$ 26,010,367	123478
5550 820605	Examination	\$ 8,184,065	\$ 8,184,065	123479
5PT0 820613	Captive Insurance	\$ 496,252	\$ 1,198,696	123480
Regulation &				
Supervision				
TOTAL DPF Dedicated Purpose				123481
Fund Group				123482
Federal Fund Group				123483
3U50 820602	OSHIIP Operating	\$ 1,970,725	\$ 1,970,725	123484
Grant				
TOTAL FED Federal Fund Group				123485
TOTAL ALL BUDGET FUND GROUPS				123486
 MARKET CONDUCT EXAMINATION				123487
When conducting a market conduct examination of any insurer				123488

doing business in this state, the Superintendent of Insurance may 123489  
assess the costs of the examination against the insurer. The 123490  
superintendent may enter into consent agreements to impose 123491  
administrative assessments or fines for conduct discovered that 123492  
may be violations of statutes or rules administered by the 123493  
Superintendent. All costs, assessments, or fines collected shall 123494  
be deposited to the credit of the Department of Insurance 123495  
Operating Fund (Fund 5540). 123496

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 123497

The Director of Budget and Management, at the request of the 123498  
Superintendent of Insurance, may transfer cash from the Department 123499  
of Insurance Operating Fund (Fund 5540), established by section 123500  
3901.021 of the Revised Code, to the Superintendent's Examination 123501  
Fund (Fund 5550), established by section 3901.071 of the Revised 123502  
Code, only for expenses incurred in examining domestic fraternal 123503  
benefit societies as required by section 3921.28 of the Revised 123504  
Code. 123505

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 123506

Not later than the thirty-first day of July each fiscal year, 123507  
the Director of Budget and Management shall transfer \$5,000,000 123508  
from the Department of Insurance Operating Fund (Fund 5540) to the 123509  
General Revenue Fund. 123510

**Section 303.20.** TRANSFER OF FUNDS FOR CAPTIVE INSURANCE 123511  
COMPANY REGULATION AND SUPERVISION 123512

During fiscal years 2016 and 2017, the Director of Budget and 123513  
Management, in consultation with the Superintendent of Insurance, 123514  
may transfer up to \$1,000,000 cash, from the Department of 123515  
Insurance Operating Fund (Fund 5540) to the Captive Insurance 123516  
Regulation and Supervision Fund (Fund 5PT0), to meet the operating 123517  
needs associated with regulatory work related to the formation of 123518



captive insurance companies in this state that will occur before 123519  
receipts from this activity are deposited into Fund 5PT0. Once 123520  
funds from captive insurance company application fees, 123521  
reimbursements from captive insurance companies for examinations, 123522  
and other sources have accrued to Fund 5PT0 in such amounts as are 123523  
deemed sufficient to sustain operations, the Director of Budget 123524  
and Management, in consultation with the Superintendent of 123525  
Insurance, shall establish a schedule for repaying the amounts 123526  
previously transferred during fiscal years 2016 and 2017 from Fund 123527  
5PT0 to Fund 5540. 123528

**Section 303.30. EXCHANGE HEALTH BENEFIT PLAN DISCLOSURES** 123529

(A) With respect to health benefit plans offered through an 123530  
exchange, and in accordance with timeframes and standards 123531  
established by the United States Department of Health and Human 123532  
Services regarding data collection, data elements, format, and 123533  
display of information by health benefit plans under 42 U.S.C. 123534  
1131(e)(3), the sickness and accident insurer, health insuring 123535  
corporation, or multiple employer welfare arrangement shall comply 123536  
with both of the following: 123537

(1) Make available the amount of enrollee or insured cost 123538  
sharing under an individual's plan or coverage with respect to the 123539  
furnishing of a specific item or service by an in-network provider 123540  
in a timely manner upon request of the individual; 123541

(2) Make the following information available to the 123542  
superintendent of insurance and the public: 123543

(a) Claims payment policies and practices; 123544

(b) Information on cost-sharing and payments with respect to 123545  
any out-of-network coverage; 123546

(c) Information on enrollee or insured rights. 123547

(B) As used in this section, "exchange" has the same meaning 123548

as in section 3905.01 of the Revised Code.				123549
<b>Section 305.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>				123550
General Revenue Fund				123551
GRF 600321	Program Support	\$ 29,189,231	\$ 29,189,231	123552
GRF 600410	TANF State/Maintenance of Effort	\$ 152,386,934	\$ 152,386,934	123553
GRF 600413	Child Care State/Maintenance of Effort	\$ 84,732,730	\$ 84,732,730	123554
GRF 600416	Information Technology Projects	\$ 54,184,700	\$ 54,184,700	123555
GRF 600420	Child Support Programs	\$ 6,591,048	\$ 6,591,048	123556
GRF 600421	Family Assistance Programs	\$ 3,161,930	\$ 3,161,930	123557
GRF 600423	Families and Children Programs	\$ 7,428,670	\$ 7,428,670	123558
GRF 600445	Unemployment Insurance Administration	\$ 25,218,724	\$ 25,523,501	123559
GRF 600502	Child Support - Local	\$ 23,814,103	\$ 23,814,103	123560
GRF 600511	Disability Financial Assistance	\$ 17,000,000	\$ 17,000,000	123561
GRF 600521	Family Assistance - Local	\$ 46,132,751	\$ 46,132,751	123562
GRF 600523	Family and Children Services	\$ 57,755,323	\$ 57,755,323	123563
GRF 600528	Adoption Services			123564
	State	\$ 28,623,389	\$ 28,623,389	123565
	Federal	\$ 38,202,557	\$ 38,202,557	123566
	Adoption Services Total	\$ 66,825,946	\$ 66,825,946	123567
GRF 600533	Child, Family, and Community Protective	\$ 13,500,000	\$ 13,500,000	123568

	Services				
GRF 600534	Adult Protective	\$	2,640,000	\$	2,640,000
	123569				
	Services				
GRF 600535	Early Care and	\$	143,617,211	\$	143,436,793
	123570				
	Education				
GRF 600541	Kinship Permanency	\$	3,500,000	\$	3,500,000
	123571				
	Incentive Program				
GRF 600546	Healthy Food Financing	\$	250,000	\$	250,000
	123572				
	Initiative				
GRF 655522	Medicaid Program	\$	31,067,970	\$	31,067,970
	123573				
	Support - Local				
GRF 655523	Medicaid Program	\$	42,280,495	\$	45,080,495
	123574				
	Support - Local				
	Transportation				
TOTAL GRF	General Revenue Fund				123575
	State	\$	773,075,209	\$	775,999,568
	123576				
	Federal	\$	38,202,557	\$	38,202,557
	123577				
	GRF Total	\$	811,277,766	\$	814,202,125
	123578				
	Dedicated Purpose Fund Group				123579
1980 600647	Children's Trust Fund	\$	5,873,848	\$	5,873,848
	123580				
4A80 600658	Public Assistance	\$	26,000,000	\$	26,000,000
	123581				
	Activities				
4A90 600607	Unemployment	\$	15,850,000	\$	15,250,000
	123582				
	Compensation				
	Administration Fund				
4E70 600604	Family and Children	\$	400,000	\$	400,000
	123583				
	Services Collections				
4F10 600609	Family and Children	\$	383,549	\$	383,549
	123584				
	Activities				
5DM0 600633	Audit Settlements and	\$	5,000,000	\$	5,000,000
	123585				
	Contingency				
5DP0 600634	Adoption Assistance	\$	500,000	\$	500,000
	123586				
	Loan				

5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	123587
5HC0	600695	Unemployment	\$	38,701,835	\$	28,668,609	123588
		Compensation Interest					
5KT0	600696	Early Childhood	\$	20,000,000	\$	20,000,000	123589
		Education					
5KU0	600611	Unemployment	\$	500,000	\$	500,000	123590
		Insurance Support -					
		Other Sources					
5NG0	600660	Victims of Human	\$	100,000	\$	100,000	123591
		Trafficking					
5U60	600663	Family and Children	\$	4,000,000	\$	4,000,000	123592
		Support					
TOTAL DPF		Dedicated Purpose Fund	\$	117,809,232	\$	107,176,006	123593
		Group					
		Internal Service Activity Fund Group					123594
5HL0	600602	State and County	\$	3,000,000	\$	3,000,000	123595
		Shared Services					
TOTAL ISA		Internal Service Activity	\$	3,000,000	\$	3,000,000	123596
		Fund Group					
		Fiduciary Fund Group					123597
1920	600646	Child Support	\$	129,250,000	\$	129,250,000	123598
		Intercept - Federal					
5830	600642	Child Support	\$	14,000,000	\$	14,000,000	123599
		Intercept - State					
5B60	600601	Food Assistance	\$	1,000,000	\$	1,000,000	123600
		Intercept					
TOTAL FID		Fiduciary Fund Group	\$	144,250,000	\$	144,250,000	123601
		Holding Account Fund Group					123602
R012	600643	Refunds and Audit	\$	500,000	\$	500,000	123603
		Settlements					
R013	600644	Forgery Collections	\$	10,000	\$	10,000	123604
TOTAL HLD		Holding Account Fund	\$	510,000	\$	510,000	123605

Group

Federal Fund Group				123606
3270	600606	Child Welfare	\$ 29,769,866 \$ 29,769,866	123607
3310	600615	Veterans Programs	\$ 8,000,000 \$ 8,000,000	123608
3310	600624	Employment Services Programs	\$ 26,000,000 \$ 26,000,000	123609
3310	600686	Workforce Programs	\$ 6,260,000 \$ 6,260,000	123610
3840	600610	Food Assistance Programs	\$ 160,381,394 \$ 160,381,394	123611
3850	600614	Refugee Services	\$ 12,564,952 \$ 12,564,952	123612
3950	600616	Federal Discretionary Grants	\$ 2,259,264 \$ 2,259,264	123613
3960	600620	Social Services Block Grant	\$ 47,000,000 \$ 47,000,000	123614
3970	600626	Child Support - Federal	\$ 200,000,000 \$ 200,000,000	123615
3980	600627	Adoption Program - Federal	\$ 171,178,779 \$ 171,178,779	123616
3A20	600641	Emergency Food Distribution	\$ 5,000,000 \$ 5,000,000	123617
3D30	600648	Children's Trust Fund Federal	\$ 3,477,699 \$ 3,477,699	123618
3F01	655624	Medicaid Program Support	\$ 122,280,495 \$ 125,080,495	123619
3H70	600617	Child Care Federal	\$ 222,212,089 \$ 213,000,000	123620
3N00	600628	Foster Care Program - Federal	\$ 291,968,616 \$ 291,968,616	123621
3S50	600622	Child Support Projects	\$ 534,050 \$ 534,050	123622
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$ 128,000,000 \$ 128,000,000	123623
3V40	600678	Federal Unemployment Programs	\$ 133,814,212 \$ 133,814,212	123624

3V40 600679	UC Review Commission -	\$ 6,185,788	\$ 6,185,788	123625
	Federal			
3V60 600689	TANF Block Grant	\$ 824,900,560	\$ 836,437,504	123626
TOTAL FED	Federal Fund Group	\$ 2,401,787,764	\$ 2,406,912,619	123627
TOTAL ALL BUDGET	FUND GROUPS	\$ 3,478,634,762	\$ 3,476,050,750	123628

**Section 305.20.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 123630

The Fiduciary Fund Group and Holding Account Fund Group shall 123631  
be used to hold revenues until the appropriate fund is determined 123632  
or until the revenues are directed to the appropriate governmental 123633  
agency other than the Department of Job and Family Services. If 123634  
receipts credited to the Support Intercept - Federal Fund (Fund 123635  
1920), the Support Intercept - State Fund (Fund 5830), the Food 123636  
Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements 123637  
Fund (Fund R012), or the Forgery Collections Fund (Fund R013) 123638  
exceed the amounts appropriated from the fund, the Director of Job 123639  
and Family Services may request the Director of Budget and 123640  
Management to authorize expenditures from the fund in excess of 123641  
the amounts appropriated. Upon the approval of the Director of 123642  
Budget and Management, the additional amounts are hereby 123643  
appropriated. 123644

**Section 305.22.** OHIO PARENTING AND PREGNANCY PROGRAM 123645

Of the foregoing appropriation item 600410, TANF 123646  
State/Maintenance of Effort, \$500,000 in each fiscal year shall be 123647  
used to support the Ohio Parenting and Pregnancy Program. 123648

**Section 305.30.** COUNTY ADMINISTRATIVE FUNDS 123649

(A) The foregoing appropriation item 600521, Family 123650  
Assistance - Local, may be provided to county departments of job 123651  
and family services to administer food assistance and disability 123652  
assistance programs. 123653

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local, in order to ensure county administrative funds are expended from the proper appropriation item.

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 305.40. FOOD STAMPS TRANSFER**

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

**Section 305.50. NAME OF FOOD STAMP PROGRAM**

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

**Section 305.53.** HEALTHY FOOD FINANCING INITIATIVE 123684

The foregoing GRF appropriation item 600546, Healthy Food Financing Initiative, shall be used by the Director of Job and Family Services to support healthy food access in underserved communities in urban and rural Low and Moderate Income Areas, as defined by either the U.S. Department of Agriculture (USDA), as identified in the USDA's Food Access Research Atlas, or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative. 123685  
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The Director of Job and Family Services, in cooperation with the Director of Health and with the approval of the Director of the Governor's Office of Health Transformation, shall, not later than October 1, 2015, contract with an Ohio domiciled community development financial institution certified by the United States Department of the Treasury and designated as a statewide community development financial institution to initiate and administer a Healthy Food Financing Initiative. The selected community development financial institution shall demonstrate a capacity to administer grant and forgivable loan programs in accordance with state and federal rules and accounting principles and shall partner with one or more entities with demonstrable experience in healthy food access-related policy matters. The Department of Job and Family Services shall establish monitoring and accountability mechanisms for the initiative, including the cost of start-up and administration of the initiative. The Director of Job and Family Services shall establish a request for proposals, using funds appropriated for the initiative, to contract with an Ohio-based research and/or academic institution to evaluate the health impact of the initiative. 123693  
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The Director of Job and Family Services shall, not later than December 31, 2016, provide to the Governor, Speaker of the House 123713  
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of Representatives, President of the Senate, and Minority Leaders 123715  
of the House of Representatives and Senate a written progress 123716  
report on the Health Food Financing Initiative including, but not 123717  
limited to, state funds granted or loaned, the number of new or 123718  
retained jobs associated with related projects, the health impact 123719  
of the initiative and the number and location of healthy food 123720  
access projects established or in development. 123721

**Section 305.60.** OHIO ASSOCIATION OF FOOD BANKS 123722

Of the foregoing appropriation items 600410, TANF 123723  
State/Maintenance of Effort, 600658, Public Assistance Activities, 123724  
and 600689, TANF Block Grant, a total of \$11,250,000 in each 123725  
fiscal year shall be used to provide funds to the Ohio Association 123726  
of Food Banks to purchase and distribute food products. 123727

Notwithstanding section 5101.46 of the Revised Code and any 123728  
other provision in this bill, including funds designated for the 123729  
Ohio Association of Food Banks in this section, in fiscal year 123730  
2016 and fiscal year 2017, the Director of Job and Family Services 123731  
shall provide assistance from eligible funds to the Ohio 123732  
Association of Food Banks in an amount not less than \$19,750,000 123733  
in each fiscal year. 123734

Eligible nonfederal expenditures made by member food banks of 123735  
the Association shall be counted by the Department of Job and 123736  
Family Services toward the TANF maintenance of effort requirements 123737  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 123738  
shall enter into an agreement with the Ohio Association of Food 123739  
Banks, in accordance with sections 5101.80 and 5101.801 of the 123740  
Revised Code, to carry out the requirements under this section. 123741

**Section 305.70.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 123742

The foregoing appropriation item 600658, Public Assistance 123743  
Activities, shall be used by the Department of Job and Family 123744

Services to meet the TANF maintenance of effort requirements of 42 123745  
U.S.C. 609(a)(7). When the state is assured that it will meet the 123746  
maintenance of effort requirement, the Department of Job and 123747  
Family Services may use funds from appropriation item 600658, 123748  
Public Assistance Activities, to support public assistance 123749  
activities. 123750

**Section 305.73. TANF CASELOAD CONTINGENCY FUNDING** 123751

Of the foregoing appropriation items 600410, TANF 123752  
State/Maintenance of Effort, 600658, Public Assistance Activities, 123753  
and 600689, TANF Block Grant, not more than a total of \$33,750,000 123754  
in each fiscal year shall be used by the Department of Job and 123755  
Family Services for the purposes of TANF caseload contingency 123756  
funding. 123757

**Section 305.75. MENTORING CARE AND JOB CONNECT PILOT PROJECT** 123758  
**FUNDING** 123759

Of the foregoing appropriation item 600688, Workforce 123760  
Innovation and Opportunity Act Programs, \$1,000,000 in eligible 123761  
funds in each fiscal year shall be provided for the purposes of 123762  
the Mentoring Care and Job Connect Pilot Project under the Section 123763  
of this act entitled "MENTORING CARE AND JOB CONNECT PILOT 123764  
PROJECT." 123765

**Section 305.80. GOVERNOR'S OFFICE OF FAITH-BASED AND** 123766  
**COMMUNITY INITIATIVES** 123767

Of the foregoing appropriation item 600689, TANF Block Grant, 123768  
up to \$6,540,000 in each fiscal year shall be used, in accordance 123769  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 123770  
support to programs or organizations that provide services that 123771  
align with the mission and goals of the Governor's Office of 123772  
Faith-Based and Community Initiatives, as outlined in section 123773

107.12 of the Revised Code, and that further at least one of the 123774  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 123775

**Section 305.90.** INDEPENDENT LIVING INITIATIVE 123776

Of the foregoing appropriation item 600689, TANF Block Grant, 123777  
up to \$2,000,000 in each fiscal year shall be used, in accordance 123778  
with sections 5101.80 and 5101.801 of the Revised Code, to support 123779  
the Independent Living Initiative, including life skills training 123780  
and work supports for older children in foster care and those who 123781  
have recently aged out of foster care. 123782

**Section 305.100.** OHIO COMMISSION ON FATHERHOOD 123783

Of the foregoing appropriation item 600689, TANF Block Grant, 123784  
\$1,000,000 in each fiscal year shall be provided to the Ohio 123785  
Commission on Fatherhood. 123786

**Section 305.103.** OHIO ALLIANCE OF BOYS & GIRLS CLUBS 123787

Of the foregoing appropriation item 600689, TANF Block Grant, 123788  
\$625,000 in each fiscal year shall be provided to the Ohio 123789  
Alliance of Boys & Girls Clubs for after-school and summer 123790  
programs that protect at-risk children and enable youth to become 123791  
responsible adults. Of these funds, \$50,000 in each fiscal year 123792  
shall be provided to the Boys & Girls Club of Massillon. 123793

**Section 305.105.** HARVARD COMMUNITY SERVICES CENTER 123794

Of the foregoing appropriation item 600689, TANF Block Grant, 123795  
\$250,000 in fiscal year 2016 shall be provided, in accordance with 123796  
sections 5101.80 and 5101.801 of the Revised Code, to the Harvard 123797  
Community Services Center in Cleveland to provide workforce 123798  
development and other supportive services to individuals under the 123799  
Harvard Hands-On Initiative. At the end of fiscal year 2016, any 123800  
amount equal to the unexpended portion of this earmark is hereby 123801

reappropriated in fiscal year 2017 for the same purpose. 123802

**Section 305.107.** SEVEN YEAR PROMISE PROGRAM 123803

Of the foregoing appropriation item 600689, TANF Block Grant, 123804  
\$400,000 in each fiscal year shall be used to support the Seven 123805  
Year Promise Program, operated by the Open Doors Academy. Funding 123806  
shall be used for a program consisting of the following: 123807

(A) Year-round enrichment programming for middle and high 123808  
school youth, from sixth grade through high school graduation; 123809

(B) Participant enrollment requirements of: 123810

(1) Eighty per cent of participants at or below one hundred 123811  
per cent of the poverty rate; 123812

(2) Financial commitment for all program participants; 123813

(3) Family engagement for all participants, as evidenced by a 123814  
contract, service hours, or other measures. 123815

(C) Active partnerships with local schools where enrolled 123816  
participants attend; 123817

(D) Structured weekly programming, outside of regularly 123818  
scheduled school hours, of thirteen hours each week during the 123819  
school year and thirty-five hours each week, for a minimum of 123820  
eight weeks, during the summer; 123821

(E) Strong adult-peer relationships through tutoring, 123822  
volunteerism, internships, apprenticeships, college tours, 123823  
national service learning trips, individual mentoring and support, 123824  
and other activities; 123825

(F) Programming that addresses character, values, civic 123826  
responsibility, and academic regression in the summer; 123827

(G) Participant academic requirements of: 123828

(1) An overall high school graduation rate of ninety-two per 123829

cent among participants with at least three consecutive years of participation in the program;	123830 123831
(2) Academic improvement of all participants;	123832
(3) An overall college enrollment rate of eighty-five per cent from participants who have graduated from high school;	123833 123834
(4) Overall college graduation of program participants.	123835
<b>Section 305.108. BIG BROTHERS BIG SISTERS</b>	123836
Of the foregoing appropriation item 600689, TANF Block Grant, \$500,000 in each fiscal year shall be distributed to Big Brothers Big Sisters of Central Ohio to provide mentoring services to children of incarcerated parents throughout the state.	123837 123838 123839 123840
<b>Section 305.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN</b>	123841
In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Job and Family Services from the foregoing appropriation item 600523, Family and Children Services, or 600533, Child, Family, and Community Protective Services, may transfer a portion of either or both allocations to a flexible funding pool as authorized by the section of this act titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."	123842 123843 123844 123845 123846 123847 123848 123849 123850
<b>Section 305.120. STATE CHILD PROTECTION ALLOCATION</b>	123851
Of the foregoing appropriation item 600523, Family and Children Services, up to \$3,200,000 shall be used to match eligible federal Title IV-B ESSA funds and federal Title IV-E Chafee funds allocated to public children services agencies.	123852 123853 123854 123855
CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM	123856
(A) The Ohio Department of Job and Family Services shall	123857

implement and oversee use of a Child Placement Level of Care Tool 123858  
on a pilot basis. The Department shall implement the pilot program 123859  
in up to ten counties selected by the Department and shall include 123860  
the county and at least one private child placing agency or 123861  
private noncustodial agency. The pilot program shall be developed 123862  
with the participating counties and agencies and must be 123863  
acceptable to all participants. A selected county or agency must 123864  
agree to participate in the pilot program. 123865

(B) The pilot program shall begin not later than one hundred 123866  
eighty days after the effective date of this section and end not 123867  
later than eighteen months after the date the pilot program 123868  
begins. The length of the pilot program shall not include any time 123869  
expended in preparation for implementation or any post-pilot 123870  
program evaluation activity. 123871

(C)(1) In accordance with sections 125.01 to 125.11 of the 123872  
Revised Code, the Ohio Department of Job and Family Services shall 123873  
provide for an independent evaluation of the pilot program to rate 123874  
the program's success in the following areas: 123875

(a) Placement stability, length of stay, and other outcomes 123876  
for children; 123877

(b) Cost; 123878

(c) Worker satisfaction; 123879

(d) Any other criteria the Department determines will be 123880  
useful in the consideration of statewide implementation. 123881

(2) The evaluation design shall include: 123882

(a) A comparison of data to historical outcomes or control 123883  
counties; 123884

(b) A prospective data evaluation in each of the pilot 123885  
counties. 123886

(D) The Ohio Department of Job and Family Services may adopt 123887

rules in accordance with Chapter 119. of the Revised Code as 123888  
necessary to carry out the purposes of this section. The 123889  
Department shall seek maximum federal financial participation to 123890  
support the pilot program and the evaluation. 123891

(E) Notwithstanding division (E) of section 5101.141 of the 123892  
Revised Code, the Department of Job and Family Services shall seek 123893  
state funding to implement the Child Placement Level of Care Tool 123894  
pilot program described in this section and to contract for the 123895  
independent evaluation of the pilot program. 123896

(F) As used in this section, "Child Placement Level of Care 123897  
Tool" means an assessment tool to be used by participating 123898  
counties and agencies to assess a child's placement needs when a 123899  
child must be removed from the child's own home and cannot be 123900  
placed with a relative or kin not certified as a foster caregiver 123901  
that includes assessing a child's functioning, needs, strengths, 123902  
risk behaviors, and exposure to traumatic experiences. 123903

**Section 305.122. CHILDREN'S CRISIS CARE FACILITIES** 123904

Of the foregoing appropriation item 600523, Family and 123905  
Children Services, \$300,000 in each fiscal year shall be provided 123906  
to children's crisis care facilities as defined in section 5103.13 123907  
of the Revised Code. The Director of Job and Family Services shall 123908  
allocate funds based on the number of children at each facility. A 123909  
children's crisis care facility may decline to receive funds 123910  
provided under this section. A children's crisis care facility 123911  
that accepts funds provided under this section shall use the funds 123912  
in accordance with section 5103.13 of the Revised Code and the 123913  
rules as defined in rule 5101:2-9-36 of the Administrative Code. 123914

**Section 305.130. CHILD, FAMILY, AND COMMUNITY PROTECTIVE 123915  
SERVICES** 123916

(A) The foregoing appropriation item 600533, Child, Family, 123917

and Community Protective Services, shall be distributed to each 123918  
county department of job and family services using the formula the 123919  
Department of Job and Family Services uses when distributing Title 123920  
XX funds to county departments of job and family services under 123921  
section 5101.46 of the Revised Code. County departments shall use 123922  
the funds distributed to them under this section as follows, in 123923  
accordance with the written plan of cooperation entered into under 123924  
section 307.983 of the Revised Code: 123925

(1) To assist individuals in achieving or maintaining 123926  
self-sufficiency, including by reducing or preventing dependency 123927  
among individuals with family income not exceeding two hundred per 123928  
cent of the federal poverty guidelines; 123929

(2) Subject to division (B) of this section, to respond to 123930  
reports of abuse, neglect, or exploitation of children and adults, 123931  
including through the differential response approach program 123932  
developed under Section 309.50.10 of this act; 123933

(3) To provide outreach and referral services regarding home 123934  
and community-based services to individuals at risk of placement 123935  
in a group home or institution, regardless of the individuals' 123936  
family income and without need for a written application; 123937

(4) To provide outreach, referral, application assistance, 123938  
and other services to assist individuals receive assistance, 123939  
benefits, or services under Medicaid; Title IV-A programs, as 123940  
defined in section 5101.80 of the Revised Code; the Supplemental 123941  
Nutrition Assistance Program; and other public assistance 123942  
programs. 123943

(B) Protective services may be provided to a child or adult 123944  
as part of a response, under division (A)(2) of this section, to a 123945  
report of abuse, neglect, or exploitation without regard to a 123946  
child or adult's family income and without need for a written 123947  
application. The protective services may be provided if the case 123948



record documents circumstances of actual or potential abuse, 123949  
neglect, or exploitation. 123950

**Section 305.140. FAMILY AND CHILDREN SERVICES ACTIVITIES** 123951

The foregoing appropriation item 600609, Family and Children 123952  
Services Activities, shall be used to expend miscellaneous 123953  
foundation funds and grants to support family and children 123954  
services activities. 123955

**Section 305.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND** 123956

Notwithstanding section 5101.073 of the Revised Code, the 123957  
Audit Settlements and Contingency Fund (Fund 5DM0) may also 123958  
consist of earned federal revenue the final disposition of which 123959  
is unknown. 123960

**Section 305.160. ADOPTION ASSISTANCE LOAN** 123961

Of the foregoing appropriation item 600634, Adoption 123962  
Assistance Loan, the Department of Job and Family Services may use 123963  
up to ten per cent for administration of adoption assistance loans 123964  
pursuant to section 3107.018 of the Revised Code. 123965

**Section 305.163. EARLY CHILDHOOD EDUCATION** 123966

Of the foregoing appropriation item 600696, Early Childhood 123967  
Education, up to \$20,000,000 in each fiscal year shall be used to 123968  
achieve the goals described in division (C) of section 5104.29 of 123969  
the Revised Code. The funds shall be used to support early 123970  
learning and development programs operating in smaller communities 123971  
and early learning and development programs that are rated in the 123972  
Step Up to Quality program at the third highest tier or higher. 123973

**Section 305.170. VICTIMS OF HUMAN TRAFFICKING** 123974

The foregoing appropriation item 600660, Victims of Human 123975

Trafficking, shall be used to provide treatment, care, 123976  
rehabilitation, education, housing, and assistance for victims of 123977  
trafficking in persons as specified in section 5101.87 of the 123978  
Revised Code. If receipts credited to the Victims of Human 123979  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 123980  
the fund, the Director of Job and Family Services may request the 123981  
Director of Budget and Management to authorize expenditures from 123982  
the fund in excess of the amounts appropriated. Upon the approval 123983  
of the Director of Budget and Management, the additional amounts 123984  
are hereby appropriated. 123985

**Section 305.180. UNEMPLOYMENT COMPENSATION INTEREST** 123986

The foregoing appropriation item 600695, Unemployment 123987  
Compensation Interest, shall be used for payment of interest costs 123988  
paid to the United States Secretary of the Treasury for the 123989  
repayment of accrued interest related to federal unemployment 123990  
account borrowing. 123991

**Section 305.190. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT** 123992  
**PROGRAM** 123993

(A) As used in this section: 123994

(1) "Adult" means an individual at least eighteen years of 123995  
age. 123996

(2) "Equivalent of a high school diploma" has the same 123997  
meaning as in section 5107.30 of the Revised Code. 123998

(3) "In-school youth" has the same meaning as in section 123999  
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 124000  
U.S.C. 3164(a)(1)(C), except that it does not mean an individual 124001  
younger than sixteen years of age. 124002

(4) "Local participating agencies" means the county 124003  
department of job and family services and workforce development 124004

agency that serve a county. 124005

(5) "Low-income individual" has the same meaning as in 124006  
section 3(36) of the "Workforce Innovation and Opportunity Act," 124007  
29 U.S.C. 3102(36). 124008

(6) "Ohio Works First" has the same meaning as in section 124009  
5107.02 of the Revised Code. 124010

(7) "Out-of-school youth" has the same meaning as in section 124011  
129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 124012  
U.S.C. 3164(a)(1)(B). 124013

(8) "Prevention, Retention, and Contingency Program" has the 124014  
same meaning as in section 5108.01 of the Revised Code. 124015

(9) "Subcontractor" means an entity with which a local 124016  
participating agency contracts to perform, on behalf of the local 124017  
participating agency, one or more of the local participating 124018  
agency's duties regarding the Comprehensive Case Management and 124019  
Employment Program. 124020

(10) "TANF block grant" means the Temporary Assistance for 124021  
Needy Families block grant established by Title IV-A of the 124022  
"Social Security Act," 42 U.S.C. 601 et seq. 124023

(11) "Work-eligible individual" has the same meaning as in 45 124024  
C.F.R. 261.2(n). 124025

(12) "Workforce development activity" has the same meaning as 124026  
in section 6301.01 of the Revised Code. 124027

(13) "Workforce development agency" means the public or 124028  
private entity designated by any of the following to administer 124029  
county programs under the "Workforce Investment Act of 1998," 29 124030  
U.S.C. 2801, as amended, or the Workforce Innovation and 124031  
Opportunity Act: 124032

(a) The board of county commissioners in accordance with 124033  
section 330.04 of the Revised Code; 124034

(b) The chief elected official of a municipal corporation in accordance with section 763.05 of the Revised Code; 124035  
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(c) The chief elected officials of a local area defined in division (A)(3) of section 6301.01 of the Revised Code. 124037  
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(14) "Workforce Innovation and Opportunity Act" means Public Law 113-128, 29 U.S.C. 3101 et seq. 124039  
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(B) The Director of Job and Family Services shall administer the Workforce Innovation and Opportunity Act during fiscal year 2016 and fiscal year 2017. 124041  
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(C) The Department of Job and Family Services, in consultation with the Governor's Office of Workforce Transformation, shall create, coordinate, and supervise the Comprehensive Case Management and Employment Program during fiscal year 2016 and fiscal year 2017. The Comprehensive Case Management and Employment Program shall do both of the following: 124044  
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(1) To the extent funds under the TANF block grant and Workforce Innovation and Opportunity Act are available, the program shall make employment and training services specified in division (E) of this section available to the program's participants in accordance with the comprehensive assessments of the participants' employment and training needs conducted under that division. As part of the creation of the program, the Department shall establish the procedures for the comprehensive assessments; 124050  
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(2) To the extent funds under the TANF block grant are available, and in accordance with the section of this act titled "PRC Program-Enhanced," the program shall make enhanced services under the Prevention, Retention, and Contingency Program available to the program's participants. 124059  
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(D) Beginning July 1, 2016, individuals who are at least sixteen but not more than twenty-four years of age are required to 124064  
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participate or permitted to volunteer to participate in the 124066  
Comprehensive Case Management and Employment Program in accordance 124067  
with the following: 124068

(1) Each work-eligible individual shall participate in the 124069  
Comprehensive Case Management and Employment Program as a 124070  
condition of participating in Ohio Works First. 124071

(2) Each Ohio Works First participant who is not a 124072  
work-eligible individual may volunteer to participate in the 124073  
Comprehensive Case Management and Employment Program. 124074

(3) Each individual receiving benefits and services under the 124075  
Prevention, Retention, and Contingency Program may volunteer to 124076  
participate in the Comprehensive Case Management and Employment 124077  
Program. 124078

(4) Each low-income individual who is an adult, in-school 124079  
youth, or out-of-school youth and who is considered to have a 124080  
barrier to employment under the Workforce Innovation and 124081  
Opportunity Act shall participate in the Comprehensive Case 124082  
Management and Employment Program as a condition of enrollment in 124083  
workforce development activities funded by the TANF block grant or 124084  
Workforce Innovation and Opportunity Act. 124085

(E)(1) An individual participating in the Comprehensive Case 124086  
Management and Employment Program shall undergo a comprehensive 124087  
assessment of the individual's employment and training needs in 124088  
accordance with the procedures established under division (C) of 124089  
this section. As part of the assessment, an individualized 124090  
employment plan shall be created for the individual. The plan 124091  
shall be reviewed, revised, and terminated in accordance with the 124092  
procedures established for the comprehensive assessment. The plan 124093  
shall specify which of the following services, if any, the 124094  
individual needs: 124095

(a) Support for the individual to obtain a high school 124096

diploma or the equivalent of a high school diploma;	124097
(b) Job placement;	124098
(c) Job retention support;	124099
(d) Other services that aid the individual in achieving the plan's goals.	124100 124101
(2) The services an individual receives in accordance with the individualized employment plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes.	124102 124103 124104 124105
(F)(1) Not later than May 15, 2016, each board of county commissioners shall designate one of the local participating agencies as the lead agency for purposes of the Comprehensive Case Management and Employment Program. Each board shall inform the Department of its designation. The lead agency shall do all of the following:	124106 124107 124108 124109 124110 124111
(a) Submit to the Department a plan that establishes standard processes for determining and maintaining individuals' eligibility to participate in the Comprehensive Case Management and Employment Program;	124112 124113 124114 124115
(b) Administer the program;	124116
(c) In partnership with the other local participating agency and any subcontractors, both of the following:	124117 124118
(i) Actively coordinate activities regarding the program with the other local participating agency and any subcontractors;	124119 124120
(ii) Help both local participating agencies and any subcontractors to use their expertise in administering the program.	124121 124122 124123
(2) The lead agency is responsible for all funds that any of the following determines have been expended or claimed for the Comprehensive Case Management and Employment Program, by or on	124124 124125 124126

behalf of the county that the lead agency serves, in a manner that 124127  
federal or state law or policy does not permit: 124128

(a) The Department; 124129

(b) The Auditor of State; 124130

(c) The United States Department of Health and Human 124131  
Services; 124132

(d) The United States Department of Labor; 124133

(e) Any other government entity. 124134

(G)(1) The Comprehensive Case Management and Employment 124135  
Program Advisory Board shall establish an evaluation system in 124136  
accordance with the section of this act titled "Comprehensive Case 124137  
Management and Employment Program Advisory Board." 124138

(2) The Department shall evaluate local participating 124139  
agencies' administration of the Comprehensive Case Management and 124140  
Employment Program in accordance with the evaluation system 124141  
established under division (G)(1) of this section. 124142

(H) In an effort to increase the number of individuals who 124143  
participate in the Comprehensive Case Management and Employment 124144  
Program and the availability of services under the program, the 124145  
Department, in consultation with local participating agencies, 124146  
shall review the agencies' existing functions to discover 124147  
opportunities to make their administration of the functions more 124148  
efficient. 124149

(I)(1) Notwithstanding the second sentence of division 124150  
(A)(1)(b) of section 307.981 of the Revised Code, the 124151  
Comprehensive Case Management and Employment Program is a family 124152  
services duty and therefore subject to all statutes applicable to 124153  
family services duties, including sections 5101.183, 5101.21, 124154  
5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 124155  
and 5101.243 of the Revised Code. 124156

(2) The Comprehensive Case Management and Employment Program 124157  
is a Title IV-A program for the purpose of division (A)(4)(c) of 124158  
section 5101.80 of the Revised Code and, therefore, is subject to 124159  
all statutes applicable to such a program, including sections 124160  
5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code. 124161

(3) The Comprehensive Case Management and Employment Program 124162  
is a workforce development activity and therefore subject to all 124163  
statutes applicable to workforce development activities, including 124164  
sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised 124165  
Code and Chapter 6301. of the Revised Code. 124166

(J) The Director of Job and Family Services shall adopt rules 124167  
as necessary to implement this section. The rules may address any 124168  
of the following issues: 124169

(1) Eligibility for the Comprehensive Case Management and 124170  
Employment Program; 124171

(2) Employment and training services available under the 124172  
program; 124173

(3) Partnerships between local participating agencies and 124174  
subcontractors; 124175

(4) The plan required by division (F)(1)(a) of this section; 124176

(5) Internal management concerning day-to-day staff 124177  
procedures and operations of the Department or financial and 124178  
operational matters between the Department and another government 124179  
entity or a private entity receiving a grant from the Department; 124180

(6) Any other issues that the Director determines should be 124181  
addressed in rules to implement this section. 124182

Rules other than those described in division (J)(5) of this 124183  
section shall be adopted in accordance with Chapter 119. of the 124184  
Revised Code. Rules described in division (J)(5) of this section 124185  
shall be adopted in accordance with section 111.15 of the Revised 124186



Code.	124187
<b>Section 305.193.</b> Comprehensive Case Management and Employment Program Advisory Board	124188 124189
(A) There is hereby created the Comprehensive Case Management and Employment Program Advisory Board. The Board shall consist of the following members:	124190 124191 124192
(1) The Executive Director of the Governor's Office of Workforce Transformation, or the Executive Director's designee;	124193 124194
(2) The Director of Job and Family Services, or the Director's designee;	124195 124196
(3) One member of the Senate, appointed by the President of the Senate;	124197 124198
(4) One member of the House of Representatives, appointed by the Speaker of the House of Representatives;	124199 124200
(5) One member representing the County Commissioners' Association of Ohio, appointed by the Governor;	124201 124202
(6) One member representing the Ohio Job and Family Services Directors' Association, appointed by the Governor;	124203 124204
(7) One member of a local workforce investment board established under section 117 of the "Workforce Investment Act of 1998," 29 U.S.C. 2832, as amended, appointed by the Governor.	124205 124206 124207
(B) Initial appointments to the Board shall be made not later than thirty days after the effective date of this section.	124208 124209
(C) A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the Board. Vacancies on the Board shall be filled in the same manner as the original appointments.	124210 124211 124212 124213
(D) Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the	124214 124215

performance of their official duties. 124216

(E)(1) The Board shall develop an evaluation system for the 124217  
local participating agencies' administration of the Comprehensive 124218  
Case Management and Employment Program created under the section 124219  
of this act titled "Comprehensive Case Management and Employment 124220  
Program." The evaluation system shall specify data required to be 124221  
collected, performance metrics, and a performance report card. 124222

(2) The Board shall submit its proposed evaluation system to 124223  
the Department of Job and Family Services for review. If the 124224  
Department disapproves the proposal, the Board shall revise the 124225  
proposal and submit it to the Department for review. This process 124226  
shall continue until the Department approves a proposal. An 124227  
evaluation system approved by the Department must be in place not 124228  
later than July 1, 2016. 124229

**Section 305.195. TANF REPORT** 124230

(A) As used in this section: 124231

(1) "TANF block grant" means the Temporary Assistance for 124232  
Needy Families block grant established by Title IV-A of the 124233  
"Social Security Act," 42 U.S.C. 601 et seq. 124234

(2) "Title IV-A program" has the same meaning as in section 124235  
5101.80 of the Revised Code. 124236

(B) Not later than October 1, 2016, the Department of Job and 124237  
Family Services shall submit a report to the General Assembly that 124238  
provides a comprehensive overview of Ohio's TANF program for 124239  
fiscal year 2016. The report shall identify the source and 124240  
allocation of local, state, and federal funds supporting the 124241  
program, as well as expenditures and program participation by 124242  
expenditure category, for each Title IV-A program and each other 124243  
program funded in part by the TANF block grant. The report shall 124244  
break down that information by county. 124245

(C) With regard to expenditures for the Prevention,	124246
Retention, and Contingency Program established in section 5108.02	124247
of the Revised Code, the report shall detail the number of	124248
participants served each month by age, with one age group being	124249
16-24 year olds, for each of the following categories:	124250
(1) Training, employment, and work support;	124251
(2) Short-term basic needs;	124252
(3) Help Me Grow;	124253
(4) Child welfare and family support;	124254
(5) Out-of-wedlock pregnancy prevention;	124255
(6) Youth education and support;	124256
(7) Domestic violence;	124257
(8) Community and economic development;	124258
(9) Disaster assistance.	124259
(D) The report shall be submitted in accordance with section	124260
101.68 of the Revised Code.	124261
<b>Section 305.197.</b> PRC Program-Enhanced	124262
(A) As used in this section:	124263
(1) "Additional benefits and services" means the benefits and	124264
services that a county department of job and family services may	124265
provide under PRC Program-Enhanced. "Additional benefits and	124266
services" are in addition to required benefits and services.	124267
(2) "CCMEP" means the Comprehensive Case Management and	124268
Employment Program established in accordance with the section of	124269
this act titled "Comprehensive Case Management and Employment	124270
Program."	124271
(3) "PRC Program" means the Prevention, Retention, and	124272
Contingency Program established in section 5108.02 of the Revised	124273

Code.	124274
(4) "Required benefits and services" means the benefits and services specified in rules adopted under this section that a county department of job and family services must provide under the PRC Program-Enhanced.	124275 124276 124277 124278
(5) "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.	124279 124280 124281
(B)(1) There is hereby established the PRC Program-Enhanced as part of the CCMEP. The Department of Job and Family Services shall administer PRC Program-Enhanced, as long as funds under the TANF block grant are available, to provide CCMEP participants who are in compliance with CCMEP requirements enhanced services under the county's PRC Program, including the following short-term supportive services that address a specific crisis or episode of need:	124282 124283 124284 124285 124286 124287 124288 124289
(a) Employment assistance;	124290
(b) Housing assistance;	124291
(c) Utility assistance;	124292
(d) Transportation assistance;	124293
(e) Other employment or disaster-related assistance.	124294
(2) PRC Program-Enhanced services may be provided through contracts with not-for-profit, community, and faith-based organizations.	124295 124296 124297
(C) The Director of Job and Family Services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement PRC Program-Enhanced. The rules shall specify and establish all of the following:	124298 124299 124300 124301
(1) Required benefits and services that each county department of job and family services must provide under PRC	124302 124303

Program-Enhanced;	124304
(2) Income and other eligibility requirements for required	124305
benefits and services and maximum eligibility requirements for	124306
additional benefits and services;	124307
(3) The maximum amount of required benefits and services and	124308
additional benefits and services an eligible individual may	124309
receive in a year;	124310
(4) Other requirements for PRC Program-Enhanced the Director	124311
considers appropriate.	124312
<b>Section 305.200.</b> STATE AND COUNTY SHARED SERVICES TRANSFER	124313
Upon receipt of a request from the Director of the Department	124314
of Job and Family Services and the Director of the Department of	124315
Medicaid, the Director of Budget and Management may transfer up to	124316
\$7,200,000 cash from the State and County Shared Services Fund	124317
(Fund 5HL0) in the Department of Job and Family Services, to the	124318
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) in	124319
the Department of Medicaid.	124320
<b>Section 307.10.</b> JCR JOINT COMMITTEE ON AGENCY RULE REVIEW	124321
General Revenue Fund	124322
GRF 029321 Operating Expenses \$ 493,139 \$ 512,253	124323
TOTAL GRF General Revenue Fund \$ 493,139 \$ 512,253	124324
TOTAL ALL BUDGET FUND GROUPS \$ 493,139 \$ 512,253	124325
OPERATING GUIDANCE	124326
The Legislative Service Commission shall act as fiscal agent	124327
for the Joint Committee on Agency Rule Review. Members of the	124328
Committee shall be paid in accordance with section 101.35 of the	124329
Revised Code.	124330
OPERATING EXPENSES	124331

On July 1, 2015, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2015 to be reappropriated to fiscal year 2016. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2016.

On July 1, 2016, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2016 to be reappropriated to fiscal year 2017. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2017.

**Section 308.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE

General Revenue Fund				124348	
GRF 048321 Operating Expenses	\$	321,995	\$	490,320	124349
TOTAL GRF General Revenue Fund	\$	321,995	\$	490,320	124350
TOTAL ALL BUDGET FUND GROUPS	\$	321,995	\$	490,320	124351

OPERATING EXPENSES

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code.

On July 1, 2015, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2015 to

be reappropriated to fiscal year 2016. The amount certified is 124362  
hereby reappropriated to the same appropriation item for fiscal 124363  
year 2016. 124364

On July 1, 2016, or as soon as possible thereafter, the 124365  
Executive Director of the Joint Medicaid Oversight Committee may 124366  
certify to the Director of Budget and Management the amount of the 124367  
unexpended, unencumbered balance of the foregoing appropriation 124368  
item 048321, Operating Expenses, at the end of fiscal year 2016 to 124369  
be reappropriated to fiscal year 2017. The amount certified is 124370  
hereby reappropriated to the same appropriation item for fiscal 124371  
year 2017. 124372

The Legislative Service Commission shall act as fiscal agent 124373  
for the Joint Medicaid Oversight Committee. 124374

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS 124375

The Joint Medicaid Oversight Committee shall review the 124376  
following Department of Health appropriation items: 440416, 124377  
Mothers and Children Safety Net Services; 440418, Immunizations; 124378  
440438, Breast and Cervical Cancer Screening; 440444, AIDS 124379  
Prevention and Treatment; and 440505, Medically Handicapped 124380  
Children. The review shall include the uses and the necessity of 124381  
these appropriation items both before and after the enactment of 124382  
section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 124383  
U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all 124384  
funding sources, maintenance of effort requirements, and any grant 124385  
restrictions. Additionally, the review shall include analysis and 124386  
recommendations to maximize integration into the formal health 124387  
care system with the goal of achieving the statutory goals of the 124388  
Joint Medicaid Oversight Committee. 124389

**Section 309.10.** JCO JUDICIAL CONFERENCE OF OHIO 124390

General Revenue Fund 124391

GRF 018321	Operating Expenses	\$	250,000	\$	0	124392
TOTAL GRF	General Revenue Fund	\$	250,000	\$	0	124393
Dedicated Purpose Fund Group						124394
4030 018601	Ohio Jury	\$	168,500	\$	0	124395
Instructions						
TOTAL DPF	Dedicated Purpose Fund	\$	168,500	\$	0	124396
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	418,500	\$	0	124397

OHIO JURY INSTRUCTIONS FUND 124398

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 124399  
grants, royalties, dues, conference fees, bequests, devises, and 124400  
other gifts received for the purpose of supporting costs incurred 124401  
by the Judicial Conference of Ohio in its activities as a part of 124402  
the judicial system of the state as determined by the Judicial 124403  
Conference Executive Committee. Fund 4030 shall be used by the 124404  
Judicial Conference of Ohio to pay expenses incurred in its 124405  
activities as a part of the judicial system of the state as 124406  
determined by the Judicial Conference Executive Committee. 124407

**Section 311.10. JSC THE JUDICIARY/SUPREME COURT** 124408

General Revenue Fund						124409
GRF 005321	Operating Expenses -	\$	149,275,157	\$	156,076,646	124410
Judiciary/Supreme						
Court						
GRF 005406	Law-Related Education	\$	166,172	\$	166,172	124411
GRF 005409	Ohio Courts	\$	3,350,000	\$	3,350,000	124412
Technology Initiative						
TOTAL GRF	General Revenue Fund	\$	152,791,329	\$	159,592,818	124413
Dedicated Purpose Fund Group						124414
4C80 005605	Attorney Services	\$	5,841,263	\$	5,795,909	124415
5HT0 005617	Court Interpreter	\$	10,000	\$	10,000	124416



		Certification				
5T80	005609	Grants and Awards	\$	6,000	\$	6,000 124417
6720	005601	Continuing Judicial	\$	120,000	\$	120,000 124418
		Education				
6A80	005606	Supreme Court	\$	1,415,963	\$	1,425,709 124419
		Admissions				
5RJ0	005625	Ohio Jury	\$	168,500	\$	337,000 124420
		Instructions				
TOTAL DPF	Dedicated Purpose Fund		\$	7,561,726	\$	7,694,618 124421
Group						
Fiduciary Fund Group						124422
5JY0	005620	County Law Library	\$	423,000	\$	423,000 124423
		Resources Boards				
TOTAL FID	Fiduciary Fund Group		\$	423,000	\$	423,000 124424
Federal Fund Group						124425
3J00	005603	Federal Grants	\$	1,389,018	\$	1,402,091 124426
TOTAL FED	Federal Fund Group		\$	1,389,018	\$	1,402,091 124427
TOTAL ALL BUDGET FUND GROUPS			\$	162,165,073	\$	169,112,527 124428
OPERATING EXPENSES - JUDICIARY/SUPREME COURT						124429
Of the foregoing appropriation item 005321, Operating						124430
Expenses - Judiciary/Supreme Court, up to \$304,353 in fiscal year						124431
2016 and up to \$308,433 in fiscal year 2017 may be used to support						124432
the functions of the State Criminal Sentencing Council.						124433
The foregoing appropriation item 005321, Operating Expenses -						124434
Judiciary/Supreme Court, may be used to support functions of the						124435
Judicial Conference of Ohio.						124436
REESTABLISHING JUDICIAL CONFERENCE OF OHIO GRF ENCUMBRANCES						124437
On October 1, 2015, or as soon as possible thereafter, the						124438
Director of Budget and Management shall cancel any existing						124439
encumbrances against appropriation item 018321, Operating						124440
Expenses, used by the Judicial Conference of Ohio, and reestablish						124441

them against appropriation item 005321, Operating Expenses - 124442  
Judiciary/Supreme Court, used by the Supreme Court. The 124443  
reestablished encumbrance amounts are hereby appropriated. Any 124444  
business commenced but not completed under appropriation item 124445  
018321 shall be completed under appropriation item 005321 in the 124446  
same manner, and with the same effect, as if completed with regard 124447  
to appropriation item 018321. 124448

LAW-RELATED EDUCATION 124449

The foregoing appropriation item 005406, Law-Related 124450  
Education, shall be distributed directly to the Ohio Center for 124451  
Law-Related Education for the purposes of providing continuing 124452  
citizenship education activities to primary and secondary 124453  
students, expanding delinquency prevention programs, increasing 124454  
activities for at-risk youth, and accessing additional public and 124455  
private money for new programs. 124456

OHIO COURTS TECHNOLOGY INITIATIVE 124457

The foregoing appropriation item 005409, Ohio Courts 124458  
Technology Initiative, shall be used to fund an initiative by the 124459  
Supreme Court to facilitate the exchange of information and 124460  
warehousing of data by and between Ohio courts and other justice 124461  
system partners through the creation of an Ohio Courts Network, 124462  
the delivery of technology services to courts throughout the 124463  
state, including the provision of hardware, software, and the 124464  
development and implementation of educational and training 124465  
programs for judges and court personnel, and operation of the 124466  
Commission on Technology and the Courts by the Supreme Court for 124467  
the promulgation of statewide rules, policies, and uniform 124468  
standards, and to aid in the orderly adoption and comprehensive 124469  
use of technology in Ohio courts. 124470

ATTORNEY SERVICES 124471

The Attorney Services Fund (Fund 4C80), formerly known as the 124472

Attorney Registration Fund, shall consist of money received by the 124473  
Supreme Court (The Judiciary) pursuant to the Rules for the 124474  
Government of the Bar of Ohio. In addition to funding other 124475  
activities considered appropriate by the Supreme Court, the 124476  
foregoing appropriation item 005605, Attorney Services, may be 124477  
used to compensate employees and to fund appropriate activities of 124478  
the following offices established by the Supreme Court: the Office 124479  
of Disciplinary Counsel, the Board of Commissioners on Grievances 124480  
and Discipline, the Clients' Security Fund, and the Attorney 124481  
Services Division. If it is determined by the Administrative 124482  
Director of the Supreme Court that additional appropriations are 124483  
necessary, the amounts are hereby appropriated. 124484

No money in Fund 4C80 shall be transferred to any other fund 124485  
by the Director of Budget and Management or the Controlling Board. 124486  
Interest earned on money in Fund 4C80 shall be credited to the 124487  
fund. 124488

COURT INTERPRETER CERTIFICATION 124489

The Court Interpreter Certification Fund (Fund 5HT0) shall 124490  
consist of money received by the Supreme Court (The Judiciary) 124491  
pursuant to Rules 80 through 87 of the Rules of Superintendence 124492  
for the Courts of Ohio. The foregoing appropriation item 005617, 124493  
Court Interpreter Certification, shall be used to provide 124494  
training, to provide the written examination, and to pay language 124495  
experts to rate, or grade, the oral examinations of those applying 124496  
to become certified court interpreters. If it is determined by the 124497  
Administrative Director that additional appropriations are 124498  
necessary, the amounts are hereby appropriated. 124499

No money in Fund 5HT0 shall be transferred to any other fund 124500  
by the Director of Budget and Management or the Controlling Board. 124501  
Interest earned on money in Fund 5HT0 shall be credited to the 124502  
fund. 124503

GRANTS AND AWARDS 124504

The Grants and Awards Fund (Fund 5T80) shall consist of 124505  
grants and other money awarded to the Supreme Court (The 124506  
Judiciary) by the State Justice Institute, the Division of 124507  
Criminal Justice Services, or other entities. The foregoing 124508  
appropriation item 005609, Grants and Awards, shall be used in a 124509  
manner consistent with the purpose of the grant or award. If it is 124510  
determined by the Administrative Director of the Supreme Court 124511  
that additional appropriations are necessary, the amounts are 124512  
hereby appropriated. 124513

No money in Fund 5T80 shall be transferred to any other fund 124514  
by the Director of Budget and Management or the Controlling Board. 124515  
Interest earned on money in Fund 5T80 shall be credited or 124516  
transferred to the General Revenue Fund. 124517

CONTINUING JUDICIAL EDUCATION 124518

The Continuing Judicial Education Fund (Fund 6720) shall 124519  
consist of fees paid by judges and court personnel for attending 124520  
continuing education courses and other gifts and grants received 124521  
for the purpose of continuing judicial education. The foregoing 124522  
appropriation item 005601, Continuing Judicial Education, shall be 124523  
used to pay expenses for continuing education courses for judges 124524  
and court personnel. If it is determined by the Administrative 124525  
Director of the Supreme Court that additional appropriations are 124526  
necessary, the amounts are hereby appropriated. 124527

No money in Fund 6720 shall be transferred to any other fund 124528  
by the Director of Budget and Management or the Controlling Board. 124529  
Interest earned on money in Fund 6720 shall be credited to the 124530  
fund. 124531

SUPREME COURT ADMISSIONS 124532

The foregoing appropriation item 005606, Supreme Court 124533  
Admissions, shall be used to compensate Supreme Court employees 124534

who are primarily responsible for administering the attorney 124535  
admissions program under the Rules for the Government of the Bar 124536  
of Ohio, and to fund any other activities considered appropriate 124537  
by the court. Moneys shall be deposited into the Supreme Court 124538  
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 124539  
Government of the Bar of Ohio. If it is determined by the 124540  
Administrative Director of the Supreme Court that additional 124541  
appropriations are necessary, the amounts are hereby appropriated. 124542

No money in Fund 6A80 shall be transferred to any other fund 124543  
by the Director of Budget and Management or the Controlling Board. 124544  
Interest earned on money in Fund 6A80 shall be credited to the 124545  
fund. 124546

OHIO JURY INSTRUCTIONS FUND 124547

Effective October 1, 2015, the Ohio Jury Instructions Fund 124548  
(Fund 5RJ0) shall consist of grants, royalties, dues, conference 124549  
fees, bequests, devises, and other gifts received by the Judicial 124550  
Conference of Ohio. In addition to funding activities considered 124551  
appropriate by the Supreme Court, the foregoing appropriation item 124552  
005625, Ohio Jury Instructions, may be used to support functions 124553  
of the Judicial Conference of Ohio. If it is determined by the 124554  
Administrative Director of the Supreme Court that additional 124555  
appropriations are necessary, the amounts are appropriated. 124556

No money in Fund 5RJ0 shall be transferred to any other fund 124557  
by the Director of Budget and Management or the Controlling Board. 124558  
Interest earned on money in Fund 5RJ0 shall be credited to the 124559  
fund. 124560

On October 1, 2015, or as soon as possible thereafter, the 124561  
Director of Budget and Management shall transfer the cash balance 124562  
in the Ohio Jury Instructions Fund (Fund 4030), used by the 124563  
Judicial Conference of Ohio, to the Ohio Jury Instructions Fund 124564  
(Fund 5RJ0), used by the Supreme Court. Upon completion of the 124565

transfer, Fund 4030 is abolished. 124566

On October 1, 2015, or as soon as possible thereafter, the 124567  
Director of Budget and Management shall cancel any existing 124568  
encumbrances against Fund 4030 appropriation item 018601, Ohio 124569  
Jury Instructions, and reestablish them against Fund 5RJ0 124570  
appropriation item 005625, Ohio Jury Instructions. The 124571  
reestablished encumbrance amounts are hereby appropriated. Any 124572  
business commenced but not completed under appropriation item 124573  
018601 may be completed under appropriation item 005625 in the 124574  
same manner, and with the same effect, as if completed with regard 124575  
to appropriation item 018601. 124576

COUNTY LAW LIBRARY RESOURCES BOARD 124577

The Statewide Consortium of County Law Library Resources 124578  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 124579  
to section 307.515 of the Revised Code into a county's law library 124580  
resources fund and forwarded by that county's treasurer for 124581  
deposit in the state treasury pursuant to division (E)(1) of 124582  
section 3375.481 of the Revised Code. The foregoing appropriation 124583  
item 005620, County Law Library Resources Board, shall be used for 124584  
the operation of the Statewide Consortium of County Law Library 124585  
Resources Boards. If it is determined by the Administrative 124586  
Director of the Supreme Court that additional appropriations are 124587  
necessary, the amounts are hereby appropriated. 124588

No money in Fund 5JY0 shall be transferred to any other fund 124589  
by the Director of Budget and Management or the Controlling Board. 124590  
Interest earned on money in Fund 5JY0 shall be credited to the 124591  
fund. 124592

FEDERAL GRANTS 124593

The Federal Grants Fund (Fund 3J00) shall consist of grants 124594  
and other moneys awarded to the Supreme Court (The Judiciary) by 124595  
the United States Government or other entities that receive the 124596

moneys directly from the United States Government and distribute 124597  
those moneys to the Supreme Court (The Judiciary). The foregoing 124598  
appropriation item 005603, Federal Grants, shall be used in a 124599  
manner consistent with the purpose of the grant or award. If it is 124600  
determined by the Administrative Director of the Supreme Court 124601  
that additional appropriations are necessary, the amounts are 124602  
hereby appropriated. 124603

No money in Fund 3J00 shall be transferred to any other fund 124604  
by the Director of Budget and Management or the Controlling Board. 124605  
However, interest earned on money in Fund 3J00 shall be credited 124606  
or transferred to the General Revenue Fund. 124607

**Section 313.10. LEC LAKE ERIE COMMISSION** 124608

Dedicated Purpose Fund Group 124609

4C00 780601	Lake Erie Protection	\$	300,000	\$	300,000	124610
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5D80 780602	Lake Erie Resources	\$	329,000	\$	367,000	124611
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TOTAL DPF Dedicated Purpose						124612
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Fund Group		\$	629,000	\$	667,000	124613
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Federal Fund Group 124614

3EP0 780603	Lake Erie Federal	\$	30,000	\$	0	124615
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Grants

TOTAL FED Federal Fund Group		\$	30,000	\$	0	124616
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TOTAL ALL BUDGET FUND GROUPS		\$	659,000	\$	667,000	124617
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**CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND** 124618

On July 1 of each fiscal year, or as soon as possible 124619  
thereafter, the Director of Budget and Management may transfer 124620  
cash from the funds specified below, up to the amounts specified 124621  
below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 124622  
accept contributions and transfers made to the fund. 124623

Fund	Fund Name	User	FY 2016	FY 2017	124624
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5BC0	Environmental	Environmental	\$44,000	\$44,000	124625
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	Protection	Protection Agency			
6690	Pesticide,	Department of	\$44,000	\$44,000	124626
	Fertilizer and Lime	Agriculture			
4700	General Operations	Department of	\$44,000	\$44,000	124627
		Health			
1570	Central Support	Department of	\$44,000	\$44,000	124628
	Indirect	Natural Resources			

On July 1, 2015, or as soon as possible thereafter, the 124629  
 Director of Budget and Management may transfer \$44,000 cash from a 124630  
 fund used by the Development Services Agency, as specified by the 124631  
 Director of Development Services, to Fund 5D80. 124632

On July 1, 2016, or as soon as possible thereafter, the 124633  
 Director of Budget and Management may transfer \$44,000 cash from a 124634  
 fund used by the Development Services Agency, as specified by the 124635  
 Director of Development Services, to Fund 5D80. 124636

**Section 315.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE** 124637

General Revenue Fund 124638

GRF	028321	Legislative Ethics	\$	550,000	\$	550,000	124639
		Committee					

TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	124640
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Dedicated Purpose Fund Group 124641

4G70	028601	Joint Legislative	\$	150,000	\$	150,000	124642
		Ethics Committee					

TOTAL DPF	Dedicated Purpose Fund	\$	150,000	\$	150,000	124643
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	700,000	\$	700,000	124644
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**LEGISLATIVE ETHICS COMMITTEE** 124645

On July 1, 2015, or as soon as possible thereafter, the 124646  
 Legislative Inspector General of the Joint Legislative Ethics 124647  
 Committee may certify to the Director of Budget and Management the 124648



amount of the unexpended, unencumbered balance of the foregoing 124649  
 appropriation item 028321, Legislative Ethics Committee, at the 124650  
 end of fiscal year 2015 to be reappropriated to fiscal year 2016. 124651  
 The amount certified is hereby reappropriated to the same 124652  
 appropriation item for fiscal year 2016. 124653

On July 1, 2016, or as soon as possible thereafter, the 124654  
 Legislative Inspector General of the Joint Legislative Ethics 124655  
 Committee may certify to the Director of Budget and Management the 124656  
 amount of the unexpended, unencumbered balance of the foregoing 124657  
 appropriation item 028321, Legislative Ethics Committee, at the 124658  
 end of fiscal year 2016 to be reappropriated to fiscal year 2017. 124659  
 The amount certified is hereby reappropriated to the same 124660  
 appropriation item for fiscal year 2017. 124661

**Section 317.10.** LSC LEGISLATIVE SERVICE COMMISSION 124662

General Revenue Fund 124663

GRF 035321 Operating Expenses \$ 15,600,000 \$ 15,600,000 124664

GRF 035402 Legislative Fellows \$ 1,022,120 \$ 1,022,120 124665

GRF 035405 Correctional \$ 460,845 \$ 460,845 124666

Institution Inspection  
 Committee

GRF 035407 Legislative Task Force \$ 400,000 \$ 400,000 124667

on Redistricting

GRF 035409 National Associations \$ 460,560 \$ 460,560 124668

GRF 035410 Legislative \$ 6,126,953 \$ 6,126,953 124669

Information Systems

GRF 035411 Ohio Constitutional \$ 250,000 \$ 0 124670

Modernization  
 Commission

GRF 035419 Criminal Justice \$ 150,000 \$ 150,000 124671

Recodification  
 Committee

GRF 035501	Litigation	\$	500,000	\$	500,000	124672
TOTAL GRF	General Revenue Fund	\$	24,970,478	\$	24,720,478	124673
Dedicated Purpose Fund Group						124674
4100 035601	Sale of Publications	\$	10,000	\$	10,000	124675
TOTAL DPF	Dedicated Purpose Fund	\$	10,000	\$	10,000	124676
Group						
Internal Service Activity Fund Group						124677
4F60 035603	Legislative Budget	\$	100,000	\$	0	124678
Services						
TOTAL ISA	Internal Service Activity					124679
Fund Group		\$	100,000	\$	0	124680
TOTAL ALL BUDGET FUND GROUPS		\$	25,080,478	\$	24,730,478	124681
OPERATING EXPENSES						124682
On July 1, 2015, or as soon as possible thereafter, the						124683
Director of the Legislative Service Commission may certify to the						124684
Director of Budget and Management the amount of the unexpended,						124685
unencumbered balance of the foregoing appropriation item 035321,						124686
Operating Expenses, at the end of fiscal year 2015 to be						124687
reappropriated to fiscal year 2016. The amount certified is hereby						124688
reappropriated to the same appropriation item for fiscal year						124689
2016.						124690
On July 1, 2016, or as soon as possible thereafter, the						124691
Director of the Legislative Service Commission may certify to the						124692
Director of Budget and Management the amount of the unexpended,						124693
unencumbered balance of the foregoing appropriation item 035321,						124694
Operating Expenses, at the end of fiscal year 2016 to be						124695
reappropriated to fiscal year 2017. The amount certified is hereby						124696
reappropriated to the same appropriation item for fiscal year						124697
2017.						124698
LEGISLATIVE TASK FORCE ON REDISTRICTING						124699
An amount up to \$2,000,000 of the unexpended, unencumbered						124700

portion of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2015 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2016.

An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 035407, Legislative Task Force on Redistricting, at the end of fiscal year 2016 is hereby reappropriated to the Legislative Service Commission for the same purpose for fiscal year 2017.

LEGISLATIVE INFORMATION SYSTEMS

On July 1, 2015, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2015 to be reappropriated to fiscal year 2016. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2016.

On July 1, 2016, or as soon as possible thereafter, the Director of the Legislative Service Commission may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 035410, Legislative Information Systems, at the end of fiscal year 2016 to be reappropriated to fiscal year 2017. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2017.

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

The foregoing appropriation item 035411, Ohio Constitutional Modernization Commission, shall be used to support the operation and expenses of the Ohio Constitutional Modernization Commission under sections 103.61 to 103.67 of the Revised Code. All

expenditures paid from the appropriation item must be approved by 124732  
the director and chairperson of the Legislative Service Commission 124733  
under division (A) of section 103.21 of the Revised Code. 124734

An amount up to \$150,000 of the unexpended, unencumbered 124735  
portion of the foregoing appropriation item 035411, Ohio 124736  
Constitutional Modernization Commission, at the end of fiscal year 124737  
2015 is hereby reappropriated to the Legislative Service 124738  
Commission for the same purpose for fiscal year 2016. 124739

CRIMINAL JUSTICE RECODIFICATION COMMITTEE 124740

The foregoing appropriation item 035419, Criminal Justice 124741  
Recodification Committee, shall be used to support the operation 124742  
and expenses of the Criminal Justice Recodification Committee. 124743

LITIGATION 124744

The foregoing appropriation item 035501, Litigation, shall be 124745  
used for any lawsuit in which the General Assembly is a party 124746  
because a legal or constitutional challenge is made against the 124747  
Ohio Constitution or an act of the General Assembly. The 124748  
chairperson and vice-chairperson of the Legislative Service 124749  
Commission shall both approve the use of the appropriated moneys. 124750

An amount equal to the unexpended, unencumbered portion of 124751  
the foregoing appropriation item 035501, Litigation, at the end of 124752  
fiscal year 2016 is hereby reappropriated to the Legislative 124753  
Service Commission for the same purpose for fiscal year 2017. 124754

**Section 319.10.** LIB STATE LIBRARY BOARD 124755

General Revenue Fund 124756

GRF 350321 Operating Expenses \$ 5,057,364 \$ 5,057,364 124757

GRF 350401 Ohioana Rental \$ 120,114 \$ 120,114 124758

Payments

GRF 350502 Regional Library \$ 582,469 \$ 582,469 124759

Systems

TOTAL GRF General Revenue Fund	\$	5,759,947	\$	5,759,947	124760
Dedicated Purpose Fund Group					124761
4590 350603 Services for	\$	4,094,092	\$	4,190,834	124762
Libraries					
4S40 350604 Ohio Public Library	\$	5,689,788	\$	5,689,788	124763
Information Network					
5GB0 350605 Library for the Blind	\$	1,274,194	\$	1,274,194	124764
TOTAL DPF Dedicated Purpose					124765
Fund Group	\$	11,058,074	\$	11,154,816	124766
Internal Service Activity Fund					124767
1390 350602 Services for State	\$	8,000	\$	8,000	124768
Agencies					
TOTAL ISA Internal Service Activity					124769
Fund Group	\$	8,000	\$	8,000	124770
Federal Fund Group					124771
3130 350601 LSTA Federal	\$	5,350,000	\$	5,350,000	124772
TOTAL FED Federal Fund Group	\$	5,350,000	\$	5,350,000	124773
TOTAL ALL BUDGET FUND GROUPS	\$	22,176,021	\$	22,272,763	124774
OHIOANA RENTAL PAYMENTS					124775
The foregoing appropriation item 350401, Ohioana Rental					124776
Payments, shall be used to pay the rental expenses of the Martha					124777
Kinney Cooper Ohioana Library Association under section 3375.61 of					124778
the Revised Code.					124779
REGIONAL LIBRARY SYSTEMS					124780
The foregoing appropriation item 350502, Regional Library					124781
Systems, shall be used to support regional library systems					124782
eligible for funding under sections 3375.83 and 3375.90 of the					124783
Revised Code.					124784
OHIO PUBLIC LIBRARY INFORMATION NETWORK					124785
(A) The foregoing appropriation item 350604, Ohio Public					124786

Library Information Network, shall be used for an information 124787  
telecommunications network linking public libraries in the state 124788  
and such others as may participate in the Ohio Public Library 124789  
Information Network (OPLIN). 124790

The Ohio Public Library Information Network Board of Trustees 124791  
created under section 3375.65 of the Revised Code may make 124792  
decisions regarding use of the foregoing appropriation item 124793  
350604, Ohio Public Library Information Network. 124794

(B) The OPLIN Board shall research and assist or advise local 124795  
libraries with regard to emerging technologies and methods that 124796  
may be effective means to control access to obscene and illegal 124797  
materials. The OPLIN Director shall provide written reports upon 124798  
request within ten days to the Governor, the Speaker and Minority 124799  
Leader of the House of Representatives, and the President and 124800  
Minority Leader of the Senate on any steps being taken by OPLIN 124801  
and public libraries in the state to limit and control such 124802  
improper usage as well as information on technological, legal, and 124803  
law enforcement trends nationally and internationally affecting 124804  
this area of public access and service. 124805

(C) The Ohio Public Library Information Network, INFOhio, and 124806  
OhioLINK shall, to the extent feasible, coordinate and cooperate 124807  
in their purchase or other acquisition of the use of electronic 124808  
databases for their respective users and shall contribute funds in 124809  
an equitable manner to such effort. 124810

LIBRARY FOR THE BLIND 124811

The foregoing appropriation item 350605, Library for the 124812  
Blind, shall be used for the statewide Talking Book Program to 124813  
assist the blind and disabled. 124814

TRANSFER TO OPLIN TECHNOLOGY FUND 124815

Notwithstanding sections 5747.03 and 5747.47 of the Revised 124816  
Code and any other provision of law to the contrary, in accordance 124817

with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).

**Section 321.10. LCO LIQUOR CONTROL COMMISSION**

Dedicated Purpose Fund Group  
 5LP0 970601 Commission Operating Expenses  
 TOTAL DPF Dedicated Purpose Fund Group  
 TOTAL ALL BUDGET FUND GROUPS

**Section 323.10. LOT STATE LOTTERY COMMISSION**

State Lottery Fund Group  
 7044 950321 Operating Expenses  
 7044 950402 Advertising Contracts  
 7044 950403 Gaming Contracts  
 7044 950601 Direct Prize Payments  
 7044 950605 Problem Gambling  
 8710 950602 Annuity Prizes  
 TOTAL SLF State Lottery Fund Group  
 TOTAL ALL BUDGET FUND GROUPS

OPERATING EXPENSES

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$984,000,000 in fiscal year 2016 and \$988,000,000 in fiscal year 2017. The Director of Budget and Management shall transfer such amounts contingent upon the availability of resources. Transfers from the State Lottery Fund to the Lottery Profits Education Fund



shall represent the estimated net income from operations for the 124878  
 Commission in fiscal year 2016 and fiscal year 2017. Transfers by 124879  
 the Director of Budget and Management to the Lottery Profits 124880  
 Education Fund shall be administered as the statutes direct. 124881

**Section 325.10. MHC MANUFACTURED HOMES COMMISSION** 124882

Dedicated Purpose Fund Group 124883  
 4K90 996609 Operating Expenses \$ 459,134 \$ 459,134 124884  
 5MC0 996610 Manufactured Homes \$ 747,825 \$ 747,825 124885  
 Regulation  
 TOTAL DPF Dedicated Purpose Fund \$ 1,206,959 \$ 1,206,959 124886  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 1,206,959 \$ 1,206,959 124887

**Section 327.10. MCD DEPARTMENT OF MEDICAID** 124889

General Revenue Fund 124890  
 GRF 651425 Medicaid Program \$ 192,082,820 \$ 196,608,060 124891  
 Support - State  
 GRF 651525 Medicaid/Health Care 124892  
 Services  
 State \$ 4,847,530,989 \$ 4,894,000,948 124893  
 Federal \$12,289,749,598 \$13,047,353,013 124894  
 Medicaid/Health Care \$17,137,280,587 \$17,941,353,961 124895  
 Services Total  
 GRF 651526 Medicare Part D \$ 308,823,000 \$ 328,424,000 124896  
 GRF 651528 Maternal and Child \$ 500,000 \$ 0 124897  
 Health  
 GRF 651529 Brigid's Path Pilot \$ 300,000 \$ 300,000 124898  
 TOTAL GRF General Revenue Fund 124899  
 State \$ 5,349,236,809 \$ 5,419,333,008 124900  
 Federal \$12,289,749,598 \$13,047,353,013 124901  
 GRF Total \$17,638,986,407 \$18,466,686,021 124902

Dedicated Purpose Fund Group				124903
4E30	651605	Resident Protection Fund	\$ 2,878,000 \$ 2,878,000	124904
5AJ0	651631	Money Follows the Person	\$ 5,161,000 \$ 4,910,000	124905
5DL0	651639	Medicaid Services - Recoveries	\$ 551,125,000 \$ 561,317,000	124906
5FX0	651638	Medicaid Services - Payment Withholding	\$ 6,000,000 \$ 6,000,000	124907
5GF0	651656	Medicaid Services - Hospitals/UPL	\$ 582,887,931 \$ 613,303,715	124908
5KC0	651682	Health Care Grants - State	\$ 10,000,000 \$ 10,000,000	124909
5R20	651608	Medicaid Services - Long Term Care	\$ 400,000,000 \$ 403,311,000	124910
5U30	651654	Medicaid Program Support	\$ 62,885,000 \$ 53,834,000	124911
6510	651649	Medicaid Services - HCAP	\$ 451,535,858 \$ 237,049,000	124912
TOTAL DPF Dedicated Purpose Fund Group			\$ 2,072,472,789 \$ 1,892,602,715	124913
Holding Account Fund Group				124914
R055	651644	Refunds and Reconciliations	\$ 1,000,000 \$ 1,000,000	124915
TOTAL HLD Holding Account Fund Group			\$ 1,000,000 \$ 1,000,000	124916
Federal Fund Group				124917
3ER0	651603	Medicaid Health Information Technology	\$ 71,764,000 \$ 61,896,000	124918
3F00	651623	Medicaid Services - Federal	\$ 3,645,600,124 \$ 3,350,075,809	124919

3F00	651624	Medicaid Program Support - Federal	\$ 567,832,000	\$ 562,547,000	124920
3FA0	651680	Health Care Grants - Federal	\$ 45,718,000	\$ 36,296,000	124921
3G50	651655	Medicaid Interagency Pass-Through	\$ 91,400,000	\$ 91,406,000	124922
TOTAL FED	Federal Fund Group		\$ 4,422,314,124	\$ 4,102,220,809	124923
TOTAL ALL BUDGET FUND GROUPS			\$24,134,773,320	\$24,462,509,545	124924

**Section 327.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 124926

(A) As used in this section, "medical assistance program" has 124927  
the same meaning as in section 5160.01 of the Revised Code. 124928

(B) During the period beginning July 1, 2015, and ending June 124929  
30, 2017, all of the following apply: 124930

(1) The Medicaid Director has the authority to establish, 124931  
change, and abolish positions for the Department of Medicaid, and 124932  
to assign, reassign, classify, reclassify, transfer, reduce, 124933  
promote, or demote all employees of the Department of Medicaid who 124934  
are not subject to Chapter 4117. of the Revised Code. 124935

(2) As part of the transfer of medical assistance programs to 124936  
the Department of Medicaid, the Director of Job and Family 124937  
Services has the authority to establish, change, and abolish 124938  
positions for the Department of Job and Family Services, and to 124939  
assign, reassign, classify, reclassify, transfer, reduce, promote, 124940  
or demote all employees of the Department of Job and Family 124941  
Services who are not subject to Chapter 4117. of the Revised Code. 124942

(C) The authority granted under division (B) of this section 124943  
includes assigning or reassigning an exempt employee, as defined 124944  
in section 124.152 of the Revised Code, to a bargaining unit 124945  
classification if the Medicaid Director or Director of Job and 124946  
Family Services determines that the bargaining unit classification 124947  
is the proper classification for that employee. The actions of the 124948

Medicaid Director or Director of Job and Family Services shall be 124949  
consistent with the requirements of 5 C.F.R. 900.603 for those 124950  
employees subject to such requirements. If an employee in the E-1 124951  
pay range is to be assigned, reassigned, classified, reclassified, 124952  
transferred, reduced, or demoted to a position in a lower 124953  
classification during the period specified in this section, the 124954  
Medicaid Director or Director of Job and Family Services, or in 124955  
the case of a transfer outside the Department of Medicaid or 124956  
Department of Job and Family Services, the Director of 124957  
Administrative Services, shall assign the employee to the 124958  
appropriate classification and place the employee in Step X. The 124959  
employee shall not receive any increase in compensation until the 124960  
maximum rate of pay for that classification exceeds the employee's 124961  
compensation. 124962

(D) Actions taken by the Medicaid Director, Director of Job 124963  
and Family Services, and Director of Administrative Services 124964  
pursuant to this section are not subject to appeal to the State 124965  
Personnel Board of Review. 124966

(E) A portion of the foregoing appropriation items 651425, 124967  
Medicaid Program Support - State, 651603, Medicaid Health 124968  
Information Technology, 651624, Medicaid Program Support - 124969  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 124970  
Interagency Pass-Through, 651605, Resident Protection Fund, 124971  
651631, Money Follows the Person, 651682, Health Care Grants - 124972  
State, and 651654, Medicaid Program Support, may be used to pay 124973  
for costs associated with the administration of the Medicaid 124974  
program, including the assignment, reassignment, classification, 124975  
reclassification, transfer, reduction, promotion, or demotion of 124976  
employees authorized by this section. 124977

**Section 327.30. NEW AND AMENDED GRANT AGREEMENTS** 124978

(A) As used in this section: 124979

(1) "Grant agreement" has the same meaning as in section 5101.21 of the Revised Code.	124980 124981
(2) "Medical assistance program" has the same meaning as in section 5160.01 of the Revised Code.	124982 124983
(B) The Director of Job and Family Services and boards of county commissioners may enter into negotiations to amend an existing grant agreement or to enter into a new grant agreement regarding the transfer of medical assistance programs to the Department of Medicaid. Any such amended or new grant agreement shall be drafted in the name of the Department of Job and Family Services. The amended or new grant agreement may be executed before July 1, 2015, if the amendment or agreement does not become effective sooner than that date.	124984 124985 124986 124987 124988 124989 124990 124991 124992
(C) A portion of the foregoing appropriation items 651525, Medicaid/Health Care Services, 651603, Medicaid Health Information Technology, 651623, Medicaid Services - Federal, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, and 651682, Health Care Grants - State, may be used to pay for Medicaid services and costs associated with the administration of the Medicaid program.	124993 124994 124995 124996 124997 124998 124999
<b>Section 327.40. EXCHANGE OF CERTAIN INFORMATION BETWEEN SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES</b>	125000 125001
A portion of the foregoing appropriation items 651425, Medicaid Program Support-State, 651525, Medicaid/Health Care Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid Services-Payment Withholding, 651624, Medicaid Program Support-Federal, 651680, Health Care Grants-Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, 651631, Money Follows the Person, 651656, Medicaid Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, Medicaid Services-Long Term Care, 651654, Medicaid Program	125002 125003 125004 125005 125006 125007 125008 125009 125010

Support, and 651649, Medicaid Services-HCAP, may be used to pay 125011  
for services and costs associated with operating protocols adopted 125012  
under sections 191.04 and 191.06 of the Revised Code. 125013

**Section 327.53. MEDICAID/HEALTH CARE SERVICES** 125014

The foregoing appropriation item 651525, Medicaid/Health Care 125015  
Services, shall not be limited by section 131.33 of the Revised 125016  
Code. 125017

**Section 327.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM** 125018

At the beginning of each quarter, or as soon as possible 125019  
thereafter, the Medicaid Director shall certify to the Director of 125020  
Budget and Management the amount withheld in accordance with 125021  
section 5167.30 of the Revised Code for purposes of the Managed 125022  
Care Performance Payment Program. Upon receiving certification, 125023  
the Director of Budget and Management shall transfer cash in the 125024  
amount certified from the General Revenue Fund to the Managed Care 125025  
Performance Payment Fund. Appropriation item 651525, 125026  
Medicaid/Health Care Services, is hereby reduced by the amount of 125027  
the transfer and by the corresponding federal share of the 125028  
transfer. Upon request of the Medicaid Director and approval of 125029  
the Director of Budget and Management, appropriation up to the 125030  
cash balance in the Managed Care Performance Payment Fund is 125031  
hereby appropriated. The federal share of the cash balance may 125032  
also be appropriated in a federal appropriation item specified in 125033  
the request. Any federal share specified in the request is hereby 125034  
appropriated. 125035

In addition to any other purpose authorized by law, the 125036  
Department of Medicaid may use money in the Managed Care 125037  
Performance Payment Fund for the following purposes for fiscal 125038  
year 2016 and fiscal year 2017: 125039

(A) To meet obligations specified in provider agreements with 125040

Medicaid managed care organizations;	125041
(B) To pay for Medicaid services provided by a Medicaid managed care organization;	125042 125043
(C) To reimburse a Medicaid managed care organization that has paid a fine for failure to meet performance standards or other requirements specified in provider agreements or rules adopted under section 5167.02 of the Revised Code if the organization comes into compliance with the standards or requirements.	125044 125045 125046 125047 125048
<b>Section 327.70. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE</b>	125049 125050
(A) As used in this section:	125051
(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	125052 125053
(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.	125054 125055
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	125056 125057
(B) For fiscal year 2016 and fiscal year 2017, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.	125058 125059 125060 125061
(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:	125062 125063 125064 125065
(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;	125066 125067 125068 125069

(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants. 125070  
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(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants. 125073  
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(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its Medicaid provider agreement with the Department. 125080  
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(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant. 125083  
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(E) The Director of Budget and Management shall transfer the amounts certified in accordance with division (D) of this section into the Managed Care Performance Payment Fund created under section 5162.60 of the Revised Code. The amounts transferred may be used to make performance payments to Medicaid managed care organizations providing care to ICDS participants in accordance with rules that may be adopted by the Medicaid Director under Chapter 119. of the Revised Code. 125088  
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(F) A Medicaid managed care organization subject to this section is not subject to section 5167.30 of the Revised Code for premium payments attributed to ICDS participants during fiscal year 2016 and fiscal year 2017. 125096  
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**Section 327.80.** INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 125100  
PAYMENT PROGRAM 125101

At the beginning of each quarter, or as soon as possible 125102  
thereafter, the Medicaid Director may certify to the Director of 125103  
Budget and Management the amount withheld in accordance with the 125104  
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 125105  
MANAGED CARE." On receipt of certification, the Director of Budget 125106  
and Management shall transfer cash in the amount certified from 125107  
the General Revenue Fund to the Managed Care Performance Payment 125108  
Fund (Fund 5KW0). The federal share may also be appropriated in a 125109  
federal appropriation item specified in the request. The 125110  
transferred cash and the corresponding federal share is hereby 125111  
appropriated. Appropriation item 651525, Medicaid/Health Care 125112  
Services, is hereby reduced by the amount of the transfer and the 125113  
corresponding federal share of the transfer. 125114

**Section 327.90.** HOSPITAL FRANCHISE FEE PROGRAM 125115

The Director of Budget and Management may authorize 125116  
additional expenditures from appropriation item 651623, Medicaid 125117  
Services - Federal, appropriation item 651525, Medicaid/Health 125118  
Care Services, and appropriation item 651656, Medicaid Services - 125119  
Hospital/UPL, in order to implement the programs authorized by 125120  
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 125121  
authorized are hereby appropriated. 125122

**Section 327.100.** ADMINISTRATIVE ISSUES RELATED TO TERMINATION 125123  
OF MEDICAID WAIVER PROGRAMS 125124

(A) As used in this section, "MCD or ODA Medicaid waiver 125125  
component" means the following: 125126

(1) The Medicaid waiver component of the PASSPORT program 125127  
created under section 173.52 of the Revised Code; 125128

(2) The Medicaid waiver component of the Assisted Living program created under section 173.54 of the Revised Code.	125129 125130
(3) The Ohio Home Care Waiver program as defined in section 5166.01 of the Revised Code;	125131 125132
(4) The Ohio Transitions II Aging Carve-Out program as defined in section 5166.01 of the Revised Code;	125133 125134
(B) If an MCD or ODA Medicaid waiver component is terminated under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the Revised Code, all of the following apply:	125135 125136 125137
(1) All applicable statutes, and all applicable rules, standards, guidelines, or orders issued by the Medicaid Director or Department of Medicaid or Director or Department of Aging before the component is terminated, shall remain in full force and effect on and after that date, but solely for purposes of concluding the component's operations, including fulfilling the Departments' legal obligations for claims arising from the component relating to eligibility determinations, covered medical assistance provided to eligible persons, and recovering erroneous overpayments.	125138 125139 125140 125141 125142 125143 125144 125145 125146 125147
(2) Notwithstanding the termination of the component, the right of subrogation for the cost of medical assistance given under section 5160.37 of the Revised Code to the Department of Medicaid and an assignment of the right to medical assistance given under section 5160.38 of the Revised Code to the Department continue to apply with respect to the component and remain in force to the full extent provided under those sections.	125148 125149 125150 125151 125152 125153 125154
(3) The Department of Medicaid and Department of Aging may use appropriated funds to satisfy any claims or contingent claims for medical assistance provided under the component before the component's termination.	125155 125156 125157 125158
(4) Neither the Department of Medicaid nor the Department of	125159

Aging has liability under the component to reimburse any provider 125160  
or other person for claims for medical assistance rendered under 125161  
the component after it is terminated. 125162

(C) The Medicaid Director and Director of Aging may adopt 125163  
rules in accordance with Chapter 119. of the Revised Code to 125164  
implement this section. 125165

**Section 327.110. MONEY FOLLOWS THE PERSON ENHANCED 125166**  
**REIMBURSEMENT FUND 125167**

The federal payments made to the state under subsection (e) 125168  
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 125169  
No. 109-171, as amended, shall be deposited into the Money Follows 125170  
the Person Enhanced Reimbursement Fund. The Department of Medicaid 125171  
shall continue to use money deposited into the fund for system 125172  
reform activities related to the Money Follows the Person 125173  
demonstration project. 125174

**Section 327.115. PEOPLE WORKING COOPERATIVELY 125175**

Of the foregoing appropriation item 651631, Money Follows the 125176  
Person, \$250,000 in each fiscal year shall be allocated to People 125177  
Working Cooperatively to perform home modification/repair services 125178  
to low-income, frail, or cognitively impaired persons sixty years 125179  
of age and older to achieve independent living in their private 125180  
residence and to avoid institutional placement. 125181

**Section 327.120. MEDICARE PART D 125182**

The foregoing appropriation item 651526, Medicare Part D, may 125183  
be used by the Department of Medicaid for the implementation and 125184  
operation of the Medicare Part D requirements contained in the 125185  
"Medicare Prescription Drug, Improvement, and Modernization Act of 125186  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 125187  
Department of Medicaid, the Director of Budget and Management may 125188

transfer the state share of appropriations between appropriation 125189  
item 651525, Medicaid/Health Care Services, and appropriation item 125190  
651526, Medicare Part D. If the state share of appropriation item 125191  
651525, Medicaid/Health Care Services, is adjusted, the Director 125192  
of Budget and Management shall adjust the federal share 125193  
accordingly. The Department of Medicaid shall provide notification 125194  
to the Controlling Board of any transfers at the next scheduled 125195  
Controlling Board meeting. 125196

**Section 327.130. OHIO ACCESS SUCCESS PROJECT** 125197

Of the foregoing appropriation item, 651525, Medicaid/Health 125198  
Care Services, up to \$450,000 in each fiscal year may be used to 125199  
provide one-time transitional benefits under the Ohio Access 125200  
Success Project that the Medicaid Director may establish under 125201  
section 5166.35 of the Revised Code. 125202

**Section 327.140. HEALTH CARE SERVICES ADMINISTRATION FUND** 125203

Of the amount received by the Department of Medicaid during 125204  
fiscal year 2016 and fiscal year 2017 from the first installment 125205  
of assessments paid under section 5168.06 of the Revised Code and 125206  
intergovernmental transfers made under section 5168.07 of the 125207  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 125208  
fiscal year into the state treasury to the credit of the Health 125209  
Care Services Administration Fund (Fund 5U30). 125210

**Section 327.150. TRANSFERS OF OFFSETS TO THE HEALTH CARE** 125211  
**SERVICES ADMINISTRATION FUND** 125212

(A) As used in this section: 125213

"Hospital offset" means an offset from a hospital's Medicaid 125214  
payment authorized by section 5168.991 of the Revised Code. 125215

"Vendor offset" means a reduction of a Medicaid payment to a 125216  
Medicaid provider to correct a previous, incorrect Medicaid 125217

payment. 125218

(B) During fiscal year 2016 and fiscal year 2017, at 125219  
intervals selected by the Medicaid Director, the Director shall 125220  
certify to the Director of Budget and Management the amount of 125221  
hospital offsets and vendor offsets for the period covered by the 125222  
certification and the particular funds that would have been used 125223  
to make Medicaid payments to providers if not for the offsets. 125224  
Each certification shall specify the amount that would have been 125225  
taken from each of the funds if not for the hospital offsets and 125226  
vendor offsets. 125227

(C) On receipt of a certification under division (B) of this 125228  
section, the Director of Budget and Management shall transfer cash 125229  
from the funds identified in the certification to the Health Care 125230  
Services Administration Fund (Fund 5U30). The amount transferred 125231  
from a fund shall equal the amount that would have been taken from 125232  
the fund if not for the hospital offsets and vendor offsets as 125233  
specified in the certification. The federal share may also be 125234  
appropriated in a federal appropriation item specified in the 125235  
certification. The transferred cash and the corresponding federal 125236  
share is hereby appropriated. The appropriations for those 125237  
appropriation items identified in the certification, and from 125238  
which transfers occurred, are hereby reduced by the amount of the 125239  
transfer and the amount of the corresponding federal share. 125240

**Section 327.160.** HOSPITAL CARE ASSURANCE MATCH 125241

If receipts credited to the Health Care Federal Fund (Fund 125242  
3F00) exceed the amounts appropriated from the fund for making the 125243  
hospital care assurance program distribution, the Medicaid 125244  
Director may request the Director of Budget and Management to 125245  
authorize expenditures from the fund in excess of the amounts 125246  
appropriated. Upon the approval of the Director of Budget and 125247  
Management, the additional amounts are hereby appropriated. 125248

The foregoing appropriation item 651649, Medicaid Services - 125249  
HCAP, shall be used by the Department of Medicaid for distributing 125250  
the state share of all hospital care assurance program funds to 125251  
hospitals under section 5168.09 of the Revised Code. If receipts 125252  
credited to the Hospital Care Assurance Program Fund (Fund 6510) 125253  
exceed the amounts appropriated from the fund for making the 125254  
hospital care assurance program distribution, the Medicaid 125255  
Director may request the Director of Budget and Management to 125256  
authorize expenditures from the fund in excess of the amounts 125257  
appropriated. Upon the approval of the Director of Budget and 125258  
Management, the additional amounts are hereby appropriated. 125259

**Section 327.170. REFUNDS AND RECONCILIATION FUND** 125260

The Refunds and Reconciliation Fund (Fund R055) shall be used 125261  
to hold refund and reconciliation revenues until the appropriate 125262  
fund is determined or until the revenues are directed to the 125263  
appropriate governmental agency other than the Department of 125264  
Medicaid. Any Medicaid refunds or reconciliations received or held 125265  
by the Department of Job and Family Services shall be transferred 125266  
or credited to this fund. If receipts credited to the Refunds and 125267  
Reconciliation Fund exceed the amounts appropriated from the fund, 125268  
the Medicaid Director may request the Director of Budget and 125269  
Management to authorize expenditures from the fund in excess of 125270  
the amounts appropriated. Upon approval of the Director of Budget 125271  
and Management, the additional amounts are hereby appropriated. 125272

**Section 327.180. MEDICAID INTERAGENCY PASS-THROUGH** 125273

The Medicaid Director may request the Director of Budget and 125274  
Management to increase appropriation item 651655, Medicaid 125275  
Interagency Pass-Through. Upon the approval of the Director of 125276  
Budget and Management, the additional amounts are hereby 125277  
appropriated. 125278

<b>Section 327.190. STATE PLAN HOME AND COMMUNITY-BASED SERVICES</b>	125279
(A) As used in this section:	125280
"Federal poverty line" means the official poverty line	125281
defined by the United States Office of Management and Budget based	125282
on the most recent data available from the United States Bureau of	125283
the Census and revised by the United States Secretary of Health	125284
and Human Services pursuant to the "Omnibus Budget Reconciliation	125285
Act of 1981," section 673(2), 42 U.S.C. 9902(2).	125286
"State plan home and community-based services" means home and	125287
community-based services that may be included in the Medicaid	125288
state plan pursuant to the "Social Security Act," section 1915(i),	125289
42 U.S.C. 1396n(i).	125290
(B) During fiscal year 2016 and fiscal year 2017, the	125291
Medicaid program may cover state plan home and community-based	125292
services for Medicaid recipients of any age who have behavioral	125293
health issues and countable incomes not exceeding one hundred	125294
fifty per cent of the federal poverty line. A Medicaid recipient	125295
is not required to undergo a level of care determination to be	125296
eligible for the state plan home and community-based services.	125297
The Medicaid Director may adopt rules under section 5164.02	125298
of the Revised Code as necessary to implement this section.	125299
<b>Section 327.200. UPDATING AUTHORIZING STATUTE CITATIONS</b>	125300
As used in this section, "authorizing statute" means a	125301
Revised Code section or provision of a Revised Code section that	125302
is cited in the Ohio Administrative Code as the statute that	125303
authorizes the adoption of a rule.	125304
The Medicaid Director is not required to amend any rule for	125305
the sole purpose of updating the citation in the Ohio	125306
Administrative Code to the rule's authorizing statute to reflect	125307

that this act renumbers the authorizing statute or relocates it to 125308  
another Revised Code section. Such citations shall be updated as 125309  
the Director amends the rules for other purposes. 125310

**Section 327.210. NON-EMERGENCY MEDICAL TRANSPORTATION** 125311

In order to ensure access to a non-emergency medical 125312  
transportation brokerage program established pursuant to section 125313  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 125314  
upon the request of the Medicaid Director, the Director of Budget 125315  
and Management may transfer the state share appropriations between 125316  
General Revenue Fund appropriation item 651525, Medicaid/Health 125317  
Care Services, within the Department of Medicaid and 655523, 125318  
Medicaid Program Support - Local Transportation, within the 125319  
Department of Job and Family Services. If such a transfer occurs, 125320  
the Director of Budget and Management shall adjust, using the 125321  
federal reimbursement rate, the federal share appropriations of 125322  
General Revenue Fund appropriation line 651525, Medicaid/Health 125323  
Care Services, within the Department of Medicaid, and the Medicaid 125324  
Program Support Fund (3F01) appropriation line 655624, Medicaid 125325  
Program Support, within the Department of Job and Family Services. 125326  
The Director of Medicaid shall transmit to the Medicaid Program 125327  
Support Fund (3F01) the federal funds which the Department of 125328  
Medicaid, as the state's sole point of contact with the federal 125329  
government for Medicaid reimbursements, has drawn for this 125330  
transaction. 125331

**Section 327.220. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION** 125332  
**SYSTEM IMPLEMENTATION** 125333

Upon the request of the Medicaid Director, the Director of 125334  
Budget and Management may transfer up to \$7,200,000 of state share 125335  
appropriations in each fiscal year between General Revenue Fund 125336  
appropriation item 651525, Medicaid/Health Care Services, within 125337



the Department of Medicaid, and 655522, Medicaid Program Support - 125338  
Local, within the Department of Job and Family Services. If such a 125339  
transfer occurs, the Director of Budget and Management shall 125340  
adjust, using the federal reimbursement rate, the federal share 125341  
appropriations of General Revenue Fund appropriation item 651525, 125342  
Medicaid/Health Care Services, within the Department of Medicaid, 125343  
and the Medicaid Program Support Fund (Fund 3F01) appropriation 125344  
item 655624, Medicaid Program Support, within the Department of 125345  
Job and Family Services. The Director of Medicaid shall transmit 125346  
to the Medicaid Program Support Fund (3F01) the federal funds 125347  
which the Department of Medicaid, as the state's sole point of 125348  
contact with the federal government for Medicaid reimbursements, 125349  
has drawn for this transaction. 125350

Any increase in funding shall be provided to county 125351  
departments of job and family services and shall only be used for 125352  
costs related to transitioning to a new public assistance 125353  
eligibility determination system. These funds shall not be used 125354  
for existing and ongoing operating expenses. The Medicaid Director 125355  
shall establish criteria for distributing these funds and for 125356  
county departments of job and family services to submit allowable 125357  
expenses. 125358

County departments of job and family services shall comply 125359  
with new roles, processes, and responsibilities related to the new 125360  
eligibility determination system. County departments of job and 125361  
family services shall report to the Ohio Department of Job and 125362  
Family Services and the Ohio Department of Medicaid, on a schedule 125363  
determined by the Medicaid Director, how the funds were used. 125364

**Section 327.230. ABOLISHMENT OF THE HOME AND COMMUNITY-BASED 125365**  
SERVICES FUND (FUND 4J50) 125366

On July 1, 2015, or as soon as possible thereafter, the 125367  
Director of Budget and Management shall transfer the cash balance 125368

in the Home and Community - Based Services Fund (Fund 4J50) to the 125369  
Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used 125370  
by the Department of Medicaid. Upon completion of the transfer, 125371  
Fund 4J50 is hereby abolished. 125372

**Section 327.243. HOLZER CLINIC PAYMENT** 125373

(A) Of the foregoing appropriation item 651525, 125374  
Medicaid/Health Care Services, \$666,844 in fiscal year 2016 and 125375  
\$332,270 in fiscal year 2017 shall be used to make, subject to 125376  
division (B) of this section, Medicaid payments in accordance with 125377  
rule 5160-1-60.1 of the Administrative Code for physician, 125378  
pregnancy-related, evaluation, and management services provided by 125379  
physician groups that meet the criteria described in the rule. 125380

(B) As necessary to reflect the amount of this section's 125381  
earmarks, the Department of Medicaid shall adjust the amount by 125382  
which rule 5160-1-60.1 of the Administrative Code increases the 125383  
Medicaid payment rates for physician, pregnancy-related, 125384  
evaluation, and management services provided by physician groups 125385  
that meet the criteria described in the rule. The adjustment shall 125386  
take effect July 1, 2015. The Medicaid Director shall amend the 125387  
rule as soon as possible thereafter so that the rule reflects the 125388  
adjustment. 125389

**Section 327.244. COMMUNITY HEALTH WORKER SERVICES** 125390

Of the foregoing appropriation item 651525, Medicaid/Health 125391  
Care Services, \$13,400,000 in each fiscal year shall be used to 125392  
provide community health worker services and other services to 125393  
certain Medicaid recipients as specified in section 5167.15 of the 125394  
Revised Code. 125395

**Section 327.245. MATERNAL AND CHILD HEALTH** 125396

The foregoing appropriation item 651528, Maternal and Child 125397

Health, shall be allocated to Integrating Professionals for 125398  
Appalachian Children. These funds shall be used to improve 125399  
maternal and child health outcomes in the service area comprised 125400  
of Athens, Gallia, Hocking, Jackson, Meigs, Perry, Ross, Vinton, 125401  
and Washington counties. 125402

**Section 327.250. RATE FOR HOME HEALTH AIDE SERVICES** 125403

(A) As used in this section, "independent provider" means an 125404  
individual who personally provides home health aide services and 125405  
is not employed by, under contract with, or affiliated with 125406  
another entity that provides those services. 125407

(B) Notwithstanding section 5164.77 of the Revised Code, the 125408  
Medicaid payment rate for home health aide services that are 125409  
provided by a provider, other than an independent provider, during 125410  
the period beginning July 1, 2015, and ending June 30, 2017, shall 125411  
be at least five per cent higher than the rate in effect on June 125412  
30, 2015, for those services. 125413

**Section 327.260. HOME HEALTH AIDE SERVICES** 125414

Of the foregoing appropriation item 651525, Medicaid/Health 125415  
Care Services, \$14,500,000 in each fiscal year shall be used to 125416  
increase the Medicaid payment rate for agency providers for home 125417  
health services rendered under the Medicaid program by home health 125418  
aides, during fiscal year 2016 and fiscal year 2017, by five per 125419  
cent relative to such rate in effect on June 30, 2015. 125420

**Section 327.270. NURSING FACILITY DEMONSTRATION PROJECT** 125421

(A) As used in this section: 125422

(1) "Freestanding long-term care hospital" means a hospital 125423  
to which all of the following apply: 125424

(a) It is a freestanding long-term care hospital as defined 125425

in 42 C.F.R. 412.23(e)(5). 125426

(b) It has a Medicaid provider agreement to provide inpatient hospital services. 125427  
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(c) Pursuant to rules adopted under section 5164.02 of the Revised Code, it is exempt from the all patient refined diagnosis related groups (APR-DRG) and prospective payment methodology the Department of Medicaid uses to determine Medicaid payment rates for inpatient services provided by other types of hospitals not also excluded from the methodology. 125429  
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(2) "Nursing facility," "nursing facility services," "nursing home," and "provider" have the same meanings as in section 5165.01 of the Revised Code. 125435  
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(B) Not later than thirty days after the effective date of this section, the Department of Medicaid shall submit to the United States Secretary of Health and Human Services a request for a Medicaid Waiver to operate, beginning January 1, 2016, a two-year demonstration project under which Medicaid recipients receive nursing facility services in participating nursing facilities in lieu of hospital inpatient services in freestanding long-term care hospitals. 125438  
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(1) The Department shall select four nursing facilities to participate in the demonstration project. To be selected for participation, a nursing facility must meet all of the following requirements: 125446  
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(a) The nursing facility's provider must hold the nursing facility out to the public as providing short-term rehabilitation services. 125450  
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(b) The nursing facility must have a hydrotherapy pool. 125453

(c) The nursing facility's Medicaid-certified capacity must include at least ten single-occupancy sleeping rooms that will be 125454  
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used for Medicaid recipients admitted to the nursing facility 125456  
under the demonstration project. 125457

(d) The nursing facility must have been initially 125458  
constructed, licensed as a nursing home, and certified as a 125459  
nursing facility on or after January 1, 2010. 125460

(2) In selecting four nursing facilities to participate in 125461  
the demonstration project, the Department shall select one nursing 125462  
facility located in Cuyahoga county, one located in Franklin 125463  
county, one located in Hamilton county, and one located in Lucas 125464  
county. However, the Department may select a nursing facility 125465  
located in another county if necessary to find four nursing 125466  
facilities that meet the requirements specified in division (B)(1) 125467  
of this section. 125468

(C)(1) The provider of each participating nursing facility 125469  
shall develop admission criteria that Medicaid recipients must 125470  
meet to be admitted to the nursing facility under the 125471  
demonstration project. The provider shall give the criteria to 125472  
each hospital that is located within fifty miles of the nursing 125473  
facility and routinely refers Medicaid patients to freestanding 125474  
long-term care hospitals. A hospital that receives the criteria 125475  
shall consider the criteria when determining where to refer a 125476  
Medicaid recipient who needs the types of services freestanding 125477  
long-term care hospitals provide. 125478

(2) A Medicaid recipient may refuse a referral to a 125479  
participating nursing facility and instead seek admission to a 125480  
freestanding long-term care hospital. If a Medicaid recipient 125481  
seeks admission to a participating nursing facility under the 125482  
demonstration project, the nursing facility's staff shall ensure 125483  
that the recipient meets the nursing facility's criteria before 125484  
admitting the recipient. 125485

(3) A participating nursing facility shall notify the 125486

Department each time it admits a Medicaid recipient under the 125487  
demonstration project. A Medicaid recipient's admission to a 125488  
participating nursing facility under the demonstration project is 125489  
not subject to prior authorization from the Department or a 125490  
designee of the Department. 125491

(D) Notwithstanding Chapter 5165. of the Revised Code, the 125492  
Medicaid payment rate for nursing facility services that a 125493  
Medicaid recipient receives from a participating nursing facility 125494  
under the demonstration project shall not exceed the Medicaid 125495  
payment rate for comparable hospital inpatient services provided 125496  
by freestanding long-term care hospitals in effect at the time the 125497  
nursing facility services are provided. 125498

(E) Not later than thirty days after the end of each quarter 125499  
of the demonstration project, the provider of each participating 125500  
nursing facility shall report to the Department all of the 125501  
following information about each Medicaid recipient residing in 125502  
the nursing facility under the demonstration project during the 125503  
quarter: 125504

(1) The cost of the nursing facility services that the 125505  
nursing facility provided to the recipient that quarter; 125506

(2) The number of days the recipient resided in the nursing 125507  
facility that quarter; 125508

(3) The recipient's health outcomes; 125509

(4) The recipient's satisfaction with the nursing facility as 125510  
reported to the nursing facility's staff; 125511

(5) All other information that the Department requires the 125512  
providers to include in the reports. 125513

(F) Not later than three months after the demonstration 125514  
project ends, the Department shall complete a report about it. The 125515  
report shall include an analysis of the information submitted to 125516

the Department under division (D) of this section. The report also 125517  
shall include recommendations about resuming operation of the 125518  
demonstration project and selecting nursing facilities from 125519  
additional counties to participate. The Department shall submit 125520  
the report to all of the following: 125521

(1) The Governor; 125522

(2) In accordance with section 101.68 of the Revised Code, 125523  
the General Assembly; 125524

(3) The Joint Medicaid Oversight Committee. 125525

**Section 327.280. PRE-ENROLLMENT PROVIDER SCREENINGS AND 125526**  
REVIEWS 125527

During fiscal year 2016 and fiscal year 2017, it is 125528  
recommended that the Department of Medicaid perform pre-enrollment 125529  
screenings and reviews of Medicaid providers designated as 125530  
moderate or high categorical risks to the Medicaid program under 125531  
the categorical risk levels established pursuant to Subpart E of 125532  
Part 455 of Title 42 of the Code of Federal Regulations. 125533

**Section 327.290. PILOT PROGRAM FOR NEWBORNS WITH NEONATAL 125534**  
ABSTINENCE SYNDROME 125535

As used in this section, "hospital" has the same meaning as 125536  
in section 3727.01 of the Revised Code. 125537

In consultation with the Department of Job and Family 125538  
Services and the Department of Health, the Department of Medicaid 125539  
shall develop a pilot program under which newborns who have 125540  
neonatal abstinence syndrome are, after being medically stabilized 125541  
at a hospital, transferred to a nonhospital, community facility 125542  
that is located in Montgomery County and provides the newborns 125543  
medical, pharmacological, and therapeutic services specified by 125544  
the Department of Medicaid, the Department of Job and Family 125545

Services, and the Department of Health. The departments shall 125546  
begin operation of the pilot program not later than ninety days 125547  
after the effective date of this section. The pilot program shall 125548  
be operated for two years. 125549

Not later than ninety days after the date the pilot program 125550  
ends, the Department of Medicaid, the Department of Job and Family 125551  
Services, and the Department of Health shall jointly complete a 125552  
report about the pilot program. The report shall include 125553  
recommendations for making the pilot program statewide and part of 125554  
the Medicaid program. The Department of Medicaid, the Department 125555  
of Job and Family Services, and the Department of Health jointly 125556  
shall submit the report to the General Assembly in accordance with 125557  
section 101.68 of the Revised Code. 125558

The foregoing appropriation item 651529, Brigid's Path Pilot, 125559  
shall be used to fund the Brigid's Path Pilot Program. 125560

**Section 327.300. MEDICAID RATES FOR AMBULETTE SERVICES** 125561

The Medicaid payment rates for ambulette services provided 125562  
during the period beginning July 1, 2015, and ending June 30, 125563  
2017, shall be at least ten per cent higher than the amount of the 125564  
rates for the services in effect on June 30, 2015. 125565

**Section 327.310. TERMINATION OF 209(b) OPTION** 125566

As used in this section, "209(b) option" means the option 125567  
described in section 1902(f) of the "Social Security Act," 42 125568  
U.S.C. 1396a(f), under which the Medicaid program's eligibility 125569  
requirements for aged, blind, and disabled individuals are more 125570  
restrictive than the eligibility requirements for the Supplemental 125571  
Security Income program. 125572

The Department of Medicaid shall not terminate the 125573  
implementation of the 209(b) option before July 1, 2016. 125574



<b>Section 327.320.</b> GRADUATE MEDICAL EDUCATION STUDY COMMITTEE	125575
(A) There is hereby created the Graduate Medical Education Study Committee. The Committee shall consist of all of the following members:	125576 125577 125578
(1) The Executive Director of the Office of Health Transformation;	125579 125580
(2) The Medicaid Director;	125581
(3) The Chancellor of Higher Education;	125582
(4) Four deans of medical schools of colleges and universities located in this state, appointed by the President of the Senate;	125583 125584 125585
(5) Four presidents of colleges and universities that are located in this state and have medical schools, appointed by the Speaker of the House of Representatives;	125586 125587 125588
(6) The chief executive officer of each of the following:	125589
(a) The Ohio State Medical Association;	125590
(b) The Ohio Osteopathic Association;	125591
(c) The Ohio Hospital Association;	125592
(d) The Ohio Children's Hospital Association.	125593
(B) Appointments to the Committee shall be made not later than fifteen days after the effective date of this section. A member of the Committee may designate an individual to serve on the Committee in the member's place for one or more meetings. Members shall serve without compensation or reimbursement, except to the extent that serving on the Committee is considered part of their usual job duties.	125594 125595 125596 125597 125598 125599 125600
(C) The Executive Director of the Office of Health Transformation shall serve as chairperson of the Committee. The	125601 125602

Department of Medicaid shall provide the Committee all support 125603  
services the Committee needs. 125604

(D) The Committee shall study the issue of Medicaid payments 125605  
to hospitals for the costs of graduate medical education. The 125606  
Committee shall include in its study the feasibility of targeting 125607  
the payments in a manner that rewards graduates of medical schools 125608  
of colleges and universities located in this state who practice 125609  
medicine and surgery or osteopathic medicine and surgery in this 125610  
state for at least five years after graduation. The Committee 125611  
shall complete a report about its study not later than December 125612  
31, 2015. The Committee shall submit copies of the report to the 125613  
Governor, the General Assembly (in accordance with section 101.68 125614  
of the Revised Code), and the Joint Medicaid Oversight Committee. 125615  
The Graduate Medical Education Study Committee shall cease to 125616  
exist on submission of the report. 125617

**Section 327.330. STUDY OF SELF-SELECTING MANAGED CARE** 125618  
**ORGANIZATION** 125619

(A) Not later than one hundred eighty days after the 125620  
effective date of this section, the Department of Medicaid shall 125621  
complete a study of the feasibility and potential savings to the 125622  
state of delaying an individual's coverage under the Medicaid 125623  
program until the individual self-selects a Medicaid managed care 125624  
organization in which to enroll if the individual is required to 125625  
participate in the care management system established under 125626  
section 5167.03 of the Revised Code. As part of the study, the 125627  
Department shall do both of the following: 125628

(1) Examine the feasibility of obtaining any necessary 125629  
federal waivers, including a waiver of the default enrollment 125630  
process required by section 1932(a)(1)(D) of the "Social Security 125631  
Act," 42 U.S.C. 1396u-2(a)(1)(D); 125632

(2) Contract with an actuary to determine the effect that the 125633

delay in coverage would have on the amount of premiums to be paid 125634  
 Medicaid managed care organizations under the care management 125635  
 system. 125636

(B) The Department shall prepare a report about the study 125637  
 conducted under this section and submit the report to the 125638  
 Governor, General Assembly (in accordance with section 101.68 of 125639  
 the Revised Code), and the Joint Medicaid Oversight Committee. 125640

**Section 329.10. MED STATE MEDICAL BOARD** 125641

Dedicated Purpose Fund Group 125642  
 5C60 883609 Operating Expenses \$ 9,467,737 \$ 9,655,200 125643  
 TOTAL DPF Dedicated Purpose Fund \$ 9,467,737 \$ 9,655,200 125644  
 Group  
 TOTAL ALL BUDGET FUND GROUPS \$ 9,467,737 \$ 9,655,200 125645

**Section 331.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION** 125647

SERVICES 125648  
 General Revenue Fund 125649  
 GRF 336321 Central \$ 13,632,646 \$ 13,632,646 125650  
     Administration  
 GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 125651  
 GRF 336405 Family & Children \$ 1,386,000 \$ 1,386,000 125652  
     First  
 GRF 336406 Prevention and \$ 3,488,659 \$ 3,488,659 125653  
     Wellness  
 GRF 336412 Hospital Services \$ 200,658,333 \$ 200,658,333 125654  
 GRF 336415 Mental Health \$ 20,817,900 \$ 19,902,200 125655  
     Facilities  
     Lease-Rental Bond  
     Payments  
 GRF 336421 Continuum of Care \$ 72,389,846 \$ 72,339,846 125656  
     Services

GRF	336422	Criminal Justice Services	\$	9,916,418	\$	9,916,418	125657
GRF	336423	Addiction Services Partnership with Corrections	\$	27,422,269	\$	34,362,315	125658
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	125659
GRF	336425	Specialized Docket Support	\$	5,000,000	\$	5,000,000	125660
GRF	336504	Community Innovations	\$	9,250,000	\$	9,250,000	125661
GRF	336506	Court Costs	\$	1,284,210	\$	1,284,210	125662
GRF	336510	Residential State Supplement	\$	15,002,875	\$	15,002,875	125663
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	125664
GRF	652321	Medicaid Support	\$	1,736,600	\$	1,736,600	125665
TOTAL GRF		General Revenue Fund	\$	387,435,756	\$	393,410,102	125666
		Dedicated Purpose Fund Group					125667
2320	336621	Family and Children First Administration	\$	400,000	\$	400,000	125668
4750	336623	Statewide Treatment and Prevention	\$	15,550,000	\$	15,550,000	125669
4850	336632	Mental Health Operating	\$	2,611,733	\$	2,611,733	125670
5AU0	336615	Behaviorial Health Care	\$	7,850,000	\$	7,850,000	125671
5JL0	336629	Problem Gambling and Casino Addictions	\$	6,250,000	\$	6,250,000	125672
5T90	336641	Problem Gambling Services	\$	435,000	\$	435,000	125673
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	125674

6890	336640	Education and Conferences	\$	150,000	\$	150,000	125675
TOTAL DPF Dedicated Purpose Fund							
Group							
							125676
Internal Service Activity Fund Group							
							125677
1490	336609	Hospital Operating Expenses	\$	24,790,000	\$	24,790,000	125678
1490	336610	Operating Expenses	\$	6,743,190	\$	6,743,190	125679
1500	336620	Special Education	\$	150,000	\$	150,000	125680
1510	336601	Ohio Pharmacy Services	\$	75,000,000	\$	75,000,000	125681
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	125682
TOTAL ISA Internal Service Activity							
Fund Group							
							125683
Federal Fund Group							
							125684
3240	336605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000	125685
3A60	336608	Federal Miscellaneous	\$	2,510,000	\$	2,510,000	125686
3A70	336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	125687
3A80	336613	Federal Grants	\$	11,417,000	\$	11,417,000	125688
3A90	336614	Mental Health Block Grant	\$	16,058,470	\$	16,058,470	125689
3B10	652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	5,000,000	125690
3B10	652636	Community Medicaid Legacy Support	\$	7,000,000	\$	7,000,000	125691
3FR0	336638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	125692
3G40	336618	Substance Abuse Block Grant	\$	65,865,756	\$	65,865,756	125693

3H80	336606	Demonstration Grants	\$	20,050,000	\$	20,050,000	125694
3N80	336639	Administrative	\$	1,300,000	\$	1,300,000	125695
		Reimbursement					
TOTAL FED	Federal Fund Group		\$	167,015,226	\$	167,015,226	125696
TOTAL ALL BUDGET FUND GROUPS			\$	694,980,905	\$	700,955,251	125697

**Section 331.21.** TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 125699  
DEPARTMENTS 125700

All of the authority, functions, and assets and liabilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services are transferred to the Department of Mental Health and Addiction Services. The Department of Mental Health and Addiction Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the Department of Alcohol and Drug Addiction Services and the Department of Mental Health. The Director of Mental Health and Addiction Services assumes all of the duties, authorities, and responsibilities of the Director of Alcohol and Drug Addiction Services and the Director of Mental Health. Any action, license, or certification that was undertaken or issued by the Director of Alcohol and Drug Addiction Services or the Director of Mental Health that is current and valid on the effective date of the consolidation is deemed to be an action, license, or certification undertaken or issued by the Department of Mental Health and Addiction Services under the statute creating that Department.

Any business commenced but not completed by July 1, 2013, by the Department of Mental Health or the Department of Alcohol and Drug Addiction Services shall be completed by the Department of Mental Health and Addiction Services. The business shall be completed in the same manner, and with the same effect, as if completed by the Department of Mental Health or by the Department of Alcohol and Drug Addiction Services prior to July 1, 2013.

No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of this act's transfer of responsibility from the Department of Mental Health and the Department of Alcohol and Drug Addiction Services to the Department of Mental Health and Addiction Services. Each such validation, cure, right, remedy, obligation, or liability shall be administered by the Department of Mental Health and Addiction Services pursuant to the statute creating that department.

All rules, orders, and determinations made or undertaken pursuant to the authority and responsibilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services prior to July 1, 2013, shall continue in effect as rules, orders, and determinations of the Department of Mental Health and Addiction Services until modified or rescinded by the Department of Mental Health and Addiction Services. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules to reflect the transfer of authority and responsibility to the Department of Mental Health and Addiction Services.

Any action or proceeding that is related to the functions or duties of the Department of Mental Health or the Department of Alcohol and Drug Addiction Services pending on July 1, 2013, is not affected by the transfer of responsibility to the Department of Mental Health and Addiction Services and shall be prosecuted or defended in the name of the Department of Mental Health and Addiction Services. In all such actions and proceedings, the Department of Mental Health and Addiction Services, on application to the court, shall be substituted as a party.

**Section 331.40. PREVENTION AND WELLNESS**

Of the foregoing appropriation item 336406, Prevention and Wellness:

(A) Up to \$1,500,000 in each fiscal year shall be used to expand evidence-based prevention resources statewide. 125757  
125758

(B) Up to \$1,000,000 in each fiscal year shall be used to support and expand suicide prevention efforts. 125759  
125760

(C) \$120,000 in each fiscal year shall be allocated to Northeast Ohio Medical University's statewide campus safety and mental health programs, including suicide prevention. 125761  
125762  
125763

**Section 331.50. HOSPITAL SERVICES** 125764

The foregoing appropriation item 336412, Hospital Services, shall be used for the operation of the State Regional Psychiatric Hospitals, including, but not limited to, all aspects involving civil and forensic commitment, treatment, and discharge as determined by the Director of Mental Health and Addiction Services. A portion of this appropriation may be used by the Department of Mental Health and Addiction Services to create, purchase, or contract for the custody, supervision, control, and treatment of persons committed to the Department of Mental Health and Addiction Services in other clinically appropriate environments, consistent with public safety. 125765  
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**Section 331.60. MENTAL HEALTH FACILITIES LEASE-RENTAL BOND PAYMENTS** 125776  
125777

The foregoing appropriation item 336415, Mental Health Facilities Lease-Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Mental Health and Addiction Services under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code. 125778  
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<b>Section 331.70. CONTINUUM OF CARE SERVICES</b>	125786
The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:	125787 125788
(A) A portion of this appropriation shall be allocated to community alcohol, drug addiction, and mental health services boards in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:	125789 125790 125791 125792 125793 125794 125795
(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and	125796 125797 125798
(2) To provide subsidized support for medication-assisted treatment costs.	125799 125800
(B) A portion of this appropriation may be distributed to community alcohol, drug addiction, and mental health services boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.	125801 125802 125803 125804 125805 125806
(C)(1) \$400,000 in fiscal year 2016 and \$350,000 in fiscal year 2017 shall be allocated to the Geauga County Board of Mental Health and Recovery Services. The Board shall distribute \$316,250 in fiscal year 2016 and \$284,750 in fiscal year 2017 to the Chardon School District to be used for program-related activities.	125807 125808 125809 125810 125811
(2) The Department of Mental Health and Addiction Services shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code regarding the performance of the program by September 30, 2017.	125812 125813 125814 125815

<b>Section 331.80. CRIMINAL JUSTICE SERVICES</b>	125816
The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through community alcohol, drug addiction, and mental health services boards to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.	125817 125818 125819 125820 125821 125822 125823 125824 125825 125826 125827
Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$1,000,000 in each fiscal year shall be used to support specialty dockets and expand and/or create new certified court programs.	125828 125829 125830 125831
Appropriation item 336422, Criminal Justice Services, may also be used to:	125832 125833
(A) Provide forensic monitoring and tracking of individuals on conditional release;	125834 125835
(B) Provide forensic training;	125836
(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;	125837 125838 125839
(D) Provide specialized re-entry services to offenders leaving prisons and jails;	125840 125841
(E) Provide specific grants in support of addiction services alternatives to incarceration; and	125842 125843
(F) Support therapeutic communities.	125844

<b>Section 331.90.</b> ADDICTION TREATMENT PROGRAM FOR SPECIALIZED	125845
DOCKET PROGRAMS	125846
(A) As used in this section:	125847
(1) "Certified drug court" means a session of any of the	125848
following that holds initial or final certification from the	125849
Supreme Court of Ohio as a specialized docket program for drugs: a	125850
common pleas court, municipal court, or county court, or a	125851
division of any of those courts.	125852
(2) "Prescriber" has the same meaning as in section 4729.01	125853
of the Revised Code.	125854
(B)(1) The Department of Mental Health and Addiction Services	125855
shall conduct a pilot program to provide addiction treatment,	125856
including medication-assisted treatment, to persons who are	125857
offenders within the Criminal Justice System, eligible to	125858
participate in a certified drug court program, and are selected	125859
under this section to be participants in the pilot program because	125860
of their dependence on opioids, alcohol, or both.	125861
(2) The Department shall conduct the program in those courts	125862
of Allen, Cuyahoga, Franklin, Hamilton, Hardin, Hocking, Mercer,	125863
Montgomery, Summit, and Crawford or Marion counties that are	125864
conducting certified drug court programs. If in any of these	125865
counties there is no court conducting a certified drug court	125866
program, the Department shall conduct the pilot program in a court	125867
that is conducting a certified drug court program in another	125868
county.	125869
(3) In addition to conducting the program in accordance with	125870
division (B)(2) of this section, the Department may conduct the	125871
program in any court that is conducting a certified drug court	125872
program.	125873
(C) In conducting the program, the Department shall	125874

collaborate with the Supreme Court, the Department of 125875  
Rehabilitation and Correction, and any agency of the state that 125876  
the Department determines may be of assistance in accomplishing 125877  
the objectives of the program. The Department may collaborate with 125878  
the boards of alcohol, drug addiction, and mental health services 125879  
and with local law enforcement agencies that serve the counties in 125880  
which a court participating in the program is located. 125881

(D)(1) A certified drug court program shall select persons 125882  
who are criminal offenders to be participants in the pilot 125883  
program. A person shall not be selected to be a participant unless 125884  
the person meets the legal and clinical eligibility criteria for 125885  
the certified drug court program and is an active participant in 125886  
the program. 125887

(2) The total number of persons participating in a pilot 125888  
program at any time shall not exceed one thousand, except that the 125889  
Department of Mental Health and Addiction Services may authorize 125890  
the maximum number to be exceeded in circumstances that the 125891  
Department considers to be appropriate. 125892

(3) After being enrolled in a certified drug court program, a 125893  
participant shall comply with all requirements of the certified 125894  
drug court program. 125895

(E) The treatment provided in a certified drug court program 125896  
shall be provided by a community addiction services provider that 125897  
is certified under section 5119.36 of the Revised Code. In serving 125898  
as a treatment provider, a treatment provider shall do all of the 125899  
following: 125900

(1) Provide treatment based on an integrated service delivery 125901  
model that consists of the coordination of care between a 125902  
prescriber and the addiction services provider; 125903

(2) Conduct professional, comprehensive substance abuse and 125904  
mental health diagnostic assessments of a person under 125905

consideration for selection as a program participant to determine	125906
whether the person would benefit from substance abuse treatment	125907
and monitoring;	125908
(3) Determine, based on the assessment described in division	125909
(E)(2) of this section, the treatment needs of the participants	125910
served by the treatment provider;	125911
(4) Develop, for participants served by the treatment	125912
provider, individualized goals and objectives;	125913
(5) Provide access to the long-acting antagonist therapies,	125914
partial agonist therapies, or both, that are included in the	125915
program's medication-assisted treatment;	125916
(6) Provide other types of therapies, including psychosocial	125917
therapies, for both substance abuse and any disorders that are	125918
considered by the treatment provider to be co-occurring disorders;	125919
(7) Monitor program compliance through the use of regular	125920
drug testing, including urinalysis, of the participants being	125921
served by the treatment provider.	125922
(F) In the case of medication-assisted treatment provided	125923
under the program, all of the following conditions apply:	125924
(1) A drug may be used only if the drug has been approved by	125925
the United States Food and Drug Administration for use in treating	125926
dependence on opioids, alcohol, or both, or for preventing relapse	125927
into the use of opioids, alcohol, or both.	125928
(2) One or more drugs may be used, but each drug that is used	125929
must constitute long-acting antagonist therapy or partial agonist	125930
therapy.	125931
(3) If a drug constituting partial agonist therapy is used,	125932
the program shall provide safeguards to minimize abuse and	125933
diversion of the drug, including such safeguards as routine drug	125934
testing of program participants.	125935

(G) A report of the findings obtained from the pilot program 125936  
shall be prepared by a research institution and include data 125937  
derived from the drug testing and performance measures used in the 125938  
program. The research institution shall complete its report not 125939  
later than December 31, 2015. Upon completion, the institution 125940  
shall submit the report to the Governor, Chief Justice of the 125941  
Supreme Court, President of the Senate, Speaker of the House of 125942  
Representatives, Department of Mental Health and Addiction 125943  
Services, Department of Rehabilitation and Correction, and any 125944  
other state agency that the Department of Mental Health and 125945  
Addiction Services collaborates with in conducting the program. 125946

(H) It is anticipated and expected that drug courts will 125947  
expand their ability to serve more drug court participants as a 125948  
result of increased access to commercial or publicly funded health 125949  
insurance. In order to ensure that funds appropriated to support 125950  
this addiction treatment program are used in the most efficient 125951  
manner with a goal of enrolling the maximum number of 125952  
participants, the Medicaid Director with major Ohio healthcare 125953  
plans shall develop plans consistent with this division. There 125954  
shall be no prior authorizations or step therapy for 125955  
medication-assisted treatment for participants in the addiction 125956  
treatment program. The plans developed under this division shall 125957  
ensure all of the following: 125958

(1) The development of an efficient and timely process for 125959  
review of eligibility for health benefits for all offenders 125960  
selected to participate in the addiction treatment program; 125961

(2) A rapid conversion to reimbursement for all healthcare 125962  
services by the participant's health insurance company following 125963  
approval for coverage of healthcare benefits; 125964

(3) The development of a consistent benefit package that 125965  
provides ready access to and reimbursement for essential 125966  
healthcare services including, but not limited to, primary 125967

healthcare, alcohol and opiate detoxification services, 125968  
appropriate psychosocial services, and medication for long-acting 125969  
injectable antagonist therapies and partial agonist therapies; 125970

(4) The development of guidelines that require the provision 125971  
of all treatment services, including medication, with minimal 125972  
administrative barriers and within a timeframe that meets the 125973  
requirements of individual patient care plans. 125974

(I) Within 90 days after the effective date of this section, 125975  
the Department shall select a nationally recognized research 125976  
institution with experience in evaluating multiple court systems 125977  
across jurisdictions in both rural and urban regions. The research 125978  
institution shall have demonstrated experience evaluating the use 125979  
of agonist and antagonist medication assisted treatment in drug 125980  
courts, a track record of scientific publications, experience in 125981  
health economics, and ethical and patient selection and consent 125982  
issues. The institution shall also have an internal institutional 125983  
review board. The institution shall prepare the report described 125984  
in division (J) of this section. 125985

(J) A report of the findings obtained from the addiction 125986  
treatment pilot program established by Section 327.120 of Am. Sub. 125987  
H.B. 59 of the 130th General Assembly shall be prepared by a 125988  
research institution and include data derived from the drug 125989  
testing and performance measures used in the program. The research 125990  
institution shall complete its report not later than December 31, 125991  
2016. Upon completion, the institution shall submit the report to 125992  
the Governor, Chief Justice of the Supreme Court, President of the 125993  
Senate, Speaker of the House of Representatives, Department of 125994  
Mental Health and Addiction Services, Department of Rehabilitation 125995  
and Correction, and any other state agency that the Department of 125996  
Mental Health and Addiction Services collaborates with in 125997  
conducting the program. 125998

(K) Of the foregoing appropriation item 336422, Criminal 125999

Justice Services, up to \$4.0 million in each fiscal year shall be 126000  
used to support the Addiction Treatment Program for Specialized 126001  
Docket Programs. 126002

**Section 331.100.** ADDICTION SERVICES PARTNERSHIP WITH 126003  
CORRECTIONS 126004

On the effective date of this section, the Bureau of Recovery 126005  
Services within the Department of Rehabilitation and Correction is 126006  
abolished and all of its functions, assets, and liabilities, 126007  
regardless of form or medium, agreements and contracts of the 126008  
program are transferred to the Department of Mental Health and 126009  
Addiction Services. The Department of Mental Health and Addiction 126010  
Services is thereupon and thereafter successor to, assumes the 126011  
obligations of, and otherwise constitutes the continuation of the 126012  
Bureau of Recovery Services. 126013

Any business commenced but not completed by the effective 126014  
date of this section by the Department of Rehabilitation and 126015  
Correction regarding recovery services shall be completed by the 126016  
Department of Mental Health and Addiction Services. No validation, 126017  
cure, right, privilege, remedy, obligation, or liability is lost 126018  
or impaired by reason of the transfer required by this section and 126019  
shall be administered by the Department of Mental Health and 126020  
Addiction Services. Any rules, orders, and determinations 126021  
pertaining to the Bureau of Recovery Services continue in effect 126022  
as rules, orders, and determinations of the Department of Mental 126023  
Health and Addiction Services until modified or rescinded by the 126024  
Department of Mental Health and Addiction Services. If necessary 126025  
to ensure the integrity of the numbering of the Administrative 126026  
Code, the Director of the Legislative Service Commission shall 126027  
renumber the numbers to reflect their transfer to the Department 126028  
of Mental Health and Addiction Services. 126029

Subject to the lay-off provisions of sections 124.321 to 126030



124.382 of the Revised Code, all employees of the Bureau of 126031  
Recovery Services are hereby transferred to the Department of 126032  
Mental Health and Addiction Services and retain their positions 126033  
and all of their benefits. 126034

Wherever the Bureau of Recovery Services is referred to in 126035  
any law, contract, or other document, the reference shall be 126036  
deemed to refer to the Department of Mental Health and Addiction 126037  
Services or its director, as appropriate. 126038

No action or proceeding pending on the effective date of this 126039  
act, is affected by the transfer, and shall be prosecuted or 126040  
defended in the name of the Department of Mental Health and 126041  
Addiction Services or its director. In all such actions and 126042  
proceedings, the Department of Mental Health and Addiction 126043  
Services or its director shall be substituted as a party. 126044

On July 1, 2015, or as soon as possible thereafter, the 126045  
Director of Budget and Management shall cancel any existing 126046  
encumbrances against appropriation item 505321, Institutional 126047  
Medical Services, used by the Department of Rehabilitation and 126048  
Correction, that pertain to the Bureau of Recovery Services in the 126049  
Department of Rehabilitation and Correction. The canceled 126050  
encumbrances shall be reestablished against appropriation item 126051  
336423, Addiction Services Partnership with Corrections, used by 126052  
the Department of Mental Health and Addiction Services. The 126053  
reestablished encumbrance amounts are hereby appropriated. Any 126054  
business commenced but not completed under appropriation item 126055  
505321, Institutional Medical Services, pertaining to the Bureau 126056  
of Recovery Services, shall be completed under appropriation item 126057  
336423, Addiction Services Partnership with Corrections, in the 126058  
same manner, and with the same effect, as if completed with regard 126059  
to appropriation item 505321, Institutional Medical Services. 126060

**Section 331.110. RECOVERY HOUSING**

126061

The foregoing appropriation item 336424, Recovery Housing, 126062  
shall be used to expand and support access to recovery housing. 126063  
"Recovery housing" means housing for individuals recovering from 126064  
alcoholism or drug addiction that provides an alcohol and 126065  
drug-free living environment, peer support, assistance with 126066  
obtaining alcohol and drug addiction services, and other alcohol 126067  
and drug addiction recovery assistance where the length of stay is 126068  
not limited to a specific duration. Recovery housing does not 126069  
include residential facilities subject to licensure pursuant to 126070  
section 5119.34 of the Revised Code. Medication-assisted treatment 126071  
may be allowed in recovery housing. Support for projects in 126072  
counties of the state that are underserved or do not currently 126073  
have recovery housing stock shall be given priority. For 126074  
expenditures that are capital in nature, the Department of Mental 126075  
Health and Addiction Services shall develop procedures to 126076  
administer these funds in a manner that is consistent with current 126077  
community capital assistance guidelines. 126078

**Section 331.113. SPECIALIZED DOCKET SUPPORT** 126079

(A) The foregoing appropriation item 336425, Specialized 126080  
Docket Support, shall be used to defray a portion of the annual 126081  
payroll costs associated with the employment of one full-time, or 126082  
full-time equivalent, specialized docket staff member by a 126083  
specialized docket of a common pleas court, municipal court, 126084  
county court, juvenile court, or family court that meets all of 126085  
the eligibility requirements in division (B) of this section, 126086  
including a family dependency treatment docket. A specialized 126087  
docket staff member employed under this section shall be 126088  
considered an employee of the court. 126089

(B) To be eligible, the specialized docket must have received 126090  
Supreme Court of Ohio final certification and include participants 126091  
with a drug addiction or dependency in its target population. In 126092

addition, the specialized docket staff member must have received 126093  
training for or education in alcohol and other drug addiction, 126094  
abuse, and recovery and have demonstrated, prior to or within 126095  
ninety days of hire, competencies in fundamental alcohol and other 126096  
drug addiction, abuse, and recovery. Fundamental competencies 126097  
shall include, at a minimum, an understanding of alcohol and other 126098  
drug treatment and recovery, how to engage a person in treatment 126099  
and recovery, and an understanding of other health care systems, 126100  
social service systems, and the criminal justice system. 126101

(C) For the purposes of this section, payroll costs include 126102  
annual compensation and fringe benefits. 126103

(D) The Department, solely for the purpose of determining the 126104  
amount of the state share available to a court under division (F) 126105  
of this section for the employment of one full-time or full-time 126106  
equivalent specialized docket staff member, shall use the lesser 126107  
of: 126108

(1) The actual annual compensation and fringe benefits paid 126109  
to that staff member proportionally reflecting the staff member's 126110  
time allocated for specialized docket duties and responsibilities; 126111  
or 126112

(2) \$78,000. 126113

(E) In accordance with any applicable rules, guidelines, or 126114  
procedures adopted by the Department pursuant to this section, the 126115  
county auditor shall certify, for any court located within the 126116  
county that is applying for or receiving funding under this 126117  
section, to the Department the information necessary to determine 126118  
that court's eligibility for, and the amount of, funding under 126119  
this section. 126120

(F) For a specialized docket staff member employed by a 126121  
court, the amount of state funding available under this section 126122  
shall be sixty-five per cent of the payroll costs specified in 126123

division (D) of this section. The state funding shall not exceed 126124  
\$50,700. 126125

(G) The Department shall disburse this state funding in 126126  
semi-annual installments to the appropriate county or municipality 126127  
in which the court is located. 126128

(H) Of the foregoing appropriation item 336425, Specialized 126129  
Docket Support, the Department shall use up to one per cent of the 126130  
funds appropriated in each fiscal year to pay the cost it incurs 126131  
in administering the duties established in this section. 126132

(I) The Department, in consultation with the Supreme Court of 126133  
Ohio, may adopt rules, guidelines, and procedures as necessary to 126134  
carry out the purposes of this section. 126135

**Section 331.120. COMMUNITY INNOVATIONS** 126136

The foregoing appropriation item 336504, Community 126137  
Innovations, may be used by the Department of Mental Health and 126138  
Addiction Services to make targeted investments in programs, 126139  
projects, or systems operated by or under the authority of other 126140  
state agencies, governmental entities, or private not-for-profit 126141  
agencies that impact, or are impacted by, the operations and 126142  
functions of the Department, with the goal of achieving a net 126143  
reduction in expenditure of state general revenue funds and/or 126144  
improved outcomes for Ohio citizens without a net increase in 126145  
state general revenue fund spending. 126146

The Director shall identify and evaluate programs, projects, 126147  
or systems proposed or operated, in whole or in part, outside of 126148  
the authority of the Department, where targeted investment of 126149  
these funds in the program, project, or system is expected to 126150  
decrease demand for the Department or other resources funded with 126151  
state general revenue funds, and/or to measurably improve outcomes 126152  
for Ohio citizens with mental illness or with alcohol, drug, or 126153

gambling addictions. The Director shall have discretion to 126154  
transfer money from the appropriation item to other state 126155  
agencies, governmental entities, or private not-for-profit 126156  
agencies in amounts, and subject to conditions, that the Director 126157  
determines most likely to achieve state savings and/or improved 126158  
outcomes. Distribution of moneys from this appropriation item 126159  
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 126160  
the Revised Code. 126161

The Department shall enter into an agreement with each 126162  
recipient of community innovation funds, identifying: allowable 126163  
expenditure of the funds; other commitment of funds or other 126164  
resources to the program, project, or system; expected state 126165  
savings and/or improved outcomes and proposed mechanisms for 126166  
measurement of such savings or outcomes; and required reporting 126167  
regarding expenditure of funds and savings or outcomes achieved. 126168

Of the foregoing appropriation item 336504, Community 126169  
Innovations, up to \$3,000,000 in each fiscal year shall be used to 126170  
provide funding for community projects across the state that focus 126171  
on support for families, assisting families in avoiding crisis, 126172  
and crisis intervention. 126173

Of the foregoing appropriation item 336504, Community 126174  
Innovations, up to \$500,000 in each fiscal year shall be used to 126175  
enhance access to Naloxone across the state for county health 126176  
departments to then disperse through a grant program to local law 126177  
enforcement, emergency personnel, and first responders. 126178

Of the foregoing appropriation item 336504, Community 126179  
Innovations, up to \$3,000,000 in each fiscal year shall be used to 126180  
improve collaboration between local jails, state hospitals, and 126181  
community addiction and mental health services providers in order 126182  
to reduce transfers, improve safety and judicial oversight as well 126183  
as address capacity issues in both jails and state hospitals. 126184

Of the foregoing appropriation item 336504, Community Innovations, up to \$100,000 in each fiscal year shall be used to continue the Department of Mental Health and Addiction Services cross-agency efforts to share evidence-based practices that encourage the use of trauma-informed care.

Of the foregoing appropriation item 336504, Community Innovations, up to \$1,000,000 in each fiscal year shall be used to implement strategies to increase job opportunities, reduce the number of positive drug screens, and improve workforce readiness for individuals in recovery.

**Section 331.130. RESIDENTIAL STATE SUPPLEMENT**

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make benefit payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and benefit payment amounts under section 5119.41 of the Revised Code.

**Section 331.140. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION**

The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health

credentialed counselors and consultation services, as well as 126215  
administration and workforce development for the program. 126216

**Section 331.143. MEDICAID SUPPORT** 126217

The Department of Mental Health and Addiction Services shall 126218  
administer specified Medicaid services as delegated by the State's 126219  
single agency responsible for the Medicaid program. Effective July 126220  
1, 2015, the Department shall use appropriation item 652321, 126221  
Medicaid Support, to fund the Medicaid-related services and 126222  
supports performed by the Department. 126223

**Section 331.150. PROBLEM GAMBLING AND CASINO ADDICTIONS** 126224

A portion of appropriation item 336629, Problem Gambling and 126225  
Casino Addictions, shall be allocated to boards of alcohol, drug 126226  
addiction, and mental health services in accordance with a 126227  
distribution methodology determined by the Director of Mental 126228  
Health and Addiction Services. 126229

**Section 331.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 126230  
POOL** 126231

A county family and children first council may establish and 126232  
operate a flexible funding pool in order to assure access to 126233  
needed services by families, children, and older adults in need of 126234  
protective services. The operation of the flexible funding pools 126235  
shall be subject to the following restrictions: 126236

(A) The county council shall establish and operate the 126237  
flexible funding pool in accordance with formal guidance issued by 126238  
the Family and Children First Cabinet Council; 126239

(B) The county council shall produce an annual report on its 126240  
use of the pooled funds. The annual report shall conform to a 126241  
format prescribed in the formal guidance issued by the Family and 126242  
Children First Cabinet Council; 126243

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

**Section 331.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT**

The designation of administering agency for federal aid shall be held jointly by the Department of Mental Health and Addiction Services and the Department of Medicaid for determining maintenance of effort pursuant to 42 U.S.C. 300x-30. The Department of Mental Health and Addiction Services remains the designated agency for all other purposes established by 42 U.S.C. 300x et seq. and section 5119.32 of the Revised Code.

**Section 331.180. ACCESS SUCCESS II PROGRAM**

To the extent cash is available, the Director of Budget and Management may transfer cash from the Money Follows the Person Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established,



controlled, or supervised by the Department under Chapter 5119. of 126274  
the Revised Code to transition from inpatient status to a 126275  
community setting. 126276

**Section 332.10. MFC OHIO MILITARY FACILITIES COMMISSION** 126277

Dedicated Purpose Fund Group 126278

5RV0 232601 Ohio Military \$ 2,500,000 \$ 2,500,000 126279

Facilities Support

TOTAL DPF Dedicated Purpose Fund \$ 2,500,000 \$ 2,500,000 126280

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,500,000 \$ 2,500,000 126281

**OHIO MILITARY FACILITIES SUPPORT** 126282

The Director of Budget and Management shall transfer 126283

\$2,500,000 in cash in each fiscal year from the Economic 126284

Development Programs Fund (Fund 5JC0) used by the Department of 126285

Higher Education to the Ohio Military Facilities Fund (Fund 5RV0), 126286

which is hereby created, to be used by the Ohio Military 126287

Facilities Commission. The transferred funds shall be used for the 126288

foregoing appropriation item 232601, Ohio Military Facilities 126289

Support, for the purposes described in sections 193.15 to 193.17 126290

of the Revised Code. 126291

**Section 333.10. MIH COMMISSION ON MINORITY HEALTH** 126292

General Revenue Fund 126293

GRF 149321 Operating Expenses \$ 591,615 \$ 591,615 126294

GRF 149501 Minority Health \$ 878,975 \$ 878,975 126295

Grants

GRF 149502 Lupus Program \$ 96,000 \$ 96,000 126296

GRF 149503 Infant Mortality \$ 1,000,000 \$ 1,000,000 126297

Health Grants

TOTAL GRF General Revenue Fund \$ 2,566,590 \$ 2,566,590 126298

Dedicated Purpose Fund Group 126299

4C20 149601	Minority Health	\$	50,000	\$	50,000	126300
	Conference					
TOTAL DPF	Dedicated Purpose Fund	\$	50,000	\$	50,000	126301
Group						
Federal Fund Group						126302
3J90 149602	Federal Grant Program	\$	126,833	\$	90,929	126303
	Support					
TOTAL FED	Federal Fund Group	\$	126,833	\$	90,929	126304
TOTAL ALL BUDGET FUND GROUPS		\$	2,743,423	\$	2,707,519	126305

**Section 333.20.** INFANT MORTALITY HEALTH GRANTS 126307

The foregoing appropriation item, 149503, Infant Mortality 126308  
 Health Grants, shall be distributed to six community-based 126309  
 agencies to help support the continuation or establishment of a 126310  
 pathways community HUB model that has the primary purpose of 126311  
 reducing infant mortality in the urban and rural communities of 126312  
 this state with the highest rates of infant mortality. 126313

**Section 334.10.** CRB MOTOR VEHICLE REPAIR BOARD 126314

Dedicated Purpose Fund Group						126315
4K90 865601	Operating Expenses	\$	484,292	\$	484,292	126316
TOTAL DPF	Dedicated Purpose Fund	\$	484,292	\$	484,292	126317
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	484,292	\$	484,292	126318

**Section 337.10.** DNR DEPARTMENT OF NATURAL RESOURCES 126320

General Revenue Fund						126321
GRF 725401	Division of	\$	1,800,000	\$	1,800,000	126322
	Wildlife-Operating					
	Subsidy					
GRF 725413	Parks and Recreational	\$	23,239,600	\$	24,655,600	126323
	Facilities Lease					

		Rental Bond Payments				
GRF	725456	Canal Lands	\$	135,000	\$	135,000 126324
GRF	725502	Soil and Water	\$	3,250,000	\$	0 126325
		Districts				
GRF	725505	Healthy Lake Erie	\$	1,000,000	\$	1,000,000 126326
		Program				
GRF	725507	Coal and Mine Safety	\$	2,600,000	\$	2,700,000 126327
		Program				
GRF	725510	Indian Lake Watershed	\$	125,000	\$	0 126328
		Project				
GRF	725512	Portage County	\$	150,000	\$	150,000 126329
		Stormwater				
GRF	725903	Natural Resources	\$	27,079,900	\$	26,074,400 126330
		General Obligation				
		Bond Debt Service				
GRF	727321	Division of Forestry	\$	4,467,001	\$	4,542,001 126331
GRF	729321	Office of Information	\$	177,405	\$	177,405 126332
		Technology				
GRF	730321	Division of Parks and	\$	30,000,000	\$	30,000,000 126333
		Recreation				
GRF	736321	Division of	\$	2,324,736	\$	2,324,736 126334
		Engineering				
GRF	737321	Division of Soil and	\$	2,899,952	\$	1,013,652 126335
		Water Resources				
GRF	738321	Division of Real	\$	670,342	\$	670,342 126336
		Estate and Land				
		Management				
GRF	741321	Division of Natural	\$	1,200,000	\$	1,200,000 126337
		Areas and Preserves				
TOTAL GRF		General Revenue Fund	\$	101,118,936	\$	96,443,136 126338
		Dedicated Purpose Fund Group				126339
2270	725406	Parks Projects	\$	685,098	\$	696,995 126340
		Personnel				

4300	725671	Canal Lands	\$	883,879	\$	883,879	126341
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	126342
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	126343
4S90	725622	NatureWorks Personnel	\$	818,618	\$	833,076	126344
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	126345
5090	725602	State Forest	\$	6,879,410	\$	6,880,148	126346
5110	725646	Ohio Geological Mapping	\$	1,400,000	\$	1,800,000	126347
5120	725605	State Parks Operations	\$	31,471,044	\$	31,471,044	126348
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	126349
5160	725620	Water Management	\$	2,559,291	\$	2,559,291	126350
5180	725643	Oil and Gas Regulation and Safety	\$	19,193,271	\$	19,444,876	126351
5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	126352
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	126353
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	126354
5260	725610	Strip Mining Administration Fee	\$	2,977,956	\$	2,977,955	126355
5270	725637	Surface Mining Administration	\$	1,681,153	\$	1,681,154	126356
5290	725639	Unreclaimed Lands	\$	1,804,180	\$	1,804,180	126357
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	126358
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	126359
5BV0	725658	Heidelberg Water Quality Lab	\$	125,000	\$	0	126360
5BV0	725683	Soil and Water Districts	\$	4,000,000	\$	0	126361
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	126362

5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	126363
5EN0	725614	Watercraft Law Enforcement	\$	7,500	\$	7,500	126364
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	126365
5MF0	725635	Ohio Geology License Plate	\$	2,520	\$	2,520	126366
5MW0	725604	Natural Resources Special Purposes	\$	6,000,000	\$	6,000,000	126367
5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	126368
6150	725661	Dam Safety	\$	943,517	\$	943,517	126369
6970	725670	Submerged Lands	\$	869,145	\$	869,145	126370
7015	740401	Division of Wildlife Conservation	\$	56,325,976	\$	59,997,307	126371
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	126372
7086	725418	Buoy Placement	\$	60,000	\$	60,000	126373
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	126374
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	126375
7086	725513	Watercraft Educational Grants	\$	400,000	\$	400,000	126376
7086	739401	Division of Watercraft	\$	21,271,870	\$	21,071,870	126377
8150	725636	Cooperative Management Projects	\$	649,000	\$	456,000	126378
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	126379
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	126380
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	126381
8190	725685	Ohio River Management	\$	203,584	\$	203,584	126382
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	126383
TOTAL	DPF	Dedicated Purpose Fund Group	\$	182,422,034	\$	182,254,063	126384

Internal Service Activity Fund Group				126385
1550	725601	Departmental Projects	\$ 2,399,403 \$	1,760,753 126386
1570	725651	Central Support	\$ 5,176,611 \$	5,351,233 126387
Indirect				
2040	725687	Information Services	\$ 5,633,426 \$	5,633,426 126388
2050	725696	Human Resource Direct	\$ 2,634,135 \$	2,696,052 126389
Service				
2070	725690	Real Estate Services	\$ 34,291 \$	34,834 126390
2230	725665	Law Enforcement	\$ 2,553,054 \$	2,609,277 126391
Administration				
4X80	725662	Water Resources	\$ 138,005 \$	138,005 126392
Council				
5100	725631	Maintenance -	\$ 249,611 \$	249,611 126393
State-owned				
Residences				
6350	725664	Fountain Square	\$ 3,457,486 \$	3,469,467 126394
Facilities Management				
TOTAL ISA Internal Service Activity				126395
Fund Group				\$ 22,276,022 \$ 21,942,658 126396
Capital Projects Fund Group				126397
7061	725405	Clean Ohio Trail	\$ 300,775 \$	300,775 126398
Operating				
TOTAL CPF Capital Projects Fund				\$ 300,775 \$ 300,775 126399
Group				
Fiduciary Fund Group				126400
4M80	725675	FOP Contract	\$ 20,219 \$	20,219 126401
TOTAL FID Fiduciary Fund Group				\$ 20,219 \$ 20,219 126402
Holding Account Fund Group				126403
R017	725659	Performance Cash Bond	\$ 528,993 \$	528,993 126404
Refunds				
R043	725624	Forestry	\$ 2,100,000 \$	2,100,000 126405
TOTAL HLD Holding Account				126406

Fund Group		\$	2,628,993	\$	2,628,993	126407
Federal Fund Group						126408
3320 725669	Federal Mine Safety Grant	\$	265,000	\$	265,000	126409
3B30 725640	Federal Forest Pass-Thru	\$	500,000	\$	500,000	126410
3B40 725641	Federal Flood Pass-Thru	\$	500,000	\$	500,000	126411
3B50 725645	Federal Abandoned Mine Lands	\$	11,851,759	\$	11,851,759	126412
3B60 725653	Federal Land and Water Conservation Grants	\$	950,000	\$	950,000	126413
3B70 725654	Reclamation - Regulatory	\$	2,977,956	\$	2,977,955	126414
3P10 725632	Geological Survey - Federal	\$	160,000	\$	160,000	126415
3P20 725642	Oil and Gas - Federal	\$	234,509	\$	234,509	126416
3P30 725650	Coastal Management - Federal	\$	1,746,000	\$	1,746,000	126417
3P40 725660	Federal - Soil and Water Resources	\$	4,165,738	\$	1,195,738	126418
3R50 725673	Acid Mine Drainage Abatement/Treatment	\$	4,342,280	\$	4,342,280	126419
3Z50 725657	Federal Recreation and Trails	\$	1,600,000	\$	1,600,000	126420
TOTAL FED	Federal Fund Group	\$	29,293,242	\$	26,323,241	126421
TOTAL ALL BUDGET	FUND GROUPS	\$	338,060,221	\$	329,913,085	126422

**Section 337.20.** CENTRAL SUPPORT INDIRECT 126424

The Department of Natural Resources, with approval of the 126425  
Director of Budget and Management, shall utilize a methodology for 126426  
determining each division's payments into the Central Support 126427

Indirect Fund (Fund 1570). The methodology used shall contain the 126428  
characteristics of administrative ease and uniform application in 126429  
compliance with federal grant requirements. It may include direct 126430  
cost charges for specific services provided. Payments to Fund 1570 126431  
shall be made using an intrastate transfer voucher. The foregoing 126432  
appropriation item 725401, Division of Wildlife-Operating Subsidy, 126433  
shall be used to pay the direct and indirect costs of the Division 126434  
of Wildlife. 126435

**Section 337.30. PARKS AND RECREATIONAL FACILITIES LEASE** 126436  
RENTAL BOND PAYMENTS 126437

The foregoing appropriation item 725413, Parks and 126438  
Recreational Facilities Lease Rental Bond Payments, shall be used 126439  
to meet all payments during the period from July 1, 2015, through 126440  
June 30, 2017, by the Department of Natural Resources pursuant to 126441  
leases and agreements made under section 154.22 of the Revised 126442  
Code. These appropriations are the source of funds pledged for 126443  
bond service charges on related obligations issued under Chapter 126444  
154. of the Revised Code. 126445

CANAL LANDS 126446

The foregoing appropriation item 725456, Canal Lands, shall 126447  
be used to provide operating expenses for the State Canal Lands 126448  
Program. 126449

SOIL AND WATER CONSERVATION DISTRICTS 126450

Of the foregoing appropriation item 725502, Soil and Water 126451  
Conservation Districts, \$350,000 in fiscal year 2016 shall be used 126452  
by the Chief of the Division of Soil and Water Resources for a 126453  
program to support soil and water conservation districts in the 126454  
Western Lake Erie Basin comply with provisions of Sub. S.B. 1 of 126455  
the 131st General Assembly. The Chief shall approve a soil and 126456  
water district's application for funding under the program if the 126457



application demonstrates that funding will be used for, but not 126458  
limited to, providing technical assistance, developing applicable 126459  
nutrient or manure management plans, hiring and training of soil 126460  
and water conservation district staff on best conservation 126461  
practices, or other activities the Chief determines is appropriate 126462  
to assist farmers in the Western Lake Erie Basin in complying with 126463  
the provisions of Sub. S.B. 1 of the 131st General Assembly. 126464

HEALTHY LAKE ERIE PROGRAM 126465

The foregoing appropriation item 725505, Healthy Lake Erie 126466  
Program, shall be used by the Director of Natural Resources, in 126467  
support of (1) conservation measures in the Western Lake Erie 126468  
Basin as determined by the Director; (2) funding assistance for 126469  
soil testing, winter cover crops, edge of field testing, tributary 126470  
monitoring, animal waste abatement; and (3) any additional efforts 126471  
to reduce nutrient runoff as the Director may decide. The Director 126472  
shall give priority to recommendations that encourage farmers to 126473  
adopt agricultural production guidelines commonly known as 4R 126474  
nutrient stewardship practices. 126475

COAL AND MINE SAFETY PROGRAM 126476

The foregoing appropriation item 725507, Coal and Mine Safety 126477  
Program, shall be used for the administration of the Mine Safety 126478  
Program and the Coal Regulation Program. 126479

INDIAN LAKE WATERSHED PROJECT 126480

The foregoing appropriation item 725510, Indian Lake 126481  
Watershed Project, shall be used to support the administrative 126482  
expenses of Indian Lake Watershed Project, Inc. 126483

PORTAGE COUNTY STORMWATER 126484

The foregoing appropriation item 725512, Portage County 126485  
Stormwater, shall be used by the Director of Natural Resources to 126486  
support the Portage County stormwater project. 126487

TRANSFER OF FUNDS FOR MINERAL RESOURCES MANAGEMENT	126488
During fiscal years 2016 and 2017, the Director of Budget and Management may, at the request of the Director of Natural Resources, following the identification of available balances by the Director of Natural Resources in the Unreclaimed Land Fund (Fund 5290), transfer up to \$500,000 per year from Fund 5290 to the Coal Mining Administration and Reclamation Reserve Fund (Fund 5260) created in section 1513.181 of the Revised Code. The cash transfer to Fund 5260 shall be used to operate the Coal Regulatory Program.	126489 126490 126491 126492 126493 126494 126495 126496 126497
During fiscal years 2016 and 2017, the Director of Budget and Management may, at the request of the Director of Natural Resources, following the identification of available balances by the Director of Natural Resources in Fund 5290, transfer up to \$800,000 per year from Fund 5290 to the Surface Mining Fund (Fund 5270) created in section 1514.06 of the Revised Code. The cash transfer to Fund 5270 shall be used to operate the industrial minerals and Ohio mine safety and training programs.	126498 126499 126500 126501 126502 126503 126504 126505
NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE	126506
The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.05 of the Revised Code.	126507 126508 126509 126510 126511
<b>Section 337.40. SOIL AND WATER DISTRICTS</b>	126512
In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, as amended and renumbered as section 940.12 of the Revised Code by this act, the Department of Natural Resources may use appropriation item 725683, Soil and Water Districts, to pay any	126513 126514 126515 126516 126517

soil and water conservation district an annual amount not to 126518  
exceed \$40,000, upon receipt of a request and justification from 126519  
the district and approval by the Ohio Soil and Water Conservation 126520  
Commission. The county auditor shall credit the payments to the 126521  
special fund established under section 1515.10 of the Revised 126522  
Code, as amended and renumbered as section 940.12 of the Revised 126523  
Code by this act, for the local soil and water conservation 126524  
district. Moneys received by each district shall be expended for 126525  
the purposes of the district. 126526

OIL AND GAS WELL PLUGGING 126527

The foregoing appropriation item 725677, Oil and Gas Well 126528  
Plugging, shall be used exclusively for the purposes of plugging 126529  
wells and to properly restore the land surface of idle and orphan 126530  
oil and gas wells pursuant to section 1509.071 of the Revised 126531  
Code. No funds from the appropriation item shall be used for 126532  
salaries, maintenance, equipment, or other administrative 126533  
purposes, except for those costs directly attributed to the 126534  
plugging of an idle or orphan well. This appropriation item shall 126535  
not be used to transfer cash to any other fund or appropriation 126536  
item. 126537

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL 126538  
MAPPING OPERATIONS 126539

During fiscal years 2016 and 2017, the Director of Budget and 126540  
Management may, in consultation with the Director of Natural 126541  
Resources, transfer such cash as necessary from the General 126542  
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the 126543  
Geological Mapping Fund (Fund 5110). The cash transfer to Fund 126544  
5180 shall be used for handling the increased regulatory work 126545  
related to the expansion of the oil and gas program that will 126546  
occur before receipts from this activity are deposited into Fund 126547  
5180. The cash transfer to Fund 5110 shall be used for handling 126548  
the increased field and laboratory research efforts related to the 126549

expansion of the oil and gas program that will occur before 126550  
receipts from this activity are deposited into Fund 5110. Once 126551  
funds from severance taxes, application and permitting fees, and 126552  
other sources have accrued to Fund 5180 and Fund 5110 in such 126553  
amounts as are considered sufficient to sustain expanded 126554  
operations, the Director of Budget and Management, in consultation 126555  
with the Director of Natural Resources, shall establish a schedule 126556  
for repaying the transferred funds from Fund 5180 and Fund 5110 to 126557  
the General Revenue Fund. 126558

**Section 337.43. DIVISION OF WILDLIFE CONSERVATION** 126559

Of the foregoing appropriation item 740401, Division of 126560  
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 126561  
Director of Natural Resources to study the effect that zebra 126562  
mussels and quagga mussels have on Lake Erie. 126563

Of the foregoing appropriation item 740401, Division of 126564  
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 126565  
Director of Natural Resources to study the effect that Canada 126566  
geese have on Lake Erie. 126567

**Section 337.60. WELL LOG FILING FEES** 126568

The Chief of the Division of Soil and Water Resources shall 126569  
deposit fees forwarded to the Division pursuant to section 1521.05 126570  
of the Revised Code into the Departmental Services - Intrastate 126571  
Fund (Fund 1550) for the purposes described in that section. 126572

**Section 337.70. HUMAN RESOURCES DIRECT SERVICE** 126573

The foregoing appropriation item 725696, Human Resources 126574  
Direct Service, shall be used to cover the cost of support, 126575  
coordination, and oversight of the Department of Natural 126576  
Resources' human resources functions. The Human Resources 126577  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 126578

it via intrastate transfer voucher from other funds as determined 126579  
by the Director of Natural Resources and the Director of Budget 126580  
and Management. 126581

**Section 337.80. LAW ENFORCEMENT ADMINISTRATION** 126582

The foregoing appropriation item 725665, Law Enforcement 126583  
Administration, shall be used to cover the cost of support, 126584  
coordination, and oversight of the Department of Natural 126585  
Resources' law enforcement functions. The Law Enforcement 126586  
Administration Fund (Fund 2230) shall consist of cash transferred 126587  
to it via intrastate transfer voucher from other funds as 126588  
determined by the Director of Natural Resources and the Director 126589  
of Budget and Management. 126590

**Section 337.90. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO** 126591  
**EXPO CENTER** 126592

The foregoing appropriation item 725664, Fountain Square 126593  
Facilities Management, shall be used for payment of repairs, 126594  
renovation, utilities, property management, and building 126595  
maintenance expenses for the Fountain Square complex and the 126596  
Department of Natural Resources grounds at the Ohio Expo Center. 126597  
Cash transferred by intrastate transfer vouchers from various 126598  
department funds and rental income received by the Department of 126599  
Natural Resources shall be deposited into the Fountain Square 126600  
Facilities Management Fund (Fund 6350). 126601

**Section 337.100. CLEAN OHIO TRAIL OPERATING EXPENSES** 126602

The foregoing appropriation item 725405, Clean Ohio Trail 126603  
Operating, shall be used by the Department of Natural Resources in 126604  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 126605  
to section 1519.05 of the Revised Code. 126606

**Section 337.110.** PARKS CAPITAL EXPENSES FUND 126607

The Director of Natural Resources shall submit to the 126608  
Director of Budget and Management the estimated design, 126609  
engineering, and planning costs of capital-related work to be done 126610  
by Department of Natural Resources staff for parks projects within 126611  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 126612  
Director of Budget and Management approves the estimated costs, 126613  
the Director may release appropriations from appropriation item 126614  
C725E6, Project Planning, Fund 7035, for those purposes. Upon 126615  
release of the appropriations, the Department of Natural Resources 126616  
shall pay for these expenses from the Parks Capital Expenses Fund 126617  
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 126618  
Fund 7035 using an intrastate transfer voucher. 126619

NATUREWORKS CAPITAL EXPENSES FUND 126620

The Department of Natural Resources shall submit to the 126621  
Director of Budget and Management the estimated design, planning, 126622  
and engineering costs of capital-related work to be done by 126623  
Department of Natural Resources staff for each capital improvement 126624  
project within the Ohio Parks and Natural Resources Fund (Fund 126625  
7031). If the Director of Budget and Management approves the 126626  
estimated costs, the Director may release appropriations from 126627  
appropriation item C725E5, Project Planning, in Fund 7031, for 126628  
those purposes. Upon release of the appropriations, the Department 126629  
of Natural Resources shall pay for these expenses from the Capital 126630  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 126631  
reimbursed by Fund 7031 by using an intrastate transfer voucher. 126632

**Section 339.10.** NUR STATE BOARD OF NURSING 126633

Dedicated Purpose Fund Group 126634  
4K90 884609 Operating Expenses \$ 7,602,328 \$ 7,622,328 126635  
5AC0 884602 Nurse Education Grant \$ 1,523,506 \$ 1,523,506 126636

	Program					
5P80	884601	Nursing Special	\$	2,000	\$	2,000 126637
		Issues				
		TOTAL DPF Dedicated Purpose				126638
		Fund Group	\$	9,127,834	\$	9,147,834 126639
		TOTAL ALL BUDGET FUND GROUPS	\$	9,127,834	\$	9,147,834 126640
		<b>Section 341.10.</b> PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,				126642
		AND ATHLETIC TRAINERS BOARD				126643
		Dedicated Purpose Fund Group				126644
4K90	890609	Operating Expenses	\$	925,897	\$	944,865 126645
		TOTAL DPF Dedicated Purpose Fund	\$	925,897	\$	944,865 126646
		Group				
		TOTAL ALL BUDGET FUND GROUPS	\$	925,897	\$	944,865 126647
		<b>Section 343.20.</b> OLA OHIOANA LIBRARY ASSOCIATION				126649
		General Revenue Fund				126650
GRF	355501	Library Subsidy	\$	155,000	\$	160,000 126651
		TOTAL GRF General Revenue Fund	\$	155,000	\$	160,000 126652
		TOTAL ALL BUDGET FUND GROUPS	\$	155,000	\$	160,000 126653
		<b>Section 345.10.</b> OOD OPPORTUNITIES FOR OHIOANS WITH				126655
		DISABILITIES AGENCY				126656
		General Revenue Fund				126657
GRF	415402	Independent Living	\$	252,000	\$	252,000 126658
GRF	415406	Assistive Technology	\$	26,618	\$	26,618 126659
GRF	415431	Brain Injury	\$	126,567	\$	126,567 126660
GRF	415506	Services for	\$	15,817,709	\$	15,817,709 126661
		Individuals with				
		Disabilities				
GRF	415508	Services for the Deaf	\$	28,000	\$	28,000 126662
		TOTAL GRF General Revenue Fund	\$	16,250,894	\$	16,250,894 126663

Dedicated Purpose Fund Group				126664
4670	415609	Business Enterprise	\$ 1,430,633 \$	1,217,633 126665
		Operating Expenses		
4680	415618	Partnership Funding	\$ 12,400,000 \$	12,400,000 126666
4L10	415619	Services for	\$ 3,099,971 \$	3,099,971 126667
		Vocational		
		Rehabilitation		
4W50	415606	Program Management	\$ 12,357,482 \$	12,357,482 126668
TOTAL DPF Dedicated Purpose				126669
Fund Group				\$ 29,288,086 \$ 29,075,086 126670
Federal Fund Group				126671
3170	415620	Disability	\$ 81,000,000 \$	81,000,000 126672
		Determination		
3790	415616	Federal - Vocational	\$ 124,415,653 \$	123,628,652 126673
		Rehabilitation		
3GH0	415602	Personal Care	\$ 2,752,396 \$	2,752,396 126674
		Assistance		
3GH0	415604	Community Centers for	\$ 772,000 \$	772,000 126675
		the Deaf		
3GH0	415613	Federal Independent	\$ 638,431 \$	638,431 126676
		Living		
3L10	415608	Social Security	\$ 5,000,000 \$	5,000,000 126677
		Vocational		
		Rehabilitation		
3L40	415615	Federal - Supported	\$ 1,000,000 \$	1,000,000 126678
		Employment		
3L40	415617	Disability Services	\$ 1,514,239 \$	1,514,239 126679
		Programs		
TOTAL FED Federal Fund Group				\$ 217,092,719 \$ 216,305,718 126680
TOTAL ALL BUDGET FUND GROUPS				\$ 262,631,699 \$ 261,631,698 126681
INDEPENDENT LIVING				126682
The foregoing appropriation item 415402, Independent Living,				126683



shall be used to support the state independent living programs and 126684  
centers under Title VII of the Independent Living Services and 126685  
Centers for Independent Living of the Rehabilitation Act 126686  
Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 126687

Of the foregoing appropriation item 415402, Independent 126688  
Living, \$67,662 in each fiscal year shall be used as state 126689  
matching funds for vocational rehabilitation innovation and 126690  
expansion activities. 126691

ASSISTIVE TECHNOLOGY 126692

The total amount of the foregoing appropriation item 415406, 126693  
Assistive Technology, shall be provided to Assistive Technology of 126694  
Ohio to provide grants and assistive technology services for 126695  
people with disabilities in the State of Ohio. 126696

BRAIN INJURY 126697

The foregoing appropriation item 415431, Brain Injury, shall 126698  
be provided to The Ohio State University College of Medicine to 126699  
support the Brain Injury Program established under section 3304.23 126700  
of the Revised Code. 126701

VOCATIONAL REHABILITATION SERVICES 126702

The foregoing appropriation item 415506, Services for 126703  
Individuals with Disabilities, shall be used as state matching 126704  
funds to provide vocational rehabilitation services to eligible 126705  
consumers. 126706

SERVICES FOR THE DEAF 126707

The foregoing appropriation item 415508, Services for the 126708  
Deaf, shall be used to provide grants to community centers for the 126709  
deaf. 126710

PROGRAM MANAGEMENT 126711

The foregoing appropriation item 415606, Program Management, 126712  
shall be used to support the administrative functions of the 126713

agency related to the provision of vocational rehabilitation, 126714  
disability determination services, and ancillary programs. 126715

SOCIAL SECURITY REIMBURSEMENT FUNDS 126716

Reimbursement funds received from the Social Security 126717  
Administration, United States Department of Health and Human 126718  
Services, for the costs of providing services and training to 126719  
return disability recipients to gainful employment shall be 126720  
expended, to the extent funds are available, as follows: 126721

(A) Appropriation item 415602, Personal Care Assistance, to 126722  
provide personal care services in accordance with section 3304.41 126723  
of the Revised Code; 126724

(B) Appropriation item 415604, Community Centers for the 126725  
Deaf, to provide grants to community centers for the deaf in Ohio 126726  
for services to individuals with hearing impairments; and 126727

(C) Appropriation item 415608, Social Security Vocational 126728  
Rehabilitation, to provide vocational rehabilitation services to 126729  
individuals with severe disabilities who are Social Security 126730  
beneficiaries, to enable them to achieve competitive employment. 126731

**Section 347.20.** ODB OHIO OPTICAL DISPENSERS BOARD 126732

Dedicated Purpose Fund Group 126733

4K90 894609 Program Support	\$	373,000	\$	375,400	126734
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TOTAL DPF Dedicated Purpose Fund	\$	373,000	\$	375,400	126735
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	373,000	\$	375,400	126736
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**Section 349.10.** OPT STATE BOARD OF OPTOMETRY 126738

Dedicated Purpose Fund Group 126739

4K90 885609 Program Support	\$	347,278	\$	347,278	126740
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TOTAL DPF Dedicated Purpose Fund	\$	347,278	\$	347,278	126741
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Group



<b>Section 357.10. PSY STATE BOARD OF PSYCHOLOGY</b>				126767
Dedicated Purpose Fund Group				126768
4K90 882609	Operating Expenses	\$ 588,690	\$ 598,890	126769
TOTAL DPF Dedicated Purpose				126770
Fund Group		\$ 588,690	\$ 598,890	126771
TOTAL ALL BUDGET FUND GROUPS				126772
 <b>Section 359.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>				126774
General Revenue Fund				126775
GRF 019401	State Legal Defense	\$ 3,020,855	\$ 3,020,855	126776
	Services			
GRF 019403	Multi-County: State	\$ 1,960,463	\$ 1,977,325	126777
	Share			
GRF 019404	Trumbull County -	\$ 545,658	\$ 552,337	126778
	State Share			
GRF 019405	Training Account	\$ 50,000	\$ 50,000	126779
GRF 019501	County Reimbursement	\$ 22,985,371	\$ 22,985,371	126780
TOTAL GRF General Revenue Fund				126781
Dedicated Purpose Fund Group				126782
1010 019607	Juvenile Legal	\$ 200,000	\$ 200,000	126783
	Assistance			
4070 019604	County Representation	\$ 225,800	\$ 228,456	126784
4080 019605	Client Payments	\$ 969,964	\$ 834,277	126785
4C70 019601	Multi-County: County	\$ 2,364,693	\$ 2,389,985	126786
	Share			
4N90 019613	Gifts and Grants	\$ 50,250	\$ 50,250	126787
4X70 019610	Trumbull County -	\$ 654,790	\$ 664,809	126788
	County Share			
5740 019606	Civil Legal Aid	\$ 17,250,000	\$ 17,250,000	126789
5CX0 019617	Civil Case Filing Fee	\$ 446,820	\$ 453,580	126790
5DY0 019618	Indigent Defense	\$ 38,005,178	\$ 39,409,939	126791

	Support - County				
	Share				
5DY0 019619	Indigent Defense	\$	5,772,000	\$	5,850,000 126792
	Support - State				
	Office				
TOTAL DPF	Dedicated Purpose				126793
Fund Group		\$	65,939,495	\$	67,331,296 126794
Federal Fund Group					126795
3GJ0 019622	Byrne Memorial Grant	\$	39,958	\$	39,958 126796
3S80 019608	Federal	\$	202,942	\$	202,942 126797
	Representation				
TOTAL FED	Federal Fund Group	\$	242,900	\$	242,900 126798
TOTAL ALL BUDGET FUND GROUPS		\$	94,744,742	\$	96,160,084 126799
	INDIGENT DEFENSE REIMBURSEMENT RATE				126800
	Of the foregoing appropriation items 019403, Multi-County:				126801
	State Share, 019404, Trumbull County-State Share, and 019501,				126802
	County Reimbursement, the distribution of the amount of the				126803
	appropriation in each of these line items that is necessary to				126804
	increase the reimbursement rate for indigent criminal defense				126805
	services from forty per cent to fifty per cent shall be				126806
	distributed to a county only if the board of county commissioners				126807
	of that county establishes a schedule of fee on an hourly basis				126808
	under division (A)(4)(d) of section 120.33 or division (E)(2) of				126809
	section 2941.51 of the Revised Code that exceeds fifty dollars per				126810
	hour, at which time that county shall receive a supplemental				126811
	amount that constitutes five per cent of the total reimbursement				126812
	the county received from the State Public Defender for appointed				126813
	counsel.				126814
	INDIGENT DEFENSE OFFICE				126815
	The foregoing appropriation items 019404, Trumbull County -				126816
	State Share, and 019610, Trumbull County - County Share, shall be				126817
	used to support an indigent defense office for Trumbull County.				126818

MULTI-COUNTY OFFICE	126819
The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.	126820 126821 126822 126823
TRAINING ACCOUNT	126824
The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represents at least one indigent defendant at no cost and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.	126825 126826 126827 126828 126829 126830
CAPITAL CASE REIMBURSEMENT	126831
Of the foregoing appropriation item 019501, County Reimbursement, \$1,857,103 in each fiscal year shall be used to reimburse counties for the costs and expenses of providing legal representation to indigent persons in capital cases.	126832 126833 126834 126835
LEGAL AID FUND	126836
On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$750,000 cash from the General Revenue Fund to the Legal Aid Fund (Fund 5740).	126837 126838 126839 126840
Of the foregoing appropriation item 019606, Civil Legal Aid, and notwithstanding any provision of law to the contrary, \$750,000 in each fiscal year shall be distributed by the Ohio Legal Assistance Foundation to Ohio's civil legal aid societies for the sole purpose of providing legal services for economically disadvantaged veterans. None of the funds shall be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements. For purposes of this section,	126841 126842 126843 126844 126845 126846 126847 126848

"economically disadvantaged veteran" is defined as a person: (1) 126849  
who presents a valid copy of United States Department of Defense 126850  
form DD-214, DD-215, or equivalent service-related document, and 126851  
(2) whose income does not exceed one hundred fifty per cent of the 126852  
federal poverty line as defined in section 5162.01 of the Revised 126853  
Code. 126854

FEDERAL REPRESENTATION 126855

The foregoing appropriation item 019608, Federal 126856  
Representation, shall be used to receive reimbursements from the 126857  
federal courts when the Ohio Public Defender provides 126858  
representation in federal court cases and to support 126859  
representation in such cases. 126860

INDIGENT DEFENSE SUPPORT FUND 126861

Notwithstanding section 120.08 of the Revised Code, the Ohio 126862  
Public Defender may use up to thirteen per cent of the money in 126863  
the indigent defense support fund created by section 120.08 of the 126864  
Revised Code for the purposes of appointing assistant state public 126865  
defenders, providing other personnel, equipment, and facilities 126866  
necessary for the operation of the state public defender office, 126867  
and providing training, developing and implementing electronic 126868  
forms, or establishing and maintaining an information technology 126869  
system used for the uniform operation of Chapter 120. of the 126870  
Revised Code. 126871

**Section 361.10.** DPS DEPARTMENT OF PUBLIC SAFETY 126872

General Revenue Fund 126873

GRF	763403	EMA Operating	\$	4,050,000	\$	4,050,000	126874
GRF	767420	Investigative Unit - Operating	\$	11,399,300	\$	11,399,300	126875
GRF	768425	Justice Program Services	\$	725,000	\$	725,000	126876

GRF	769406	Homeland Security - Operating	\$	2,000,000	\$	2,000,000	126877
TOTAL GRF		General Revenue Fund	\$	18,174,300	\$	18,174,300	126878
		Dedicated Purpose Fund Group					126879
4P60	768601	Justice Program Services	\$	150,000	\$	150,000	126880
4V30	763662	STORMS/NOAA Maintenance	\$	265,000	\$	265,000	126881
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	126882
5BK0	768689	Family Violence Shelter Programs	\$	1,550,000	\$	1,550,000	126883
5ET0	768625	Drug Law Enforcement	\$	7,500,000	\$	6,000,000	126884
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	126885
5ML0	769635	Infrastructure Protection	\$	100,000	\$	100,000	126886
5RH0	767697	OIU Special Projects	\$	460,000	\$	460,000	126887
5RS0	768621	Community Police Relations	\$	1,000,000	\$	1,000,000	126888
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	20,000	\$	20,000	126889
6220	767615	Investigative, Contraband, and Forfeiture	\$	325,000	\$	325,000	126890
6570	763652	Utility Radiological Safety	\$	1,200,000	\$	1,200,000	126891
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	126892
8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700	126893



TOTAL DPF Dedicated Purpose Fund Group	\$	14,176,084	\$	12,676,084	126894
Federal Fund Group					126895
3290 763645 Federal Mitigation Program	\$	10,413,642	\$	10,413,642	126896
3370 763609 Federal Disaster Relief	\$	27,707,636	\$	27,707,636	126897
3390 763647 Emergency Management Assistance and Training	\$	67,684,765	\$	68,684,765	126898
3EU0 768614 Justice Assistance Grants - FFY10	\$	100,000	\$	25,000	126899
3FK0 768615 Justice Assistance Grants - FFY11	\$	300,000	\$	100,000	126900
3FP0 767620 Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	126901
3FY0 768616 Justice Assistance Grant - FFY12	\$	650,000	\$	300,000	126902
3FZ0 768617 Justice Assistance Grant - FFY13	\$	2,000,000	\$	650,000	126903
3GA0 768618 Justice Assistance Grant - FFY14	\$	3,000,000	\$	2,000,000	126904
3GL0 768619 Justice Assistance Grants	\$	7,500,000	\$	10,500,000	126905
3GT0 767691 Equitable Share Account	\$	300,000	\$	300,000	126906
3GU0 769610 Investigation Grants - Food Stamps, Liquor & Tobacco Laws	\$	1,400,000	\$	1,400,000	126907
3GU0 769631 Homeland Security Disaster Grants	\$	1,400,000	\$	1,400,000	126908
3L50 768604 Justice Program	\$	10,500,000	\$	10,500,000	126909

3N50 763644	U.S. Department of	\$	31,672	\$	31,672	126910
	Energy Agreement					
TOTAL FED	Federal Fund Group	\$	133,042,715	\$	134,067,715	126911
TOTAL ALL BUDGET FUND GROUPS		\$	165,393,099	\$	164,918,099	126912
	CASH TRANSFER - OHIO INVESTIGATIVE UNIT FUND					126913
	On July 1, 2015, or as soon as possible thereafter, the					126914
	Director of Budget and Management shall transfer \$350,000 in cash					126915
	from the Investigations Fund (Fund 5FL0) to the Ohio Investigative					126916
	Unit Fund (Fund 5RH0).					126917
	CASH TRANSFER - INVESTIGATIVE UNIT FEDERAL EQUITABLE SHARING					126918
	FUND					126919
	Upon written request of the Director of Public Safety, the					126920
	Director of Budget and Management may transfer cash from the					126921
	Investigative Unit Federal Equitable Sharing Fund (Fund 5CM0) to					126922
	the Investigative Unit Federal Equitable Sharing Fund (Fund 3GT0).					126923
	CASH TRANSFER - JUSTICE PROGRAM SERVICES					126924
	Upon written request of the Director of Public Safety, the					126925
	Director of Budget and Management may transfer cash from the					126926
	Justice Program Services Fund (Fund 4P60) to the State Bureau of					126927
	Motor Vehicles Fund (Fund 4W40).					126928
	STATE DISASTER RELIEF					126929
	The State Disaster Relief Fund (Fund 5330) may accept					126930
	transfers of cash and appropriations from Controlling Board					126931
	appropriation items for the Ohio Emergency Management Agency					126932
	disaster response costs and disaster program management costs, and					126933
	may also be used for the following purposes:					126934
	(A) To accept transfers of cash and appropriations from					126935
	Controlling Board appropriation items for Ohio Emergency					126936
	Management Agency public assistance and mitigation program match					126937
	costs to reimburse eligible local governments and private					126938

nonprofit organizations for costs related to disasters; 126939

(B) To accept transfers of cash to reimburse the costs 126940  
associated with Emergency Management Assistance Compact (EMAC) 126941  
deployments; 126942

(C) To accept disaster related reimbursement from federal, 126943  
state, and local governments. The Director of Budget and 126944  
Management may transfer cash from reimbursements received by this 126945  
fund to other funds of the state from which transfers were 126946  
originally approved by the Controlling Board. 126947

(D) To accept transfers of cash and appropriations from 126948  
Controlling Board appropriation items to fund the State Disaster 126949  
Relief Program, for disasters that qualify for the program by 126950  
written authorization of the Governor, and the State Individual 126951  
Assistance Program for disasters that have been declared by the 126952  
federal Small Business Administration and that qualify for the 126953  
program by written authorization from the Governor. The Ohio 126954  
Emergency Management Agency shall publish and make available 126955  
application packets outlining procedures for the State Disaster 126956  
Relief Program and the State Individual Assistance Program. 126957

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 126958  
AGENCY SERVICE AND REIMBURSEMENT FUND 126959

On July 1 of each fiscal year, or as soon as possible 126960  
thereafter, the Director of Budget and Management shall transfer 126961  
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 126962  
Emergency Management Agency Service and Reimbursement Fund (Fund 126963  
4V30) to be distributed to the Ohio Task Force One - Urban Search 126964  
and Rescue Unit, other similar urban search and rescue units 126965  
around the state, and for maintenance of the statewide fire 126966  
emergency response plan by an entity recognized by the Ohio 126967  
Emergency Management Agency. 126968

COMMUNITY POLICE RELATIONS 126969

Notwithstanding the requirement in division (C) of section 126970  
5747.50 of the Revised Code that the Tax Commissioner provide for 126971  
payment from the Local Government Fund to each municipal 126972  
corporation of an amount calculated using the total amount 126973  
available for distribution to municipal corporations during the 126974  
current month, as defined in that division, the Tax Commissioner 126975  
shall reduce the total amount available for distribution to 126976  
municipal corporations during the current month by \$83,333.33 in 126977  
each month of fiscal year 2016 and by \$83,333.33 in each month of 126978  
fiscal year 2017, before calculating the amount to be distributed 126979  
to each municipal corporation. The amounts not distributed to 126980  
municipal corporations, \$83,333.33 in each month of fiscal year 126981  
2016 and \$83,333.33 in each month of fiscal year 2017, shall be 126982  
deposited in the state treasury to the credit of the Community 126983  
Police Relations Fund (Fund 5RS0), which is hereby created. 126984

The foregoing appropriation item 768621, Community Police 126985  
Relations, shall be used to implement key recommendations of the 126986  
Ohio Task Force on Community-Police Relations, including a 126987  
database on use of force and officer involved shootings, a public 126988  
awareness campaign, and state-provided assistance with 126989  
policy-making and manuals. 126990

SARA TITLE III HAZMAT PLANNING 126991

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 126992  
entitled to receive grant funds from the Emergency Response 126993  
Commission to implement the Emergency Management Agency's 126994  
responsibilities under Chapter 3750. of the Revised Code. 126995

**Section 363.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO 126996

Dedicated Purpose Fund Group 126997

4A30 870614 Grade Crossing \$ 1,347,357 \$ 1,347,357 126998  
Protection

		Devices-State					
4L80	870617	Pipeline Safety-State	\$	331,992	\$	331,992	126999
5610	870606	Power Siting Board	\$	581,618	\$	581,618	127000
5F60	870622	Utility and Railroad	\$	30,619,708	\$	30,619,708	127001
		Regulation					
5F60	870624	NARUC/NRRI Subsidy	\$	85,000	\$	85,000	127002
5LT0	870640	Intrastate	\$	180,000	\$	180,000	127003
		Registration					
5LT0	870641	Unified Carrier	\$	420,000	\$	420,000	127004
		Registration					
5LT0	870642	Hazardous Materials	\$	753,346	\$	753,346	127005
		Registration					
5LT0	870643	Non-hazardous	\$	277,496	\$	277,496	127006
		Materials Civil					
		Forfeiture					
5LT0	870644	Hazardous Materials	\$	898,800	\$	898,800	127007
		Civil Forfeiture					
5LT0	870645	Motor Carrier	\$	4,709,592	\$	4,709,592	127008
		Enforcement					
5Q50	870626	Telecommunications	\$	5,000,000	\$	5,000,000	127009
		Relay Service					
TOTAL DPF		Dedicated Purpose Fund	\$	45,204,909	\$	45,204,909	127010
Group							
Federal Fund		Group					127011
3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	127012
3500	870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	127013
3V30	870604	Commercial Vehicle	\$	100,000	\$	100,000	127014
		Information					
		Systems/Networks					
TOTAL FED		Federal Fund Group	\$	8,049,619	\$	8,049,619	127015
TOTAL ALL BUDGET		FUND GROUPS	\$	53,254,528	\$	53,254,528	127016
		<b>Section 363.20. TELECOMMUNICATIONS TRANSITION PLANNING</b>					127018

The foregoing appropriation item 870622, Utility and Railroad Regulation, shall be used in part to plan for the transition, consistent with the directives and policies of the Federal Communications Commission, from the current public switched telephone network to an internet-protocol network that will stimulate investment in the internet-protocol network in Ohio and that will expand the availability of advanced telecommunications services to all Ohioans. The transition plan shall include a review of statutes or rules that may prevent or delay an appropriate transition. The Public Utilities Commission shall report to the General Assembly on any further action required to be taken by the General Assembly to ensure a successful and timely transition.

**Section 363.30.** (A) The Public Utilities Commission shall do both of the following not later than one hundred eighty days after the effective date of this section:

(1) Adopt rules to implement section 4927.10 of the Revised Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 of the Revised Code made by H.B. 64 of the 131st General Assembly;

(2) Bring its rules into conformity with this act.

(B) Rules adopted or amended under this section shall include provisions for reasonable customer notice of the steps to be taken during, and the actions resulting from, the transition plan described in Section 363.20 of H.B. 64 of the 131st General Assembly.

(C) Any rule adopted or amended under this section shall be consistent with the rules of the Federal Communications Commission.

(D) If the Public Utilities Commission fails to comply with

division (A) of this section before the Federal Communications 127049  
 Commission adopts the order described in section 4927.10 of the 127050  
 Revised Code, any rule of the Public Utilities Commission that is 127051  
 inconsistent with that order shall not be enforced. 127052

**Section 365.10. PWC PUBLIC WORKS COMMISSION** 127053

General Revenue Fund 127054

GRF 150904 Conservation General \$ 33,174,900 \$ 37,725,700 127055  
 Obligation Bond Debt  
 Service

GRF 150907 Infrastructure \$ 227,937,400 \$ 231,303,200 127056  
 Improvement General  
 Obligation Bond Debt  
 Service

TOTAL GRF General Revenue Fund \$ 261,112,300 \$ 269,028,900 127057

Capital Projects Fund Group 127058

7056 150403 Clean Ohio \$ 288,980 \$ 288,980 127059  
 Conservation  
 Operating

7101 150602 Sewer Development \$ 20,000 \$ 20,000 127060  
 Advancement Operating

TOTAL CPF Capital Projects Fund \$ 308,980 \$ 308,980 127061

Group

TOTAL ALL BUDGET FUND GROUPS \$ 261,421,280 \$ 269,337,880 127062

**CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE** 127063

The foregoing appropriation item 150904, Conservation General 127064  
 Obligation Bond Debt Service, shall be used to pay all debt 127065  
 service and related financing costs during the period from July 1, 127066  
 2015, through June 30, 2017, at the times they are required to be 127067  
 made for obligations issued under sections 151.01 and 151.09 of 127068  
 the Revised Code. 127069

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 127070  
SERVICE 127071

The foregoing appropriation item 150907, Infrastructure 127072  
Improvement General Obligation Bond Debt Service, shall be used to 127073  
pay all debt service and related financing costs during the period 127074  
from July 1, 2015, through June 30, 2017, at the times they are 127075  
required to be made for obligations issued under sections 151.01 127076  
and 151.08 of the Revised Code. 127077

CLEAN OHIO CONSERVATION OPERATING 127078

The foregoing appropriation item 150403, Clean Ohio 127079  
Conservation Operating, shall be used by the Ohio Public Works 127080  
Commission in administering Clean Ohio Conservation Fund (Fund 127081  
7056) projects pursuant to sections 164.20 to 164.27 of the 127082  
Revised Code. 127083

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 127084

The Director of the Public Works Commission is authorized to 127085  
create a District Administration Costs Program for districts 127086  
represented by natural resource assistance councils. This program 127087  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 127088  
This program shall be used by natural resource assistance councils 127089  
in order to provide for administration costs of the nineteen 127090  
natural resource assistance councils for the direct costs of 127091  
council administration. Councils choosing to participate in this 127092  
program may be eligible for up to \$15,000 per fiscal year from its 127093  
district allocation as provided in section 164.27 of the Revised 127094  
Code. The director shall define allowable and nonallowable costs 127095  
for the purpose of the District Administration Costs Program. 127096  
Nonallowable costs include indirect costs, elected official 127097  
salaries and benefits, and project-specific costs. 127098

SEWER DEVELOPMENT ADVANCEMENT OPERATING 127099

The foregoing appropriation item 150602, Sewer Development 127100



Advancement Operating, shall be used by the Ohio Public Works 127101  
 Commission in administering the Sewer Development Advancement Fund 127102  
 (Fund 7101) pursuant to section 164.13 of the Revised Code. 127103

**Section 367.10. RAC STATE RACING COMMISSION** 127104

Dedicated Purpose Fund Group 127105

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 127106  
 Development

5630 875602 Standardbred \$ 1,300,000 \$ 1,300,000 127107  
 Development

5650 875604 Racing Commission \$ 3,335,000 \$ 3,335,000 127108  
 Operating

5JK0 875610 Horse Racing \$ 8,500,000 \$ 8,500,000 127109  
 Development-Casino

5NL0 875611 Revenue \$ 17,000,000 \$ 17,000,000 127110  
 Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 31,535,000 \$ 31,535,000 127111  
 Group

Fiduciary Fund Group 127112

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 127113  
 Racing Purse

TOTAL FID Fiduciary Fund Group \$ 12,000,000 \$ 12,000,000 127114

Holding Account Fund Group 127115

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 127116

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 127117

Group

TOTAL ALL BUDGET FUND GROUPS \$ 43,635,000 \$ 43,635,000 127118

**Section 369.10. BOR DEPARTMENT OF HIGHER EDUCATION** 127120

General Revenue Fund 127121

GRF 235321 Operating Expenses \$ 5,377,193 \$ 5,377,193 127122

GRF 235402 Sea Grants \$ 299,250 \$ 299,250 127123

GRF 235406	Articulation and Transfer	\$	2,000,000	\$	2,000,000	127124
GRF 235408	Midwest Higher Education Compact	\$	115,000	\$	115,000	127125
GRF 235414	State Grants and Scholarship Administration	\$	830,180	\$	830,180	127126
GRF 235417	eStudent Services	\$	2,532,688	\$	2,532,688	127127
GRF 235428	Appalachian New Economy Partnership	\$	837,366	\$	837,366	127128
GRF 235434	College Readiness and Access	\$	1,000,000	\$	1,000,000	127129
GRF 235438	Choose Ohio First Scholarship	\$	16,665,114	\$	16,665,114	127130
GRF 235443	Adult Basic and Literacy Education - State	\$	7,302,416	\$	7,302,416	127131
GRF 235444	Ohio Technical Centers	\$	16,817,547	\$	16,817,547	127132
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000	127133
GRF 235483	Technology Integration and Professional Development	\$	378,598	\$	378,598	127134
GRF 235492	Campus Safety and Training	\$	2,000,000	\$	0	127135
GRF 235501	State Share of Instruction	\$	1,903,285,144	\$	1,979,416,550	127136
GRF 235502	Student Support Services	\$	632,974	\$	632,974	127137
GRF 235504	War Orphans Scholarships	\$	6,835,710	\$	7,124,141	127138
GRF 235507	OhioLINK	\$	6,211,012	\$	6,211,012	127139

GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803	127140
GRF 235510	Ohio Supercomputer Center	\$	4,247,418	\$	4,247,418	127141
GRF 235511	Cooperative Extension Service	\$	24,209,491	\$	24,209,491	127142
GRF 235514	Central State Supplement	\$	11,063,468	\$	11,063,468	127143
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253	127144
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185	127145
GRF 235520	Shawnee State Supplement	\$	2,326,097	\$	2,326,097	127146
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	127147
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	127148
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	127149
GRF 235533	Higher Education Program Support	\$	450,000	\$	450,000	127150
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,861,470	\$	36,361,470	127151
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	127152
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	127153
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	127154
GRF 235539	Wright State	\$	3,011,400	\$	3,011,400	127155

	University Clinical Teaching					
GRF 235540	Ohio University	\$	2,911,212	\$	2,911,212	127156
	Clinical Teaching					
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	127157
GRF 235546	Central State Agricultural Research and Development	\$	350,000	\$	350,000	127158
GRF 235548	Central State Cooperative Extension Services	\$	350,000	\$	350,000	127159
GRF 235552	Capital Component	\$	10,280,387	\$	6,350,817	127160
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	127161
GRF 235556	Ohio Academic Resources Network	\$	3,172,519	\$	3,172,519	127162
GRF 235558	Long-term Care Research	\$	325,300	\$	325,300	127163
GRF 235559	Central State University - Agriculture Education	\$	300,000	\$	300,000	127164
GRF 235563	Ohio College Opportunity Grant	\$	97,187,107	\$	100,187,107	127165
GRF 235572	The Ohio State University Clinic Support	\$	766,533	\$	766,533	127166
GRF 235591	Co-op Internship Program	\$	3,345,000	\$	3,345,000	127167
GRF 235599	National Guard Scholarship Program	\$	18,750,552	\$	18,900,003	127168
GRF 235909	Higher Education General Obligation	\$	252,470,800	\$	259,289,500	127169

Bond Debt Service					
TOTAL GRF	General Revenue Fund		\$ 2,483,836,786	\$ 2,563,795,204	127170
Dedicated Purpose Fund Group					127171
2200	235614	Program Approval and Reauthorization	\$ 650,000	\$ 650,000	127172
4560	235603	Sales and Services	\$ 199,250	\$ 199,250	127173
4E80	235602	Higher Educational Facility Commission Administration	\$ 29,100	\$ 29,100	127174
4X10	235674	Telecommunity and Distance Learning	\$ 49,150	\$ 49,150	127175
5D40	235675	Conferences/Special Purposes	\$ 1,884,095	\$ 1,884,095	127176
5JC0	235620	Regional Partnership and Training Center	\$ 500,000	\$ 500,000	127177
5JC0	235668	Defense/Aerospace Workforce Development Initiative	\$ 10,000,000	\$ 10,000,000	127178
5JC0	235673	NCERCMP	\$ 2,000,000	\$ 2,000,000	127179
5NH0	235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$ 500,000	\$ 0	127180
5P30	235663	Variable Savings Plan	\$ 8,028,685	\$ 8,082,899	127181
6450	235664	Guaranteed Savings Plan	\$ 1,068,048	\$ 1,061,886	127182
6820	235606	Nursing Loan Program	\$ 891,320	\$ 891,320	127183
TOTAL DPF	Dedicated Purpose Fund Group		\$ 25,799,648	\$ 25,347,700	127184
Bond Research and Development Fund Group					127185
7011	235634	Research Incentive	\$ 8,000,000	\$ 8,000,000	127186
Third Frontier Fund					

7011	235699	Federal Research Center Network	\$	10,000,000	\$	15,000,000	127187
TOTAL BRD Bond Research and Development Fund Group							
							127188
Federal Fund Group							127189
3120	235611	Gear-up Grant	\$	3,050,600	\$	3,169,050	127190
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,350,000	\$	1,350,000	127191
3120	235617	Improving Teacher Quality Grant	\$	2,800,000	\$	2,800,000	127192
3120	235641	Adult Basic and Literacy Education - Federal	\$	15,207,359	\$	15,207,359	127193
3120	235672	H-1B Tech Skills Training	\$	2,100,000	\$	2,100,000	127194
3H20	235608	Human Services Project	\$	375,000	\$	375,000	127195
TOTAL FED Federal Fund Group							127196
TOTAL ALL BUDGET FUND GROUPS							127197

**Section 369.13. OPERATING EXPENSES** 127199

Of the foregoing appropriation item 235321, Operating 127200  
Expenses, up to \$2,854,000 in fiscal year 2016 and up to 127201  
\$2,996,000 in fiscal year 2017 shall be used by the Chancellor of 127202  
Higher Education to support the development and implementation of 127203  
information technology solutions designed to improve the 127204  
performance and services of the Department of Higher Education and 127205  
the University System of Ohio. The information technology 127206  
solutions may be provided by the Ohio Academic Resources Network 127207  
(OARnet). 127208

**Section 369.20. SEA GRANTS** 127209

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

**Section 369.30. ARTICULATION AND TRANSFER** 127216

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Chancellor of Higher Education to maintain and expand the work of the Articulation and Transfer Council to develop a system of transfer policies to ensure that students at state institutions of higher education can transfer and have coursework apply to their majors and degrees at any other state institution of higher education without unnecessary duplication or institutional barriers under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

**Section 369.40. MIDWEST HIGHER EDUCATION COMPACT** 127226

The foregoing appropriation item 235408, Midwest Higher Education Compact, shall be distributed by the Chancellor of Higher Education under section 3333.40 of the Revised Code.

**Section 369.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION** 127230

The foregoing appropriation item 235414, State Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to administer the following student financial aid programs: Ohio College Opportunity Grant, Ohio War Orphans' Scholarship, Nurse Education Assistance Loan Program, Ohio Safety Officers College Memorial Fund, and any other student financial aid programs created by the General Assembly. The appropriation item also shall be used to support all state financial aid audits

and student financial aid programs created by Congress, and to 127239  
provide fiscal services for the Ohio National Guard Scholarship 127240  
Program. 127241

**Section 369.60. ESTUDENT SERVICES** 127242

The foregoing appropriation item 235417, eStudent Services, 127243  
shall be used by the Chancellor of Higher Education to support the 127244  
continued implementation of eStudent Services, a consortium 127245  
organized under division (T) of section 3333.04 of the Revised 127246  
Code to expand access to dual enrollment opportunities for high 127247  
school students, as well as adult and higher education 127248  
opportunities through technology. The funds shall be used by 127249  
eStudent Services to develop and promote learning and assessment 127250  
through the use of technology, to test and provide advice on 127251  
emerging learning-directed technologies, to support the distance 127252  
learning clearinghouse and platform created under section 3333.82 127253  
of the Revised Code, to facilitate cost-effectiveness through 127254  
shared educational technology investments, and for any other 127255  
priorities of the Chancellor of Higher Education. 127256

**Section 369.70. APPALACHIAN NEW ECONOMY PARTNERSHIP** 127257

The foregoing appropriation item 235428, Appalachian New 127258  
Economy Partnership, shall be distributed to Ohio University to 127259  
continue a multi-campus and multi-agency coordinated effort to 127260  
link Appalachia to the new economy. Ohio University shall use 127261  
these funds to provide leadership in the development and 127262  
implementation of initiatives in the areas of entrepreneurship, 127263  
management, education, and technology. 127264

**Section 369.73. COLLEGE READINESS AND ACCESS** 127265

The foregoing appropriation item 235434, College Readiness 127266  
and Access, shall be used by the Chancellor of Higher Education to 127267



support early college high school initiatives. The Chancellor 127268  
shall consult with existing early college high schools and their 127269  
partner institutions of higher education where they exist to 127270  
develop performance allocation criteria, and shall publish these 127271  
criteria not later than September 1, 2015. The Chancellor shall 127272  
distribute grants to any school that meets the performance 127273  
allocation criteria determined by the Chancellor in an amount not 127274  
to exceed \$100,000 per early college high school per fiscal year. 127275  
The grants shall be used exclusively by early college high schools 127276  
for additive education services, including, but not limited to, 127277  
tutoring, college advising and counseling, and career advising and 127278  
counseling services. 127279

In addition, the Chancellor shall establish a process for 127280  
considering proposals for new early college high schools and may 127281  
provide up to three start-up grants of not more than \$175,000 for 127282  
new early college high schools. 127283

**Section 369.80. CHOOSE OHIO FIRST SCHOLARSHIP** 127284

The foregoing appropriation item 235438, Choose Ohio First 127285  
Scholarship, shall be used to operate the program prescribed in 127286  
sections 3333.60 to 3333.69 of the Revised Code. 127287

**Section 369.90. ADULT BASIC AND LITERACY EDUCATION** 127288

The foregoing appropriation item 235443, Adult Basic and 127289  
Literacy Education - State, shall be used to support the adult 127290  
basic and literacy education instructional grant program and state 127291  
leadership program. The supported programs shall satisfy the state 127292  
match and maintenance of effort requirements for the 127293  
state-administered grant program. 127294

**Section 369.100. OHIO TECHNICAL CENTERS FUNDING** 127295

The foregoing appropriation item 235444, Ohio Technical 127296

Centers, shall be used by the Chancellor of Higher Education to support post-secondary adult career-technical education.

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor of Higher Education, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor of Higher Education shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent.

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor of Higher Education shall use a three-year average.

(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to \$400,000 in each fiscal year shall be distributed by the Chancellor of Higher Education to the Ohio Central School System, up to \$48,000 in each fiscal year shall be utilized for assistance for Ohio Technical Centers, and up to \$975,000 in each fiscal year shall be distributed by the Chancellor to Ohio Technical Centers that provide business consultation with matching local dollars. Centers meeting this requirement shall receive an amount not to exceed \$25,000 per center.

(C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL CENTERS

(1) No Ohio Technical Center shall receive performance 127359  
funding calculated under division (A) of this section, excluding 127360  
funding for third party credentials calculated under division 127361  
(A)(5) of this section, that is less than 96 per cent of the 127362  
average allocation the Center received, excluding funding for 127363  
third party credentials, in the three prior fiscal years. 127364

(2) In order to ensure that no Center receives less than 96 127365  
per cent of the prior three-year average allocation in accordance 127366  
with division (D)(1) of this section, funds shall be made 127367  
available to support the phase-in allocation by proportionally 127368  
reducing formula earnings from each Center not receiving phase-in 127369  
funding. 127370

**Section 369.110. AREA HEALTH EDUCATION CENTERS** 127371

The foregoing appropriation item 235474, Area Health 127372  
Education Centers Program Support, shall be used by the Chancellor 127373  
of Higher Education to support the medical school regional area 127374  
health education centers' educational programs for the continued 127375  
support of medical and other health professions education and for 127376  
support of the Area Health Education Center Program. 127377

**Section 369.120. TECHNOLOGY INTEGRATION AND PROFESSIONAL 127378  
DEVELOPMENT** 127379

The foregoing appropriation item 235483, Technology 127380  
Integration and Professional Development, shall be used by the 127381  
Chancellor of Higher Education for the provision of staff 127382  
development, hardware, software, telecommunications services, and 127383  
information resources to support educational uses of technology in 127384  
the classroom and at a distance and for professional development 127385  
for teachers, administrators, and technology staff on the use of 127386  
educational technology in qualifying public schools, including the 127387  
State School for the Blind, the School for the Deaf, and the 127388

Department of Youth Services. 127389

**Section 369.140.** CAMPUS SAFETY AND TRAINING 127390

The foregoing appropriation item 235492, Campus Safety and 127391  
Training, shall be used by the Chancellor of Higher Education for 127392  
the purpose of developing model best practices for preventing and 127393  
responding to sexual assault on campus. By September 1, 2015, the 127394  
Chancellor of Higher Education, in consultation with state 127395  
institutions of higher education as defined in section 3345.011 of 127396  
the Revised Code and private nonprofit institutions of higher 127397  
education holding certificates of authorization under Chapter 127398  
1713. of the Revised Code, shall develop model best practices for 127399  
preventing and responding to sexual assault and protecting 127400  
students and staff who are victims of sexual assault on campus. 127401  
The Chancellor shall convene state institutions of higher 127402  
education and private nonprofit institutions of higher education 127403  
in the training and implementation of best practices regarding 127404  
campus sexual assault. 127405

**Section 369.150.** STATE SHARE OF INSTRUCTION FORMULAS 127406

The Chancellor of Higher Education shall establish procedures 127407  
to allocate the foregoing appropriation item 235501, State Share 127408  
of Instruction, based on the formulas detailed in this section 127409  
that utilize the enrollment, course completion, degree attainment, 127410  
and student achievement factors reported annually by each state 127411  
institution of higher education participating in the Higher 127412  
Education Information (HEI) system. 127413

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 127414  
COMPLETIONS 127415

(1) As soon as possible during each fiscal year of the 127416  
biennium ending June 30, 2017, in accordance with instructions of 127417  
the Department of Higher Education, each state institution of 127418

higher education shall report its actual data, consistent with the 127419  
 definitions in the Higher Education Information (HEI) system's 127420  
 enrollment files, to the Chancellor of Higher Education. 127421

(2) In defining the number of full-time equivalent students 127422  
 for state subsidy instructional cost purposes, the Chancellor of 127423  
 Higher Education shall exclude all undergraduate students who are 127424  
 not residents of Ohio, except those charged in-state fees in 127425  
 accordance with reciprocity agreements made under section 3333.17 127426  
 of the Revised Code or employer contracts entered into under 127427  
 section 3333.32 of the Revised Code. 127428

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 127429

For purposes of calculating state share of instruction 127430  
 allocations, the total instructional costs per full-time 127431  
 equivalent student shall be: 127432

Model	Fiscal Year 2016	Fiscal Year 2017	
ARTS AND HUMANITIES 1	\$7,773	\$7,920	127433
ARTS AND HUMANITIES 2	\$11,093	\$11,302	127434
ARTS AND HUMANITIES 3	\$14,209	\$14,477	127435
ARTS AND HUMANITIES 4	\$21,021	\$21,417	127436
ARTS AND HUMANITIES 5	\$35,834	\$36,509	127437
ARTS AND HUMANITIES 6	\$38,135	\$38,854	127438
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$7,311	\$7,449	127439
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$8,310	\$8,467	127440
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,805	\$11,009	127441
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,842	\$13,084	127442
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,879	\$20,254	127443
BUSINESS, EDUCATION &	\$21,678	\$22,087	127444

SOCIAL SCIENCES 6			
BUSINESS, EDUCATION &	\$31,806	\$32,406	127446
SOCIAL SCIENCES 7			
SCIENCE, TECHNOLOGY,	\$7,244	\$7,380	127447
ENGINEERING,			
MATHEMATICS, MEDICINE			
1			
SCIENCE, TECHNOLOGY,	\$10,041	\$10,231	127448
ENGINEERING,			
MATHEMATICS, MEDICINE			
2			
SCIENCE, TECHNOLOGY,	\$11,841	\$12,064	127449
ENGINEERING,			
MATHEMATICS, MEDICINE			
3			
SCIENCE, TECHNOLOGY,	\$14,170	\$14,437	127450
ENGINEERING,			
MATHEMATICS, MEDICINE			
4			
SCIENCE, TECHNOLOGY,	\$19,290	\$19,654	127451
ENGINEERING,			
MATHEMATICS, MEDICINE			
5			
SCIENCE, TECHNOLOGY,	\$20,814	\$21,206	127452
ENGINEERING,			
MATHEMATICS, MEDICINE			
6			
SCIENCE, TECHNOLOGY,	\$23,462	\$23,905	127453
ENGINEERING,			
MATHEMATICS, MEDICINE			
7			
SCIENCE, TECHNOLOGY,	\$36,983	\$37,680	127454
ENGINEERING,			

MATHEMATICS, MEDICINE

8

SCIENCE, TECHNOLOGY, \$49,923 \$50,864 127455

ENGINEERING,

MATHEMATICS, MEDICINE

9

Doctoral I and Doctoral II models shall be allocated in 127456  
accordance with division (D)(2) of this section. 127457

Medical I and Medical II models shall be allocated in 127458  
accordance with divisions (D)(3) and (D)(4) of this section. 127459

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 127460  
AND GRADUATE WEIGHTS 127461

For the purpose of implementing the recommendations of the 127462  
2006 State Share of Instruction Consultation and the Higher 127463  
Education Funding Study Council that priority be given to 127464  
maintaining state support for science, technology, engineering, 127465  
mathematics, medicine, and graduate programs, the costs in 127466  
division (B) of this section shall be weighted by the amounts 127467  
provided below: 127468

Model	Fiscal Year 2016	Fiscal Year 2017	
ARTS AND HUMANITIES 1	1.0000	1.0000	127469
ARTS AND HUMANITIES 2	1.0000	1.0000	127470
ARTS AND HUMANITIES 3	1.0000	1.0000	127471
ARTS AND HUMANITIES 4	1.0000	1.0000	127472
ARTS AND HUMANITIES 5	1.0425	1.0425	127473
ARTS AND HUMANITIES 6	1.0425	1.0425	127474
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	127475
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	127476
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	127477



BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	127479
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	127480
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	127481
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	127482
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	127483
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	127484
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	127485
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	127486
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	127487
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	127488
SCIENCE, TECHNOLOGY,	1.4380	1.4380	127489

ENGINEERING,  
MATHEMATICS, MEDICINE

7

SCIENCE, TECHNOLOGY,	1.5675	1.5675	127490
ENGINEERING,			
MATHEMATICS, MEDICINE			

8

SCIENCE, TECHNOLOGY,	1.1361	1.1361	127491
ENGINEERING,			
MATHEMATICS, MEDICINE			

9

(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			127492
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			127493

(1) Of the foregoing appropriation item 235501, State Share			127494
of Instruction, 50 per cent of the appropriation for universities,			127495
as established in division (A)(2) of the section of this act			127496
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND			127497
2017," in each fiscal year shall be reserved for support of			127498
associate, baccalaureate, master's, and professional level degree			127499
attainment.			127500

The degree attainment funding shall be allocated to			127501
universities in proportion to each campus's share of the total			127502
statewide degrees granted, weighted by the cost of the degree			127503
programs. The degree cost calculations shall include the model			127504
cost weights for the science, technology, engineering,			127505
mathematics, and medicine models as established in division (C) of			127506
this section.			127507

For degrees including credits earned at multiple			127508
institutions, degree attainment funding shall be allocated to			127509
universities in proportion to each campus's share of the cost of			127510
earned credits for the degree. Each institution shall receive its			127511
prorated share of degree funding for credits earned at that			127512

institution. Cost of credits not earned at a university main or 127513  
regional campus shall be credited to the degree-granting 127514  
institution for the first degree earned by a student at each 127515  
degree level. The cost credited to the degree-granting institution 127516  
shall not be eligible for at-risk weights and shall be limited to 127517  
12.5 per cent of the degree costs. However, the 12.5 per cent 127518  
limitation shall not apply if the student transferred 12 or fewer 127519  
credits into the degree granting institution. 127520

In calculating the subsidy entitlements for degree attainment 127521  
for universities, the Chancellor of Higher Education shall use the 127522  
following count of degrees and degree costs: 127523

(a) The subsidy eligible undergraduate degrees shall be 127524  
defined as follows: 127525

(i) The subsidy eligible degrees conferred to students 127526  
identified as residents of the state of Ohio in any term of their 127527  
studies, as reported through the Higher Education Information 127528  
(HEI) system student enrollment file, shall be weighted by a 127529  
factor of 1. 127530

(ii) The subsidy eligible degrees conferred to students 127531  
identified as out-of-state residents during all terms of their 127532  
studies, as reported through the Higher Education Information 127533  
(HEI) system student enrollment file, who remain in the state of 127534  
Ohio at least one year after graduation, as calculated based on 127535  
the three-year average in-state residency rate for out-of-state 127536  
graduates at each institution, shall be weighted by a factor of 50 127537  
per cent. 127538

(iii) Subsidy eligible associate degrees are defined as those 127539  
earned by students attending any state-supported university main 127540  
or regional campus. 127541

(b) In calculating each campus's count of degrees, the 127542  
Chancellor of Higher Education shall use the three-year average 127543

associate, baccalaureate, master's, and professional degrees 127544  
awarded for the three-year period ending in the prior year. 127545

(i) If a student is awarded an associate degree and, 127546  
subsequently, is awarded a baccalaureate degree, the amount funded 127547  
for the baccalaureate degree shall be limited to either the 127548  
difference in cost between the cost of the baccalaureate degree 127549  
and the cost of the associate degree paid previously, or if the 127550  
associate degree has a higher cost than the baccalaureate degree, 127551  
the cost of the credits earned by the student after the associate 127552  
degree was awarded. 127553

(ii) If a student earns an associate degree then, 127554  
subsequently, earns a baccalaureate degree, the associate degree 127555  
granting institution shall only receive the prorated share of the 127556  
baccalaureate degree funding for the credits earned at that 127557  
institution after the associate degree is awarded. 127558

(iii) If a student earns more than one degree at the same 127559  
institution at the same degree level in the same fiscal year, the 127560  
funding for the highest cost degree shall be prorated among 127561  
institutions based on where the credits were earned and additional 127562  
degrees shall be funded at 25 per cent of the cost of the degrees. 127563

(c) Associate degrees and baccalaureate degrees earned by a 127564  
student defined as at-risk based on academic underpreparation, 127565  
age, minority status, or financial status, shall be defined as 127566  
degrees earned by an at-risk student and shall be weighted by the 127567  
following: 127568

A student-specific degree completion weight, where the weight 127569  
is calculated based on the at-risk factors of the individual 127570  
student, determined by calculating the difference between the 127571  
percentage of students with each risk factor who earned a degree 127572  
and the percentage of non-at-risk students who earned a degree. 127573

(2) Of the foregoing appropriation item 235501, State Share 127574

of Instruction, up to 11.78 per cent of the appropriation for 127575  
universities, as established in division (A)(2) of the section of 127576  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 127577  
2016 and 2017," in each fiscal year shall be reserved for support 127578  
of doctoral programs to implement the funding recommendations made 127579  
by representatives of the universities. The amount so reserved 127580  
shall be referred to as the doctoral set-aside. 127581

In fiscal year 2016, NEOMED shall receive \$150,000 and in 127582  
fiscal year 2017 NEOMED shall receive \$200,000 of the doctoral 127583  
set-aside funding allocation with the remaining doctoral set-aside 127584  
allocated to universities as follows: 127585

(a) 47.50 per cent of the remaining doctoral set-aside in 127586  
fiscal year 2016 and 40 per cent of the remaining doctoral 127587  
set-aside in fiscal year 2017 shall be allocated to universities 127588  
in proportion to their share of the statewide total of each state 127589  
institution's three-year average Doctoral I equivalent FTEs as 127590  
calculated on an institutional basis using historical FTEs for the 127591  
period fiscal year 1994 through fiscal year 1998 with annualized 127592  
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 127593  
fiscal year 1998 as adjusted to reflect the effects of doctoral 127594  
review and subsequent changes in Doctoral I equivalent 127595  
enrollments. For the purposes of this calculation, Doctoral I 127596  
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 127597  
times the sum of Doctoral II FTEs. 127598

(b) 35 per cent of the doctoral set-aside in fiscal year 2016 127599  
and 40 per cent of the doctoral set-aside in fiscal year 2017 127600  
shall be allocated to universities in proportion to each campus's 127601  
share of the total statewide doctoral degrees, weighted by the 127602  
cost of the doctoral discipline. In calculating each campus's 127603  
doctoral degrees the Chancellor of Higher Education shall use the 127604  
three-year average doctoral degrees awarded for the three-year 127605  
period ending in the prior year. 127606

(c) 17.5 per cent of the doctoral set-aside in fiscal year 2016 and 20 per cent of the doctoral set-aside in fiscal year 2017 shall be allocated to universities in proportion to their share of research grant activity. Funding for this component shall be allocated to eligible universities in proportion to their share of research grant activity published by the National Science Foundation. Grant awards from the Department of Health and Human Services shall be weighted at 50 per cent.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 6.41 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved for support of Medical II FTEs. The amount so reserved shall be referred to as the medical II set-aside.

The medical II set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical II FTEs as calculated in division (A) of this section.

In calculating the core subsidy entitlements for Medical II models only, students repeating terms may be no more than five per cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.48 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

The medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state

institution's three-year average Medical I FTEs as calculated in 127638  
division (A) of this section. 127639

(5) In calculating the course completion funding for 127640  
universities, the Chancellor of Higher Education shall use the 127641  
following count of FTE students: 127642

(a) The subsidy eligible enrollments by model shall equal 127643  
only those FTE students who successfully complete the course as 127644  
defined and reported through the Higher Education Information 127645  
(HEI) system course enrollment file; 127646

(b) Those undergraduate FTE students with successful course 127647  
completions, identified in division (D)(5)(a) of this section, 127648  
that had an expected family contribution less than 2190 or were 127649  
determined to have been academically underprepared shall be 127650  
defined as at-risk students and shall have their eligible 127651  
completions weighted by the following: 127652

(i) Campus-specific course completion indexes, where the 127653  
indexes are calculated based upon the number of at-risk students 127654  
enrolled during the 2012 - 2014 academic years; and 127655

(ii) A statewide average at-risk course completion weight 127656  
determined for each subsidy model. The statewide average at-risk 127657  
course completion weight shall be determined by calculating the 127658  
difference between the percentage of traditional students who 127659  
complete a course and the percentage of at-risk students who 127660  
complete the same course. 127661

(c) The course completion earnings shall be determined by 127662  
multiplying the amounts listed above in divisions (B) and (C) of 127663  
this section by the subsidy-eligible FTEs for the three-year 127664  
period ending in the prior year for all models except Medical I, 127665  
Medical II, Doctoral I, and Doctoral II. 127666

(d) For universities, the Chancellor of Higher Education 127667  
shall compute the course completion earnings by dividing the 127668

appropriation for universities, established in division (A)(2) of 127669  
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 127670  
FISCAL YEARS 2016 AND 2017," and adjusted pursuant to division (B) 127671  
of that section, less the degree attainment funding as calculated 127672  
in division (D)(1) of this section, less the doctoral set-aside, 127673  
less the medical I set-aside, and less the medical II set-aside, 127674  
by the sum of all campuses' instructional costs as calculated in 127675  
division (D)(5) of this section. 127676

(6) In addition to the Access Challenge funding as described 127677  
in divisions (B)(1) and (B)(2) of the section of this act entitled 127678  
"STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," 127679  
doctoral set-aside, medical I set-aside, medical II set-aside, and 127680  
the degree attainment allocation determined in division (D)(1) of 127681  
this section and the course completion earnings calculated in 127682  
division (D)(5) of this section, an allocation based on a 127683  
facility-based plant operations and maintenance (POM) subsidy 127684  
shall be made. 127685

(a) In fiscal year 2016, for each eligible university, the 127686  
amount of the POM allocation shall be two-thirds of the POM 127687  
distributed in fiscal year 2015 based on what each campus received 127688  
in the fiscal year 2009 POM allocation. 127689

(b) In fiscal year 2017, for each eligible university, the 127690  
amount of the POM allocation shall be one-third of the POM 127691  
distributed in fiscal year 2015 based on what each campus received 127692  
in the fiscal year 2009 POM allocation. 127693

(c) Any POM allocations required by this division shall be 127694  
funded by proportionately reducing formula earnings, including the 127695  
POM allocations, for all universities. 127696

(d) POM allocations shall expire on June 30, 2017. 127697

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 127698  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 127699



(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor of Higher Education shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Chancellor of Higher Education shall use a three-year average for course completions for the three year period ending in the prior year.

(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.

(c) Those students with successful course completions, that are or have been Pell eligible at any time while enrolled at a state institution of higher education, meet the definition of minority status, are enrolled at a given institution after age 24, or are academically underprepared shall be defined as access students and shall have their eligible course completions weighted by a statewide access weight. The weight given to any student that

meets any access factor shall be 15 per cent for all course 127731  
completions. 127732

(d) The model costs as used in the calculation shall be 127733  
augmented by the model weights for science, technology, 127734  
engineering, mathematics, and medicine models as established in 127735  
division (C) of this section. 127736

(2) Of the foregoing appropriation item 235501, State Share 127737  
of Instruction, 25 per cent of the appropriation for 127738  
state-supported community colleges, state community colleges, and 127739  
technical colleges as established in division (A)(1) of the 127740  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 127741  
FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved 127742  
for colleges in proportion to their share of college student 127743  
success factors as recommended in formal communication from 127744  
community college presidents to the Chancellor of Higher Education 127745  
dated December 31, 2013, using a three year average. 127746

(3) Of the foregoing appropriation item 235501, State Share 127747  
of Instruction, 25 per cent of the appropriation for 127748  
state-supported community colleges, state community colleges, and 127749  
technical colleges shall be reserved for completion milestones as 127750  
identified in formal communication from community college 127751  
presidents to the Chancellor of Higher Education dated December 127752  
31, 2013. 127753

Completion milestones shall include associate degrees, 127754  
certificates over 30 credit hours approved by the Department of 127755  
Higher Education, and students transferring to any four-year 127756  
institution with at least 12 credit hours earned at that community 127757  
college, state community college, or technical college. 127758

The completion milestone funding shall be allocated to 127759  
colleges in proportion to each institution's share of the sector's 127760  
total completion milestones, weighted by the instructional cost of 127761

the associate degree, certificate, or transfer models. Costs for 127762  
certificates over 30 hours shall be weighted one-half of the 127763  
associate degree model costs and transfers with at least 12 credit 127764  
hours shall be weighted one-fourth of the average cost for all 127765  
associate degree model costs. 127766

(4) To calculate the subsidy entitlements for completions at 127767  
community colleges, state community colleges, and technical 127768  
colleges, the Chancellor of Higher Education shall use the 127769  
following calculations: 127770

(a) In calculating each campus's count of completions, the 127771  
Chancellor of Higher Education shall use a three-year average for 127772  
completion metrics. 127773

(b) The subsidy eligible completions by model shall equal 127774  
only those students who successfully complete an associate degree 127775  
or certificate over 30 credit hours, or transfer to any four-year 127776  
institution with at least 12 credit hours as defined and reported 127777  
in the Higher Education Information (HEI) system. 127778

(c) Those students with successful completions for associate 127779  
degrees, certificates over 30 credit hours, or transfer to any 127780  
four-year institution with at least 12 credit hours, identified in 127781  
division (E)(3) of this section, that are or have been Pell 127782  
eligible at any time while enrolled at a state institution of 127783  
higher education, meet the definition of minority status, first 127784  
enrolled at a given institution after age 24, or are academically 127785  
underprepared, shall be defined as access students and shall have 127786  
their eligible completions weighted by a statewide access weight. 127787  
The weight shall be 25 per cent for students with one access 127788  
factor, 66 per cent for students with two access factors, 150 per 127789  
cent for students with three access factors, and 200 per cent for 127790  
students with four access factors. 127791

(d) For those students who complete more than one completion 127792

metric, funding for each additional associate degree or 127793  
certificate over 30 credit hours approved by the Department of 127794  
Higher Education shall be funded at 50 per cent of the model costs 127795  
as defined in division (3) of this section. 127796

(F) CAPITAL COMPONENT DEDUCTION 127797

After all other adjustments have been made, state share of 127798  
instruction earnings shall be reduced for each campus by the 127799  
amount, if any, by which debt service charged in Am. H.B. 748 of 127800  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 127801  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 127802  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 127803  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 127804  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 127805  
562 of the 127th General Assembly for that campus exceeds that 127806  
campus's capital component earnings. The sum of the amounts 127807  
deducted shall be transferred to appropriation item 235552, 127808  
Capital Component, in each fiscal year. 127809

(G) EXCEPTIONAL CIRCUMSTANCES 127810

Adjustments may be made to the state share of instruction 127811  
payments and other subsidies distributed by the Chancellor of 127812  
Higher Education to state colleges and universities for 127813  
exceptional circumstances. No adjustments for exceptional 127814  
circumstances may be made without the recommendation of the 127815  
Chancellor and the approval of the Controlling Board. 127816

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 127817  
INSTRUCTION 127818

The standard provisions of the state share of instruction 127819  
calculation as described in the preceding sections of temporary 127820  
law shall apply to any reductions made to appropriation item 127821  
235501, State Share of Instruction, before the Chancellor of 127822  
Higher Education has formally approved the final allocation of the 127823

state share of instruction funds for any fiscal year. 127824

Any reductions made to appropriation item 235501, State Share 127825  
of Instruction, after the Chancellor of Higher Education has 127826  
formally approved the final allocation of the state share of 127827  
instruction funds for any fiscal year, shall be uniformly applied 127828  
to each campus in proportion to its share of the final allocation. 127829

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 127830

The state share of instruction payments to the institutions 127831  
shall be in substantially equal monthly amounts during the fiscal 127832  
year, unless otherwise determined by the Director of Budget and 127833  
Management pursuant to section 126.09 of the Revised Code. 127834  
Payments during the first six months of the fiscal year shall be 127835  
based upon the state share of instruction appropriation estimates 127836  
made for the various institutions of higher education and payments 127837  
during the last six months of the fiscal year shall be based on 127838  
the final data from the Chancellor of Higher Education. 127839

**Section 369.160.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 127840  
2016 AND 2017 127841

(A) The foregoing appropriation item 235501, State Share of 127842  
Instruction, shall be distributed according to the section of this 127843  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 127844

(1) Of the foregoing appropriation item 235501, State Share 127845  
of Instruction, \$438,707,698 in fiscal year 2016 and \$456,256,006 127846  
in fiscal year 2017 shall be distributed to state-supported 127847  
community colleges, state community colleges, and technical 127848  
colleges. 127849

(2) Of the foregoing appropriation item 235501, State Share 127850  
of Instruction, \$1,464,577,446 in fiscal year 2016 and 127851  
\$1,523,160,544 in fiscal year 2017 shall be distributed to 127852  
state-supported university main and regional campuses. 127853

(B) Of the amounts earmarked in division (A)(2) of this section: 127854  
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(1) In fiscal year 2016, two-thirds of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009. 127856  
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(2) In fiscal year 2017, one-third of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009. 127860  
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(C) The Chancellor of Higher Education shall develop a methodology in each fiscal year to reduce the state share of instruction formula allocations of institutions participating in an undergraduate tuition guarantee program pursuant to sections 3333.33 and 3345.48 of the Revised Code in recognition of and in proportion to the tuition growth that is authorized by the undergraduate tuition guarantee program. Formula amounts realized by this reduction shall be distributed to each institution not participating in an approved tuition guarantee program under section 3345.48 of the Revised Code in proportion and in addition to those institutions' original allocations. 127864  
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**Section 369.170. RESTRICTION ON FEE INCREASES** 127875

In fiscal years 2016 and 2017, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees. For the 2015-2016 and 2016-2017 academic years, each state institution of higher education shall not increase its in-state undergraduate instructional and general fees over what the institution charged for the 2014-2015 academic year. 127876  
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These limitations shall not apply to increases required to 127883

comply with institutional covenants related to their obligations 127884  
or to meet unfunded legal mandates or legally binding obligations 127885  
incurred or commitments made prior to the effective date of this 127886  
section with respect to which the institution had identified such 127887  
fee increases as the source of funds. Any increase required by 127888  
such covenants and any such mandates, obligations, or commitments 127889  
shall be reported by the Chancellor of Higher Education to the 127890  
Controlling Board. These limitations may also be modified by the 127891  
Chancellor of Higher Education, with the approval of the 127892  
Controlling Board, to respond to exceptional circumstances as 127893  
identified by the Chancellor of Higher Education. 127894

These limitations shall not apply to institutions 127895  
participating in an undergraduate tuition guarantee program 127896  
pursuant to section 3345.48 of the Revised Code. 127897

**Section 369.180. HIGHER EDUCATION - BOARD OF TRUSTEES** 127898

(A) Funds appropriated for instructional subsidies at 127899  
colleges and universities may be used to provide such branch or 127900  
other off-campus undergraduate courses of study and such master's 127901  
degree courses of study as may be approved by the Chancellor of 127902  
Higher Education. 127903

(B) In providing instructional and other services to 127904  
students, boards of trustees of state institutions of higher 127905  
education shall supplement state subsidies with income from 127906  
charges to students. Except as otherwise provided in this act, 127907  
each board shall establish the fees to be charged to all students, 127908  
including an instructional fee for educational and associated 127909  
operational support of the institution and a general fee for 127910  
noninstructional services, including locally financed student 127911  
services facilities used for the benefit of enrolled students. The 127912  
instructional fee and the general fee shall encompass all charges 127913  
for services assessed uniformly to all enrolled students. Each 127914

board may also establish special purpose fees, service charges, 127915  
and fines as required; such special purpose fees and service 127916  
charges shall be for services or benefits furnished individual 127917  
students or specific categories of students and shall not be 127918  
applied uniformly to all enrolled students. A tuition surcharge 127919  
shall be paid by all students who are not residents of Ohio. 127920

The board of trustees of a state institution of higher 127921  
education shall not authorize a waiver or nonpayment of 127922  
instructional fees or general fees for any particular student or 127923  
any class of students other than waivers specifically authorized 127924  
by law or approved by the Chancellor. This prohibition is not 127925  
intended to limit the authority of boards of trustees to provide 127926  
for payments to students for services rendered the institution, 127927  
nor to prohibit the budgeting of income for staff benefits or for 127928  
student assistance in the form of payment of such instructional 127929  
and general fees. 127930

Each state institution of higher education in its statement 127931  
of charges to students shall separately identify the instructional 127932  
fee, the general fee, the tuition charge, and the tuition 127933  
surcharge. Fee charges to students for instruction shall not be 127934  
considered to be a price of service but shall be considered to be 127935  
an integral part of the state government financing program in 127936  
support of higher educational opportunity for students. 127937

(C) The boards of trustees of state institutions of higher 127938  
education shall ensure that faculty members devote a proper and 127939  
judicious part of their work week to the actual instruction of 127940  
students. Total class credit hours of production per academic term 127941  
per full-time faculty member is expected to meet the standards set 127942  
forth in the budget data submitted by the Chancellor of Higher 127943  
Education. 127944

(D) The authority of government vested by law in the boards 127945  
of trustees of state institutions of higher education shall in 127946



fact be exercised by those boards. Boards of trustees may consult 127947  
extensively with appropriate student and faculty groups. 127948  
Administrative decisions about the utilization of available 127949  
resources, about organizational structure, about disciplinary 127950  
procedure, about the operation and staffing of all auxiliary 127951  
facilities, and about administrative personnel shall be the 127952  
exclusive prerogative of boards of trustees. Any delegation of 127953  
authority by a board of trustees in other areas of responsibility 127954  
shall be accompanied by appropriate standards of guidance 127955  
concerning expected objectives in the exercise of such delegated 127956  
authority and shall be accompanied by periodic review of the 127957  
exercise of this delegated authority to the end that the public 127958  
interest, in contrast to any institutional or special interest, 127959  
shall be served. 127960

**Section 369.190. STUDENT SUPPORT SERVICES** 127961

The foregoing appropriation item 235502, Student Support 127962  
Services, shall be distributed by the Chancellor of Higher 127963  
Education to Ohio's state colleges and universities that incur 127964  
disproportionate costs in the provision of support services to 127965  
disabled students. 127966

**Section 369.200. WAR ORPHANS SCHOLARSHIPS** 127967

The foregoing appropriation item 235504, War Orphans 127968  
Scholarships, shall be used to reimburse state institutions of 127969  
higher education for waivers of instructional fees and general 127970  
fees provided by them, to provide grants to institutions that have 127971  
received a certificate of authorization from the Chancellor of 127972  
Higher Education under Chapter 1713. of the Revised Code, in 127973  
accordance with the provisions of section 5910.04 of the Revised 127974  
Code, and to fund additional scholarship benefits provided by 127975  
section 5910.032 of the Revised Code. 127976

**Section 369.210.** OHIOLINK 127977

The foregoing appropriation item 235507, OhioLINK, shall be 127978  
used by the Chancellor of Higher Education to support OhioLINK, a 127979  
consortium organized under division (T) of section 3333.04 of the 127980  
Revised Code to serve as the state's electronic library 127981  
information and retrieval system, which provides access statewide 127982  
to an extensive set of electronic databases and resources, the 127983  
library holdings of Ohio's public and participating private 127984  
nonprofit colleges and universities, and the State Library of 127985  
Ohio. 127986

**Section 369.220.** AIR FORCE INSTITUTE OF TECHNOLOGY 127987

The foregoing appropriation item 235508, Air Force Institute 127988  
of Technology, shall be used to: (A) strengthen the research and 127989  
educational linkages between the Wright Patterson Air Force Base 127990  
and institutions of higher education in Ohio; and (B) support the 127991  
Dayton Area Graduate Studies Institute, an engineering graduate 127992  
consortium of Wright State University, the University of Dayton, 127993  
and the Air Force Institute of Technology, with the participation 127994  
of the University of Cincinnati and The Ohio State University. 127995

**Section 369.230.** OHIO SUPERCOMPUTER CENTER 127996

The foregoing appropriation item 235510, Ohio Supercomputer 127997  
Center, shall be used by the Chancellor of Higher Education to 127998  
support the operation of the Ohio Supercomputer Center, a 127999  
consortium organized under division (T) of section 3333.04 of the 128000  
Revised Code, located at The Ohio State University. The Ohio 128001  
Supercomputer Center is a statewide resource available to Ohio 128002  
research universities both public and private. It is also intended 128003  
that the center be made accessible to private industry as 128004  
appropriate. 128005

Funds shall be used, in part, to support the Ohio Supercomputer Center's Computational Science Initiative, which includes its industrial outreach program, Blue Collar Computing, and its School of Computational Science. These collaborations between the Ohio Supercomputer Center and Ohio's colleges and universities shall be aimed at making Ohio a leader in using computer modeling to promote economic development.

**Section 369.240. COOPERATIVE EXTENSION SERVICE** 128013

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Of the foregoing appropriation item 235511, Cooperative Extension Service, \$134,244 in fiscal year 2016 and \$141,136 in fiscal year 2017 shall be used to support salaries and benefits for one after-school 4-H Club at an elementary school in Cleveland and one after-school 4-H Club at an elementary school in Cincinnati.

Of the foregoing appropriation item 235511, Cooperative Extension Service, \$7,000 in each fiscal year shall be used to support mileage, telephone, supplies, and classroom activities costs at after-school 4-H Clubs in Cleveland and Cincinnati. Seventy per cent of this amount shall be spent directly in relation to student involvement in 4-H.

**Section 369.250. CENTRAL STATE SUPPLEMENT** 128031

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the

General Assembly as directed by Am. Sub. H.B. 153 of the 129th 128036  
General Assembly. Funds shall be used in a manner consistent with 128037  
the goals of increasing enrollment, improving course completion, 128038  
and increasing the number of degrees conferred. 128039

The Chancellor shall monitor the implementation of the plan 128040  
and the use of funds. Central State University shall provide any 128041  
information requested by the Chancellor related to the 128042  
implementation of the plan. If the Chancellor determines that 128043  
Central State University's use of supplemental funds is not in 128044  
accordance with the plan or if the plan is not having the desired 128045  
effect, the Chancellor may notify Central State University that 128046  
the plan is suspended. Upon receiving such notice, Central State 128047  
University shall avoid all unnecessary expenditures under the 128048  
plan. The Chancellor shall notify the Controlling Board of the 128049  
suspension of the plan and within sixty days prepare a new plan 128050  
for the use of any remaining funds. 128051

**Section 369.260. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 128052**  
**MEDICINE 128053**

The foregoing appropriation item 235515, Case Western Reserve 128054  
University School of Medicine, shall be disbursed to Case Western 128055  
Reserve University through the Chancellor of Higher Education in 128056  
accordance with agreements entered into under section 3333.10 of 128057  
the Revised Code, provided that the state support per full-time 128058  
medical student shall not exceed that provided to full-time 128059  
medical students at state universities. 128060

**Section 369.270. FAMILY PRACTICE 128061**

The Chancellor of Higher Education shall develop plans 128062  
consistent with existing criteria and guidelines as may be 128063  
required for the distribution of appropriation item 235519, Family 128064  
Practice. 128065

**Section 369.280.** SHAWNEE STATE SUPPLEMENT 128066

The foregoing appropriation item 235520, Shawnee State 128067  
Supplement, shall be disbursed by the Chancellor of Higher 128068  
Education to Shawnee State University in accordance with the plan 128069  
developed by the Chancellor and submitted to the Governor and the 128070  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 128071  
General Assembly. Funds shall be used in a manner consistent with 128072  
the goals of improving course completion, increasing the number of 128073  
degrees conferred, and furthering the university's mission of 128074  
service to the Appalachian region. 128075

The Chancellor shall monitor the implementation of the plan 128076  
and the use of funds. Shawnee State University shall provide any 128077  
information requested by the Chancellor related to the 128078  
implementation of the plan. If the Chancellor determines that 128079  
Shawnee State University's use of supplemental funds is not in 128080  
accordance with the plan or if the plan is not having the desired 128081  
effect, the Chancellor may notify Shawnee State University that 128082  
the plan is suspended. Upon receiving such notice, Shawnee State 128083  
University shall avoid all unnecessary expenditures under the 128084  
plan. The Chancellor shall notify the Controlling Board of the 128085  
suspension of the plan and within sixty days prepare a new plan 128086  
for the use of any remaining funds. 128087

**Section 369.290.** POLICE AND FIRE PROTECTION 128088

The foregoing appropriation item 235524, Police and Fire 128089  
Protection, shall be used for police and fire services in the 128090  
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 128091  
Portsmouth, Xenia Township (Greene County), Rootstown Township, 128092  
and the City of Nelsonville that may be used to assist these local 128093  
governments in providing police and fire protection for the 128094  
central campus of the state-affiliated university located therein. 128095

<b>Section 369.300. GERIATRIC MEDICINE</b>	128096
The Chancellor of Higher Education shall develop plans	128097
consistent with existing criteria and guidelines as may be	128098
required for the distribution of appropriation item 235525,	128099
Geriatric Medicine.	128100
<b>Section 369.310. PRIMARY CARE RESIDENCIES</b>	128101
The Chancellor of Higher Education shall develop plans	128102
consistent with existing criteria and guidelines as may be	128103
required for the distribution of appropriation item 235526,	128104
Primary Care Residencies.	128105
The foregoing appropriation item 235526, Primary Care	128106
Residencies, shall be distributed in each fiscal year of the	128107
biennium, based on whether or not the institution has submitted	128108
and gained approval for a plan. If the institution does not have	128109
an approved plan, it shall receive five per cent less funding per	128110
student than it would have received from its annual allocation.	128111
The remaining funding shall be distributed among those	128112
institutions that meet or exceed their targets.	128113
<b>Section 369.314. HIGHER EDUCATION PROGRAM SUPPORT</b>	128114
Of the foregoing appropriation item 235533, Higher Education	128115
Program Support, \$250,000 in each fiscal year shall be used by The	128116
Ohio State University to support its hosting of the annual Special	128117
Olympics Ohio Summer Games.	128118
Of the foregoing appropriation item 235533, Higher Education	128119
Program Support, \$100,000 in each fiscal year shall be used to	128120
support program development and equipment purchase expenses for	128121
the Cores + Connections program at the Cleveland Institute of Art.	128122
Of the foregoing appropriation item 235533, Higher Education	128123
Program Support, \$100,000 in each fiscal year shall be used by	128124

Eastern Gateway Community College to establish and provide 128125  
scholarships under the Energy Sector Scholarship Pilot Program. 128126  
The program shall seek to incentivize and connect high school 128127  
students with scholarship opportunities to pursue careers in the 128128  
oil and gas industry in Ohio. Staff from Eastern Gateway Community 128129  
College shall provide administration, outreach, and marketing for 128130  
the program. 128131

**Section 369.320. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT** 128132  
**CENTER** 128133

The foregoing appropriation item 235535, Ohio Agricultural 128134  
Research and Development Center, shall be disbursed through the 128135  
Chancellor of Higher Education to The Ohio State University in 128136  
monthly payments, unless otherwise determined by the Director of 128137  
Budget and Management under section 126.09 of the Revised Code. 128138  
The Ohio Agricultural Research and Development Center shall not be 128139  
required to remit payment to The Ohio State University during the 128140  
biennium ending June 30, 2017, for cost reallocation assessments. 128141  
The cost reallocation assessments include, but are not limited to, 128142  
any assessment on state appropriations to the Center. 128143

The Ohio Agricultural Research and Development Center, an 128144  
entity of the College of Food, Agricultural, and Environmental 128145  
Sciences of The Ohio State University, shall further its mission 128146  
of enhancing Ohio's economic development and job creation by 128147  
continuing to internally allocate on a competitive basis 128148  
appropriated funding of programs based on demonstrated 128149  
performance. Academic units, faculty, and faculty-driven programs 128150  
shall be evaluated and rewarded consistent with agreed-upon 128151  
performance expectations as called for in the College's 128152  
Expectations and Criteria for Performance Assessment. 128153

**Section 369.330. STATE UNIVERSITY CLINICAL TEACHING** 128154

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Chancellor of Higher Education.

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**Section 369.333. CENTRAL STATE AGRICULTURAL RESEARCH AND DEVELOPMENT**

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The foregoing appropriation item 235546, Central State Agricultural Research and Development, shall be used in conjunction with appropriation item 235548, Central State Cooperative Extension Services, by Central State University for its state match requirement as an 1890 land grant university.

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**Section 369.340. CAPITAL COMPONENT**

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The foregoing appropriation item 235552, Capital Component, shall be used by the Chancellor of Higher Education to provide funding for prior commitments made pursuant to the state's former capital funding policy for state colleges and universities that was originally established in Am. H.B. 748 of the 121st General Assembly. Appropriations from this item shall be distributed to all campuses for which the estimated campus debt service attributable to qualifying capital projects was less than the campus's formula-determined capital component allocation. Campus allocations shall be determined by subtracting the estimated campus debt service attributable to qualifying capital projects from the campus's formula-determined capital component allocation. Moneys distributed from this appropriation item shall be restricted to capital-related purposes.

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Any campus for which the estimated campus debt service

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attributable to qualifying capital projects is greater than the 128185  
campus's formula-determined capital component allocation shall 128186  
have the difference subtracted from its State Share of Instruction 128187  
allocation in each fiscal year. Appropriation equal to the sum of 128188  
all such amounts except that of the Ohio Agricultural Research and 128189  
Development Center shall be transferred from appropriation item 128190  
235501, State Share of Instruction, to appropriation item 235552, 128191  
Capital Component. Appropriation equal to any estimated Ohio 128192  
Agricultural Research and Development Center debt service 128193  
attributable to qualifying capital projects that is greater than 128194  
the Center's formula-determined capital component allocation shall 128195  
be transferred from appropriation item 235535, Ohio Agricultural 128196  
Research and Development Center, to appropriation item 235552, 128197  
Capital Component. 128198

**Section 369.350. LIBRARY DEPOSITORIES** 128199

The foregoing appropriation item 235555, Library 128200  
Depositories, shall be distributed to the state's five regional 128201  
depository libraries for the cost-effective storage of and access 128202  
to lesser-used materials in university library collections. The 128203  
depositories shall be administrated by the Chancellor of Higher 128204  
Education, or by OhioLINK at the discretion of the Chancellor. 128205

**Section 369.360. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 128206

The foregoing appropriation item 235556, Ohio Academic 128207  
Resources Network, shall be used by the Chancellor of Higher 128208  
Education to support the operations of the Ohio Academic Resources 128209  
Network, a consortium organized under division (T) of section 128210  
3333.04 of the Revised Code, which shall include support for 128211  
Ohio's colleges and universities in maintaining and enhancing 128212  
network connections, using new network technologies to improve 128213  
research, education, and economic development programs, and 128214

sharing information technology services. To the extent network 128215  
capacity is available, OARnet shall support allocating bandwidth 128216  
to eligible programs directly supporting Ohio's economic 128217  
development. 128218

**Section 369.370.** LONG-TERM CARE RESEARCH 128219

The foregoing appropriation item 235558, Long-term Care 128220  
Research, shall be disbursed to Miami University for long-term 128221  
care research. 128222

**Section 369.373.** CENTRAL STATE UNIVERSITY - AGRICULTURE 128223  
EDUCATION 128224

The foregoing appropriation item 235559, Central State 128225  
University - Agriculture Education, shall be used by the 128226  
Chancellor of Higher Education to establish the School of 128227  
Agriculture Education and Food Science within the College of 128228  
Education at Central State University. The School shall use these 128229  
funds to establish programs to prepare extension educators with a 128230  
focus on childhood development and agri-science educators for 128231  
grades 7 through 12; to work with other higher education 128232  
institutions in Ohio that have agriculture or agriculture 128233  
education programs in order to establish partnerships that shall 128234  
result in students enrolled in the School having access to 128235  
learning labs, pertinent facilities, and collaboration with 128236  
faculty; to provide, by the fall semester of 2016, a program for 128237  
students that shall result in a Bachelor of Science in Education 128238  
with students eligible for an Ohio teaching license in agriculture 128239  
education for grades 7 through 12 upon passing the appropriate 128240  
assessments; and to provide a program for students that shall 128241  
result in a bachelor degree, including the minimum requirements 128242  
for employment as an extension educator with a focus in childhood 128243  
development. 128244

<b>Section 369.380. OHIO COLLEGE OPPORTUNITY GRANT</b>	128245
(A) Except as provided in division (C) of this section:	128246
Of the foregoing appropriation item 235563, Ohio College Opportunity Grant, \$88,914,884 in fiscal year 2016 and \$91,747,278 in fiscal year 2017 shall be used by the Chancellor of Higher Education to award need-based financial aid to students enrolled in eligible public and private nonprofit institutions of higher education, excluding early college high school and post-secondary enrollment option participants.	128247 128248 128249 128250 128251 128252 128253
The remainder of the foregoing appropriation item 235563, Ohio College Opportunity Grant, shall be used by the Chancellor of Higher Education to award needs-based financial aid to students enrolled in eligible private for-profit career colleges and schools.	128254 128255 128256 128257 128258
(B)(1) As used in this section:	128259
(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.	128260 128261 128262
(b) The three "sectors" of institutions of higher education consist of the following:	128263 128264
(i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;	128265 128266 128267
(ii) Eligible private nonprofit institutions of higher education;	128268 128269
(iii) Eligible private for-profit career colleges and schools.	128270 128271
(2) Awards for students attending eligible private nonprofit institutions of higher education shall be determined at twice the	128272 128273

rate of the awards for students attending eligible public 128274  
institutions of higher education. 128275

(3) For students attending an eligible institution 128276  
year-round, awards may be distributed on an annual basis, once 128277  
Pell grants have been exhausted. 128278

(4) If the Chancellor determines that the amounts 128279  
appropriated for support of the Ohio College Opportunity Grant 128280  
program are inadequate to provide grants to all eligible students 128281  
as calculated under division (D) of section 3333.122 of the 128282  
Revised Code, the Chancellor may create a distribution formula for 128283  
fiscal year 2016 and fiscal year 2017 based on the formula used in 128284  
fiscal year 2015, or may follow methods established in division 128285  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 128286  
Chancellor shall notify the Controlling Board of the distribution 128287  
method. Any formula calculated under this division shall be 128288  
complete and established to coincide with the start of the 128289  
2015-2016 academic year. 128290

(C) Prior to determining the amount of funds available to 128291  
award under this section and section 3333.122 of the Revised Code, 128292  
the Chancellor shall use the foregoing appropriation item 235563, 128293  
Ohio College Opportunity Grant, to pay for renewals or partial 128294  
renewals of scholarships students receive under the Ohio Academic 128295  
Scholarship Program under sections 3333.21 and 3333.22 of the 128296  
Revised Code. In paying for scholarships under this division, the 128297  
Chancellor shall deduct funds from the allocations made under 128298  
division (A) of this section. Deductions shall be proportionate to 128299  
the amounts allocated to each sector from the total amounts 128300  
appropriated for each sector under the foregoing appropriation 128301  
item 235563, Ohio College Opportunity Grant. 128302

In each fiscal year, with the exception of sections 3333.121 128303  
and 3333.124 of the Revised Code and Section 363.530 of this act, 128304  
the Chancellor shall not distribute or obligate or commit to be 128305

distributed an amount greater than what is appropriated under the 128306  
foregoing appropriation item 235563, Ohio College Opportunity 128307  
Grant. 128308

(D) The Chancellor shall establish, and post on the 128309  
Department of Higher Education's web site, award tables based on 128310  
any formulas created under division (B) of this section. The 128311  
Chancellor shall notify students and institutions of any 128312  
reductions in awards under this section. 128313

On or before August 31, 2015, the Chancellor of Higher 128314  
Education shall submit award tables to the Controlling Board for 128315  
the 2015-2016 academic year and allocations of Ohio College 128316  
Opportunity Grant awards not already specified in section 3333.122 128317  
of the Revised Code. 128318

(E) Notwithstanding section 3333.122 of the Revised Code, no 128319  
student shall be eligible to receive an Ohio College Opportunity 128320  
Grant for more than ten semesters, fifteen quarters, or the 128321  
equivalent of five academic years, less the number of semesters or 128322  
quarters in which the student received an Ohio Instructional 128323  
Grant. 128324

**Section 369.390.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 128325

The foregoing appropriation item 235572, The Ohio State 128326  
University Clinic Support, shall be distributed through the 128327  
Chancellor of Higher Education to The Ohio State University for 128328  
support of dental and veterinary medicine clinics. 128329

**Section 369.393.** CO-OP INTERNSHIP PROGRAM 128330

Of the foregoing appropriation item 235591, Co-op Internship 128331  
Program, \$75,000 in each fiscal year shall be used to support the 128332  
operations of Ohio University's Voinovich School of Leadership and 128333  
Public Affairs. 128334

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year, shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs. 128335  
128336  
128337  
128338

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron. 128339  
128340  
128341

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University. 128342  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$245,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and are participating in the Washington Center Internship Program. 128346  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University. 128350  
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Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 128355  
128356  
128357

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. 128358  
128359  
128360  
128361

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Liberal Arts Student Success at Wright State University. 128362  
128363  
128364  
128365

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Columbus Program.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Jack Ford Urban Affairs Center.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$10,000 in each fiscal year shall be provided to the Ohio College Access Network to support the Ohio Student Education Policy Institute.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University.

Of the foregoing appropriation item 235591, Co-op Internship Program, \$250,000 shall be used to establish and support the Wright State Policy Institute at Wright State University and the Workforce Immersion Program at the Wright State Policy Institute. The Wright State Policy Institute shall offer a premier leadership development program designed to identify, educate, and motivate a network of future community leaders and critical workforce as well as increase their capacity to serve their community, state, and country while preparing to enter public service or for in-demand jobs in Ohio. The Workforce Immersion Program shall provide an intensive learning and pre-professional experience in four tracks: local government, state government, federal government, and in-demand jobs as identified by OhioMeansJobs. It shall increase the number of students pursuing careers in public services and in-demand occupations and encourage them to remain in Ohio for their employment.

Of the foregoing appropriation item 235591, Co-op Internship

Program, \$200,000 in each fiscal year shall be allocated to 128397  
support the Museum of Contemporary Art Cleveland Fellowship 128398  
Program in collaboration with Cleveland State University. 128399

Of the foregoing appropriation item 235591, Co-Op Internship 128400  
Program, \$100,000 in each fiscal year shall be used to support the 128401  
Children's Museum of Cleveland Fellowship Program in collaboration 128402  
with Cleveland State University. 128403

**Section 369.400. NATIONAL GUARD SCHOLARSHIP PROGRAM** 128404

The Chancellor of Higher Education shall disburse funds from 128405  
appropriation item 235599, National Guard Scholarship Program. 128406  
During each fiscal year, the Chancellor of Higher Education, as 128407  
soon as possible after cancellation, may certify to the Director 128408  
of Budget and Management the amount of canceled prior-year 128409  
encumbrances in appropriation item 235599, National Guard 128410  
Scholarship Program. Upon receipt of the certification, the 128411  
Director of Budget and Management may transfer cash in an amount 128412  
up to the amount certified from the General Revenue Fund to the 128413  
National Guard Scholarship Reserve Fund (Fund 5BM0). 128414

**Section 369.410. PLEDGE OF FEES** 128415

Any new pledge of fees, or new agreement for adjustment of 128416  
fees, made in the biennium ending June 30, 2017, to secure bonds 128417  
or notes of a state institution of higher education for a project 128418  
for which bonds or notes were not outstanding on the effective 128419  
date of this section shall be effective only after approval by the 128420  
Chancellor of Higher Education, unless approved in a previous 128421  
biennium. 128422

**Section 369.420. HIGHER EDUCATION GENERAL OBLIGATION BOND** 128423  
**DEBT SERVICE** 128424

The foregoing appropriation item 235909, Higher Education 128425



General Obligation Bond Debt Service, shall be used to pay all 128426  
debt service and related financing costs during the period from 128427  
July 1, 2015, through June 30, 2017, for obligations issued under 128428  
sections 151.01 and 151.04 of the Revised Code. 128429

**Section 369.430. SALES AND SERVICES** 128430

The Chancellor of Higher Education is authorized to charge 128431  
and accept payment for the provision of goods and services. Such 128432  
charges shall be reasonably related to the cost of producing the 128433  
goods and services. Except as otherwise provided by law, no 128434  
charges may be levied for goods or services that are produced as 128435  
part of the routine responsibilities or duties of the Chancellor. 128436  
All revenues received by the Chancellor of Higher Education shall 128437  
be deposited into Fund 4560, and may be used by the Chancellor of 128438  
Higher Education to pay for the costs of producing the goods and 128439  
services. 128440

**Section 369.440. HIGHER EDUCATIONAL FACILITY COMMISSION** 128441  
**ADMINISTRATION** 128442

The foregoing appropriation item 235602, Higher Educational 128443  
Facility Commission Administration, shall be used by the 128444  
Chancellor of Higher Education for operating expenses related to 128445  
the Chancellor of Higher Education's support of the activities of 128446  
the Ohio Higher Educational Facility Commission. Upon the request 128447  
of the Chancellor of Higher Education, the Director of Budget and 128448  
Management may transfer up to \$29,100 cash in each fiscal year 128449  
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 128450  
Administration Fund (Fund 4E80). 128451

**Section 369.450. TELECOMMUNITY AND DISTANCE LEARNING** 128452

Of the foregoing appropriation item 235674, Telecommunity and 128453  
Distance Learning, up to \$25,000 in each fiscal year shall be 128454

distributed by the Chancellor of Higher Education on a grant basis 128455  
to eligible school districts to establish "distance learning" 128456  
through interactive video technologies in the school district. Per 128457  
agreements with eight Ohio local telephone companies, ALLTEL Ohio, 128458  
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 128459  
Cincinnati Bell Telephone Company, Orwell Telephone Company, 128460  
Sprint North Central Telephone, VERIZON, and Western Reserve 128461  
Telephone Company, school districts are eligible for funds if they 128462  
are within one of the listed telephone company service areas. 128463  
Funds to administer the program shall be expended by the 128464  
Chancellor of Higher Education up to the amount specified in the 128465  
agreements with the listed telephone companies. 128466

Within thirty days after the effective date of this section, 128467  
the Director of Budget and Management shall transfer to Fund 4X10 128468  
in the Dedicated Purpose Fund Group any investment earnings from 128469  
moneys paid by any telephone company as part of any settlement 128470  
agreement between the listed companies and the Public Utilities 128471  
Commission in fiscal years 1996 and beyond. 128472

Of the foregoing appropriation item 235674, Telecommunity and 128473  
Distance Learning, up to \$24,150 in each fiscal year shall be 128474  
distributed by the Chancellor of Higher Education on a grant basis 128475  
to eligible school districts to establish "distance learning" in 128476  
the school district. Per an agreement with Ameritech, school 128477  
districts are eligible for funds if they are within an Ameritech 128478  
service area. Funds to administer the program shall be expended by 128479  
the Chancellor of Higher Education up to the amount specified in 128480  
the agreement with Ameritech. 128481

Within thirty days after the effective date of this section, 128482  
the Director of Budget and Management shall transfer to Fund 4X10 128483  
in the Dedicated Purpose Fund Group any investment earnings from 128484  
moneys paid by any telephone company as part of a settlement 128485  
agreement between the company and the Public Utilities Commission 128486

in fiscal year 1995. 128487

**Section 369.453.** REGIONAL PARTNERSHIP AND TRAINING CENTER 128488

The foregoing appropriation item 235620, Regional Partnership 128489  
and Training Center, shall be used by Ohio University Southern in 128490  
Ironton to establish the Higher Education Regional Partnership and 128491  
Training Center at the Point Industrial Park to bring necessary 128492  
technical degree and training programs to Lawrence County and the 128493  
surrounding region. 128494

**Section 369.455.** DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT 128495  
INITIATIVE 128496

The foregoing appropriation item 235668, Defense/Aerospace 128497  
Workforce Development Initiative, shall be used by the Applied 128498  
Research Corporation to collaborate with the aviation, aerospace, 128499  
and defense industries, to strengthen job training programs, equip 128500  
Ohio's workforce with needed skills, and strengthen and grow 128501  
research and educational linkages among Ohio's defense and 128502  
aerospace aviation industry, federal agencies, state-assisted Ohio 128503  
universities, and the University System of Ohio. A portion of 128504  
these funds shall be used to support the Aerospace Professional 128505  
Development Center to establish processes necessary to link 128506  
underemployed or unemployed persons to job openings in these 128507  
industries. The funds appropriated in this appropriation item 128508  
shall be matched by private industry or educational partners or 128509  
federal agencies in the aggregate amount of \$4,000,000 over the FY 128510  
2016-FY 2017 biennium. 128511

Of the foregoing appropriation item 235668, Defense/Aerospace 128512  
Workforce Development Initiative, \$100,000 in fiscal year 2016 128513  
shall be awarded to the largest Chamber of Commerce in each 128514  
JobsOhio region to support workforce development and talent 128515  
attraction efforts for in-demand career opportunities in order to 128516

provide parents, students, and teachers with information about the 128517  
skills needed in targeted industries, with the goal of building a 128518  
strong regional pipeline of future workers who can fill 128519  
high-paying, sustainable positions in the key industries of each 128520  
JobsOhio region. In addition to reaching parents, students, and 128521  
teachers, the projects shall also work to retain the talent 128522  
developed by engaging interns and potential employees from outside 128523  
the area in the region's quality of life issues and exploration of 128524  
in-demand jobs within the region's targeted industries. 128525

**Section 369.457. NCERCMP** 128526

The foregoing appropriation item 235673, NCERCMP, shall be 128527  
used to support the National Center of Education Research on 128528  
Corrosion and Materials Performance at the University of Akron for 128529  
development and validation of an FAA-certified process for the 128530  
dimensional restoration of parts for commercial aircraft using 128531  
Supersonic Particle Deposition. 128532

**Section 369.470. OHIOMEANSJOBS WORKFORCE DEVELOPMENT** 128533  
**REVOLVING LOAN PROGRAM** 128534

The foregoing appropriation item 235684, OhioMeansJobs 128535  
Workforce Development Revolving Loan Program, shall be used for 128536  
the OhioMeansJobs Workforce Development Revolving Loan Program to 128537  
provide loans to individuals for workforce training. 128538

Of the foregoing appropriation item 235684, OhioMeansJobs 128539  
Workforce Development Revolving Loan Program, up to \$250,000 in 128540  
fiscal year 2016 may be used by the Chancellor of Higher Education 128541  
to administer the program. 128542

An amount equal to the unexpended, unencumbered portion of 128543  
the foregoing appropriation item 235684, OhioMeansJobs Workforce 128544  
Development Revolving Loan Program, at the end of fiscal year 2015 128545  
is hereby reappropriated to the Treasurer of State appropriation 128546

item, 090610, OhioMeansJobs Workforce Development Revolving Loan Program, for the same purpose for fiscal year 2016. 128547  
128548

Any unexpended and unencumbered portion of the foregoing 128549  
appropriation item 235684, OhioMeansJobs Workforce Development 128550  
Revolving Loan Program, at the end of fiscal year 2016 is hereby 128551  
reappropriated for the same purpose in fiscal year 2017. To the 128552  
extent that reappropriated funds are available, of the foregoing 128553  
appropriation item 235684, OhioMeansJobs Workforce Development 128554  
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 128555  
used by the Chancellor of Higher Education to administer the 128556  
program. 128557

**Section 369.490. STATE NEED-BASED FINANCIAL AID** 128558  
RECONCILIATION 128559

By the first day of August in each fiscal year, or as soon as 128560  
possible thereafter, the Chancellor of Higher Education shall 128561  
certify to the Director of Budget and Management the amount 128562  
necessary to pay any outstanding prior year obligations to higher 128563  
education institutions for the state's need-based financial aid 128564  
programs. The amounts certified are hereby appropriated to 128565  
appropriation item 235618, State Need-based Financial Aid 128566  
Reconciliation, from revenues received in the State Need-based 128567  
Financial Aid Reconciliation Fund (Fund 5Y50). 128568

**Section 369.500. NURSING LOAN PROGRAM** 128569

The foregoing appropriation item 235606, Nursing Loan 128570  
Program, shall be used to administer the nurse education 128571  
assistance program. Up to \$50,000 in each fiscal year may be used 128572  
for operating expenses associated with the program. Any additional 128573  
funds needed for the administration of the program are subject to 128574  
Controlling Board approval. 128575

**Section 369.510.** RESEARCH INCENTIVE THIRD FRONTIER FUND 128576

The foregoing appropriation item 235634, Research Incentive 128577  
Third Frontier Fund, shall be used by the Chancellor of Higher 128578  
Education to advance collaborative research at institutions of 128579  
higher education. Of the foregoing appropriation item 235634, 128580  
Research Incentive Third Frontier Fund, up to \$2,000,000 in each 128581  
fiscal year may be allocated toward research regarding the 128582  
improvement of water quality. Of the foregoing appropriation item 128583  
235634, Research Incentive Third Frontier Fund, up to \$1,000,000 128584  
in each fiscal year may be allocated toward research regarding the 128585  
reduction of infant mortality. 128586

**Section 369.513.** FEDERAL RESEARCH CENTER NETWORK 128587

The foregoing appropriation item 235699, Federal Research 128588  
Center Network, shall be allocated to Applied Research Corporation 128589  
to collaborate with Wright Patterson Air Force Base, NASA Glenn 128590  
Research Center, Ohio's research universities, and the private 128591  
sector to align the state's research assets with emerging missions 128592  
and job growth opportunities emanating from the two federal 128593  
installations, strengthen related workforce development and 128594  
technology commercialization programs, and better position the 128595  
state's university system to directly impact new job creation in 128596  
Ohio. A portion of the foregoing appropriation item shall be used 128597  
to support the growth of small business federal contractors in the 128598  
state and expand the participation of Ohio businesses in the 128599  
federal Small Business Innovation Research Program and related 128600  
federal programs. The foregoing appropriation item shall be used 128601  
for "research and development purposes" as defined under Article 128602  
VIII, Section 2p of the Ohio Constitution. 128603

**Section 369.520.** VETERANS PREFERENCES 128604

The Chancellor of Higher Education shall work with the 128605

Department of Veterans Services to develop specific veterans 128606  
preference guidelines for higher education institutions. These 128607  
guidelines shall ensure that the institutions' hiring practices 128608  
are in accordance with the intent of Ohio's veterans preference 128609  
laws. 128610

**Section 369.530.** (A) As used in this section: 128611

(1) "Board of trustees" includes the managing authority of a 128612  
university branch district. 128613

(2) "State institution of higher education" has the same 128614  
meaning as in section 3345.011 of the Revised Code. 128615

(B) The board of trustees of any state institution of higher 128616  
education, notwithstanding any rule of the institution to the 128617  
contrary, may adopt a policy providing for mandatory furloughs of 128618  
employees, including faculty, to achieve spending reductions 128619  
necessitated by institutional budget deficits. 128620

**Section 369.540.** EFFICIENCY ADVISORY COMMITTEE 128621

The Chancellor of Higher Education shall maintain an 128622  
efficiency advisory committee for the purpose of generating 128623  
optimal efficiency plans for campuses, identifying shared services 128624  
opportunities, streamlining administrative operations, and sharing 128625  
best practices in efficiencies among public institutions of higher 128626  
education. The committee shall meet at the call of the Chancellor 128627  
or the Chancellor's designee. Each state institution of higher 128628  
education shall designate an employee to serve as its efficiency 128629  
officer responsible for the evaluation and improvement of 128630  
operational efficiencies on campus. Each efficiency officer shall 128631  
serve on the efficiency advisory committee. 128632

By December 31 of each year, the Chancellor of Higher 128633  
Education shall provide a report to the Office of Budget and 128634  
Management, the Governor, and the General Assembly compiling 128635

efficiency reports from all public institutions of higher 128636  
education and benchmarking efficiency gains realized over the 128637  
preceding year. The reports from each institution shall identify 128638  
efficiencies at each public institution of higher education, and 128639  
quantify revenue enhancements, reallocation of resources, expense 128640  
reductions, and cost avoidance where possible in the areas of 128641  
general operational functions, academic program delivery, energy 128642  
usage, and information technology and procurement reforms. The 128643  
reports shall particularly emphasize areas where these reforms are 128644  
demonstrating savings or cost avoidance to students. The report 128645  
shall also be made available to the public on the Department of 128646  
Higher Education's web site. 128647

**Section 369.550. AGENCY NAME CHANGE** 128648

On the effective date of this section, the office of the 128649  
Chancellor of the Board of Regents is renamed the Department of 128650  
Higher Education. The office of the Chancellor of the Board of 128651  
Regents' functions, and its assets and liabilities, are 128652  
transferred to the Department of Higher Education. The Department 128653  
of Higher Education is successor to, assumes the obligations and 128654  
authority of, and otherwise continues the office of the Chancellor 128655  
of the Board of Regents. No right, privilege, or remedy, and no 128656  
duty, liability, or obligation, accrued under the office of the 128657  
Chancellor of the Board of Regents is impaired or lost by reason 128658  
of the renaming and shall be recognized, administered, performed, 128659  
or enforced by the Department of Higher Education. 128660

Business commenced but not completed by the office of the 128661  
Chancellor of the Board of Regents or by the Chancellor shall be 128662  
completed by the Department of Higher Education or the Chancellor 128663  
of Higher Education in the same manner, and with the same effect, 128664  
as if completed by the office of the Chancellor of the Board of 128665  
Regents or the Chancellor. 128666



All of the office of the Chancellor of the Board of Regents' 128667  
rules, orders, and determinations continue in effect as rules, 128668  
orders, and determinations of the Department of Higher Education 128669  
until modified or rescinded by the Department of Higher Education. 128670

All employees of the office of the Chancellor of the Board of 128671  
Regents continue with the Department of Higher Education and 128672  
retain their positions and all benefits accruing thereto. 128673

Except as otherwise noted in law, whenever the Board of 128674  
Regents or the Chancellor of the Board of Regents is referred to 128675  
in a statute, contract, or other instrument, the reference is 128676  
deemed to refer to the Department of Higher Education or to the 128677  
Chancellor of Higher Education, whichever is appropriate in 128678  
context. 128679

No pending action or proceeding being prosecuted or defended 128680  
in court or before an agency by the office of the Chancellor of 128681  
the Board of Regents or by the Chancellor of the Board of Regents 128682  
is affected by the renaming and shall be prosecuted or defended in 128683  
the name of the Department of Higher Education or the Chancellor 128684  
of Higher Education, whichever is appropriate. Upon application to 128685  
the court or agency, the Department of Higher Education or the 128686  
Chancellor of Higher Education shall be substituted. 128687

**Section 369.560. OHIO TASK FORCE ON AFFORDABILITY AND 128688**  
EFFICIENCY IN HIGHER EDUCATION REPORT 128689

Upon submission of the Ohio task force on affordability and 128690  
efficiency in higher education report as established by governor's 128691  
executive order, all boards of trustees for state institutions of 128692  
higher education as defined in section 3345.011 of the Revised 128693  
Code, shall complete an efficiency review based on the 128694  
recommendations of the task force, and submit a report to the 128695  
Chancellor of Higher Education that includes the efficiency 128696  
review, implementation plan of the task force recommendations 128697

authorized by the institution, and the Senate Challenge plan 128698  
required under Section 369.600 of this act by July 1, 2016. 128699

**Section 369.570. WORK EXPERIENCE STRATEGIES** 128700

By December 31, 2015, the Chancellor of Higher Education, in 128701  
consultation with state institutions of higher education as 128702  
defined in section 3345.011 of the Revised Code and nonprofit 128703  
institutions of higher education that have certificates of 128704  
authorization under Chapter 1713. of the Revised Code, shall 128705  
develop implementation strategies to embed work experiences, 128706  
including but not limited to internships and cooperatives, into 128707  
the curriculum of degree programs starting in the 2016-2017 128708  
academic year, to explore ways to increase student participation 128709  
in in-demand occupations, including computer sciences, and to 128710  
create industry clusters to develop curriculum that can be used 128711  
for competency based tests. These implementation strategies shall 128712  
also include the use of OhioMeansJobs.com as a central location 128713  
for higher education students to access information on work 128714  
experiences and career opportunities. By December 31, 2015, each 128715  
state institution of higher education as defined in section 128716  
3345.011 of the Revised Code and each nonprofit institution of 128717  
higher education that has a certificate of authorization under 128718  
Chapter 1713. of the Revised Code shall display a link to 128719  
OhioMeansJobs.com in a prominent location on the institution's web 128720  
site. 128721

The Chancellor shall work with state institutions of higher 128722  
education and nonprofit institutions of higher education to have a 128723  
career counseling program in place by December 31, 2015. 128724

**Section 369.580. TECHNOLOGY TRANSFER AND COMMERCIALIZATION** 128725  
**RECOMMENDATIONS** 128726

By July 1, 2016, the Chancellor of Higher Education shall 128727

study and make recommendations regarding ways to improve 128728  
technology transfer and commercialization, including the potential 128729  
for intellectual property auctions after a set number of years. 128730

**Section 369.600.** (A) The board of trustees of each state 128731  
institution of higher education shall develop and implement a plan 128732  
to provide all in-state, undergraduate students the opportunity to 128733  
reduce the student cost of earning a degree by five per cent. 128734

(B) The plan may include, but shall not be limited to, the 128735  
following: 128736

(1) Reducing the credit hours required to complete an 128737  
associate or baccalaureate degree offered by the institution; 128738

(2) Offering a tuition discount or rebate to any student that 128739  
completes a full load of coursework, as determined by the board of 128740  
trustees; 128741

(3) Offering a tuition discount or rebate or reduced tuition 128742  
option to students enrolling in a summer semester or quarter; 128743

(4) Offering online courses or degrees; 128744

(5) Reducing the cost of textbooks using cost-saving measures 128745  
identified and implemented by the board of trustees; 128746

(6) Incorporation of remediation in the coursework and 128747  
curriculum of credit-bearing courses; 128748

(7) Offering a fixed rate of instructional and general fees 128749  
for any additional credits taken by students above a full course 128750  
load, as determined by the board of trustees; 128751

(8) Offering fast-track degree completion programs; 128752

(9) Eliminating, reducing or freezing auxiliary fees; 128753

(10) Increased participation in the college credit plus 128754  
program established in Chapter 3365. of the Revised Code; 128755

(11) Offering programs to reduce or eliminate the need for remediation coursework. 128756  
128757

(C) Not later than September 1, 2015, the board of trustees of each state institution of higher education shall submit the plan required under this section to the Chancellor of Higher Education. 128758  
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128760  
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(D) As used in this section: 128762

(1) "Auxiliary fees" mean charges assessed by a state institution of higher education to a student for various educational expenses including, but not limited to, course-related fees, laboratory fees, books and supplies, room and board, transportation, enrollment application fees, and other miscellaneous charges. "Auxiliary fees" do not include instructional or general fees uniformly assessed to all students. 128763  
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(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 128770  
128771

(3) "Tuition" means the instructional and general fees charged by a state institution of higher education. 128772  
128773

**Section 369.610. COMPETENCY BASED PILOT PROJECT** 128774

The Chancellor of Higher Education shall work with state institutions of higher education as defined in section 3345.011 of the Revised Code to develop competency based education programs. Competency based education programs shall measure student success based on competencies instead of credit hours earned. Any state institutions of higher education that choose to offer competency based education programs may submit plans for how the institution would design, develop, structure and implement such programs to the Department of Higher Education by July 1, 2016. State institutions of higher education that choose to develop and submit such a plan shall be granted a reasonable period of time to 128775  
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implement the plan, including the time it takes to seek and 128786  
receive the necessary approvals, accreditations, and any other 128787  
conditions that must be met in order to set up, operate, and 128788  
administer such a program. 128789

**Section 369.620.** Not later than January 31, 2016, the Human 128790  
Trafficking and Social Justice Institute of the University of 128791  
Toledo, in conjunction with other state universities, shall 128792  
develop and submit to the General Assembly in accordance with 128793  
section 101.68 of the Revised Code, the Governor, and the 128794  
Chancellor of Higher Education, a plan that outlines how state 128795  
universities can work with federal, state, and local officials and 128796  
other organizations and groups to respond to the global problem of 128797  
human trafficking. The plan shall include methods to ensure that 128798  
university-level research, legal information, and educational 128799  
programs are available statewide. 128800

**Section 371.10.** DRC DEPARTMENT OF REHABILITATION AND 128801  
CORRECTION 128802

General Revenue Fund 128803

GRF 501321 Institutional \$ 950,215,085 \$ 975,215,085 128804  
Operations

GRF 501405 Halfway House \$ 54,369,687 \$ 56,541,437 128805

GRF 501406 Adult Correctional \$ 82,595,700 \$ 79,702,800 128806  
Facilities Lease  
Rental Bond Payments

GRF 501407 Community \$ 51,477,390 \$ 53,365,890 128807  
Nonresidential  
Programs

GRF 501408 Community Misdemeanor \$ 14,356,800 \$ 14,356,800 128808  
Programs

GRF 501501 Community Residential \$ 74,491,705 \$ 78,329,955 128809

		Programs - CBCF					
GRF	501503	Residential Grant	\$	100,000	\$	100,000	128810
		Program					
GRF	503321	Parole and Community	\$	73,346,119	\$	75,149,295	128811
		Operations					
GRF	504321	Administrative	\$	21,475,332	\$	21,999,343	128812
		Operations					
GRF	505321	Institution Medical	\$	240,000,000	\$	249,000,000	128813
		Services					
GRF	506321	Institution Education	\$	24,586,681	\$	30,454,204	128814
		Services					
TOTAL GRF		General Revenue Fund	\$	1,587,014,499	\$	1,634,214,809	128815
		Dedicated Purpose Fund Group					128816
4B00	501601	Sewer Treatment	\$	2,393,506	\$	2,420,848	128817
		Services					
4D40	501603	Prisoner Programs	\$	5,490,000	\$	500,000	128818
4L40	501604	Transitional Control	\$	700,000	\$	700,000	128819
4S50	501608	Education Services	\$	3,432,164	\$	3,490,471	128820
5AF0	501609	State and Non-Federal	\$	2,000,000	\$	2,000,000	128821
		Awards					
5H80	501617	Offender Financial	\$	2,000,000	\$	2,000,000	128822
		Responsibility					
TOTAL DPF		Dedicated Purpose Fund	\$	16,015,670	\$	11,111,319	128823
		Group					
		Internal Service Activity Fund Group					128824
1480	501602	Institutional	\$	3,139,577	\$	3,139,577	128825
		Services					
2000	501607	Ohio Penal Industries	\$	54,492,119	\$	54,925,441	128826
4830	501605	Leased Property	\$	467,844	\$	469,540	128827
		Maintenance &					
		Operating					
5710	501606	Corrections Training	\$	500,000	\$	500,000	128828

	Maintenance &					
	Operating					
5L60 501611	Information	\$	500,000	\$	500,000	128829
	Technology Services					
TOTAL ISA	Internal Activity					128830
Fund Group		\$	59,099,540	\$	59,534,558	128831
Federal Fund Group						128832
3230 501619	Federal Grants	\$	4,200,000	\$	4,200,000	128833
3CW0 501622	Federal Equitable	\$	400,000	\$	400,000	128834
	Sharing					
TOTAL FED	Federal					128835
Fund Group		\$	4,600,000	\$	4,600,000	128836
TOTAL ALL BUDGET FUND GROUPS		\$	1,666,729,709	\$	1,709,460,686	128837
	ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS					128838
	The foregoing appropriation item 501406, Adult Correctional					128839
	Facilities Lease Rental Bond Payments, shall be used to meet all					128840
	payments during the period from July 1, 2015, through June 30,					128841
	2017, by the Department of Rehabilitation and Correction under the					128842
	primary leases and agreements for those buildings made under					128843
	Chapters 152. and 154. of the Revised Code. These appropriations					128844
	are the source of funds pledged for bond service charges on					128845
	related obligations issued under Chapters 152. and 154. of the					128846
	Revised Code.					128847
	RESIDENTIAL GRANT PROGRAM					128848
	The foregoing appropriation item 501503, Residential Grant					128849
	Program, shall be used by the Department of Rehabilitation and					128850
	Correction to conduct a one-year pilot program to award grants in					128851
	support of community-based residential programs in several					128852
	prisons. The Department shall establish guidelines, procedures,					128853
	and forms by which applicants may apply for grants. These					128854
	guidelines shall establish that grant eligibility is limited to					128855
	faith-based character programs that have been in existence for					128856

five years or longer, that are not operated by the state of Ohio, 128857  
and that have a demonstrated record of successful implementation 128858  
of residential programs that have been shown to reduce violent 128859  
behavior and disciplinary reports of inmate participants while in 128860  
prison and significantly reduce recidivism among graduates once 128861  
they reenter the outside community. 128862

In administering the one-year pilot program, the Department 128863  
shall establish a partnership with an Ohio university or college 128864  
which would provide all necessary and appropriate statistical 128865  
information concerning the implementation of the program. The 128866  
Department shall submit a quarterly report containing that 128867  
information to the Speaker of the House of Representatives and the 128868  
President of the Senate. 128869

OSU MEDICAL CHARGES 128870

Notwithstanding section 341.192 of the Revised Code, at the 128871  
request of the Department of Rehabilitation and Correction, The 128872  
Ohio State University Medical Center, including the Arthur G. 128873  
James Cancer Hospital and Richard J. Solove Research Institute and 128874  
the Richard M. Ross Heart Hospital, shall provide necessary care 128875  
to persons who are confined in state adult correctional 128876  
facilities. The provision of necessary inpatient care shall be 128877  
billed to the Department or the Department of Medicaid at a rate 128878  
not to exceed the authorized reimbursement rate for the same 128879  
service established by the Department of Medicaid under the 128880  
Medicaid Program. 128881

**Section 373.10.** RCB RESPIRATORY CARE BOARD 128882

Dedicated Purpose Fund Group					128883
4K90 872609 Operating Expenses	\$	572,005	\$	570,123	128884
TOTAL DPF Dedicated Purpose					128885
Fund Group	\$	572,005	\$	570,123	128886



TOTAL ALL BUDGET FUND GROUPS		\$	572,005	\$	570,123	128887
<b>Section 375.10. RDF STATE REVENUE DISTRIBUTIONS</b>						128889
General Revenue Fund Group						128890
GRF 110908	Property Tax	\$	664,740,000	\$	675,760,000	128891
	Reimbursement - Local Government					
GRF 200903	Property Tax	\$	1,181,760,000	\$	1,201,340,000	128892
	Reimbursement - Education					
TOTAL GRF General Revenue Fund Group		\$	1,846,500,000	\$	1,877,100,000	128893
Dedicated Purpose Fund Group						128894
5KT0 955501	Racetrack Host Supplement	\$	1,500,000	\$	1,500,000	128895
TOTAL DPF Dedicated Purpose Fund Group		\$	1,500,000	\$	1,500,000	128896
Revenue Distribution Fund Group						128897
5JG0 110633	Gross Casino Revenue County Distribution	\$	123,500,000	\$	114,100,000	128898
5JH0 110634	Gross Casino Revenue County Student Distribution	\$	82,300,000	\$	76,100,000	128899
5JJ0 110636	Gross Casino Revenue Host City Distribution	\$	12,100,000	\$	11,100,000	128900
7047 200902	Property Tax Replacement Phase Out-Education	\$	361,773,101	\$	251,560,497	128901
7049 336900	Indigent Drivers Alcohol Treatment	\$	2,250,000	\$	2,250,000	128902
7050 762900	International	\$	20,000,000	\$	20,000,000	128903

		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$ 345,000,000	\$ 345,000,000	128904	
		Distribution				
7060	110960	Gasoline Excise Tax	\$ 395,000,000	\$ 395,000,000	128905	
		Fund				
7065	110965	Public Library Fund	\$ 389,520,000	\$ 404,310,000	128906	
7066	800966	Undivided Liquor	\$ 14,100,000	\$ 14,100,000	128907	
		Permits				
7068	110968	State and Local	\$ 196,000,000	\$ 196,000,000	128908	
		Government Highway				
		Distributions				
7069	110969	Local Government Fund	\$ 383,520,000	\$ 399,310,000	128909	
7081	110907	Property Tax	\$ 66,070,450	\$ 40,444,766	128910	
		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$ 100,000	\$ 100,000	128911	
7083	700900	Ohio Fairs Fund	\$ 1,200,000	\$ 1,200,000	128912	
7102	110644	Production Equipment	\$ 95,000,000	\$ 95,000,000	128913	
		Property Tax				
		Replacement				
TOTAL RDF Revenue Distribution					128914	
Fund Group			\$ 2,487,433,551	\$ 2,365,575,263	128915	
Fiduciary Fund Group					128916	
4P80	001698	Cash Management	\$ 3,100,000	\$ 3,100,000	128917	
		Improvement Fund				
6080	001699	Investment Earnings	\$ 100,000,000	\$ 120,000,000	128918	
7001	110996	Horse-Racing Tax	\$ 125,000	\$ 125,000	128919	
		Municipality Fund				
7062	110962	Resort Area Excise	\$ 1,200,000	\$ 1,200,000	128920	
		Tax Distribution				
7063	110963	Permissive Tax	\$ 2,356,000,000	\$ 2,475,000,000	128921	
		Distribution				

7067	110967	School District Income Tax Distribution	\$ 430,000,000	\$ 453,000,000	128922
7085	800985	Volunteer Firemen's Dependents Fund	\$ 300,000	\$ 300,000	128923
7093	110640	Next Generation 9-1-1	\$ 2,600,000	\$ 2,600,000	128924
7094	110641	Wireless 9-1-1 Government Assistance	\$ 28,200,000	\$ 28,200,000	128925
7099	762902	Permissive Tax Distribution - Auto Registration	\$ 184,000,000	\$ 184,000,000	128926
TOTAL FID Fiduciary Fund Group			\$ 3,105,525,000	\$ 3,267,525,000	128927
Holding Account Fund Group					128928
R045	110617	International Fuel Tax Distribution	\$ 40,000,000	\$ 40,000,000	128929
TOTAL HLD Holding Account Fund Group			\$ 40,000,000	\$ 40,000,000	128930
TOTAL ALL BUDGET FUND GROUPS			\$ 7,480,958,551	\$ 7,551,700,263	128931
ADDITIONAL APPROPRIATIONS					128932
Appropriation items in this section shall be used for the					128933
purpose of administering and distributing the designated revenue					128934
distribution funds according to the Revised Code. If it is					128935
determined that additional appropriations are necessary for this					128936
purpose, such amounts are hereby appropriated.					128937
GENERAL REVENUE FUND TRANSFERS					128938
Notwithstanding any provision of law to the contrary, in					128939
fiscal year 2016 and fiscal year 2017, the Director of Budget and					128940
Management may transfer from the General Revenue Fund to the Local					128941
Government Tangible Property Tax Replacement Fund (Fund 7081) and					128942
the School District Tangible Property Tax Replacement Fund (Fund					128943
7047) in the Revenue Distribution Fund Group, those amounts					128944
necessary to reimburse local taxing units and school districts					128945

under sections 5709.92 and 5709.93 of the Revised Code. Also, in 128946  
fiscal year 2016 and fiscal year 2017, the Director of Budget and 128947  
Management may make temporary transfers from the General Revenue 128948  
Fund to ensure sufficient balances in the Local Government 128949  
Tangible Property Tax Replacement Fund (Fund 7081) and the School 128950  
District Tangible Property Tax Replacement Fund (Fund 7047) and to 128951  
replenish the General Revenue Fund for such transfers. 128952

PROPERTY TAX REIMBURSEMENT - EDUCATION 128953

The Superintendent of Public Instruction shall not request, 128954  
and the Controlling Board shall not approve, the transfer of 128955  
appropriation from appropriation item 200903, Property Tax 128956  
Reimbursement - Education, to any other appropriation item. 128957

The foregoing appropriation item 200903, Property Tax 128958  
Reimbursement - Education, is appropriated to pay for the state's 128959  
costs incurred because of the homestead exemption, the property 128960  
tax rollback, and payments required under division (C) of section 128961  
5705.2110 of the Revised Code. In cooperation with the Department 128962  
of Taxation, the Department of Education shall distribute these 128963  
funds directly to the appropriate school districts of the state, 128964  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 128965  
which provide for payment of the homestead exemption and property 128966  
tax rollback by the Tax Commissioner to the appropriate county 128967  
treasurer and the subsequent redistribution of these funds to the 128968  
appropriate local taxing districts by the county auditor. 128969

Upon receipt of these amounts, each school district shall 128970  
distribute the amount among the proper funds as if it had been 128971  
paid as real or tangible personal property taxes. Payments for the 128972  
costs of administration shall continue to be paid to the county 128973  
treasurer and county auditor as provided for in sections 319.54, 128974  
321.26, and 323.156 of the Revised Code. 128975

Any sums, in addition to the amount specifically appropriated 128976

in appropriation item 200903, Property Tax Reimbursement - 128977  
Education, for the homestead exemption and the property tax 128978  
rollback payments, and payments required under division (C) of 128979  
section 5705.2110 of the Revised Code, which are determined to be 128980  
necessary for these purposes, are hereby appropriated. 128981

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 128982

The foregoing appropriation item 110908, Property Tax 128983  
Reimbursement-Local Government, is hereby appropriated to pay for 128984  
the state's costs incurred due to the Homestead Exemption, the 128985  
Manufactured Home Property Tax Rollback, and the Property Tax 128986  
Rollback. The Tax Commissioner shall distribute these funds 128987  
directly to the appropriate local taxing districts, except for 128988  
school districts, notwithstanding the provisions in sections 128989  
321.24 and 323.156 of the Revised Code, which provide for payment 128990  
of the Homestead Exemption, the Manufactured Home Property Tax 128991  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 128992  
appropriate county treasurer and the subsequent redistribution of 128993  
these funds to the appropriate local taxing districts by the 128994  
county auditor. 128995

Upon receipt of these amounts, each local taxing district 128996  
shall distribute the amount among the proper funds as if it had 128997  
been paid as real property taxes. Payments for the costs of 128998  
administration shall continue to be paid to the county treasurer 128999  
and county auditor as provided for in sections 319.54, 321.26, and 129000  
323.156 of the Revised Code. 129001

Any sums, in addition to the amounts specifically 129002  
appropriated in appropriation item 110908, Property Tax Allocation 129003  
- Local Government, for the Homestead Exemption, the Manufactured 129004  
Home Property Tax Rollback, and the Property Tax Rollback 129005  
payments, which are determined to be necessary for these purposes, 129006  
are hereby appropriated. 129007

PUBLIC LIBRARY FUND 129008

Notwithstanding the requirement in division (C) of section 129009  
131.51 of the Revised Code that the Director of Budget and 129010  
Management use the percentage calculated in division (A)(2) of 129011  
section 131.51 of the Revised Code for calculating the credit each 129012  
month to the Public Library Fund, the Director of Budget and 129013  
Management shall instead calculate these amounts during fiscal 129014  
year 2016 and fiscal year 2017 using 1.70 per cent as the 129015  
percentage. 129016

LOCAL GOVERNMENT FUND 129017

Notwithstanding the requirement in division (C) of section 129018  
5747.50 of the Revised Code that the Tax Commissioner provide for 129019  
payment from the Local Government Fund to each municipal 129020  
corporation of an amount calculated using the total amount 129021  
available for distribution to municipal corporations during the 129022  
current month, as defined in that division, the Tax Commissioner 129023  
shall reduce the total amount available for distribution to 129024  
municipal corporations during the current month by \$1,000,000 in 129025  
each month of fiscal years 2016 and 2017, before calculating the 129026  
amount to be distributed to each municipal corporation. 129027

From the amounts not distributed to municipal corporations, 129028  
\$833,333.33 in each month of fiscal years 2016 and 2017 shall be 129029  
used solely to provide a supplement to townships. The Tax 129030  
Commissioner shall determine amounts to be distributed to each 129031  
county undivided local government fund. Half is to be divided 129032  
among the counties so that each township in the state receives the 129033  
same amount, and half is to be apportioned based on township road 129034  
miles. The Tax Commissioner shall transfer these amounts, and 129035  
shall separately identify to each county treasurer the amount to 129036  
be divided equally among townships in the county and the amount to 129037  
be divided among the townships based on road miles. Each 129038  
appropriate county officer shall transfer cash from the county 129039

undivided local government fund to townships in the county based 129040  
on this division of funds. 129041

From the amounts not distributed to municipal corporations, 129042  
\$166,666.67 in each month of fiscal years 2016 and 2017 shall be 129043  
used solely to provide a supplement to villages with populations 129044  
under 1,000 residents in the 2010 Census of Population. The Tax 129045  
Commissioner shall determine amounts to be distributed to each 129046  
county undivided local government fund. Half is to be divided 129047  
among the counties so that each qualifying village in the state 129048  
receives the same amount, and half is to be apportioned based on 129049  
village road miles. The Tax Commissioner shall transfer these 129050  
amounts, and shall separately identify to each county treasurer 129051  
the amount to be divided equally among qualifying villages in the 129052  
county and the amount to be divided among the qualifying villages 129053  
based on road miles. Each appropriate county officer shall 129054  
transfer cash from the county undivided local government fund to 129055  
qualifying villages in the county based on this division of funds. 129056

**Section 377.10. SAN BOARD OF SANITARIAN REGISTRATION** 129057

Dedicated Purpose Fund Group				129058
4K90 893609 Operating Expenses	\$	158,250	\$ 153,650	129059
TOTAL DPF Dedicated Purpose				129060
Fund Group	\$	158,250	\$ 153,650	129061
TOTAL ALL BUDGET FUND GROUPS	\$	158,250	\$ 153,650	129062

**Section 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND** 129064

General Revenue Fund				129065
GRF 226321 Operations	\$	8,100,000	\$ 8,100,000	129066
TOTAL GRF General Revenue Fund	\$	8,100,000	\$ 8,100,000	129067
Dedicated Purpose Fund Group				129068
4H80 226602 Education Reform	\$	27,000	\$ 27,000	129069
Grants				

4M50	226601	Work Study and Technology Investment	\$	461,521	\$	461,521	129070
5NJ0	226622	Food Service Program	\$	9,000	\$	9,000	129071
TOTAL DPF Dedicated Purpose							129072
Fund Group			\$	497,521	\$	497,521	129073
Federal Fund Group							129074
3100	226626	Coordinating Unit	\$	2,527,104	\$	2,527,104	129075
3DT0	226621	Ohio Transition Collaborative	\$	650,000	\$	650,000	129076
3P50	226643	Medicaid Professional Services Reimbursement	\$	50,000	\$	50,000	129077
TOTAL FED Federal Fund Group			\$	3,227,104	\$	3,227,104	129078
TOTAL ALL BUDGET FUND GROUPS			\$	11,824,625	\$	11,824,625	129079
 <b>Section 381.10. OSD OHIO SCHOOL FOR THE DEAF</b>							129081
General Revenue Fund							129082
GRF	221321	Operations	\$	9,804,435	\$	10,228,878	129083
TOTAL GRF General Revenue Fund			\$	9,804,435	\$	10,228,878	129084
Dedicated Purpose Fund Group							129085
4M00	221601	Educational Program Expenses	\$	95,000	\$	95,000	129086
4M10	221602	Education Reform Grants	\$	35,000	\$	35,000	129087
5H60	221609	Even Start Fees and Gifts	\$	35,000	\$	35,000	129088
5NK0	221610	Food Service Program	\$	9,000	\$	9,000	129089
TOTAL DPF Dedicated Purpose							129090
Fund Group			\$	174,000	\$	174,000	129091
Federal Fund Group							129092
3110	221625	Coordinating Unit	\$	2,153,246	\$	2,153,246	129093
3R00	221684	Medicaid Professional	\$	160,000	\$	160,000	129094



Services			
Reimbursement			
TOTAL FED Federal Fund Group	\$	2,313,246	\$ 2,313,246 129095
TOTAL ALL BUDGET FUND GROUPS	\$	12,291,681	\$ 12,716,124 129096
<b>Section 383.10. SOS SECRETARY OF STATE</b>			129098
General Revenue Fund			129099
GRF 050321 Operating Expenses	\$	2,144,030	\$ 2,144,030 129100
GRF 050407 Poll Workers Training	\$	234,196	\$ 234,196 129101
TOTAL GRF General Revenue Fund	\$	2,378,226	\$ 2,378,226 129102
Dedicated Purpose Fund Group			129103
4120 050609 Notary Commission	\$	475,000	\$ 475,000 129104
5990 050603 Business Services	\$	14,385,400	\$ 14,385,400 129105
Operating Expenses			
TOTAL DPF Dedicated Purpose Fund	\$	14,860,400	\$ 14,860,400 129106
Group			
Internal Service Activity Fund Group			129107
4S80 050610 Board of Voting	\$	7,200	\$ 7,200 129108
Machine Examiners			
5FG0 050620 BOE Reimbursement and	\$	80,000	\$ 80,000 129109
Education			
TOTAL ISA Internal Service Activity	\$	87,200	\$ 87,200 129110
Fund Group			
Holding Account Fund Group			129111
R001 050605 Uniform Commercial	\$	30,000	\$ 30,000 129112
Code Refunds			
R002 050606 Corporate/Business	\$	85,000	\$ 85,000 129113
Filing Refunds			
TOTAL HLD Holding Account Fund	\$	115,000	\$ 115,000 129114
Group			
Federal Fund Group			129115

3AS0 050616	Help America Vote Act	\$	502,000	\$	0	129116
	(HAVA)					
TOTAL FED	Federal Fund Group	\$	502,000	\$	0	129117
TOTAL ALL BUDGET FUND GROUPS		\$	17,942,826	\$	17,440,826	129118
	POLL WORKERS TRAINING					129119
	The foregoing appropriation item 050407, Poll Workers					129120
	Training, shall be used to reimburse county boards of elections					129121
	for poll worker training pursuant to section 3501.27 of the					129122
	Revised Code. At the end of fiscal year 2016, an amount equal to					129123
	the unexpended, unencumbered portion of the foregoing					129124
	appropriation item 050407, Poll Workers Training, is hereby					129125
	reappropriated in fiscal year 2017 for the same purpose.					129126
	BOARD OF VOTING MACHINE EXAMINERS					129127
	The foregoing appropriation item 050610, Board of Voting					129128
	Machine Examiners, shall be used to pay for the services and					129129
	expenses of the members of the Board of Voting Machine Examiners,					129130
	and for other expenses that are authorized to be paid from the					129131
	Board of Voting Machine Examiners Fund (Fund 4S80) created in					129132
	section 3506.05 of the Revised Code. Moneys not used shall be					129133
	returned to the person or entity submitting equipment for					129134
	examination. If it is determined that additional appropriations					129135
	are necessary, such amounts are hereby appropriated.					129136
	HOLDING ACCOUNT FUND GROUP					129137
	The foregoing appropriation items 050605, Uniform Commercial					129138
	Code Refunds, and 050606, Corporate/Business Filing Refunds, shall					129139
	be used to hold revenues until they are directed to the					129140
	appropriate accounts or until they are refunded. If it is					129141
	determined that additional appropriations are necessary, such					129142
	amounts are hereby appropriated.					129143
	HAVA FUNDS					129144
	At the end of fiscal year 2015, an amount equal to the					129145

unexpended, unencumbered portion of the foregoing appropriation 129146  
item 050616, Help America Vote Act (HAVA) is hereby reappropriated 129147  
in fiscal year 2016 for the same purpose. 129148

At the end of fiscal year 2016, an amount equal to the 129149  
unexpended, unencumbered portion of the foregoing appropriation 129150  
item 050616, Help America Vote Act (HAVA), is hereby 129151  
reappropriated in fiscal year 2017 for the same purpose. 129152

**Section 385.10. SEN THE OHIO SENATE** 129153

General Revenue Fund 129154

GRF 020321 Operating Expenses \$ 12,518,143 \$ 12,518,143 129155

TOTAL GRF General Revenue Fund \$ 12,518,143 \$ 12,518,143 129156

Internal Service Activity Fund Group 129157

1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800 129158

4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497 129159

TOTAL ISA Internal Service Activity 129160

Fund Group \$ 460,297 \$ 460,297 129161

TOTAL ALL BUDGET FUND GROUPS \$ 12,978,440 \$ 12,978,440 129162

**OPERATING EXPENSES** 129163

On July 1, 2015, or as soon as possible thereafter, the Clerk 129164  
of the Senate may certify to the Director of Budget and Management 129165  
the amount of the unexpended, unencumbered balance of the 129166  
foregoing appropriation item 020321, Operating Expenses, at the 129167  
end of fiscal year 2015 to be reappropriated to fiscal year 2016. 129168  
The amount certified is hereby reappropriated to the same 129169  
appropriation item for fiscal year 2016. 129170

On July 1, 2016, or as soon as possible thereafter, the Clerk 129171  
of the Senate may certify to the Director of Budget and Management 129172  
the amount of the unexpended, unencumbered balance of the 129173  
foregoing appropriation item 020321, Operating Expenses, at the 129174  
end of fiscal year 2016 to be reappropriated to fiscal year 2017. 129175

The amount certified is hereby reappropriated to the same 129176  
 appropriation item for fiscal year 2017. 129177

**Section 387.20.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 129178

General Revenue Fund 129179

GRF 866321 CSV Operations	\$	294,072	\$	294,072	129180
TOTAL GRF General Revenue Fund	\$	294,072	\$	294,072	129181

Dedicated Purpose Fund Group 129182

5GN0 866605 Serve Ohio Support	\$	30,000	\$	30,000	129183
TOTAL DPF Dedicated Purpose Fund	\$	30,000	\$	30,000	129184

Group

Federal Fund Group 129185

3R70 866617 AmeriCorps Programs	\$	7,182,899	\$	7,178,630	129186
TOTAL FED Federal Fund Group	\$	7,182,899	\$	7,178,630	129187
TOTAL ALL BUDGET FUND GROUPS	\$	7,506,971	\$	7,502,702	129188

**Section 389.10.** CSF COMMISSIONERS OF THE SINKING FUND 129190

Debt Service Fund Group 129191

7070 155905 Third Frontier	\$	79,091,400	\$	98,712,000	129192
Research and					
Development Bond					
Retirement Fund					

7072 155902 Highway Capital	\$	119,937,500	\$	134,101,700	129193
Improvement Bond					
Retirement Fund					

7073 155903 Natural Resources Bond	\$	27,079,900	\$	26,074,400	129194
Retirement Fund					

7074 155904 Conservation Projects	\$	34,674,900	\$	39,225,700	129195
Bond Retirement Fund					

7076 155906 Coal Research and	\$	5,991,400	\$	5,038,700	129196
Development Bond					
Retirement Fund					

7077	155907	State Capital Improvement Bond Retirement Fund	\$	234,437,400	\$	235,303,200	129197
7078	155908	Common Schools Bond Retirement Fund	\$	375,706,700	\$	386,754,800	129198
7079	155909	Higher Education Bond Retirement Fund	\$	254,970,800	\$	261,789,500	129199
7080	155901	Persian Gulf, Afghanistan, and Iraq Conflicts Bond Retirement Fund	\$	9,083,700	\$	23,343,400	129200
7090	155912	Job Ready Site Development Bond Retirement Fund	\$	19,384,000	\$	15,735,900	129201
TOTAL DSF Debt Service Fund Group			\$	1,160,357,700	\$	1,226,079,300	129202
TOTAL ALL BUDGET FUND GROUPS			\$	1,160,357,700	\$	1,226,079,300	129203
ADDITIONAL APPROPRIATIONS							129204
Appropriation items in this section are for the purpose of							129205
paying debt service and financing costs during the period from							129206
July 1, 2015 through June 30, 2017 on bonds or notes of the state							129207
issued under the Ohio Constitution and acts of the General							129208
Assembly. If it is determined that additional amounts are							129209
necessary for this purpose, such amounts are hereby appropriated.							129210
<b>Section 391.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY</b>							129211
DEVELOPMENT FOUNDATION							129212
Dedicated Purpose Fund Group							129213
5M90	945601	Operating Expenses	\$	426,800	\$	426,800	129214
TOTAL DPF Dedicated Purpose Fund Group			\$	426,800	\$	426,800	129215
TOTAL ALL BUDGET FUND GROUPS			\$	426,800	\$	426,800	129216

<b>Section 393.10.</b>				SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &	129218
AUDIOLOGY					129219
Dedicated Purpose Fund Group					129220
4K90	886609	Operating Expenses	\$	508,660	\$ 508,660 129221
TOTAL DPF Dedicated Purpose Fund				\$	508,660 \$ 508,660 129222
Group					
TOTAL ALL BUDGET FUND GROUPS				\$	508,660 \$ 508,660 129223
 <b>Section 395.10.</b>				BTA BOARD OF TAX APPEALS	129225
General Revenue Fund					129226
GRF	116321	Operating Expenses	\$	1,700,000	\$ 1,700,000 129227
TOTAL GRF General Revenue Fund				\$	1,700,000 \$ 1,700,000 129228
TOTAL ALL BUDGET FUND GROUPS				\$	1,700,000 \$ 1,700,000 129229
 <b>Section 397.10.</b>				TAX DEPARTMENT OF TAXATION	129231
General Revenue Fund					129232
GRF	110321	Operating Expenses	\$	67,777,493	\$ 67,777,493 129233
GRF	110404	Tobacco Settlement	\$	160,380	\$ 160,380 129234
Enforcement					
TOTAL GRF General Revenue Fund				\$	67,937,873 \$ 67,937,873 129235
Dedicated Purpose Fund Group					129236
2280	110628	CAT Administration	\$	16,100,000	\$ 16,100,000 129237
4330	110602	Municipal Data	\$	175,000	\$ 175,000 129238
Exchange					
Administration					
4350	110607	Local Tax	\$	19,006,950	\$ 19,006,950 129239
Administration					
4360	110608	Motor Vehicle Audit	\$	1,459,609	\$ 1,459,609 129240
Administration					
4370	110606	Income Tax Refund	\$	38,800	\$ 38,800 129241
Contribution					

		Administration				
4380	110609	School District	\$	5,402,044	\$	5,402,044 129242
		Income Tax				
		Administration				
4C60	110616	International	\$	682,415	\$	682,415 129243
		Registration Plan				
		Administration				
4R60	110610	Tire Tax	\$	244,193	\$	244,193 129244
		Administration				
5BP0	110639	Wireless 9-1-1	\$	290,000	\$	290,000 129245
		Administration				
5BW0	110630	Tax Amnesty Promotion	\$	2,500,000	\$	0 129246
		and Administration				
5JM0	110637	Casino Tax	\$	75,000	\$	75,000 129247
		Administration				
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000 129248
		Implementation				
5N50	110605	Municipal Income Tax	\$	150,000	\$	150,000 129249
		Administration				
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000 129250
		Administration				
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000 129251
		Tax Administration				
5V70	110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374 129252
		Administration				
5V80	110623	Property Tax	\$	11,178,310	\$	11,178,310 129253
		Administration				
5W70	110627	Exempt Facility	\$	49,500	\$	49,500 129254
		Administration				
6390	110614	Cigarette Tax	\$	1,750,000	\$	1,750,000 129255
		Enforcement				
6880	110615	Local Excise Tax	\$	775,015	\$	775,015 129256
		Administration				

TOTAL DPF Dedicated Purpose Fund Group	\$	69,012,210	\$	66,512,210	129257
Fiduciary Fund Group					129258
4250 110635 Tax Refunds	\$	1,546,800,000	\$	1,546,800,000	129259
5CZ0 110631 Vendor's License Application	\$	340,000	\$	340,000	129260
6420 110613 Ohio Political Party Distributions	\$	267,500	\$	265,000	129261
7095 110995 Municipal Income Tax	\$	8,100,000	\$	7,900,000	129262
TOTAL FID Fiduciary Fund Group	\$	1,555,507,500	\$	1,555,305,000	129263
Holding Account Fund Group					129264
R010 110611 Tax Distributions	\$	230,000	\$	230,000	129265
R011 110612 Miscellaneous Income Tax Receipts	\$	50,000	\$	50,000	129266
TOTAL HLD Holding Account Fund Group	\$	280,000	\$	280,000	129267
TOTAL ALL BUDGET FUND GROUPS	\$	1,692,737,583	\$	1,690,035,083	129268
MUNICIPAL INCOME TAX					129269
The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.					129270 129271 129272 129273 129274
TAX REFUNDS					129275
The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.					129276 129277 129278 129279
VENDOR'S LICENSE PAYMENTS					129280
The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors					129281 129282



under section 5739.17 of the Revised Code. If it is determined 129283  
that additional appropriations are necessary to make such 129284  
payments, such amounts are hereby appropriated. 129285

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 129286

The foregoing appropriation item 110616, International 129287  
Registration Plan Administration, shall be used under section 129288  
5703.12 of the Revised Code for audits of persons with vehicles 129289  
registered under the International Registration Plan. 129290

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 129291

Of the foregoing appropriation item 110607, Local Tax 129292  
Administration, the Tax Commissioner may disburse funds, if 129293  
available, for the purposes of paying travel expenses incurred by 129294  
members of Ohio's delegation to the Streamlined Sales Tax Project, 129295  
as appointed under section 5740.02 of the Revised Code. Any travel 129296  
expense reimbursement paid for by the Department of Taxation shall 129297  
be done in accordance with applicable state laws and guidelines. 129298

TOBACCO SETTLEMENT ENFORCEMENT 129299

The foregoing appropriation item 110404, Tobacco Settlement 129300  
Enforcement, shall be used by the Tax Commissioner to pay costs 129301  
incurred in the enforcement of divisions (F) and (G) of section 129302  
5743.03 of the Revised Code. 129303

CIGARETTE AND OTHER TOBACCO PRODUCTS TAX ENFORCEMENT 129304

In each of fiscal year 2016 and fiscal year 2017, \$250,000 of 129305  
the foregoing appropriation item 110321, Operating Expenses, is to 129306  
be used to hire employees under section 5743.45 of the Revised 129307  
Code to serve as agents for the purposes of enforcing sections 129308  
1333.11 to 1333.21 and Chapter 5743. of the Revised Code, and to 129309  
support the enforcement activities of such agents. 129310

STARS DEVELOPMENT AND IMPLEMENTATION FUND 129311

The foregoing appropriation item 110638, STARS Development 129312

and Implementation, shall be used to pay costs incurred in the 129313  
development and implementation of the department's State Tax 129314  
Accounting and Revenue System. The Director of Budget and 129315  
Management, under a plan submitted by the Tax Commissioner, or as 129316  
otherwise determined by the Director of Budget and Management, 129317  
shall set a schedule to transfer cash from the Revenue Enhancement 129318  
Fund, Local Sales Tax Administrative Fund, General School District 129319  
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 129320  
Property Tax Administration Fund, and the Motor Fuel Tax 129321  
Administration Fund to the credit of the STARS Development and 129322  
Implementation Fund (Fund 5MN0). The transfers of cash shall not 129323  
exceed \$6,000,000 in the biennium. 129324

**TAX AMNESTY PROMOTION AND ADMINISTRATION** 129325

The foregoing appropriation item 110630, Tax Amnesty 129326  
Promotion and Administration, shall be used to pay expenses 129327  
incurred to promote and administer the tax amnesty program to be 129328  
conducted from January 1, 2016, to February 15, 2016, by the 129329  
Department of Taxation. The Department of Taxation and Attorney 129330  
General's Office shall work in close collaboration on promotion 129331  
activities in relation to the Tax Amnesty Promotion and 129332  
Administration program. 129333

**Section 399.10. DOT DEPARTMENT OF TRANSPORTATION** 129334

General Revenue Fund 129335  
GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000 129336  
- State  
GRF 776465 Rail Development \$ 2,000,000 \$ 2,000,000 129337  
GRF 777471 Airport Improvements \$ 3,375,000 \$ 3,375,000 129338  
- State  
TOTAL GRF General Revenue Fund \$ 12,675,000 \$ 12,675,000 129339  
Highway Operating Fund Group 129340

7002 772601	Beachwood Noise Wall	\$	383,000	\$	0	129341
TOTAL HOF	Highway Operating Fund	\$	383,000	\$	0	129342
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	13,058,000	\$	12,675,000	129343

**Section 399.15.** PUBLIC TRANSPORTATION - STATE 129345

Of the foregoing appropriation item 775451, Public 129346  
Transportation - State, not less than \$500,000 in each fiscal year 129347  
shall be allocated to rural transit systems. 129348

AIRPORT IMPROVEMENTS - STATE 129349

The foregoing appropriation item 777471, Airport Improvements 129350  
- State, shall be used by the Department of Transportation to 129351  
continue the Ohio Airport Grant Program in supporting capital 129352  
improvements, maintaining infrastructure, and ensuring safety at 129353  
publicly owned, public use airports in the state, provided that 129354  
the airports receive neither Federal Aviation Administration Air 129355  
Carrier Enplanement Funds nor Air Cargo Entitlements. 129356

**Section 399.20.** BEACHWOOD NOISE WALL 129357

The foregoing appropriation item 772601, Beachwood Noise 129358  
Wall, shall be used to construct a noise wall for a section of 129359  
Interstate Route 271 in Beachwood stretching from Shaker Boulevard 129360  
to Woodland Road. 129361

**Section 401.10.** TOS TREASURER OF STATE 129362

General Revenue Fund						129363
GRF 090321	Operating Expenses	\$	7,743,553	\$	7,743,553	129364
GRF 090401	Office of the Sinking	\$	502,304	\$	502,304	129365
Fund						
GRF 090402	Continuing Education	\$	377,702	\$	377,702	129366
GRF 090406	Treasury Management	\$	1,117,400	\$	1,116,800	129367
System Lease Rental						

	Payments				
GRF 090524	Police and Fire	\$	5,000	\$	5,000 129368
	Disability Pension				
	Fund				
GRF 090534	Police and Fire Ad Hoc	\$	55,000	\$	55,000 129369
	Cost of Living				
GRF 090554	Police and Fire	\$	443,000	\$	443,000 129370
	Survivor Benefits				
GRF 090575	Police and Fire Death	\$	20,000,000	\$	20,000,000 129371
	Benefits				
TOTAL GRF	General Revenue Fund	\$	30,243,959	\$	30,243,359 129372
	Dedicated Purpose Fund Group				129373
4E90 090603	Securities Lending	\$	5,200,000	\$	5,200,000 129374
	Income				
5770 090605	Investment Pool	\$	1,050,000	\$	1,050,000 129375
	Reimbursement				
5C50 090602	County Treasurer	\$	170,057	\$	170,057 129376
	Education				
5NH0 090610	OhioMeansJobs	\$	17,000,000	\$	0 129377
	Workforce Development				
	Revolving Loan				
	Program				
6050 090609	Treasurer of State	\$	700,000	\$	700,000 129378
	Administrative Fund				
TOTAL DPF	Dedicated Purpose				129379
Fund Group		\$	24,120,057	\$	7,120,057 129380
	Fiduciary Fund Group				129381
4250 090635	Tax Refunds	\$	6,000,000	\$	6,000,000 129382
TOTAL FID	Fiduciary Fund Group	\$	6,000,000	\$	6,000,000 129383
TOTAL ALL BUDGET FUND GROUPS		\$	60,364,016	\$	43,363,416 129384

**Section 401.20.** OFFICE OF THE SINKING FUND 129386

The foregoing appropriation item 090401, Office of the Sinking Fund, shall be used for costs incurred by or on behalf of the Commissioners of the Sinking Fund and the Ohio Public Facilities Commission with respect to State of Ohio general obligation bonds or notes, and the Treasurer of State with respect to State of Ohio general obligation and special obligation bonds or notes, including, but not limited to, printing, advertising, delivery, rating fees and the procurement of ratings, professional publications, membership in professional organizations, and other services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs relating to the issuance and administration of Highway Capital Improvement bonds or notes authorized under Ohio Constitution, Article VIII, Section 2m and Chapter 151. of the Revised Code. That reimbursement shall be made from appropriation item 155902, Highway Capital Improvement Bond Retirement Fund, by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual amounts used. The amounts necessary to make such a reimbursement are hereby appropriated from the Highway Capital Improvement Bond Retirement Fund created in section 151.06 of the Revised Code.

POLICE AND FIRE DEATH BENEFIT FUND

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to

the Treasurer of State moneys received from this appropriation 129419  
item but not disbursed. 129420

TAX REFUNDS 129421

The foregoing appropriation item 090635, Tax Refunds, shall 129422  
be used to pay refunds under section 5703.052 of the Revised Code. 129423  
If the Director of Budget and Management determines that 129424  
additional amounts are necessary for this purpose, such amounts 129425  
are hereby appropriated. 129426

**Section 401.30.** TREASURY MANAGEMENT SYSTEM LEASE RENTAL 129427  
PAYMENTS 129428

The foregoing appropriation item 090406, Treasury Management 129429  
System Lease Rental Payments, shall be used for payments during 129430  
the period from July 1, 2015, through June 30, 2017, pursuant to 129431  
leases and agreements entered into under Section 701.20 of Am. 129432  
Sub. H.B. 497 of the 130th General Assembly with respect to 129433  
financing the costs associated with the acquisition and 129434  
implementation of the Treasury Management System. If it is 129435  
determined that additional appropriations are necessary for this 129436  
purpose, the amounts are hereby appropriated. 129437

**Section 401.40.** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 129438  
LOAN PROGRAM 129439

The foregoing appropriation item 090610, OhioMeansJobs 129440  
Workforce Development Revolving Loan Program, shall be used for 129441  
the OhioMeansJobs Workforce Development Revolving Loan Program to 129442  
provide loans to individuals for workforce training. The first 129443  
loan under this program shall go to Lorain County Community 129444  
College to establish and operate the Ready Mix Truck Driver 129445  
Training Program. For this purpose, of the foregoing appropriation 129446  
item 090610, OhioMeansJobs Workforce Development Revolving Loan 129447  
Program, \$76,350 shall be disbursed in FY 2016 to Lorain County 129448

Community College and shall be used by Lorain County Community 129449  
 College to establish and operate the Ready Mix Truck Driver 129450  
 Training Program. 129451

Of the foregoing appropriation item 090610, OhioMeansJobs 129452  
 Workforce Development Revolving Loan Program, up to \$250,000 in 129453  
 fiscal year 2016 may be used by the Treasurer of State to 129454  
 administer the program. 129455

Any unexpended and unencumbered portion of the foregoing 129456  
 appropriation item 090610, OhioMeansJobs Workforce Development 129457  
 Revolving Loan Program, at the end of fiscal year 2016 is hereby 129458  
 reappropriated for the same purpose in fiscal year 2017. To the 129459  
 extent that reappropriated funds are available, of the foregoing 129460  
 appropriation item 090610, OhioMeansJobs Workforce Development 129461  
 Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 129462  
 used by the Treasurer of State to administer the program. To the 129463  
 extent that reappropriated funds are available, of the foregoing 129464  
 appropriation item 090610, OhioMeansJobs Workforce Development 129465  
 Revolving Loan Program, \$76,350 shall be disbursed in FY 2017 to 129466  
 Lorain County Community College and shall be used by Lorain County 129467  
 Community College to operate the Ready Mix Truck Driver Training 129468  
 Program. 129469

**Section 403.10. VTO VETERANS' ORGANIZATIONS** 129470

General Revenue Fund 129471

VAP AMERICAN EX-PRISONERS OF WAR 129472

GRF 743501 State Support \$ 28,910 \$ 28,910 129473

VAN ARMY AND NAVY UNION, USA, INC. 129474

GRF 746501 State Support \$ 63,539 \$ 63,539 129475

VKW KOREAN WAR VETERANS 129476

GRF 747501 State Support \$ 57,118 \$ 57,118 129477

VJW JEWISH WAR VETERANS 129478

GRF 748501 State Support \$ 34,321 \$ 34,321 129479

		VCW CATHOLIC WAR VETERANS				129480
GRF	749501	State Support	\$	66,978	\$	66,978 129481
		VPH MILITARY ORDER OF THE PURPLE HEART				129482
GRF	750501	State Support	\$	65,116	\$	65,116 129483
		VVV VIETNAM VETERANS OF AMERICA				129484
GRF	751501	State Support	\$	214,776	\$	214,776 129485
		VAL AMERICAN LEGION OF OHIO				129486
GRF	752501	State Support	\$	349,189	\$	349,189 129487
		VII AMVETS				129488
GRF	753501	State Support	\$	332,547	\$	332,547 129489
		VAV DISABLED AMERICAN VETERANS				129490
GRF	754501	State Support	\$	249,836	\$	249,836 129491
		VMC MARINE CORPS LEAGUE				129492
GRF	756501	State Support	\$	133,947	\$	133,947 129493
		V37 37TH DIVISION VETERANS' ASSOCIATION				129494
GRF	757501	State Support	\$	6,868	\$	6,868 129495
		VFW VETERANS OF FOREIGN WARS				129496
GRF	758501	State Support	\$	284,841	\$	284,841 129497
TOTAL GRF		General Revenue Fund	\$	1,887,986	\$	1,887,986 129498
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986 129499
		RELEASE OF FUNDS				129500
		The Director of Budget and Management may release the				129501
		foregoing appropriation items 743501, 746501, 747501, 748501,				129502
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				129503
		and 758501, State Support.				129504
		<b>Section 405.10. DVS DEPARTMENT OF VETERANS SERVICES</b>				129505
		General Revenue Fund				129506
GRF	900321	Veterans' Homes	\$	26,992,608	\$	26,992,608 129507
GRF	900402	Hall of Fame	\$	107,075	\$	107,075 129508
GRF	900408	Department of	\$	2,567,113	\$	2,567,113 129509
		Veterans Services				



GRF 900901	Veterans Compensation	\$ 9,083,700	\$ 23,343,400	129510
	General Obligation			
	Bond Debt Service			
TOTAL GRF	General Revenue Fund	\$ 38,750,496	\$ 53,010,196	129511
	Dedicated Purpose Fund Group			129512
4840 900603	Veterans' Homes	\$ 883,523	\$ 985,523	129513
	Services			
4E20 900602	Veterans' Homes	\$ 12,804,826	\$ 13,139,648	129514
	Operating			
5DB0 900643	Military Injury	\$ 2,000,000	\$ 2,000,000	129515
	Relief Program			
5PH0 900642	Veterans Initiatives	\$ 50,000	\$ 50,000	129516
TOTAL DPF	Dedicated Purpose Fund	\$ 15,738,349	\$ 16,175,171	129517
	Group			
	Debt Service Fund Group			129518
7041 900615	Veteran Bonus Program	\$ 359,173	\$ 359,173	129519
	- Administration			
7041 900641	Persian Gulf,	\$ 2,173,139	\$ 942,754	129520
	Afghanistan, and Iraq			
	Compensation			
TOTAL DSF	Debt Service			129521
	Fund Group	\$ 2,532,312	\$ 1,301,927	129522
	Federal Fund Group			129523
3680 900614	Veterans Training	\$ 730,000	\$ 740,000	129524
3740 900606	Troops to Teachers	\$ 150,000	\$ 150,000	129525
3BX0 900609	Medicare Services	\$ 2,475,000	\$ 2,846,250	129526
3L20 900601	Veterans' Homes	\$ 28,110,159	\$ 29,245,411	129527
	Operations - Federal			
TOTAL FED	Federal Fund Group	\$ 31,465,159	\$ 32,981,661	129528
TOTAL ALL BUDGET FUND GROUPS		\$ 88,486,316	\$ 103,468,955	129529
	TRAUMATIC BRAIN INJURY PROGRAMS			129530
	Of the foregoing appropriation item 900408, Department of			129531

Veterans Services, \$25,000 in each fiscal year shall be 129532  
distributed directly to the Resurrecting Lives Foundation to fund 129533  
the 2015 Employment Initiative, which aids the transition of 129534  
traumatic brain injury affected service members into civilian life 129535  
and employment. 129536

Of the foregoing appropriation item 900408, Department of 129537  
Veterans Services, \$20,375 in each fiscal year shall be 129538  
distributed directly to the Resurrecting Lives Foundation to fund 129539  
the Community TBI Education Program, which provides education and 129540  
awareness for the legal community and lay community about 129541  
traumatic brain injury, its effect on the veteran community, and 129542  
the resulting challenges veterans face in the criminal justice 129543  
system. 129544

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 129545

The foregoing appropriation item 900901, Veterans 129546  
Compensation General Obligation Bond Debt Service, shall be used 129547  
to pay all debt service and related financing costs during the 129548  
period from July 1, 2015, through June 30, 2017, on obligations 129549  
issued under sections 151.01 and 151.12 of the Revised Code. 129550

**Section 405.20.** Effective July 1, 2015, the Director of 129551  
Budget and Management shall cancel any existing encumbrances 129552  
against appropriation item 600637, Military Injury Relief 129553  
Subsidies, and reestablish them against appropriation item 900643, 129554  
Military Injury Relief Subsidies. The reestablished encumbrance 129555  
amounts are hereby appropriated. Any business commenced but not 129556  
completed under appropriation item 600637 by July 1, 2015, shall 129557  
be completed under appropriation item 900643 in the same manner 129558  
and with the same effect as if it were completed with regard to 129559  
appropriation item 600637. 129560

**Section 407.10.** DVM STATE VETERINARY MEDICAL LICENSING BOARD 129561

Dedicated Purpose Fund Group				129562
4K90 888609 Operating Expenses	\$	372,195	\$ 378,195	129563
TOTAL DPF Dedicated Purpose				129564
Fund Group	\$	372,195	\$ 378,195	129565
Internal Service Activity Fund Group				129566
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	129567
Loan Program				
TOTAL ISA Internal Service Activity				129568
Fund Group	\$	30,000	\$ 30,000	129569
TOTAL ALL BUDGET FUND GROUPS	\$	402,195	\$ 408,195	129570
<b>Section 409.10. DYS DEPARTMENT OF YOUTH SERVICES</b>				129572
General Revenue Fund				129573
GRF 470401 RECLAIM Ohio	\$	153,087,537	\$ 153,087,537	129574
GRF 470412 Juvenile Correctional	\$	25,407,400	\$ 21,137,700	129575
Facilities Lease				
Rental Bond Payments				
GRF 470510 Youth Services	\$	16,702,728	\$ 16,702,728	129576
GRF 472321 Parole Operations	\$	10,950,100	\$ 10,950,100	129577
GRF 477321 Administrative	\$	10,855,389	\$ 10,855,389	129578
Operations				
TOTAL GRF General Revenue Fund	\$	217,003,154	\$ 212,733,454	129579
Dedicated Purpose Fund Group				129580
1470 470612 Vocational Education	\$	1,700,000	\$ 1,700,000	129581
1750 470613 Education	\$	3,600,000	\$ 3,600,000	129582
Reimbursement				
4790 470609 Employee Food Service	\$	125,000	\$ 125,000	129583
4A20 470602 Child Support	\$	250,000	\$ 250,000	129584
4G60 470605 Juvenile Special	\$	115,000	\$ 115,000	129585
Revenue - Non-Federal				
5BN0 470629 E-Rate Program	\$	349,000	\$ 300,000	129586
TOTAL DPF Dedicated Purpose				129587

Fund Group	\$	6,139,000	\$	6,090,000	129588
Federal Fund Group					129589
3210 470601 Education	\$	1,000,000	\$	1,000,000	129590
3210 470603 Juvenile Justice Prevention	\$	300,000	\$	300,000	129591
3210 470606 Nutrition	\$	1,033,947	\$	1,033,947	129592
3210 470614 Title IV-E Reimbursements	\$	3,714,548	\$	3,714,548	129593
3CR0 470639 Federal Juvenile Programs FFY 10	\$	22,000	\$	7,000	129594
3FB0 470641 Federal Juvenile Programs FFY 11	\$	50,000	\$	5,000	129595
3FC0 470642 Federal Juvenile Programs FFY 12	\$	50,000	\$	5,000	129596
3GB0 470643 Federal Juvenile Programs FFY 13	\$	324,000	\$	59,000	129597
3V50 470604 Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	129598
TOTAL FED Federal					129599
Fund Group	\$	8,214,495	\$	7,844,495	129600
TOTAL ALL BUDGET FUND GROUPS	\$	231,356,649	\$	226,667,949	129601
COMMUNITY PROGRAMS					129602
For purposes of implementing juvenile sentencing reforms, and					129603
notwithstanding any provision of law to the contrary, the					129604
Department of Youth Services may use up to forty-five per cent of					129605
the unexpended, unencumbered balance of the portion of					129606
appropriation item 470401, RECLAIM Ohio, that is allocated to					129607
juvenile correctional facilities in each fiscal year to expand					129608
Targeted RECLAIM, the Behavioral Health Juvenile Justice					129609
Initiative, and other evidence-based community programs.					129610
JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS					129611

The foregoing appropriation item 470412, Juvenile  
Correctional Facilities Lease Rental Bond Payments, shall be used  
to meet all payments during the period from July 1, 2015, through  
June 30, 2017, by the Department of Youth Services under the  
leases and agreements for facilities made under Chapters 152. and  
154. of the Revised Code. This appropriation is the source of  
funds pledged for bond service charges on related obligations  
issued under Chapters 152. and 154. of the Revised Code.

EDUCATION REIMBURSEMENT

The foregoing appropriation item 470613, Education  
Reimbursement, shall be used to fund the operating expenses of  
providing educational services to youth supervised by the  
Department of Youth Services. Operating expenses include, but are  
not limited to, teachers' salaries, maintenance costs, and  
educational equipment. This appropriation item may be used for  
capital expenses related to the education program.

EMPLOYEE FOOD SERVICE AND EQUIPMENT

Notwithstanding section 125.14 of the Revised Code, the  
foregoing appropriation item 470609, Employee Food Service, may be  
used to purchase any food operational items with funds received  
into the fund from reimbursements for state surplus property.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES

In collaboration with the county family and children first  
council, the juvenile court of that county that receives  
allocations from one or both of the foregoing appropriation items  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer  
portions of those allocations to a flexible funding pool as  
authorized by the section of Am. Sub. H.B. 153 of the 129th  
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE  
FUNDING POOL."

Section 501.10. All items set forth in this section are 129642  
hereby appropriated for the biennium ending on June 30, 2016, out 129643  
of any moneys in the state treasury to the credit of the Public 129644  
School Building Fund (Fund 7021) that are not otherwise 129645  
appropriated. 129646

Appropriations

FCC OHIO FACILITIES CONSTRUCTION COMMISSION 129647  
C230W4 Community School Classroom Facilities \$ 25,000,000 129648  
Grants  
TOTAL Public School Building Fund \$ 25,000,000 129649

COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS 129650

The foregoing appropriation item C230W4, Community School 129651  
Classroom Facilities Grants, may be used by the School Facilities 129652  
Commission to provide grant funding to an eligible high-performing 129653  
community school established under Chapter 3314. of the Revised 129654  
Code. 129655

For purposes of this section, an "eligible high-performing 129656  
community school" means a community school that has available and 129657  
has certified it will supply, at least fifty per cent of the cost 129658  
of the project funded under this section and that meets the 129659  
following other conditions: 129660

(A) Except as provided in division (B) or (C) of this 129661  
section, the school both: 129662

(1) Has received a grade of "A," "B," or "C" for the 129663  
performance index score under division (C)(1)(b) of section 129664  
3302.03 of the Revised Code or has increased its performance index 129665  
score under division (C)(1)(b) of section 3302.03 of the Revised 129666  
Code in each of the previous three years of operation; and 129667

(2) Has received a grade of "A" or "B" for the value-added 129668  
progress dimension under division (C)(1)(e) of section 3302.03 of 129669

the Revised Code on its most recent report card rating issued 129670  
under that section. 129671

(B) If the school serves only grades kindergarten through 129672  
three, the school received a grade of "A" or "B" for making 129673  
progress in improving literacy in grades kindergarten through 129674  
three under division (C)(1)(g) of section 3302.03 of the Revised 129675  
Code on its most recent report card issued under that section. 129676

(C) If the school primarily serves students enrolled in a 129677  
dropout prevention and recovery program as described in division 129678  
(A)(4)(a) of section 3314.35 of the Revised Code, the school 129679  
received a rating of "exceeds standards" on its most recent report 129680  
card issued under section 3314.017 of the Revised Code. 129681

Notwithstanding the definition of an eligible high-performing 129682  
community school under divisions (A) to (C) of this section, a 129683  
newly established community school may be eligible for assistance 129684  
under this section, if it is implementing a community school model 129685  
that has a track record of high quality academic performance, as 129686  
determined by the Department of Education. 129687

The foregoing appropriation may be used for the purchase, 129688  
construction, reconstruction, renovation, remodeling, or addition 129689  
to classroom facilities. A grant may be awarded to an eligible 129690  
high-performing community school that demonstrates that the funds 129691  
will be used to purchase or support classroom facilities 129692  
construction or modifications that increase the supply of seats in 129693  
effective schools, service specific unmet student needs through 129694  
community school education, and show innovation in design and 129695  
potential as a successful, replicable school model. The School 129696  
Facilities Commission may award a grant to an eligible 129697  
high-performing community school upon the approval of a grant 129698  
application by the Executive Director of the Commission and the 129699  
Superintendent of Public Instruction. A facility that is 129700  
purchased, constructed, or modified by the grant funds shall be 129701

used for educational purposes for a minimum of ten years after 129702  
receiving the grant funds. The School Facilities Commission, in 129703  
consultation with the Superintendent of Public Instruction, shall 129704  
develop guidelines and may adopt rules under Chapter 111. of the 129705  
Revised Code for the administration of the grants, including 129706  
provisions for the ownership and disposal of the facilities funded 129707  
under this section in the event the community school closes at any 129708  
time. Notwithstanding any provision of law to the contrary, all 129709  
Revised Code exemptions applicable to grants awarded and projects 129710  
administered by the School Facilities Commission or Facilities 129711  
Construction Commission shall apply to the grants pursuant to this 129712  
section. 129713

**Section 503.10. PERSONAL SERVICE EXPENSES** 129714

Unless otherwise prohibited by law, any appropriation from 129715  
which personal service expenses are paid shall bear the employer's 129716  
share of public employees' retirement, workers' compensation, 129717  
disabled workers' relief, and insurance programs; and the costs of 129718  
centralized financial services, centralized payroll processing, 129719  
and related reports and services; centralized human resources 129720  
services, including affirmative action and equal employment 129721  
opportunity programs; the Office of Collective Bargaining; 129722  
centralized information technology management services; 129723  
administering the enterprise resource planning system; and 129724  
administering the state employee merit system as required by 129725  
section 124.07 of the Revised Code. These costs shall be 129726  
determined in conformity with the appropriate sections of law and 129727  
paid in accordance with procedures specified by the Office of 129728  
Budget and Management. Expenditures from appropriation item 129729  
070601, Public Audit Expense - Intra-State, may be exempted from 129730  
the requirements of this section. 129731

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 129732



AGAINST THE STATE 129733

Except as otherwise provided in this section, an 129734  
appropriation in this act or any other act may be used for the 129735  
purpose of satisfying judgments, settlements, or administrative 129736  
awards ordered or approved by the Court of Claims or by any other 129737  
court of competent jurisdiction in connection with civil actions 129738  
against the state. This authorization does not apply to 129739  
appropriations to be applied to or used for payment of guarantees 129740  
by or on behalf of the state, or for payments under lease 129741  
agreements relating to, or debt service on, bonds, notes, or other 129742  
obligations of the state. Notwithstanding any other statute to the 129743  
contrary, this authorization includes appropriations from funds 129744  
into which proceeds of direct obligations of the state are 129745  
deposited only to the extent that the judgment, settlement, or 129746  
administrative award is for, or represents, capital costs for 129747  
which the appropriation may otherwise be used and is consistent 129748  
with the purpose for which any related obligations were issued or 129749  
entered into. Nothing contained in this section is intended to 129750  
subject the state to suit in any forum in which it is not 129751  
otherwise subject to suit, and is not intended to waive or 129752  
compromise any defense or right available to the state in any suit 129753  
against it. 129754

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 129755

This section specifies an additional and supplemental 129756  
procedure to provide for payments of judgments and settlements if 129757  
the Director of Budget and Management determines, pursuant to 129758  
division (C)(4) of section 2743.19 of the Revised Code, that 129759  
sufficient unencumbered moneys do not exist in the fund to support 129760  
a particular appropriation to pay the amount of a final judgment 129761  
rendered against the state or a state agency, including the 129762  
settlement of a claim approved by a court, in an action upon and 129763

arising out of a contractual obligation for the construction or 129764  
improvement of a capital facility if the costs under the contract 129765  
were payable in whole or in part from a state capital projects 129766  
appropriation. In such a case, the Director may either proceed 129767  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 129768  
or apply to the Controlling Board to increase an appropriation or 129769  
create an appropriation out of any unencumbered moneys in the 129770  
state treasury to the credit of the capital projects fund from 129771  
which the initial state appropriation was made. The amount of an 129772  
increase in appropriation or new appropriation approved by the 129773  
Controlling Board is hereby appropriated from the applicable 129774  
capital projects fund and made available for the payment of the 129775  
judgment or settlement. 129776

If the Director does not make the application authorized by 129777  
this section or the Controlling Board disapproves the application, 129778  
and the Director does not make application under division (C)(4) 129779  
of section 2743.19 of the Revised Code, the Director shall for the 129780  
purpose of making that payment make a request to the General 129781  
Assembly as provided for in division (C)(5) of that section. 129782

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 129783

In order to provide funds for the reissuance of voided 129784  
warrants under section 126.37 of the Revised Code, there is hereby 129785  
appropriated, out of moneys in the state treasury from the fund 129786  
credited as provided in section 126.37 of the Revised Code, that 129787  
amount sufficient to pay such warrants when approved by the Office 129788  
of Budget and Management. 129789

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 129790  
**BALANCES OF OPERATING APPROPRIATIONS** 129791

(A) An unexpended balance of an operating appropriation or 129792  
reappropriation that a state agency lawfully encumbered prior to 129793

the close of a fiscal year is hereby reappropriated on the first 129794  
day of July of the following fiscal year from the fund from which 129795  
it was originally appropriated or reappropriated for the following 129796  
period and shall remain available only for the purpose of 129797  
discharging the encumbrance: 129798

(1) For an encumbrance for personal services, maintenance, 129799  
equipment, or items for resale, other than an encumbrance for an 129800  
item of special order manufacture not available on term contract 129801  
or in the open market or for reclamation of land or oil and gas 129802  
wells, for a period of not more than five months from the end of 129803  
the fiscal year; 129804

(2) For an encumbrance for an item of special order 129805  
manufacture not available on term contract or in the open market, 129806  
for a period of not more than five months from the end of the 129807  
fiscal year or, with the written approval of the Director of 129808  
Budget and Management, for a period of not more than twelve months 129809  
from the end of the fiscal year; 129810

(3) For an encumbrance for reclamation of land or oil and gas 129811  
wells, for a period ending when the encumbered appropriation is 129812  
expended or for a period of two years, whichever is less; 129813

(4) For an encumbrance for any other expense, for such period 129814  
as the Director approves, provided such period does not exceed two 129815  
years. 129816

(B) Any operating appropriations for which unexpended 129817  
balances are reappropriated beyond a five-month period from the 129818  
end of the fiscal year by division (A)(2) of this section shall be 129819  
reported to the Controlling Board by the Director of Budget and 129820  
Management by the thirty-first day of December of each year. The 129821  
report on each such item shall include the item, the cost of the 129822  
item, and the name of the vendor. The report shall be updated on a 129823  
quarterly basis for encumbrances remaining open. 129824

(C) Upon the expiration of the reappropriation period set out 129825  
in division (A) of this section, a reappropriation made by this 129826  
section lapses, and the Director of Budget and Management shall 129827  
cancel the encumbrance of the unexpended reappropriation not later 129828  
than the end of the weekend following the expiration of the 129829  
reappropriation period. 129830

(D) Notwithstanding division (C) of this section, with the 129831  
approval of the Director of Budget and Management, an unexpended 129832  
balance of an encumbrance that was reappropriated on the first day 129833  
of July by this section for a period specified in division (A)(3) 129834  
or (4) of this section and that remains encumbered at the close of 129835  
the fiscal biennium is hereby reappropriated on the first day of 129836  
July of the following fiscal biennium from the fund from which it 129837  
was originally appropriated or reappropriated for the applicable 129838  
period specified in division (A)(3) or (4) of this section and 129839  
shall remain available only for the purpose of discharging the 129840  
encumbrance. 129841

(E) The Director of Budget and Management may correct 129842  
accounting errors committed by the staff of the Office of Budget 129843  
and Management, such as reestablishing encumbrances or 129844  
appropriations cancelled in error, during the cancellation of 129845  
operating encumbrances in November and of nonoperating 129846  
encumbrances in December. 129847

(F) The Director of Budget and Management may at any time 129848  
correct accounting errors committed by the staff of a state agency 129849  
or state institution of higher education, as defined in section 129850  
3345.011 of the Revised Code, such as reestablishing prior year 129851  
nonoperating encumbrances canceled or modified in error. The 129852  
reestablished encumbrance amounts are hereby appropriated. 129853

(G) If the Controlling Board approved a purchase, that 129854  
approval remains in effect so long as the appropriation used to 129855  
make that purchase remains encumbered. 129856

**Section 503.60.** RE-ESTABLISHING ENCUMBRANCES THAT USE 129857  
OUTDATED EXPENSE ACCOUNT CODES 129858

On or after January 1, 2015, the Director of Budget and 129859  
Management may cancel any existing operating or capital 129860  
encumbrances from prior fiscal years that reference outdated 129861  
expense account codes and, if needed, reestablish them against the 129862  
same appropriation items referencing updated expense account 129863  
codes. The reestablished encumbrance amounts are hereby 129864  
appropriated. Any business commenced but not completed under the 129865  
prior encumbrances by January 1, 2015, shall be completed under 129866  
the new encumbrances in the same manner and with the same effect 129867  
as if it was completed with regard to the old encumbrances. 129868

**Section 503.70.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 129869  
RE-ESTABLISHMENT OF ENCUMBRANCES 129870

Any cash transferred by the Director of Budget and Management 129871  
under section 126.15 of the Revised Code is hereby appropriated. 129872  
Any amounts necessary to re-establish appropriations or 129873  
encumbrances under section 126.15 of the Revised Code are hereby 129874  
appropriated. 129875

**Section 503.80.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 129876

The Director of Budget and Management may transfer 129877  
appropriations between the Third Frontier Research and Development 129878  
Fund (Fund 7011) and Third Frontier Research and Development 129879  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 129880  
exclusion from the calculation of gross income for federal income 129881  
taxation purposes under the "Internal Revenue Code of 1986," 100 129882  
Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations 129883  
issued to fund projects appropriated from the Third Frontier 129884  
Research and Development Fund (Fund 7011). 129885

The Director may also create new appropriation items within 129886  
the Third Frontier Research and Development Taxable Bond Fund 129887  
(Fund 7014) and make transfers of appropriations to them for 129888  
projects originally funded from appropriations made from the Third 129889  
Frontier Research and Development Fund (Fund 7011). 129890

**Section 503.90. INCOME TAX DISTRIBUTION TO COUNTIES** 129891

There are hereby appropriated out of any moneys in the state 129892  
treasury to the credit of the General Revenue Fund, which are not 129893  
otherwise appropriated, funds sufficient to make any payment 129894  
required by division (B)(2) of section 5747.03 of the Revised 129895  
Code. 129896

**Section 503.100. EXPENDITURES AND APPROPRIATION INCREASES** 129897  
APPROVED BY THE CONTROLLING BOARD 129898

Any money that the Controlling Board approves for expenditure 129899  
or any increase in appropriation that the Controlling Board 129900  
approves under sections 127.14, 131.35, and 131.39 of the Revised 129901  
Code or any other provision of law is hereby appropriated for the 129902  
period ending June 30, 2017. 129903

**Section 503.110. FUNDS RECEIVED FOR USE OF GOVERNOR'S** 129904  
RESIDENCE 129905

If the Governor's Residence Fund (Fund 4H20) receives payment 129906  
for use of the residence pursuant to section 107.40 of the Revised 129907  
Code, the amounts so received are hereby appropriated to 129908  
appropriation item 100604, Governor's Residence Gift. 129909

**Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS** 129910

Unless the agency and nuclear electric utility mutually agree 129911  
to a higher amount by contract, the maximum amounts that may be 129912  
assessed against nuclear electric utilities under division (B)(2) 129913

of section 4937.05 of the Revised Code and deposited into the 129914  
 specified funds are as follows: 129915

<u>Fund</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
Utility	Department of	\$ 125,000	\$ 125,000	129916
Radiological	Agriculture			129917
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,086,098	\$ 1,086,098	129918
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 298,304	\$ 303,174	129919
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$ 1,200,000	\$ 1,200,000	129920
Response Plan	Public Safety			
Fund (Fund 6570)				

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF 129921  
 INTEREST EARNED 129922

Notwithstanding any provision of law to the contrary, the 129923  
 Director of Budget and Management, through June 30, 2017, may 129924  
 transfer interest earned by any state fund to the General Revenue 129925  
 Fund. This section does not apply to funds whose source of revenue 129926  
 is restricted or protected by the Ohio Constitution, federal tax 129927  
 law, or the "Cash Management Improvement Act of 1990," 104 Stat. 129928  
 1058 (1990), 31 U.S.C. 6501 et seq., as amended. 129929

**Section 512.13.** CASH TRANSFER FROM THE HEALTH CARE/MEDICAID 129930  
 SUPPORT AND RECOVERIES FUND TO THE GRF 129931

On July 1 of each fiscal year, or as soon as possible 129932  
 thereafter, the Director of Budget and Management shall transfer 129933

\$7,500,000 cash from the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) to the General Revenue Fund. 129934  
129935

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND FROM NON-GRF FUNDS 129936  
129937

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$60,000,000 in each fiscal year in cash from non-General Revenue Funds that are not constitutionally restricted to the General Revenue Fund in order to ensure that available General Revenue Fund receipts and balances are sufficient to support General Revenue Fund appropriations in each fiscal year. 129938  
129939  
129940  
129941  
129942  
129943  
129944

**Section 512.30.** FISCAL YEAR 2015 GENERAL REVENUE FUND ENDING BALANCE 129945  
129946

Notwithstanding divisions (B) and (C) of section 131.44 of the Revised Code, the Director of Budget and Management shall determine the surplus General Revenue Fund revenue that existed on June 30, 2015, in excess of the amount required under division (A)(3) of section 131.44 of the Revised Code, and allocate that amount, to the extent of the amount so determined, as follows: 129947  
129948  
129949  
129950  
129951  
129952

(A) First, the Director of Budget and Management shall reserve in the General Revenue Fund a cash amount of up to \$233,000,000 to support personal income tax reductions; 129953  
129954  
129955

(B) Second, the Director shall transfer a cash amount of up to \$375,500,000 to the Budget Stabilization Fund to increase the balance of that fund to an amount equal to five per cent of estimated fiscal year 2017 General Revenue Fund revenue; 129956  
129957  
129958  
129959

(C) Third, the Director shall transfer a cash amount of up to \$10,000,000 to the College Credit Plus Credential Fund (Fund 5RB0), which is hereby created in the state treasury. 129960  
129961  
129962



(D) Fourth, the Director shall transfer a cash amount of up to \$40,000,000 to the Unemployment Compensation Interest Contingency Fund (Fund 5HC0) for payment to the United States Secretary of the Treasury of accrued interest costs related to federal unemployment account borrowing;

(E) Fifth, the Director shall transfer a cash amount of up to \$20,000,000 to the Disaster Services Fund (Fund 5E20);

(F) Sixth, the Director shall transfer a cash amount of up to \$7,500,000 to the Systems Transformation Support Fund (Fund 5QM0);

(G) Seventh, the Director shall transfer a cash amount of up to \$12,000,000 to the Natural Resources Special Purposes Fund (Fund 5MW0), which is hereby created in the state treasury;

(H) Eighth, the Director shall transfer a cash amount of up to \$10,000,000 to the Local Government Innovation Fund (Fund 5KN0).

(I) Ninth, the Director shall transfer a cash amount of up to \$30,000,000 to the School District TPP Supplement Fund (Fund 5RE0).

(J) Tenth, the Director shall transfer a cash amount of up to \$50,000,000 to the Health and Human Services Fund.

(K) Eleventh, the Director shall transfer a cash amount of \$12,750,000 to the Electronic Pollbook Fund (Fund 5RT0).

(L) Twelfth, the Director shall transfer a cash amount of \$1,250,000 to the Absent Voter's Ballot Fund (Fund 5RU0).

**Section 512.33. CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE HEALTH AND HUMAN SERVICES FUND**

On July 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$150,000,000 cash from the General Revenue Fund to the Health and Human Services

Fund. 129992

**Section 512.40.** CASINO OPERATOR SETTLEMENT FUND 129993

On July 1, 2015, or as soon as possible thereafter, the 129994  
Director of Budget and Management shall transfer \$4,701,620 cash 129995  
from the Casino Operator Settlement Fund (Fund 5KT0) to the State 129996  
Lottery Fund (Fund 7044). 129997

The Director of Budget and Management, in consultation with 129998  
the Executive Director of the Casino Control Commission, shall 129999  
establish a schedule of transfers totaling \$4,701,620 to the 130000  
Casino Operator Settlement Fund (Fund 5KT0) from the Casino 130001  
Control Commission Fund (Fund 5HS0). 130002

**Section 512.50.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM 130003

There is hereby established in the Highway Operating Fund 130004  
(Fund 7002), used by the Department of Transportation, a Diesel 130005  
Emissions Reduction Grant Program. The Director of Environmental 130006  
Protection shall administer the program and shall solicit, 130007  
evaluate, score, and select projects submitted by public and 130008  
private entities that are eligible for the federal Congestion 130009  
Mitigation and Air Quality (CMAQ) Program. The Director of 130010  
Transportation shall process Federal Highway 130011  
Administration-approved projects as recommended by the Director of 130012  
Environmental Protection. 130013

In addition to the allowable expenditures set forth in 130014  
section 122.861 of the Revised Code, Diesel Emissions Reduction 130015  
Grant Program funds also may be used to fund projects involving 130016  
the purchase or use of hybrid and alternative fuel vehicles that 130017  
are allowed under guidance developed by the Federal Highway 130018  
Administration for the CMAQ Program. 130019

Public entities eligible to receive funds under section 130020  
122.861 of the Revised Code and CMAQ shall be reimbursed from 130021

moneys in Fund 7002 designated for the Department of 130022  
Transportation's Diesel Emissions Reduction Grant Program. 130023

Private entities eligible to receive funds under section 130024  
122.861 of the Revised Code and CMAQ shall be reimbursed at the 130025  
direction of the local public agency sponsor and upon approval of 130026  
the Department of Transportation, through direct payments to the 130027  
vendor in the prorated share of federal/state participation. These 130028  
reimbursements shall be made from moneys in Fund 7002 designated 130029  
for the Department of Transportation's Diesel Emissions Reduction 130030  
Grant Program. There shall be no new appropriations from Fund 7002 130031  
for the Diesel Emissions Reduction Grant Program in fiscal year 130032  
2016. New appropriations from Fund 7002 for the Diesel Emissions 130033  
Reduction Grant Program shall not exceed \$5,000,000 in fiscal year 130034  
2017. 130035

Any allocations under this section represent CMAQ program 130036  
moneys within the Department of Transportation for use by the 130037  
Diesel Emissions Reduction Grant Program by the Environmental 130038  
Protection Agency. These allocations shall not reduce the amount 130039  
of such moneys designated for metropolitan planning organizations. 130040

The Director of Environmental Protection, in consultation 130041  
with the Director of Transportation, shall develop guidance for 130042  
the distribution of funds and for the administration of the Diesel 130043  
Emissions Reduction Grant Program. The guidance shall include a 130044  
method of prioritization for projects, acceptable technologies, 130045  
and procedures for awarding grants. 130046

**Section 512.60. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 130047

(A) On July 1, 2015, or as soon as possible thereafter, the 130048  
Director of Budget and Management shall transfer the cash balance 130049  
from each of the funds as indicated in the table below to the fund 130050  
also indicated in the table below. Upon completion of each 130051  
transfer and on the effective date of its repeal by this act, 130052

where applicable, the fund from which the cash balance was	130053
transferred is hereby abolished.	130054
User Transfer from:	Transfer to:
Agency Fund	Fund
Code Code Fund Name	Code Fund Name
AGR 5750 Agricultural Financing	GRF General Revenue Fund
Commission	
Administration	
DAS 5HU0 Construction Reform	1880 Equal Opportunity
Demonstration Compliance	Division - Operating
DAS 4P30 Departmental MIS	1330 Information Technology
DAS 5LA0 Building Operation	1320 Building Management
DPS 5CM0 Investigative Unit -	3GT0 Investigative Unit -
Treasury Contraband	Treasury Contraband
DSA 5HJ0 Motion Picture Tax	4510 Business Assistance
Credit Program Operating	
DSA 5S80 Rural Development	7037 Facilities
Initiative Program	Establishment
DSA 5AR0 Industrial Sites	5M50 Advanced Energy Loan
Improvements Program	Program
DSA 4Z60 Rural Industrial Park	7037 Facilities
Loan	Establishment
EPA 4U70 Construction and	4K30 Solid Waste
Demolition Debris	
EPA 6600 Infectious Waste	4K30 Solid Waste
Management	
FCC 4T80 Cultural Facilities	7030 Cultural and Sports
Administration Fund	Facilities Building
FCC N087 Education Facilities	7021 Public School Building
Trust	
FCC 5E30 Ohio School Facilities	7021 Public School Building
Commission Fund	
LOT 2310 Charitable Gaming	7044 State Lottery

		Oversight			
MCD	5Q90	Supplemental Inpatient Hospital	5GF0	Hospital Assessment Fund	130073
MCD	5CR0	Children's Hospital - State	GRF	General Revenue Fund	130074
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	130075
MHA	5DG0	Recovery Assistance	4P90	Mental Health Trust	130076
MHA	4C50	Revolving Loans for Recovery Homes	4P90	Mental Health Trust	130077
MHA	5BR0	Tobacco Use Prevention and Control	4P90	Mental Health Trust	130078
MHA	5DV0	Criminal Justice Prevention and Treatment Collaborative	4P90	Mental Health Trust	130079
MHA	5V20	Non-Federal Grant	4P90	Mental Health Trust	130080
MHA	5JW0	Board Match Reimbursement	4P90	Mental Health Trust	130081
MHA	6920	Mental Health Board Risk	4P90	Mental Health Trust	130082
MHA	3J80	Medicaid Legacy Costs Support	3B10	Community Medicaid	130083
PAY	8140	Cost Savings	8060	Accrued Leave	130084
RAC	5640	Quarter Horse Development	5620	Thoroughbred Race Fund	130085
SOS	4130	Information Systems	5990	Corporate and Uniform Commercial Code Filing	130086

(B) On July 1, 2015, or as soon as possible thereafter, the  
Director of Budget and Management shall cancel any existing  
encumbrances against each appropriation item as indicated in the  
table below and reestablish them against the appropriation item  
also indicated in the table below. In addition, if any other  
existing encumbrances must be cancelled and reestablished to  
properly close out the funds identified in division (A) of this

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section, the Director is hereby authorized to carry out those				130094
necessary transactions. These amounts are hereby appropriated.				130095
Cancel existing encumbrances		Reestablish encumbrances		130096
against:		against:		
Fund		Fund		130097
Code Appropriation Item		Code Appropriation Item		130098
5CM0 767691 - Equitable Share		3GT0 767691 - Equitable Share		130099
Account		Account		
5HU0 100655 - Construction		1880 100649 - Equal		130100
Reform Demo Compliance		Opportunity Division -		
		Operating		
4T80 230603 - Community Project		GRF 230458 - State		130101
Administration		Construction Management		
		Services		
4P30 100603 - DAS Information		1330 100607 - IT Services		130102
Services		Delivery		
5LA0 100660 - Building Operation		1320 100631 - DAS Building		130103
		Management		
6600 715629 - Infectious Waste		4K30 715649 - Solid Waste		130104
Management				
4U70 715660 - Construction and		4K30 715649 - Solid Waste		130105
Demolition Debris				
5E30 230644 - Operating Expenses		GRF 230321 - Operating		130106
		Expenses		
4130 050601 - Information		5990 050603 - Business		130107
Systems		Services Operating		
		Expenses		
(C) The following funds, used by the Department of				130108
Rehabilitation and Corrections, shall be abolished on the				130109
effective date of their repeal by this act: the Laboratory				130110
Services Fund (Fund 5930), the Adult Parole/Probation Service Fund				130111
(Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and				130112
the Confinement Cost Reimbursement Fund (Fund 5D50).				130113

(D) The following funds, used by the Department of Public Safety shall be abolished on the effective date of their repeal by this act: the Justice Assistance Grant - FFY06 Fund (Fund 3CB0), the Justice Assistance Grant - FFY07 Fund (Fund 3CC0), the Justice Assistance Grant - FFY08 Fund (Fund 3CD0), the Justice Assistance Grant - FFY09 Fund (Fund 3CE0), the Justice Assistance Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund (Fund 3DH0).

**Section 512.70. MEDICAID RESERVE FUND TRANSFERS AND BALANCE**

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$158,000,000 cash from the Medicaid Reserve Fund (Fund 5Y80) to the General Revenue Fund and \$72,000,000 cash from Fund 5Y80 to the School District TPP Supplement Fund (Fund 5RE0), used by the Department of Education. The remaining balance in Fund 5Y80 shall be transferred to the Budget Stabilization Fund.

**Section 512.90.** Notwithstanding any provision of law to the contrary, not later than thirty days following the effective date of this section, the Director of Budget and Management shall transfer \$2,500,000 in cash from the Budget Stabilization Fund (Fund 7013) to the Tax Amnesty Promotion and Administration Fund (Fund 5BW0), which is hereby created in the state treasury. The money shall be used by the Department of Taxation to pay expenses incurred in promoting and administering the tax amnesty program that is to be conducted from January 1, 2016, to February 15, 2016, pursuant to Section 757.130 of this act.

After receiving the revenue receipts from the tax amnesty program, the Director of Budget and Management shall transfer the first \$2,500,000 in payments from the amnesty program to the

Budget Stabilization Fund as repayment, the next \$10,000,000 to 130144  
the General Revenue Fund, and the remaining excess fund balance to 130145  
the Budget Stabilization Fund. 130146

**Section 515.10.** (A) On the effective date of the enactment of 130147  
section 3734.49 of the Revised Code by this act, the functions, 130148  
together with the assets and liabilities, of the Solid Waste 130149  
Management Advisory Council created in section 3734.51 of the 130150  
Revised Code, as repealed by this act, and the Recycling and 130151  
Litter Prevention Advisory Council created in section 3736.04 of 130152  
the Revised Code, as repealed by this act, are transferred to the 130153  
Materials Management Advisory Council created in section 3734.49 130154  
of the Revised Code, as enacted by this act. 130155

(B) Any business commenced but not completed by the Solid 130156  
Waste Management Advisory Council and the Recycling and Litter 130157  
Prevention Advisory Council on the effective date of the transfer 130158  
shall be completed by the Materials Management Advisory Council. 130159  
Any validation, cure, right, privilege, remedy, obligation, or 130160  
liability is not lost or impaired solely by reason of the transfer 130161  
required by this section and shall be administered by the 130162  
Materials Management Advisory Council in accordance with this act. 130163

(C) All of the determinations of the Solid Waste Management 130164  
Advisory Council and the Recycling and Litter Prevention Advisory 130165  
Council in relation to those Advisory Councils continue in effect 130166  
as determinations of the Materials Management Advisory Council 130167  
until modified or rescinded by the Materials Management Advisory 130168  
Council. 130169

(D) Whenever the Solid Waste Management Advisory Council or 130170  
the Recycling and Litter Prevention Advisory Council or the 130171  
chairperson of the applicable Advisory Council is referred to in 130172  
any law, contract, or other document, the reference shall be 130173  
deemed to refer to the Materials Management Advisory Council or to 130174



the chairperson of the Materials Management Advisory Council, 130175  
whichever is appropriate in context. 130176

(E) Any action or proceeding pending on the effective date of 130177  
the enactment of section 3734.49 of the Revised Code by this act 130178  
is not affected by the transfer of the functions of the Solid 130179  
Waste Management Advisory Council and the Recycling and Litter 130180  
Prevention Advisory Council by this act and shall be prosecuted or 130181  
defended in the name of the Materials Management Advisory Council. 130182  
In all such actions and proceedings, the Materials Management 130183  
Advisory Council, upon application to the court, shall be 130184  
substituted as a party. 130185

**Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS** 130186

Certain appropriations are in this act for the purpose of 130187  
paying debt service and financing costs on general obligation 130188  
bonds or notes of the state issued pursuant to the Ohio 130189  
Constitution and acts of the General Assembly. If it is determined 130190  
that additional appropriations are necessary for this purpose, 130191  
such amounts are hereby appropriated. 130192

**Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE** 130193

Certain appropriations are in this act for the purpose of 130194  
making lease rental payments pursuant to leases and agreements 130195  
relating to bonds or notes issued by the Treasurer of State, or 130196  
previously by the Ohio Building Authority, pursuant to the Ohio 130197  
Constitution and acts of the General Assembly. If it is determined 130198  
that additional appropriations are necessary for this purpose, 130199  
such amounts are hereby appropriated. 130200

**Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM** 130201  
**TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS** 130202

The Office of Budget and Management shall process payments 130203

from general obligation and lease rental payment appropriation 130204  
items during the period from July 1, 2015, through June 30, 2017, 130205  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 130206  
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 130207  
and Chapters 151., 152., and 154. of the Revised Code. Payments 130208  
shall be made upon certification by the Treasurer of State of the 130209  
dates and the amounts due on those dates. 130210

**Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION** 130211

There is hereby appropriated, from those funds designated by 130212  
or pursuant to the applicable proceedings authorizing the issuance 130213  
of state obligations, amounts computed at the time to represent 130214  
the portion of investment income to be rebated or amounts in lieu 130215  
of or in addition to any rebate amount to be paid to the federal 130216  
government in order to maintain the exclusion from gross income 130217  
for federal income tax purposes of interest on those state 130218  
obligations under section 148(f) of the Internal Revenue Code. 130219

Rebate payments shall be approved and vouchered by the Office 130220  
of Budget and Management. 130221

**Section 521.20. STATEWIDE INDIRECT COST RECOVERY** 130222

Whenever the Director of Budget and Management determines 130223  
that an appropriation made to a state agency from a fund of the 130224  
state is insufficient to provide for the recovery of statewide 130225  
indirect costs under section 126.12 of the Revised Code, the 130226  
amount required for such purpose is hereby appropriated from the 130227  
available receipts of such fund. 130228

**Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT** 130229  
**COST ALLOCATION PLAN** 130230

The total transfers made from the General Revenue Fund by the 130231  
Director of Budget and Management under this section shall not 130232

exceed the amounts transferred into the General Revenue Fund under 130233  
section 126.12 of the Revised Code. 130234

The director of an agency may certify to the Director of 130235  
Budget and Management the amount of expenses not allowed to be 130236  
included in the Statewide Indirect Cost Allocation Plan under 130237  
federal regulations, from any fund included in the Statewide 130238  
Indirect Cost Allocation Plan, prepared as required by section 130239  
126.12 of the Revised Code. 130240

Upon determining that no alternative source of funding is 130241  
available to pay for such expenses, the Director of Budget and 130242  
Management may transfer cash from the General Revenue Fund into 130243  
the fund for which the certification is made, up to the amount of 130244  
the certification. The director of the agency receiving such funds 130245  
shall include, as part of the next budget submission prepared 130246  
under section 126.02 of the Revised Code, a request for funding 130247  
for such activities from an alternative source such that further 130248  
federal disallowances would not be required. 130249

The director of an agency may certify to the Director of 130250  
Budget and Management the amount of expenses paid in error from a 130251  
fund included in the Statewide Indirect Cost Allocation Plan. The 130252  
Director of Budget and Management may transfer cash from the fund 130253  
from which the expenditure should have been made into the fund 130254  
from which the expenses were erroneously paid, up to the amount of 130255  
the certification. 130256

The director of an agency may certify to the Director of 130257  
Budget and Management the amount of expenses or revenues not 130258  
allowed to be included in the Statewide Indirect Cost Allocation 130259  
Plan under federal regulations, for any fund included in the 130260  
Statewide Indirect Cost Allocation Plan, for which the federal 130261  
government requires payment. If the Director of Budget and 130262  
Management determines that an appropriation made to a state agency 130263  
from a fund of the state is insufficient to pay the amount 130264

required by the federal government, the amount required for such 130265  
purpose is hereby appropriated from the available receipts of such 130266  
fund, up to the amount of the certification. 130267

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 130268

Notwithstanding any provision of law to the contrary, on or 130269  
before the first day of September of each fiscal year, the 130270  
Director of Budget and Management, in order to reduce the payment 130271  
of adjustments to the federal government, as determined by the 130272  
plan prepared under division (A) of section 126.12 of the Revised 130273  
Code, may designate such funds as the Director considers necessary 130274  
to retain their own interest earnings. 130275

**Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 130276

Pursuant to the plan for compliance with the Federal Cash 130277  
Management Improvement Act required by section 131.36 of the 130278  
Revised Code, the Director of Budget and Management may cancel and 130279  
re-establish all or part of encumbrances in like amounts within 130280  
the funds identified by the plan. The amounts necessary to 130281  
re-establish all or part of encumbrances are hereby appropriated. 130282

**Section 521.60. FISCAL STABILIZATION AND RECOVERY** 130283

To ensure the level of accountability and transparency 130284  
required by federal law, the Director of Budget and Management may 130285  
issue guidelines to any agency applying for federal money made 130286  
available to this state for fiscal stabilization and recovery 130287  
purposes, and may prescribe the process by which agencies are to 130288  
comply with any reporting requirements established by the federal 130289  
government. 130290

**Section 610.01.** That Section 755.40 of Sub. H.B. 53 of the 130291  
131st General Assembly be amended to read as follows: 130292

Sec. 755.40. (A) There is hereby created the Joint 130293  
Legislative Task Force on Department of Transportation Issues. The 130294  
Task Force shall consist of three members of the House Finance and 130295  
Appropriations Committee, one of whom is a member of the Minority 130296  
party, all of whom shall be appointed by the Speaker of the House 130297  
of Representatives; and three members of the Senate Transportation 130298  
Committee, one of whom is a member of the Minority party, all of 130299  
whom shall be appointed by the President of the Senate. In making 130300  
Minority party appointments, the Speaker shall consult with the 130301  
Minority Leader of the House of Representatives, and the President 130302  
shall consult with the Minority Leader of the Senate. 130303

(B)(1) The Task Force shall study methods for increasing the 130304  
speed on, and access to, rural highways and freeways in Ohio. ~~The~~ 130305  
~~Task Force also shall study~~ and methods for saving money on 130306  
license plates, including specifically a single license plate 130307  
requirement. 130308

(2) In addition to the areas of study specified in division 130309  
(B)(1) of this section, the Task Force shall study the cost and 130310  
feasibility of establishing a limited driving privilege license 130311  
that: 130312

(a) Contains embedded information, accessible only to law 130313  
enforcement officers, that specifies the period during which the 130314  
license holder may exercise limited driving privileges and the 130315  
purposes for which limited driving privileges have been granted; 130316

(b) Is issued to any person to whom any of the following 130317  
applies: 130318

(i) The person's driver's license has been suspended and the 130319  
person has been granted limited driving privileges under section 130320  
4510.021 of the Revised Code; 130321

(ii) The person's driver's license was previously suspended, 130322

the period of suspension has ended, and the person is complying 130323  
with a Bureau of Motor Vehicles fee installment plan under O.A.C. 130324  
4501:1-1-45 in order to pay the person's reinstatement fees; or 130325

(iii) The person's driver's license was previously suspended, 130326  
the period of suspension has ended, and the person has been issued 130327  
a court order under division (D)(2) of section 4510.10 of the 130328  
Revised Code that authorizes the person to operate a vehicle until 130329  
the person can pay the reinstatement fees. 130330

(3) Not later than December 15, 2015, the Task Force shall 130331  
issue a report containing its findings and recommendations with 130332  
regard to the areas of study specified in division (B)(1) and (2) 130333  
of this section to the President of the Senate, the Minority 130334  
Leader of the Senate, the Speaker of the House of Representatives, 130335  
and the Minority Leader of the House of Representatives. 130336

(C)(1) The Task Force shall examine the funding needs of the 130337  
Ohio Department of Transportation and shall study specifically the 130338  
issue of the effectiveness of the Ohio motor fuel tax in meeting 130339  
those funding needs. The Task Force also shall study alternative 130340  
methods for funding the construction and maintenance of Ohio's 130341  
roadways and infrastructure. 130342

(2) Not later than December 15, 2016, the Task Force shall 130343  
issue a report containing its findings and recommendations with 130344  
regard to the areas of study specified in division (C)(1) of this 130345  
section to the President of the Senate, the Minority Leader of the 130346  
Senate, the Speaker of the House of Representatives, and the 130347  
Minority Leader of the House of Representatives. At that time, the 130348  
Task Force shall cease to exist. 130349

**Section 610.02.** That existing Section 755.40 of Sub. H.B. 53 130350  
of the 131st General Assembly is hereby repealed. 130351

**Section 610.10.** That Sections 125.10 and 125.11 of Am. Sub. 130352

H.B. 59 of the 130th General Assembly be amended to read as 130353  
follows: 130354

**Sec. 125.10.** (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 130355  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 130356  
~~5168.12~~, 5168.13, 5168.99, and 5168.991 of the Revised Code are 130357  
hereby repealed, effective October 16, ~~2015~~ 2017. 130358

(B) ~~Any~~ Notwithstanding the repeal by this act of section 130359  
5168.12 of the Revised Code, any money remaining in the 130360  
Legislative Budget Services Fund on ~~October 16, 2015~~, the 130361  
effective date of the repeal of that section 5168.12 of the 130362  
~~Revised Code is repealed by division (A) of this section~~, shall be 130363  
used solely for the purposes stated in then former section 5168.12 130364  
of the Revised Code. When all money in the Legislative Budget 130365  
Services Fund has been spent after then former section 5168.12 of 130366  
the Revised Code is repealed ~~under division (A) of this section~~, 130367  
the fund shall cease to exist. 130368

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 130369  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 130370  
Code are hereby repealed, effective October 1, ~~2015~~ 2017. 130371

**Section 610.11.** That existing Sections 125.10 and 125.11 of 130372  
Am. Sub. H.B. 59 of the 130th General Assembly are hereby 130373  
repealed. 130374

**Section 610.14.** That Section 745.10 of Am. Sub. H.B. 483 of 130375  
the 130th General Assembly be amended to read as follows: 130376

**Sec. 745.10.** (A) There is hereby created the Maritime Port 130377  
Funding Study Committee. The committee shall consist of the 130378  
following ten members who shall be appointed not later than thirty 130379

days after the effective date of this section: 130380

(1) Two members of the Senate, one of whom shall be a member 130381  
of the majority party and one of whom shall be a member of the 130382  
minority party, both appointed by the President of the Senate; 130383

(2) Two members of the House of Representatives, one of whom 130384  
shall be a member of the majority party and one of whom shall be a 130385  
member of the minority party, both appointed by the Speaker of the 130386  
House of Representatives; 130387

(3) Two members appointed by the Governor, one of whom shall 130388  
be from the Ohio Department of Transportation and be knowledgeable 130389  
about maritime ports and one of whom shall be from the Development 130390  
Services Agency; 130391

(4) Four members appointed jointly by the President of the 130392  
Senate and the Speaker of the House of Representatives, each of 130393  
whom shall represent maritime port interests on behalf of a major 130394  
maritime port and none of whom shall represent the same maritime 130395  
port. 130396

(B) The Committee shall select a chairperson and 130397  
vice-chairperson from among its members. The Committee first shall 130398  
meet within one month after the effective date of this section at 130399  
the call of the President of the Senate. Thereafter, the Committee 130400  
shall meet at the call of its chairperson as necessary to carry 130401  
out its duties. Members of the Committee are not entitled to 130402  
compensation for serving on the Committee, but may continue to 130403  
receive the compensation and benefits accruing from their regular 130404  
offices or employments. 130405

(C) The Committee shall study alternative funding mechanisms 130406  
for maritime ports in Ohio that may be utilized beginning in 130407  
fiscal year 2016-2017. Not later than January 1, ~~2015~~ 2016, the 130408  
Study Committee shall issue a report of its findings and 130409



recommendations to the Governor, the President of the Senate, the 130410  
Minority Leader of the Senate, the Speaker of the House of 130411  
Representatives, and the Minority Leader of the House of 130412  
Representatives. After submitting the report, the Study Committee 130413  
shall cease to exist. 130414

**Section 610.15.** That existing Section 745.10 of Am. Sub. H.B. 130415  
483 of the 130th General Assembly is hereby repealed. 130416

**Section 610.17.** That Section 10 of Am. Sub. H.B. 487 of the 130417  
130th General Assembly be amended to read as follows: 130418

**Sec. 10.** (A) For the 2014-2015 and 2015-2016 school ~~year~~ 130419  
years, no school district, community school, STEM school, 130420  
college-preparatory boarding school, or chartered nonpublic school 130421  
shall be required to administer in an online format any 130422  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 130423  
Revised Code. However, a district or school may administer any of 130424  
those assessments in an online format at the discretion of the 130425  
district board or school governing authority, or in any 130426  
combination of online and paper formats. The Department of 130427  
Education shall furnish, free of charge, all such assessments for 130428  
that school year regardless of the format selected by the district 130429  
or school. School districts and schools are encouraged to 130430  
administer the assessments in an online format. 130431

(B) Not later than December 31, 2014, the Department shall 130432  
submit a report to the Governor and the General Assembly, in 130433  
accordance with section 101.68 of the Revised Code, on the 130434  
security of student data with regard to the administration of 130435  
online assessments. 130436

(C) Not later than July 1, 2015, the Department shall publish 130437  
the number of districts and schools that administered the 130438  
assessments required under sections 3301.0710 and 3301.0712 of the 130439



C38015	Crawford County Higher Education Center	\$	850,000	130467
C38016	MEDAL Talent Innovation Network	\$	500,000	130468
<del>C38017</del>	<del>Ashland University College of Nursing</del>	<del>\$</del>	<del>1,000,000</del>	130469
TOTAL	Higher Education Improvement Fund	\$	<del>4,100,000</del>	130470
			<u>3,100,000</u>	
TOTAL ALL FUNDS		\$	<del>4,100,000</del>	130471
			<u>3,100,000</u>	

**Sec. 221.20.** The Treasurer of State is hereby authorized to 130473  
issue and sell in accordance with Section 2i of Article VIII, Ohio 130474  
Constitution, and Chapter 154. of the Revised Code, particularly 130475  
section 154.20 of the Revised Code, original obligations in an 130476  
aggregate principal amount not to exceed ~~\$40,000,000~~ \$41,000,000 130477  
in addition to the original issuance of obligations heretofore 130478  
authorized by prior acts of the General Assembly. These authorized 130479  
obligations shall be issued, subject to applicable constitutional 130480  
and statutory limitations, as needed to provide sufficient moneys 130481  
to the credit of the Mental Health Facilities Improvement Fund 130482  
(Fund 7033) to pay costs of capital facilities as defined in 130483  
section 154.01 of the Revised Code for mental hygiene and 130484  
retardation. 130485

**Sec. 235.10.** DEV DEVELOPMENT SERVICES AGENCY 130486

Coal Research and Development Fund (Fund 7046)				130487
C19505	Coal Research and Development	\$	3,000,000	130488
TOTAL	Coal Research and Development Fund	\$	3,000,000	130489
	<u>Service Station Cleanup Fund (Fund 7100)</u>			130490
C19507	<u>Service Station Cleanup</u>	\$	<u>20,000,000</u>	130491
TOTAL	<u>Service Station Cleanup Fund</u>	\$	<u>20,000,000</u>	130492
TOTAL ALL FUNDS		\$	<del>3,000,000</del>	130493
			<u>23,000,000</u>	
	<u>SERVICE STATION CLEANUP FUND</u>			130494

<u>(A) For purposes of this section:</u>	130495
<u>(1) "Political subdivision" means a county, municipal corporation, township, or port authority.</u>	130496
<u>(2) "Class C release" has the same meaning as in section 3737.87 of the Revised Code.</u>	130497
<u>(3) "Property assessment" means a property assessment conducted in accordance with section 3746.04 of the Revised Code or a corrective action process or source investigation process under section 1301:7-9-13 of the Ohio Administrative Code.</u>	130498
<u>(4) "Property owner" means a political subdivision and an organization that owns publicly owned lands.</u>	130499
<u>(5) "Cleanup or remediation" means any action at a Class C release site to contain, remove, or dispose of petroleum or other hazardous substances or remove underground storage tanks used to store petroleum or other hazardous substances.</u>	130500
<u>(6) "Publicly owned lands" includes lands that are owned by an organization that has entered into a relevant agreement with a political subdivision.</u>	130501
<u>(B) The Abandoned Gas Station Cleanup Grant Program is established in the Development Services Agency for the purpose of cleanup and remediation of Class C release sites to provide for and enable the environmentally safe and productive reuse of publicly owned lands by the remediation or cleanup, or planning and assessment for that remediation or cleanup, of contamination or by addressing property conditions or circumstances that may be deleterious to public health and safety or the environment or that preclude or inhibit environmentally sound or economic reuse of the property as authorized by Section 2o of Article VIII of the Ohio Constitution. Under this program, the Director of Development Services may do either or both of the following:</u>	130502
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(1) Award a grant of up to \$100,000 to a property owner for purposes of a property assessment on a Class C release site; 130525  
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(2) Award a grant of up to \$500,000 to a property owner for purposes of cleanup or remediation of a Class C release site. 130527  
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Grants under divisions (B)(1) and (2) of this section shall be used by a property owner to create a site that provides opportunities for economic impact through redevelopment. The Director of Development Services may consult with the Environmental Protection Agency, the State Fire Marshal, the Ohio Water Development Authority, and the Ohio Public Works Commission in connection with this program and the awarding of these grants. Sections 122.651 to 122.658 of the Revised Code do not apply to this program. 130529  
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(C) A property owner applying for a grant under division (B)(1) or (2) of this section shall submit an application for the grant on a form prescribed by the Director of Development Services. 130538  
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An authorized representative of the property owner shall sign and submit an affidavit with the application certifying that the property owner did not cause or contribute to any prior release of petroleum or other hazardous substances on the site. 130542  
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Upon receipt of an application, the Director shall examine the application and all accompanying information to determine if the application is complete. If the Director determines that the application is not complete, the Director shall promptly notify the property owner that the application is not complete, provide a description of the information that is missing from the application, and return the application and all accompanying information to the property owner. The property owner may resubmit the application. 130546  
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If the Director approves an application under this section, 130555

the Director may enter into an agreement with the property owner 130556  
to award a grant to the property owner. The agreement shall be 130557  
executed prior to paying or disbursing any grant funds approved by 130558  
the Director under this section. 130559

(D) The Service Station Cleanup Fund (Fund 7100) is hereby 130560  
created in the state treasury. The fund shall consist of moneys 130561  
transferred to it pursuant to this section from the Clean Ohio 130562  
Revitalization Fund (Fund 7003) created in section 122.658 of the 130563  
Revised Code. Investment earnings of the fund shall be credited to 130564  
the fund. Moneys in the fund shall be used to award grants 130565  
pursuant to the Abandoned Gas Station Cleanup Grant Program 130566  
established in this section. 130567

(E) At the request of the Director of Development Services 130568  
the Director of Budget and Management may transfer up to 130569  
\$20,000,000 cash from the Clean Ohio Revitalization Fund (Fund 130570  
7003) to the Service Station Cleanup Fund (Fund 7100) as needed to 130571  
provide for grants awarded by the Director of Development Services 130572  
under this section. 130573

**Sec. 245.10. PWC PUBLIC WORKS COMMISSION** 130574

State Capital Improvements Fund (Fund 7038) 130575

C15000 Local Public Infrastructure/State CIP \$ 300,000,000 130576

TOTAL State Capital Improvements Fund \$ 300,000,000 130577

State Capital Improvements Revolving Loan Fund (Fund 7040) 130578

C15030 Revolving Loan \$ 69,000,000 130579

TOTAL State Capital Improvements Revolving Loan \$ 69,000,000 130580

Fund

Clean Ohio Conservation Fund (Fund 7056) 130581

C15060 Clean Ohio Conservation Program \$ 75,000,000 130582

TOTAL Clean Ohio Conservation Fund \$ 75,000,000 130583

Sewer Development Advancement Fund (Fund 7101) 130584

<u>C150RX</u>	<u>Sewer Development Advancement</u>	\$	<u>960,000</u>	130585
<u>TOTAL Sewer Development Advancement Fund</u>		\$	<u>960,000</u>	130586
TOTAL ALL FUNDS		\$	<del>444,000,000</del>	130587
			<u>444,960,000</u>	

LOCAL PUBLIC INFRASTRUCTURE 130588

The foregoing appropriation item C15000, Local Public 130589  
 Infrastructure/State CIP, shall be used in accordance with 130590  
 sections 164.01 to 164.12 of the Revised Code. The Director of the 130591  
 Public Works Commission may certify to the Director of Budget and 130592  
 Management that a need exists to appropriate investment earnings 130593  
 to be used in accordance with sections 164.01 to 164.12 of the 130594  
 Revised Code. If the Director of Budget and Management determines 130595  
 pursuant to division (D) of section 164.08 and section 164.12 of 130596  
 the Revised Code that investment earnings are available to support 130597  
 additional appropriations, such amounts are hereby appropriated. 130598

If the Public Works Commission receives refunds due to 130599  
 project overpayments that are discovered during a post-project 130600  
 audit, the Director of the Public Works Commission may certify to 130601  
 the Director of Budget and Management that refunds have been 130602  
 received. In certifying the refunds, the Director of the Public 130603  
 Works Commission shall provide the Director of Budget and 130604  
 Management information on the project refunds. The certification 130605  
 shall detail by project the source and amount of project 130606  
 overpayments received and include any supporting documentation 130607  
 required or requested by the Director of Budget and Management. 130608  
 Upon receipt of the certification, the Director of Budget and 130609  
 Management shall determine if the project refunds are necessary to 130610  
 support existing appropriations. If the project refunds are 130611  
 available to support additional appropriations, these amounts are 130612  
 hereby appropriated to appropriation item C15030, Revolving Loan. 130613

REVOLVING LOAN 130614

The foregoing appropriation item C15030, Revolving Loan, 130615

shall be used in accordance with sections 164.01 to 164.12 of the Revised Code. 130616  
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If the Public Works Commission receives refunds due to project overpayments that are discovered during a post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. In certifying the refunds, the Director of the Public Works Commission shall provide the Director of Budget and Management information on the project refunds. The certification shall detail by project the source and amount of project overpayments received and include any supporting documentation required or requested by the Director of Budget and Management. Upon receipt of the certification, the Director of Budget and Management shall determine if the project refunds are necessary to support existing appropriations. If the project refunds are available to support additional appropriations, these amounts are hereby appropriated to appropriation item C15030, Revolving Loan. 130618  
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STATE CAPITAL IMPROVEMENTS REVOLVING LOAN FUND 130633

Revenues to the State Capital Improvements Revolving Loan Fund (Fund 7040) shall consist of all repayments of loans made to local subdivisions for capital improvements, investment earnings on moneys in the fund, and moneys obtained from federal or private grants or from other sources for the purpose of making loans for the purpose of financing or assisting in the financing of the cost of capital improvement projects of local subdivisions. 130634  
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If the Public Works Commission receives refunds due to project overpayments that are discovered during the post-project audit, the Director of the Public Works Commission may certify to the Director of Budget and Management that refunds have been received. If the Director of Budget and Management determines that the project refunds are available to support additional appropriations, such amounts are hereby appropriated. 130641  
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<u>CLEAN OHIO CONSERVATION GRANT REPAYMENTS</u>	130648
<u>Any amount in grant repayments received by the Public Works Commission and deposited into the Clean Ohio Conservation Fund pursuant to section 164.261 of the Revised Code is hereby appropriated through the foregoing appropriation item C15060, Clean Ohio Conservation.</u>	130649 130650 130651 130652 130653
<u>SEWER DEVELOPMENT ADVANCEMENT</u>	130654
<u>On August 31, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,000,000 cash from the General Revenue Fund to the Sewer Development Advancement Fund (Fund 7101).</u>	130655 130656 130657 130658
<u>The foregoing appropriation item C150RX, Sewer Development Advancement, shall be used for the purposes described in section 164.13 of the Revised Code.</u>	130659 130660 130661

Reappropriations

<b>Sec. 259.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES</b>	130662
Administrative Building Fund (Fund 7026)	130663
C10000 Governor's Residence	\$ 376,384 130664
C10010 Office Services Building Renovation	\$ 776,561 130665
C10011 Statewide Communications System	\$ 199,723 130666
C10015 SOCC Renovations	\$ 333,180 130667
C10016 Hamilton St/Local Government Center - Plan	\$ 57,500 130668
C10019 25 S. Front Street Renovations	\$ 367,932 130669
C10020 North High Building Complex Renovations	\$ 10,685,993 130670
C10021 Office Space Planning	\$ 4,796,323 130671
C10022 Governor's Residence Security Upgrade	\$ 24,250 130672
C10023 eSecure Ohio	\$ 160,043 130673
C10025 eGovernment Infrastructure	\$ 82,675 130674
C10026 DAS Building Security	\$ 11,067 130675

C10031	Operations Facilities Improvement	\$	191,978	130676
TOTAL	Administrative Building Fund	\$	18,063,609	130677
	General Revenue Fund (GRF)			130678
C10008	Urban Areas Community Improvement	\$	20,000	130679
TOTAL	General Revenue Fund	\$	20,000	130680
TOTAL ALL FUNDS		\$	18,083,609	130681

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 130682

There is hereby continued a Multi-Agency Radio Communications 130683  
System (MARCS) Steering Committee consisting of the designees of 130684  
the Directors of Administrative Services, Public Safety, Natural 130685  
Resources, Transportation, Rehabilitation and Correction, and 130686  
Budget and Management, and the State Fire Marshal or the State 130687  
Fire Marshal's designee. The Director of Administrative Services 130688  
or the Director's designee shall chair the Committee. The 130689  
Committee shall provide assistance to the Director of 130690  
Administrative Services for effective and efficient implementation 130691  
of MARCS as well as develop policies for the ongoing management of 130692  
the system. Upon dates prescribed by the Directors of 130693  
Administrative Services and Budget and Management, the MARCS 130694  
Steering Committee shall report to the Directors on the progress 130695  
of MARCS implementation and the development of policies related to 130696  
the system. 130697

The Committee may establish a subcommittee to represent MARCS 130698  
users on the local government level. If the Committee establishes 130699  
such a subcommittee, the chairperson of the subcommittee also may 130700  
serve as a member of the MARCS Steering Committee. 130701

The foregoing appropriation item C10011, Statewide 130702  
Communications System, shall be used to purchase or construct the 130703  
components of MARCS that are not specific to any one agency. The 130704  
equipment may include, but is not limited to, multi-agency 130705  
equipment at the Emergency Operations Center/Joint Dispatch 130706  
Facility, computer and telecommunications equipment used for the 130707

functioning and integration of the system, communications towers, 130708  
tower sites, tower equipment, and linkages among towers and 130709  
between towers and the State of Ohio Network for Integrated 130710  
Communication (SONIC) system. The Director of Administrative 130711  
Services shall, with the concurrence of the MARCS Steering 130712  
Committee, determine the specific use of funds. 130713

The amount reappropriated for the foregoing appropriation 130714  
item C10011, Statewide Communications System, is the unencumbered 130715  
and unallotted balance as of June 30, 2014, in appropriation item 130716  
C10011, Statewide Communications System, plus \$66,092. Prior to 130717  
the expenditure of this reappropriation, the Director of 130718  
Administrative Services shall certify to the Director of Budget 130719  
and Management canceled encumbrances in the Administrative 130720  
Building Fund (Fund 7026) in the amount of at least \$66,092. 130721  
Spending from this appropriation item shall not be subject to 130722  
Chapters 123. and 153. of the Revised Code. 130723

SOCC RENOVATIONS 130724

The amount reappropriated for the foregoing appropriation 130725  
item C10015, SOCC Renovations, is the unencumbered and unallotted 130726  
balance as of June 30, 2014, in appropriation item C10015, SOCC 130727  
Renovations, plus \$36,166. Prior to the expenditure of this 130728  
reappropriation, the Director of Administrative Services shall 130729  
certify to the Director of Budget and Management canceled 130730  
encumbrances in the Administrative Building Fund (Fund 7026) in 130731  
the amount of at least \$36,166. 130732

NORTH HIGH BUILDING COMPLEX RENOVATIONS 130733

The amount reappropriated for the foregoing appropriation 130734  
item C10020, North High Building Complex Renovations, is the 130735  
unencumbered and unallotted balance as of June 30, 2014, in 130736  
appropriation item C10020, North High Building Complex 130737  
Renovations, plus \$845,454. Prior to the expenditure of this 130738

reappropriation, the Director of Administrative Services shall 130739  
certify to the Director of Budget and Management canceled 130740  
encumbrances in the Administrative Building Fund (Fund 7026) in 130741  
the amount of at least \$845,454. 130742

OFFICE SPACE PLANNING 130743

The amount reappropriated for the foregoing appropriation 130744  
item C10021, Office Space Planning, is the unencumbered and 130745  
unallotted balance as of June 30, 2014, in appropriation item 130746  
C10021, Office Space Planning, plus \$60,126. Prior to the 130747  
expenditure of this reappropriation, the Director of 130748  
Administrative Services shall certify to the Director of Budget 130749  
and Management canceled encumbrances in the Administrative 130750  
Building Fund (Fund 7026) in the amount of at least \$60,126. 130751

ESECURE OHIO 130752

The amount reappropriated for the foregoing appropriation 130753  
item C10023, eSecure Ohio, is the unencumbered and unallotted 130754  
balance as of June 30, 2014, in appropriation item C10023, eSecure 130755  
Ohio, plus \$31,590. Prior to the expenditure of this 130756  
reappropriation, the Director of Administrative Services shall 130757  
certify to the Director of Budget and Management canceled 130758  
encumbrances in the Administrative Building Fund (Fund 7026) in 130759  
the amount of at least \$31,590. 130760

**Sec. 509.60. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND** 130761  
**MANAGEMENT** 130762

Notwithstanding section 126.14 of the Revised Code, 130763  
appropriations for appropriation items C50100, Local Jails, and 130764  
C50101, Community-Based Correctional Facilities, appropriated from 130765  
the Adult Correctional Building Fund (Fund 7027) to the Department 130766  
of Rehabilitation and Correction shall be released upon the 130767  
written approval of the Director of Budget and Management. The 130768

appropriations from the Public School Building Fund (Fund 7021), 130769  
the Education Facilities Trust Fund (Fund N087), and the School 130770  
Building Program Assistance Fund (Fund 7032) to the School 130771  
Facilities Commission, from the Transportation Building Fund (Fund 130772  
7029) to the Department of Transportation, from the Clean Ohio 130773  
Conservation Fund (Fund 7056) ~~to the Public Works Commission, and~~ 130774  
~~appropriations from,~~ the State Capital Improvement Fund (Fund 130775  
7038) ~~and,~~ the State Capital Improvements Revolving Loan Fund 130776  
(Fund 7040), and the Sewer Development Advancement Fund (Fund 130777  
7101) to the Public Works Commission shall be released upon 130778  
presentation of a request to release the funds, by the agency to 130779  
which the appropriation has been made, to the Director of Budget 130780  
and Management. 130781

**Section 610.21.** That existing Sections 207.70, 207.200, 130782  
221.20, 235.10, 245.10, 259.10, and 509.60 of Am. H.B. 497 of the 130783  
130th General Assembly are hereby repealed. 130784

**Section 610.22.** That Section 2 of Am. Sub. S.B. 1 of the 130785  
130th General Assembly be amended to read as follows: 130786

**Sec. 2.** (A) As used in this section: 130787

(1) "Institution" means any of the following: 130788

(a) A state institution of higher education, as defined in 130789  
section 3345.011 of the Revised Code; 130790

(b) A private career school, as defined in section 3332.01 of 130791  
the Revised Code; 130792

(c) A private, nonprofit institution in this state holding a 130793  
certificate of authorization pursuant to Chapter 1713. of the 130794  
Revised Code; 130795

(d) A private institution exempt from regulation under 130796  
Chapter 3332. of the Revised Code as prescribed in section 130797

3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 130798  
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(e) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center offering adult training. 130800  
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(2) "Workforce training program" includes any of the following: 130803  
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(a) Courses, programs, or a degree from an institution; 130805

(b) Vocational education classes offered to adult learners; 130806

(c) Any other training program designed to meet the special requirements of a particular employer. 130807  
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(B)(1) The OhioMeansJobs Workforce Development Revolving Loan Program is hereby established for the purpose of assisting with job growth and advancement through training and retraining. The Chancellor of ~~the Ohio Board of Regents~~ Higher Education shall ~~administer the program and shall~~ award funds to an institution that the institution shall use to award loans to participants in a workforce training program that is approved by the Chancellor and that is administered by the institution. 130809  
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(2) In awarding funds under this section, the Chancellor shall give a preference to an institution for a workforce training program in which the institution partners with a business that is willing to repay all or part of the loan on behalf of a program participant or with a business that also provides funding for the program, in comparison to a program that does not have such a partnership. The Chancellor shall consider a program that has employment opportunities in areas that are in demand, including, but not limited to, energy exploration. 130817  
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(3) The Chancellor also shall consider all of the following factors when determining whether to award funds under this section 130826  
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to an institution for a workforce training program, to the extent 130828  
that these factors apply to the program: 130829

(a) The success rate of the workforce training program 130830  
offered by the institution; 130831

(b) The cost of the workforce training program based upon a 130832  
comparison of similar workforce training programs offered in this 130833  
state; 130834

(c) The rate that the workforce training program participants 130835  
obtain employment in the field in which they receive training 130836  
under the program; 130837

(d) The willingness of the institution to assist a 130838  
participant in paying for the costs of participating in the 130839  
workforce training program; 130840

(e) The extent to which the program has demonstrated support 130841  
from business partners. 130842

(4) After the initial funds are awarded to institutions under 130843  
this section, the Chancellor, in awarding subsequent funds under 130844  
this section, shall give greater weight to the factors listed in 130845  
division (B)(3)(a) of this section in comparison to the other 130846  
factors listed in division (B)(3) of this section, but shall not 130847  
give that factor greater weight than the preference given in 130848  
division (B)(2) of this section. 130849

(C) Funds shall be disbursed to successful applicants using 130850  
moneys from the OhioMeansJobs Workforce Development Revolving Loan 130851  
Fund established in section 6301.14 of the Revised Code. The 130852  
Chancellor shall not award to an institution more than one hundred 130853  
thousand dollars per workforce training program per year under 130854  
this section. An institution receiving funds under this section 130855  
shall establish, in consultation with the ~~Board of Regents~~ 130856  
Department of Higher Education, eligibility requirements that a 130857  
participant in the workforce training program for which the 130858

institution received the funds shall satisfy to receive a loan 130859  
under this section, and the institution shall ~~disburse~~ apply the 130860  
loan proceeds to program costs for those participants who satisfy 130861  
those requirements. A loan ~~awarded~~ applied by an institution to a 130862  
program costs for a participant under this section shall not 130863  
exceed ten thousand dollars per program in which the participant 130864  
participates. 130865

(D) Except as provided in the rules adopted by the ~~Chancellor~~ 130866  
Treasurer of State pursuant to division ~~(E)-(3)~~(G) of this section, 130867  
a loan to a program participant shall remain interest-free until 130868  
six months after the date the participant successfully completes 130869  
the workforce training program, if the participant also continues 130870  
to reside in this state. Beginning on the earlier of the date that 130871  
is six months after the individual completes the workforce 130872  
training program for which the participant received a loan under 130873  
this section, the date the individual terminates enrollment in the 130874  
workforce training program without completion, or the date the 130875  
participant ceases to reside in this state, the ~~Chancellor~~ 130876  
Treasurer of State shall assess a rate of interest of not more 130877  
than four per cent per annum on any outstanding principal balance 130878  
of that loan. The ~~Chancellor~~ Treasurer of State shall not assess a 130879  
zero per cent interest rate. The ~~Chancellor~~ Treasurer of State 130880  
shall establish a payment schedule not to exceed seven years after 130881  
the date a participant successfully completes the workforce 130882  
training program. 130883

(E) The Chancellor shall prescribe, by rule adopted in 130884  
accordance with Chapter 119. of the Revised Code, procedures 130885  
necessary to carry out this section, including all of the 130886  
following: 130887

(1) Application procedures for funds under this section, 130888  
which shall require an applicant to include a description of the 130889  
workforce training program for which the institution intends to 130890



award loans and the number of individuals who will be 130891  
participating in that program; 130892

~~(2) Terms for repayment of a loan; 130893~~

~~(3) Assessment of interest on loans for a participant who 130894  
fails to comply with continuing eligibility requirements, who 130895  
fails to complete the workforce training program for which the 130896  
participant received the loan, or whose participation in the 130897  
program is on a staggered basis; 130898~~

~~(4) A method to determine the amount of funds awarded to an 130899  
institution based on the costs of the workforce training program 130900  
for which a program participant receives a loan and the number of 130901  
individuals the institution estimates will participate in the 130902  
program; 130903~~

~~(5) Disbursement of funds to an institution; 130904~~

~~(6)(3) The process by which the Chancellor approves workforce 130905  
training programs for which loans are granted under this section. 130906~~

~~(F) The Treasurer of State shall ~~serve as an agent for the~~ 130907  
~~Chancellor in the~~ be responsible for making of deposits and 130908  
withdrawals and ~~maintenance of~~ maintaining records pertaining to 130909  
the OhioMeansJobs Workforce Development Revolving Loan Fund. 130910~~

~~(G)(1) The Chancellor may designate either the Treasurer of 130911  
State or a third party to serve as the Chancellor's agent in 130912  
servicing the loans described in this section. The agent 130913  
designated by the Chancellor pursuant to this division is 130914  
authorized to take such actions and to enter into such contracts 130915  
and to execute all instruments necessary or appropriate to service 130916  
loans described in this section. If the Chancellor or an agent of 130917  
the Chancellor designated by the Chancellor who is not the 130918  
Treasurer of State services the loans described in this section, 130919  
the Chancellor shall adopt rules in accordance with Chapter 119. 130920  
of the Revised Code to establish a fee to be charged to a loan 130921~~

~~recipient to offset the cost of servicing the loan.~~ 130922

~~(2) If the The Treasurer of State is designated the agent~~ 130923  
~~pursuant to this division, the Treasurer of State shall service~~ 130924  
~~the loans described in this section and may designate a third~~ 130925  
party to serve as an agent of the Treasurer of State in servicing 130926  
the loans. ~~The~~ A third party designated by the Treasurer of State 130927  
is authorized to take such actions, to enter into such contracts, 130928  
and to execute all instruments necessary or appropriate to service 130929  
those loans. ~~If the The Treasurer of State or an agent of the~~ 130930  
~~Treasurer of State services the loans pursuant to this division,~~ 130931  
~~the Treasurer of State shall adopt rules pursuant to section~~ 130932  
111.15 of the Revised Code to ~~establish~~ do all of the following: 130933

(1) Establish a fee to be charged to a loan recipient to 130934  
offset the cost of servicing the loan; 130935

(2) Establish terms of repayment for a loan; 130936

(3) Assess interest on loans for a participant who fails to 130937  
comply with continuing eligibility requirements, who fails to 130938  
complete the workforce training program for which the participant 130939  
received the loan, or whose participation in the program is on a 130940  
staggered basis; 130941

(4) Disburse funds to an institution. ~~The~~ 130942

(H) The Treasurer of State may adopt any additional rules 130943  
pursuant to section 111.15 of the Revised Code that the Treasurer 130944  
of State considers necessary to implement ~~this~~ division (G) of 130945  
this section. 130946

~~(3)~~(I) The loan servicing fee established pursuant to 130947  
division (G)(1) ~~or (2)~~ of this section shall not exceed the actual 130948  
cost of servicing the loan. 130949

~~(H)~~(J)(1) The Chancellor shall prepare a report outlining the 130950  
amount each institution received under this section during the 130951

previous year, including the amount awarded to each individual 130952  
workforce training program. ~~The Chancellor may include in the~~ 130953  
~~report any recommendations for legislative changes to the Program~~ 130954  
~~that the Chancellor determines are necessary to improve the~~ 130955  
~~functioning and efficiency of the Program.~~ 130956

(2) Beginning on July 1, 2014, and continuing every year 130957  
thereafter for so long as the Chancellor awards funds under the 130958  
Program, the Chancellor shall submit the report prepared in 130959  
division ~~(H)~~(J)(1) of this section to the Governor, the Speaker 130960  
and Minority Leader of the House of Representatives, and the 130961  
President and Minority Leader of the Senate. 130962

**Section 610.23.** That existing Section 2 of Am. Sub. S.B. 1 of 130963  
the 130th General Assembly is hereby repealed. 130964

**Section 610.30.** That Section 5 of Am. Sub. S.B. 314 of the 130965  
129th General Assembly be amended to read as follows: 130966

**Sec. 5.** (A) There is hereby established a five-year pilot 130967  
program to test a new funding mechanism for the state's travel and 130968  
tourism marketing. The funding mechanism shall begin operation in 130969  
fiscal year 2014 and be calculated as follows: 130970

(1)(a) Not later than the twentieth day of October of each 130971  
year, starting in 2013 and ending in 2017, the Tax Commissioner 130972  
shall calculate the growth in fiscal year sales tax revenue from 130973  
certain defined categories that are related to tourism and certify 130974  
that amount to the Director of Budget and Management. 130975

(b) Not later than the twentieth day of October of each year, 130976  
starting in 2013 and ending in 2017, the Commissioner shall 130977  
calculate and certify to the Director the difference, if greater 130978  
than zero, between the revenue collected from the tax imposed 130979  
under section 5739.02 of the Revised Code during the twelve-month 130980

period ending on the last day of the preceding June and the 130981  
revenue collected during the same twelve-month period one year 130982  
earlier, for all vendors classified under the industry codes 130983  
identified in division (A)(2) of this section. On or before the 130984  
last day of October of each year, starting in 2013 and ending in 130985  
2017, the Director of Budget and Management shall transfer from 130986  
the General Revenue Fund to the Tourism Fund created in section 130987  
122.072 of the Revised Code the amount certified by the 130988  
Commissioner under this division, except that the transfer shall 130989  
not exceed ten million dollars for any fiscal year. 130990

(c) Each fiscal year, beginning in fiscal year 2015, the Tax 130991  
Commissioner shall adjust the ten million annual dollar limit on 130992  
transfers to the Tourism Fund. The adjustment shall be made by 130993  
~~adding to the annual limit the product of~~ multiplying the limit 130994  
for the preceding fiscal year by the sum of one plus the 130995  
percentage ~~increase~~ change in the Consumer Price Index for all 130996  
urban consumers for the Midwest region, as determined by the 130997  
United States Bureau of Labor Statistics, for the twelve-month 130998  
period corresponding to the preceding fiscal year. The result 130999  
shall be rounded to the nearest one thousand dollars. The 131000  
calculation of the percentage increase in the Consumer Price Index 131001  
shall be done by taking the average index value over the twelve 131002  
months of the last completed fiscal year and comparing that to the 131003  
average index value over the twelve months of the immediately 131004  
preceding fiscal year. 131005

(2) The following industries included in the industrial 131006  
classification system used by the Tax Commissioner shall be used 131007  
in the computations under division (A)(1) of this section: air 131008  
transportation; water transportation; interurban and rural bus 131009  
transportation; taxi service; limousine service; other transit and 131010  
ground passenger transportation; scenic and sightseeing 131011  
transportation; support activities for air transportation; 131012

automotive equipment rental and leasing; travel arrangement and 131013  
reservation services; performing arts companies; spectator sports; 131014  
independent artists, writers, and performers; museums, historical 131015  
sites, and similar institutions; amusement parks and arcades; 131016  
gambling industries; hotels and motels; casino hotels; 131017  
bed-and-breakfast inns; other travel accommodations; recreational 131018  
vehicle parks and recreational camps; full-service restaurants; 131019  
limited-service eating places; drinking places (alcoholic 131020  
beverages). 131021

(B) The pilot program shall terminate when the last transfer 131022  
of funds made in accordance with division (A)(1)(b) of this 131023  
section occurs in fiscal year 2018, specifically in October 2017. 131024  
At that time, the Director of Development Services, the Director 131025  
of Budget and Management, and the Tax Commissioner shall jointly 131026  
review the pilot program and make recommendations to the Governor 131027  
and the General Assembly on whether to make the funding mechanism 131028  
permanent and, if so, whether any changes should be made to it. If 131029  
the recommendation is to make the funding mechanism permanent, the 131030  
Director of Development Services, the Director of Budget and 131031  
Management, and the Tax Commissioner shall also study and make 131032  
recommendations to the Governor and the General Assembly as to 131033  
whether the Office of TourismOhio and its functions should be 131034  
removed from the Development Services Agency and established as a 131035  
private nonprofit corporation or a subsidiary corporation of 131036  
JobsOhio. 131037

**Section 610.31.** That existing Section 5 of Am. Sub. S.B. 314 131038  
of the 129th General Assembly is hereby repealed. 131039

**Section 610.32.** That Section 9 of Am. Sub. H.B. 386 of the 131040  
129th General Assembly, as amended by Am. Sub. H.B. 59 of the 131041  
130th General Assembly, be amended to read as follows: 131042

Sec. 9. (A) As used in this section, ~~"permit:~~ 131043  
"Permit holder" and "track" have the same meanings as in 131044  
Section 7 of this act. 131045  
"Eligible entity" means a municipal corporation or township 131046  
that received moneys from the Casino Operator Settlement Fund 131047  
under Section 10 of Am. Sub. H.B. 386 of the 129th General 131048  
Assembly, as subsequently amended. 131049  
(B) ~~The Governor, in consultation with the State Racing~~ 131050  
~~Commission, shall discuss, negotiate in good faith, and reach an~~ 131051  
~~agreement with necessary parties regarding providing five hundred~~ 131052  
~~thousand dollars per year, with the first payment by December 31,~~ 131053  
~~2014, and annually thereafter, to the municipal corporations or~~ 131054  
~~townships receiving moneys from the Casino Operator Settlement~~ 131055  
~~Fund under Section 10 of Am. Sub. H.B. 386 of the 129th General~~ 131056  
~~Assembly, as subsequently amended~~ Each eligible entity shall 131057  
receive a total of one million dollars in the following manner: 131058  
(1) The Director of Budget and Management shall pay two 131059  
hundred fifty thousand dollars to each eligible entity not later 131060  
than December 31, 2015, from the Casino Operator Settlement Fund; 131061  
(2) The permit holder of a track located in an eligible 131062  
entity shall pay two hundred fifty thousand dollars to each 131063  
eligible entity not later than December 31, 2015; 131064  
(3) The Director of Budget and Management shall pay two 131065  
hundred fifty thousand dollars to each eligible entity not later 131066  
than December 31, 2016, from the Casino Operator Settlement Fund; 131067  
and 131068  
(4) The permit holder of a track located in an eligible 131069  
entity shall pay two hundred fifty thousand dollars to each 131070  
eligible entity not later than December 31, 2016. 131071

**Section 610.33.** That existing Section 9 of Am. Sub. H.B. 386 of the 129th General Assembly, as amended by Am. Sub. H.B. 59 of the 130th General Assembly, is hereby repealed.

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**Section 610.35.** That Section 7 of Sub. H.B. 532 of the 129th General Assembly be amended to read as follows:

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**Sec. 7.** (A) This section applies only to a city school district that currently leases an athletic field to the governing authority of a chartered nonpublic school.

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131078  
131079

(B) Notwithstanding ~~section~~ sections 3313.41 and 3313.413 of the Revised Code, the board of education of a school district to which this section applies may offer for sale an athletic field that it owns in its corporate capacity to the chartered nonpublic school that is the current leaseholder of that property prior to offering that property for sale under the provisions of ~~section~~ sections 3313.41 and 3313.413 of the Revised Code.

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(C) This section shall expire on December 31, ~~2015~~ 2017.

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**Section 610.36.** That existing Section 7 of Sub. H.B. 532 of the 129th General Assembly is hereby repealed.

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131089

**Section 610.37.** That Section 4 of Sub. S.B. 171 of the 129th General Assembly, as most recently amended by Am. Sub. H.B. 59 of the 130th General Assembly, be amended to read as follows:

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131091  
131092

**Sec. 4.** The following agencies are retained under division (D) of section 101.83 of the Revised Code and expire on December 31, 2016:

131093  
131094  
131095

AGENCY NAME

REVISED CODE OR  
UNCODIFIED  
SECTION

131096

Academic Distress Commission	3302.10	131097
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	131098
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34	131099
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	131100
Office of Enterprise Development Advisory Board	5145.162	131101
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84	131102
Advisory Committee on Livestock Exhibitions	901.71	131103
Agricultural Commodity Marketing Programs Operating Committees	924.07	131104
Agricultural Commodity Marketing Programs Coordinating Committee	924.14	131105
Alternative Energy Advisory Committee	4928.64(D)	131106
AMBER Alert Advisory Committee	5502.521	131107
Apprenticeship Council	Chapter 4139.	131108
Armory Board of Control	5911.09, 5911.12	131109
Automated Title Processing Board	4505.09(C)(1)	131110
Backflow Advisory Board	3703.21	131111
Banking Commission	1123.01	131112
Board of Directors of the Great Lakes Protection Fund	1506.22 (6161.04)	131113
Board of Directors of the Medical Liability Underwriting Association Stabilization Fund	3929.631	131114
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	131115
Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	131116
Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	131117
Board of Governors of the Medical Liability	3929.64	131118



Underwriting Association		
Board of Voting Machines Examiners	3506.05	131119
Budget Planning and Management Commission	Section 509.10,	131120
	H.B. 1, 128th	
	G.A.	
Brain Injury Advisory Committee	3304.231	131121
Bureau of Workers' Compensation Board of Directors	4121.12	131122
Capitol Square Review and Advisory Board	105.41	131123
Child Care Advisory Council	5104.08	131124
Child Support Guideline Advisory Council	3119.024	131125
Children's Trust Fund Board	3109.15 -	131126
	3109.17	
Citizen's Advisory Council	5123.092,	131127
	5123.093	
Clean Ohio Trail Advisory Board	1519.06	131128
Coastal Resources Advisory Council	1506.12	131129
Commission on African-American Males	4112.12, 4112.13	131130
Commission on Hispanic-Latino Affairs	121.31	131131
Commission on Minority Health	3701.78	131132
Committee on Prescriptive Governance	4723.49 -	131133
	4723.492	
Commodity Advisory Commission	926.32	131134
Consumer Advisory Committee to the Opportunities for Ohioans with Disabilities Commission	3304.16	131135
	(3304.14),	
	Section 803.40	
Continuing Education Committee	109.80(B)	131136
Council on Alcohol and Drug Addiction Services	3793.09	131137
Council on Unreclaimed Strip Mined Lands	1513.29	131138
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	131139
Credential Review Board	3319.65	131140
Credit Union Council	1733.329	131141

Criminal Sentencing Advisory Committee	181.22	131142
Data Collection and Analysis Group	3727.32	131143
Dentist Loan Repayment Advisory Board	3702.92	131144
Department Advisory Council(s)	107.18, 121.13	131145
Development Financing Advisory Council	122.40, 122.41	131146
Early Childhood Advisory Council	3301.90	131147
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	131148
Education Management Information System Advisory Board	3301.0713	131149
Educator Standards Board	3319.60	131150
Electrical Safety Inspector Advisory Committee	3783.08	131151
Emergency Response Commission	3750.02	131152
Engineering Experiment Station Advisory Committee	3335.27	131153
Environmental Education Council	3745.21	131154
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03, 3745.01	131155
Broadcast Educational Media Commission	3353.02 - 3353.04	131156
Ex-Offender Reentry Coalition	5120.07	131157
Farmland Preservation Advisory Board	901.23	131158
Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township	118.05	131159
Financial Planning and Supervision Commission for a school district	3316.05	131160
Forestry Advisory Council	1503.40	131161
Governance Authority for a State University or College	3345.75	131162
Governor's Council on People with Disabilities	3303.41	131163
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th G.A.	131164
Governor's Residence Advisory Commission	107.40	131165

Grain Marketing Program Operating Committee	924.20 - 924.30	131166
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	131167
Gubernatorial Transition Committee	107.29, 126.26	131168
Help Me Grow Advisory Council	3701.611	131169
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	3701.0210	131170
Homeland Security Advisory Council	5502.011(E)	131171
Hospital Measures Advisory Council	3727.31	131172
Housing Trust Fund Advisory Committee	174.06	131173
Industrial Commission Nominating Council	4121.04	131174
Industrial Technology and Enterprise Advisory Council	122.29, 122.30	131175
Infant Hearing Screening Subcommittee	3701.507	131176
Infection Control Group	3727.312(D)	131177
Insurance Agent Education Advisory Council	3905.483	131178
Interstate Rail Passenger Advisory Council	4981.35	131179
Joint Select Committee on Volume Cap	133.021	131180
Labor-Management Government Advisory Council	4121.70	131181
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	131182
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	131183
Maternity and Newborn Advisory Council	3711.20, 3711.21	131184
Medically Handicapped Children's Medical Advisory Council	3701.025	131185
Midwest Interstate Passenger Rail Compact Commission	4981.361	131186
Milk Sanitation Board	917.03 - 917.032	131187
Mine Subsidence Insurance Governing Board	3929.51	131188
Minority Development Financing Advisory Board	122.72, 122.73	131189
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd	131190

	G.A.	
National Museum of Afro-American History and Culture Planning Committee	149.303	131191
New African Immigrants Commission	4112.31, 4112.32	131192
Ohio Accountability Task Force	3302.021(E)	131193
Ohio Advisory Council for the Aging	173.03	131194
Ohio Agriculture License Plate Scholarship Fund Board	901.90	131195
Ohio Arts Council	Chapter 3379.	131196
Ohio Business Gateway Steering Committee	5703.57	131197
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	131198
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	131199
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	131200
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	131201
Ohio Commission on Fatherhood	5101.34	131202
Ohio Community Service Council	121.40 - 121.404	131203
Ohio Council for Interstate Adult Offender Supervision	5149.22	131204
Ohio Cultural Facilities Commission	Chapter 3383.	131205
Ohio Cystic Fibrosis Legislative Task Force	101.38	131206
Ohio Developmental Disabilities Council	5123.35	131207
Ohio Expositions Commission	991.02	131208
Ohio Family and Children First Cabinet Council	121.37	131209
Ohio Geographically Referenced Information Program Council	125.901, 125.902	131210
Ohio Geology Advisory Council	1501.11	131211
Ohio Grape Industries Committee	924.51 - 924.55	131212
Ohio Historic Site Preservation Advisory Board	149.301	131213
Ohio Historical Society Board of Trustees	149.30	131214
Ohio Judicial Conference	105.91 - 105.97	131215

Ohio Lake Erie Commission	1506.21	131216
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	131217
Ohio Medical Quality Foundation	3701.89	131218
Ohio Parks and Recreation Council	1541.40	131219
Ohio Peace Officer Training Commission	109.71, 109.72	131220
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	131221
Ohio Public Defender Commission	120.01 - 120.03	131222
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	131223
Ohio Quarter Horse Development Commission	3769.086	131224
Ohio Small Government Capital Improvements Commission	164.02(C)(D)	131225
Ohio Soil and Water Conservation Commission	1515.02	131226
Ohio Standardbred Development Commission	3769.085	131227
<del>Ohio Subrogation Rights Commission</del>	<del>2323.44</del>	131228
Ohio Thoroughbred Racing Advisory Committee	3769.084	131229
Ohio Transportation Finance Commission	5531.12(B) to (D)	131230
Ohio Tuition Trust Authority	3334.03, 3334.08	131231
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	131232
Ohio Vendors Representative Committee	3304.34, 20 USC 107	131233
Ohio War Orphans Scholarship Board	5910.02 - 5910.06	131234
Ohio Water Advisory Council	1521.031	131235
Ohio Water Resources Council Advisory Group	1521.19	131236
Ohio Water Resources Council	1521.19	131237
Oil and Gas Commission	1509.35	131238
Operating Committee of the Oil and Gas Marketing	1510.06, 1510.11	131239

Program		
Organized Crime Investigations Commission	177.01	131240
Pharmacy and Therapeutics Committee of the Department of Medicaid	5164.7510	131241
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	131242
Physician Loan Repayment Advisory Board	3702.81	131243
Power Siting Board	4906.02	131244
Prequalification Review Board	5525.07	131245
Private Water Systems Advisory Council	3701.346	131246
Public Utilities Commission Nominating Council	4901.021	131247
Public Utility Property Tax Study Committee	5727.85(K)	131248
Radiation Advisory Council	3748.20	131249
Reclamation Commission	1513.05	131250
Reclamation Forfeiture Fund Advisory Board	1513.182	131251
Recreation and Resources Commission	1501.04	131252
Recycling and Litter Prevention Advisory Council	1502.04	131253
School and Ministerial Lands Divestiture Committee	501.041	131254
Savings and Loan Associations and Savings Banks Board	1181.16	131255
Second Chance Trust Fund Advisory Committee	2108.35	131256
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	131257
Ski Tramway Board	4169.02	131258
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	131259
Solid Waste Management Advisory Council	3734.51	131260
Special Commission to Consider the Suspension of Local Government Officials	3.16	131261
Speed to Scale Task Force	Section 375.60.80, H.B.	131262

	119, 128th G.A.	
State Agency Coordinating Group	1521.19	131263
State Audit Committee	126.46	131264
State Council of Uniform State Laws	105.21 - 105.27	131265
State Criminal Sentencing Commission	181.22 - 181.26	131266
State Fire Council	3737.81	131267
State Library Board	3375.01	131268
State Victims Assistance Advisory Council	109.91(B) and (C)	131269
Statewide Consortium of County Law Library	3375.481	131270
Resource Boards		
STEM Committee	3326.02	131271
Student Tuition Recovery Authority	3332.081	131272
Sunset Review Committee	101.84 - 101.87	131273
Tax Credit Authority	122.17(M)	131274
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	131275
Technical Advisory Council on Oil and Gas	1509.38	131276
Transportation Review Advisory Council	5512.07 - 5512.09	131277
Unemployment Compensation Advisory Council	4141.08	131278
Unemployment Compensation Review Commission	4141.06	131279
Veterans Advisory Committee	5902.02(K)	131280
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	131281
Volunteer Fire Fighters' Dependents Fund Boards (public)	146.02 - 146.06	131282
Water and Sewer Commission	1525.11(C)	131283
Waterways Safety Council	1547.73	131284
Wildlife Council	1531.03 - 1531.05	131285
Workers' Compensation Board of Directors	4121.123	131286
Nominating Committee		

**Section 610.38.** That existing Section 4 of Sub. S.B. 171 of 131287  
the 129th General Assembly, as most recently amended by Am. Sub. 131288  
H.B. 59 of the 130th General Assembly, is hereby repealed. 131289

**Section 610.40.** That Section 20.15 of H.B. 215 of the 122nd 131290  
General Assembly be amended to read as follows: 131291

**Sec. 20.15. Departmental MIS** 131292

The foregoing appropriation item 100-603, Departmental MIS 131293  
Services, may be used to pay operating expenses of Management 131294  
Information Systems activities in the Department of Administrative 131295  
Services. 131296

Notwithstanding any other language to the contrary, the 131297  
Director of Budget and Management may transfer in total up to 131298  
\$683,000 cash from any fund administered by the Department of 131299  
Administrative Services in the General Services Fund Group or 131300  
Intragovernmental Service Fund Group to the Departmental MIS 131301  
Services Fund (Fund 4P3) to pay operating costs of the 131302  
Departmental MIS program. 131303

After final payments are made from fiscal year 1997 131304  
encumbrances in the Computer Services Fund, the Department of 131305  
Administrative Services shall reconcile fiscal year 1997 financial 131306  
activity in the Computer Services Fund and determine the amount of 131307  
the fund cash balance due to Management Information System program 131308  
operations. 131309

Not later than June 30, 1998, the Director of Administrative 131310  
Services shall make a determination of any cash transfer which is 131311  
required to finalize the transfer of Management Information 131312  
Systems program operations from the Computer Services Fund to the 131313  
Departmental MIS Services Fund. Upon concurrence with this 131314  
determination, the Director of Budget and Management may transfer 131315



this amount between the Computer Services Fund and the 131316  
Departmental MIS Fund. 131317

Notwithstanding any other language to the contrary, the 131318  
Director of Budget and Management may transfer up to \$1,530,643 of 131319  
fiscal year 1998 appropriations and up to \$1,837,860 of fiscal 131320  
year 1999 appropriations from appropriation item 100-603 to any 131321  
Department of Administrative Services appropriation item in the 131322  
General Services or Intragovernmental Service Fund Groups. The 131323  
appropriations transferred shall be used to make payments for 131324  
Management Information Systems services. 131325

Notwithstanding any other language to the contrary, the 131326  
Director of Budget and Management may transfer up to \$696,104 of 131327  
fiscal year 1998 appropriations and up to \$715,287 of fiscal year 131328  
1999 appropriations from appropriation item 100-409, Departmental 131329  
Information Services, to any Department of Administrative Services 131330  
appropriation item in the General Revenue Fund. The appropriations 131331  
transferred shall be used to make payments for Management 131332  
Information Systems services. The Department of Administrative 131333  
Services shall establish charges for recovering the costs of 131334  
Management Information Systems activities. These charges shall be 131335  
deposited to the credit of the ~~Departmental MIS Information~~ 131336  
Technology Fund (Fund 4P3 1330), which is hereby created in 131337  
section 125.15 of the Revised Code. 131338

**Section 610.41.** That existing Section 20.15 of H.B. 215 of 131339  
the 122nd General Assembly is hereby repealed. 131340

**Section 610.50.** That Sections 221.10, 223.10, and 223.40 of 131341  
Am. H.B. 497 of the 130th General Assembly, as amended by Am. Sub. 131342  
H.B. 483 of the 130th General Assembly, be amended to read as 131343  
follows: 131344

**Sec. 221.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 131345

SERVICES			131346
Mental Health Facilities Improvement Fund (Fund 7033)			131347
C58001	Community Assistance Projects	\$ 15,000,000	131348
C58007	Infrastructure Renovations	\$ 2,000,000	131349
C58021	Providence House	\$ 191,640	131350
C58022	Talbert House	\$ 300,000	131351
C58023	Cornerstone of Hope Butterfly Treehouse	\$ 40,000	131352
C58024	Bellefaire Jewish Children's Home	\$ 1,500,000	131353
C58025	Nancy's Place Replacement	\$ 500,000	131354
C58026	Cocoon Shelter	\$ 47,500	131355
<u>C58027</u>	<u>Ashland University College of Nursing</u>	<u>\$ 1,000,000</u>	131356
TOTAL Mental Health Facilities Improvement Fund		\$ <del>19,579,140</del>	131357
		<u>20,579,140</u>	
TOTAL ALL FUNDS		\$ <del>19,579,140</del>	131358
		<u>20,579,140</u>	
COMMUNITY ASSISTANCE PROJECTS			131359
The foregoing appropriation for the Department of Mental			131360
Health and Addiction Services, C58001, Community Assistance			131361
Projects, may be used for facilities constructed or to be			131362
constructed pursuant to Chapter 340., 3793., 5119., 5123., or			131363
5126. of the Revised Code or the authority granted by section			131364
154.20 of the Revised Code and the rules issued pursuant to those			131365
chapters and shall be distributed by the Department of Mental			131366
Health and Addiction Services subject to Controlling Board			131367
approval. Of the forgoing appropriation item C58001, Community			131368
Assistance Projects, \$5,000,000 shall be used to expand access to			131369
recovery housing in accordance with the guidelines contained in			131370
Section 327.83 of Am. Sub. H.B. 59 of the 130th General Assembly,			131371
as amended by Am. Sub. H.B. 483 of the 130th General Assembly.			131372
<b>Sec. 223.10.</b> DNR DEPARTMENT OF NATURAL RESOURCES			131373

Wildlife Fund (Fund 7015)			131374
C725K9	Wildlife Area Building	\$	6,400,000
	Development/Renovations		131375
TOTAL Wildlife Fund		\$	6,400,000
Administrative Building Fund (Fund 7026)			131377
C725D5	Fountain Square Telephone Improvements	\$	2,250,000
C725D7	MARCS Equipment	\$	2,490,150
C725E0	DNR Fairgrounds Areas Upgrading	\$	485,000
C725N7	District Office Renovations	\$	2,000,000
TOTAL Administrative Building Fund		\$	7,225,150
Ohio Parks and Natural Resources Fund (Fund 7031)			131383
C72549	Facilities Development	\$	1,250,000
C725C2	Canals Hydraulics Work and Support	\$	200,000
	Facilities		131385
C725E1	Local Parks Projects Statewide	\$	7,945,485
C725E5	Project Planning	\$	2,749,000
C725J0	Natural Areas/Preserves	\$	1,000,000
	Maintenance/Facilities		131388
C725K0	State Park Renovations/Upgrading	\$	1,027,940
C725N5	Wastewater/Water Systems Upgrades	\$	12,055,000
C725N8	Operations Facilities Development	\$	2,500,000
C72501	The Wilds	\$	500,000
C725T3	Healthy Lake Erie Initiative	\$	10,000,000
C725U0	Cleveland Zoological Society Savannah	\$	500,000
	Ridge Project		131394
TOTAL Ohio Parks and Natural Resources Fund		\$	39,727,425
Parks and Recreation Improvement Fund (Fund 7035)			131396
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$	44,650,000
C725B2	State Park Maintenance Facility	\$	3,000,000
	Development		131398
C725B5	Buckeye Lake Dam Rehabilitation	\$	<del>4,000,000</del>
			<u>14,000,000</u>

C725E2	Local Parks Projects	\$	47,006,120	131400
C725E6	Project Planning	\$	5,901,000	131401
C725M5	Lake Erie Island State Park/Middle Bass Island State Park	\$	6,000,000	131402
C725R3	State Park Renovations Upgrades	\$	12,000,000	131403
C725R4	Dam Rehabilitation - Parks	\$	41,100,000	131404
TOTAL Parks and Recreation Improvement Fund		\$	<del>163,657,120</del> <u>173,657,120</u>	131405
Clean Ohio Trail Fund (Fund 7061)				131406
C72514	Clean Ohio Trail Fund	\$	12,500,000	131407
TOTAL Clean Ohio Trail Fund		\$	12,500,000	131408
Waterways Safety Fund (Fund 7086)				131409
C725A7	Cooperative Funding for Boating Facilities	\$	9,200,000	131410
C725N9	Operations Facilities Development	\$	820,000	131411
C725Q6	Facilities Development	\$	5,363,274	131412
TOTAL Waterways Safety Fund		\$	15,383,274	131413
TOTAL ALL FUNDS		\$	<del>244,892,969</del> <u>254,892,969</u>	131414
FEDERAL REIMBURSEMENT				131415
All reimbursements received from the federal government for				131416
any expenditures made pursuant to this section shall be deposited				131417
in the state treasury to the credit of the fund from which the				131418
expenditure originated.				131419
<u>Of the foregoing appropriation item C725B5, Buckeye Lake Dam</u>				131420
<u>Rehabilitation, \$10,000,000 shall be used by the Director of</u>				131421
<u>Natural Resources for dam construction projects at Buckeye Lake.</u>				131422
<u>The Director may enter into contracts with qualified construction</u>				131423
<u>companies to complete dam construction projects. Any such contract</u>				131424
<u>shall include incentives for the early completion of construction</u>				131425
<u>projects.</u>				131426

LOCAL PARKS PROJECTS	131427
Of the foregoing appropriation item C725E2, Local Parks	131428
Projects, an amount equal to two per cent of the projects listed	131429
may be used by the Department of Natural Resources for the	131430
administration of local projects, \$15,000,000 shall be used for	131431
the Veterans Memorial, \$5,000,000 shall be used for the City of	131432
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for	131433
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the	131434
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the	131435
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami	131436
Scenic Trail- Bridge Construction, \$500,000 shall be used for the	131437
Shaker Heights Van Aken District, \$500,000 shall be used for the	131438
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy	131439
Greenway Trail Highbanks Connector, \$500,000 shall be used for	131440
Hilliard Station Park, \$500,000 shall be used for the MidPointe	131441
Crossing - Swift Park, \$500,000 shall be used for the Smale	131442
Riverfront Park, \$500,000 shall be used for the Green Township	131443
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used	131444
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall	131445
be used for the City of Sylvania River Trail, \$285,545 shall be	131446
used for the Celina Westview Park Quad, \$250,000 shall be used for	131447
the New Bremen Lions Park Development, \$250,000 shall be used for	131448
the Montgomery County Agricultural Facility Improvements, \$250,000	131449
shall be used for Northam Park, \$250,000 shall be used for the	131450
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for	131451
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel	131452
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike	131453
Path, \$150,000 shall be used for the Logan County Agricultural	131454
Facility Improvements, \$150,000 shall be used for the Help All	131455
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used	131456
for York Township Park, \$150,000 shall be used for Eastview Park,	131457
\$120,000 shall be used for the Shelby County Agricultural Facility	131458
Improvements, \$100,000 shall be used for the Ohio to Erie Trail,	131459

\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 131460  
shall be used for the Shanes Park Expansion, \$92,000 shall be used 131461  
for the Defiance County Agricultural Facility Improvements, 131462  
\$50,000 shall be used for the Moonville Rail Trail Bridges and 131463  
Construction, \$50,000 shall be used for the All-Pro Freight 131464  
Stadium Improvements, \$50,000 shall be used for the Bowling Green 131465  
Nature Center, \$49,000 shall be used for the Lynchburg Old School 131466  
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge - 131467  
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill 131468  
Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, 131469  
\$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 131470  
shall be used for the Round Town Bike Trail, and \$27,750 shall be 131471  
used for the Shalersville Park Walking Trail, \$3,500,000 shall be 131472  
used for the Flats East Gateway and Riverfront Park, \$1,000,000 131473  
shall be used for the City of Celina Boardwalk, \$1,000,000 shall 131474  
be used for the Middletown River Center, \$1,000,000 shall be used 131475  
for the Voice of America Multi-Purpose Field and Athletic Complex, 131476  
\$1,000,000 shall be used for the Euclid Waterfront Improvements 131477  
Plan - Phase II Implementation, \$875,000 shall be used for the 131478  
Preble County Agricultural Facility Improvements, \$500,000 shall 131479  
be used for the New Economy Neighborhood - Phase II, \$500,000 131480  
shall be used for the Nimisila Spillway Replacement Project, 131481  
\$350,000 shall be used for the Perry Township Park Lakeshore 131482  
Stabilization, \$300,000 shall be used for the Fairfield Sports 131483  
Complex Entrance, \$250,000 shall be used for the Riverfront 131484  
Enhancement, \$250,000 shall be used for the Earl Thomas Conley 131485  
Riverside Park ~~Campground~~ Waterpark, \$150,000 shall be used for 131486  
the Treasure Island River Corridor Improvement, \$150,000 shall be 131487  
used for the Russ Nature Reserve, \$100,000 shall be used for the 131488  
Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall 131489  
be used for the PASA Field Lighting, \$100,000 shall be used for 131490  
the Gallipolis Riverfront Project - Phase I, \$80,000 shall be used 131491  
for the Black River Landing Pavilion, \$50,000 shall be used for 131492

the Loudonville Public Swimming Pool, \$35,000 shall be used for 131493  
the A.S.K. Playground, \$30,000 shall be used for the Medina 131494  
Community Recreation Center, \$25,000 shall be used for the Newbury 131495  
Veterans' Memorial Park, and \$21,525 shall be used for the Black 131496  
Swamp Education Center Parking Lot. 131497

**Sec. 223.40.** The Treasurer of State is hereby authorized to 131498  
issue and sell, in accordance with Section 2i of Article VIII, 131499  
Ohio Constitution, and Chapter 154. of the Revised Code, 131500  
particularly section 154.22 of the Revised Code, original 131501  
obligations in an aggregate principal amount not to exceed 131502  
~~\$165,000,000~~ \$175,000,000, in addition to the original issuance of 131503  
obligations heretofore authorized by prior acts of the General 131504  
Assembly. These authorized obligations shall be issued, subject to 131505  
applicable constitutional and statutory limitations, as needed to 131506  
provide sufficient moneys to the credit of the Parks and 131507  
Recreation Improvement Fund (Fund 7035) to pay the costs of 131508  
capital facilities for parks and recreation as defined in section 131509  
154.01 of the Revised Code. 131510

**Section 610.51.** That existing Sections 221.10, 223.10, and 131511  
223.40 of Am. H.B. 497 of the 130th General Assembly, as amended 131512  
by Am. Sub. H.B. 483 of the 130th General Assembly, are hereby 131513  
repealed. 131514

**Section 610.53.** That Section 239.10 of Am. H.B. 497 of the 131515  
130th General Assembly, as most recently amended by Am. Sub. S.B. 131516  
243 of the 130th General Assembly, be amended to read as follows: 131517

**Sec. 239.10.** FCC FACILITIES CONSTRUCTION COMMISSION 131518  
Lottery Profits Education Fund (Fund 7017) 131519  
C23014 Classroom Facilities Assistance Program \$ 100,000,000 131520  
- Lottery Profits

TOTAL Lottery Profits Education Fund	\$	100,000,000	131521
Public School Building Fund (Fund 7021)			131522
C230V9 School Security Grants	\$	17,345,000	131523
TOTAL Public School Building Fund	\$	17,345,000	131524
Administrative Building Fund (Fund 7026)			131525
C23016 Energy Conservation Projects	\$	3,000,000	131526
C230E5 State Agency Planning/Assessment	\$	500,000	131527
TOTAL Administrative Building Fund	\$	3,500,000	131528
Cultural and Sports Facilities Building Fund (Fund 7030)			131529
C23022 Woodward Opera House Redevelopment	\$	100,000	131530
C23023 OHS - Ohio History Center Exhibit Replacement	\$	840,750	131531
C23024 OHS - Statewide Site Exhibit Renovation	\$	420,000	131532
C23025 OHS - Statewide Site Repairs	\$	1,152,700	131533
C23027 OHS - Zoar Village Building Restoration	\$	502,500	131534
C23028 OHS - Basic Renovations and Emergency Repairs	\$	850,000	131535
C23030 OHS - Rankin House State Memorial	\$	653,000	131536
C23031 OHS - Harding Home State Memorial	\$	250,000	131537
C23032 OHS - Ohio Historical Center Rehabilitation	\$	985,000	131538
C23033 OHS - Stowe House State Memorial	\$	300,000	131539
C23038 OHS - Fort Amanda State Memorial	\$	395,000	131540
C23042 Tecumseh - Sugarloaf Mountain Amphitheatre	\$	33,500	131541
C23044 OHS - Ohio River Museum	\$	52,200	131542
C23045 OHS - Lockington Locks Stabilization	\$	358,900	131543
C23057 OHS - Online Portal to Ohio's Heritage	\$	1,246,000	131544
C23059 Lake Erie Nature and Science Center	\$	300,000	131545
C23068 Huntington House	\$	75,000	131546
C23077 Columbus Museum of Art: Expansion and Renovation Phase 3	\$	1,101,000	131547



C23083	Stan Hywet Hall & Gardens Restoration	\$	1,560,522	131548
C23091	Ohio Theatre - Toledo	\$	201,000	131549
C23098	Twin City Opera House	\$	400,000	131550
C230A1	Preble County Historical Society	\$	50,000	131551
C230A6	Secrest Auditorium Renovation	\$	125,000	131552
C230B1	Karamu House	\$	1,060,522	131553
C230C5	OHS - Collections Storage Facility	\$	212,000	131554
	Object Evaluation			
C230C6	OHS - Historic Site Signage	\$	300,000	131555
C230C8	OHS - Serpent Mound	\$	397,900	131556
C230D1	OHS - Great Circle Earthworks	\$	75,000	131557
C230D4	OHS - Fort Laurens	\$	45,000	131558
C230E6	OHS - Exhibits for Native American Sites	\$	500,000	131559
C230E7	OHS - Hayes Presidential Center	\$	50,000	131560
C230E8	OHS - Armstrong Air and Space Museum	<del>\$45,000</del>	<u>295,000</u>	131561
C230E9	OHS - Museum of Ceramics	\$	223,850	131562
C230F1	OHS - Campus Martius Museum	\$	145,200	131563
C230F2	Second Century Project	\$	200,000	131564
C230F3	Stuart's Opera House	\$	500,000	131565
<del>C230F4</del>	<del>The Gordon, Hauss, Folk Company Mill</del>	<del>\$</del>	<del>250,000</del>	131566
C230F5	Thatcher Temple Art Building	\$	37,500	131567
C230F6	Fitton Center for Creative Arts	\$	100,000	131568
C230F7	Oxford Community Arts Center	\$	450,000	131569
C230F8	Gammon House Improvements	\$	75,000	131570
C230F9	Clark State Community College Performing	\$	275,000	131571
	Arts Center			
C230G1	Murphy Theatre	\$	150,000	131572
C230G2	Johnson-Humrick House Museum	\$	57,960	131573
C230G3	Public artPARK	\$	200,000	131574
C230G4	Schines Art Park	\$	357,500	131575
C230G5	Bedford Historical Society	\$	100,000	131576
C230G6	Rainey Institute - Safe Parking	\$	125,000	131577
C230G7	Ukrainian Museum - Archives	\$	125,000	131578

C230G8	Cleveland African American Museum Restoration and Expansion	\$	150,000	131579
C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	131580
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	131581
C230H2	Cozad Bates House	\$	365,131	131582
C230H3	Beck Center	\$	402,349	131583
C230H7	Western Reserve Historical Society	\$	750,000	131584
C230H9	Gordon Square Arts District	\$	1,000,000	131585
C230J4	Cleveland Museum of Natural History	\$	2,500,000	131586
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	131587
C230J6	West Side Market Renovation	\$	500,000	131588
C230J7	Cardinal Center	\$	75,000	131589
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	131590
C230J9	St. Clair Memorial Hall	\$	500,000	131591
C230K1	Historic Strand Theatre Renovation	\$	150,000	131592
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	131593
C230K3	African-American Legacy Project	\$	75,000	131594
C230K4	Ohio Glass Museum Furnace System	\$	10,000	131595
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	131596
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	131597
C230K7	Georgian Museum Storage Facility	\$	30,000	131598
C230K8	Sherman House Museum	\$	35,000	131599
C230K9	Washington Court House Auditorium Project	\$	100,000	131600
C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	131601
C230L2	Glass Axis Relocation	\$	150,000	131602
C230L3	Harmony Project	\$	300,000	131603
C230L4	CCAD Cinematic Arts and Motion Capture	\$	750,000	131604

	Studio and Auditorium			
C230L5	Columbus Theater-Based Community Development Project	\$	1,000,000	131605
C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	131606
C230L7	Sauder Village - 1920 Homestead	\$	300,000	131607
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	131608
C230L9	Ariel-Ann Carson Dater Performing Arts Centre	\$	100,000	131609
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	131610
C230M2	Geauga County Historical Society	\$	56,000	131611
C230M3	Chardon Lyric Theatre	\$	50,000	131612
C230M4	Chardon Heritage House	\$	200,000	131613
C230M5	Incline Theater Project	\$	550,000	131614
C230M6	Cincinnati Art Museum - Make Room for Art	\$	825,000	131615
C230M7	Hamilton County Memorial Hall	\$	2,000,000	131616
C230M8	Cincinnati Zoo	\$	2,000,000	131617
C230M9	Union Terminal Restoration	\$	5,000,000	131618
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	131619
C230N2	Kan Du Community Arts Center	\$	520,000	131620
C230N3	Findlay Central Auditorium	\$	1,000,000	131621
C230N4	Appalachian Forest Museum	\$	100,000	131622
C230N5	Logan Theater	\$	25,000	131623
C230N6	Willard Train Viewing Platform	\$	50,000	131624
C230N7	Markay Theatre Renovation	\$	150,000	131625
C230N8	Grand Theater Restoration Project	\$	140,000	131626
C230N9	South Leroy Historic Meeting House Restoration	\$	15,000	131627
C230P1	Willoughby Fine Arts Association - Facility Expansion	\$	500,000	131628
C230P2	Ironton Cultural Arts Operations	\$	100,000	131629

	Facility			
C230P3	Sterling Theater Revitalization Project	\$	200,000	131630
C230P4	Logan County Veterans' Memorial Hall	\$	250,000	131631
C230P5	Columbia Station 1812 Block House	\$	28,000	131632
	Project			
C230P6	Avon Isle Renovation Phase 2	\$	82,775	131633
C230P7	Oberlin Gasholder Building/Underground	\$	200,000	131634
	Railroad Center			
C230P8	Carnegie Building Renovation	\$	500,000	131635
C230P9	Toledo Zoo	\$	750,000	131636
C230Q1	Imagination Station Improvements	\$	695,000	131637
C230Q2	War of 1812 Exhibit	\$	35,000	131638
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	131639
C230Q4	Toledo Repertoire Theatre	\$	150,000	131640
C230Q5	Valentine Theatre Initiative	\$	136,000	131641
C230Q6	Southern Park Historic District	\$	250,000	131642
C230Q7	Butler Institute of Art	\$	279,717	131643
C230Q8	Stambaugh Auditorium	\$	500,000	131644
C230Q9	Marion Palace Theatre	\$	731,000	131645
C230R1	Bradford Rail Museum	\$	275,000	131646
C230R2	K12 and TEJAS Building Project	\$	50,000	131647
C230R3	River Run Murals Project	\$	82,500	131648
C230R4	Dayton Contemporary Dance Company Studio	\$	125,000	131649
	Renovations			
C230R5	Wright Company Factory Project	\$	250,000	131650
C230R6	Victoria Theatre and Metropolitan Arts	\$	825,000	131651
	Center			
C230R7	Preserving & Updating the Historic	\$	2,198,500	131652
	Dayton Art Institute			
C230R8	National Ceramic Museum and Heritage	\$	100,000	131653
	Center Renovation			
C230R9	Opera House Project	\$	100,000	131654
C230S1	Tecumseh Theater - Opera House	\$	140,000	131655

	Restoration			
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600	131656
C230S3	Hayden Auditorium - Hiram	\$	260,854	131657
C230S4	Majestic Theater Renovation	\$	36,000	131658
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000	131659
C230S6	Pumphouse Center for the Arts	\$	130,000	131660
C230S7	Historic Sidney Theatre	\$	500,000	131661
C230S8	Pro Football Hall of Fame	\$	10,000,000	131662
C230S9	Park Theater Renovation	\$	159,078	131663
C230T1	Akron Civic Theater	\$	530,261	131664
C230T2	John Brown House and Grounds	\$	50,000	131665
C230T3	Hale Farm	\$	500,000	131666
C230T4	Urichsville Clay Museum	\$	150,000	131667
C230T5	Mason Historical Society	\$	350,000	131668
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	131669
C230T7	Historic Theatre Restoration	\$	500,000	131670
C230T8	County Line Historical Society	\$	46,000	131671
C230T9	Pemberville Opera House Elevator Project	\$	220,000	131672
C230U1	Wood County Historical Center & Museum Accessibility Project	\$	600,000	131673
C230U2	Avon Lake - Folger House	\$	150,000	131674
C230U3	DeYor Performing Arts Center	\$	100,000	131675
TOTAL	Cultural and Sports Facilities Building Fund	\$	74,840,182	131676
	School Building Program Assistance Fund (Fund 7032)			131677
C23002	School Building Program Assistance	\$	575,000,000	131678
TOTAL	School Building Program Assistance Fund	\$	575,000,000	131679
TOTAL ALL FUNDS		\$	770,685,182	131680
	SCHOOL SECURITY GRANTS			131681
	The foregoing appropriation item C230V9, School Security Grants, shall be used by the School Facilities Commission to			131682 131683

provide funding to all public and chartered nonpublic schools for 131684  
the purchase and installation of one Multi-Agency Radio 131685  
Communications System (MARCS) unit per school building and a 131686  
security door system, consisting of a security camera, an 131687  
intercom, and remote access, at one main entrance per school 131688  
building. If law enforcement agencies with jurisdiction over all 131689  
or a portion of the geographical area of a public or chartered 131690  
nonpublic school do not use MARCS, a public or chartered nonpublic 131691  
school may purchase one emergency communications system compatible 131692  
with the system or systems in use by law enforcement agencies with 131693  
jurisdiction over the school territory. A public or chartered 131694  
nonpublic school may apply to the School Facilities Commission for 131695  
reimbursement up to \$2,000 for one MARCS unit or other emergency 131696  
communications system per school building and up to \$5,000 for 131697  
costs incurred with the purchase of a security door system 131698  
installed on or after January 1, 2013. A public or chartered 131699  
nonpublic school may receive reimbursement for either a MARCS unit 131700  
or another emergency communications system, but not both. A school 131701  
previously awarded funds for one of the grant items under this 131702  
program may not receive a second award for that same grant item. 131703

STATE AGENCY PLANNING/ASSESSMENT 131704

The foregoing appropriation item C230E5, State Agency 131705  
Planning/Assessment, shall be used by the Facilities Construction 131706  
Commission to provide assistance to any state agency for 131707  
assessment, capital planning, and maintenance management. 131708

GEAUGA COUNTY HISTORICAL SOCIETY 131709

Of the foregoing appropriation item C230M2, Geauga County 131710  
Historical Society, \$12,000 shall be used for Geauga Historical 131711  
Society - White Barn Restoration, \$18,000 shall be used for Geauga 131712  
Historical Society - Maple Museum, and \$26,000 shall be used for 131713  
Gauga Historical Society - Lennah Bond Center. 131714

SCHOOL BUILDING PROGRAM ASSISTANCE	131715
The foregoing appropriation item C23002, School Building	131716
Program Assistance, shall be used by the School Facilities	131717
Commission to provide funding to school districts that receive	131718
conditional approval from the Commission pursuant to Chapter 3318.	131719
of the Revised Code.	131720
<b>Section 610.54.</b> That existing Section 239.10 of Am. H.B. 497	131721
of the 130th General Assembly, as most recently amended by Am.	131722
Sub. S.B. 243 of the 130th General Assembly, is hereby repealed.	131723
<b>Section 690.10.</b> That Sections 701.10 and 701.61 of Am. Sub.	131724
H.B. 59 of the 130th General Assembly, Section 13 of Sub. H.B. 477	131725
of the 130th General Assembly, Sections 551.10 and 733.20 of Am.	131726
Sub. H.B. 483 of the 130th General Assembly, and Section 13 of Am.	131727
Sub. H.B. 487 of the 130th General Assembly are hereby repealed.	131728
<b>Section 695.10.</b> That Section 5 of Am. Sub. H.B. 486 of the	131729
130th General Assembly is hereby repealed.	131730
<b>Section 701.20.</b> CLASSIFICATION PLAN RULE RESCISSION	131731
The following Ohio Administrative Code rules in effect on	131732
June 30, 2015, are hereby permanently rescinded upon the effective	131733
date of the amendments to sections 124.14 and 124.15 of the	131734
Revised Code:	131735
Ohio Administrative Code rule 123:1-7-15 (State managerial	131736
and supervisory classifications);	131737
Ohio Administrative Code rule 123:1-7-21 (Classifications for	131738
the office of the Attorney General);	131739
Ohio Administrative Code rule 123:1-7-24 (Classifications for	131740
the office of the Secretary of State);	131741

Ohio Administrative Code rule 123:1-7-25 (Classifications for  
the Auditor of State); 131742  
131743

Ohio Administrative Code rule 123:1-7-26 (Classifications for  
the office of the Treasurer of State). 131744  
131745

**Section 701.30. TORT LIABILITY SELF-INSURANCE STUDY** 131746

The Department of Administrative Services shall conduct a 131747  
study of the state's current liability insurance program to 131748  
determine, generally, whether its statutory framework is 131749  
protecting and maintaining the financial integrity of the state's 131750  
assets compared to similar programs in other states. The study 131751  
shall examine the possibility of expanding the state's 131752  
self-insurance program to include non-vehicle tort liability 131753  
claims, including those for which private insurance is either 131754  
unavailable or is cost-prohibitive, in addition to identifying 131755  
which types of claims should be covered by a self-insured tort 131756  
liability program. The study may include an analysis of the 131757  
current practice by which state agencies pay for unplanned losses 131758  
from operating funds. Additionally, the study shall include an 131759  
actuarial analysis of the Risk Management Reserve Fund to 131760  
determine required reserves should additional tort liability 131761  
claims be investigated, settled, and paid through the fund. The 131762  
analysis shall include estimated premium allocations to be paid by 131763  
state agencies based on each agency's history of paid losses. The 131764  
study may recommend changes to the current statutory framework to 131765  
allow the Office of Risk Management to settle or compromise 131766  
non-vehicle tort liability claims. 131767

**Section 701.40.** The Ohio Geographically Referenced 131768  
Information Program Council, as revised by the amendments of this 131769  
act to section 125.901 of the Revised Code, constitutes a 131770  
continuation of the Ohio Geographically Referenced Information 131771



Program Council established by section 125.901 of the Revised Code 131772  
as that section existed prior to the effective date of those 131773  
amendments. 131774

**Section 701.80.** JOINT LEGISLATIVE COMMITTEE ON MULTI-SYSTEM 131775  
YOUTH 131776

(A) As used in this section, "multi-system youth" is a youth 131777  
that is in need of services from two or more of the following: 131778

(1) The child welfare system; 131779

(2) The mental health and addiction services system; 131780

(3) The developmental disabilities services system; 131781

(4) The juvenile court system. 131782

(B) There is hereby created the Joint Legislative Committee 131783  
on Multi-system Youth consisting of the following members: 131784

(1) Five members appointed by the President of the Senate, 131785  
three from the majority party and two from the minority party; 131786

(2) Five members appointed by the Speaker of the House of 131787  
Representatives, three from the majority party and two from the 131788  
minority party. 131789

(C) The Committee shall: 131790

(1) Identify the services currently provided to multi-system 131791  
youths and the costs and outcomes of those services; 131792

(2) Identify existing best practices to eliminate custody 131793  
relinquishment as a means of gaining access to services for 131794  
multi-system youths; 131795

(3) Identify the best methods for person-centered care 131796  
coordination related to behavioral health, developmental 131797  
disabilities, juvenile justice, and employment; 131798

(4) Identify a system of accountability to monitor the progress of multi-system youths in residential placement; and	131799 131800
(5) Recommend an equitable, adequate, sustainable funding and service delivery system to meet the needs of all multi-system youths.	131801 131802 131803
(D) The Committee, in the performance of its duties, may consult with any of the following:	131804 131805
(1) The Directors of the following:	131806
(a) Office of Health Transformation;	131807
(b) Department of Youth Services;	131808
(c) Department of Mental Health and Addiction Services;	131809
(d) Department of Medicaid;	131810
(e) Department of Developmental Disabilities;	131811
(f) Department of Job and Family Services;	131812
(g) Office of Human Services Innovation;	131813
(h) Ohio Family and Children First Cabinet Council;	131814
(i) Department of Insurance.	131815
(2) The Superintendent of Public Instruction;	131816
(3) Representatives of any of the following organizations:	131817
(a) Public Children Services Association of Ohio;	131818
(b) Ohio Association of Child Caring Agencies;	131819
(c) National Alliance on Mental Illness of Ohio;	131820
(d) Autism Society of Ohio;	131821
(e) Ohio Association of County Boards Serving People with Developmental Disabilities;	131822 131823
(f) Ohio Council of Behavioral Health and Family Services Providers;	131824 131825

(g) Ohio Association of County Behavioral Health Authorities;	131826
(h) Juvenile Justice Coalition;	131827
(i) Children's Defense Fund-Ohio;	131828
(j) Ohio Family Care Association;	131829
(k) Ohio Children's Hospital Association;	131830
(l) County Commissioners Association of Ohio;	131831
(m) Center for Innovative Practices;	131832
(n) Disability Rights Ohio;	131833
(o) The ARC of Ohio.	131834
(E) Appointments to the Committee shall be made not later	131835
than fifteen days after the effective date of this section.	131836
Appointments to fill vacancies shall be filled in the same manner	131837
as the original appointments.	131838
(F) Meetings of the Committee shall take place at the call of	131839
the chairperson, and the first meeting shall occur not later than	131840
forty-five days after the effective date of this section. At the	131841
first meeting, the Committee shall elect a chairperson and	131842
vice-chairperson.	131843
(G) The departments listed in division (D)(1) of this section	131844
and the Department of Education shall cooperate with the Committee	131845
and provide, upon request, any information that will assist the	131846
Committee in the performance of its duties.	131847
(H) Not later than December 31, 2015, the Committee shall	131848
prepare a report of its findings and recommendations and submit	131849
the report to the General Assembly and the Governor. Upon	131850
submission of its report, the Committee shall cease to exist.	131851
<b>Section 701.80.</b> (A) The Sunset Review Committee, which is	131852
convened to operate in calendar years 2015 and 2016, shall hold	131853

hearings to receive the testimony of the public and of the chief executive officer of each agency listed below, and otherwise shall consider and evaluate the usefulness, performance, and effectiveness of the agency:

(1)Motor Vehicle Repair Board;

(2)Ohio Landscape Architects Board;

(3)Architects Board;

(4)State Board of Optometry; and

(5)Ohio Optical Dispensers Board.

(B) The Committee specifically shall consider and make recommendations to the General Assembly, by June 1, 2016, regarding whether or not continuation of the Motor Vehicle Repair Board is necessary or if the board should be eliminated; whether or not the Ohio Landscape Architects Board and the Architects Board should be combined to improve efficiency and save costs; and whether or not the State Board of Optometry and the Ohio Optical Dispensers Board should be combined to improve efficiency and save costs.

(C) After the completion of the committee's consideration and evaluation under this section, the committee shall prepare and publish a report of its findings and recommendations. The committee shall furnish a copy of the report to the President of the Senate, the Speaker of the House of Representatives, the Governor, and each affected agency. The report shall be made available to the public in the offices of the House and Senate Clerks during reasonable hours. The committee's report may be in the form of a bill prepared for introduction in the Senate or in the House of Representatives.

**Section 701.90.** The Third Frontier Commission shall operate,

for fiscal years 2016 and 2017, the Ohio Third Frontier Internship Program to contribute to the expansion of a technologically proficient workforce in Ohio, and to encourage the retention in Ohio of highly knowledgeable and talented students through employing them upon graduation at for-profit companies doing business in Ohio.

**Section 701.100.** (A) The Ohio Judicial Conference shall form an advisory committee consisting of five members of the Conference who are not justices of the Supreme Court.

(B) Not later than October 31, 2015, the advisory committee shall submit a report to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives that describes all of the following:

(1) By which of the following methods the advisory committee recommends that the interests of the courts of appeals, common pleas courts, probate courts, juvenile courts, municipal courts, and county courts of this state be represented to the General Assembly and the reasons for that recommendation:

(a) By an independent association that does not receive public funds;

(b) By the staff of the Supreme Court in the manner directed by the Chief Justice of the Supreme Court;

(c) By any other method the advisory committee considers to be appropriate.

(2) The manner in which the committee recommends that the staff of the Supreme Court carry out the Ohio Judicial Conference's current statutory functions, other than representing the interests of the courts of appeals, common pleas courts, probate courts, juvenile courts, municipal courts, and county courts of this state to the General Assembly.

**Section 701.110.** The Department of Development Services shall 131913  
conduct a study of means to convert the historic rehabilitation 131914  
tax credit authorized by section 149.311 of the Revised Code into 131915  
a program authorizing grants for the rehabilitation of historic 131916  
buildings under qualification criteria the same as or similar to 131917  
those of the current tax credit. The Department shall prepare a 131918  
report of its findings and recommendations and transmit the report 131919  
to the President of the Senate, the Speaker of the House of 131920  
Representatives, and the Minority Leader of each chamber not later 131921  
than December 31, 2015. 131922

**Section 701.120.** In enacting section 9.75 of the Revised Code 131923  
in this act, the General Assembly hereby declares its intent to 131924  
recognize both of the following: 131925

(A) The inalienable and fundamental right of an individual to 131926  
choose where to live pursuant to Section 1 of Article I, Ohio 131927  
Constitution; 131928

(B) Section 34 of Article II, Ohio Constitution, specifies 131929  
that laws may be passed providing for the comfort, health, safety, 131930  
and general welfare of all employees, and that no other provision 131931  
of the Ohio Constitution impairs or limits this power, including 131932  
Section 3 of Article XVIII, Ohio Constitution. 131933

**Section 701.130.** The General Assembly finds, in enacting 131934  
section 9.75 of the Revised Code in this act, that it is a matter 131935  
of statewide concern to generally allow the employees working on 131936  
Ohio's public improvement projects to choose where to live, and 131937  
that it is necessary in order to provide for the comfort, health, 131938  
safety, and general welfare of those employees to generally 131939  
prohibit public authorities from requiring contractors, as a 131940  
condition of accepting contracts for public improvement projects, 131941  
to employ a certain number or percentage of individuals who reside 131942

in any specific area of the state. 131943

**Section 703.10.** The amendments to sections 349.01, 349.03, 131944  
349.04, 349.06, 349.07, and 349.14 of the Revised Code enacted by 131945  
this act apply to any proceedings commenced after the amendments' 131946  
effective date, and, so far as their provisions support the 131947  
actions taken, also apply to proceedings that on their effective 131948  
date are pending, in progress, or completed, notwithstanding the 131949  
applicable law previously in effect or any provision to the 131950  
contrary in a prior resolution, ordinance, order, advertisement, 131951  
notice, or other proceeding. Any proceedings pending or in 131952  
progress on the effective date of those amendments shall be deemed 131953  
to have been taken in conformity with the amendment. 131954

**Section 707.10.** (A) Notwithstanding anything to the contrary 131955  
in sections 709.24 and 709.27 of the Revised Code, until January 131956  
1, 2017, in a chartered county with a population of at least one 131957  
million, petitions presented to the legislative authority for an 131958  
annexation under section 709.24 of the Revised Code shall be 131959  
signed by resident electors who voted at the last regular 131960  
municipal election, numbering not less than ten per cent of the 131961  
electors who voted in such election in the territory proposed to 131962  
be annexed. 131963

(B) If, within thirty days after receipt of a certified copy 131964  
of an ordinance from a municipal corporation proposing annexation 131965  
designating its three commissioners, the legislative authority of 131966  
the municipal corporation with which annexation is proposed fails 131967  
to pass an ordinance designating three commissioners to represent 131968  
it in annexation negotiations, then, on receipt of a petition 131969  
signed by resident electors of a number not less than ten per cent 131970  
of the number of electors voting at the last regular municipal 131971  
election of the municipal corporation with which annexation is 131972

proposed, petitioning the legislative authority to take such 131973  
action as is necessary to initiate proceedings and to appoint 131974  
three commissioners to represent it therein, the legislative 131975  
authority shall pass an ordinance appointing those commissioners. 131976

**Section 709.20.** For purposes of the transfer by this act of 131977  
the Agricultural Soil and Water Conservation Program established 131978  
prior to the effective date of the amendment of the statutes 131979  
governing the Program by this act under Chapter 1511. of the 131980  
Revised Code from the Department of Natural Resources to the 131981  
Department of Agriculture, all of the following apply: 131982

(A) The Director of Natural Resources shall enter into a 131983  
memorandum of understanding with the Director of Agriculture 131984  
regarding the transfer of the Program. The Director of Natural 131985  
Resources shall identify in the memorandum of understanding all 131986  
applicable rules regarding the Program. 131987

(B) On the date on which the two Directors sign a memorandum 131988  
of understanding under division (A) of this section, the Director 131989  
of Natural Resources shall provide the Director of Agriculture 131990  
with both of the following: 131991

(1) Copies of all operation and management plans, or 131992  
applicable portions of such plans, developed or approved by the 131993  
Chief of the Division of Soil and Water Resources under Chapter 131994  
1511. of the Revised Code or the supervisors of a soil and water 131995  
conservation district under Chapter 1515. of the Revised Code for 131996  
the abatement of the degradation of the waters of the state by 131997  
residual farm products, manure, and soil sediment, including 131998  
attached substances, that were developed or approved prior to the 131999  
effective date of the amendment of the statutes governing the 132000  
Program by this act; 132001

(2) Copies of all operation and management plans, or 132002  
applicable portions of such plans, and accompanying information 132003



that were submitted for approval by the Chief or the supervisors 132004  
of a soil and water conservation district under Chapter 1511. or 132005  
1515. of the Revised Code, as applicable, prior to the effective 132006  
date of the amendment of the statutes governing the Program by 132007  
this act for the abatement of the degradation of the waters of the 132008  
state by residual farm products, manure, and soil sediment, 132009  
including attached substances. 132010

(C) The Director of Agriculture shall adopt rules in 132011  
accordance with Chapter 119. of the Revised Code that are 132012  
identical to the rules that are identified in the memorandum of 132013  
understanding signed under this section, except that references to 132014  
the Division of Soil and Water Resources in the Department of 132015  
Natural Resources shall be replaced with references to the 132016  
Department of Agriculture, and references to the Chief of the 132017  
Division of Soil and Water Resources in the Department of Natural 132018  
Resources shall be replaced with references to the Director of 132019  
Agriculture. If necessary to ensure the integrity of the numbering 132020  
system of the Administrative Code, the Director of the Legislative 132021  
Service Commission shall renumber the rules to reflect their 132022  
transfer to the Department of Agriculture. 132023

On the effective date of the rules adopted by the Director of 132024  
Agriculture, the rules adopted by the Chief of the Division of 132025  
Soil and Water Resources as identified in the memorandum of 132026  
understanding are abolished. 132027

(D) Any business commenced but not completed by the Chief of 132028  
the Division of Soil and Water Resources relating to the Program 132029  
on the effective date of the amendment of the statutes governing 132030  
the Program by this act shall be completed by the Director of 132031  
Agriculture. Any validation, cure, right, privilege, remedy, 132032  
obligation, or liability is not lost or impaired solely by reason 132033  
of the transfer required by this act and shall be administered by 132034  
the Director of Agriculture in accordance with this act. 132035

(E) All of the orders and determinations of the Chief of the 132036  
Division of Soil and Water Resources relating to the Program 132037  
continue in effect as orders and determinations of the Director of 132038  
Agriculture until modified or rescinded by the Director. 132039

(F) Subject to the layoff provisions of sections 124.321 to 132040  
124.328 of the Revised Code or the applicable collective 132041  
bargaining agreement, all of the employees of the Division of Soil 132042  
and Water Resources in the Department of Natural Resources 132043  
relating to the Program are transferred to the Department of 132044  
Agriculture and retain their same positions and all benefits 132045  
accruing thereto. 132046

(G) All equipment and assets relating to the Program are 132047  
transferred from the Division of Soil and Water Resources to the 132048  
Department of Agriculture. 132049

(H) Whenever the Division of Soil and Water Resources or the 132050  
Chief of the Division of Soil and Water Resources, in relation to 132051  
the Program, is referred to in any law, contract, or other 132052  
document, the reference shall be deemed to refer to the Department 132053  
of Agriculture or to the Director of Agriculture, whichever is 132054  
appropriate in context. 132055

(I) Any action or proceeding pending on the effective date of 132056  
the amendment of the statutes governing the Program by this act is 132057  
not affected by the transfer of the functions of that Program by 132058  
this act and shall be prosecuted or defended in the name of the 132059  
Department of Agriculture. In all such actions and proceedings, 132060  
the Department of Agriculture, upon application to the court, 132061  
shall be substituted as a party. 132062

(J) As used in this section: 132063

(1) "Soil and water conservation district" has the same 132064  
meaning as in section 940.01 of the Revised Code as amended by 132065  
this act. 132066

(2) "Manure," "residual farm products," "operation and management plan," and "waters of the state" have the same meanings as in section 939.01 of the Revised Code as enacted by this act.

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**Section 709.30.** Operation and management plans that were developed or approved under Chapter 1511. or 1515. of the Revised Code prior to the amendment of those chapters by this act continue in effect as operation and management plans under Chapter 939. or 940. of the Revised Code as enacted or amended by this act, as applicable.

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**Section 709.40.** The Agricultural Pollution Abatement Fund that is created in section 939.10 of the Revised Code, as enacted by this act, is a continuation of the Agricultural Pollution Abatement Fund that was created in section 1511.071 of the Revised Code prior to its repeal by this act. Money credited to the Fund under section 1511.071 of the Revised Code, as repealed by this act, shall be used for the purposes specified in section 939.10 of the Revised Code, as enacted by this act.

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**Section 709.50.** The Ohio Soil and Water Conservation Commission created within the Department of Agriculture by section 940.02 of the Revised Code, as amended and renumbered by this act, is a continuation of the Ohio Soil and Water Conservation Commission created within the Department of Natural Resources by section 1515.02 of the Revised Code prior to its amendment and renumbering by this act.

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**Section 715.20.** On the effective date of this section and for the purposes of Chapters 1521., 1522., and 1523. of the Revised Code, as amended by this act, all of the following apply:

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(A) The Division of Soil and Water Resources in the Department of Natural Resources is renamed the Division of Water

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Resources.	132096
(B) The Division of Soil and Water Resources' functions, and its assets and liabilities, are transferred to the Division of Water Resources.	132097 132098 132099
(C) The Division of Water Resources is successor to, assumes the obligations and authority of, and otherwise continues the Division of Soil and Water Resources. No right, privilege, or remedy, and no duty, liability, or obligation, accrued under the Division of Soil and Water Resources is impaired or lost by reason of the renaming and shall be recognized, administered, performed, or enforced by the Division of Water Resources.	132100 132101 132102 132103 132104 132105 132106
(D) Business commenced but not completed by the Division of Soil and Water Resources or by the Chief of the Division of Soil and Water Resources shall be completed by the Division of Water Resources or the Chief of the Division of Water Resources in the same manner, and with the same effect, as if completed by the Division of Soil and Water Resources or the Chief of the Division of Soil and Water Resources.	132107 132108 132109 132110 132111 132112 132113
(E) All of the Division of Soil and Water Resources' rules, orders, and determinations continue in effect as rules, orders, and determinations of the Division of Water Resources until modified or rescinded by the Division of Water Resources.	132114 132115 132116 132117
(F) The Director of Budget and Management shall determine the amount of unexpended balances in the appropriation accounts that pertain to the Division of Soil and Water Resources and shall recommend to the Controlling Board their transfer to the appropriation accounts that pertain to the Division of Water Resources. The Chief of the Division of Soil and Water Resources shall provide full and timely information to the Controlling Board to facilitate the transfer.	132118 132119 132120 132121 132122 132123 132124 132125
(G) Whenever the Division of Soil and Water Resources or the	132126

Chief of the Division of Soil and Water Resources is referred to 132127  
in a statute, contract, or other instrument, the reference is 132128  
deemed to refer to the Division of Water Resources or to the Chief 132129  
of the Division of Water Resources, whichever is appropriate in 132130  
context. 132131

(H) No pending action or proceeding being prosecuted or 132132  
defended in court or before an agency by the Division of Soil and 132133  
Water Resources or the Chief of the Division of Soil and Water 132134  
Resources is affected by the renaming and shall be prosecuted or 132135  
defended in the name of the Division of Water Resources or the 132136  
Chief of the Division of Water Resources, whichever is 132137  
appropriate. Upon application to the court or agency, the Division 132138  
of Water Resources or the Chief of the Division of Water Resources 132139  
shall be substituted. 132140

**Section 715.30.** For purposes of the transfer of the 132141  
Silvicultural Assistance Program established prior to the 132142  
effective date of the amendment of the statutes governing the 132143  
Program by this act under Chapter 1511. of the Revised Code from 132144  
the Division of Soil and Water Resources in the Department of 132145  
Natural Resources to the Division of Forestry in that Department, 132146  
all of the following apply: 132147

(A) On the effective date of this section, the Chief of the 132148  
Division of Soil and Water Resources shall provide the Chief of 132149  
the Division of Forestry with both of the following: 132150

(1) Copies of all operation and management plans, or 132151  
applicable portions of such plans, developed or approved by the 132152  
Chief of the Division of Soil and Water Resources under Chapter 132153  
1511. of the Revised Code or the supervisors of a soil and water 132154  
conservation district under Chapter 1515. of the Revised Code for 132155  
the abatement of the degradation of the waters of the state by 132156  
soil sediment, including attached substances, from silvicultural 132157

operations that were developed or approved prior to the effective 132158  
date of the amendment of the statutes governing the Program by 132159  
this act; 132160

(2) Copies of all operation and management plans, or 132161  
applicable portions of such plans, and accompanying information 132162  
that were submitted for approval by the Chief or the supervisors 132163  
of a soil and water conservation district under Chapter 1511. or 132164  
1515. of the Revised Code, as applicable, prior to the effective 132165  
date of the amendment of the statutes governing the Program by 132166  
this act for the abatement of the degradation of the waters of the 132167  
state by soil sediment, including attached substances, from 132168  
silvicultural operations. 132169

(B) The Chief of the Division of Soil and Water Resources 132170  
shall identify all applicable rules regarding the Program. The 132171  
Chief of the Division of Forestry shall adopt rules in accordance 132172  
with Chapter 119. of the Revised Code that are identical to the 132173  
rules that are identified by the Chief of the Division of Soil and 132174  
Water Resources under this section, except that references to the 132175  
Division of Soil and Water Resources shall be replaced with 132176  
references to the Division of Forestry, and references to the 132177  
Chief of the Division of Soil and Water Resources shall be 132178  
replaced with references to the Chief of the Division of Forestry. 132179  
If necessary to ensure the integrity of the numbering system of 132180  
the Administrative Code, the Director of the Legislative Service 132181  
Commission shall renumber the rules to reflect their transfer to 132182  
the Division of Forestry. 132183

On the effective date of the rules adopted by the Chief of 132184  
the Division of Forestry, the rules adopted by the Chief of the 132185  
Division of Soil and Water Resources as identified by the Chief 132186  
under this section are abolished. 132187

(C) Any business commenced but not completed by the Chief of 132188  
the Division of Soil and Water Resources relating to the Program 132189

on the effective date of the amendment of the statutes governing 132190  
the Program by this act shall be completed by the Chief of the 132191  
Division of Forestry. Any validation, cure, right, privilege, 132192  
remedy, obligation, or liability is not lost or impaired solely by 132193  
reason of the transfer required by this act and shall be 132194  
administered by the Chief of the Division of Forestry in 132195  
accordance with this act. 132196

(D) All of the orders and determinations of the Chief of the 132197  
Division of Soil and Water Resources relating to the Program 132198  
continue in effect as orders and determinations of the Chief of 132199  
the Division of Forestry until modified or rescinded by that 132200  
Chief. 132201

(E) Whenever the Division of Soil and Water Resources or the 132202  
Chief of the Division of Soil and Water Resources, in relation to 132203  
the Program, is referred to in any law, contract, or other 132204  
document, the reference shall be deemed to refer to the Division 132205  
of Forestry or to the Chief of the Division of Forestry, whichever 132206  
is appropriate in context. 132207

(F) Any action or proceeding pending on the effective date of 132208  
the amendment of the statutes governing the Program by this act is 132209  
not affected by the transfer of the functions of that Program by 132210  
this act and shall be prosecuted or defended in the name of the 132211  
Division of Forestry. In all such actions and proceedings, the 132212  
Division of Forestry, upon application to the court, shall be 132213  
substituted as a party. 132214

(G) As used in this section: 132215

(1) "Soil and water conservation district" has the same 132216  
meaning as in section 940.01 of the Revised Code as amended by 132217  
this act. 132218

(2) "Operation and management plan" and "waters of the state" 132219  
have the same meanings as in section 939.01 of the Revised Code as 132220

enacted by this act. 132221

**Section 715.40.** Operation and management plans regarding 132222  
silvicultural operations that were developed or approved under 132223  
Chapter 1511. or 1515. of the Revised Code prior to the amendment 132224  
of those chapters by this act continue in effect as timber harvest 132225  
plans under sections 1503.50 to 1503.55 and 1503.99 of the Revised 132226  
Code as enacted by this act. 132227

**Section 731.10.** On the effective date of this section, all 132228  
child abuse and child neglect prevention advisory boards 132229  
established under section 3109.18 of the Revised Code are 132230  
abolished. The board or boards of county commissioners that 132231  
oversee operation of an advisory board shall provide procedures 132232  
for the transfer of any advisory board assets and liabilities. 132233

Any business commenced but not completed by the effective 132234  
date of this section by an advisory board shall be completed by 132235  
the appropriate board or boards of county commissioners. The board 132236  
or boards of county commissioners may delegate to a child abuse 132237  
and child neglect regional prevention council any of the duties 132238  
described in this section. 132239

**Section 733.30.** (A) The Competency-Based Education Pilot 132240  
Program is hereby established. Under the Program, the Department 132241  
of Education shall provide grants to city, local, and exempted 132242  
village school districts, including municipal school districts as 132243  
defined in section 3311.71 of the Revised Code, joint vocational 132244  
school districts, community schools established under Chapter 132245  
3314. of the Revised Code, and STEM schools established under 132246  
Chapter 3326. of the Revised Code, and consortia of one or more 132247  
school districts, community schools, and STEM schools led by one 132248  
or more educational service centers for designing and implementing 132249  
competency-based models of education for their students during the 132250



2016-2017, 2017-2018, and 2018-2019 school years. 132251

(B)(1) A district, community school, STEM school, or 132252  
consortium shall submit an application to participate in the 132253  
Competency-Based Education Pilot Program to the Department not 132254  
later than November 1, 2015. The application shall be submitted in 132255  
a form and manner prescribed by the Department. 132256

(2) Not later than March 1, 2016, the Department shall select 132257  
not more than five districts, schools, or consortia to participate 132258  
in the Program. The Department shall require a district, school, 132259  
or consortium to agree to an annual performance review conducted 132260  
by the Department as a condition of participating in the Program. 132261

(C) The competency-based education offered by a district, 132262  
school, or consortium selected to participate in the Program under 132263  
division (B) of this section shall satisfy all of the following 132264  
requirements: 132265

(1) Students shall advance upon mastery. 132266

(2) Competencies shall include clear, measurable, 132267  
transferable learning objectives that empower students. 132268

(3) Assessments shall be meaningful and a positive learning 132269  
experience for students. 132270

(4) Students shall receive timely, differentiated support 132271  
based on their individual learning needs. 132272

(5) Learning outcomes shall emphasize competencies that 132273  
include application and creation of knowledge, along with the 132274  
development of work-ready skills. 132275

(6) It shall incorporate partnerships with post-secondary 132276  
institutions and members of industry. 132277

(D) A district, school, or consortium selected to participate 132278  
in the Program under division (B) of this section shall remain 132279  
subject to all accountability requirements in state and federal 132280

law that are applicable to that district, school, or consortium. 132281

(E)(1) If a district is selected to participate in the 132282  
Program or is selected to participate in the Program as part of a 132283  
consortium under division (B) of this section, each student 132284  
enrolled in the district who is participating in competency-based 132285  
education shall be considered to be a full-time equivalent student 132286  
while participating in competency-based education for purposes of 132287  
funding under Chapter 3317. of the Revised Code, as determined by 132288  
the Department. 132289

(2) If a community school is selected to participate in the 132290  
Program or is selected to participate in the Program as part of a 132291  
consortium under division (B) of this section, each student 132292  
enrolled in the school who is participating in competency-based 132293  
education shall be considered to be a full-time equivalent student 132294  
while participating in competency-based education for purposes of 132295  
funding under Chapter 3314. of the Revised Code, as determined by 132296  
the Department. 132297

(3) If a STEM school is selected to participate in the 132298  
Program or is selected to participate in the Program as part of a 132299  
consortium under division (B) of this section, each student 132300  
enrolled in the school who is participating in competency-based 132301  
education shall be considered to be a full-time equivalent student 132302  
while participating in competency-based education for purposes of 132303  
funding under Chapter 3326. of the Revised Code, as determined by 132304  
the Department. 132305

(F)(1) Not later than January 31, 2017, the Department shall 132306  
post on its web site a preliminary report that examines the 132307  
planning and implementation of competency-based education in the 132308  
districts, schools, and consortia selected to participate in the 132309  
Program under division (B) of this section. 132310

(2) Not later than December 31, 2018, the Department shall 132311

post on its web site a report that includes all of the following: 132312

(a) A review of the competency-based education offered by the 132313  
districts, schools, and consortia selected to participate in the 132314  
Program under division (B) of this section; 132315

(b) An evaluation of the implementation of competency-based 132316  
education by the districts, schools, and consortia selected to 132317  
participate in the Program and student outcomes resulting from 132318  
that competency-based education; 132319

(c) A determination of the feasibility of a funding model 132320  
that reflects student achievement outcomes as demonstrated through 132321  
competency-based education. 132322

**Section 733.40.** Notwithstanding section 3305.062 of the 132323  
Revised Code, as enacted by this act, if between July 1, 2015, and 132324  
the effective date of section 3305.062 of the Revised Code, as 132325  
enacted by this act, the State Teachers Retirement Board increases 132326  
the percentage of an electing employee's compensation contributed 132327  
to the State Teachers Retirement System by a public institution of 132328  
higher education under division (D) of section 3305.06 of the 132329  
Revised Code, all of the following are the case: 132330

(A) The percentage is four per cent until the amount 132331  
specified in division (B) of this section is repaid to each public 132332  
institution employing an electing employee. 132333

(B) The Board shall repay to each public institution 132334  
employing an electing employee an amount equal to the difference 132335  
between the percentage established by the Board during the time 132336  
period described in this section and the percentage specified 132337  
under section 3305.062 of the Revised Code. 132338

(C) The public institution that employs an electing employee 132339  
shall credit the amount specified in division (B) of this section 132340  
to the investment provider the employee has selected under section 132341

3305.053 of the Revised Code. 132342

(D) The Board shall reimburse each public institution 132343  
employing an electing employee an amount equal to the reasonable 132344  
costs of reprogramming the institution's computers and other 132345  
administrative expenses related to increasing the percentage. 132346

**Section 737.10.** The Legislative Committee on Public Health 132347  
Futures is re-established. The committee shall review the June 132348  
2012 report of the Public Health Futures Project Steering 132349  
Committee of the Association of Ohio Health Commissioners, and the 132350  
October 2012 report of the previous Legislative Committee on 132351  
Public Health Futures that was established by Am. Sub. H.B. 487 of 132352  
the 129th General Assembly. The Legislative Committee shall review 132353  
the effectiveness of recommendations from those reports that are 132354  
being or that have been implemented. And, based on the knowledge 132355  
and insight gained from its reviews, the Legislative Committee 132356  
shall make legislative and fiscal policy recommendations that it 132357  
believes would improve local public health services in Ohio. 132358

The Legislative Committee, not later than January 31, 2016, 132359  
shall prepare a report that describes its review of the reports 132360  
and its review of the recommendations that are being or that have 132361  
been implemented, and that states and provides explanations of the 132362  
Committee's new policy recommendations. 132363

The Legislative Committee shall transmit a copy of its report 132364  
to the Governor, the President and Minority Leader of the Senate, 132365  
and the Speaker and Minority Leader of the House of 132366  
Representatives. Upon transmitting its report, the Legislative 132367  
Committee ceases to exist. 132368

Each of the following associations shall appoint one 132369  
individual to the Legislative Committee: the County Commissioners 132370  
Association of Ohio, the Ohio Township Association, the Department 132371  
of Health, the Ohio Public Health Association, the Ohio 132372

Environmental Health Association, the Ohio Boards of Health 132373  
Association, the Ohio Municipal League, and the Ohio Hospital 132374  
Association. The Association of Ohio Health Commissioners shall 132375  
appoint two individuals to the Legislative Committee. The 132376  
President and Minority Leader of the Senate each shall appoint two 132377  
members to the Legislative Committee. The Speaker and Minority 132378  
Leader of the House of Representatives each shall appoint two 132379  
members to the Legislative Committee. Of the two appointments made 132380  
by each legislative leader, one shall be a member of the General 132381  
Assembly from the appointing member's chamber. Appointments shall 132382  
be made as soon as possible but not later than thirty days after 132383  
the effective date of this section. Vacancies on the Legislative 132384  
Committee shall be filled in the same manner as the original 132385  
appointment. 132386

As soon as all members have been appointed to the Legislative 132387  
Committee, the President of the Senate shall fix a time and place 132388  
for the committee to hold its first meeting. At that meeting, the 132389  
committee shall elect from among its membership a chairperson, a 132390  
vice-chairperson, and a secretary. The Director of Health shall 132391  
provide the Legislative Committee with meeting and office space, 132392  
equipment, and professional, technical, and clerical staff as are 132393  
necessary to enable the Legislative Committee successfully to 132394  
complete its work. 132395

**Section 737.13.** Not later than sixty days after the effective 132396  
date of this section, the director of health shall grant or deny 132397  
all variance applications under section 3702.304 of the Revised 132398  
Code that are pending on that effective date. A variance 132399  
application that has not been granted within sixty days of the 132400  
effective date of this section is considered denied. 132401

**Section 737.20.** The Board of Building Standards shall adopt 132402  
rules pursuant to section 3781.106 of the Revised Code not later 132403

than one hundred eighty days after the effective date of this 132404  
section. 132405

**Section 737.30.** Any provision of the State Fire Code that is 132406  
in conflict with the amendments by this act to section 3737.84 of 132407  
the Revised Code is unenforceable. 132408

**Section 737.40.** For purposes of the transfer by this act of 132409  
the Storm Water Management Program established prior to the 132410  
effective date of the amendment of the statutes governing the 132411  
Program by this act under Chapter 1511. of the Revised Code from 132412  
the Department of Natural Resources to the Environmental 132413  
Protection Agency, all of the following apply: 132414

(A) The Director of Natural Resources may enter into a 132415  
memorandum of understanding with the Director of Environmental 132416  
Protection regarding the transfer of the Program. 132417

(B) The Director of Natural Resources shall rescind rules in 132418  
accordance with Chapter 119. of the Revised Code regarding the 132419  
Program that were in effect immediately preceding the effective 132420  
date of this section. 132421

(C) Any business commenced but not completed by the Chief of 132422  
the Division of Soil and Water Resources relating to the Program 132423  
on the effective date of the amendment of the statutes governing 132424  
the Program by this act shall be completed by the Director of 132425  
Environmental Protection. Any validation, cure, right, privilege, 132426  
remedy, obligation, or liability is not lost or impaired solely by 132427  
reason of the transfer required by this act and shall be 132428  
administered by the Director in accordance with this act. 132429

(D) All of the orders and determinations of the Chief of the 132430  
Division of Soil and Water Resources relating to the Program 132431  
continue in effect as orders and determinations of the Director of 132432  
Environmental Protection until modified or rescinded by the 132433

Director. 132434

(E) Subject to the layoff provisions of sections 124.321 to 132435  
124.328 of the Revised Code or the applicable collective 132436  
bargaining agreement, all of the employees of the Division of Soil 132437  
and Water Resources in the Department of Natural Resources 132438  
relating to the Program are transferred to the Environmental 132439  
Protection Agency and retain their same positions and all benefits 132440  
accruing thereto. 132441

(F) All equipment and assets relating to the Program are 132442  
transferred from the Division of Soil and Water Resources to the 132443  
Environmental Protection Agency. 132444

(G) Whenever the Division of Soil and Water Resources or the 132445  
Chief of the Division of Soil and Water Resources, in relation to 132446  
the Program, is referred to in any law, contract, or other 132447  
document, the reference shall be deemed to refer to the 132448  
Environmental Protection Agency or to the Director of 132449  
Environmental Protection, whichever is appropriate in context. 132450

(H) Any action or proceeding pending on the effective date of 132451  
the amendment of the statutes governing the Program by this act is 132452  
not affected by the transfer of the functions of that Program by 132453  
this act and shall be prosecuted or defended in the name of the 132454  
Environmental Protection Agency. In all such actions and 132455  
proceedings, the Environmental Protection Agency, upon application 132456  
to the court, shall be substituted as a party. 132457

**Section 745.10.** (A) There is hereby created the Deputy 132458  
Registrar Funding Study Committee. The Committee shall consist of 132459  
six members, three of whom are appointed by the President of the 132460  
Senate and three of whom are appointed by the Speaker of the House 132461  
of Representatives. The President and Speaker, respectively, shall 132462  
appoint the members not later than thirty days after the effective 132463  
date of this section. 132464

(B) The Committee shall select a chairperson and 132465  
vice-chairperson from among its members. The Committee first shall 132466  
meet within one month after the effective date of this section at 132467  
the call of the President of the Senate. Thereafter, the Committee 132468  
shall meet at the call of its chairperson as necessary to carry 132469  
out its duties. Members of the Committee are not entitled to 132470  
compensation for serving on the Committee, but may continue to 132471  
receive the compensation and benefits accruing from their regular 132472  
offices or employments. 132473

(C) The Committee shall study the long-term financial 132474  
solvency of deputy registrars in this state and whether the 132475  
existing statutory charges that may be levied by deputy registrars 132476  
are sufficient. Not later than six months after the effective date 132477  
of this section, the Committee shall issue a report of its 132478  
findings and recommendations to the Governor, the President of the 132479  
Senate, the Minority Leader of the Senate, the Speaker of the 132480  
House of Representatives, and the Minority Leader of the House of 132481  
Representatives. After submitting the report, the Committee shall 132482  
cease to exist. 132483

**Section 745.20.** The Director of Transportation shall relocate 132484  
the traffic light that is currently located at the intersection of 132485  
the off ramp of the northeast bound lanes of interstate route 132486  
seventy-one and state route seventy-three to the intersection of 132487  
state route seventy-three and state route three hundred eighty. 132488

**Section 747.10.** The intent of the General Assembly, when 132489  
enacting Am. Sub. H.B. 394 of the 130th General Assembly, was to 132490  
amend section 4731.22 of the Revised Code. The inclusion of the 132491  
section in H.B. 394's first repeal clause (Section 2) as an 132492  
outright repeal was a typographical error. The General Assembly's 132493  
intent that section 4731.22 of the Revised Code be amended, rather 132494  
than repealed outright, is demonstrated in H.B. 394's title, the 132495



first amending clause (Section 1), and the portion of the first 132496  
repeal clause (Section 2) that listed the section among other 132497  
Revised Code sections that were being repealed only to the extent 132498  
that their existing versions were being replaced by amended 132499  
versions. This intent is further demonstrated by H.B. 394's 132500  
amendment of a future version of section 4731.22 of the Revised 132501  
Code, effective April 1, 2015 (Sections 3 and 4). 132502

**Section 747.20.** The two hours of study in prepackaged soft 132503  
contact lens dispensing required by division (A)(1) of section 132504  
4725.411 of the Revised Code shall satisfy the requirements of 132505  
division (A)(1)(a)(ii) of section 4725.51 of the Revised Code. 132506

**Section 747.30.** The members of the State Board of Cosmetology 132507  
prior to the effective date of this act shall be appointed to the 132508  
State Board of Barbers and Cosmetology. The members shall complete 132509  
their terms as appointed under the prior State Board of 132510  
Cosmetology. 132511

**Section 747.40.** Upon the effective date of this section, the 132512  
State Barber Board and the State Board of Cosmetology are 132513  
abolished and all of their functions, and assets and liabilities, 132514  
are transferred to the State Board of Barbers and Cosmetology. The 132515  
State Board of Barbers and Cosmetology is thereupon and thereafter 132516  
successor to, assumes the obligations of, and otherwise 132517  
constitutes the continuation of the State Barber Board and the 132518  
State Board of Cosmetology. 132519

Any business commenced but not completed by the State Barber 132520  
Board or the State Board of Cosmetology on the effective date of 132521  
this section shall be completed by the State Board of Barbers and 132522  
Cosmetology in the same manner, and with the same effect, as if 132523  
completed by the State Barber Board or the State Board of 132524  
Cosmetology. No validation, cure, right, privilege, remedy, 132525

obligation, or liability is lost or impaired by reason of the 132526  
transfer required by this section and shall be administered by the 132527  
State Board of Barbers and Cosmetology. All of the State Barber 132528  
Board and the State Board of Cosmetology's rules, orders, and 132529  
determinations continue in effect as rules, orders, and 132530  
determinations of the State Board of Barbers and Cosmetology, 132531  
until modified or rescinded by the State Board of Barbers and 132532  
Cosmetology. If necessary to ensure the integrity of the numbering 132533  
of the Administrative Code, the Director of the Legislative 132534  
Service Commission shall renumber the State Barber Board and the 132535  
State Board of Cosmetology's rules to reflect their transfer to 132536  
the State Board of Barbers and Cosmetology. 132537

The Director of Budget and Management shall determine the 132538  
amount of the unexpended balances in the appropriation accounts 132539  
that pertain to the State Barber Board or the State Board of 132540  
Cosmetology and shall recommend to the Controlling Board their 132541  
transfer to the appropriation accounts that pertain to the State 132542  
Board of Barbers and Cosmetology. The State Barber Board and the 132543  
State Board of Cosmetology shall provide full and timely 132544  
information to the Controlling Board to facilitate this transfer. 132545

Wherever either the State Barber Board or the State Board of 132546  
Cosmetology is referred to in any law, contract, or other 132547  
document, the reference shall be deemed to refer to the State 132548  
Board of Barbers and Cosmetology. 132549

No action or proceeding pending on the effective date of this 132550  
act is affected by the transfer, and shall be prosecuted or 132551  
defended in the name of the State Board of Barbers and 132552  
Cosmetology. In all such actions and proceedings, the State Board 132553  
of Barbers and Cosmetology, upon application to the court, shall 132554  
be substituted as a party. 132555

**Section 749.10.** (A) Not later than ninety days after the 132556

effective date of this section, the Public Utilities Commission 132557  
shall establish a collaborative process with all of the following, 132558  
to address the internet-protocol-network transition: 132559

(1) Incumbent local exchange carriers; 132560

(2) Any competitive local exchange carriers that provide 132561  
basic local exchange service and are affected by the transition; 132562

(3) The Office of the Ohio Consumers' Counsel; 132563

(4) A representative of cable operators, as defined in 132564  
section 1332.21 of the Revised Code; 132565

(5) At the invitation of the Commission, other interested 132566  
parties and members of the General Assembly. 132567

(B) The collaborative process shall focus on the 132568  
internet-protocol-network transition processes underway at the 132569  
Federal Communications Commission and the issues of universal 132570  
connectivity, consumer protection, public safety, reliability, 132571  
expanded availability of advanced services, affordability, and 132572  
competition. The collaborative process shall ensure that public 132573  
education concerning the transition is thorough. 132574

(C) The collaborative process shall include a review of the 132575  
number and characteristics of basic-local-exchange-service 132576  
customers in Ohio, an evaluation of what alternatives are 132577  
available to them, including both wireline and wireless 132578  
alternatives, and the prospect for the availability of 132579  
alternatives where none currently exist. The collaborative process 132580  
shall embark on an education campaign plan for those customers' 132581  
eventual transition to advanced services. If the collaborative 132582  
process identifies residential basic-local-exchange-service 132583  
customers who will be unable to obtain voice service upon the 132584  
withdrawal or abandonment of basic local exchange service, the 132585  
Public Utilities Commission may find those customers to be 132586

eligible for the process under division (B) of section 4927.10 of 132587  
the Revised Code, regardless of whether they have filed petitions 132588  
under that division. 132589

(D) The collaborative process shall, pursuant to the rules of 132590  
the Public Utilities Commission, respect the confidentiality of 132591  
any data shared with those involved in the process. 132592

(E) All officers, boards, or commissions of this state and 132593  
any political subdivision of this state shall furnish to the 132594  
Public Utilities Commission, upon request, any data or information 132595  
that will assist the commission in carrying out this section. 132596

**Section 749.20.** Notwithstanding division (B)(2)(b)(ii) of 132597  
section 4906.20 of the Revised Code and division (B)(2) of section 132598  
4906.201 of the Revised Code, the setback requirement that applies 132599  
to the existing certificate for an electric generating plant, as 132600  
described in section 4906.201 of the Revised Code, or for an 132601  
economically significant wind farm, as defined in section 4906.13 132602  
of the Revised Code, shall apply to an amendment to that 132603  
certificate if all of the following apply regarding the amendment: 132604

(A) The sole purpose of the amendment is to make changes to 132605  
one or more turbines that are approved under the existing 132606  
certificate but have not yet been installed. 132607

(B) The amendment does not increase the number of turbines to 132608  
be installed under the existing certificate. 132609

(C) The person seeking the amendment applies to make the 132610  
amendment not later than ninety days after the effective date of 132611  
this section. 132612

(D) The type of turbine to be installed is more efficient or 132613  
otherwise more technologically advanced, as determined by the 132614  
Power Siting Board, than the type planned to be installed under 132615  
the existing certificate. 132616

(E) The type of turbine to be installed is not more than 132617  
eight per cent taller, as measured from its base to the tip of its 132618  
highest blade, than the height of the type of turbine, measured in 132619  
the same manner, that is approved to be installed under the 132620  
existing certificate. 132621

(F) The amendment applies to an economically significant wind 132622  
farm or an electric generating plant, as applicable, that is 132623  
obligated by contract to provide wind energy to one mercantile 132624  
customer that consumes at least seven million kilowatt-hours per 132625  
year. For purposes of this section, "mercantile customer" has the 132626  
same meaning as in section 4928.01 of the Revised Code. 132627

(G) The turbine or turbines to be installed will be installed 132628  
in the same spot where it is or they are approved to be installed 132629  
under the existing certificate. 132630

**Section 751.10. INDEPENDENT PROVIDER STUDY** 132631

(A) As used in this section, "independent provider" means a 132632  
provider who provides any of the following services on a 132633  
self-employed basis and does not employ, directly or through 132634  
contract, another person to provide those services: 132635

(1) Aide services, as defined in section 5164.77 of the 132636  
Revised Code; 132637

(2) Nursing services, as defined in section 5164.77 of the 132638  
Revised Code; 132639

(3) Services covered by a home and community-based services 132640  
Medicaid waiver component, as defined in section 5166.01 of the 132641  
Revised Code; 132642

(4) Services covered by the Helping Ohioans Move, Expanding 132643  
(HOME) Choice demonstration component, as authorized by section 132644  
5164.90 of the Revised Code. 132645

(B) It is the intent of the General Assembly to study the 132646

issue of Medicaid provider agreements with independent providers 132647  
and to resolve the issue not later than December 31, 2015. 132648

**Section 751.20.** Not later than January 1, 2017, the Ohio 132649  
Department of Medicaid shall submit to the General Assembly, in 132650  
accordance with section 101.68 of the Revised Code, a report 132651  
evaluating the Medicaid program's effect on clinical care and 132652  
outcomes for the group described in section 132653  
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 132654  
1396a(a)(10)(A)(i)(VIII), including the effects on physical and 132655  
mental health, health care utilization and access, and financial 132656  
hardship. 132657

**Section 751.30.** There is hereby created the Workgroup to 132658  
Study the Feasibility of Medicaid Recipients' ID and Benefits 132659  
Cards. The Workgroup shall consist of the following members: 132660

- (1) The Director of Public Safety or the Director's designee; 132661
- (2) The Medicaid Director or the Director's designee; 132662
- (3) The Director of Aging or the Director's designee; 132663
- (4) The Director of Development Services or the Director's 132664  
designee; 132665
- (5) The Director of Developmental Disabilities or the 132666  
Director's designee; 132667
- (6) The Superintendent of Public Instruction or the 132668  
Superintendent's designee; 132669
- (7) The Director of Health or the Director's designee; 132670
- (8) The Director of Insurance or the Director's designee; 132671
- (9) The Director of Job and Family Services or the Director's 132672  
designee; 132673
- (10) The Director of Mental Health and Addiction Services or 132674

the Director's designee; 132675

(11) The Executive Director of Opportunities for Ohioans with 132676  
Disabilities or the Executive Director's designee. 132677

The Director of Public Safety or the Director's designee 132678  
shall serve as chairperson of the Workgroup. The Department of 132679  
Public Safety shall provide staff and all other support functions 132680  
for the Workgroup. 132681

In order to reduce enrollee and provider fraud and abuse, the 132682  
Workgroup shall evaluate the feasibility of using state-issued 132683  
licenses and identification cards to establish an individual's 132684  
eligibility for all state public assistance programs and benefits 132685  
under them, such as Medicaid, the Home Energy Assistance Program, 132686  
the Supplemental Nutrition Assistance Program, the Temporary 132687  
Assistance for Needy Families program, and child care. Upon 132688  
conclusion of such evaluation, the Workgroup shall develop 132689  
findings and formulate recommendations. 132690

Not later than July 1, 2018, the Workgroup shall submit a 132691  
report that contains its findings and recommendations to the 132692  
General Assembly. The Workgroup shall submit the report in 132693  
accordance with section 101.68 of the Revised Code. Upon 132694  
submission of the report, the Workgroup shall cease to exist. 132695

**Section 751.40.** There is hereby created in the state treasury 132696  
the Health and Human Services Fund. The Fund shall consist of 132697  
money appropriated or transferred to it. The Fund shall be used to 132698  
pay any costs associated with programs or services provided by the 132699  
state to enhance the public health and overall health care quality 132700  
of citizens of this state. 132701

If any unexpended, unobligated cash remains in the Fund as of 132702  
June 30, 2017, that cash shall be transferred by the Director of 132703  
Budget and Management to the Budget Stabilization Fund. 132704

**Section 751.50.** MENTORING CARE AND JOB CONNECT PILOT PROJECT 132705

(A) The Governor's Office of Health Transformation, in 132706  
consultation with the Department of Job and Family Services, 132707  
Department of Medicaid, and the Governor's Office of Workforce 132708  
Transformation, shall establish and monitor the Mentoring Care and 132709  
Job Connect Pilot Project to be in effect during fiscal years 2016 132710  
and 2017. 132711

(B) The purpose of the pilot project shall be to help pilot 132712  
project participants find meaningful employment through the 132713  
assistance of mentoring services that help participants access, 132714  
connect, and coordinate their benefits and services from federal, 132715  
state, and local government programs and programs offered by 132716  
nonprofit or not-for-profit entities. The pilot project shall 132717  
connect and coordinate such programs and services as the 132718  
following: 132719

(1) Health care services; 132720

(2) Educational programs; 132721

(3) Job training, placement, and retention programs; 132722

(4) Transportation options; 132723

(5) Child care services; 132724

(6) Disability services; 132725

(7) Other benefits and services that would maximize 132726  
employment opportunities for participants. 132727

(C) Not later than September 1, 2015, the Executive Director 132728  
of the Office of Health Transformation shall release a request for 132729  
grant applications to seek private, nonprofit or for-profit 132730  
entities who can demonstrate effective strategies to meet the 132731  
purposes outlined in division (B) of this section and to increase 132732  
job placement for both of the following: 132733



(1) Long-term unemployed individuals who, for purposes of 132734  
this initiative, are individuals who have been out of the 132735  
workforce for fifteen weeks or longer and who are unlikely or 132736  
unable to obtain permanent, full-time employment that will lead to 132737  
economic self-sufficiency; 132738

(2) Individuals who are receiving benefits under the 132739  
Supplemental Nutrition Assistance Program under the Food and 132740  
Nutrition Act of 2008. 132741

(D) Not later than December 1, 2015, the Executive Director 132742  
shall select an entity to administer the pilot project from among 132743  
the entities that respond to the request for grant applications 132744  
under division (C) of this section. 132745

(E) The entity selected to administer the pilot project under 132746  
division (D) of this section shall establish an application 132747  
process for the pilot project and shall select pilot project 132748  
participants from among eligible applicants. 132749

(F) The pilot project shall operate in a minimum of one urban 132750  
region and one rural region of the state as determined by the 132751  
Executive Director. 132752

(G) The Executive Director, in consultation with the 132753  
Department of Job and Family Services, Department of Medicaid, and 132754  
the Governor's Office of Workforce Transformation, shall establish 132755  
a system to evaluate the pilot project. The evaluation, at a 132756  
minimum, shall include aggregate measurements of participants' 132757  
employment outcomes, healthy practices, and personal 132758  
responsibility. 132759

**Section 753.10.** (A) The Governor is hereby authorized to 132760  
execute a release of any and all rights of reversion for the 132761  
benefit of the state and any deed restrictions and covenants with 132762  
respect to the construction on or use of certain real estate 132763

located in the City of Moraine, Montgomery County, Ohio, described 132764  
in the deed from the state as follows: 132765

That certain Director's Deed to The City of Moraine, 132766  
Montgomery County, Ohio, as grantee, dated October 4, 1978, and 132767  
recorded in Deed Microfiche 78-578E02 of the Montgomery County, 132768  
Ohio, Records, including rights of reversion, covenants, and 132769  
restrictions set forth in said deed or any prior deeds. 132770

(B) The Auditor of State, with the assistance of the Attorney 132771  
General, shall prepare the release. The release shall be executed 132772  
by the Governor in the name of the state, countersigned by the 132773  
Secretary of State, sealed with the Great Seal of the State, 132774  
presented in the Office of the Auditor of State for recording, and 132775  
delivered to The City of Moraine, Montgomery County, Ohio. The 132776  
City of Moraine, Montgomery County, Ohio, or its designee shall 132777  
present the release for recording in the office of the Montgomery 132778  
County Recorder. 132779

(C) This section expires one year after its effective date. 132780

**Section 757.10.** For the purpose of division (A)(18)(d) of 132781  
section 5709.93 of the Revised Code as enacted by this act, the 132782  
county auditor of each county shall certify to the Tax 132783  
Commissioner not later than July 31, 2015, the amount distributed 132784  
from the county library fund in 2014 to each public library that 132785  
received a distribution under section 5727.86 or 5751.22 of the 132786  
Revised Code in 2014. 132787

**Section 757.20.** For the purpose of sections 5709.92 and 132788  
5709.93 of the Revised Code as enacted by this act, a school 132789  
district, joint vocational school district, public library, or 132790  
local taxing unit may appeal a levy classification or any amount 132791  
used in the calculation of total resources as defined under those 132792  
sections. Such an appeal shall be filed in writing, including via 132793

electronic mail, with the Tax Commissioner. Upon receiving such an appeal, the Tax Commissioner shall make a determination of the merits of the appeal and, if the appeal is upheld, make necessary changes within the classifications or calculations. The determination of the Tax Commissioner is final and not subject to appeal. After June 30, 2016, no changes shall be made in the classifications or calculations.

**Section 757.40.** The Tax Commissioner shall evaluate the effectiveness of any measures the Commissioner uses to reduce fraud with respect to the tax levied under section 5747.02 of the Revised Code by requiring a taxpayer to verify information about the taxpayer for the purpose of verifying the taxpayer's identity. On or before August 30, 2016, the Commissioner shall submit a report of that evaluation and recommended improvements to such measures to the Speaker of the House of Representatives, the President of the Senate, and each member of the House of Representatives and Senate standing committees dealing primarily with issues related to taxation.

**Section 757.50.** (A) There is hereby created the Ohio 2020 Tax Policy Study Commission to review the state's tax structure and policies and make recommendations to the General Assembly on how to maximize Ohio's competitiveness by the year 2020, on how to transition Ohio's personal income tax to a flat tax of three and one-half per cent or three and three-quarters per cent beginning in tax year 2018, and on how to reform Ohio's severance tax in a way that maximizes competitiveness and enhances the general welfare of the state. The Commission shall consist of the following members:

(1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives who meet the

following requirements:	132824
(a) Two shall be members of the majority party, one of whom shall be the Chairperson of the House Ways and Means Committee;	132825 132826
(b) One shall be a member of the minority party.	132827
(2) Three members of the Senate appointed by the President of the Senate who meet the following requirements:	132828 132829
(a) Two shall be members of the majority party, one of whom shall be the Chairperson of the Senate Ways and Means Committee;	132830 132831
(b) One shall be a member of the minority party.	132832
(3) The Director of the Office of Budget and Management.	132833
(B)(1) The Chairpersons of the House and Senate Ways and Means Committees shall serve jointly as Co-chairpersons of the Commission.	132834 132835 132836
(2) Members of the Commission shall serve without compensation or reimbursement.	132837 132838
(3) Vacancies on the Commission shall be filled in the same manner as original appointments.	132839 132840
(C) The Legislative Service Commission shall provide necessary services to the Commission.	132841 132842
(D) To aid in its review, the Commission shall utilize dynamic analytical tools. Not later than October 1, 2015, the Commission shall publish its findings and recommendations regarding Ohio's severance tax and submit its report to the members of the General Assembly. Not later than October 1, 2017, the Commission shall publish its findings and recommendations regarding all other matters before the Commission and submit its report to the members of the General Assembly. Upon submission of both reports, the Commission shall cease to exist.	132843 132844 132845 132846 132847 132848 132849 132850 132851
<b>Section 757.90.</b> The amendment by this act of section 5727.80	132852

and division (A) of section 5727.031 of the Revised Code is 132853  
intended to clarify and be declaratory of the law as it existed 132854  
before such amendments. 132855

**Section 757.100.** (A) On or before August 1, 2015, the Tax 132856  
Commissioner, in consultation with the Director of Budget and 132857  
Management, shall do all of the following: 132858

(1) Identify every provision, including every appropriation, 132859  
of this act that was vetoed by the Governor and that would have 132860  
required an expenditure from the General Revenue Fund of at least 132861  
five million dollars in fiscal year 2016 and at least six million 132862  
dollars in fiscal year 2017; 132863

(2) Determine the total amount of expenditures that will not 132864  
be made as a result of the veto of the provisions identified in 132865  
division (A)(1) of this section; 132866

(3) Determine the percentage that the amount determined in 132867  
division (A)(2) of this section is of the amount of revenue the 132868  
Director and Commissioner estimate will be received from the tax 132869  
levied under section 5747.02 of the Revised Code in the current 132870  
fiscal biennium without regard to any reduction in rates under 132871  
this section or division (B) of that section. 132872

(B) The income tax rates prescribed in section 5747.02 of the 132873  
Revised Code as amended by this act shall be reduced by the 132874  
percentage certified under division (A)(3) of this section. The 132875  
reduction shall apply to all taxable years beginning on or after 132876  
January 1, 2015. The reduction shall not apply to the rates at 132877  
which employers are required to withhold taxes under section 132878  
5747.06 of the Revised Code before July 1, 2017. 132879

(C) Nothing in this section shall affect the right of the 132880  
General Assembly to reconsider and repass any provision of this 132881  
act in accordance with Section 16, Article II of the Ohio 132882

Constitution. 132883

**Section 757.110.** (A) The amendment by this act of division 132884  
(B)(42) of section 5739.02 of the Revised Code applies on and 132885  
after the effective date of this section. 132886

(B)(1) Except as provided in division (B)(2) of this section, 132887  
the Tax Commissioner shall abate any unpaid taxes, penalties, and 132888  
interest charged and payable under Chapters 5739. and 5741. of the 132889  
Revised Code for transactions described by division (B)(42)(p) of 132890  
section 5739.02 of the Revised Code occurring before the effective 132891  
date of this section regardless of whether an assessment has been 132892  
issued therefor. The Commissioner shall not make an assessment 132893  
under Chapter 5739. or 5741. of the Revised Code for taxes, 132894  
penalties, and interest charged and payable with respect to 132895  
transactions described by division (B)(42)(p) of section 5739.02 132896  
of the Revised Code and occurring before the effective date of 132897  
this section. 132898

(2) Division (B)(1) of this section does not apply to any 132899  
person that has not, as of September 1, 2015, paid all taxes, 132900  
penalties, and interest charged and payable on or before that date 132901  
under Chapters 5739. and 5741. of the Revised Code for 132902  
transactions other than those described by division (B)(42)(p) of 132903  
section 5739.02 of the Revised Code. 132904

**Section 757.120.** The amendment by this act of division 132905  
(A)(31) of section 5747.01 of the Revised Code shall not affect 132906  
the additional deduction authorized by Section 512.70 of Am. Sub. 132907  
H.B. 59 of the 130th General Assembly as amended by Section 610.20 132908  
of Am. Sub. H.B. 483 of the 130th General Assembly. 132909

**Section 757.130.** (A) As used in this section: 132910

(1) "Qualifying delinquent taxes" means any tax levied under 132911

Title LVII of the Revised Code, including the taxes required to be withheld under Chapters 5747. and 5748. of the Revised Code, which were due and payable from any person as of May 1, 2015, were unreported or underreported, and remain unpaid.

(2) "Qualifying delinquent personal property taxes" means a tax for which a return is filed under section 5711.02 of the Revised Code.

(3) "Qualifying delinquent taxes" and "qualifying delinquent personal property taxes" do not include any tax for which a notice of assessment or audit has been issued, for which a bill has been issued, which relates to a tax period that ends after the effective date of this section, or for which an audit has been conducted or is currently being conducted.

(B) The Tax Commissioner shall establish and administer a tax amnesty program with respect to qualifying delinquent taxes and qualifying delinquent personal property taxes. The program shall commence on January 1, 2016, and shall conclude on February 15, 2016. The Tax Commissioner shall issue forms and instructions and take other actions necessary to implement the program. The Tax Commissioner shall publicize the program so as to maximize public awareness and participation in the program.

(C)(1) During the program, if a person pays the full amount of qualifying delinquent taxes owed by that person and one-half of any interest that has accrued as a result of the person failing to pay those taxes in a timely fashion, the Tax Commissioner shall waive or abate all applicable penalties and one-half of any interest that accrued on the qualifying delinquent taxes.

(2) During the program, if a person who owes qualifying delinquent personal property taxes files a return with the Tax Commissioner, in the form and manner prescribed by the Tax Commissioner, listing all taxable property that was required to be

listed on the return required to be filed under section 5711.02 of 132943  
the Revised Code, the Tax Commissioner shall issue a preliminary 132944  
assessment certificate to the appropriate county auditor. Upon 132945  
receiving a preliminary assessment certificate issued by the Tax 132946  
Commissioner pursuant to this division, the county auditor shall 132947  
compute the amount of qualifying delinquent personal property 132948  
taxes owed by the person and shall add to that amount one-half of 132949  
the interest prescribed under sections 5711.32 and 5719.041 of the 132950  
Revised Code. The county treasurer shall collect the amount of tax 132951  
and interest computed by the county auditor under this division by 132952  
preparing and mailing a tax bill to the person as prescribed in 132953  
section 5711.32 of the Revised Code. If the person pays the full 132954  
amount of tax and interest thereon on or before the date shown on 132955  
the tax bill all applicable penalties and one-half of any interest 132956  
that accrued on the qualifying delinquent personal property taxes 132957  
shall be waived. 132958

(3) No payment required under division (G) of section 321.24 132959  
of the Revised Code shall be made with respect to any person who 132960  
pays qualifying delinquent personal property taxes under division 132961  
(C)(2) of this section. 132962

(4) Notwithstanding any contrary provision of the Revised 132963  
Code, the Tax Commissioner shall not furnish to the county auditor 132964  
any information pertaining to the exemption from taxation under 132965  
division (C)(3) of section 5709.01 of the Revised Code insofar as 132966  
that information pertains to any person who pays qualifying 132967  
delinquent personal property taxes under division (C)(2) of this 132968  
section. 132969

(D) The Tax Commissioner may require a person participating 132970  
in the program to file returns or reports, including amended 132971  
returns and reports, in connection with the person's payment of 132972  
qualifying delinquent taxes or qualifying delinquent personal 132973  
property taxes. 132974



(E) A person who participates in the program and pays in full 132975  
any outstanding qualifying delinquent tax or qualifying delinquent 132976  
personal property tax and the interest payable on such tax in 132977  
accordance with this section shall not be subject to any criminal 132978  
prosecution or any civil action with respect to that tax, and no 132979  
assessment shall thereafter be issued against that person with 132980  
respect to that tax. 132981

(F) Taxes and interest collected under the program shall be 132982  
considered as revenue arising from the tax to which the payment 132983  
relates, and shall be distributed accordingly. 132984

**Section 757.140.** The amendment by this act of section 5726.01 132985  
of the Revised Code is remedial in nature and is intended to 132986  
clarify the law as it existed prior to the amendment of that 132987  
section by this act. The amendment of that section shall apply to 132988  
tax years beginning on and after January 1, 2014. 132989

**Section 757.150.** The amendment by this act of section 5736.01 132990  
of the Revised Code applies to tax periods beginning on or after 132991  
July 1, 2015. 132992

**Section 757.160.** The amendment by this act of section 5736.02 132993  
of the Revised Code applies to tax periods beginning on or after 132994  
July 1, 2015. 132995

**Section 757.163.** The Tax Commissioner shall prepare a list of 132996  
the tax expenditures, as defined in section 5703.95 of the Revised 132997  
Code in existence on April 15, 2015, and shall provide a copy of 132998  
the list to the chairperson of the Tax Expenditure Review 132999  
Committee created by section 5703.954 of the Revised Code. The 133000  
Committee thereupon shall prepare a schedule under section 5703.95 133001  
of the Revised Code for appraising one-half of the listed tax 133002  
expenditures so that the appraisal and the report required for 133003

those tax expenditures under section 5703.952 of the Revised Code 133004  
will be completed not later than November 1, 2016. The schedule 133005  
shall provide for the appraisal of the remaining tax expenditures 133006  
during the 2017 calendar year, in accordance with section 5703.95 133007  
of the Revised Code. 133008

**Section 757.165.** Not later than thirty days after the 133009  
effective date of the enactment of section 5703.954 of the Revised 133010  
Code, the Governor, with the advice and consent of the Senate, 133011  
shall make the Governor's initial appointment to the Tax 133012  
Expenditure Review Committee under that section. The member thus 133013  
appointed shall be a member for a term ending on December 31, 133014  
2017. Thereafter, the gubernatorial appointment and term shall be 133015  
as prescribed in that section. 133016

Not later than thirty days after the effective date of the 133017  
enactment of that section, the President of the Senate and the 133018  
Speaker of the House of Representatives each shall make their 133019  
initial appointments to the Tax Expenditure Review Committee under 133020  
that section. The members thus appointed shall be members for 133021  
terms ending as prescribed in that section. 133022

**Section 757.170.** (A) As used in this section: 133023

(1) "Certificate owner" and "qualified rehabilitation 133024  
expenditures" have the same meanings as in section 149.311 of the 133025  
Revised Code. 133026

(2) "Taxpayer," "tax period," "excluded person," "combined 133027  
taxpayer," and "consolidated elected taxpayer," have the same 133028  
meanings as in section 5751.01 of the Revised Code. 133029

(3) "Pass-through entity" has the same meaning as in section 133030  
5733.04 of the Revised Code. 133031

(B) A taxpayer that is the certificate owner of a 133032

rehabilitation tax credit certificate issued under section 149.311 133033  
of the Revised Code may claim a credit against the tax levied by 133034  
section 5751.02 of the Revised Code for tax periods ending on or 133035  
before June 30, 2017, provided that the taxpayer is unable to 133036  
claim the credit under section 5725.151, 5725.34, 5726.52, 133037  
5729.17, 5733.47, or 5747.76 of the Revised Code. 133038

The credit shall equal the lesser of twenty-five per cent of 133039  
the dollar amount of the qualified rehabilitation expenditures 133040  
indicated on the certificate or five million dollars. The credit 133041  
shall be claimed for the calendar year specified in the 133042  
certificate and after the credits authorized in divisions (A)(1) 133043  
to (4) of section 5751.98 of the Revised Code, but before the 133044  
credits authorized in divisions (A)(5) to (7) of that section. 133045

If the credit allowed for any calendar year exceeds the tax 133046  
otherwise due under section 5751.02 of the Revised Code, after 133047  
allowing for any other credits preceding the credit in the order 133048  
prescribed by this section, the excess shall be refunded to the 133049  
taxpayer. However, if any amount of the credit is refunded, the 133050  
sum of the amount refunded and the amount applied to reduce the 133051  
tax otherwise due for that year shall not exceed three million 133052  
dollars. The taxpayer may carry forward any balance of the credit 133053  
in excess of the amount claimed for that year for not more than 133054  
five calendar years after the calendar year specified in the 133055  
certificate, and shall deduct any amount claimed in any such year 133056  
from the amount claimed in an ensuing year. 133057

A person that is an excluded person may file a return under 133058  
section 5751.051 of the Revised Code for the purpose of claiming 133059  
the credit authorized in this section. 133060

If the certificate owner is a pass-through entity, the credit 133061  
may not be allocated among the entity's owners in proportions or 133062  
amounts as the owners mutually agree unless either the owners are 133063  
part of the same combined or consolidated elected taxpayer as the 133064

pass-through entity or the director of development services issued 133065  
the certificate in the name of the pass-through entity's owners in 133066  
the agreed-upon proportions or amounts. If the credit is allocated 133067  
among those owners, an owner may claim the credit authorized in 133068  
this section only if that owner is a corporation or an association 133069  
taxed as a corporation for federal income tax purposes and is not 133070  
a corporation that has made an election under Subchapter S of 133071  
Chapter 1 of Subtitle A of the Internal Revenue Code. 133072

The credit authorized in this section may be claimed only on 133073  
the basis of a rehabilitation tax credit certificate with an 133074  
effective date after December 31, 2013, but before June 30, 2017. 133075

A person claiming a credit under this section shall retain 133076  
the rehabilitation tax credit certificate for four years following 133077  
the end of the latest calendar year in which the credit was 133078  
applied, and shall make the certificate available for inspection 133079  
by the tax commissioner upon request. 133080

**Section 757.180.** As used in this section, "qualified 133081  
property" means territory leased by the state under section 133082  
1506.11 of the Revised Code, the lease of which has been assigned 133083  
to a municipal corporation as lessee, and having unpaid taxes, 133084  
penalties, and interest charged against it exceeding the assessed 133085  
value of the property for tax year 2014. 133086

Notwithstanding section 5713.081 and division (F) of section 133087  
1506.11 of the Revised Code, when qualified property used 133088  
exclusively for a public purpose for the purposes of section 133089  
5709.08 of the Revised Code has not received tax exemption under 133090  
that section, the lessee municipal corporation, at any time on or 133091  
before December 31, 2015, may file with the Tax Commissioner an 133092  
application requesting that the property be placed on the 133093  
tax-exempt list and that unpaid taxes, penalties, and interest 133094  
charged and payable after December 31, 1999, on the property be 133095

abated, provided that taxes, penalties, and interest charged and 133096  
payable for any tax year the property was used in the operation of 133097  
a business may not be abated. 133098

The application shall be made on the form prescribed by the 133099  
Tax Commissioner under section 5715.27 of the Revised Code and 133100  
shall list the name of the county in which the property is 133101  
located; the property's parcel number or legal description; its 133102  
assessed value; the amount in dollars of the unpaid taxes, 133103  
penalties, and interest charged and payable after December 31, 133104  
1999; and any other information required by the Tax Commissioner. 133105  
The county auditor shall supply the required information upon 133106  
request of the applicant. 133107

After receiving and considering the application, the 133108  
Commissioner shall determine if the applicant meets the 133109  
qualifications set forth in this section. If so, the Commissioner 133110  
shall issue an order directing that the property be placed on the 133111  
tax-exempt list of the county and that unpaid taxes, penalties, 133112  
and interest charged and payable after December 31, 1999, be 133113  
abated except for taxes, penalties, and interest charged and 133114  
payable for any tax year that the property was used in the 133115  
operation of a business. Such taxes, penalties, and interest shall 133116  
be abated even if the property was subject to more than one lease 133117  
during the period for which the abatement was requested. If the 133118  
Commissioner finds that the property is not now being used for an 133119  
exempt purpose or is otherwise ineligible for abatement of taxes, 133120  
penalties, and interest under this section, the Commissioner shall 133121  
issue an order denying the application. 133122

If the Commissioner finds that the property is not entitled 133123  
to tax exemption and the abatement of unpaid taxes, penalties, and 133124  
interest, the Commissioner shall order the county treasurer of the 133125  
county in which the property is located to collect all taxes, 133126  
penalties, and interest due on the property in accordance with 133127

law. 133128

The Commissioner may apply this section to any qualified 133129  
property that is the subject of an application for exemption 133130  
pending before the Commissioner on the effective date of this 133131  
section without requiring the property owner to file an additional 133132  
application. 133133

**Section 757.190.** The amendment by this act of section 5709.17 133134  
of the Revised Code applies to applications for exemption that are 133135  
pending on, or are filed on or after, the effective date of this 133136  
section. 133137

**Section 759.10.** (A) The Director of Veterans Services shall 133138  
adopt rules as required by section 5101.98 (5902.05) of the 133139  
Revised Code as amended by this act. Upon the taking effect of 133140  
those rules, rules 5101:10-2-01 and 5101:10-2-02 of the 133141  
Administrative Code are void. 133142

(B) Pending the taking effect of rules adopted by the 133143  
Director of Veterans Services under division (A) of this section, 133144  
rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code 133145  
remain in effect, but the Director and Department of Veterans 133146  
Services, rather than the Director and Department of Job and 133147  
Family Services, shall administer the rules, and references in the 133148  
rules to the Director of Job and Family Services shall be read as 133149  
if they referred to the Director or Department of Veterans 133150  
Services. In applying the rules, the Director of Veterans Services 133151  
shall read the eligibility of an individual for a grant from the 133152  
Military Injury Relief Fund as if it had been expanded to include 133153  
individuals who served after October 7, 2001. 133154

**Section 759.20.** Not later than six months after the effective 133155  
date of this section, the Director of Veterans Services, in 133156  
consultation with the Ohio Records Association, shall establish 133157

initial material and design standards for Ohio veterans 133158  
identification cards, as required by section 5902.09 of the 133159  
Revised Code. The initial material and design standards shall be 133160  
prescribed in rules adopted under Chapter 119. of the Revised 133161  
Code. 133162

**Section 761.10.** Sections 164.13, 317.08, 929.03, 6103.052, 133163  
6117.062, 6117.51, 6117.52, 6117.521, 6117.522, 6119.60, 6119.601, 133164  
and 6119.602 of the Revised Code as amended or enacted by this act 133165  
do not apply to an existing sewer construction project authorized 133166  
under Chapter 6117. of the Revised Code or an existing waste water 133167  
facility construction project authorized under Chapter 6119. of 133168  
the Revised Code regarding which a board of county commissioners 133169  
or the board of trustees of a regional water and sewer district, 133170  
respectively, has done either of the following: 133171

(A) Expended funds to authorize and has entered into 133172  
contracts for the services of registered professional engineers 133173  
for the planning of such a project prior to January 1, 2016; 133174

(B) Entered into a contract or agreement with the legislative 133175  
authority of another political subdivision, prior to January 1, 133176  
2015, for the provision of sewerage collection, treatment, or 133177  
disposal services or that provides for connection to a sewerage 133178  
system, the performance of which is executory in nature. 133179

**Section 763.10.** (A) There is hereby established the 133180  
Montgomery County Workforce Study Committee, which shall study all 133181  
of the following: 133182

(1) Workforce development system options for in-demand jobs 133183  
in the Montgomery County region; 133184

(2) Establishing a workforce sector network to develop a 133185  
common agenda and shared performance measures in aerospace and 133186  
manufacturing; 133187

(3) Identifying the supply and demand of in-demand job areas	133188
over multi-time horizons and using this data to establish	133189
short-term and long-term targets for the Montgomery County	133190
region's in-demand jobs that are approved and shared by the	133191
network's partners;	133192
(4) Identifying and implementing clear pathways and	133193
incentives for meeting educational and experiential objectives;	133194
(5) Identifying a collaborative strategy to expand the number	133195
of internships that are available and to recommend targeted	133196
matching or seed funding to complement existing efforts or to	133197
generate new "gap filler" efforts for students interested in	133198
careers in aerospace and manufacturing industries;	133199
(6) Creating innovative loan forgiveness programs and	133200
providing targeted matching or seed funding to complement existing	133201
efforts or generating new "gap filler" efforts for students who	133202
are completing a post-secondary credential in a high-demand	133203
workforce area.	133204
(B) Not later than June 30, 2017, the Committee shall issue a	133205
report of its findings and shall deliver that report to the	133206
Governor, the President and Minority Leader of the Senate, and the	133207
Speaker and Minority Leader of the House of Representatives.	133208
(C) The Committee shall consist of the following members:	133209
(1) Four representatives of the manufacturing industry, two	133210
of whom shall be appointed by the President of the Senate and two	133211
of whom shall be appointed by the Speaker of the House of	133212
Representatives;	133213
(2) Four representatives of the aerospace industry, two of	133214
whom shall be appointed by the President of the Senate and two of	133215
whom shall be appointed by the Speaker of the House of	133216
Representatives;	133217



(3) Six representatives from institutions of higher education, three of whom shall be appointed by the President of the Senate and three of whom shall be appointed by the Speaker of the House of Representatives; 133218  
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(4) Four representatives of the Department of Higher Education, the Governor's Office of Workforce Transformation, the Montgomery County Educational Services Center, OhioMeansJobs - Montgomery County, or another state or county agency involved with education or workforce development, two of whom shall be appointed by the President of the Senate and two of whom shall be appointed by the Speaker of the House of Representatives. 133222  
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(D) The President of the Senate and Speaker of the House shall appoint members in accordance with division (C) of this section within thirty days after the effective date of this section. Within thirty days after the last appointment is made to the Committee, the Committee shall meet and select a chairperson and vice chairperson from among its members. Thereafter, the Committee shall meet at the call of its chairperson as necessary to carry out its duties. 133229  
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(E) Members of the Committee are not entitled to compensation for serving on the Committee but may continue to receive the compensation and benefits accruing to them from their regular offices or employment. 133237  
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(F) The Committee may hire staff in consultation with Learn to Earn Dayton. 133241  
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(G) The Montgomery County Educational Services Center shall be the Committee's fiscal agent. 133243  
133244

(H) Upon submission of the report required under division (B) of this section, the Committee is abolished. 133245  
133246

**Section 803.01.** The amendment by this act of section 718.01 133247

of the Revised Code applies to municipal taxable years beginning 133248  
on or after January 1, 2016. 133249

**Section 803.03.** The amendment by this act of section 718.05 133250  
of the Revised Code applies to municipal taxable years beginning 133251  
on or after January 1, 2016. 133252

**Section 803.05.** The amendment of section 5124.67 of the 133253  
Revised Code is not intended to supersede the earlier repeal, with 133254  
delayed effective date, of that section. 133255

**Section 803.07.** The amendment by this act of section 5725.22 133256  
of the Revised Code applies to taxable years ending in and after 133257  
2016. 133258

**Section 803.70.** The amendment by this act of sections 133259  
5747.01, 5747.05, 5747.055, 5747.08, 5747.71, and 5747.98 of the 133260  
Revised Code applies to taxable years beginning on or after 133261  
January 1, 2015. 133262

**Section 803.140.** The amendment or enactment by this act of 133263  
sections 5701.03, 5713.031, and 5713.30 of the Revised Code 133264  
applies to tax year 2015 and every tax year thereafter. 133265

**Section 803.160.** The amendment by this act of sections 133266  
718.01, 718.04, and 718.05 of the Revised Code is not intended to 133267  
accelerate the application of the amendment of those sections by 133268  
H.B. 5 of the 130th General Assembly as provided by Section 3 of 133269  
that act. 133270

**Section 803.170.** The repeal by this act of section 5739.212 133271  
of the Revised Code applies to any tax or rate increase imposed 133272  
under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 133273

5741.023 of the Revised Code on or after July 1, 2015. 133274

**Section 803.180.** The amendment or enactment by this act of 133275  
sections 5703.057, 5703.36, and 5703.361 of the Revised Code apply 133276  
on and after January 1, 2016. 133277

**Section 803.210.** The amendment by this act of sections 133278  
3769.03, 3769.08, 3769.083, 3769.086, 3769.087, and 3769.101 of 133279  
the Revised Code apply on and after January 1, 2016. 133280

**Section 803.220.** (A) As used in this section, "net additional 133281  
tax" means, in the case of a wholesale dealer, the net additional 133282  
amount of tax resulting from the amendment by this act of section 133283  
5743.02 of the Revised Code, less the discount allowed under 133284  
section 5743.05 of the Revised Code as a commission for affixing 133285  
stamps, that is due on all packages of Ohio stamped cigarettes and 133286  
on all unaffixed Ohio cigarette tax stamps that the wholesale 133287  
dealer has on hand as of the beginning of business on July 1, 133288  
2015, and, in the case of a retail dealer, means the net 133289  
additional amount of tax resulting from the amendment by this act 133290  
of section 5743.02 of the Revised Code that is due on all packages 133291  
of Ohio stamped cigarettes that the retail dealer has on hand as 133292  
of the beginning of business on July 1, 2015. 133293

(B) In addition to the return required under section 5743.03 133294  
of the Revised Code, each wholesale dealer and each retail dealer 133295  
shall make and file a return on forms prescribed by the Tax 133296  
Commissioner showing the net additional tax due and any other 133297  
information that the commissioner considers necessary to apply 133298  
sections 5743.01 to 5743.20 of the Revised Code in the 133299  
administration of the net additional tax. On or before September 133300  
30, 2015, each wholesale dealer and each retail dealer shall 133301  
deliver the return to the Commissioner, together with remittance 133302

of the net additional tax. 133303

(C) Any wholesale or retail dealer who fails to file a return 133304  
or remit net additional tax as required under this section shall 133305  
forfeit and pay into the state treasury a late charge equal to 133306  
fifty dollars or ten per cent of the net additional tax due, 133307  
whichever is greater. 133308

(D) Unpaid or unreported net additional taxes and late 133309  
charges may be collected by assessment in the manner prescribed 133310  
under sections 5743.081 and 5743.082 of the Revised Code. 133311

(E) All amounts collected under this section shall be 133312  
considered revenue arising from the tax imposed by section 5743.02 133313  
of the Revised Code. 133314

**Section 803.230.** The amendment by this act of sections 133315  
5743.02 and 5743.32 of the Revised Code applies on and after July 1, 2015. 133316  
1, 2015. 133317

**Section 803.240.** As used in this section, "tax incentive" has 133318  
the same meaning as in division (B) of section 122.942 of the 133319  
Revised Code. 133320

The amendment by this act of section 122.942 of the Revised 133321  
Code applies to all tax incentives approved by the tax credit 133322  
authority on or after the effective date of this section. 133323

**Section 803.250.** The amendments by this act to division (K) 133324  
of section 122.17 and division (J) of section 122.171 of the 133325  
Revised Code apply only to original agreements approved by the tax 133326  
credit authority on or after January 1, 2014, and amendments to 133327  
such agreements under division (R) of section 122.17 of the 133328  
Revised Code. 133329

**Section 803.260.** The amendment by this act of division (I) of 133330

section 5741.01 and section 5741.17 of the Revised Code applies on 133331  
and after July 1, 2015. 133332

**Section 803.270.** The amendment by this act adding division 133333  
(B)(54) of section 5739.02 of the Revised Code applies beginning 133334  
October 1, 2015. 133335

**Section 803.280.** The amendment by this act of sections 133336  
5743.01, 5743.51, 5743.62, and 5743.63 of the Revised Code apply 133337  
to invoices dated on or after July 1, 2015. 133338

**Section 803.290.** Notwithstanding any other provision of 133339  
Chapter 718. of the Revised Code, the deadline for filing an 133340  
ordinance or resolution to levy the tax authorized in division (G) 133341  
of section 718.04 of the Revised Code with the board of elections 133342  
for the election to be held on November 3, 2015, shall be fifteen 133343  
days after the effective date of the amendment of that section. 133344

**Section 803.300.** The amendment by this act of section 133345  
5747.113 of the Revised Code applies to taxable years beginning on 133346  
or after January 1, 2015. 133347

**Section 803.310.** Subject to the limitations on the time to 133348  
apply for a refund or issue an assessment under section 5751.08 or 133349  
5751.09 of the Revised Code, respectively, the amendment by this 133350  
act of division (F)(2)(jj) of section 5751.01 of the Revised Code 133351  
applies to tax periods beginning on or after July 1, 2005, and 133352  
shall be construed as clarifying the law as it existed prior to 133353  
the effective date of that amendment. 133354

**Section 803.330.** The amendment or enactment by this act of 133355  
sections 351.021, 353.06, and 5739.08, divisions (B)(3)(v), (II), 133356  
and (TTT) of section 5739.01, division (N) of section 5739.09, and 133357

divisions (I)(2)(h) and (V) of section 5741.01 of the Revised Code 133358  
applies on and after October 1, 2015. 133359

**Section 803.340.** The amendment by this act of section 5751.01 133360  
of the Revised Code adding division (F)(2)(kk) to that section 133361  
applies to tax periods beginning on or after July 1, 2015. 133362

**Section 803.350.** Notwithstanding division (C) of section 133363  
5736.02 of the Revised Code as amended by this act, the Department 133364  
of Taxation shall post the first average wholesale price of a 133365  
gallon of propane not later than July 31, 2015, for the calendar 133366  
quarter that begins July 1, 2015. 133367

**Section 803.353.** The amendment by this act of sections 133368  
5727.06, 5727.11, 5727.15, and 5727.75 and divisions (B) and (C) 133369  
of section 5727.031 of the Revised Code applies to tax years 133370  
beginning on or after January 1, 2016. 133371

**Section 803.360.** The developmental center closure process, 133372  
established in the amendment by this act to section 5123.032 of 133373  
the Revised Code, applies to a developmental center for which the 133374  
Governor has given notice of the Governor's intention to close the 133375  
developmental center, but for which the closure of the center has 133376  
not been completed. Not later than seven days after the effective 133377  
date of the amendment to section 5123.032 of the Revised Code by 133378  
this act, the officials who are to appoint members to a 133379  
developmental center closure commission shall appoint members to a 133380  
developmental center closure commission for each center for which 133381  
the Governor has given the closure notice. 133382

**Section 806.10.** The items of law contained in this act, and 133383  
their applications, are severable. If any item of law contained in 133384  
this act, or if any application of any item of law contained in 133385

this act, is held invalid, the invalidity does not affect other 133386  
items of law contained in this act and their applications that can 133387  
be given effect without the invalid item of law or application. 133388

**Section 809.10.** An item of law, other than an amending, 133389  
enacting, or repealing clause, that composes the whole or part of 133390  
an uncodified section contained in this act has no effect after 133391  
June 30, 2017, unless its context clearly indicates otherwise. 133392

**Section 812.10.** Except as otherwise provided in this act, the 133393  
amendment, enactment, or repeal by this act of a section is 133394  
subject to the referendum under Ohio Constitution, Article II, 133395  
section 1c and therefore takes effect on the ninety-first day 133396  
after this act is filed with the Secretary of State or, if a later 133397  
effective date is specified below, on that date. 133398

The amendment or enactment of sections 164.13, 317.08, 133399  
929.03, 6103.052, 6112.01, 6112.03, 6112.06, 6117.062, 6117.51, 133400  
6117.52, 6117.521, 6117.522, 6119.60, 6119.601, and 6119.602 of 133401  
the Revised Code takes effect January 1, 2016. 133402

The amendment of sections 173.47, 5165.15, 5165.151, 133403  
5165.152, 5165.192, and 5165.23 of the Revised Code takes effect 133404  
July 1, 2016. 133405

The amendment of section 4501.01 of the Revised Code in 133406  
Section 101.01 of this act takes effect January 1, 2016. 133407

For multiple employer welfare arrangements that have a valid 133408  
certificate of authority from the superintendent of insurance on 133409  
the effective date of the amendments to section 1739.13 of the 133410  
Revised Code, the requirements imposed by that section as amended 133411  
by this act shall take effect two years from the effective date of 133412  
those amendments. 133413

The enactment of new section 5165.25 of the Revised Code 133414

takes effect July 1, 2016. 133415

The repeal of sections 5165.25 and 5165.26 of the Revised Code takes effect July 1, 2016. 133416  
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The amendment or enactment of sections 145.56, 145.571, 742.462, 742.47, 2919.21, 3115.101 3115.102, 3115.103, 3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 3115.608, 3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 3115.615, 3115.616, 3115.701, 3115.702, 3115.703, 3115.704, 3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 3115.902, 3115.903, 3305.08, 3305.21, 3307.371, 3307.41, 3309.66, 3309.671, 5505.22, and 5505.261 and the repeal of sections 3115.01, 3115.02, 3115.03, 3115.031, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41, 3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 3115.56, 3115.57, 3115.58, and 3115.59 of the Revised Code take effect on January 1, 2016. 133418  
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**Section 812.20.** This paragraph does not apply to the amendment by this act of Section 2 of Am. Sub. S.B. 1 of the 130th 133444  
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General Assembly. The amendment, enactment, or repeal by this act 133446  
of the sections listed below is exempt from the referendum under 133447  
Ohio Constitution, Article II, section 1d and section 1.471 of the 133448  
Revised Code and therefore takes effect immediately when this act 133449  
becomes law or, if a later effective date is specified below, on 133450  
that date. 133451

Sections 5709.92, 5709.93, 5727.81, 5727.811, 5727.84, 133452  
5727.85, 5727.86, 5751.02, 5751.20, 5751.21, and 5751.22 of the 133453  
Revised Code and Sections 757.10 and 757.20 of this act take 133454  
effect July 1, 2015. 133455

Sections 5741.01 and 5741.03 of the Revised Code take effect 133456  
July 1, 2015. 133457

Sections 5743.02 and 5743.32 of the Revised Code and Section 133458  
803.220 of this act take effect July 1, 2015. 133459

Sections 5743.51, 5743.62, and 5743.63 of the Revised Code 133460  
and Section 803.210 of this act take effect July 1, 2015. 133461

Sections of this act prefixed with section numbers in the 133462  
200s, 300s, 400s, 500s, and 600s. 133463

Sections or parts of sections that state that referenced 133464  
sections in whole or in part are exempt from the referendum. 133465

**Section 812.40.** Section 340.034 of the Revised Code takes 133466  
effect September 15, 2016. 133467

**Section 812.70.** (A) The amendment, enactment, or repeal of 133468  
sections 121.04, 305.31, 717.01, 901.08, 901.21, 901.22, 903.082, 133469  
905.31, 905.323, 931.01, 931.02, 939.01, 939.07, 941.14, 953.22, 133470  
1501.022, 1501.04, 1503.50, 1503.51, 1503.52, 1503.53, 1503.54, 133471  
1503.55, 1503.99, 1506.01, 1511.01, 1511.04, 1511.06, 1511.07, 133472  
1511.08, 1511.99, 1514.08, 1514.13, 1521.03, 1521.031, 1521.04, 133473  
1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 133474

1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 133475  
1521.18, 1521.19, 1522.03, 1522.05, 1522.11, 1522.12, 1522.13, 133476  
1522.131, 1522.15, 1522.16, 1522.17, 1522.18, 1522.20, 1522.21, 133477  
1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 133478  
1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 133479  
1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 3701.344, 133480  
3714.073, 3718.03, 3734.029, 3745.70, 4115.03, 5301.68, 5301.69, 133481  
5537.05, 6109.21, 6111.03, 6111.04, 6111.044, 6111.12, 6111.44, 133482  
and 6131.23 of the Revised Code and Sections 709.20, 709.30, 133483  
709.40, 709.50, 715.20, 715.30, 715.40, and 737.50 of this act 133484  
take effect on January 1, 2016. 133485

(B) The amendment, amendment for the purpose of adopting new 133486  
section numbers as indicated in parentheses, or both of sections 133487  
1511.02 (939.02), 1511.021 (939.03), 1511.022 (939.04), 1511.03 133488  
(939.06), 1511.05 (939.05), 1511.071 (939.10), 1511.10 (939.08), 133489  
1511.11 (939.09), 1515.01 (940.01), 1515.02 (940.02), 1515.03 133490  
(940.03), 1515.05 (940.04), 1515.07 (940.05), 1515.08 (940.06), 133491  
1515.081 (940.07), 1515.09 (940.08), 1515.091 (940.09), 1515.092 133492  
(940.10), 1515.093 (940.11), 1515.10 (940.12), 1515.11 (940.13), 133493  
1515.13 (940.14), 1515.14 (940.15), 1515.15 (940.16), 1515.16 133494  
(940.17), 1515.17 (940.18), 1515.18 (940.19), 1515.181 (940.20), 133495  
1515.182 (940.21), 1515.183 (940.22), 1515.184 (940.23), 1515.185 133496  
(940.24), 1515.19 (940.25), 1515.191 (940.26), 1515.192 (940.27), 133497  
1515.193 (940.28), 1515.21 (940.29), 1515.211 (940.30), 1515.22 133498  
(940.31), 1515.23 (940.32), 1515.24 (940.33), 1515.28 (940.34), 133499  
and 1515.29 (940.35) of the Revised Code takes effect on January 133500  
1, 2016. 133501

(C) The amendment of division (D) of section 3734.02, 133502  
division (VV) of section 5705.19, and division (M) of section 133503  
6111.01 takes effect on January 1, 2016. 133504

(D) The following amendments take effect on January 1, 2016: 133505

(1) "Chapter <del>1515.</del> <u>940.</u> " in section 505.101 of the Revised Code;	133506 133507
(2) " <del>the division of soil and water resources in the department of natural resources,</del> " and "Chapter <del>1515.</del> <u>940.</u> " in division (A) of section 903.11 of the Revised Code;	133508 133509 133510
(3) " <del>1511.01</del> <u>939.01</u> ", " <del>chief of the division of soil and water resources in the department of natural resources under section 1511.02</del> <u>director of agriculture under section 939.02</u> ", and " <del>1515.08</del> <u>939.02</u> " in section 903.25 of the Revised Code;	133511 133512 133513 133514
(4) " <del>1515.14</del> <u>940.15</u> " in division (A)(2) of section 3734.901 of the Revised Code;	133515 133516
(5) All of the amendments to section 1501.011 of the Revised Code, except <u>a notice published by the department of natural resources regarding an activity, project, or improvement shall be published as contemplated in section 7.16 of the Revised Code.</u>	133517 133518 133519 133520
(6) Renumbering of sections 1515.14 to 940.15 of the Revised Code; and " <del>natural resources agriculture</del> ", " <del>local</del> ", " <del>1515.10</del> <u>940.12</u> ", " <del>local</del> ", " <del>1515.10</del> <u>940.12</u> ", and " <del>local</del> " in division (A) of renumbered section 940.15 of the Revised Code.	133521 133522 133523 133524
<b>Section 815.10.</b> The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	133525 133526 133527 133528 133529 133530 133531 133532
Section 109.572 of the Revised Code as amended by both Am. Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly.	133533 133534
Section 122.85 of the Revised Code as amended by both Am.	133535

Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly.	133536
Section 124.181 of the Revised Code as amended by both Am.	133537
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.	133538
Section 124.392 of the Revised Code as amended by both Am.	133539
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly.	133540
Section 317.08 of the Revised Code as amended by both Sub.	133541
H.B. 9 and Sub. H.B. 72 of the 130th General Assembly.	133542
Section 321.24 of the Revised Code as amended by both Sub.	133543
S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the	133544
128th General Assembly.	133545
Section 2151.421 of the Revised Code as amended by both Am.	133546
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly.	133547
Section 2923.122 of the Revised Code as amended by both Am.	133548
Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th General Assembly.	133549
Section 3301.57 of the Revised Code as amended by both Am.	133550
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	133551
Section 3314.03 of the Revised Code as amended by Sub. H.B.	133552
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